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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fourth session**  
4–15 November 2019

## **Compilation on Bosnia and Herzegovina**

### **Report of 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 periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The United Nations country team noted that Bosnia and Herzegovina had ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2018.<sup>3</sup>

3. The Human Rights Committee and the Committee on Enforced Disappearances welcomed the acceptance by the State of the individual complaint procedure under the International Convention for the Protection of All Persons from Enforced Disappearance in respect of individual and inter-State communications.<sup>4</sup>

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that Bosnia and Herzegovina had not submitted its national report on the implementation of the Recommendation on the Status of Scientific Researchers for the second consultation (2013–2016) and encouraged the submission of its report on the implementation of the Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation.<sup>5</sup>

5. The Committee on the Rights of Persons with Disabilities expressed concern that the State had not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which allowed blind persons, persons with visual impairments and persons with print disabilities to access published material.<sup>6</sup>

6. Noting that Bosnia and Herzegovina was a State party to the Convention for the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding



of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, UNESCO encouraged it to fully implement the provisions of those treaties that promoted access to and participation in cultural heritage and creative expression and, as such, were conducive to implementing the right to take part in cultural life.<sup>7</sup>

### **III. National human rights framework<sup>8</sup>**

7. The Human Rights Committee commended the adoption of the Law on Amendments to the Law on Prohibition of Discrimination of 2016, the Law on Aliens of 2015, the Law on Amendments to the Criminal Code of 2015 and the Law on Provision of Legal Aid of 2016.<sup>9</sup>

8. The Committee on Enforced Disappearances welcomed the adoption of the Law on Missing Persons, the national war crimes strategy, the establishment of the Missing Persons Institute and other measures.<sup>10</sup> However, it was concerned at the absence of a national programme on reparation, including compensation, and the absence of a State law on access to social benefits for relatives of disappeared persons. It recommended that the State guarantee the right to reparation and compensation of all persons who had suffered as a direct result of an enforced disappearance.<sup>11</sup>

9. The Committee on the Rights of Persons with Disabilities commended Bosnia and Herzegovina for the adoption of the new strategy to advance the position of persons with disabilities for 2016–2021 and the Policy on Disability in Bosnia and Herzegovina of 2008.<sup>12</sup>

10. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination urged the authorities to strengthen efforts to ensure that the Office of the Ombudsman enjoyed the financial autonomy and human resources required to function effectively, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>13</sup> The Committee against Torture was concerned about the failure to establish a national preventive mechanism.<sup>14</sup>

11. The United Nations country team noted that the authorities had strengthened their capacities to provide direct and sustained medical and psychosocial support to survivors of conflict-related sexual violence, but also that the programme for victims of wartime rape, sexual abuse and torture, and their families, for the period 2013–2016 had never been adopted at the State level.<sup>15</sup> It also noted that, in June 2018, the Assembly of the Republika Srpska had adopted a law on the protection of victims of wartime torture, which had extended the status of “victim of wartime torture” to include conflict-related sexual violence survivors.<sup>16</sup> It recommended that support be provided for the implementation of laws related to victims of wartime rape and sexual violence and that the equal and non-discriminatory access of such victims to the status and rights of conflict-related sexual violence survivors be ensured.<sup>17</sup>

12. The Committee against Torture remained concerned that the provisions of the offence of torture in the Criminal Code of the Republika Srpska did not contain all the elements set out in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that the Criminal Codes of the Federation of Bosnia and Herzegovina and of Brčko District did not define torture as a separate offence.<sup>18</sup>

13. The Human Rights Committee expressed concern about the application of the Criminal Code of the former Socialist Federal Republic of Yugoslavia by entity-level courts and Brčko District Court, despite the adoption of amendments to the Criminal Code of Bosnia and Herzegovina aiming at bringing the definitions of torture and other international crimes into line with international standards.<sup>19</sup>

14. While welcoming the introduction of the offence of enforced disappearance as an autonomous crime, the Committee on Enforced Disappearances noted that domestic law did not specifically provide for the non-derogability of the prohibition of enforced disappearance under any exceptional circumstances and did not cover the responsibility of

officials at the entity and district levels.<sup>20</sup> Domestic law also did not provide for an explicit prohibition against carrying out an expulsion, return, surrender or extradition where there were substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance. The Committee recommended the incorporation of such a prohibition into domestic legislation.<sup>21</sup>

15. The United Nations country team noted that the authorities had started the process of bringing domestic legislation into line with international standards and further integrating the migration dimension into guiding documents in the field of combating trafficking in persons.<sup>22</sup>

16. While welcoming the establishment of a central register of missing persons, the Human Rights Committee, the Committee against Torture and the Committee on Enforced Disappearances regretted the budget cuts for the Missing Persons Institute. The Human Rights Committee and the Committee against Torture also regretted that the verification process had not been completed within the timeline set in accordance with the Law on Missing Persons and noted the failure to establish a fund for support to families of missing persons.<sup>23</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **Equality and non-discrimination<sup>24</sup>**

17. The Human Rights Committee welcomed the adoption of an annual plan for the implementation of the gender action plan. The Human Rights Committee and the Committee against Torture were concerned about reports that police officers did not investigate attacks against lesbian, gay, bisexual and transgender persons, especially during public assemblies.<sup>25</sup>

18. The Committee on the Rights of Persons with Disabilities was concerned that the anti-discrimination legislation was not systematically applied and at the lack of a clear definition of disability-based discrimination.<sup>26</sup>

19. The Committee on the Elimination of Racial Discrimination noted with concern the absence of the grounds of ethnicity, colour and descent in article 145 (a) (1) of the Criminal Code, prohibiting and criminalizing incitement to racial, ethnic and religious hatred.<sup>27</sup> It was also concerned about the very low number of cases of racial discrimination registered, investigated and brought before both the courts and the Ombudsman.<sup>28</sup>

20. The Human Rights Committee remained concerned about reports of racially motivated verbal and physical attacks against members of ethnic groups and religious and national minorities. It urged the State to redouble efforts to combat hate speech, in accordance with articles 19 and 20 of the International Covenant on Civil and Political Rights and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression.<sup>29</sup> The Committee on the Elimination of Racial Discrimination was concerned that racist hate speech had become common in the media and also about reports of anti-Semitic hate speech in sports and incidences of hate crimes against the Roma population.<sup>30</sup>

21. The same Committee noted that it was unclear whether public dissemination of racist propaganda and promotion of ideas of racial superiority had been criminalized. It expressed concern about the absence of a provision on racist motive as an aggravating circumstance in the Criminal Code.<sup>31</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>32</sup>**

22. The United Nations country team noted that Bosnia and Herzegovina was a country of origin, transit and destination of trafficking in persons. Most of the victims were nationals of Bosnia and Herzegovina, predominantly children. Migrants and refugees transiting along the Balkan route might be particularly vulnerable as well.<sup>33</sup> The Committee on the Elimination of Racial Discrimination regretted the absence of information on the assistance and support provided to victims of trafficking and on the concrete results achieved through the National Anti-Trafficking Action Plan for 2016–2019 on the reduction of trafficking in Bosnia and Herzegovina.<sup>34</sup>

23. The Committee on Enforced Disappearances noted that the fate of a third of the 30,000 persons who had been reported missing as a consequence of the war remained unknown. It expressed concern at the slow pace of exhumations and identifications and the insufficient budget allocated to the Prosecutor's Office.<sup>35</sup>

24. The Human Rights Committee remained concerned about reports of ill-treatment and harsh conditions in some police stations and detention facilities and the lack of units for minors in pretrial detention. It also regretted the lack of information with respect to allegations of ill-treatment of detainees following the February 2014 demonstrations.<sup>36</sup>

25. The Committee against Torture was seriously concerned at the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment indicating that detainees were routinely ill-treated or even tortured in police holding facilities and that the practice of repeated slaps, punches, kicks and blows with a truncheon in order to extort a confession was considered to be normal.<sup>37</sup>

26. The Committee against Torture was concerned that extremely poor conditions were pervasive in police holding facilities, including a lack of natural light, inadequate ventilation and deplorable hygienic conditions.<sup>38</sup>

27. The Committee was also concerned about reports that persons held in police stations were not explicitly guaranteed the right to request and receive a medical examination by an independent doctor and that police officers were often present during medical examinations.<sup>39</sup> It called for the reinforcement of the system of free legal aid, including by effectively implementing the Law on Free Legal Aid Provision.<sup>40</sup>

28. The Human Rights Committee was concerned at the persistent and underreported problem of domestic violence, while noting that data collection was insufficient, police response and the protection of victims were inadequate, and local access to shelters remained insufficient.<sup>41</sup>

### **2. Administration of justice, including impunity, and the rule of law<sup>42</sup>**

29. The United Nations country team noted that the next five years were critically important for the processing of unresolved war crimes cases.<sup>43</sup> With the transfer of less complex cases to the entity level judiciaries, it was essential that the support given to the State level prosecutor be extended to the entity level. The processing of the transferred war crimes cases to entity level jurisdiction would need to be monitored to ensure quality control.<sup>44</sup> There had been long-standing and increasing denial and marginalization of crimes and facts established by international and national courts. Nationals of Bosnia and Herzegovina convicted by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia continued to have a clean criminal record.<sup>45</sup>

30. The Committee on the Elimination of Racial Discrimination was concerned that the prosecution of persons responsible for serious violations of international humanitarian law by domestic courts had not been completed. It recommended that the authorities accelerate the prosecutions, noting that justice for victims of wartime atrocities might foster reconciliation among the different ethnic and ethno-religious groups in the State.<sup>46</sup>

31. The Human Rights Committee reiterated its concern about the slow pace of prosecutions of international crimes committed during the conflict and noted that the goal of completing the investigations and prosecutions of the most complex cases by the end of 2015 had not been achieved. It urged the authorities to expedite the prosecution of international crimes and to continue to provide adequate support, including psychological support, and protection to victims and witnesses. The Committee also urged the State to make the system of free legal aid fully operational throughout its territory and available to all vulnerable citizens, including victims of wartime sexual violence.<sup>47</sup>

32. The Committee on Enforced Disappearances was concerned about cases of intimidation and threats against victims and witnesses of enforced disappearances, the insufficient witness protection capacity, including the absence of witness protection programmes, and discrepancies in the provision of assistance and psychological support across the country.<sup>48</sup> It was also concerned that article 118 (2) of the Criminal Code of Bosnia and Herzegovina provided for the possibility to grant amnesty or pardon to perpetrators of international crimes and that immunity from prosecution could be granted in exchange for information on individual and mass graves.<sup>49</sup>

33. Recalling its general comment No. 3 (2012) on the implementation of article 14, the Committee against Torture urged the State to take all the necessary measures to enable victims of torture and ill-treatment, including victims of wartime sexual violence, to exercise their right to redress.<sup>50</sup>

34. While the Human Rights Committee welcomed the decisions of courts to award financial compensation to victims of wartime sexual violence in criminal proceedings, it noted with concern the Constitutional Court opinion indicating that the statute of limitations might apply to compensation claims for non-material damage, limiting the ability of victims to claim compensation. It was also concerned that the majority of victims were required to claim compensation in civil proceedings without adequate protection and that personal disability benefits received by civilian victims of war remained lower than those received by war veterans.<sup>51</sup>

35. The United Nations country team recommended that survivors of domestic and gender-based violence be exempted from paying additional costs of proceedings and for expert support, and that, when allocating free legal aid, specificity of service and diversity of women be taken into consideration.<sup>52</sup>

36. The Committee against Torture was concerned about reports that the authorities had failed to undertake investigations into allegations of ill-treatment and at the extremely low number of resolved cases – only two cases had been formally resolved out of 269 complaints filed between 2010 and 2013 in Republika Srpska.<sup>53</sup>

### **3. Fundamental freedoms and the right to participate in public and political life<sup>54</sup>**

37. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination reiterated their concern regarding the Constitution and the electoral laws, which excluded persons not belonging to one of the “constituent peoples” (Bosniaks, Croats and Serbs) from being elected to the House of Peoples and to the tripartite Presidency of Bosnia and Herzegovina.<sup>55</sup> The Human Rights Committee regretted that, despite its previous recommendations and the judgments of the European Court of Human Rights, legislative efforts to amend the electoral framework continued to stall. It urged the State authorities to adopt an electoral system that guaranteed equal enjoyment of the rights of all citizens irrespective of their ethnicity. It was also concerned at reports of widespread corruption and impunity among public officials that obstructed effective participation in public life.<sup>56</sup> The Committee on the Elimination of Racial Discrimination was concerned about the very limited representation of ethnic minority groups, in particular Roma, in decision-making bodies and in public office, at the entity and local levels.<sup>57</sup>

38. The United Nations country team noted a recent increase in threats and physical attacks against media professionals, especially those that carried out critical investigative reporting touching on political or economic interests, which had resulted in an environment where self-censorship and concerns about security had become part of the equation.<sup>58</sup> The Human Rights Committee was concerned about reports of harassment and intimidation of

journalists, and that the media continued to be subjected to excessive influence from governments, political parties and private interest groups, without any investigation of these incidents and that the Law on Freedom of Access to Information had not yet been fully implemented.<sup>59</sup> UNESCO noted that freedom of expression was guaranteed by article 3 of the Constitution, that defamation had been decriminalized and that the new Law on Protection against Defamation had placed defamation within civil jurisdiction.<sup>60</sup>

## **C. Economic, social and cultural rights**

### **1. Right to work and to just and favourable conditions of work**

39. The Committee on the Rights of Persons with Disabilities expressed concern about the lack of data on efficient protection of employees with disabilities from dismissal and the insufficient provision of reasonable accommodation. It was also concerned about the number of sheltered workshops, which had doubled since 2009, and that there was a lack of data on measures to motivate persons with disabilities, including veterans of war with disabilities, and their employers towards their employment in the open labour market.<sup>61</sup>

### **2. Right to an adequate standard of living<sup>62</sup>**

40. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended Bosnia and Herzegovina for the implementation of the revised strategy for the implementation of annex VII of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement). The Regional Housing Programme had made progress, with the completion of 776 housing units, and efforts were ongoing for the provision of an additional 1,172 units. Progress had also been achieved in the implementation of the Council of Europe Development Bank II project for the closure of 121 collective centres.<sup>63</sup> However, the Committee on the Elimination of Racial Discrimination was concerned that returnees still faced difficulties in their sustainable reintegration into society, as they faced obstacles in gaining full restitution of their property and in gaining access to the labour market and social benefits.<sup>64</sup>

41. The Committee on the Rights of Persons with Disabilities was concerned about the fact that available financial support or “benefits” provided for persons with disabilities was based on discriminatory criteria.<sup>65</sup>

### **3. Right to health<sup>66</sup>**

42. The United Nations country team noted that the country had made no progress on developing State level health and health insurance policies and strategies. Early childhood development services had not been institutionalized adequately and immunization rates continued to decline, while the country had been facing a measles outbreak as of early 2019.<sup>67</sup> Mumps, rubella and wild polio virus constituted an important threat as well.<sup>68</sup> The right to health was under serious threat, despite the fair level of financing. Extreme fragmentation complicated the way health-care services were provided and increased management and coordination costs.<sup>69</sup> Further reforms were needed to address the issue of universal health care.<sup>70</sup>

43. The United Nations country team stated that sexual and reproductive health-care services in public health-care institutions were at moderate levels. Accessibility was based on individual health insurance and geographic location, with rural areas having lower coverage of sexual and reproductive health-care services in comparison with urban areas. Modern methods of contraception were accessible throughout the country, but they were not covered by individual health insurance.<sup>71</sup>

44. The Committee on the Rights of Persons with Disabilities was concerned about the limited and unequal access to health services for children with disabilities, the unequal access to sexual and reproductive health services and the lack of adequate training of health professionals on the rights of persons with disabilities.<sup>72</sup>

45. The United Nations country team noted that, according to 2017 World Health Organization statistics, Bosnia and Herzegovina had the highest European mortality rate attributed to air pollution.<sup>73</sup>

#### 4. Right to education<sup>74</sup>

46. UNESCO noted that the Framework Law on Preschool Care and Education of 2007 envisaged one year of mandatory preschool for all preschool-aged children before enrolment in primary school. Moreover, the Framework Law on Primary and Secondary Education of 2003 made nine years of primary education mandatory, made primary and secondary education free of charge and protected the right of equal access to education without discrimination.<sup>75</sup> Despite the legal framework providing for free and compulsory preschool education in the year before starting school, the national preschool enrolment rate for children between 3 and 6 years old was 14 per cent, while the European Union target for 2020 was 95 per cent.<sup>76</sup>

47. UNESCO noted that positive measures had been taken to offer equal opportunities, including through the introduction of free and compulsory pre-primary education, funding free transport for students, procurement of textbooks and supplies, as well as scholarships and other financial assistance. However, it expressed concerns with regard to equal access to education, especially due to a lack of financial resources for the implementation of the legal framework, the social and economic conditions, the unemployment and the education of parents, the difficulties related to the registration of children, especially of Roma children, the poor infrastructure and the lack of support for children with disabilities.<sup>77</sup>

48. While the United Nations country team noted that the concept of inclusive education had started to take hold, progress in inclusive education was measured by access to school and not by participation in education. Inadequate efforts had been made to implement the principle of inclusiveness mandated by education laws. Discriminatory practices still affected children with disabilities, and children with disabilities and Roma children were at greater risk of dropping out of secondary school.<sup>78</sup>

49. The United Nations country team also noted that a Framework Action Plan on Educational Needs of Roma for 2018–2022 had been adopted, but that it did not capture the specific barriers facing Roma women and girls.<sup>79</sup> UNESCO was concerned that Roma children continued to face discrimination and marginalization in education, as only 69.3 per cent of the Roma population enrolled in primary education, compared with 97.6 per cent of the general population. Furthermore, among the Roma girls enrolled, 80 per cent did not complete elementary school and only 4.5 per cent completed secondary school.<sup>80</sup>

50. The Committee on the Elimination of Racial Discrimination, UNESCO and the Human Rights Committee noted that ethnic segregation at schools persisted with the practice of “two schools under one roof”, with many schools divided in two by entrance, classroom, teacher and curricula.<sup>81</sup>

51. UNESCO also noted that, although efforts had been made to improve the quality of education for children with disabilities, there remained a lack of a comprehensive strategy for the inclusion of those students in education and a lack of data on the measures adopted.<sup>82</sup> The Human Rights Committee was concerned about reports that some children with disabilities remained outside the education system altogether.<sup>83</sup>

52. According to UNESCO, returnees and internally displaced persons continued to face discrimination as well, including in employment and education, which hampered their reintegration into society.<sup>84</sup>

### D. Rights of specific persons or groups

#### 1. Women<sup>85</sup>

53. The United Nations country team noted that significant steps had been taken in developing institutional capacities for gender equality and ensuring legal provisions guaranteeing women’s rights and gender equality. Legislation for gender responsive

budgeting was in place. The Federation Budget Framework Paper 2019–2021 included initiatives and guidelines for gender responsive budgeting. Ministries of finance across all levels had trained 17,000 civil servants in gender responsive budgeting and implementation.<sup>86</sup> However, available data highlighted persistent and pervasive gender inequality and lagging implementation of legislation.<sup>87</sup> Women remained underrepresented in politics. None of the political parties that had won representation in the State and entity legislatures were led by women. At the State level, the total number of women elected to the parliament had decreased from 23 per cent in 2014 to 16 per cent in 2018.<sup>88</sup>

54. According to the United Nations country team, women living in rural areas, especially in Republika Srpska, were often invisible in the official employment and property figures and remained vulnerable.<sup>89</sup>

## **2. Children<sup>90</sup>**

55. The United Nations country team noted that the children's rights monitoring mechanism in Bosnia and Herzegovina, including data collection, was weak due to poor coordination between the many actors in charge of the monitoring, which affected the implementation of children's rights. Progress had been achieved through the development of good policies, such as the Roma Education Action Plan 2018 and the Platform on Preschool Education 2017, but those measures had not been systematically implemented across the country.<sup>91</sup>

56. The United Nations country team noted the need for stronger coordination of child monitoring bodies and institutions in the country; budgeting of child-friendly policies, strategies and laws within all the public budgets; strengthened data collection; and improved implementation of early childhood development, education and social protection services. All government institutions needed to strengthen their efforts to prevent violence against children, family separation and juvenile crime.<sup>92</sup>

57. UNHCR said that registration of birth and citizenship remained overly complex and costly for many categories of persons, including children whose parents did not have all the required documents, children born abroad before they were returned under readmission agreements and children whose parents were undocumented foreign migrants or asylum seekers.<sup>93</sup>

58. The Human Rights Committee and the Committee on the Rights of Persons with Disabilities expressed concern about the practice of corporal punishment of children, which was not explicitly prohibited in all settings.<sup>94</sup>

59. The Human Rights Committee also noted the practice of arranged marriages involving Roma minors, including children between the ages of 12 and 14, and the reluctance of prosecutors to investigate cases involving child trafficking.<sup>95</sup>

60. The Committee on Enforced Disappearances was concerned about the lack of provisions penalizing actions relating to the wrongful removal of children, in accordance with article 25 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance, and that the fate and whereabouts of 94 child victims of enforced disappearance in 1995 had yet to be ascertained.<sup>96</sup>

## **3. Persons with disabilities<sup>97</sup>**

61. The United Nations country team noted that data collection on disabilities in the country was not comprehensive and that definitions of disabilities varied in different sectors and were mostly not aligned with the disability definition as outlined in the Convention on the Rights of Persons with Disabilities.<sup>98</sup>

62. The Committee on the Rights of Persons with Disabilities was concerned at different legal entitlements for persons with disabilities whose impairment was not a consequence of the war in comparison with those for civilian victims of war and for war veterans with disabilities.<sup>99</sup>

63. The Committee was also concerned about the insufficient information on the comprehensive gender equality policies in relation to the gender action plan for 2013–2017,

the lack of wide-ranging consultations with organizations of women with disabilities at the local level and the lack of adequate and transparent funding and employment-related measures for women with disabilities.<sup>100</sup> It noted that women with disabilities could be separated from their children on the grounds of their disability.<sup>101</sup>

64. The United Nations country team said that children with disabilities faced barriers in the areas of education, health and social protection, which had impacts on their lives as adults, including in terms of employability and overall inclusion.<sup>102</sup>

65. The Committee on the Rights of Persons with Disabilities was concerned that most public buildings and institutions, in particular those providing public legal assistance and services for persons with disabilities, were reported to be inaccessible and that electronic mass media services were not provided in a format accessible to persons with disabilities.<sup>103</sup> It was also concerned about the lack of data on the existence of a standardized unified Braille code to enhance its usage in education and employment, and on available applications of information and communications technology, and a lack of information on procedures for deaf persons to request sign language interpretation in public proceedings, other than judicial proceedings.<sup>104</sup>

66. The Committee was further concerned about the lack of transparent and effective remedies regarding the practice of depriving persons with disabilities of their full legal capacity and was gravely concerned about the denial of the rights to marry and vote.<sup>105</sup> It was concerned that the current practice permitted deprivation of the liberty of persons with disabilities on the basis of impairment, provided for involuntary hospitalization and forced institutionalization of persons with intellectual or psychological disabilities and allowed their legal guardian to authorize medical interventions without their consent.<sup>106</sup>

67. The Committee also expressed concern about the lack of data on effective measures to prevent violence, including sexual violence, against persons with disabilities, especially women and children.<sup>107</sup>

#### **4. Minorities<sup>108</sup>**

68. The United Nations country team and the Committee on the Elimination of Racial Discrimination noted that Roma children and families remained subject to discrimination, poverty and lower access to education, health protection and other services.<sup>109</sup> The United Nations country team noted that, while some Roma had tried to migrate to other countries in search of better opportunities, a number of them had been returned. Returnees faced problems in reintegrating into their communities and fell deeper into poverty. Although the number of persons among the Roma population at risk of statelessness had been greatly reduced, gaps remained in law and in practice concerning birth registration.<sup>110</sup>

69. The Human Rights Committee welcomed the efforts made to eliminate discrimination against Roma, including the improvement in birth registration and enrolment of Roma children in schools. It remained concerned, however, about the persisting de facto discrimination with respect to access to education for Roma children and high unemployment rates and a lack of access to adequate housing for Roma. It recommended tackling discrimination against Roma through practical measures, programmes and initiatives.<sup>111</sup>

#### **5. Refugees, asylum seekers and internally displaced persons<sup>112</sup>**

70. The United Nations country team reported that 96,830 persons, a third of whom were vulnerable and in need of assistance, still held the official status of internally displaced persons and it was estimated that there were 47,000 minority returnees, 30 per cent of whom were in need of durable solutions due to difficulties in obtaining access to rights and a lack of adequate housing and infrastructure.<sup>113</sup> It recommended that Bosnia and Herzegovina allocate sufficient budgetary resources for housing programmes, develop the social housing legal framework, establish complementary local integration programmes and ensure free legal aid for internally displaced persons and returnees, in law and in practice.<sup>114</sup> UNHCR recommended the harmonization of health-care, health insurance and social protection legislation to facilitate access to health care for internally displaced persons and returnees.<sup>115</sup>

71. The United Nations country team noted that several problems remained, despite the adoption of the new Law on Foreigners in 2015 and a new Law on Asylum in 2016. The Law on Asylum guaranteed 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 psychosocial support.<sup>116</sup>

72. UNHCR noted that the Law on Asylum required asylum seekers to fill in an attestation stating their intention to seek asylum and then make a formal application. The attestation gave asylum seekers 14 days to register their claim. Many were unable to fulfil one of the conditions to register, namely to indicate a registered residence address in the country. In 2018, out of the 24,069 known arrivals of asylum seekers and migrants, 22,130 had expressed their intention to seek asylum but only 1,567 had managed to do so.<sup>117</sup> UNHCR also noted that the law did not prohibit the detention of unaccompanied and separated children and other vulnerable groups. Unaccompanied and separated children did not receive specialized assistance and often remained exposed to security and protection risks. Moreover, shelter capacities for vulnerable persons failed to meet the expected needs and humanitarian assistance remained an important challenge. The process to access accommodation for asylum seekers remained cumbersome, while the risk of sexual and gender-based violence was prevalent in reception centres.<sup>118</sup>

73. UNHCR further noted that refugee status required formal recognition by the Ministry of Security, while the new law maintained extended clauses on exclusion and cessation of refugee status. Furthermore, persons with subsidiary protection did not have access to family reunification and travel documents.<sup>119</sup>

74. UNHCR and the United Nations country team observed that expulsion orders and detention of asylum seekers, including unaccompanied minors, were examples of restrictive measures taken by the authorities.<sup>120</sup> Extraditions of asylum seekers even after they applied for asylum were in contradiction with international and European standards.<sup>121</sup> The proper identification and referral of asylum seekers, at the borders and within the country, remained an issue of concern and as a consequence asylum seekers did not fully enjoy an effective right to seek asylum and to access the territory.<sup>122</sup> Reception sites fell short in terms of responding to asylum seekers' needs and ensuring their protection. For instance, a great number of people had stayed without shelter in deplorable living conditions in the Una-Sana Canton throughout 2018.<sup>123</sup>

75. The Committee against Torture was concerned at the extremely low rate of successful asylum applications and that no refugee status had been granted in 2015 and 2016. It was also concerned that inadequate legal aid and low-quality interpretation service prevented asylum seekers from accessing the asylum procedure. It was further concerned that, in 2016, 42 per cent of asylum seekers had applied for asylum only after they had been placed in an immigration detention facility, that the authorities practised detention of asylum seekers whose asylum applications were pending and that appeals procedures did not have automatic suspensive effect on a deportation order. The Committee urged State authorities to ensure full protection from refoulement by establishing the necessary legal and administrative safeguards and remedies in forced return procedures thereby guaranteeing that no person in need of international protection would be returned to a country where he or she was in danger of being subjected to acts of torture or cruel, inhuman or degrading treatment, conditions or punishment.<sup>124</sup>

## 6. Stateless persons

76. UNCHR noted that, as of January 2019, 90 persons had been identified as being at risk of statelessness. It recommended that Bosnia and Herzegovina accede to the Council of Europe Convention on the avoidance of statelessness in relation to State succession, that it ensure that all children born in Bosnia and Herzegovina were immediately registered at birth and that it establish a sustainable mechanism for prevention, identification and response to risks of statelessness, including free legal aid.<sup>125</sup>

## Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Bosnia and Herzegovina will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/BAIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/BAIndex.aspx).
- <sup>2</sup> For the relevant recommendations, see A/HRC/28/17, paras. 107.1–107.2 and 107.20–107.23.
- <sup>3</sup> United Nations country team submission for the universal periodic review of Bosnia and Herzegovina, para. 6.
- <sup>4</sup> CCPR/C/BIH/CO/3, para. 4, and CED/C/BIH/CO/1, para. 5.
- <sup>5</sup> UNESCO submission for universal periodic review of Bosnia and Herzegovina, p. 7.
- <sup>6</sup> CRPD/C/BIH/CO/1, para. 54.
- <sup>7</sup> UNESCO submission, p. 6.
- <sup>8</sup> For the relevant recommendations, see A/HRC/28/17, paras. 107.3–107.17.
- <sup>9</sup> CCPR/C/BIH/CO/3, para. 3.
- <sup>10</sup> CED/C/BIH/CO/1, para. 6.
- <sup>11</sup> *Ibid.*, paras. 37–38.
- <sup>12</sup> CRPD/C/BIH/CO/1, para. 4.
- <sup>13</sup> CCPR/C/BIH/CO/3, para. 10, and CERD/C/BIH/CO/12-13, para. 14.
- <sup>14</sup> CAT/C/BIH/CO/6, para. 20. See also CCPR/C/BIH/CO/3, para. 9.
- <sup>15</sup> United Nations country team submission, para. 22.
- <sup>16</sup> *Ibid.*, para. 45.
- <sup>17</sup> *Ibid.*, para. 24.
- <sup>18</sup> CAT/C/BIH/CO/6, para. 8.
- <sup>19</sup> CCPR/C/BIH/CO/3, para. 15.
- <sup>20</sup> CED/C/BIH/CO/1, paras. 11 and 13.
- <sup>21</sup> *Ibid.*, para. 30.
- <sup>22</sup> United Nations country team submission, para. 34.
- <sup>23</sup> CCPR/C/BIH/CO/3, para. 19, CAT/C/BIH/CO/6, para. 26, and CED/C/BIH/CO/1, paras. 19–20.
- <sup>24</sup> For the relevant recommendations, see A/HRC/28/17, paras. 107.24–107.53, 107.110 and 107.119–107.135.
- <sup>25</sup> CCPR/C/BIH/CO/3, para. 25, and CAT/C/BIH/CO/6, para. 36.
- <sup>26</sup> CRPD/C/BIH/CO/1, para. 10.
- <sup>27</sup> CERD/C/BIH/CO/12-13, para. 9.
- <sup>28</sup> *Ibid.*, para. 31.
- <sup>29</sup> CCPR/C/BIH/CO/3, para. 21.
- <sup>30</sup> CERD/C/BIH/CO/12-13, para. 19.
- <sup>31</sup> *Ibid.*, paras. 15 and 17.
- <sup>32</sup> For relevant recommendations, see A/HRC/28/17, paras. 107.54–107.59, 107.63, 107.65–107.69, 107.80–107.87, 107.89, 107.91, 107.104 and 107.113–107.116.
- <sup>33</sup> United Nations country team submission, para. 33.
- <sup>34</sup> CERD/C/BIH/CO/12-13, para. 33.
- <sup>35</sup> CED/C/BIH/CO/1, para. 17.
- <sup>36</sup> CCPR/C/BIH/CO/3, para. 29.
- <sup>37</sup> CAT/C/BIH/CO/6, para. 12.
- <sup>38</sup> *Ibid.*, para. 22.
- <sup>39</sup> *Ibid.*, para. 10.
- <sup>40</sup> *Ibid.*, para. 11.
- <sup>41</sup> CCPR/C/BIH/CO/3, para. 27.
- <sup>42</sup> For relevant recommendations, see A/HRC/28/17, paras. 107.4, 107.60–107.62, 107.90 and 107.92–107.103.
- <sup>43</sup> United Nations country team submission, para. 38.
- <sup>44</sup> *Ibid.*, para. 39.
- <sup>45</sup> *Ibid.*, p. 6.
- <sup>46</sup> CERD/C/BIH/CO/12-13, paras. 35–36.
- <sup>47</sup> CCPR/C/BIH/CO/3, paras. 13–14.
- <sup>48</sup> CED/C/BIH/CO/1, para. 23.
- <sup>49</sup> *Ibid.*, para. 25.
- <sup>50</sup> CAT/C/BIH/CO/6/Add.1, para. 19.
- <sup>51</sup> CCPR/C/BIH/CO/3, paras. 17–18.
- <sup>52</sup> United Nations country team submission, para. 30.
- <sup>53</sup> CAT/C/BIH/CO/6, para. 14.
- <sup>54</sup> For relevant recommendations, see A/HRC/28/17, paras. 107.111–107.112 and 107.117–107.118.

- 55 CCPR/C/BIH/CO/3, para. 11, and CERD/C/BIH/CO/12-13, para. 11.
- 56 CCPR/C/BIH/CO/3, paras. 11–12.
- 57 CERD/C/BIH/CO/12-13, para. 23.
- 58 United Nations country team submission, p. 49.
- 59 CCPR/C/BIH/CO/3, para. 37.
- 60 UNESCO submission, pp. 2–3.
- 61 CRPD/C/BIH/CO/1, paras. 46 and 48.
- 62 For relevant recommendations, see A/HRC/28/17, paras. 107.73 and 107.136–107.138.
- 63 UNHCR submission for the universal periodic review of Bosnia and Herzegovina, p. 2.
- 64 CERD/C/BIH/CO/12-13, para. 25.
- 65 CRPD/C/BIH/CO/1, para. 50.
- 66 For relevant recommendations, see A/HRC/28/17, paras. 107.134 and 107.139.
- 67 United Nations country team submission, para. 12.
- 68 *Ibid.*, para. 65.
- 69 *Ibid.*, paras. 60–61.
- 70 *Ibid.*, para. 63.
- 71 *Ibid.*, p. 70.
- 72 CRPD/C/BIH/CO/1, para. 44.
- 73 United Nations country team submission, para. 74.
- 74 For relevant recommendations, see A/HRC/28/17, paras. 107.135, 107.140–107.147 and 107.167.
- 75 UNESCO submission, p. 2.
- 76 *Ibid.*, p. 4.
- 77 *Ibid.*
- 78 United Nations country team submission, paras. 57–58.
- 79 *Ibid.*, para. 58.
- 80 UNESCO submission, p. 5.
- 81 CERD/C/BIH/CO/12-13, paras. 27–28, UNESCO submission, p. 6, and CCPR/C/BIH/CO/3, para. 23.  
See also United Nations country team submission, para. 10.
- 82 UNESCO submission, p. 5.
- 83 CCPR/C/BIH/CO/3, para. 31.
- 84 UNESCO submission, p. 5.
- 85 For relevant recommendations, see A/HRC/28/17, paras. 107.71–107.72 and 107.130–107.133.
- 86 United Nations country team submission, paras. 50 and 54.
- 87 *Ibid.*, p. 7.
- 88 *Ibid.*, para. 52.
- 89 *Ibid.*, para. 55.
- 90 For relevant recommendations, see A/HRC/28/17, paras. 107.18–107.19, 107.70, 107.74–107.79, 107.88–107.89 and 107.105–107.109.
- 91 United Nations country team submission, paras. 7–8.
- 92 *Ibid.*, para. 13.
- 93 UNHCR submission, p. 2.
- 94 CCPR/C/BIH/CO/3, para. 31, and CRPD/C/BIH/CO/1, para. 14.
- 95 CCPR/C/BIH/CO/3, para. 33.
- 96 CERD/C/BIH/CO/1, para. 39.
- 97 For relevant recommendations, see A/HRC/28/17, paras. 107.148–107.158.
- 98 United Nations country team submission, para. 76.
- 99 CRPD/C/BIH/CO/1, para. 10 (b).
- 100 *Ibid.*, para. 12.
- 101 *Ibid.*, para. 40.
- 102 United Nations country team submission, para. 76.
- 103 CRPD/C/BIH/CO/1, para. 18.
- 104 *Ibid.*, para. 38.
- 105 *Ibid.*, para. 22.
- 106 *Ibid.*, paras. 26 and 32.
- 107 *Ibid.*, para. 30.
- 108 For relevant recommendations, see A/HRC/28/17, paras. 107.119–107.121 and 107.159–107.163.
- 109 United Nations country team submission, para. 79, and CERD/C/BIH/CO/12-13, para. 21.
- 110 United Nations country team submission, para. 80.
- 111 CCPR/C/BIH/CO/3, paras. 39–40.
- 112 For relevant recommendations, see A/HRC/28/17, paras. 107.164–107.166.
- 113 United Nations country team submission, paras. 83–84. See also UNHCR, submission, p. 2.
- 114 United Nations country team submission, para. 85.
- 115 UNHCR submission, p. 4.

- <sup>116</sup> United Nations country team submission, para. 86.  
<sup>117</sup> UNHCR submission, pp. 1 and 4. See also CERD/C/BIH/CO/12-13, para. 29.  
<sup>118</sup> UNHCR submission, pp. 5–6.  
<sup>119</sup> *Ibid.*, p. 1.  
<sup>120</sup> *Ibid.* and United Nations country team submission, para. 87.  
<sup>121</sup> UNHCR submission, p. 4, and United Nations country team submission, para. 90.  
<sup>122</sup> United Nations country team submission, para. 89.  
<sup>123</sup> *Ibid.*, para. 92, and UNHCR submission, p. 4.  
<sup>124</sup> CAT/C/BIH/CO/6, paras. 28–29. See also UNHCR submission, p. 9.  
<sup>125</sup> UNHCR submission, p. 3.
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