



BIH CIVIL SOCIETY INITIATIVE FOR UPR – ADVOCACY FACTSHEETS

3rd Cycle of the Universal Periodic Review (UPR) on the State of Human Rights in Bosnia and Herzegovina

BiH Civil Society Initiative for UPR is an informal coalition of twelve civil society organisations¹ from across Bosnia and Herzegovina which act in various fields of promotion and protection of human rights. The factsheets raise human rights concerns present in Bosnia and Herzegovina, and provide a clear overview of human rights situation to Recommending States prior to the country's 3rd UPR². Furthermore, the factsheets are following the best practice established by the **Initiative**, and have been prepared on the basis of the CSO submissions submitted to the UN Human Rights Council in March 2019, and contain all necessary information diplomats would require for their review of Bosnia and Herzegovina's human rights situation.

¹ Members of the BiH Civil Society Initiative for UPR are: Sarajevo Open Centre, BH Journalists, Civil Rights Defenders, CURE Foundation, Transparency International in BiH, Association Zemlja Djece, CA Why Not, Civil Society Promotion Center, Association Vaša prava BiH, TRIAL International, My Right – Empowers People with Disabilities, and CA for Promotion of Roma Education "Otaharin".

² The country report is due on July 2019, and will be presented at the 34th session (October – November 2019)

WOMEN'S RIGHTS

Women still face obstacles to achieving full political, economic, and social participation, economic status of women remains low, and are facing gender-based violence well above the global average of 35%.

RECOMMENDATIONS

- ▶ The funds have to be provided from the public budgets on all levels of governance, since the implementation of GAP BiH must not depend on donor funds.
- ▶ Ministry of Justice of BiH, Ministry of Labor, Social Policy, Displaced Persons and Refugees of Federation of BiH, Ministry of Labor, Employment, Veterans' Affairs and Social Affairs of Republika Srpska together with civil society needs to harmonize entity laws on protection against domestic violence with the Istanbul Convention.
- ▶ Ministry of Labor, Social Policy, Displaced Persons and Refugees of Federation of BiH together with the competent cantonal ministries, and Ministry of Labor, Employment, Veterans' Affairs and Social Affairs of Republika Srpska together with local communities from which survivors of domestic violence are coming need to harmonize the current legislation on domestic violence in BiH, adopt the rule book on the manner funds allocation for the financing of the safe houses in FBiH, provide funds for financing without delays in RS, adopt the rule book and standards for safe houses in FBiH.
- ▶ House of Representatives of the Parliamentary Assembly of BiH, House of Peoples of the Parliamentary Assembly of BiH, Parliament of the Federation of BiH, National Assembly of Republika Srpska and Cantonal Assemblies need to amend all laws on governments in BiH with the double guarantee of the minimal representation of the less represented gender at 40%, as well as the amendments to the BiH Election Law which would introduce a gender quota of 50% for the election lists, with the obligation to list the male and female candidates in turn.

ACCESS TO JUSTICE

The lack of free legal aid most heavily impacts refugees, single mothers, the Roma population, people with disabilities, victims of conflict-related violence, victims of domestic and gender-based violence, victims of human trafficking and other vulnerable groups.

RECOMMENDATIONS

- ▶ Council of Ministers (CoM) OF BiH has to adopt, without further delays, the Revised National War Crimes Processing Strategy and its amendments completed in 2018.
- ▶ BiH needs to pass measures which will exempt the victims from paying the court costs to the entities in cases when their demand for the indemnity has been denied.
- ▶ Centers for Education of Judges and Prosecutors of Federation of BiH and Republika Srpska need to conduct continuous sensibilization and education on stigma for the judicial professionals working on cases of wartime sexual violence.
- ▶ Centers for Education of Judges and Prosecutors of FBiH and RS need to conduct trainings on correct and harmonized application of criminal laws regarding the determination of the length of sentence in the cases of wartime sexual violence, and the conduct trainings on the negative trends which allow the perpetrators to receive amnesty and reduced sentences.
- ▶ BiH has to abandon the use of statute of limitations in cases of war crimes as soon as possible.

SEXUAL ORIENTATION AND IDENTITIES

Lesbian, gay, bisexual, transgender and intersex (LGBTI) community continues to be a marginalized and nearly invisible group in BiH.

RECOMMENDATIONS

- ▶ BiH needs to adopt an LGBTI equality action plan.
- ▶ BiH should build upon developments regarding training, coordination and awareness-raising in tackling discrimination of LGBTI persons and implement these practices throughout the judiciary and the police.
- ▶ BiH needs to pass and amend laws that will enable equal treatment of LGBTI persons in a society that will concern transgender health care, same-sex marriage, freedom of assembly.
- ▶ Through its entity and cantonal ministries of health, as well as clinical centers, BiH needs to strengthen the protection of bodily integrity of intersex people and prohibit unnecessary “sex normalization” medical procedures conducted on intersex children.

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FIGHT AGAINST CORRUPTION

Despite political figures and agencies increasingly voicing their concerns over the dangers presented by corruption, there has been limited activity or political will to combat the issue directly.

RECOMMENDATIONS

- ▶ Parliament of the Federation of Bosnia and Herzegovina and the Federal Ministry of Justice need to harmonize the Law on Financing of Political Parties with the GRECO recommendations.
- ▶ Parliament of the Federation of Bosnia and Herzegovina and the Federal Ministry of Justice need to adopt the missing laws on the protection of whistleblowers.
- ▶ Ensure compliance with the Law prescribed procedures on the freedom of access to information by institutions in BiH.
- ▶ The competent authorities at all levels of the legislative and executive power need to provide all necessary administrative, financial and institutional resources to established anti-corruption bodies in BiH in order to carry out their competencies without interruption.
- ▶ Improve the level of implementation of the activities of state institutions in order to involve all relevant actors in preventing corruption and raising awareness of the entire society.
- ▶ Ministries responsible for judicial administration and High Judicial and Prosecutorial Council of BiH need to strengthen the integrity, independence and efficiency of the judiciary in Bosnia and Herzegovina.
- ▶ Parliamentary Assembly needs to make an effort to keep the Law on conflict of interests procedural and on the agenda of the Assembly and eventually adopt it.

RIGHTS OF PEOPLE WITH DISABILITIES

Persons with disabilities in Bosnia and Herzegovina continue to face numerous problems in the realization of their rights.

RECOMMENDATIONS

- ▶ Harmonize legislation in BiH with the UN Convention on the Rights of People with Disabilities and adopt the Action plan on the implementation of Convention, at all levels of authority in charge, with concrete deadlines and appoint responsible persons and bodies. This activity should encompass adoption of a harmonised human rights-based concept of disability.
- ▶ Amend the laws on education stipulating the obligation of securing reasonable accommodations for students with disabilities.
- ▶ Provide the budgets for the quality inclusive education of children and youth with disabilities.
- ▶ Ensure coordinated reporting on all levels of inclusive education which would be relevant for monitoring of progress.
- ▶ Promote the right of children with disabilities to education in regular school system in order to raise the public awareness.
- ▶ Incorporate inclusive education training into university curricula for future teachers and training programmes for current teaching staff with an adequate budget.
- ▶ Ban discrimination in laws on social protection at the relevant levels, providing all people with disabilities the same rights regardless of when and how their disability came about, place of residence or age.