

Compilation of UN Treaty Body Recommendations

I Institutional framework

1.1. Adequacy of legislation

a) Constitution

The Committee on Economic, Social and Cultural Rights (hereinafter CESCR) noted that the constitutional framework for Bosnia and Herzegovina imposed by the Dayton Peace Agreement, which divides the State party into two Entities (the decentralized Federation of Bosnia and Herzegovina consisting of 10 cantons and the centralized Republika Srpska) as well as one district (the District of Brcko), confers limited responsibility and authority to the Government at the State level, in particular in the field of economic, social and cultural rights, and creates a complex administrative structure, which often results in the lack of harmonization and implementation of laws and policies relating to the equal enjoyment of economic, social and cultural rights by the populations of the two Entities, the cantons of the Federation and the municipalities of the same or different entities.¹

The Committee on the Elimination of Racial Discrimination (hereinafter: CERD) also noted that the structure of the current Constitution of Bosnia and Herzegovina allocates certain important rights on an explicit ethnic basis. The Committee recognizes that this structure arises out of the Dayton/Paris Peace Agreement and that it may have been necessary, on an interim basis, to secure peace in the aftermath of the armed conflict. However, the CERD also notes that the Constitution's current assignment of important rights based expressly on ethnicity may impede the full implementation of the Convention.²

CERD expressed its concerns over the fact the State and Entity Constitutions allocate certain authority to, and confer specific rights exclusively on members of the so-called "constituent peoples" (Bosniaks, Croats and Serbs) (Article 2 (1) (c)), and that persons not belonging to one of these ethnic groups are formally referred to as "Others", and therefore the Committee ***urged that the State party ensure that all rights provided by law are granted, both in law and in fact, to every person within the territory of the State Party, irrespective of race or ethnicity. The Committee strongly recommended that the State party review and remove all discriminatory language from the State and Entity Constitutions, and from all legislative and other domestic law texts, including especially, but not limited to, distinctions between so-called "constituent peoples" and "Others."***³

Human Rights Committee has also emphasized its concern that after the rejection of the relevant constitutional amendment on 26 April 2006, the State Constitution and Election Law continue to exclude "Others," i.e. persons not belonging to one of the State party's "constituent peoples" (Bosniaks, Croats and Serbs) (Articles 2., 25, and 26.), from being elected to the House of Peoples and to the tripartite Presidency of Bosnia and Herzegovina, and thus recommended to the State party ***to reopen talks on constitutional reform in a transparent process and on a wide participatory basis including all stakeholders, with a view to adopting an electoral system that guarantees equal enjoyment of the rights under article 25 of the Covenant to all citizens irrespective of ethnicity.***⁴

¹ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 8.

² CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 4.

³ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 12.

⁴ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 8.

The Human Rights Committee is concerned at reports about the provocative use of religious and national symbols which has a discriminatory effect on members of certain ethnic groups and about the lack of implementation of the Constitutional Court decision of 31 March 2006 concerning the use of flags, coats of arms and anthems at the Entity level, and therefore the *State party should take effective measures to eliminate such discriminatory practices and implement the decision of the Constitutional Court of 31 March 2006 concerning the use of flags, coats of arms and anthems.*⁵

b) Laws

b.1. Law on Gender Equality

The CESC recommended that the State party should *amend existing legislation in order to adequately reflect and implement the Law on Gender Equality of 2003 and that it increase the resources of the Agency for Gender Equality* to enable it effectively to monitor and combat gender discrimination in the field of economic, social and cultural rights.⁶

A recommendation of the Committee on the Elimination of Discrimination against Women (hereinafter CEDAW) is that the *State party should speed up the process of law harmonization in order to comply with its obligations under the Law on Gender Equality (art. 30, para. 2), and under all articles of the Convention and that it put in place procedures for the effective implementation and enforcement of these laws.*⁷

b.2. Election Law

CERD expressed its deep concerns over a fact that that under Articles IV and V of the State Constitution, only persons belonging to a group considered by law to be one of Bosnia and Herzegovina's "constituent peoples" (Bosniaks, Croats, and Serbs), which group also constitutes the dominant majority within the Entity in which the person resides (e.g., Bosniaks and Croats within the Federation of Bosnia and Herzegovina, and Serbs within the Republika Srpska), can be elected to the House of Peoples and to the tripartite Presidency of Bosnia and Herzegovina. *The existing legal structure therefore excludes from the House of Peoples and the Presidency all persons who are referred to as "Others," that is persons belonging to national minorities or ethnic groups other than Bosniaks, Croats, or Serbs.* Although the tripartite structure of the State party's principal political institutions may have been justified, or even initially necessary to establish peace following the armed conflict within the territory of the State party, *the Committee noted that legal distinctions that favour and grant special privileges and preferences to certain ethnic groups are not compatible with Articles 1 and 5 (c) of the Convention.* The Committee further noted that this is especially true when the exigency for which the special privileges and preferences were undertaken, and thus the Committee *"urges the State party to proceed with amending the relevant provisions of the State Constitution and the Election Law, with a view to ensuring the equal enjoyment of the right to vote and to stand for election by all citizens irrespective of ethnicity."*⁸

CEDAW urged the State party *to harmonize the election law with the Law on Gender Equality and to strengthen and implement measures to increase the representation of women in elected and appointed bodies and in decision-making positions in public administration, the judiciary and in positions in State-owned companies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25.* The Committee also encourages the

⁵ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 25.

⁶ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 34.

⁷ CEDAW/ C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 16.

⁸ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 11.

State party to sensitise private enterprises, trade unions and political parties as to the promotion of women in decision-making positions.⁹

Human Rights Committee deemed that the *State party should harmonize the quota system of the Election Law with the requirements of the Gender Equality Law and take special measures in addition to statutory quotas to enhance the representation of women in all legislative and executive bodies.*¹⁰

b.3. Anti-discrimination legislation

CERD expressed its *concern about the absence of comprehensive anti-discrimination legislation*, including especially legislation and regulations in the civil and administrative fields, which make unlawful acts of racial discrimination that may not constitute criminal offences (Art. 2 (1) (d)), and it has recommended to the State Party *to enact comprehensive administrative, civil and/or criminal anti-discrimination legislation, which prohibits acts of racial discrimination in employment, housing, healthcare, social security (including pensions), education and public accommodations.*¹¹

b.4. Definition of torture

The Committee Against Torture (hereinafter: CAT) expressed its concern at the lack of congruity between the definitions of torture in the State and entity laws and that the definitions, particularly in the laws of the Republika Srpska and Brcko District, do not accord fully with the definition contained in article 1 of the Convention, and thus the State party has to undertake measures in order to *“incorporate the crime of torture, as defined in the Convention, into the domestic law throughout the State and ensure that the legal definitions in the Republika Srpska and Brcko District are harmonized with the Criminal Code and the Criminal Procedure Code of Bosnia and Herzegovina through any necessary legal amendments.”*¹²

1.2. National human rights action plan

CEDAW recommended that the draft gender action plan should be speedily submitted to the Council of Ministers and to the Parliamentary Assembly so that its adoption could take place before the 2006 elections. The Committee also recommended that the State party should immediately undertake efforts to continue gender training of Government officials at all levels and to allocate funds for the Plan’s implementation by creating budget lines within the ministries charged with implementation as well as by soliciting international donors.¹³

A recommendation of the Committee on the Rights of the Child (hereinafter CRC) stipulated that the state party should *effectively implement its national Action Plan for children, which should aim at the realization of the principles and provisions of the Convention and take into account, inter alia, the Declaration and the Plan of Action “A world fit for children” adopted by the General Assembly special session on children in May 2002.* The Committee further recommended to the State party to *take all necessary measures to ensure the effective functioning of the Council for Children*, including appropriate follow-up to its recommendations by State authorities and bodies and that it consider extending membership in the Council to representatives of non-governmental organizations.¹⁴

⁹ CEDAW/ C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 30.

¹⁰ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 11.

¹¹ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 13.

¹² CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 9.

¹³ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 22.

¹⁴ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 11.

1.3. National human rights institutions

CESC recommended to the State party to ***ensure the independence and impartiality of the Office of the State Ombudsman and adopt one common human rights approach.***¹⁵ At the same time CERD recommended to the State party to ***ensure the financial autonomy and functional effectiveness of the Office of the Ombudsman***, in accordance with the Paris Principles of 1993,¹⁶ and that in the event of a merger among the Ombudsman Offices of the State and its constituent entities, such consolidation proceed ***with a view towards ensuring a unitary rather than ethnically divided approach to defending fundamental human rights.***¹⁷

Recommendation of CEDAW stipulated that the State party should ***strengthen the Gender Equality Agency by giving it greater authority vis-à-vis relevant ministries and the Council of Ministers in its assessments of laws, acts and by-laws from a gender perspective, as well as with additional human and financial resources.*** In the same vein the Committee recommended to the State party to ***review the appropriateness of the location of the Gender Equality Agency in the Ministry of Human Rights and Refugees and consider establishing it as a body that would directly report to the Council of Ministers of Bosnia and Herzegovina.*** According to the Committee's recommendation the state party has to continue to raise awareness and build capacity of all Government agencies at the State, entity, cantonal and municipal levels with respect to their collective responsibility to implement the Convention.¹⁸

CRC recommended to the State party to ***support the Ombudsmen offices in undertaking public-awareness campaigns*** targeting in particular parents and children with a view ***to informing them about the existence and functions of the child rights departments within the Ombudsmen office, and in particular on their power to receive and investigate complaints related to violations of children's rights.*** The State party is further encouraged to seek technical cooperation in this regard from, among others, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁹

1.4. Data gathering

CESC requested the State party ***to include updated statistical data, disaggregated by age, ethnic group, social and other relevant status, on the representation of women in the public and private employment sectors, as well as on the salaries received by women as compared to those received by men for equal work***²⁰, while the CERD ***“that it endeavour to collect disaggregated statistical data on the ethnic composition of its population and establish adequate mechanisms for monitoring acts of ethnically motivated discrimination and violence among its different ethnic groups.”***²¹

CAT's stand is that in the next periodic report the State party should ***provide detailed statistical data, disaggregated by gender, ethnicity or nationality, age, geographical region, and type and location of place of deprivation of liberty, on complaints related to cases of torture and other ill-treatment***, including those rejected by the courts, ***as well as related investigations, prosecutions, and disciplinary and penal sanctions, and on the compensation and rehabilitation provided to the victims.***²²

¹⁵ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 30.

¹⁶ GA Res. A/48/134 of 20 December 1993.

¹⁷ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 9.

¹⁸ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 20.

¹⁹ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 15.

²⁰ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 33.

²¹ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 8.

²² CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 22.

Also CEDAW requested the State party to *prioritise data collection and include comprehensive sex-disaggregated statistical data in its next report so as to provide a full picture of the de facto enjoyment by women of their human rights*. The Committee's recommendation is *that the penalties foreseen for non-compliance under article 18 of the law on gender equality be applied*.²³

Furthermore, CRC recommended to the State party to *urgently carry out a census of the population and develop a coordinated system for a comprehensive collection of data that should cover all children below the age of 18 years and be disaggregated by those groups of children who are in need of special protection*. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. The State party is encouraged to seek technical cooperation from UNICEF in this regard.²⁴

II Non-discrimination and equality

CERD was concerned over the fact that that the catalogue of human rights and fundamental freedoms contained in Article II (3) of the Constitution of Bosnia and Herzegovina, which are covered by the prohibition of discrimination in Article II (4), does not include all civil, cultural, economic, political and social rights protected under Article 5 of the Convention (Art. 2 (1) (c)), and thus it recommended to *the State party to take the necessary legislative measures to ensure that the prohibition of ethnic discrimination contained in Article II (4) of the Constitution of Bosnia and Herzegovina applies with respect to the enjoyment of all of the rights and freedoms set forth in Article 5 of the Convention*.²⁵

Moreover, CERD expressed its deep concern about the persistence of ethnic divisions within the society of the State party, which reinforce structural discrimination and institutionalised prejudice and intolerance, and therefore the Committee encouraged the State Party *to actively support programmes that foster inter-cultural dialogue, and emphasize tolerance and understanding with respect to the culture and history of different ethnic groups within Bosnia and Herzegovina*. The Committee also encouraged the State party *to promote such programs in public education, and in political and media symposia, with a view towards fostering greater respect for, and appreciation of the role of diversity in forging a stronger sense of national unity in the context of a common, multi-ethnic concept of Bosnian citizenship*.²⁶

2.1. Minority rights

CESC appealed the State party to *ensure the right of the Roma people to repossess their pre-armed-conflict property, to guarantee security of tenure to inhabitants of Romani settlements and to ensure that adequate alternative housing or compensation is provided to the Roma people and to pre-armed-conflict tenants* who have been evicted from their settlements and homes, in line with the Committee's general comment No. 7.²⁷

Further, CERD emphasized its concern about the information that the Roma Council, which was established in 2002 and is composed of non-governmental organizations representing the interests of the Roma population, does not have sufficient funding or resources to fulfil its mandate, and is rarely consulted by the Council of Ministers of Bosnia and Herzegovina (Art. 2 (1) (e)), and therefore the recommended that the *State party should strengthen the role of*

²³ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 18.

²⁴ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 19.

²⁵ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 10.

²⁶ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 24.

²⁷ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 47.

*the Roma Council by providing sufficient funds for the Council to effectively carry out its mandate, and that the Council be consulted in connection with any decision-making processes that impact the rights and interests of the Roma population, in accordance with the Committee's General Recommendation 27.*²⁸

CERD also noted with concern that the National Strategy for Roma reportedly fails to identify specific measures, allocate sufficient funds, or identify competent bodies to which responsibility for implementing the strategy is assigned (Article 2 (2)), and thus recommended to the *State party to review the National Strategy for Roma to ensure that it identifies specific measures, establishes adequate budgetary allocations, and identifies the bodies responsible for its implementation.*²⁹

The Human Rights Committee is concerned about reports of discrimination and violence perpetrated against Roma and notes the lack of information in the State party's report on the opportunities for the Roma to receive instruction in and of their language and on their culture, hence the Committee is of opinion that the State Party should *vigorously undertake programmes of public information to combat anti-Roma prejudice in society.* It should also include in its next periodic report detailed information on the measures taken to give effect to the linguistic and educational rights of Roma that are protected under the Law on the Protection of Rights of Persons Belonging to National Minorities, the effectiveness of these measures, the number of Roma children receiving instruction in or of their language and on their culture, disaggregated by sex, age and place of residence, as well as on the hours of instruction per week.³⁰

2.2. Rights of the child

In accordance with article 2 of the Convention, CRC recommended to the State party *to carefully and regularly evaluate existing disparities in the enjoyment by children of their rights* and undertake on the basis of that evaluation the necessary steps to prevent and combat all discriminatory disparities. It also recommended to the State party *to strengthen its administrative and judicial measures to prevent and eliminate de facto discrimination against children, in particular children with disabilities, Roma children and children belonging to ethnic and/or religious minorities or other nationalities.* The State party was also encouraged to develop, in consultation with the media, a code of conduct with a view to eliminating stereotyping and stigmatisation of minority and/or ethnic groups in the media.³¹

III Rule of law

3.1. Application of the conventions

CESC appealed the State party *to ensure the justiciability of the Covenant rights in domestic courts and draws its attention to general comment No. 9 on the domestic application of the Covenant.* It also invited the State party to include information concerning case law on the application of the Covenant in its second periodic report.³²

CEDAW requested the State party *to ensure the de facto justiciability of the Convention's rights in all domestic courts and other mechanisms. It called upon the State party to take additional measures to disseminate information about the Convention and implement programmes for prosecutors, judges, ombudspersons and lawyers that cover the application*

²⁸ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 14.

²⁹ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 15.

³⁰ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 24.

³¹ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 26.

³² E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 31.

of the Convention and, in particular, its concepts of direct and indirect discrimination and of equality. It also recommended that sustained awareness-raising campaigns and legal training targeting women and non-governmental organizations working on women's issues, be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention.³³

Human Rights Committee expressed its concern over the fact that the Covenant on Civil and Political rights has not been translated into the official languages of Bosnia and Herzegovina and that judges, prosecutors and lawyers are not fully aware of the direct applicability of the provisions of the Covenant. (art. 2), and thus the State party should ***give wide publicity to the provisions of the Covenant, inter alia, by translating it into the official languages of Bosnia and Herzegovina and by improving training for judges, prosecutors and lawyers on the application of the Covenant.***³⁴

Although CRC took into consideration the State party's declaration that it is currently not in the position to withdraw its reservation to article 9, paragraph 1, of the Convention, the Committee was of the opinion that in practice there is no need for it, since the social work centres may be considered as a "competent authority" in line with article 9 of the Convention, and ***in the light of the Vienna Declaration and Programme of Action, recommended that the State party withdraw its reservation as expeditiously as possible and that it take the necessary procedural measures to that effect.***³⁵ Furthermore, the Committee recommended to the State party to ***continue its efforts aimed at ensuring uniform application of the principles and provisions of the Convention throughout the country and expedite the process of adoption of the legislation currently under review.***³⁶

3.2. Application of the laws

CERD noted with concern reports about the lack of effective implementation of criminal law provisions, such as Articles 145 and 146 of the Criminal Code of Bosnia and Herzegovina, punishing acts of racial discrimination (Arts. 4 (a) and 6), and thus urged the State party to ensure the ***effective implementation of all legal provisions aimed at eliminating racial discrimination***, and that it provide in its next report updated information concerning the application by courts within Bosnia and Herzegovina of criminal law provisions punishing acts of racial discrimination, in particular Articles 145 and 146 of the Criminal Code of Bosnia and Herzegovina; such information should include the number and nature of cases brought, convictions obtained and sentences imposed, and any restitution or other remedies provided to victims of such acts.³⁷

CERD also expressed its deep concern over the difficulties that many Roma experience in obtaining personal documents, including birth certificates, identification cards, passports and documents related to the provision of health insurance and social security benefits, and in that regard it urged the State party to ***take immediate steps, e.g. by removing administrative obstacles, to ensure that all Roma have access to personal documents that are necessary for them to enjoy, inter alia, their economic, social and cultural rights, such as employment, housing, health care, social security and education.***³⁸

Similar was the stand of the Human Rights Committee, according to it the State party should ***remove administrative obstacles and fees in order to ensure that all Roma have access to***

³³ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 14.

³⁴ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 9.

³⁵ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 6 and 7.

³⁶ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 9.

³⁷ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para.

³⁸ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 17.

*personal documents, including birth certificates, which are necessary for them to have access to health insurance, social security, education and other basic rights.*³⁹

In the context of Article 7 of the Convention, CRC urged the State party *to continue to strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory-* irrespective of the nationality and status of the parents - of all children born abroad by parents who are citizens of the State party *and to take specific steps to ensure the registration of Roma children.*⁴⁰

CRC also recommended to the State party to *strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions, as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children.*⁴¹

Moreover, CRC also recommended to the State party to *take the necessary legislative, administrative and other measures to ensure that adoption procedures are in full conformity with article 21 of the Convention as well as to consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).* The Committee as well recommended to the State party to submit disaggregated data in its next report on children involved in domestic and intercountry adoption. The Committee further recommended to the State party to *party ensure that institutionalisation is used only as a measure of last resort, meaning that it is professionally indicated and in the best interests of the child,* and that it systematically conduct periodic reviews of the placement of children, in conformity with article 25 of the Convention. The Committee also recommends that the State party develop quality standards for foster care and significantly decrease the time spent in institutions by children without parental care. It further recommends that adequate resources be allocated for the proper functioning and monitoring of the care institutions and foster care.⁴²

The CAT was of opinion that the State party should:

- (a) *Conduct, on a regular basis, education and training of law enforcement personnel, including those in police and prison establishments, to ensure that all officers are fully aware of the provisions of the Convention, that breaches will not be tolerated and will be investigated, and that offenders will be prosecuted. All personnel should receive specific training on how to identify signs of torture;*
- (b) *(b) Allow and ensure regular and independent monitoring of the conduct of police and prison officials, inter alia through existing channels such as the Offices of the Ombudsman and non-governmental organizations;*
- (c) *Ensure that the mechanisms of internal oversight of the police and prisons function properly and are independent and effective.*⁴³

3.3. Transitional justice

3.3.1. Truth seeking mechanisms

Human Rights Committee regretted the failure to adopt an appropriate law on the establishment of a Committee for Truth and Reconciliation, as well as of other initiatives to promote reconciliation (art. 2), and its stand is stand is that the State party should *intensify its*

³⁹ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 22.

⁴⁰ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 33.

⁴¹ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 29.

⁴² CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 39 and 41.

⁴³ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 13.

*efforts to adopt a systematic approach to re-establishing mutual trust between different ethnic groups and accounting for past human rights abuses.*⁴⁴

3.3.2. Criminal Justice

Human Rights Committee expressed concern about the under-funding of district and cantonal courts dealing with war crimes cases and the unsatisfactory implementation of witness protection legislation at the Entity level, and recommended to the State party to ***allocate sufficient funds and human resources to the district and cantonal courts trying war crimes and ensure the effective application of the State and Entity Laws on Protection of Witnesses.***⁴⁵

3.3.3. Torture

a) War Torture

The State party should:

- (a) Take effective measures ***to ensure prompt and impartial investigations into all allegations of torture and other cruel, inhuman or degrading treatment, the prosecution and punishment of the perpetrators, irrespective of their ethnic origin, and the provision of fair and adequate compensation for victims;***
- (b) ***Extend full cooperation to the International Criminal Tribunal for the Former Yugoslavia, inter alia by ensuring that all indicted persons are apprehended, arrested and transferred to the custody of the Tribunal, as well as granting the Tribunal full access to requested documents and potential witnesses;***
- (c) ***Provide information in connection with criminal proceedings, extending mutual judicial assistance to and cooperating with other relevant countries and the Tribunal, as required by the Convention;***
- (d) ***Enforce relevant legislation, including providing protection of witnesses and other participants in proceedings, and ensure that testimonies by victims of torture and ill-treatment are provided with fair treatment at all stages of the proceedings;***
- (e) ***Develop legal and other measures, enforceable throughout the State, including an official programme for the rehabilitation of victims of torture including sexual violence, providing them recognition as victims and the capacity to pursue redress and their right to fair and adequate compensation and rehabilitation in accordance with the requirements of the Convention.***⁴⁶

A.a. Civilian war victims

CESC urged the State party ***to ensure a more equitable allocation of existing funds to social protection, in particular of civilian war victims, with a view to reducing the discrepancy between, inter alia, the budgets for civilian and for military victims of war.***

CESC encouraged the State party to promote the adoption of the proposed Law on Amendments to the Law on Social Protection, Civilian War Victims, and Families with Children, which is currently in the parliamentary procedure in the Federation of Bosnia and Herzegovina. It provides for the transfer of the budget for the social protection of civilian war victims and persons with disabilities not related to armed

⁴⁴ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 10.

⁴⁵ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 13.

⁴⁶ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 10.

conflict from the cantons to the Federation, in order to eliminate inequalities resulting from the diverging availability of funds in the cantons. It also requests the State party to ensure that the authorities of the Federation of Bosnia and Herzegovina extend this budgetary transfer to other categories of social protection beneficiaries.⁴⁷

Committee for human rights shares the same stand that the State party ***should ensure that victims of mental torture are granted victim of war status in both Entities and that the personal disability benefits received by civilian victims of war are harmonized among the Entities and cantons and adjusted to the personal disability benefits received by war veterans.*** The State party should include in its next periodic report updated statistical information on the number of victims of mental torture and/or sexual violence receiving disability benefits, disaggregated by sex, age, ethnic group and place of residence, as well as on the amount of such benefits.⁴⁸

A.b. Victims of sexual violence

CESC recommended to the State party to ***ensure that victims of sexual violence suffered during the armed conflict of 1992-1995 obtain the status of civilian war victims, to devise and implement a coherent strategy at State level*** to protect the economic, social and cultural rights of victims of sexual violence and their family members, and to ensure the participation of victims of sexual violence in any decision-making processes affecting them.⁴⁹

CEDAW urged the State party to explicitly ***recognize and adequately protect women who were civilian victims of sexual violence during the armed conflict through a State law as well as through the allocation of financial resources for adequate social provisions for them, including health insurance and housing,*** so that their rights and entitlements are guaranteed in the entire State party at a level comparable to that applicable to military victims of war and displaced persons in order to prevent additional forms of indirect discrimination.⁵⁰

A.c. Missing Persons

Although noted the adoption of the Law on Missing Persons and the oral information provided by the State party's delegation, CAT recommended to the State party to intensify "its efforts to establish the Institute for Missing Persons and the Fund for Support to the Families of Missing Persons, and the Central Record of Missing Persons. The State party should also ensure that available avenues for compensation are used in a non-discriminatory manner."⁵¹

The Human Rights Committee was of opinion that the State party ***should take immediate and effective steps to investigate all unresolved cases of missing persons and ensure without delay that the Institute for Missing Persons becomes fully operational, in accordance with the Constitutional Court's decision of 13 August 2005.*** It should also ***ensure that the central database of missing persons is finalized and verified, that the Fund for Support to Families of Missing Persons is secured and that payments to families commence as soon as possible.***⁵²

b) Torture in prison/detention

CAT recommended to the State party ***to ensure that men, women and children are kept in separate facilities through their whole period of detention or confinement,*** in conformity with international standards in force, and to ensure that all persons detained ***are guaranteed a***

⁴⁷ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 39 and 40.

⁴⁸ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 15.

⁴⁹ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 41.

⁵⁰ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 38.

⁵¹ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 20.

⁵² CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 14.

right to contact their families and have immediate *access to an independent medical doctor and legal counsel* from the very outset of the deprivation of liberty.⁵³

The Human Rights Committee recommended that the State party should *improve the material and hygienic conditions in detention facilities, prisons and mental health institutions in both Entities and ensure sufficient staffing levels, regular exercise and out-of-cell activities for inmates, as well as adequate treatment of mental health patients*. It should transfer all patients from Zenica Prison Forensic Psychiatric Annex and, to that end, ensure that Sokolac Psychiatric Hospital meets international standards.⁵⁴

CAT was also of the opinion that the State Party *should investigate promptly all allegations of violence within detention or prison establishments, including forensic examinations*, and take measures to prevent such incidents, and also it should *take all necessary steps to improve the regime for prisoners*. Activities could include work with a vocational value and regular physical exercise. Moreover, the State party should *ensure that the rules for interrogations, instructions, methods and practices concerning persons deprived of their liberty are systematically reviewed*. Recommendations emerging from the Offices of the Ombudsman and others conducting regular monitoring should be implemented in a timely manner.⁵⁵

CAT emphasized, based on the information provided by the State party, that a framework or procedures allowing prisoners to file complaints is in place, but the Committee remains concerned that the procedures differ from one prison to another and that the prisoners are not aware of their right to complain as ensured by article 13 of the Convention, that the State party, *inter alia*, should:

- (a) *Ensure that persons deprived of their liberty are aware of their rights and have the opportunity to complain;*
- (b) *Establish an independent mechanism to investigate alleged torture or ill-treatment; and*
- (c) *Allow for and provide regular and confidential access to persons deprived of their liberty by competent individuals and bodies such as the judges of competent courts, the Office of the Ombudsman and non-governmental organizations.*⁵⁶

The Human Rights Committee was also of the opinion that the State party should *party should ensure that all personnel involved in the administration of justice afford full implementation of the rights of those deprived of freedom and that such persons are guaranteed full equality of arms, as well as that the State party should consider removing from the Code of Criminal Procedure of Bosnia and Herzegovina the vague concept of public security or security of property as a ground for ordering pre-trial detention.*⁵⁷

3.4. Independence of judges and lawyers

CAT's stand was that the State party should ensure that judges, prosecutors, lawyers and other personnel are fully aware of the State *party's international obligations* enshrined in the Convention, *that fair treatment prevails in all judicial procedures and that independence of the judiciary is fully guaranteed and safeguarded, in particular in procedures relating to the protection of minorities and returnees.*⁵⁸

⁵³ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 14 and 15.

⁵⁴ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 19.

⁵⁵ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 16, 17 and 18.

⁵⁶ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 19.

⁵⁷ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 17 and 18.

⁵⁸ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 11.

IV Freedom and security of person

CAT expressed its concern that individuals may not have been able, in all instances, to enjoy full protection under the relevant articles of the Convention in relation to expulsion, return, or extradition to another country. Thus the State party ***should ensure that it complies fully with article 3 of the Convention and that individuals under the State party's jurisdiction receive appropriate consideration by its competent authorities and guaranteed fair treatment at all stages of the proceedings, including an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition.*** Further on the State party should provide the Committee with information regarding cases of extradition where the risk of being subjected to torture has or has not been considered, including information on whether safeguards are in place to prevent extradition in such cases.⁵⁹

4.1. Mine protection

CESC called upon the State party ***to continue its efforts and to seek further international assistance for the clearing of anti-personnel mines in all parts of its territory.***⁶⁰

CRC recommended to the State party ***to continue carrying out mine-awareness campaigns, undertake as a matter of priority demining programmes and extend the psychological and social assistance to children who have been affected by the explosion of mines*** and other consequences of the armed conflict.⁶¹

4.2. Children deprived of liberty

CRC recommended to the State party to ***bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238).*** In this regard, the Committee recommended the State party in particular to:

- (a) ***Ensure systematic training for judges and councils for persons under 18;***
- (b) ***Take all necessary measures to ensure that persons under 18 are only deprived of liberty as a last resort and for the shortest appropriate period of time and that when in custody they are in any case separated from adults***
- (c) ***Provide that persons under 18 placed in prisons - including remand prisons - are given a full programme of educational activities*** (including physical education);
- (d) ***Take urgent steps to substantially improve the conditions of detention of persons under 18*** deprived of their liberty in conformity with international standards;
- (e) ***Set up more precise legal regulation on the process of diversion,*** as provided by article 40, paragraph 3, of the Convention;
- (f) ***Define more clearly the conditions of supervision of juvenile detainees*** ordered by the juvenile judge;

⁵⁹ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 12.

⁶⁰ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 48.

⁶¹ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 64.

- (g) *Consider amending the current prison sentences applicable to persons between 16 and 18 who have committed a crime, by eliminating the 1-year minimum term of imprisonment as well as by reducing the 10-year maximum term;*
- (h) *Establish the right to a defence counsel from the beginning of the criminal proceedings in the Republika Srpska;*
- (i) *Seek technical assistance from the UNICEF and OHCHR, among others.*⁶²

4.3. Trafficking in human beings and contemporary forms of slavery

CESC recommended to the State party *to train the medical and psychological staff of the social welfare centres on the specific needs of victims of trafficking and to intensify its efforts to set up an effective mechanism for the collection of anti-trafficking data*, and requests it to include updated information on the number of cases where charges were brought against traffickers and police officers involved in trafficking, and on the sentences imposed, in its next periodic report.⁶³

CAT noted the efforts made by the State party to combat trafficking for sexual slavery, the Committee is concerned that only a small number of cases have actually been investigated and prosecuted and that mainly fines and light sentences have been imposed in the cases that have been pursued. The Committee is also concerned about the alleged complicity of the police and border authorities. In addition, the entity-level laws, i.e. the criminal codes and criminal procedure codes, are not fully harmonized with the federal-level legal provisions.

Therefore, the Committee was of the opinion that the State party should:

- (a) *Take the necessary measures to ensure that all law enforcement officials fully and promptly investigate all alleged cases of trafficking in persons and that offenders are prosecuted;*
- (b) *Consider amending the Criminal Code and the Criminal Procedure Code to ensure that persons convicted of trafficking receive punishments that reflect the seriousness of the crime;*
- (c) *Ensure the full implementation of the Law on the Movement and Stay of Aliens and its by-law on protection of victims of trafficking;*
- (d) *Ensure that victims of trafficking obtain redress and have an enforceable right to fair and adequate compensation.*⁶⁴

CEDAW urged *the State party to intensify its efforts to combat trafficking in women and girls*. It recommended State party to *the strengthening of measures aimed at improving the economic situation of women and raising awareness* so as to eliminate their vulnerability to traffickers, as well as enhancing social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. The Committee recommended *that protection be extended to also cover women of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution*. It called on *the Government to ensure that traffickers are punished to the full extent of the law and to ensure that trafficked women and girls have the support* they need so that they can provide testimony against their traffickers before, during and after the proceedings. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls as well as an analysis of emerging forms of trafficking of women into Bosnia and Herzegovina and the measures in place to confront these new developments.⁶⁵

The Human Rights Committee was of the similar opinion. According to this Committee the State party should *ensure that perpetrators of acts of trafficking in human beings are effectively prosecuted; judges, prosecutors and law enforcement officers receive intensified*

⁶² CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 74.

⁶³ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 44.

⁶⁴ CAT/C/BIH/CO/, Conclusions and recommendations of the Committee against Torture, para 21.

⁶⁵ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 28.

training on the application of anti-trafficking and anti-corruption standards; sufficient funds are allocated from the State budget to victim assistance and witness protection programmes; and that effective measures are taken to combat the exploitation of children, especially Roma and other ethnic minority children, for the purpose of street begging or other forced labour.⁶⁶

CRC recommended that the State party should:

- (a) *Undertake a comprehensive national survey of the number, composition and characteristics of working children and of children living and working in the streets* in order to design and implement comprehensive strategies and policies to prevent and combat their economic exploitation;
- (b) *Ensure that street children are provided with adequate nutrition, clothing, housing, health-care and educational opportunities*, including vocational and life-skills training, in order to support their full development;
- (c) *Ensure the implementation of legislation fully covering article 32 of the Convention, and ILO Conventions*
- (d) *Seek assistance from the ILO International Programme on the Elimination of Child Labour (IPEC) and UNICEF, among others.*⁶⁷

Moreover, in the light of article 34 and other related articles of the Convention, the Committee recommended to the State party to *further strengthen its efforts to fully implement and incorporate the above-mentioned Optional Protocol in the criminal justice systems as well as to identify, prevent and combat trafficking in children for sexual and other exploitative purposes*, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to this field. Furthermore, the Committee should, inter alia:

- *Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials;*
- *Launch awareness-raising and prevention campaigns* targeting in particular children;
- *Seek assistance from UNICEF, among others.*⁶⁸

CRC emphasised particular need for *thorough, independent and effective investigations to be carried out regarding the allegations that police officers may be involved in trafficking-related activities* and to impose on them - if found guilty - appropriate penal and/or other sanctions.⁶⁹

4.4. Violence against women and children

CESC urged the State party *to ensure the harmonization of the criminal law provisions of the Entities and of the Brcko District on the crime of domestic violence with the State Law on Gender Equality, as well as their application by judges, prosecutors and the police*. The Committee also recommended that the State party *take measures to sensitise law enforcement officials and the general public for the causes, criminal nature, and the specific needs of victims, of acts of domestic violence.*⁷⁰

While recognizing the State party's legal and other efforts to address violence against women, CEDAW was concerned that the legal texts adopted in both entities may allow for differing judicial interpretations and inconsistent application of penalties due to the fact that in the Federation of Bosnia and Herzegovina domestic violence is defined as a crime while in the Republika Srpska it is defined both as crime and a misdemeanour. In addition, the

⁶⁶ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 16.

⁶⁷ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 66.

⁶⁸ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 70.

⁶⁹ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 72.

⁷⁰ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 43.

implementation of the law is hampered by the lack of necessary by-laws and structures. Therefore, CEDAW *called upon the State party to harmonize the laws of the two entities and to speed up the formulation and adoption of by-laws and the establishment of relevant structures and institutions needed for implementation.* In addition, it recommended that *concrete measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provision, are sensitised to all forms of violence against women and are skilled to respond to them in an adequate manner.* The Committee also encouraged the State party *to collect data on incidences of domestic violence against women* and, based on such data, continue to develop sustainable strategies to combat this human rights violation.⁷¹

Committee on the Rights of the Child recommended that the State party:

- (a) Make sure that *the legislative measures currently being undertaken - namely, the new Family Law and the new Law on Protection from Domestic Violence - are expeditiously adopted and adequately implemented in both Entities;*
- (b) *Undertake a comprehensive study on violence against children,* more particularly, on sexual abuse in order to assess the extent, the causes, scope and nature of this phenomenon;
- (c) *Expressly prohibit corporal punishment at home and in institutions;*
- (d) *Strengthen awareness-raising and education campaigns with the involvement of children* in order to prevent and combat child abuse and to promote positive, non-violent forms of discipline and respect for children's rights, while raising awareness about the negative consequences of corporal punishment;
- (e) *Evaluate the work of existing structures and provide training to the professionals* involved in these types of cases;
- (f) *Strengthen measures to encourage reporting of instances of child abuse* and to prosecute the perpetrators of these acts;
- (g) *Provide care, full physical and psychological recovery and reintegration* for child victims of violence.⁷²

Also, Human Rights Committee recommended that the State party *should ensure the effective implementation of legislation to combat domestic violence, intensify training for judges, prosecutors and law enforcement officers on the application of such legislation, as well as for hospital and other staff working with victims of domestic violence and child abuse,* introduce standard procedures for the collection of medical evidence of domestic violence, *and enhance victim assistance programmes and access to effective remedies.*⁷³

V Basic freedoms (right to participate)

5.1. Participation in political and public life

CEDAW urged the State party *to comply with its obligations under the Convention to eliminate discrimination against women without delay, to include women in all political, economic and social transformation processes at the State, entity, cantonal and municipal levels on a basis of equality with men and to make gender analyses an integral part of these processes.*⁷⁴

⁷¹ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 25 and 26.

⁷² CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 43.

⁷³ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 12.

⁷⁴ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 12.

VI Labour Rights

CESC urged the State party *to increase its efforts to combat unemployment through special targeted programmes*, including programmes aimed at reducing unemployment among youth, women, especially female heads of households, as well as unemployment among disadvantaged and marginalized groups.⁷⁵

Further, CESC recommended that *the State party take effective measures to ensure that employers respect their contractual obligations towards their employees*, namely by refraining from arbitrarily dismissing them or by paying their salaries or social security contributions on time. The Committee further recommends to the State party *to ensure that labour inspection units are sufficiently staffed and resourced in order to enable them to effectively combat abuses of workers' rights*.⁷⁶

CESC recommended that the State party *take measures to repeal the sanction imposed on persons working in the informal sector*, i.e. the suspension of their registration with the employment bureaux for a period of 12 months.⁷⁷

6.1. Labour Rights of minorities

CERD noted with concern that the claims of many workers belonging to certain ethnic minority groups who during the armed conflict were dismissed from their jobs and/or placed on waiting lists because of their ethnicity have not yet been resolved, and that workers whose cases have been resolved by the Entity and cantonal Commissions established under Article 152 of the Republika Srpska Labour Law and Article 143 of the Labour Law of the Federation often have not received any compensation. (Art. 5 (e) (i)), therefore the Committee *urged the State party to ensure that the claims of all workers who were dismissed from their jobs and/or placed on waiting lists during the armed conflict because of their ethnicity are resolved expeditiously and that the recommendations of the Entity and cantonal Commissions are implemented promptly and in good faith*.

Also, the Committee was concerned about the low representation of ethnic minorities, in particular Roma, in the labour market (Art. 5 (e)(i)), therefore the Committee *recommended that the State party improve the employment of ethnic minorities, including in particular the Roma, in the public and private labour sectors, by implementing strategies that include offering training to qualify such persons for jobs in the labour market, providing incentives to employers for hiring such persons*, and establishing an independent mechanism at the State level to address discrimination in the hiring and promotion practices in the public and private employment/labour sectors.⁷⁸

6.2. Gender equality in labour

CEDAW urged the State party to implement relevant sections of the Law on Gender Equality and relevant recommendations from the project for implementation of this Law, and *to bring to justice public and private employers who violate equality provisions under the Law on Gender Equality and labour regulations*. The Committee also urged the State party *to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women fully benefit from all planned programmes to support entrepreneurship*, including through favourable credit conditions. It recommended that *efforts be strengthened to increase women's representation in the formal economy and to*

⁷⁵ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 35.

⁷⁶ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 36.

⁷⁷ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 37.

⁷⁸ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 18 i 19.

eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men in the public sector; and to ensure women's access to vocational training.⁷⁹

VII Right to adequate standard of living

7.1. Poverty and living standards (MDG 1)

CESC urged the State party, in addressing the problem of poverty, *to ensure, on a priority basis, that adequate social assistance be provided to individuals and groups living below the poverty line, that the impact of any laws and policies on the economic, social and cultural rights of such individuals and groups be assessed on the basis of regularly updated data, disaggregated by gender, age, ethnic background, social status and other relevant criteria, and that effective monitoring mechanisms be adopted and implemented to that effect.* In this regard, the Committee refers the State party to the statement adopted by the Committee on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights.⁸⁰

CEDAW requested the State party *to ensure that all national poverty alleviation programmes developed through the midterm development strategy for poverty reduction and implemented by the relevant ministries fully benefit women, in particular marginalized groups of women, according to their needs and circumstances*, and to provide in its next period report information on the results of the measures taken.⁸¹

Committee on the Rights of the Child recommended that the State party *take all necessary measures to provide support and material assistance to economically disadvantaged families*, including targeted programmes with regard to the most needy groups of families, in order to guarantee the right of all children to an adequate standard of living.⁸²

7.2. Right to adequate housing (MDG 7)

CESC recommended to the State party *to adopt, at the State level, a housing law and a national housing strategy to address the housing needs of the population.* The Committee also recommended that *the State party allocate sufficient resources for the provision of social housing, especially for the low-income and disadvantaged and marginalized groups.*⁸³

7.2.1. Right to adequate housing of minorities

CERD is deeply concerned that many people of different ethnic origin, especially the Roma, are unable to return to their pre-armed conflict homes because of the lack of legal title to their property or because of the authorities' failure to evict and punish temporary occupants who often vandalise or loot the homes before relinquishing possession of them. The Committee is also concerned about reports that many informal settlements in which Roma lived prior to the armed conflict have been destroyed, and that Roma continue to be evicted from their informal settlements, without adequate alternative accommodation being provided, and in view of the fact that Roma are frequently unable to rent private accommodation because of racial discrimination and/or poverty (Art. 5 (e)(iii)). Referring specifically to General

⁷⁹ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 34.

⁸⁰ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 45

⁸¹ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 40.

⁸² CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 55.

⁸³ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 46.

Recommendation 27⁸⁴, the Committee urges the State party *to facilitate the return of all people of different ethnic origin, especially the Roma, to their pre-armed conflict homes, to ensure their ability to occupy and reside in informal Roma settlements legally and safely, and where necessary, to provide adequate alternative housing or compensation for displaced Roma, including to pre-armed conflict tenants who have been evicted from their settlements or whose homes have been destroyed.*⁸⁵

According to Committee for human rights, the State party *should reconsider the relocation plan for the Roma settlement at Butmir, taking into account the residence entitlements of the inhabitants of the settlement, which has existed for 40 years, as well as alternative solutions to prevent pollution of the water supply.* The Committee reminded the State party *that any relocation must be carried out in a non-discriminatory manner and must comply with international human rights standards, including the rights of individuals concerned to an effective remedy, compensation and provision of adequate alternative housing.*⁸⁶

7.3. Right to health (MDG4, 5 and 6)

CESC requested the State party *to promote the adoption of an inter-Entity agreement on pension rights and to ensure the implementation of the inter-Entity agreement on health insurance with a view to guaranteeing access to pension benefits and health care* by returnees who move from one Entity to the other.⁸⁷

CEDAW requested the State party *to continue its efforts to harmonize and improve the country's health-care regulations and services and to integrate a gender perspective into all health sector reforms so that all women in every part of its territory have equal access to appropriate and adequate health services and that, in particular, maternal mortality rates are reduced.* The Committee also recommended that measures be taken *to guarantee effective access of women and girls to information and services regarding sexual and reproductive health in order to prevent recourse to abortion and protect women from its negative health effects.* It further recommend that programmes and policies be adopted to increase knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners.⁸⁸

7.3.1. Rights to health care for children

CRC recommended that the State party undertake all necessary measures *to ensure that all children enjoy the same access and quality of health services, with special attention to children belonging to vulnerable groups, especially Roma.* Furthermore, the Committee recommended that the State party strengthen its efforts in improving the health situation of children in the State party, including through:

- (a) Strengthening its efforts *to ensure that all children have access to basic health-care services;*
- (b) *Strengthening vaccination programmes;*
- (c) *Improving the nutritional status of children;*
- (d) *Promoting exclusive breastfeeding for six months after birth* with the addition of appropriate infant diet thereafter;
- (e) *Seeking technical assistance* from, among others, UNICEF and WHO in this regard.

Further, the Committee recommended that the State party *strengthen measures to address the issue of alcohol and tobacco consumption among children,* to improve its health promotion

⁸⁴ CERD, 57th session (2000), General Recommendations No. 27: Discrimination against Roma, para 31.

⁸⁵ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 20.

⁸⁶ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 23.

⁸⁷ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 42.

⁸⁸ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 36.

programmes, and to provide for mental and reproductive health counselling and services for adolescents.⁸⁹

CRC recommended that the State party:

- (a) ***Increase its efforts to prevent the spread of HIV/AIDS***, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37);
- (b) ***Launch campaigns and programmes to raise awareness about HIV/AIDS among adolescents***, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS;
- (c) ***Seek further technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS and UNICEF.***⁹⁰

7.4. Right to education (MDG 2)

CESC urged the State party ***to ensure that the practice of "two schools under one roof", as well as the construction of separate schools for children belonging to different ethnic groups, be discontinued.*** The Committee recommends that ***the State party merge and teach one curriculum to all classes, irrespective of ethnic origins,*** and requests it to report on any steps taken in that regard in its next periodic report.⁹¹

CEDAW urged the State party ***to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles.*** It recommended that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.⁹²

Also, CEDAW recommended ***that the reform process be continued in order to ensure consistency in educational opportunities for both sexes in both entities of Bosnia and Herzegovina, including in rural areas, and for marginalized groups of women and girls,*** in particular of the Roma minority. It also recommended that the State party encourage diversification of educational and professional choices for women and men.⁹³

7.4.1. Right to education for minorities

CESC urged the State party ***to promote equal access by Romani children to primary, secondary and tertiary education,*** e.g. through the grant of scholarships and the reimbursement of expenses for schoolbooks and of travel expenses to attend school, and to closely monitor school attendance by Romani children.⁹⁴

CERD urged the State party to implement effectively the recommendations contained in the Action Plan on Educational Needs of Roma and Other National Minorities (2004), and to combat discrimination against Roma children and children belonging to other ethnic minority groups by teachers, school authorities, and classmates and their families.⁹⁵

⁸⁹ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 49 and 51.

⁹⁰ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 53.

⁹¹ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 50; see also CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 23.

⁹² CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 24.

⁹³ CEDAW/C/BIH/CO/3, Concluding comments of the Committee on the Elimination of Discrimination against Women, para 32.

⁹⁴ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 51.

⁹⁵ CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 22.

7.4.2. Education on Rights of the Child

CRC recommended that the State party *strengthen its efforts to provide adequate and systematic training and/or sensitisation on children's rights of professional groups* working with and for children, in particular law enforcement officials, *as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required.*⁹⁶

The Committee also recommended that the State party:

- (a) *Strengthen its efforts to harmonize legislation on education and ensure its effective and uniform implementation throughout the country;*
- (b) Take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, in particular with regard to children belonging to the most vulnerable groups (i.e. minority groups, those living in poverty, refugee and returnee children, Roma children, children with disabilities, etc.);
- (c) *Improve the efficiency of the educational system*, paying particular attention to the high drop-out rates;
- (d) *Provide access to preschool education throughout the country*, including to children living in rural areas;
- (e) *Increase the availability of vocational training programmes for young people*, with the view of facilitating their access to the labour market;
- (f) In the light of article 29 on the aims of education, *harmonize the educational system throughout the country, eliminate the so-called system of "two-schools-under-one-roof"* and establish adequate programmes and activities with a view to create an environment of tolerance, peace and understanding of cultural diversity shared by all children to prevent intolerance, bullying and discrimination in schools and society at large;
- (g) *Ensure that adequate space and facilities are provided to children for their rest and leisure*, as well as for recreational and cultural activities;
- (h) *Seek technical assistance from UNESCO and UNICEF.*⁹⁷

7.5. Right to social care

CESC urged the State party to ensure that *adequate funds from the overall resources of the Entities, cantons and municipalities be allocated to the social welfare centres and that the number of social workers, psychologists and other qualified personnel of these centres be increased* in order to better respond to the specific needs of children without parental care, female heads of households, persons with disabilities and victims of trafficking in persons, especially women and children.⁹⁸

CRC recommended that the State party *provide the social work centres with adequate human and financial resources, ensure systematic training of its staff and take all other necessary measures to guarantee quality, efficiency and transparency of all activities of these institutions.*⁹⁹

7.6. Right to water

CESC recalled the State party's obligation to ensure access to safe drinking water within, or in the immediate vicinity, of each household. It invites the State party to identify disaggregated indicators and appropriate national benchmarks in relation to the right to water, in line with the Committee's general comment No. 15 on the right to water, and to include information on the process of identifying such indicators and benchmarks in its next report.¹⁰⁰

⁹⁶ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 24.

⁹⁷ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 59.

⁹⁸ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 38.

⁹⁹ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 37.

¹⁰⁰ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 49.

VIII Special groups

8.1. Internally displaced persons

CESC called on the State party *to intensify its efforts to ensure the sustainable return of returnees to their home communities by ensuring their equal enjoyment of the Covenant rights, especially in the fields of social protection, health care and education.*¹⁰¹

CERD requested that the State party *ensure that pension and health care benefits are provided on a non-discriminatory basis, without regard to ethnicity, especially where minority returnees are involved.* The Committee further recommends that the State party *review the deployment of its pension benefits and health care services and, for the time being, implement the Inter-Entity Agreement on health care.*¹⁰²

Human Rights Committee recommended that the State party *should increase its efforts to create the necessary conditions for sustainable returns, i.e. by combating discrimination against minority returnees, ensuring the social re-integration of returnees and equal access to employment, education and social services, as well as public services such as water and electricity, and by further de-mining areas with significant returnee populations.*¹⁰³ Further, the Committee is concerned about poor conditions in collective centers housing some 7.000 IDPs, many of whom belong to ethnic minority or other vulnerable groups, thus recommended that the State party *should proceed with the phasing-out of collective centers for IDPs and provide adequate alternative housing to the residents of such centers.*¹⁰⁴

8.2. Displaced and refugee children

CRC recommended that the State party:

- (a) *Continue its efforts aimed at the safe return of displaced and refugee children and their parents* and prevent, as much as possible, violent attacks against returnees and displaced persons and/or their property;
- (b) *Address the special needs and rights of displaced and refugee children*, and in particular to ensure proper accommodation arrangements for these children as well as social and professional reintegration of their parents;
- (c) *Harmonize legislation at the Entity level with the refugee legislation at the State level*;
- (d) *Look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of adequate documentation*, and ensure them access to the rights prescribed for these categories of persons;
- (e) *Continue to seek technical cooperation from UNHCR in this regard.*¹⁰⁵

CRC recommended that the State party *take effective measures to protect the full enjoyment of the rights of children belonging to ethnic minority groups* and undertake special measures to stimulate a process of reconciliation and confidence-building, including wide-ranging educative and awareness-raising campaigns.¹⁰⁶

¹⁰¹ E/C.12/BIH/CO/1, Concluding observations of the Committee on Economic, Social and Cultural Rights, para 32.

¹⁰² CERD/C/BIH/CO/6, Concluding observations of the Committee on the Elimination of Racial Discrimination, para 21.

¹⁰³ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 20.

¹⁰⁴ CCPR/C/BIH/CO/1, Concluding observations of the Human Rights Committee, para 21.

¹⁰⁵ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 62.

¹⁰⁶ CRC/C/15/Add.260, Concluding observations of the Committee on the Rights of the Child, para 76.