United Nations A/HRC/WG.6/48/BIH/2

General Assembly

Distr.: General
13 November 2024

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-eighth session
Geneva, 20–31 January 2025

Bosnia and Herzegovina

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.[1] It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence recommended that Bosnia and Herzegovina domesticate all ratified international legal instruments and harmonize legislation to make the rights therein justiciable and enforceable.[2]

3. The United Nations country team recommended that Bosnia and Herzegovina ensure that it sent prompt official replies to communications from the United Nations High Commissioner for Human Rights and the human rights mechanisms that that it make the replies public. It also recommended systematically translating and broadly disseminating the reports, concluding observations, decisions and communications of the human rights mechanisms.[3]

4. The United Nations country team advised Bosnia and Herzegovina to accept the outstanding individual complaints procedures.[4]

III. National human rights framework

1. Constitutional and legislative framework

5. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended that Bosnia and Herzegovina ensure harmonization of the legislation and jurisprudence on international crimes throughout the country, in compliance with international standards. He also recommended that Bosnia and Herzegovina repeal the legal provisions that allowed the granting of amnesty for international crimes, and prevent legal reforms that could allow pardons for those crimes.[5]

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6. The Committee on the Elimination of Racial Discrimination was concerned that discriminatory provisions in the Constitution and in electoral laws at the State level continued to prevent persons who did not belong to or identify as one of the "constituent peoples" from standing as candidates for the presidency and legislative elections.[6]

7. The United Nations country team recommended that, based on inclusive consultations, Bosnia and Herzegovina undertake the necessary revisions of the Constitution and the Election Law of Bosnia and Herzegovina in order to implement the judgments of the European Court of Human Rights and ensure the equality of all citizens in exercising their active and passive electoral rights.[7]

2. Institutional infrastructure and policy measures

8. The United Nations country team encouraged Bosnia and Herzegovina to consider establishing a national mechanism for reporting and follow-up and a comprehensive human rights database. It also encouraged Bosnia and Herzegovina, in consultation with civil society, to develop a plan of action for the comprehensive and coordinated implementation of recommendations and decisions of the human rights mechanisms.[8]

9. The United Nations country team reported that, despite amendments adopted in 2023 to the Law on the Human Rights Ombudsman, providing for the establishment of a national preventive mechanism as part of the institution's mandate, the mechanism had yet to be operationalized. The country team advised Bosnia and Herzegovina to enhance the impartiality of the selection and appointment of the Human Rights Ombudspersons, increase the financial autonomy of the institution and ensure systematic and timely enforcement of its recommendations.[9]

10. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended that the State train public officials, including teachers, the judiciary and security personnel, on human rights. That should include with an examination of comprehensive and accurate accounts of the violations committed and the responsibilities of State and entity- or district-level institutions, as established by domestic and international courts. He stressed that victims and civil society should actively participate in the design and implementation of all aspects of transitional justice processes: truth, justice, reparation, memorialization and guarantees of non-recurrence.[10]

11. The United Nations Educational, Scientific and Cultural Organization (UNESCO) urged Bosnia and Herzegovina to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and to address the relevant dimensions of the right to science in its reporting on the impact of the coronavirus disease (COVID-19) pandemic and the assessment of responses thereto.[11]

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

12. In 2022, the United Nations High Commissioner for Human Rights expressed concern about persistent discrimination based on various grounds, primarily ethnicity, gender and sexual orientation. That affected civil and political rights, including electoral rights, as well as economic, social and cultural rights. Examples included a divided, segregated education system, access to employment linked to political affiliation, patronage or loyalty, unequal social protection depending on one's place of residence, and the marginalization still faced by many people who had returned to their place of origin after the conflict, Roma communities and persons with disabilities. Bosnia and Herzegovina had legislation prohibiting discrimination. It was essential that it was applied across the country and by all institutions so that all forms of discrimination were effectively eliminated. The active engagement of political leaders in building an inclusive society was essential for the future of Bosnia and Herzegovina.[12]

13. In 2024, the Committee on the Elimination of Racial Discrimination recommended that Bosnia and Herzegovina intensify efforts to harmonize the legal framework on the prohibition of racial discrimination and ensure that everyone had access to the same level of protection and enjoyment of rights, irrespective of their ethnicity and place of residence. The Committee also recommended that Bosnia and Herzegovina ensure that all prohibited grounds for racial discrimination were included in the prohibition of racial discrimination at the State and entity levels.[13]

14. The United Nations country team stated that the prevailing impunity for discrimination, hate crimes and hate speech had allowed the perpetuation of patterns of discrimination while instilling a perception of insecurity, notably among returnees and minorities, contributing to deepening distrust in authorities and among communities. Data showed that there had been a steady decline in social ties between ethnic groups during the previous decade. The segregated and divided education system had cemented that divide.[14]

15. The United Nations country team noted that gender-based discrimination was rampant. A 2020 survey conducted by the United Nations Development Programme had indicated that, since the COVID-19 pandemic, 6.2 per cent of women had felt increased discrimination. The figure was more than twice that among single mothers, women with disabilities or chronic illnesses and those living in relative poverty. Anti-gender narratives and initiatives to eliminate the concept of "gender" had gained prominence in Republika Srpska.[15]

16. The United Nations country team recommended ensuring that the judiciary and law enforcement agencies systematically, swiftly and adequately responded to incidents of discrimination, hate crimes and hate speech, in accordance with international human rights standards. It also encouraged Bosnia and Herzegovina to ensure that it took a systematic approach to preventing and addressing discrimination and hate speech on all grounds, at all levels of governance and across the public sector.[16]

2. Right to life, liberty and security of person, and freedom from torture

17. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended that Bosnia and Herzegovina: (a) accelerate the search for and identification of the remaining missing persons, on the basis of objective and transparent criteria, and regardless of the circumstances in which the victims had gone missing; (b) provide continued financial, technical and qualified human resources to the Missing Persons Institute and related entities; and (c) ensure full access to relevant information for the families of missing persons, and full cooperation with the countries in the region affected by the conflict.[17]

3. International humanitarian law

18. The same Special Rapporteur recommended that Bosnia and Herzegovina provide the judiciary with continued financial, material and human resources to undertake effective, prompt and adequate criminal investigations and prosecutions of war crimes. He also recommended accelerating the processing of pending cases and ensuring that all such crimes were prosecuted in a non-discriminatory manner, regardless of the ethnicity of the victim and the perpetrator, the circumstances in which the crimes had been committed or the jurisdiction where the trial took place.[18]

19. The United Nations country team reported that there had been no political recognition of, or apologies to, civilian victims of war. Most of those victims had either not sought or received justice or any form of reparation, or continued to face ordeals in pursuing those processes. There had been no efforts to establish a comprehensive reparation framework for all victims, including survivors of wartime sexual violence and former camp detainees.[19]

20. The United Nations country team noted that reparations remained fragmented, uneven and inadequate. Deadlines that had been imposed to claim the status of victim had expired in 2023 in Republika Srpska. In that entity, survivors were also still required to pay court fees owing to statutes of limitation. Advocacy by associations of survivors had contributed to the adoption of laws on the protection of civilian victims of war in the Brcko District (2022) and the Federation of Bosnia and Herzegovina (2023) that included the recognition as victims of

children born as a consequence of conflict-related rape. Nevertheless, those laws imposed deadlines for submitting claims.[20]

21. The United Nations country team recommended that Bosnia and Herzegovina, in consultation with civil society, including victims' associations, adopt a comprehensive, human rights- and victim-centred approach to pursue truth, justice, reparations and guarantees of non-recurrence. It encouraged the State to present a collective public apology to all civilian victims of war from the highest level of the Government.[21]

22. The United Nations country team also recommended that Bosnia and Herzegovina accelerate the prosecution of war crimes, while respecting due process, and ensure adequate sanctions for atrocity crimes. It also recommended establishing a comprehensive State-level reparation system easily accessible to all victims of war, without any discrimination and with no deadlines. It further recommended that in the interim, the State immediately terminate the practice of imposing court fees on victims. In addition, it recommended that Republika Srpska ensure the recognition in its legislation of children born as a consequence of conflict-related rape.[22]

4. Human rights and counter-terrorism

23. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism recommended that authorities at the State and entity levels ensure that national counter-terrorism legislation was brought into line with international human rights law, in particular the revised definitions of terrorism that were non-compliant with international law.[23]

24. The same Special Rapporteur also recommended that authorities at the State and entity levels repatriate, as a matter of utmost urgency, all Bosnian citizens and members of their families who were still detained in a third country, paying special attention to minors and their mothers, unaccompanied children and boys and men in prison.[24]

25. The same Special Rapporteur further recommended that authorities at the State and entity levels engage all relevant parties in that third country to ascertain the current health and welfare situation of Bosnian citizens and their relatives and cooperate with all parties prepared to support repatriation.[25]

5. Administration of justice, including impunity, and the rule of law

26. The United Nations country team reported that political developments had affected the functioning of institutions and the rule of law, with recurrent blockages and delays in adopting key legislation, decisions and budgets. Since 2021, the leadership of Republika Srpska had intensified its secessionist rhetoric, generating uncertainty and fear. The entity's legislature had adopted various laws contravening the rule of law, including on the non-implementation of the judgments of the Constitutional Court of Bosnia and Herzegovina. In 2023, it had pressured the remaining Republika Srpska-appointed judge of the Court to resign and it had refused to fill the two vacant positions. Key judgments of the Constitutional Court of Bosnia and Herzegovina and of the European Court of Human Rights remained unimplemented.[26]

27. The United Nations country team noted that concerns remained about the overall independence and impartiality of the judiciary, notably to address cases of corruption, war crimes, hate speech constituting incitement, environmental issues and attacks on civil society actors. Moreover, free legal aid was not available across the country.[27]

28. The Special Rapporteur on terrorism stated that former detainees in the Guantanamo Bay detention camp who resided in Bosnia and Herzegovina must receive rehabilitation treatment for torture suffered, as appropriate to their needs. Furthermore, apology and remedy for the cooperation of Bosnia and Herzegovina in their rendition and torture remained outstanding.[28]

6. Fundamental freedoms and the right to participate in public and political life

29. The Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that during his visit to Bosnia and Herzegovina in April 2024, he had

observed a tense political climate and highly divisive narratives, including hate speech and revisionism, by some political leaders. Such narratives contributed to a hostile climate for constructive criticism and dissent and were a threat to democracy and to the persons and communities targeted because of their ethnic background, religion, gender, sexual orientation or political affiliation or non-affiliation. The deterioration of civic participation, including the lack of opportunities to positively influence the future of their country, had been pushing large numbers of people, notably young people, to leave Bosnia and Herzegovina.[29]

30. The Committee on the Elimination of Racial Discrimination urged the State to ensure that all ethnicity-motivated crimes, including verbal and physical violence, were investigated, perpetrators were prosecuted and punished and motives based on race, colour, descent or national or ethnic origin were considered as aggravating circumstances when imposing punishment. It encouraged Bosnia and Herzegovina in its effort to establish an effective mechanism to regularly collect and monitor disaggregated data on complaints relating to hate speech and racial discrimination and instances of racist violence and hate crimes. It also urged Bosnia and Herzegovina to ensure that public authorities, including high-level public officials, distanced themselves from hate speech and that they formally and publicly rejected and condemned hate speech and the dissemination of racist ideas.[30]

31. The Special Rapporteur on terrorism recommended that authorities at the State and entity levels provide enhanced support, including financial support, to assist a broad range of civil society actors and protect civic space. In that regard, she asserted that particular attention must be paid to preventing the harassment and targeting of civil society actors.[31]

32. The United Nations High Commissioner for Human Rights stated that many interlocutors in civil society had described the pushbacks on civic space in the past years, with particular concerns in Republika Srpska. Journalists and human rights defenders, particularly women, had faced increasing pressure, intimidation and threats. One major concern was stigmatization by political leaders, which triggered social exclusion. It was important to set up mechanisms to strengthen the protection of journalists and human rights defenders and to encourage initiatives taken in that regard.[32]

33. The Special Rapporteur on terrorism had formally communicated with the Government on legislation drafted by Republika Srpska on the special registry and publicity of the work of non-profit organizations. She had found that the draft law would impose undue restrictions that were inconsistent with international human rights standards, especially the right to freedom of association, freedom to participate in public affairs, freedom of expression and full access to economic and social rights on persons working in the non-profit organizations sector.[33]

34. The Special Rapporteur on freedom of peaceful assembly and of association voiced concern about the legislation in Republika Srpska recriminalizing defamation and the draft law on the special registry and publicity of the work of non-profit organizations (the “foreign agents law”). They posed serious threats to civic space and should be withdrawn.[34]

35. The Special Rapporteur called on authorities in Bosnia and Herzegovina to overcome their differences to protect the rights of everyone across the country and to work together to reverse the dangerous trend of restrictive laws and practices. Such law and practices were undermining the rights to freedom of association and of peaceful assembly and the fundamental right of participation.[35]

36. The United Nations country team reported that, since 2019, the judiciary had been tracking cases of attacks and threats against journalists. That practice should be expanded to human rights and environmental defenders, as such acts were underreported, or rarely investigated and sanctioned. An emblematic case was the lack of progress in investigating an attack on human rights defenders and lesbian, gay, bisexual, transgender and intersex activists that had occurred on 18 March 2023 in Banja Luka.[36]

37. The United Nations country team stressed that the 2023 law on freedom of access to information of Bosnia and Herzegovina included numerous exemptions and foresaw an appeal mechanism under the Council of Ministers, raising concerns about the independence of the mechanism. While legislation and practices regulating public gatherings remained uneven, new laws compliant with international standards had been adopted in the Brcko

District (2021) and the Zenica-Doboj (2023) and Una-Sana cantons (2024). In Republika Srpska and the Sarajevo canton, restrictions to the right to peaceful assembly continued to be applied selectively on the grounds of security, depending on the topic of the gathering.[37]

7. Right to privacy

38. Considering the increasing threat of cyberattacks across the region, the Special Rapporteur on terrorism recommended that Bosnia and Herzegovina develop integrated, comprehensive and human rights-compliant strategy and legislation to counter cybercrimes. She warned, however, of the risk that cybercrime regulation might unjustifiably restrict certain human rights, drawing attention to those that were related to Internet content. She referred, in particular, to the right to privacy.[38]

8. Prohibition of all forms of slavery, including trafficking in persons

39. The United Nations country team recommended that Bosnia and Herzegovina institute capacity-building in detecting and investigating smuggling of migrants and trafficking in human beings, taking rights-based, victim-centred and gender-sensitive approaches.[39]

9. Right to work and to just and favourable conditions of work

40. The United Nations country team reported that in 2023, 41.5 per cent of the working age population had been employed and the unemployment rate had stood at 13.2 per cent, having dropped 4.2 per cent over the previous two years. The lack of access of Roma and persons with disabilities to sustainable formal employment persisted owing to intertwined barriers, including discrimination.[40]

41. The United Nations country team stated that the gender gap had been growing owing to enduring gender stereotypes, insufficient childcare facilities, varying maternity leave schemes and the heavy care burden placed on women. In 2020, 58 per cent of women with children under 6 years of age had been unemployed. Recent data showed that women occupied 24.1 per cent of senior and middle management posts and 8.2 per cent of senior posts in the private sector.[41]

42. The United Nations country team recommended that Bosnia and Herzegovina increase the employability of women through adequate labour market policies, training and the development of accessible, quality social and healthcare services. It also recommended that it close the gender wage gap.[42]

10. Right to social security

43. The Committee on Economic, Social and Cultural Rights noted the complex governance system of the State party and the decentralization of powers and responsibilities in the areas relating to economic, social and cultural rights, including social protection, healthcare and education. The Committee was, however, concerned about the significant discrepancies in legislative and policy measures taken at different levels of government in those areas, and the consequent significant regional inequalities in the level of enjoyment of economic, social and cultural rights. It was also concerned about the lack of monitoring and coordination at the State level of the measures taken and activities carried out by the entities, Brcko District and the cantons of the Federation of Bosnia and Herzegovina, which perpetuated the discrepancies and inequalities.[43]

44. The same Committee reminded Bosnia and Herzegovina that it was responsible for the implementation of the International Covenant on Economic, Social and Cultural Rights at all levels of government, including cantons and municipalities. It recommended that the State take all measures necessary to ensure the enjoyment of rights guaranteed in the Covenant regardless of place of residence in the country.[44]

11. Right to an adequate standard of living

45. The same Committee recommended that the State intensify its efforts to provide affordable and adequate housing, especially to disadvantaged and marginalized individuals and groups, and that it adopt framework legislation and a policy on housing, in accordance

with its obligations under the Covenant. The Committee also recommended that Bosnia and Herzegovina expedite the closure of the remaining collective centres and the provision of adequate housing to returnees and internally displaced persons, guarantee security of tenure for Roma families living in informal settlements, and improve living conditions and access to water and sanitation facilities, healthcare, education, public transport and electricity and other services.[45]

12. Right to health

46. The United Nations country team reported that much progress was still needed to achieve universal health coverage despite the positive steps that had been taken, including the adoption of laws on healthcare and mandatory health insurance in Republika Srpska and the adoption of the Development Strategy of the Federation of Bosnia and Herzegovina, 2021–2027. Access to healthcare, including immunization services, remained low for Roma communities owing to their limited access to facilities, discrimination and cultural factors. The availability of sexual and reproductive health services was uneven. Mental health had been overlooked, despite the extensive conflict-related and intergenerational trauma. Bosnia and Herzegovina had one of the highest air pollution rates globally, and the fifth-highest mortality rate caused by air pollution. There was limited public health preparedness for various emergencies and hazards, natural and human-made, which were of increasing frequency and scale.[46]

47. The United Nations country team recommended that Bosnia and Herzegovina ensure access to quality universal healthcare, including immunization, sexual and reproductive healthcare, maternal healthcare and mental healthcare, paying special attention to persons with disabilities, Roma and people on the move. It also recommended ensuring access to clean water for all and strengthening waste management systems. It advised the State to intensify measures to reduce air pollution, and to foresee adequate budgets for emergency preparedness, including to protect vulnerable people.[47]

13. Right to education

48. The Committee on the Elimination of Racial Discrimination urged Bosnia and Herzegovina to end all forms of discrimination and segregation in education, including by totally eliminating the remaining "two schools under one roof" and the mono-ethnic schools.[48]

49. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended that Bosnia and Herzegovina reform the educational system to: (a) end any form of segregation, including on the basis of the national or ethnic affiliation of students; (b) ensure minority students' access to learning in their mother tongue, and about their cultural heritage; and (c) prevent practices that excluded, discriminated against or stigmatized minority students and their communities.[49]

50. UNESCO reported that in 2020, the Council of Ministers of Bosnia and Herzegovina had adopted a road map for the improvement of inclusive education, reflecting relevant recommendations made during the third cycle of the universal periodic review. Amendments to the act on secondary education and upbringing in Republika Srpska had incorporated the theme of inclusion into the compulsory professional training of teachers and teaching staff.[50]

51. The United Nations country team welcomed the Government's commitment to quality education at all levels. Nevertheless, the education system was not inclusive, with very low levels of enrolment of children with disabilities and children from Roma communities. The education system remained segregated. Most schools were mono-ethnic or largely mono-ethnic and over 50 "two schools under one roof" still operated in some cantons.[51]

52. The United Nations country team recommended that Bosnia and Herzegovina strengthen access to quality education at all levels, including for children with disabilities, Roma, refugees, asylum-seekers and migrants, and that it prevent dropout.[52]

14. Development, the environment, and business and human rights

53. The United Nations country team noted that corruption remained widespread, affecting all spheres of life. State legislation to strengthen the rule of law, including the High Judicial and Prosecutorial Council, and to counter corruption had been adopted, and some high-level officials had been convicted. Nevertheless, institutions were not capacitated to effectively combat corruption, and whistle-blowers were not protected in law or in practice.[53]

54. The Committee on Economic, Social and Cultural Rights recommended that Bosnia and Herzegovina: (a) intensify efforts at all levels of government to combat corruption in both the public and the private sectors; (b) expedite the adoption of a new anti-corruption strategy, paying special attention to the adverse impact of corruption on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized groups; (c) adopt a comprehensive anti-corruption legislative framework for all levels of government that provided for the prevention of conflicts of interest; and (d) enhance the enforcement of anti-corruption provisions, including through prompt and thorough investigation and prosecution, and punishment of those found guilty with commensurate sanctions.[54]

B. Rights of specific persons or groups

1. Women

55. The United Nations country team recommended that Bosnia and Herzegovina: (a) ensure harmonization of criminal legislation with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) across the country; (b) define minimum gender-sensitive quality standards to address various forms of violence against women, including online; (c) ensure adequately funded support services and comprehensive, mandatory training for all relevant professionals dealing with violence against women; and (d) establish accessible crisis and referral centres for survivors of sexual violence.[55]

2. Children

56. The United Nations country team stressed the need to adopt a new action plan on child protection, including measures for children without parental care and children with disabilities, and on juvenile justice. It urged Bosnia and Herzegovina to prohibit all forms of violence against children, including sexual abuse, child marriage and corporal punishment, develop a unified State-level helpline number, and strengthen access to mental health and psychological support services for minors exposed to violence, neglect and abuse.[56]

3. Persons with disabilities

57. The United Nations country team noted that there was no unified definition of disability, no centralized database on the number of persons with disabilities, and no comprehensive and harmonized strategies and budgets to improve the exercise of their rights. Physical accessibility remained a major obstacle to their personal mobility, education, health and participation in political, economic and cultural life.[57]

58. The United Nations country team also noted that there was no strategy on inclusive education, and access to education for persons with disabilities remained low due to physical barriers, an insufficient number of trained personnel and discrimination. There was still no legislation or budget to ensure deinstitutionalization. Despite a European Court of Human Rights judgment in that regard, the institutionalization of persons with mental disabilities persisted, and the deprivation of their legal capacity was frequent. Persons with disabilities were insufficiently involved in decision-making processes, and accessibility of information remained limited for persons with hearing, visual or mental impairments. Two cantons of the Federation of Bosnia and Herzegovina had initiated periodic child disability reassessments and increased access to basic social services.[58]

59. The United Nations country team recommended that Bosnia and Herzegovina: (a) establish an independent monitoring mechanism under the Convention on the Rights of Persons with Disabilities; (b) take concrete measures to ensure access to information and

meaningful inclusive participation of persons with disabilities in political, economic and cultural life; (c) invest in deinstitutionalization; (d) consider institutionalization and deprivation of legal capacity only as measures of last resort, and ensure regular reviews of such measures; and (e) expand the reform of child disability assessments across the country.[59]

4. Minorities

60. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence noted a highly insecure environment and disrespect towards victims belonging to minority groups, who nonetheless conducted their advocacy work with remarkable courage and perseverance. The level of official domestic and international attention paid to those challenges had been insufficient, although it had increased at the international level in the months following his country visit. He expressed alarm at the rapidly deteriorating sociopolitical and inter-ethnic environment observed in the country as a result of those patterns and warned that it posed an immediate risk to the sustainability of peace.[60]

61. The United Nations country team reported that there were no recent data on minorities, which, according to the 2013 census, constituted around 3 per cent of the population. Their representation in elected and other public functions was low and decreasing. Roma communities represented the most marginalized minority, despite the Action Plan for Inclusion of Roma of Bosnia and Herzegovina 2021–2025. The State should therefore support improved participation and representation of national minorities, including Roma, and particularly women, in decision-making processes and economic and cultural life.[61]

62. The Committee on the Elimination of Racial Discrimination expressed concern about the lack of updated and comprehensive statistics on the demographic composition of the population, disaggregated by ethnic or national origin, and the lack of information on the socioeconomic situation of ethnic minority groups, particularly Roma, and of non-citizens.[62]

63. Recalling its previous recommendation and its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, the same Committee recommended that the State intensify its efforts to develop, with the participation of civil society organizations and representatives of all ethnic groups, a comprehensive methodology and effective tools to collect data and information on the demographic composition of the population and its socioeconomic status, disaggregated by ethnic group, gender, age and region, based on the principles of self-identification and anonymity. The Committee also recommended that the State develop an adequate coordination mechanism among statistical agencies and relevant institutions for the collection and analysis of data, and use those data to evaluate and develop its policies to combat racial discrimination.[63]

5. Lesbian, gay, bisexual, transgender and intersex persons

64. The United Nations country team considered the adoption of the action plan for the promotion of human rights and fundamental freedoms of lesbian, gay, bisexual, transgender and intersex persons in Bosnia and Herzegovina (2022) to be a positive development. Nevertheless, discrimination against lesbian, gay, bisexual, transgender and intersex persons persisted in all spheres, and some politicians frequently made homophobic comments. Since 2019, pride marches had been held regularly in Sarajevo, although the cantonal police continued to impose on organizers requirements not demanded for other gatherings.[64]

65. The United Nations country team advised Bosnia and Herzegovina to implement the plan of action for the promotion and protection of human rights and fundamental freedoms of lesbian, gay, bisexual, transgender and intersex persons and to adopt legislation on the legal recognition of lesbian, gay, bisexual, transgender and intersex persons and on same-sex partnership.[65]

6. Migrants, refugees and asylum-seekers

66. The United Nations country team reported that, between 2019 and 2023, the authorities had recorded 122,924 irregular arrivals. Following the adoption of a new Migration and Asylum Strategy and Action Plan 2021–2025, the Government had increasingly, albeit slowly, taken ownership of migration and asylum management. However,

non-governmental and international organizations were the main providers of assistance to vulnerable individuals. Moreover, while reception conditions for children had improved, gaps remained in applying best interest determination procedures.[66]

67. The Committee on the Elimination of Racial Discrimination recommended that Bosnia and Herzegovina: (a) ensure respect of the principle of non-refoulement and that, in law and in practice, migrants and asylum-seekers were effectively allowed to apply for international protection and referred to asylum authorities and refugee status determination procedures; (b) ensure that immigration detention was applied only as a measure of last resort for the shortest period of time, after an assessment on a case-by-case basis on its legality, necessity and proportionality, and end the practice of detaining migrant children; and (c) adopt protocols to ensure the adequate and effective protection and care of unaccompanied children, considering the principle of the best interests of the child and ensuring that they had timely access to legal guardians.[67]

68. The United Nations country team recommended strengthening the mechanisms to identify people in need of international protection at borders, including at airports, and securing their prompt access to asylum procedures, free legal aid and adequate support in case of special needs.[68]

69. The United Nations country team also recommended that Bosnia and Herzegovina ensure that asylum-seekers were able to register an application on their own initiative, and that those qualifying were granted refugee status or had access to travel documents, family reunification and pathways to local integration, including naturalization. In that context, the State should: (a) provide sustainable protection-sensitive accommodation for vulnerable categories of asylum-seekers and migrants; (b) secure prompt best interest determination procedures, appointment of legal guardians and access to education for all children on the move; and (c) prohibit administrative detention of minors in law and in practice.[69]

7. Internally displaced persons

70. The United Nations country team reported that in 2024, 91,223 internally displaced persons were still registered, one third of whom were in need of assistance to achieve durable solutions. The fragmented administrative procedures and inconsistent application of legislation still hampered internally displaced persons' access to healthcare, social protection, adequate housing, employment and education. Housing solutions had improved with the adoption of laws on social housing in some parts of the country and the implementation of housing projects, such as the Regional Housing Programme, which had been completed in 2023. Bosnia and Herzegovina should harmonize social protection legislation to facilitate internally displaced persons' and returnees' access to social assistance and allocate sufficient funding to ensure their access to adequate housing and local integration programmes.[70]

8. Stateless persons

71. The United Nations country team reported that the Government had pledged to resolve all cases of statelessness and had reported 20 persons at risk of statelessness in early 2024. Birth registration of children born abroad had improved in the Federation of Bosnia and Herzegovina through amendments to the Law on Extrajudicial Procedure. The country team urged Bosnia and Herzegovina to ensure that all children were systematically registered at birth, irrespective of their parents' migration status. It also urged Bosnia and Herzegovina to ensure that stateless persons and persons at risk of statelessness had access to free legal aid in order to facilitate birth and citizenship registration in administrative and court procedures.[71]

72. The United Nations country team recommended that Bosnia and Herzegovina facilitate, in law and in practice, late birth registration procedures when required documents were missing.[72]

Notes

1 A/HRC/43/17, A/HRC/43/17/Add.1 and A/HRC/43/2.
2 A/HRC/51/34/Add.2, para. 99.
3 United Nations country team submission for the universal periodic review of Bosnia and Herzegovina, p. 3.
4 Ibid., p. 4.
5 A/HRC/51/34/Add.2, paras. 104 and 105.
6 CERD/C/BIH/CO/14-15, para. 9.
7 United Nations country team submission, p. 8.
8 Ibid., pp. 3 and 4.
9 Ibid., p. 4.
10 A/HRC/51/34/Add.2, paras. 120 and 121.
11 UNESCO submission for the universal periodic review of Bosnia and Herzegovina, para. 45.
12 See https://www.ohchr.org/en/statements/2022/06/un-high-commissioner-human-rights-michelle-bachelet-concludes-her-official-visit.
13 CERD/C/BIH/CO/14-15, para. 8.
14 United Nations country team submission, p. 5.
15 Ibid.
16 Ibid.
17 A/HRC/51/34/Add.2, paras. 100 and 101.
18 Ibid., para. 103.
19 United Nations country team submission, p. 7.
20 Ibid.
21 Ibid.
22 Ibid.
23 A/HRC/55/48/Add.1, para. 57.
24 Ibid.
25 Ibid.
26 United Nations country team submission, pp. 5 and 6.
27 Ibid.
28 A/HRC/55/48/Add.1, para. 57.
29 See https://www.ohchr.org/en/press-releases/2024/04/bosnia-herzegovina-act-urgently-reverse-deterioration-civic-space-and.
30 CERD/C/BIH/CO/14-15, para. 16.
31 A/HRC/55/48/Add.1, para. 57.
32 See https://www.ohchr.org/en/statements/2022/06/un-high-commissioner-human-rights-michelle-bachelet-concludes-her-official-visit.
33 A/HRC/55/48/Add.1, para. 27.
34 See https://www.ohchr.org/en/press-releases/2024/04/bosnia-herzegovina-act-urgently-reverse-deterioration-civic-space-and.
35 Ibid.
36 United Nations country team submission, p. 9.
37 Ibid.
38 A/HRC/55/48/Add.1, para. 22.
39 United Nations country team submission, p. 14.
40 Ibid., p. 10.
41 Ibid.
42 Ibid.
43 E/C.12/BIH/CO/3, para. 6.
44 Ibid., para. 7.
45 Ibid., para. 41.
46 United Nations country team submission, p. 11.
47 Ibid.
48 CERD/C/BIH/CO/14-15, para. 22.
49 A/HRC/51/34/Add.2, para. 115.
50 UNESCO submission, paras. 12–15.
51 United Nations country team submission, p. 11.
52 Ibid.
53 Ibid., p. 6.
54 E/C.12/BIH/CO/3, para. 15.
55 Ibid., p. 10.
56 Ibid., p. 15.

[57] Ibid., p. 12.
[58] Ibid.
[59] Ibid.
[60] A/HRC/51/34/Add.2, paras. 95 and 96.
[61] United Nations country team submission, p. 12.
[62] CERD/C/BIH/CO/14-15, paras. 5 and 6.
[63] Ibid.
[64] United Nations country team submission, p. 14.
[65] Ibid.
[66] Ibid, p. 13.
[67] CERD/C/BIH/CO/14-15, para. 32.
[68] United Nations country team submission, p. 14.
[69] Ibid.
[70] Ibid., p. 13.
[71] Ibid.
[72] Ibid.