

A. Context

1. A concise snapshot, below, draws attention to a handful of rights-based developments that deserve particular attention during this periodic review.
2. The first is a more positive one and is characterized by the slow and challenging, yet steady, progress toward European Union (EU) integration and its framework of international human rights norms and standards. A second, salient development during this reporting period is defined by a deteriorating internal climate in which division and fear and mistrust of the “other” communities continue to be sown by various public and political actors and media organizations/platforms.
3. In sum, 24 years following the cessation of hostilities and massive international and local investments, revisionist narratives moved to the fore, including increased challenges to the rulings of international justice institutions; growing denials of war crimes committed during the conflicts of the 1990s; increasing glorification of war criminals; and increasingly tense and divided commemorations that perpetuate the notion of group victimhood while ignoring or downplaying empathy and compassion for the suffering and loss of others.
4. The sharp, often bitter and differentiated reactions of many officials and media sources in BiH and the region in the wake of IRMCT and ICTY rulings during the reporting period underscore the chronic negative impacts caused by the long-unaddressed “reconciliation deficit” in the region. It can be surmised that if the status quo remains, the near-to medium-term at least will continue to yield political crises, further disregard of core human rights concerns and the rule of law; and the ever-increasing frustration of BiH’s citizens to reliably enjoy fundamental rights and basic services.
5. BiH’s third review unfolds just as the country marks the 10th anniversary of the non-implementation of the Sejdic-Finci decision of the ECtHR. The unresolved status of the ECtHR decision continues to sustain profound shortcomings in the domain of human rights including by perpetuating social exclusion, especially in the realm of political rights. In most jurisdictions, the rights to vote, to be elected and to stand for office are what most clearly distinguishes a citizen from an alien. Restrictions on these rights, particularly on the suspect grounds of race and ethnicity [nationality], are not only discriminatory, but undermine the meaning of citizenship itself. Aside from being an important right linked with citizenship, political participation is particularly important for minority populations and essential to their integration in a healthy, rights-based society. Thus, at least since the ECtHR’s Sejdic-Finci ruling, BiH has continuously failed to act and ensure an equal level of human rights freedoms for all of its citizens.

B. Ratifications/ Acceptance of International Human Rights Law

6. BiH ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC) on 17 May 2018.

C. Child Rights

7. The child rights monitoring mechanism in BiH, including data collection in general, is weak, which is attributable mainly to poor coordination between the many actors in charge of the monitoring, affecting the implementation of child rights in BiH.

8. BiH has made certain progress, however; particularly in the area of developing some good policies (e.g. Roma Education Action Plan 2018; Platform on Preschool Education 2017). Nevertheless, there is an evident lack of a systematic implementation of these policies across the country in most sectors.
9. A relatively high percentage of the country's GDP is spent on education, but this does not translate into strong results in the learning outcomes. The inefficiency of the multiple education systems makes it difficult to make fast progress in the areas of early childhood development, inclusive and quality education and peace building.
10. The segregated 'two schools under one roof' approach, including differentiated curricula is still applied, in some manner, in some 56 schools. In tandem, mono-national schools remains an equally pervasive problem. In the Republika Srpska (RS) entity, Bosniak children are officially denied the right to call the language in which they are taught "Bosnian." Children with disabilities and Roma children remain largely marginalized.
11. BiH should immediately and substantively address the system of discrimination and segregation and end the practice of "two schools under one roof." In tandem, curricula and policy reforms should be enacted that ensure that educational material is non-discriminatory, including the recognition of, and right to use, the Bosnian language.
12. The country has made no progress on developing state level health and health insurance policies and strategies. Early childhood development services have not been institutionalized adequately and immunization rates continue to decline, and the country is facing a measles outbreak as of early 2019.
13. There is a need for the stronger coordination of child monitoring bodies and institutions in the country, budgeting of child friendly policies, strategies and laws within all the public budgets, strengthening of the data collection, and improvements in implementing early childhood development, education and social protection services. Strengthening of all government institutions efforts are needed to prevent violence against children, family separation and juvenile crime.
14. The Council of Ministers (CoM) of BiH constituted the Council for Children of BiH in 2013, which developed and adopted the Action Plan for Children 2015-2018 in June 2015. However, it was not accepted by the institutions of one of the entities.
15. A new Action Plan will need to be developed and its actions implemented throughout the country.
16. In the RS, a new Law on Child Protection (regulating cash benefits) was implemented as of January 2018.

Non-Discrimination and Gender Equality

17. The burden of everyday life and effort to raise families and care for elderly is borne disproportionately by women. They are also underrepresented in both political and economic

decision making. “Retraditionalization” and war-trauma exacerbate tolerance to different forms of violence. 47.2% women experienced some form of violence during their lifetime.

18. Even though women account for 51.5% working age population in 2017, they have lower employment and higher unemployment rates than men. 2017 statistics on unpaid work in household highlights that despite the fact that women are legally entitled to own land, they rarely own property: over 70% of landowners are men and just under 40% own property jointly with a spouse. This affects women’s access to credit, limiting their risk-taking and entrepreneurship in business in favor of more predictable, safer public sector jobs.
19. Even if political parties meet their legal requirement of including 40% women in the open electoral list, on the whole, they only give modest support to promote female representatives. There are no visible strategies for promoting gender equality.
20. The cumbersome and complex governance framework of BiH presents a significant challenge to applying uniform, holistic approach to gender mainstreaming across different sectors. Further, the absence of statistics and analytical research creates gaps and inconsistencies in the policy and legislative work.
21. Improvements are needed in both strengthening institutional capacities and enhancing cooperation between the gender mechanisms and the key ministries and the civil society organizations in order to increase gender mainstreaming in all aspect of government work, primarily policy development and budgeting, and alignment with the EU acquis communautaire, as the means for achieving gender equality.

D. Sexual Violence During Conflict

22. FBiH authorities strengthened their capacities to provide direct and sustained medical and psychosocial support to survivors of conflict related sexual violence (CRSV). At the same time, the program for victims of wartime rape, sexual abuse and torture, and their families in BiH (2013-2016), prepared jointly by the BiH Ministry of Human Rights and Refugees was never adopted at the state level, preventing its full implementation.
23. In 2017, the Governments of the FBiH and Brčko District (BD) established two Commissions with the responsibility of providing an expert opinion for the purpose of recognizing the status of “*special category – CRSV survivor*” foreseen by the FBiH Law on Social protection... Families with Children” and BD Decision on Protection of Civilian Victims of War.
24. It is recommended that governmental and international support be provided for the implementation of laws related to victims of wartime rape and sexual violence; equal and non-discriminatory access to the status and rights for CRSV survivors be ensured; and coordination among actors providing services to CRSV survivors across the country be improved to ensure a comprehensive approach.

E. Domestic/Gender-Based Violence (GBV) Against Women

25. Since ratification of CoE's Istanbul Convention in 2013 on Preventing and Combating Violence against Women and Domestic violence, important steps towards harmonizing the BiH legal system with convention provisions have been made. Implementation is a major challenge.
26. The Human Rights Ombudsman assessment in 2018 of human rights in the context of Sexual Reproductive Health and GBV, will serve as a basis for the implementation of a National Inquiry of the issue in 2019. BiH does not have a system to monitor measures aimed at protecting victims of domestic violence.
27. It is crucial that BiH continues to strive to better align with international standards, an inclusive approach in dialogue with CSOs and informed by survivors is essential.
28. The legislative framework needs to define country-wide minimum standards of survivor-centered service provision to ensure equal access to services for all survivors regardless of their place of residence and socio-economic status.
29. Significant improvement has been made on improving access to services and the capacity of first responders. However, the integration of CSO provided specialist support services for protection from violence into the official response system has been a slow process.¹
30. Survivors of violence face secondary victimization and should be exempted from additional costs of proceedings and expert support. Free legal aid should consider gender specificity of service and diversity of women and should secure accessibility of services for all vulnerable groups.
31. In light of ongoing migrant crisis, BiH has neither conducted an assessment, nor implemented any measures to protect the victims of GBV among the affected population. Standard Operating Procedures for clinical management of rape were developed only in Una-Sana Canton, but are not adopted yet.
32. Minimum standards for harmonized service delivery country-wide must be deployed; adequate budgetary allocations for funding shelters and specialized support services for survivors of GBV be secured; measures to encourage reporting of cases of domestic violence be strengthened; training should facilitates detection of cases of violence against women and children, and ensure comprehensive support to survivors; data collection must be improved, with a system to facilitate comprehensive assessment and develop appropriate preventive, detection and responsive measures.

F. Trafficking & Sexual Abuse

33. BiH is a country of origin, transit, and destination for victims of trafficking². Most victims are BiH nationals, predominantly children. Evidence also underscores that refugees and migrants

¹ Politicization of technical processes has slowed harmonization of policies and laws with the Istanbul Convention, especially where initiated by CSOs. Poor availability of consistent administrative data on the incidence of domestic violence and violence against women remains an impediment to evidence-based policies and programmes.

² [2018 Trafficking in Persons Report](#).

transiting along the Balkan Route may be particularly vulnerable to abuse and exploitation including trafficking in persons (TIP).³

34. In 2018, BiH authorities began bringing legislation and policies more in line with international standards and further integrating the migration dimension into guiding documents and procedures. Namely, the government of BiH updated and adapted the “Guidelines for Conduct of Regional Monitoring Teams for Fight against Trafficking in Human Beings” to take into consideration the specificities of the referral system in the context of mixed migration flows.
35. Currently, BiH still lacks a countrywide system to collect and manage data on human trafficking. However, there are plans to establish such a system in coordination with the UNCT in BiH in 2019.
36. The Ministry of Security of BiH developed the Action Plan for Child Protection and the Prevention of Violence against Children through Information Communications Technologies 2014–2015. A significant number of the aims of the Action Plan are still to be realized. State institutions need to enhance efforts to educate children about how to protect themselves from online violence; as well as caregivers, teachers and social service providers about online safety and security; and improve access to support services for the survivors of CSEA⁴.

G. Justice System

37. In the wake of the end of the ICTY mandate, there is an estimated backlog of over 3,400 cases at the level of national jurisdictions of Croatia, Serbia, Montenegro, and BiH.⁵
38. A revised BiH National War Crimes Strategy has been concluded and needs to be adopted by the BiH CoM. The next 5 years are considered critically important for the processing of unresolved war crimes cases. The BiH Prosecutor’s Office should continue to focus on the most complex cases and increase the number of these complex investigations/indictments.⁶
39. With the transfer of less complex cases to the entity level judiciaries, their caseload will be expanding. It is essential that that support given to the State level Prosecutor will likewise be extended to the entity level. The processing of the transferred war crimes cases to entity level jurisdiction will need to be monitored, so as to ensure quality control.
40. Cross-border co-operation of prosecution offices, indispensable in these cases, will need to be accelerated and capacity of institutions in charge of war crime case processing should be further enhanced.
41. The search for 10,315 people still listed as missing persons from the 1990s conflicts in the region (over 7,000 apply to BiH), makes national and regional co-operation between the institutions for the search for missing and the prosecutors’ offices, as well as between the families of the missing and the State Prosecutors, corollary work to war crimes case processing.⁷

³ International Organization for Migration, Enhancing Counter Trafficking in Crisis in the Western Balkans: Analytical Report available at: <https://bih.iom.int/sites/default/files/TRAFIC/Analytical%20Report%20.pdf>.)

⁴ CSEA – Child sexual exploitation and abuse.

⁵ More than 550 unresolved war crimes cases with more than 4,500 perpetrators only in BiH.

⁶ The IRMCT is mandated to support national efforts by providing access to its evidence collection.

⁷ BiH has had a good level of cooperation with the ICTY and currently with the IRMCT.

42. Full cooperation with the IRMCT should include recognizing and respecting the verdicts that both the ICTY and the Mechanism has delivered. This also includes that the verdicts of BiH nationals are to be registered in the BiH criminal records.
43. BiH has not started this process; BiH nationals convicted by the ICTY/Mechanism currently have a clean criminal record in BiH.
44. There have been long-standing and increasing occurrences of the denial and marginalizing of crimes and facts established by international and national courts. Such actions have no place in a country aspiring to EU membership, and thus committing itself to entrenching institutions guaranteeing democracy, the rule of law, and human rights. This trend will need to be reversed, and political leaders should take no part in the glorification of war criminals and the denial of final court verdicts.
45. On 21 June 2018, the Assembly of RS adopted the “Law on Protection of Victims of Wartime Torture”, which extends the status of “victim of war-time torture” to include CRSV survivors. The implementation of the Law started in November 2018. In the first four months of implementation, around 300 survivors of torture applied for the status, of which around 60 applications are by CRSV survivors.
46. Citizens of BiH staged significant demonstrations to voice their frustrations with the state of justice, the accompanying lack of accountability, a weak RoL and ubiquitous corruption in these areas. This was most evident during the early 2014 civil unrest, mainly across cities in FBiH and with the on-going demonstrations called “Justice for David” in the RS and “Justice for Dzenan” in the FBiH.
47. The Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings entered into force in RS in 2011, in BD in 2012 and in the FBiH in 2015. Yet, a similar law at the national level aimed at the protection of children in contact with justice institutions at the state level does not exist. The country lacks the funding and leadership at all levels of government to fully implement the adopted laws on the protection and treatment of children. More specifically, there is a lack of specialised departments within the police and prosecutor’s offices, an insufficient number of expert associates/victim and witness support providers, a lack of continuous practical and evaluated certification and training of professionals and a lack of effective monitoring, coordination and steering through the Councils/Commissions for the Monitoring and Advancement of the Work of Criminal Procedure Institutions and Execution of Criminal Sanctions, as prescribed by the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings.⁸
48. The HJPC⁹ of BiH adopted a Court Management System in order to provide comprehensive justice-related data on children in contact with the law. However, a comprehensive reliable effective and efficient data collection system is still not in place.

⁸ Article 198 of Brcko District and Republika Srpska and Article 199 of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of Federation of Bosnia and Herzegovina.

⁹ High Judicial and Prosecutorial Council of BiH.

H. Freedom of the Media

49. There is a small but strong culture of high-quality independent media reporting in BiH. However, the broader context presents an environment in which political influence and private sector interests have a significant influence on media reporting. In addition, various forms of pressure toward, and threats against, media organizations and journalists are often driven by the politics of division that still very much exist in BiH. A weak RoL and the related weak accountability measures or mechanisms make BiH a challenging landscape for those who wish to do their work without fear of reprisals. A recent increase in threats and physical attacks against media professionals (especially those that carry out critical investigative reporting around political/economic interests) has resulted in an environment where self-censorship and concerns about security have become part of the equation. Of concern is the fact that BiH society, on the whole, struggles to navigate the aforementioned landscape and come away feeling properly informed. When combined with the rising influence of unaccountable social media-based news – often in combination with deliberate, vitriolic and incitement-filled reader commentary – the overall media environment either has citizens further disengage from public and political life or adopt more strident/less tolerant points of view.

I. Women - Advancement & Non-Discrimination

50. BiH has made significant steps in developing institutional capacities for gender equality and ensuring legal provisions guaranteeing women's rights and gender equality are in place. However, available data highlight persistent and pervasive gender inequality and lagging implementation of legislation.

51. In 2010 BiH, became the first country in the Western Balkans to adopt an action plan on the implementation of the UNSCR 1325 on Women Peace and Security and has now approved a third action plan covering 2018 to 2021.

52. In the 2018 general elections, while a considerable number of women candidates were registered, women remain underrepresented in politics. None of the political parties who won representation in the state and entity legislatures were led by women.¹⁰ At state level, the total number of women elected to the parliament decreased from 23 per cent in 2014 to 16 per cent in 2018. Women candidates were not actively promoted by political party structures.

53. Except for the CEC, women were well represented in the election administration.¹¹ The Roadmap for Gender Equality in Elected Office prescribing a holistic approach to bring in and to keep more women in politics and the decision-making was approved by the Parliamentary Assembly of BiH, the CEC and Gender Agencies in 2018.

¹⁰ ODIHR Election Observation Mission Final Report, Bosnia and Herzegovina General Elections 7 October 2018, p. 12. At the entity level, there is 24 per cent women representation in the Federation of BiH (FBiH) House of Representatives and 16 per cent in the RS National Assembly. The newly elected president of the RS is a woman.

¹¹ ODIHR Election Observation Mission Final Report, Bosnia and Herzegovina General Elections 7 October 2018, p. 2.

54. Legislation for Gender Responsive Budgeting (GRB) at BiH, FBiH and RS levels are in place. The FBiH Budget Framework Paper 2019-2021 includes initiatives and guidelines for GRB. Ministries of Finance across all levels have trained 17,000 civil servants in gender-responsive budgeting and implementation. Special GRB efforts by the Ministry of Agriculture in RS support the economic empowerment of rural women through rural associations.
55. In BiH, approximately 75% of inhabitants live in rural areas. Despite some initiatives for the economic empowerment of rural women, especially in RS, there is still a lot to be done to improve their situation and vulnerabilities. Rural women are often “invisible” in the official employment and property figures.¹²
56. The UNCT recommends increased access to quality public services in rural areas and empowerment of rural women through establishment of rural women associations.

J. Inclusive Education

57. The concept of inclusive education in BiH has started to take hold and there is increased awareness of its significance. Yet progress in inclusive education in BiH is measured by ‘access’ to school and not by ‘participation’ in education. Inadequate efforts have been made to implement the principle of inclusiveness mandated by education laws. Discriminatory practices and prejudices still affect a large number of children with disabilities who remain excluded from society. There is no standardized methodology for assessing disability nor a common understanding of the methodology based on the assessment of the functionality of children.
58. Roma children and children with disabilities are at greater risk of dropping out of secondary school.¹³ Economic difficulties, poverty, lack of access to schools and low awareness of the importance of education are the main reasons why young people drop out of school. A Framework Action Plan on Educational Needs of Roma for 2018-2022 was developed by Ministry of Human Rights and Refugees and was adopted by the BiH Council of Ministers in September 2018. But the Plan does not sufficiently capture the specific barriers facing Roma women and girls. Tailor-made programs, aimed at improvement of stability in Roma family and community life, would contribute to positive well-being, reduce social isolation and marginalisation and improve participation of Roma children in education system in BiH.
59. All relevant authorities should use Comment 4 of the Article 24 of the Convention on the Rights of Persons with Disabilities as the international standard and the starting point for addressing the key questions related to inclusive education for children with disabilities and to implement the four specific recommendations of the CRPD Committee for BiH related to education (policy, accessibility, financing, pre-service teacher training programmes)¹⁴.

¹² Rural women are rarely officially employed and are not entitled to pensions and health insurance. Low quality of life and lack of availability of basic services and infrastructure; exposure to domestic violence; low level of knowledge and access to the basic health care; low participation in decision-making processes; low level of education (primary 34%, secondary 37%), lack of capital for small business, and lack of access to agriculture production subventions result in social exclusion and deprivation.

¹³ Education paper, ‘Analysis of trends and recommendations for action’, UNICEF, *Strategic Moment of Reflection*, September 2017.

¹⁴http://www.mhrr.gov.ba/ljudska_prava/Prava_osoba_sa_invaliditetom/Zakljucna%20razmatranja%20i%20preporuke%20Komiteta%20za%20prava%20osoba%20sa%20invaliditetom%20za%20BiH.pdf.

K. Right to Health

60. Right to health in BiH is under serious threat. Despite the relatively fair level of financing (over 9% of GDP) the performance of the health sector is low.
61. The health care system in BiH is characterized by extreme fragmentation, operating through 13 completely different sub-systems at the level of entities, cantons and Brčko District. This significantly complicates the way health care services are provided, increasing management and coordination costs and negatively impacting equity, quality, efficiency, accountability and free movement in health services.¹⁵
62. Surveillance of communicable diseases is performing fairly but health data reporting is uneven due partly to the disagreement on the 2013 census results making it impossible to find a common denominator between the two entities.
63. Further reforms are needed, particularly to address the issues of equity, free movement and universal health coverage.
64. The country has made no progress in health insurance policies and strategies at the state level to provide quality and standardized minimum levels of health care for patients.¹⁶
65. There is no comprehensive planning, adequate implementation or funding of childhood immunisation programmes in BiH. Immunisation rates continue to decline for almost all vaccines, especially for measles, mumps and rubella. BiH is one of the countries in the region at risk of the wild polio virus. In 2012, coverage for the first dose of the measles vaccine was at 91 per cent whereas in 2016 it was 68 per cent.
66. The International Code of Marketing of Breast-milk Substitutes is not enforced systematically. Consequently, low rates of early initiation of breastfeeding persist: less than 20 per cent of all children under the age of six months are exclusively breastfed.
67. The State should take all necessary measures, including the revision of current laws, to ensure that all children enjoy access to quality health services regardless of the status of their parents, with particular attention paid to children in vulnerable situations.

¹⁵ Additionally, the hospital sector has accumulated large amounts of debt further reducing the offer and quality for much needed services. There is unequal access to hospitals, primarily tertiary care facilities, and the level of medicine subsidies are highly dependent on the region where the patient lives. Out-of-pocket spending accounts for around 28 per cent of total health expenditure.

¹⁶ Approximately 15 per cent of the total population is uninsured, including children. In the Federation, early childhood development (ECD) services are not institutionalised or fully available and there are issues related to quality, although in 2018, the Federal Ministry of Health revised the Standards and Norms for Essential Primary Healthcare Services to include early childhood development centres as part of the essential primary care health services, increasing access and affordability of ECD services.

68. The State needs to strengthen the provision of quality accessible and affordable early childhood development services within all sectors, including health, with focus on the most vulnerable.
69. The State needs to allocate adequate human, technical and financial resources for strengthening the vaccination programmes with clear timelines and targets and pay particular attention to children in vulnerable situations.
70. Sexual and reproductive health (SRH) care services in public health care institutions are at moderate levels. Accessibility is based on individual health insurance and geographic location; rural areas have lower coverage with SRH services in comparison to urban areas. Efforts continue to increase the capacities of family medicine practitioners to provide family planning services. Modern methods of contraception are accessible throughout the country, but they are not covered by individual health insurance and therefore not affordable for population in lower quintiles. Cervical cancer remains one of the leading causes of death among women but there are no public screening programmes.
71. There is a lack of reliable SRH data that could be used to assess, monitor and evaluate the level of quality of SRH among the general population in the country.
72. Various levels of authorities in BiH should do more to improve the accessibility and affordability of SRH education and services and include at least essential types of contraception in positive medication lists.
73. FBiH authorities (FBiH Ministry of Health) strengthened their capacities to provide direct and sustained medical and psychosocial support to (male and female) survivors of conflict related sexual violence. At the same time, Program for victims of wartime rape, sexual abuse and torture, and their families in BiH (2013-2016), prepared jointly by the BiH Ministry of Human Rights and Refugees (and reported under the previous UPR) was never adopted at the state level, preventing its full implementation.
74. According to 2017 WHO statistics, BiH has the highest European mortality rate attributed to air pollution. The WHO calculates that in BiH, 44, 000 years of life are lost each year due to particulate matter, nitrogen dioxide or ozone pollution. Main contributing factors to air pollution include the energy sector, industry, transport and housing.
75. The State should take all the necessary measures to eliminate air pollution, especially in locations which are most affected.

L. Persons with Disabilities

76. In terms of accessibility, despite the provisions of the new strategic frameworks on disability adopted in both entities in 2017, there is still no systematic removal of psychical barriers to schools and other public institutions. Similarly, the wide discrepancy between the cash benefits afforded for war-related disabilities and those for children and youth with developmental delays

and disabilities persist. Data collection on disabilities is not comprehensive. Definitions of disabilities vary in the different sectors and are mostly not aligned with the disability definition as outlined in the CRPD. Children with disabilities face barriers in education, health and social protection and this impacts on their lives as adults, including employability and overall inclusion.

77. BiH needs to make further efforts to harmonise the definition of disability in all policies, legislation and service provision levels.

78. Data collection on children with disabilities must be strengthened at all the levels. Coordination mechanisms for improving the rights of children with disabilities have to be strengthened.

M. Roma

79. Ministry of Human Rights and Refugees of BiH developed a “Framework Action Plan on Educational Needs of Roma in BiH (2018-2022)”, which was adopted by the Council of Ministers in September 2018. Despite this positive development, Roma children and families still remain discriminated against, through poverty, lower access to education, health protection and other services.

80. Widespread poverty among the Roma population and scarce employment opportunities has led some Roma families and individuals to try to migrate to other countries in search for better opportunities. A number of them were returned to BiH due to their “irregular status” or because they did not qualify for international protection. Upon return, many of these individuals faced problems in reintegrating to their communities of origin and rapidly fell into deeper poverty. Few programs are available to support the social reintegration and economic subsistence of these households and individuals, with the children being the most affected. Although a great amount of reduction of persons at risk of statelessness was achieved among the Roma population, gaps remain in the law and practice concerning birth registration.

81. Roma women¹⁷ are in particularly difficult position in the Western Balkans, based on studies on environmental deprivation, health conditions and access to personal documentation conducted in BiH under the Regional Roma Initiative.¹⁸

82. The country’s institutions need to enhance social inclusion of Roma at all levels and in all the sectors through building stronger evidence base, changing policies and strategies and ensuring budgetary allocations for the Roma-friendly services.

N. Refugees & Internally Displaced Peoples

¹⁷ On average, 9 in 10 Roma women are not in employment, 2 in 3 Roma women do not have any money of their own, while 1 in 2 employed Roma women do not have health care or pension coverage. The issue of early marriage among marginalized Roma women is still present and on average, 1 in 3 Roma girls are married before the age of 18.

¹⁸ UNDP and the World Bank, with the support of the European Commission carried out the Regional Survey on the Socio-Economic Position of Roma in the Western Balkans in 2017. (In each country, approximately 750 Roma and 350 non-Roma households living in the same neighborhoods or vicinity were interviewed).

83. While BiH has achieved significant progress around the revised strategy for the implementation of Annex VII of the DPA, 96,830 persons in BiH still hold official IDP status and it is estimated that there are 47,000 minority returnees, of which 30 % are in need of durable solutions due to problematic access to rights, lack of adequate housing and infrastructure.
84. Among the 96,830 officially registered IDPs, the UNCT estimates that one third are vulnerable and in need of assistance in order to either be able to integrate in local communities or return to their pre-war home. Return or local integration prospects are particularly affected by an inconsistent application of legislative frameworks at different administrative levels, inadequate policies and fragmentation of administrative procedures. Moreover, although physical security is no longer a major concern, hate crime incidents against minorities still occur. IDPs and returnees cannot access legal aid provided by the government under the same conditions throughout the country. This is a result of the inconsistent eligibility criteria for accessing free legal aid and scope of free legal aid in different administrative entities.
85. It is recommended that BiH harmonize health care and health insurance and social protection legislation to facilitate IDPs and returnees access to health care across the country and to facilitate access to social aid. Ensure access to adequate housing for IDPs and returnees, including by closing all remaining collective centers, allocating sufficient budgetary resources housing programmes, developing the social housing legal framework and establishing complementary local integration programmes; ensure free legal aid for IDPs and returnees, in law and practice.
86. BiH adopted a new Law on Foreigners in 2015 and a new Law on Asylum in 2016. The Law on Asylum guarantees to asylum-seekers the right to adequate reception conditions, in particular with respect to accommodation, food, primary health care, primary and secondary education, free legal aid and psycho-social support, several gaps remain.
87. Up until December 2017, BiH was seen as a transit country and the authorities resorted to restrictive measures, which included expulsion orders and detention of asylum-seekers, including unaccompanied minors, who did not express an intention to seek asylum within 24 hours of arriving in BiH territory.¹⁹ This practice was abandoned following the increase in new arrivals in 2018. However, there were cases of detention of families with children from 7 to 20 days pending their readmission to countries of origin.
88. It is recommended that BiH strengthen national capacities to identify and refer asylum-seekers at the borders and within the country; enhance the capacity of the responsible authorities to process asylum claims in a reasonable time, ensure access to asylum for all by facilitating renewal and/or

¹⁹Between 1 January and 31 December 2018, BiH authorities detected the arrival, or transit through the country, of 24,067 asylum seekers and migrants compared to only 755 in 2017. Of the 24,067 persons detected in 2018, 22,130 persons expressed their intention to seek asylum, but only 1,567 (7%) chose or managed to register their asylum claim. Many persons were not able to register their asylum claims and access the asylum procedure. Close to 5,000 asylum-seekers and migrants remain in BiH with close to 4,000 persons in only one of the ten cantons in FBiH at the beginning of 2019. Persons who expressed an intention to seek asylum but who have not registered their asylum application enjoy limited scope of rights.

extension of attestation on expressed intent to seek asylum, waiving the mandatory fee and need to register address, and; amend BiH extradition legislation to suspend extradition pending the final determination of asylum claims, in line with international human rights instruments.

89. The proper identification and referral of asylum-seekers, at the borders and within BiH, remains an issue of concern and as a consequence asylum-seekers do not fully enjoy an effective right to seek asylum and to access the territory.
90. The BiH law regulating extradition allows for the extradition of asylum-seekers who applied for asylum after an extradition request is made, in contradiction to international and EU standards.
91. Persons who expressed an intention to seek asylum but who have not registered their asylum application enjoy limited rights, such as the right to accommodation, including services available in reception centres, and the right to remain in BiH for the period of validity of the attestation on intent to seek asylum. In practice, reception conditions, in particular for vulnerable persons, were inadequate throughout 2018 both for formally registered asylum-seekers and for persons who expressed intention to seek asylum.
92. The reception of asylum-seekers falls under the responsibility of the Ministry of Security. Reception sites fall short of responding to asylum-seekers' needs and ensuring their protection. For instance, a great number of people stayed without shelter in deplorable living conditions in the Una-Sana Canton throughout 2018. Despite the increase in the number of reception centres, the shelter capacity for vulnerable persons, UASCs, survivors of sexual and gender-based violence (SGBV), single women and families fails to meet the foreseen needs. At the same time, access to humanitarian assistance remains a challenge, and the process to access accommodation for asylum-seekers is particularly cumbersome. In addition to the dire situation of accommodation and living conditions, the risk of SGBV, including rape, sexual harassment and domestic violence is prevalent in reception centres affecting particularly asylum-seeking women, girls and UASC. Institutional responses to cases of SGBV are limited, if not absent.
93. It is recommended that BiH's government authorities take full responsibility over the response to the refugee and migrant situation and adequately prepare for any potential increase in arrivals; accommodation capacities be increased and conditions in already existing centres improved, and; provision of health care and protection services, and access to asylum shall be stepped up.
94. It is recommended that BiH improve reception conditions for asylum-seekers and migrants by: increasing accommodation capacities, including protection-sensitive housing for vulnerable categories; streamlining processes to access reception centers; ensuring adequate access to health care, including secondary and tertiary healthcare in specific situations; strengthening the capacity of the Centers for Social Welfare, police and health centers to respond to cases of SGBV, including cases of domestic violence.
95. BiH should ensure that appropriate protection and assistance is provided to all children including migrant and asylum-seeking UASC by: stepping up identification and referral capacities;

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facilitating access to guardianship and asylum procedures for UASC as a priority; adopting and implementing Standard Operating Procedures on the protection and provision of assistance within the national protection system; ensuring protection-sensitive accommodation for UASC, and; ensuring that the best interest of the child is the primary consideration in all measures concerning migrant and asylum seeking UASC.