



人权理事会
第十四届会议
议程项目 6
普遍定期审议

普遍定期审议工作组的报告*

波斯尼亚和黑塞哥维那

增编

接受审议国家对结论和/或建议的意见、自愿承诺和提出的答复

* 本文件在送交联合国翻译部门之前未经编辑。

波斯尼亚和黑塞哥维那对普遍定期审议工作组 2010 年 2 月 19 日报告所载建议的答复如下(A/HRC/14/16)

建议

A. 残疾人

1. 第 1、第 2、第 4 和第 5 项建议没有被接受
 - 波斯尼亚和黑塞哥维那于 2009 年 7 月 29 日签署了《残疾人权利公约》和《任择议定书》。
2. 第 42 项部分被接受
 - 波斯尼亚和黑塞哥维那努力设计各项活动以期更有效地履行《公约》和《议定书》之下的各项承诺。
3. 第 43 和第 44 项部分被接受
 - 波斯尼亚和黑塞哥维那努力在波斯尼亚和黑塞哥维那建立一个残疾人理事会。塞族共和国政府的立场是残疾人的保护由关于劳工、退伍军人、残疾人和社会保险的实体法律管束。¹
4. 108 项被接受
 - 计划这项活动作为波斯尼亚和黑塞哥维那残疾人理事会的工作。鉴于实体政府的不同立场，我们将在今后的阶段内努力为该理事会的工作安排制定出适当的解决方法。
5. 第 1 项(第 1 项建议的第二部分)没有被接受
 - 正在批准《经济、社会、文化权利国际公约任择议定书》。
6. 第 1 和第 3 项(失踪人员)部分被接受
 - 在失踪人员家庭成员的提倡之下，正在发起有关加入本《公约》的程序启动活动。

¹ BiH seeks to harmonize a legal framework to reduce discrimination in the exercise of rights by persons with disabilities. RS and FBiH adopted the Law on Vocational Rehabilitation, Training and Employment of Disabled Persons in 2004 and 2009 respectively.

B. 儿童权利

7. 第 14、22、46、69、70、109 项建议被接受

- 由于有关利益攸关者持有不同的看法，因此在四年期任期结束之后，还没有委任全国儿童理事会的新成员。塞族共和国政府的立场是，儿童权利的保护完全受宪法的制约。若干年来，儿童理事会一直在塞族共和国开展工作。
- 波斯尼亚和黑塞哥维那教育主管当局不断地开展旨在改进发展多民族学校学习的环境的各项活动。²

8. 第 6、23、38、39、41、58 没有被接受

- 波斯尼亚和黑塞哥维那持续不断地开展各项活动，以制止买卖儿童、儿童卖淫和儿童色情。
- 刑事立法包括有关此类形式虐待儿童的惩罚规定。在波斯尼亚实施的立法条例持续保持一致。

² For two years now the Conference of Ministers of Education in BiH has been monitoring and taking steps to remove any form of discrimination and segregation in the education process in BiH. The conference is a permanent and the highest advisory body for the coordination of education sector in BiH.

Efforts to reduce discrimination and segregation in the education process are made and necessary measures are taken to eliminate identified shortcomings in order to meet CoE post-accession requirements and achieve priorities defined in the document "European Partnership for BiH". The problem of ethnic segregation in schools "two schools under one roof" is not present in the territory of RS.

Due to a lack of funds for mine clearance BiH extended the deadline to 2019 and BiH is a beneficiary of the International Trust Fund from Ljubljana (ITF), UNDP and NPA.

Since 2007 BiH has had anti-mine mini-campaigns in elementary and secondary schools in collaboration with the Centre for Mine Action in BiH, UNICEF and Red Cross, as well as other governmental and nongovernmental organizations that are accredited for the implementation of these activities. For further development of these campaigns, additional funding is needed.

Fragmentation of the education system is a direct consequence of the constitutional structure of BiH. The Department of Education of the Ministry of Civil Affairs is responsible for coordination and harmonization of educational systems at the level of BiH, including all elements listed in the recommendation in which BiH tries to find constructive solutions to ensure effective measures to prevent segregation and enhance the level of tolerance and respect for diversity.

- 波斯尼亚和黑塞哥维那努力逐步实施儿童权利委员会的各项建议。持续不断地开展了下列活动：在波斯尼亚和黑塞哥维那协调法律、为更好地实施其他儿童权利国际文献和实施改进儿童地位项目进行筹资。³

9. 第 24、40、47 部分被接受

- 近年来，波斯尼亚和黑塞哥维那一直面临着儿童乞讨的问题。正在实施向这些儿童提供住宿和食品以及满足其保健与教育需求的战略项目。
- 各实体为儿童开设了日托中心和住宿地点，这是社会福利体系的一个组成部分，各实体和布尔奇科地区为在波斯尼亚和黑塞哥维那防止儿童的社会排斥实施了一个联合项目。⁴

C. 歧视、种族歧视和人权机构

10. 第 8、17、45、107 项建议被接受

- 部长会议已经通过了一项《禁止所有法西斯主义和新法西斯主义组织及使用其符号的法律》。对该条法律的内容有着不同的看法，波斯尼亚和黑塞哥维那议会将对其最后案文达成一致意见。⁵

³ In order to improve the status of women in BiH, appropriate legislation has been adopted within the activities planned in strategies and action plans, such as the BiH Gender Action Plan and strategies to prevent and combat domestic violence, and a report on Action Plan for Children for the period 2002-2010 is being prepared, while the Action Plan for the children of Bosnia and Herzegovina for the period 2011-2014; the Strategy to Combat Violence Against Children for the period 2011 to 2014 and Strategy Against Juvenile Delinquency for the period 2011-2014 are being developed.

BiH continuously implements the valid strategies that are related to the protection of children: the Strategy to Combat Violence against Children, 2007-2010, the Action Plan for Children of BiH for the period 2002-2010 and the Strategy Against Juvenile Delinquency 2006-2010.

In recent years the efforts of BiH have focused on strengthening the capacity of BiH governments, communities and activists to address issues of social exclusion and its effects on children, the youth and women.

BiH authorities at all levels implement programs of institutional capacity building to establish minimum national standards regarding the rights and welfare of children, as well as mechanisms for quality assurance, monitoring and reporting according to these standards.

In BiH, there is a system of reporting of violence against children, which is regulated by relevant laws and continuously improved in practice.

⁴ BiH fights against poverty and it is currently working on a state-level strategic document entitled "Strategy for Social Inclusion of BiH for the period 2010-2014" which includes a large part of its objectives and measures related to social protection of children, i.e. families with children.

BiH has developed a common core curriculum for all subjects in primary and general secondary education. Signing the Agreement on a Common Core all the ministers of education in BiH committed that in all schools in BiH classes will be taught on the basis of the common core. By using the common core all students will surely study at least 80 percent of the same content in each course.

⁵ The Ministry for Human Rights coordinates the process of establishing national preventive mechanisms against torture and is working on collecting data about the needs to serve as the basis for identifying the required resources. Preliminary results are expected in late May 2010.

Since BiH adopted the Law on the Prohibition of Discrimination, activities for its implementation have continued on a permanent basis, such as the creation of a unified methodology for monitoring cases of discrimination. BiH is committed to continue the reforms initiated in the field of human rights.

11. 18、21、30、31、32 部分被接受

- 除了监察员机构之外，波斯尼亚和黑塞哥维那已经设立了若干消除歧视的机构。
- 宗教间理事会和人权与难民部合作继续保持宗教间的对话。
- 波斯尼亚和黑塞哥维那在教育领域内的立法是建立在主要的国际人权宣言和公约之上的。波斯尼亚和黑塞哥维那努力确保为小学和一般中等学校的课程制定和连贯地实施共同核心课程，并且采用其他联合教学和课程内容和活动，并且确保从课程和课本、学校和教室消除所有可能的冒犯性内容，这些是在教育体系内为促进不同种族群体之间的信任和容忍而实施的措施。⁶

12. 110 项没有被接受

- 在波斯尼亚和黑塞哥维那的所有小学、中等学校和高等教育机构的课程和教育标准内都有人权教育。

13. 第 9、10、11、12 和 13 项部分被接受

- 检察官机构确保具有独立的预算，足以使它开展正常的运作和执行任务。检察官机构已经被合并。

D. 特别程序

14. 25、26、27、28、29 没有被接受

- 波斯尼亚和黑塞哥维那高兴地接受任何提议的特别程序任务负责人的访问，期盼着适时的通知。

E. 性别平等和性取向

15. 第 7、34、48、49、50、37、55、56、57、59、103、106 被部分接受

- 性骚扰定义已作为特别法条款纳入波斯尼亚和黑塞哥维那关于性别平等的法律之内。正在考虑改进波斯尼亚和黑塞哥维那、实体和布尔奇科地区有效刑法条款的建议。

⁶ Constitutional amending is in progress and a comprehensive law on the prohibition of discrimination was passed in 2009.

Measures to reduce the number of persons without citizenship and to subsequently register members of the Roma minority in birth registers are constantly taken by authorities of BiH.

BiH has passed the legislation that prohibits discrimination based on race, sex, disability or social status.

- 波斯尼亚和黑塞哥维那在有效的法律内确保针对基于性歧视和性特征的歧视的保护。
- 在 2010 年大选运动期间，波斯尼亚和黑塞哥维那性别平等机构与议会委员会合作计划执行一项全面的运动，以加强和确认妇女可以平等地得到立法和执法部门的最高职位。
- 波斯尼亚和黑塞哥维那通过了 2009-2011 年防止和打击家庭暴力战略。实体性别中心的各项活动，如建立一个独特的统计数据库、各种程序、支持家庭暴力受害者和进行广泛的媒体宣传，在波斯尼亚和黑塞哥维那一级协调地开展。⁷

16. 35、36、51 没有被接受

- 为了满足妇女的需求，提供妊娠期间、分娩时和分娩后的初级、二级和三级保健层次的妇科服务和其他保健服务。
- 波斯尼亚和黑塞哥维那通过了一项 2006-2011 年波斯尼亚和黑塞哥维那男女平等行动计划以及实施该行动计划的方案。这个行动计划和方案之下的捐助筹资已由瑞典国际开发合作署、奥地利、瑞士、大英帝国提供，并且从波斯尼亚和黑塞哥维那以及各实体的预算内提供资金。
- 波斯尼亚和黑塞哥维那已经通过了适当的立法禁止对任何人基于其性取向或性别的任何歧视。

⁷ The Laws on the Protection against Domestic Violence have been passed at the level of Entities and entity Gender Centres regularly monitor and report on the implementation of the Laws. The methodologies of collecting data on the basis of police reports and reports of centres for social work are different, so defining a methodology for uniform monitoring of domestic violence at the level of BiH is in progress.

In the territory of BiH there are nine safe houses established, which are owned by non-governmental organizations. The State has given the necessary support for opening shelters and a portion of the funds. Funds are lacking for more efficient operation of safe houses.

The Agency for Gender Equality of BiH, in cooperation with the entity Gender Centres, has started the process of implementing the Gender Action Plan of BH, having designed the five-year program for its implementation (FIGAP Program). Agreement on joint funding with SIDA, DFID, ADA was signed last year.

In recent years the Agency for Gender Equality of BiH and entity Gender Centres have made great efforts to harmonize the legislation with the Law on Gender Equality in BiH in the field of financing of political parties, civil service, media and communications. The harmonization of laws at the entity level is also significant, where there has been a harmonization of labour laws, education, social welfare, and also entity laws on the protection against domestic violence have been amended.

The development of the Strategy on Sexual and Reproductive Health is in progress. With the help of UNFPA, activities have been initiated to raise awareness of the youth about the importance of reproductive health, which are conducted through the Youth Friendly Centre.

F. 废除死刑

17. 第 52、53 和 54 被接受

- 2009 年 3 月，塞族共和国全国大会通过对塞族共和国宪法的修正案。除其他事项外，该修正案规定取消死刑。该修正案已经提交塞族共和国人民代表议会予以通过。

G. 贩运人口问题

18. 第 60、61、62、63、64、65 和 66 没有被接受

- 波斯尼亚和黑塞哥维那有效地实施了 2009-2012 阶段第三个打击人口贩运和非法移民的全国行动计划。波斯尼亚和黑塞哥维那的方案是一个长期的方案。该方案从 2002 年的初步方案发展成为一个持久的方案。

19. 第 71 项部分被接受

- 波斯尼亚和黑塞哥维那致力于修订和协调其法律，最近它修订了波斯尼亚和黑塞哥维那的刑法，即有关人口贩运的条款，因此这些条款与国际贩运定义相符。波斯尼亚和黑塞哥维那继续组织在家庭暴力中执行任务的警察的培训。

H. 司法与腐败

20. 第 19、74、76、81 和 79 没有被接受

- 实体司法和起诉培训中心以及布尔奇科地区的司法委员会具有这个能力，并且定期组织有关实施国际标准的培训/研讨会。
- 已经核准扩大内部结构——司法职位的数量增加了，预期起诉职位的数量也会增加，以期为更有效地执行司法程序建设司法体系的能力。与此同时，开展各项活动减少案件的堆积，改进法院行政和检察官办公室。⁸

⁸ BiH Constitution and laws ensure the principle of the use of language and alphabet, guarantee to parties to and other participants in the proceedings who do not know the language of the proceedings to follow the proceedings through an interpreter (translator) and this rule is rarely violated in practice. Judges and prosecutors in BiH are appointed by and subject to disciplinary proceedings before an independent authority (BiH HJPC).

However, the funding system of justice is still problematic, given the courts / prosecution are financed from the budget at different levels of government, which generally affects efficiency of the judiciary. All citizens including religious minorities enjoy the same form of protection by the administrative and judicial systems.

21. 第 20、77、82、83、84 被部分接受

- 至今，已经对该领域的形势和需求进行了评估。2010 年，和开发署“支持波斯尼亚和黑塞哥维那战争罪行起诉”项目合作，已经计划在两个法庭内实施支持见证人/受害人的两个尝试性项目。在情报保护机构内，波黑司法和检察理事会计划至少在波斯尼亚和黑塞哥维那的 10 个法庭内为保护战争罪行案件内的见证人提供有形条件和视听设备。
- 关于保护威胁之下的见证人和脆弱见证人的法律以及见证人保护方案的法律制约见证人的保护。在波斯尼亚和黑塞哥维那法庭刑事诉讼程序中对见证人提供保护，但这类保护目前只停留在国家一级。
- 由 2009 年建立的监督机构监督战争罪行起诉战略的执行情况。该监督机构定期举行会议。已经建立了执行战略措施的机构的定期汇报的制度。已经确认了犯下战争罪的案例数量和人数，并且确定了这些案例的结构。
- 正在制定过渡时期司法战略。⁹

I. 战争期间的强奸受害者，人道主义法

22. 第 75、78 被接受

- 若干年来，波斯尼亚和黑塞哥维那人权部开展了具有针对性的培训课程，与此同时公务员机构和司法与起诉培训中心与各大学和经济界进行合作举办了广泛的培训课程。在波斯尼亚和黑塞哥维那的人权战略中将进一步详细制定这一活动。
- 在波斯尼亚和黑塞哥维那一级没有培训狱警的标准化能力。培训课程是由尚没有足够能力的实体司法部组办的。

⁹ BiH has noted the problem of lack of support to and protection of witnesses, especially victim witnesses in war crimes cases in the courts and prosecutors' offices across the country. BiH has designed a network of support to witnesses throughout BiH and the Ministry of Justice is involved in implementing these activities.

The 2008 – 2012 Justice Reform Strategy for BiH and Action Plan for the implementation of the Strategy include a plan to adopt medium-term plans for training for judges and prosecutors, but also that it is necessary to upgrade and improve them. To ensure high standards in law enforcement, the Entity Judicial and Prosecutorial Training Centres, in cooperation with the High Judicial and Prosecutorial Council of BiH, develop curricula for on-going training of judges and prosecutors.

Coordination (December 2009) and the Anti-Corruption Strategy (2009-2014) and the Agency, which reports to the Parliamentary Assembly of BiH, is being established.

Since April 2007 the RS has been implementing its own anti-corruption project and, within the Anti-Corruption Strategy, which was adopted by the RS Government, the Action Plan for implementation of the Strategy and the "Methodology for the construction of the integrity of the RS institutions in combating corruption" project, which opened a special telephone number to report cases of corruption and lodge complaints against the police and employees of the RS Ministry of the Interior, are being implemented.

- 波斯尼亚和黑塞哥维那已经通过了有关反腐败预防机构的法律，但没有更新监狱的资金。

23. 第 67、68、72 被接受

- 在制定在波斯尼亚和黑塞哥维那实施安理会第 1325 号决议的行动计划中已经纳入了援助战争妇女平民受害者的问题。“加强在战争中是受害者的妇女与女孩的支持和帮助网络”的第 6 条规定实施各项能够更好地帮助和更有效地支持战争妇女平民受害者的活动。为实现第 6 条的目标，已经和政府、非政府和国际机构与组织进行合作制定了各种方案。
- 只有波斯尼亚和黑塞哥维那的法庭设立了一个支持提供证据前、期间和之后的受害者与见证人股，其中包括支持在波斯尼亚和黑塞哥维那战争期间受到性骚扰的妇女受害者，预计还将在区/州法院和检察官办公室的诉讼程序中建立一个支持网络。

24. 第 73 项部分被接受

- 若干年来，实体和布尔奇科地区正在进行身心健康改革，只为了通过公共保健体系向所有公民提供充分的心理援助。在这方面，他们在社区建立了身心健康中心，并在社区设立了身体康复中心。在没有这些服务的地区，将由保健中心和医院提供此类服务。

J. 言论自由

25. 15、16 被接受

- 制约通信管理局的有效立法是根据欧洲最佳做法制定的。近几年来，该局大大地帮助减少了电子媒体内的仇恨言论和散布宗教与种族不容忍思想的案件数量。
- 尚未委任通信管理局的主任。

26. 第 33、85 项没有被接受

- 在确定是否可能违反有关广播内容的规则和条例方面，包括是否违反所有广播人员必须遵守的电视广播方案内明确载明的有关仇恨言论的条款方面，该局遵循通讯法律所界定的权限以及该局的规则和条例行事。
- 该局根据其职责实施有效的条例和规则，确保电子媒体中的所有类型的言论自由。确保所有宗教社区平等获得所有媒体。

27. 第 86、87 部分被接受

- 言论自由是波斯尼亚和黑塞哥维那发展民主的最为重要的特征。这一特征通过记者联合会和民众社会的其他组织的工作予以促进。今后还将继续开展这些活动。
- 波斯尼亚和黑塞哥维那当局和有关机构倡导言论自由权利，这意味着媒体和新闻记者可以开展研究和出版资料和向公众宣传。该机构常规做法是公开谴责任何在新闻记者开展其职业活动时对其施加压力和威胁的企图。

K. 对人权捍卫者的攻击和媒体

28. 第 8 项没有被接受

- 在报告阶段，塞族共和国警方没有记载任何对人权捍卫者施加暴力的案例。我们认为向塞族共和国政府提出这一建议是错误的。在至今记载的涉及对新闻记者的侵权行为案例中，塞族共和国已经采取了所有可预计的步骤。

29. 第 89、90、91、92、93、94、95、96、97 部分被接受

- 公众和各种机构谴责对人权捍卫者的攻击并且普遍支持保障言论自由。这些数据是由新闻记者协会透明地和公开地收集的，并且所有案例，特别是有关警方和司法当局在确认暴力、威胁和恐吓案例的调查中的反应均不断地受到监督，这一事实本身就是很好的证明。

L. 宪法和选举法

30. 98、99 和 100、101、102 被接受

- 将波斯尼亚和黑塞哥维那宪法与欧洲人权公约协调一致是波斯尼亚和黑塞哥维那不可推卸的义务，这项任务的完成在很大程度上取决于今年晚些时候大选之后将继续的政治观点的一致。

M. 少数民族的权利

31. 第 111 和 115 项没有被接受

- 在通过了住房、就业、保健和教育领域内解决罗姆人的《行动计划》，将其纳入“罗姆人十年”，并从国家预算拨出一定的资金之后，波斯尼亚和黑塞哥维那启动了有地方社区参与的防止对罗姆人歧视的必要行动。¹⁰

32. 112 项被接受

- 已有一项计划在波斯尼亚和黑塞哥维那的部长理事会内加强罗姆人理事会的功能，并在波斯尼亚和黑塞哥维那更为积极地参与罗姆人行动计划的实施。

33. 113、114、116 部分被接受

- 通过一个体制和法律框架，波斯尼亚和黑塞哥维那允许所有少数民族，特别是罗姆人，在法律框架之内并且根据个别社区的能力发起和实施他们自己的举措，因而实际上，在实施有关保护少数人权利的法律方面，并没有重大问题。¹¹

N. 流离失所人员和难民

34. 117、118、119、120、121 和 122 部分被接受

- 波斯尼亚和黑塞哥维那继续开展有关流离失所人员和难民的遣返工作。正在通过实施《代顿协定》附件七的修订战略。

¹⁰ BiH has not conducted the census of Roma requiring any violation of their rights, including enforcement of national identification, but the program has been conducted as a social program.

¹¹ In recent years BiH, in cooperation with UNHCR and UNICEF and the Centres for Social Work, has continued eradication of the phenomenon of avoidance of registration of Roma children at birth. BiH has prepared an Action Plan on Educational Needs of Roma and other ethnic minorities with a view to voluntarily including Roma children into the regular education system in the Entities, while there is a notable increase in the number of Roma children in primary schools.

O. 脆弱群体的就业—贫困

35. 104、105、123 和 124 被接受

- 为了成功地打击危机和贫困，正在规划 2010-2014 波斯尼亚和黑塞哥维那社会融入战略，以期减少波斯尼亚和黑塞哥维那最贫困的群体的脆弱性，其目的在于确保在为社会的脆弱群体充分调拨能力和财力资源制定方案和对方案提供资金时采取一个战略性的方针。¹²

36. 第 125 项部分被接受

- 在过去几年里，波斯尼亚和黑塞哥维那改进了从不同资源收集数据的进程。和有关机构的合作已经纳入正轨，开始了对参与这项进程的官员的培训，改进了和在人权领域内实施各种项目和开展各种研究的民众社会与学术机构之间的合作。

¹² BiH is committed to strengthen cooperation with the international community and organizations to further build capacities in key areas of the fight against poverty, rule of law, promotion of primary education and gender equality and it achieves continuous successful cooperation with international institutions and organizations such as the EU, CoE, UNICEF, World Bank, OSCE, and the like. BiH has committed to continue the process of further democratization of BiH particularly in terms of continuing the process of accession to European Union.