



General Assembly

Distr.: General
14 August 2019

Original: English

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

Summary of Stakeholders' submissions 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 summary of 15 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Ombudsman Institution for Human Rights of Bosnia and Herzegovina (IHROBiH) noted that there was no Human Rights Action Plan in the country.² The IHROBiH adopted its 2016–2021 Operational Strategy and continued its work in the field of human rights despite the financial limitations which affected the functioning of the institution and impact the scope of its activities.³

3. The IHROBiH has insisted on the necessity to amend the Law on Ombudsman in order to expand its mandate as a National Preventive Mechanism and to better define its role in the promotion of human rights, while also ensuring a greater level of financial independence.⁴

4. With regard to the issue of equality and non-discrimination, the IHROBiH noted that the amendments to the Law on Prohibition of Discrimination in Bosnia and Herzegovina adopted in 2016 improved the legal framework in terms of non-discrimination and increased the scope of competencies of the IHROBiH and of its Department for Elimination of All Forms of Discrimination.⁵ The Ombudspersons have published a special report on

* The present document was not edited before being sent to United Nations translation services.



the rights of LGBT persons in the country in which they presented the situation of the LGBT community and drafted recommendations for legal and administrative measures to be taken.

5. The IHROBiH has registered a higher number of complaints for human rights violations due to length of court proceedings, ineffective enforcement of court decision and violations of the right to a fair trial.⁶

6. The Anti-Corruption Strategy for 2015–2019 and its Action Plan were adopted, but their implementation is no satisfactory. Laws on Combating Corruption were adopted in the Federation of Bosnia and Herzegovina (the Federation), Republika Srpska and the Brčko District of Bosnia and Herzegovina, as well as Laws on Protection of Whistleblowers in national institutions.⁷

7. Free legal aid is provided by the Ministry of Justice in accordance with the Law on Free Legal Aid. Nine cantons in the Federation give free legal aid and the same services are provided by the Free Legal Aid Center in Republika Srpska.⁸

8. The number of complaints regarding free access to information is increasing. The process to amend the Law on Freedom of Access to Information, started in 2016, is slow.⁹ An increasing number of physical and verbal attacks against journalists has also been noted, while the official records on threats to journalists are non-existent. An appropriate legislation on printed and online media should also be adopted.¹⁰

9. The Council of Ministers adopted the Action Plan to Combat Trafficking in persons 2016–2019 and amendments to the criminal code providing for criminal offenses of international trafficking in persons, organized trafficking in persons and international incitement to prostitution.¹¹ Progress was made by the adoption of Law on Aliens, which granted temporary residence for victims of trafficking.¹²

10. On the issue of women's rights, the IHROBiH noted that there was no adequate progress to achieve equality between men and women in the labor market. Pregnant women have been fired and others continued to work in a parallel economy, therefore not integrated in the formal labor market. In the political area, women's inclusion in the legislative and executive bodies is not proportional to their share in population. According to the Agency for Gender Equality, women's representation in 14 legislative bodies varies between 20 to 30%.¹³

11. The Law on Protection from Domestic Violence and other criminal legislations have been partially harmonized with the Council of Europe Convention on preventing and combating violence against women and domestic violence.¹⁴ In Republika Srpska, domestic violence is both a misdemeanour and a criminal offense, including criminal offenses against sexual integrity and sexual violence against minors as well as sexual intercourse with children below 15.¹⁵ The criminal codes of the Federation and of the Brčko District of Bosnia and Herzegovina do not include criminal offenses for sexual harassment and sextortion. Family laws ban domestic violence, but women victims of domestic violence do not have adequate material, psychological or legal assistance.¹⁶

12. A final report on the implementation of UN resolution 1325 "Women, Peace and Security" was adopted by the Council of Ministers.¹⁷ Free legal aid enabled the victims of war crimes to have a lawyer and the adoption of the Law on Protection of Victims of War Time Torture provide them with different services to facilitate their recovery. The Witness Support Unit gives support to witnesses before courts, including with a team of psychologists which facilitates the process of appearing before the Court.¹⁸

13. With regard to the rights of the child, legislation in the health sector is not harmonized with the Convention on the Rights of the Child in relation to the definition of a child.¹⁹ Measures are also lacking for the inclusion of children with psycho-physical difficulties and children from marginalized groups, such as Roma.²⁰ An explicit ban on corporal punishment of children in all environments must also be introduced as well as in family legislation to address all forms of violence, abuse and harassment.²¹ Legislation has been adopted in Republika Srpska and the Federation to have stricter laws on conditions for employment of minors and limited working hours.

14. In the area of rights of persons with disabilities, there is no universal definition of persons with disabilities in Bosnia and Herzegovina.²² The issue of children with special needs was also noted, with an urgent need to standardize the procedures of assessment of the child's abilities and to ensure its accordance with the rights guaranteed by the CRC.²³ The legislation framework related to the care of persons with intellectual and mental disabilities is still not satisfactory and the categorization of institutionalized persons with intellectual difficulties and persons without legal capacity has not been undertaken.²⁴

15. The issue regarding the Roma community and the prejudices and stereotypes related to them are an urgent matter. Progress has been made in birth registration of Roma children and the number of Roma children attending primary has increased, but this is not satisfactory in higher education.²⁵ The establishment of day-care centers was also positive development.

16. A special report on the situation of migrants in Bosnia and Herzegovina published in 2018 indicated the necessity of securing and protecting the rights of foreign nationals and underlined the obligations of the authorities to secure rights of both foreign nationals and domiciled population.²⁶ Most of foreign nationals in Bosnia and Herzegovina are irregular migrants entering the territory without any identification documents and have expressed their intention to seek asylum although Bosnia and Herzegovina. Economic migrants constitute more than 80% and only a small number of persons are seeking asylum or enjoying international protection. Ombudspersons have addressed recommendations to the Council of Minister on this issue.²⁷

17. The Agreement on Refugees and Displaced Persons creates the obligation for the state to create conducive conditions to voluntary return. The right of returnees to education, employment and healthcare, as well as cases of hate speech and inefficiency of public administration which affected the viability of return remain areas of concern.²⁸ The lack of harmonization between cantonal regulations is another hurdle as returnees have to start the process from the beginning whenever they change their place of residence.²⁹

III. Information provided by other stakeholders

A. Scope of international obligations³⁰ and cooperation with international human rights mechanisms and bodies³¹

18. The International Campaign to Abolish Nuclear Weapons (ICAN) regretted that Bosnia and Herzegovina voted against the UN General Assembly resolution in 2016 establishing the mandate for States to negotiate the Treaty on the Prohibition of Nuclear Weapons and that it did not participate in the negotiations. It called the country to ratify the treaty.³²

B. National human rights framework³³

19. Amnesty International (AI) welcomed the adoption of the definition of crimes of sexual violence as underlying offences of war crimes against civilians and crimes against humanity in the Constitution, in line with international criminal standards.³⁴ The National Strategy for Proceeding of War Crimes, which created new measures to ensure the completion of all cases of war crimes by 2023, was agreed by a working group in September 2018, but the document has not been officially adopted by the Council of Ministers.³⁵ The authorities have also failed to adopt the Draft National Strategy on Transitional Justice, which provided a platform for truth and justice and an effective institutional access to reparation for victims of war crimes, as well as to adopt the Programme for Victims of Sexual Violence in Conflict.³⁶

20. AI noted that while the authorities at the national level did not adopt the draft law on the rights of victims of torture, Republika Srpska has adopted its own Law on the protection of victims of wartime torture.³⁷ The evidence necessary to prove the allegations of torture was, however, limited to the one available to the official institutions of Republika Srpska.³⁸

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

1. Cross-cutting issues

*Equality and non-discrimination*³⁹

21. JS3 pointed out that an antidiscrimination plan to protect persons who were persecuted based on their sexual orientation has never been made due to a lack of political will and consensus.⁴⁰

22. Sarajevo Open Centre (SOC) reported that every third LGBTI person in Bosnia and Herzegovina has experienced discrimination, even though only a small number of LGBTI persons disclose their sexual orientation or gender identity to a wider circle of people.⁴¹

23. JS3 noted that no action plan on the implementation of the CRPD has been adopted. JS3 said that discrimination existed in the exclusion of children with disabilities from regular education and that the law on education did not create the obligation of securing reasonable accommodation for students with disabilities.⁴² The lack of fund for this purpose was also notable.

*Development, the environment, and business and human rights*⁴³

24. JS5 mentioned the case of Kruščica, a small village located by a small river with the same name, in which the plans to construct mini-hydro plants would negatively have an impact on the access to water for the community living in Kruščica. There are around 300 new hydropower dams that are planned for construction, on nearly all the country's 244 rivers, resulting in waterways destroyed because of the issuance of permits without rigorous and transparent social and environmental impact assessments.⁴⁴ The plans and permits for construction were approved without information and meaningful consultation of the local population affected by this project.⁴⁵

2. Civil and political rights

*Right to life, liberty and security of person*⁴⁶

25. JS1 and JS2 mentioned the insufficient protection provided to victims of domestic violence from the authorities, social workers, judges and the police.⁴⁷ Victims faced problems when trying to obtain short-term housing and shelters and safe houses suffered from a lack of funds.⁴⁸ Civil society organizations running safe houses must cover the expenses.⁴⁹ Moreover, the number of reported cases is disproportionate to the number of cases that are prosecuted and in many cases the perpetrators are only sanctioned through monetary fines. The police often fail to file requests for emergency protective measures and sometimes the perpetrator does not face any consequence for violating these protective measures.⁵⁰ SOC expressed its concern on cases domestic violence targeting more specifically LGBTI persons, which are rarely reported to the authorities.⁵¹

*Administration of justice, including impunity, and the rule of law*⁵²

26. JS1 said that victims of domestic violence were denied access to justice and the perpetrators were granted greater opportunities to tell their stories and victims were often pressured to deny testimony against them.⁵³ Prosecutions most of the time take approximately one year, which endangers the safety of the victims.⁵⁴ During trials, judges also neglect aggravating circumstances that could increase the penalties.⁵⁵ According to JS2, in all the rulings obtained in relation to domestic violence, in no case the perpetrator was sentenced with the maximum sentence for the criminal act of rape.⁵⁶

27. JS1 said that before courts, victims of domestic violence did not have access to the necessary protection or protective measures and were not considered as vulnerable witnesses.⁵⁷ Legal costs deter victims from starting criminal proceedings and prosecutors fail to proceed with a criminal prosecution after the victims' withdrawal of complaint.⁵⁸ Prosecutors also heavily rely on victim testimony and fail to undertake other investigatory

measures, which is problematic when the victim refuses to cooperate in the proceedings.⁵⁹ Finally, social workers practices sometimes re-traumatize or blame the victims and do not always offer the victims the possibility to stay in the safe houses.⁶⁰

28. AI highlighted that access to reparation for victims of wartime sexual violence was not satisfactory as orders to pay compensation to the victims were not enforced because of the lack of funds of the perpetrators.⁶¹ The lack of alternative mechanisms, such as victims' compensation fund, leave the victims without the ability to effectively realize their right to this form of compensation. Civil proceedings on the other hand are brought before local courts that lack adequate witness protection standards and capacities as well as the necessary legal support.⁶² The Constitutional Court issued several decisions prescribing statute of limitations for claims of pecuniary damages as a result of a war crime which are directed against the State or entities, although war crimes are imprescriptible under national and international law.⁶³

29. AI expressed concerns about the application of the Criminal Code of the former Socialist Federal Republic of Yugoslavia by the entity-level courts, Brčko District Court, as well as the Court of Bosnia and Herzegovina.⁶⁴ This legislation has important gaps and does not recognize the mode of liability of command and other superiors' responsibility.⁶⁵

30. JS3 noted the significant progress made in the fields of cooperation with the police, the prosecutor's office and courts in the last years regarding the protection of LGBTI persons. The Prosecutor's Office named a special prosecutor for criminal acts against LGBTI persons. However, the number of processed cases of hate crimes in this regard is low and the jurisprudence is practically non-existent so far regarding discrimination and hates crimes towards LGBTI persons.⁶⁶ This situation creates lack of trust in the authorities due to lack of adequate protection.⁶⁷

31. JS3 noted that the number of indictments for the criminal acts of corruption in relation to the number of all the indictment for criminal acts was very low (1.8%) and that there was no adequate system of legal aid which would allow the socially disadvantaged to have access to justice.⁶⁸ The Council of Europe (CoE) has also highlighted the need for a more credible and independent mechanism to deal with conflict of interest and to provide training opportunities on corruption prevention for Parliamentarians. The High Judicial and Prosecutorial Council has adopted new criteria to improve prosecutors' performance appraisals, guidelines on preventing conflicts of interest in the judiciary, guidelines on integrity plans and on disciplinary sanctions.

32. The CoE stressed the importance of cooperation on the prosecution of wartime crimes and urged the authorities to take the measures to end impunity and to protect and support witnesses.⁶⁹ It has also urged the authorities to establish the long-awaited fund for support to families of missing persons.⁷⁰

Fundamental freedoms and the right to participate in public and political life⁷¹

33. ADF recalled the 2009, 2014 and 2016 ruling of the European Court of Human Rights on the discriminatory aspect of the Constitution against minorities who were outside of the constituent peoples.⁷² It underlined the necessity to amend the Constitution to allow persons of any religion or ethnicity to be candidates for the office of the President and to serve in the House of Peoples.⁷³

34. JS3 underlined the necessity to amend all laws to guarantee a minimal gender representation of 40% and to amend the national Election Law to introduce a gender quota of 50% for the election lists. Women are at the periphery of the political power and are deprived of influence on the formulation and implementation of policies.⁷⁴ Legal acts must also undergo gender analysis before they are passed.⁷⁵ The OSCE stated that women representation made up 21.4% of the lower house of the Parliamentary Assembly, which was below OSCE average of 28%.⁷⁶ JS5 added that the failure of the authorities to invest sufficient resources into economic and social rights constituted the most important obstacle to women's participation.⁷⁷

35. JS3 and the CoE mentioned that freedom of expression was threatened and the media as well as journalists were under political pressure through defamation lawsuits. The

help line for journalists recorded 57 cases of journalists' rights violations in 2018.⁷⁸ The CoE called for prompt, thorough and transparent investigations for all cases of physical violence or threats against journalists.⁷⁹ It also expressed concerns about the failure of the authorities to find a sustainable funding solution for the national Radio-Television and regretted the lack of dialog for the necessary reforms of the public service media which would ensure that they effectively serve the needs of society as a whole with regards to information, education and culture.⁸⁰

36. JS3 noted that freedom of assembly was marginally protected. A positive step has been taken as the Constitutional court ruled that the government failed to take protective measures for the right freedom of public assembly of LGBT persons.⁸¹ An excessive use of force in the context of peaceful protests, the prohibition of public assembly, criminal lawsuits against organizers and prisons sentences were reported.⁸²

37. The OSCE commented the draft law on Public Assembly issued on 24 April 2018 which it viewed as having a restrictive approach to freedom of assembly and did not facilitate the enjoyment of this fundamental human right.⁸³ It places heavy burdens on organizers of assemblies who must provide a detailed request for holding an assembly, have a clear structure of organizers and maintain an order, and places strict duties on stewards.⁸⁴ It should rather provide for spontaneous assemblies, remove absolute restrictions on the duration of assemblies, introduce clauses reminding that prohibitions of assemblies are a means of last resort and establish appeals procedures to challenge negative decisions regarding assemblies.⁸⁵

*Right to family life*⁸⁶

38. SOC noted that none of the administrative units in Bosnia and Herzegovina recognized same-sex unions, even though the majority of LGBTI persons wanted to conclude a life partnership if it was legally recognized.⁸⁷

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

39. JS5 said that the labour legislation was reformed in 2015 and that the new laws have weakened employment protection, made employment conditions more flexible and sidelined the labour dispute resolutions mechanisms.⁸⁸

40. Despite the Reform Agenda recognizing the need to step up labour inspections and increase penalties for labour law violation and to protect workers' rights, no positive change towards this objective has been brought by the new labour laws, according to JS5. It lowers the labour costs and reduces workers' protection to attract foreign investors and transnational business.⁸⁹ This will lead to an increase of job insecurity, temporary, part-time and non-unionised jobs, lower wages, as well as to a deterioration in safety at work.⁹⁰

Right to social security

41. JS5 stressed that despite the high levels of unemployment and poverty, the social welfare in Bosnia and Herzegovina was inefficient, underdeveloped and unable to address the needs of the most vulnerable.⁹¹

*Right to an adequate standard of living*⁹²

42. JS5 mentioned that Bosnia and Herzegovina accepted recommendations in its previous cycle to increase its efforts to achieve development and to reduce poverty, by providing funds for non-discriminatory access to education, social welfare, health and other public services, as well as reduction of unemployment.⁹³

43. JS5 was concerned with the most recent and comprehensive economic reform process adopted, the Reform Agenda for Bosnia and Herzegovina 2015-2018, which introduced heavy austerity measures and cuts in public spending and did not take into account the different needs of the society.⁹⁴ The human rights and gender impacts

assessment have not been conducted, which led these austerity measures to have important impacts on the enjoyment of women's rights.⁹⁵

*Right to health*⁹⁶

44. JS5 noted that healthcare was decentralized along entity and cantonal lines with limited available services of poor quality and that around 15% of the population was not covered with any form of health insurance with the majority working in the informal economy.⁹⁷ The workers who are insured have limited or non-existent access to healthcare because of the failure of their employer to pay social contributions for health benefit. Healthcare services providers are in a state of collapse.⁹⁸

45. JS2 noted that no adequate health care and sex education was provided, with only 12% of women of reproductive age using modern contraception with the highest rate for the most educated and richest women.⁹⁹ The country has failed to implement the recommendations given in the previous cycle for an equal access to sexual and reproductive health education and services.¹⁰⁰

46. JS2 and SOC highlighted that the regulation of the bio-medically assisted procreation suffers of important discrepancies among the different entities. Healthcare funds cover the expenses for females no older than 40 years of age in Republika Srpska and 42 years old in the Federation and Brčko District and this service is only accessible for persons in heterosexual marriages or extramarital unions.¹⁰¹

47. JS2 noted that access to abortion faced significant barriers associated with the costs and the different health care funds regulating the coverage for abortions. This put women in legally different positions and created difficulties of access to abortion for women living in poverty, especially for women member of minority communities, women with disabilities and women returnees.¹⁰²

4. Rights of specific persons or groups

*Women*¹⁰³

48. JS2 informed that, despite labour laws prohibited unequal treatment based on gender, there were still some differences between the administrative units with regard to the compensation for maternity leave and for maternity benefits for unemployed mothers.¹⁰⁴ Women have protested asking the government to adequately regulate their rights and to improve their healthcare coverage.¹⁰⁵ JS5 highlighted that the healthcare system has disproportionately affected women, who also had to shoulder deficits in care services through unpaid care work, which impeded their enjoyment of the right to work and to an adequate standard of living.¹⁰⁶

49. JS5 concluded that cutting down on public support services, such as childcare and elderly care, will lead to women being disproportionately affected as they are culturally expected to fill the gaps with respect to care work.¹⁰⁷

*Children*¹⁰⁸

50. JS3 noted the insecure economic and social rights of children, such as the amount of child benefit which differed across the country.¹⁰⁹ No provision in the Federation or Brčko District Family Laws prohibits corporal punishment of children and no progress on the harmonization of the criminal legislation for the protection of children from sexual abuse has been made, while Republika Srpska undertook important steps in this regard.¹¹⁰ No progress for the protection of children exposed to labour exploitation and begging have been observed and the fight against trafficking have not proved to be efficient.¹¹¹

51. Global Initiative to End All Corporal Punishment of Children (GIEACPC) referred to the duty of the State to prohibit all forms of corporal punishment of children and noted that Bosnia and Herzegovina had accepted two UPR recommendations during its second cycle to prohibit all corporal punishment of children.¹¹² An Action Plan for Children 2015-2018 was adopted with an aim to enact legislative reform, but as of February 2019, no progress had been made towards the enactment of the Bill.¹¹³ The Federation and Brčko

District have not explicitly prohibited corporal punishment of children notably in alternative care settings, day care as well as at home.¹¹⁴

52. JS4 mentioned the vulnerable position of children with regards to the effects of poverty, including the impact on access to pre-school education, secondary education and health insurance.¹¹⁵ The risk of trafficking is also higher due to these factors, especially for children belonging to the Roma people. The sexual exploitation of children in prostitution, especially of boys, has increased.¹¹⁶ Moreover, from 2010 to 2017, 4% of girls in the country were married before the age of 18 years old. Despite the existence of a legislative framework protecting children in cases of sexual exploitation, the ineffective systems for reporting, investigating, implementing activities and prosecuting the authors make actual access to such protection difficult.¹¹⁷

53. JS4 noted that measures to address these gaps included the revision of provisions on online child sexual exploitation to criminalize all forms of exploitation, including online sexual extortion, the revision of article 186 of the Criminal Code of Bosnia and Herzegovina to criminalize trafficking within the borders of the country, as well as the adoption of legal provisions defining and criminalizing sexual exploitation of children in travel and tourism.¹¹⁸ It also called for the expansion of the mandate of safe houses to include victims of other crimes related to the sexual exploitation of children and to allocate funds for such institution. It urged the authorities to establish a State fund for the compensation of child victims of sexual exploitation and to facilitate claims of compensation during the course of criminal proceedings.¹¹⁹

54. JS4 pointed out that the Council of Ministers published a progress report in 2016 noting that activities were carried out in cooperation with Save the Children aimed at mapping existing capacities to establish effective anti-trafficking systems, sexual violence on the Internet and other forms of child abuse online.¹²⁰ The report also mentioned that the Ministry of Security was currently in the process of implementing the integration of prevention of abuse on the Internet via an educational teaching plan, programming and awareness campaigns for the public.¹²¹ JS4 called for the adoption of a national plan of action to address all manifestation of sexual exploitation of children with the provision of the necessary human and financial resources for its implementation.¹²² It also urged the authorities to create a working group under the Council of children tasked with coordinating efforts to combat their sexual exploitation.¹²³

*Minorities*¹²⁴

55. JS3 noted with concern that no progress has been made to change the Constitution in order to harmonize the rights of national minorities with the rights of constituent peoples and that the efficiency of the legal protection against the discrimination of Roma people was not satisfactory due to the lack of informative material in Romani language.¹²⁵ There is also a lack of recognition and care for the specific need of Roma women.¹²⁶ The fight against prejudice is insufficient and there is no systematic approach towards the inclusion of Roma people in all spheres of social life. The fund allocated for this cause at local levels are also lacking in this respect.¹²⁷ The phenomenon of “two schools under one roof” is still present without any concrete solution.¹²⁸

56. Minority Rights Group International (MRG) recalled that the Constitution provided for an electoral system based on a strict division into Bosniak, Serbs and Croats, who were defined as the constituent peoples, while the others, including Jews, Roma and other national minorities were excluded from standing for election to the three-member presidency.¹²⁹ The OSCE noted that elections were genuinely competitive but were characterized by continuing segmentation along ethnic lines.¹³⁰ MRG called the State to amend the Constitution as prescribed by the European Court of Human Rights in its *Sejdic* and *Finci* and *Zornic* judgments and to amend all laws to end ethnic discrimination in political participation against national minorities.¹³¹

57. ADF referred to the failure of the authorities to resolve conflicts over religious property. Municipal authorities in Banja Luka have for instance refused to return many of the Catholic Church’s properties and the government authorities have been unfair in issuing permits to reconstruct or start new construction for religious buildings.¹³² It insisted on the

need to adopt legal provisions for the restitution of religious property and to establish a government agency responsible of returning religious buildings and lands to the appropriate religious communities as well as overseeing a fair and equitable approval process for reconstruction and construction of religious buildings.¹³³

*Migrants, refugees, asylum seekers and internally displaced persons*¹³⁴

58. AI contended that Bosnia and Herzegovina failed to provide refugees and migrants with effective access to international protection or adequate reception conditions. Out of the 23 000 persons who expressed their intention to apply for asylum, only 1579 managed to do so. The State has only one official reception centre for asylum seekers near Sarajevo with a limited capacity to accommodate 150 persons.¹³⁵ Most of the refugees and migrants are living in overcrowded temporary accommodation camps in Bihac and Velika, living in inhumane and unsanitary conditions.¹³⁶

59. JS3 was concerned that displaced persons and returnees sometimes faced decisions recognizing that they are holders of tenancy rights, but were unable to return to their homes and did not have access to another flat or indemnity.¹³⁷ Return is impeded by the lack of harmonization of regulations in the areas of health care services and social protection, which lead to discrimination and different treatments.¹³⁸ The CoE has urged the authorities to provide all refugees and migrants with adequate accommodation and to address the issues faced by asylum seekers who are unable to make an asylum request without being able to provide an address in Bosnia and Herzegovina, which is a condition in order to request asylum.¹³⁹

Stateless persons

60. In the area of registration of birth, JS3 mentioned the lack of harmonization of regulations and the late entries in the registry of births, which created obstacles for civil registration.¹⁴⁰ There are no clearly determined referral mechanisms and networks enabling Roma citizens to have information about their rights in due time and to enable them to complete the identification with the competent municipal services.¹⁴¹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
ADF	Alliance Defending Freedom International Switzerland, Geneva (Switzerland);
CoE	Council of Europe, Strasbourg (France);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
MRG	Minority Rights Group International, London (United Kingdom of Great Britain and Northern Ireland);
OSCE	Organization for Security and Co/operation in Europe, Vienna, (Austria);
SOC	Sarajevo Open Centre, Sarajevo (Bosnia and Herzegovina).

Joint submissions:

JS1	Joint submission 1 submitted by: Advocates for Human Rights, Minneapolis (United States of America), Ženski Centar Trebinje, Trebinje (Bosnia and Herzegovina);
JS2	Joint submission 2 submitted by: Sarajevo Open Centre, Sarajevo (Bosnia and Herzegovina), Sexual Rights Initiative, Geneva (Switzerland);
JS3	Joint submission 3 submitted by: Civil Rights Defenders,

Stockholm (Sweden), Sarajevo Open Centre, Sarajevo (Bosnia and Herzegovina), CURE Foundation, Montreal (Canada), Transparency International in BiH, Banja Luka (Bosnia and Herzegovina), Association Zemlja Djece, Tuzla (Bosnia and Herzegovina), CA Why Not, Sarajevo (Bosnia and Herzegovina), Civil Society Promotion Center, Sarajevo (Bosnia and Herzegovina), Association Vaša prava BiH, Sarajevo (Bosnia and Herzegovina), TRIAL International, (Switzerland), My Right – Empowers People with Dissabilities, Stockholm, (Sweden), CA for Promotion of Roma Education “Otaharin”, Bijeljina (Bosnia and Herzegovina);

- JS4 **Joint submission 4 submitted by:** International Forum of Solidarity-EMMAUS (IFS-EMMAUS), Sarajevo (Bosnia and Herzegovina), ECPAT International, Bangkok (Thailand);
- JS5 **Joint submission 5 submitted by:** Women's International League for Peace and Freedom, Geneva (Switzerland), Association for Culture and Art – Crvena, Sarajevo (Bosnia and Herzegovina), Association of citizens Oštra Nula, Banja Luka (Bosnia and Herzegovina).

National human rights institution:

Ombudsman Ombudsman Institution for Human Rights * , City (Country).

Regional intergovernmental organization(s):

CoE The Council of Europe, Strasbourg (France).

- 2 Ombudsman, p.2.
- 3 Ombudsman, p.2.
- 4 Ombudsman, p.2.
- 5 Ombudsman, p.2.
- 6 Ombudsman, p.5.
- 7 Ombudsman, p.5.
- 8 Ombudsman, p.5.
- 9 Ombudsman, p.6.
- 10 Ombudsman, p.6.
- 11 Ombudsman, pp.3-4.
- 12 Ombudsman, p.4.
- 13 Ombudsman, p.3.
- 14 Ombudsman, p.3.
- 15 Ombudsman, p.3.
- 16 Ombudsman, p.3.
- 17 Ombudsman, p.6.
- 18 Ombudsman, p.7.
- 19 Ombudsman, p.7.
- 20 Ombudsman, p.8.
- 21 Ombudsman, p.8.
- 22 Ombudsman, p.8.
- 23 Ombudsman, p.8.
- 24 Ombudsman, p.8.
- 25 Ombudsman, p.7.
- 26 Ombudsman, p.4.
- 27 Ombudsman, p.4.
- 28 Ombudsman, p.4.
- 29 Ombudsman, p.5.

30 The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³¹ For relevant recommendations see A/HRC/28/17, paras. 107.1–107.2, 107.20–107.23.

³² ICAN, p.1.

³³ For relevant recommendations see A/HRC/28/17, paras. 107.3–107.17.

³⁴ AI, p.2.

³⁵ AI, p.4.

³⁶ AI, p.4.

³⁷ AI, p.5.

³⁸ AI, p.5 and JS3, p.7.

³⁹ For relevant recommendations see A/HRC/28/17, paras. 107.24–107.53, 107.110, 107.22–107.129, 107.149–107.150 et 107.158.

⁴⁰ JS3, p.4.

⁴¹ SOC, p.4.

⁴² JS3, p.10.

⁴³ For relevant recommendations see A/HRC/28/17, paras. 107.73.

⁴⁴ JS5, p.14.

⁴⁵ JS5, p.14.

⁴⁶ 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 et 107.113–107.116.

⁴⁷ JS1, para.7.

⁴⁸ JS1, para.31. JS2, p.4.

⁴⁹ JS2, p.4.

⁵⁰ JS1, paras.33–34.

⁵¹ SOC, p.5.

⁵² For relevant recommendations see A/HRC/28/17, paras. 107.60–107.62, 107.4, 107.90, 107.92–107.103.

⁵³ JS1, paras.47 and 52.

⁵⁴ JS1, para.51.

⁵⁵ JS1, paras.54–56.

⁵⁶ JS2, p.5.

⁵⁷ JS1, para. 36.

⁵⁸ JS1, para. 39.

⁵⁹ JS1, paras.36–39.

⁶⁰ JS1, paras.40–44.

⁶¹ AI, p.5.

⁶² AI, p.6.

⁶³ AI, p.6.

⁶⁴ AI, p.3.

⁶⁵ AI, p.3.

⁶⁶ JS3, p.4.

⁶⁷ SOC, p.5.

⁶⁸ JS3, p.8.

⁶⁹ CoE, p.2.

⁷⁰ CoE, p.3.

⁷¹ For relevant recommendations see A/HRC/28/17, paras. 107.111–107.112, 107.117–107.118.

- 72 ADF, p. 2.
73 ADF, p.4.
74 JS3, p.6.
75 JS3, p.6.
76 OSCE, p.2.
77 JS5, p.5.
78 JS3, p.9.
79 CoE, p.3.
80 CoE, p.3.
81 JS3, p.9. SOC, p.7.
82 JS3, p.9.
83 OSCE, pp.1-2.
84 OSCE, p.2.
85 OSCE, p.2.
86 For relevant recommendations see A/HRC/28/17, paras. 107.105.
87 SOC, p.6.
88 JS5, p.7.
89 JS5, p.7.
90 JS5, p.8.
91 JS5, p.6.
92 For relevant recommendations see A/HRC/28/17, paras. 107.73, 107.136–107.138.
93 JS5, p.4.
94 JS5, pp.4 and 6.
95 JS5, pp.5-6.
96 For relevant recommendations see A/HRC/28/17, paras. 107.134, 107.139.
97 JS5, p.6.
98 JS5, p.6.
99 JS2, p. 8.
100 JS2, p.9.
101 JS2, pp.6-7. SOC, p.9.
102 JS2, p.8. See also ADF, p. 4.
103 For relevant recommendations see A/HRC/28/17, paras. 107.71–107.72, 107.130–107.133.
104 JS2, pp.9-10.
105 JS2, p.10.
106 JS5, p.7.
107 JS5, p.8.
108 For relevant recommendations see A/HRC/28/17, paras. 107.18–107.19, 107.135, 107.140–107.147, 107.70, 107.74–107.79, 107.88–107.89 et 107.105–107.109 et 107.167.
109 JS3, p.1.
110 JS3, p.1. See also GIEACPC, p.2.
111 JS3, p.2.
112 GIEACPC, p.1.
113 GIEACPC, p.2.
114 GIEACPC, pp.3-4.
115 JS4, p.3.
116 JS4, pp.3-4.
117 JS4, p.5.
118 JS4, p. 8.
119 JS4, p.14.
120 JS4, p.8.
121 JS4, p.8.
122 JS4, p.9.
123 JS4, p.9.
124 For relevant recommendations see A/HRC/28/17, paras. 107.119–107.121, 107.159–107.163.
125 JS3, p.2.
126 JS3, p.2.
127 JS3, p.2.
128 JS3, p.3.
129 MRG, p.2.
130 OSCE, p.3.
131 MRG, p.4.
132 ADF, p. 2.

¹³³ ADF, p.4.

¹³⁴ For relevant recommendations see A/HRC/28/17, paras. 107.164–107.166.

¹³⁵ AI, p.7

¹³⁶ AI, p.8.

¹³⁷ JS3, p.8.

¹³⁸ JS3, p.9.

¹³⁹ CoE, pp.4 and2.

¹⁴⁰ JS3, p.8.

¹⁴¹ JS3, p.8.
