



**Permanent Mission of Bosnia and Herzegovina  
to the United Nations Office  
Geneva**

**S T A T E M E N T  
BY  
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High Level Segment**

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*Check against delivery*

Mr. Chairman,

It is indeed my pleasure to participate at the 61<sup>st</sup> session of the Commission for Human Rights.

Today's 61<sup>st</sup> session of the United Nations Commission for Human Rights offers me the opportunity to report, on behalf of Bosnia and Herzegovina, on the situation of human rights and primarily to report about the progress made in comparison to the last year's session of the Commission.

There are numerous arguments to support the evaluation that the situation of human rights in Bosnia and Herzegovina in the year of 2004 is much better than in any other post war year. The reports and monitoring done by both, domestic and international governmental and non governmental organizations and institutions specialized in monitoring and reporting on human rights in specific countries and the region are reporting so. That does not mean that all the issues and problems in the area of human rights are resolved and that the authorities of Bosnia and Herzegovina, regardless of the level, are not aware of the difficulties, challenges, and obligations they have when it comes to promotion and protection of human rights in the future. In our opinion, the advancements are evident in at least three fields: Legislation, Institutional and Analytical-Reporting sphere. Allow me to say a few words on each of them.

1. In the area of Legislation, the authorities of Bosnia and Herzegovina, primarily those on the state level, but also the entities, have carried on with the practice of adopting new and revising and supplementing the existing laws in those areas of life that are to the largest extent possible related to human rights and basic freedoms of citizens. To illustrate, allow me to mention a few examples. During last year we have adopted following Laws: Law on freedom of religion and equal status of churches and religious communities - which is entirely aligned with European standards - then Law on missing persons, which is the first law in that area, not only in Bosnia and Herzegovina but in the Region, then Law on Red Cross Society of Bosnia and Herzegovina; Law on movement and stay of foreigners in Bosnia and Herzegovina, Amendments and Supplements of the Law on refugees from Bosnia and Herzegovina and displaced persons in Bosnia and Herzegovina. The Council of Ministers had also prepared the Amendments and Supplements of the Law on the Ombudsman of Bosnia and Herzegovina, as an important institution in the segment of human rights, that is now an entirely domestic institution, but it did not receive the support of the necessary majority in the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, so that we will have to return to it in the following period.

In addition, I would like to inform you that the entity Parliaments have also been active in this segment. Again I would like to point out only two examples. Both Republika Srpska and the Federation of Bosnia and Herzegovina have adopted new laws on elementary and high school education which are in accordance with the Framework law on elementary and high school education in BiH, which the Parliament passed in 2003, although they have been implemented with varied success. The implementation of these Laws is an important prerequisite for elimination of discrimination in the education area.

Also, the National Assembly of Republika Srpska passed at the end of the year the Law on protection of minority rights of Republika Srpska, while a law treating the same issue is in Parliamentary procedure in the Federation of Bosnia and Herzegovina. Both Laws have been harmonized with the state Laws passed last year and with Framework Convention of the Council of Europe for the Protection of National Minorities. Furthermore, as an example of progress achieved in the legislative branch, it is important to mention the adoption of several relevant decisions and regulations, such as: Decision on establishing BiH representation to the Court for Human Rights in Strasbourg, Decision on accession of Bosnia and Herzegovina to the European Charter on Regional and Minority Languages, Decision on the accession of BiH to the Revised European Social Charter, Bases for Establishing the Protocol on Cooperation in the Process of Searching for Missing Persons, exhumation and identification of the missing persons between BiH and the Republic of Croatia and several other countries. Of course, this does not mean that all the norms contained in these Decisions, Agreements and Protocols are implemented in reality automatically and without any difficulties.

Recognizing that the rule of law represents the foundation of a civilized society, it is our goal to transform the legislative system gradually by adopting European standards and legislation. The harmonization plan of the legislative system of BiH with ACQUIS is key to the progress in stabilization and association process.

Reform of the judicial system in the country practically started in 2002. With the establishment of the Court of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina at the beginning of the year 2003, as well as the state Ministry of Justice, an institutional framework for the implementation of a complete judicial reform in the country was created.

Within the Court of Bosnia and Herzegovina there is a special Chamber for Organized Crime, while the process of establishing a special War Crimes Unit is in its final phase.

By establishing the High Judicial and Prosecutorial Council of Bosnia and Herzegovina the influence of political parties on the appointment of judges and prosecutors is definitely to be eliminated.

With the adoption of new laws, the process of criminal justice regulation and material and procedural criminal legislation harmonization will be finished. Through the adoption of the Criminal Code of BiH and the Law on Criminal Procedure, a new model of criminal justice in BiH has been designed. With the aim of more efficient investigations, criminal prosecution and trials, the Law on the protection of threatened and endangered witnesses has been adopted.

Having in mind the fact that BiH, like all other countries in transition, is open to changes in accordance with existing European solutions, in this way an attempt has been made to find efficient legislative solutions that will be an adequate response to the appearance of new forms and methods of organized crime. Such a legislative framework will ensure the implementation of the Protocol to the Convention Against Transnational Organized Crime, including criminalization of merchants and those that commit illegal actions connected with trafficking in human beings, as well as the need for regulation of the legal status of victims.

Mr. Chairman,

2. When it comes to the institutional strengthening of the capacity for more efficient promotion and protection of human rights, I will point out the establishment of new institutions, services, and other state resources that deal with this problem. Firstly, I will mention the establishment and start of operations of the Return Fund, as well as putting into function the Agency for Gender Equality in BiH at the state level, with which we have finally caught up with the entities since their Governments have formed their Gender Centers earlier. There is also "domestic" Commission for Real Property Claims of Refugees and Displaced Persons, which has taken over responsibilities from the International Commission. At the end of last year the Competition Council of BiH was put into function, as well as the Concessions Commission, with which a greater transparency in the functioning of government agencies was secured, which is one of the prerequisites for the reduction of human rights violations. Of course, the formation of other institutions and services at state and entity level, with the primary task of protecting human rights, must follow as soon as possible. Among the first, hopefully in the first half of this year, it is planned to establish the aforementioned Office for BiH Representation to the European Court for Human Rights in Strasbourg in which unfortunately several cases against BiH and her entities are being processed, under the appeal of citizens who claim that their human rights have been violated. Furthermore the issue of continuation of work of the Commission for Human Rights to the Constitutional Court of BiH, the legal heir of the former Human Rights Chamber of BiH, has been successfully resolved.

3. In the analytical – reporting sphere related to human rights, BiH has in the past year fulfilled several important international obligations. Throughout the past year, reports on implementation of the following Conventions, Treaties and other international legal documents were prepared and adopted: the Report on implementation of the UN Convention on Elimination of all Forms of Discrimination against Women; the Report on implementation of the International Covenant on Economic, Social and Cultural Rights; the Report on implementation of the Framework Convention of the Council of Europe on Protection of Minorities; the Report on realization of the Convention against Torture and other Cruel Inhumane or Humiliating Punishments or Treatments, as well as others. Their consideration in the relevant bodies of the United Nations or the Council of Europe has already begun or is expected soon, so that the state of human rights in BiH will be discussed in other UN bodies and fora.

All these reports and analyses were done by domestic brainstorming, inter-resource cooperation among employees of state and entities organizations and institutions and activists in the non-governmental sector. During this year we expect the fulfillment of the two remaining obligations in this field.

Ladies and Gentlemen,

That is how things look when observed from just one angle, from the angle of creating necessary legislative and institutional prerequisites for the promotion and protection of human rights and the angle of fulfilling analytical – reporting obligations of the governmental bodies of BiH.

However, if we want to examine and evaluate the problems as a whole, then it is imperative to look at them from a different perspective, from the viewpoint of everyday life and the true exercising of rights by citizens, groups and the communities in BiH. If we look at the processes and events from that point of view, we will see that in BiH there are still many difficulties in exercising some human rights which are guaranteed by laws.

Let me mention only some of them:

During the year 2004, the authorities in BiH directed the greatest part of their activities to ensuring realization of the rights of refugees and displaced persons. In this domain impressive results were also achieved. For example: the implementation of property laws in BiH reached almost 99% realization, the Return Fund was formed, four regional centers of the Ministry of Human Rights and Refugees of BiH were established, a data base treating all aspects of the refugees and displaced persons issues in BiH was established, we have registered over a million returns of refugees and displaced persons to BiH and security situation of returnees is by far more favorable than before.

Nevertheless, many returns are still unsustainable due to economic reasons. In addition, there is a decrease of the interest of foreign donors to financially help the return process. I would like to draw your attention to this so that you would understand why the successful return, which was achieved in the last few years, is not self sustainable yet, despite all efforts taken by authorities in BiH. Furthermore, we are not satisfied that there are still no adequate programs and projects for employment of returnees, that it is difficult to facilitate the social and health protection of the returnees, that pensions are not paid out where they were earned, despite the decisions of the Human Rights Chamber concerning that issue or the relevant resolution of the Parliamentary Assembly of BiH, as well as the agreements signed among states. Also, the quality and speed of the services offered by the government administration is still not on a very high level, although specific reforms have also been carried out in this area; number of unemployed people is still high, attention paid to people with disabilities is still not satisfactory, although we have in the past year as the country adopted the Standard Rules; we are dissatisfied with the fact that all the children in BiH still do not have the possibility of optimal access to elementary education, that a number of children are not registered in register of births, that the rights of foreign currency savings holder are not respected, that we are sometimes not adequately gender sensitive; that in BiH, according to the information of the International Committee of the Red Cross, 15.535 persons are still missing, despite the adoption of the Law on missing persons; the efforts and cooperation undertaken by the relevant entity commissions in finding and exhumation of missing persons, and despite the recent establishment of the Institute for the search for missing persons, as a domestic, independent institution.

During last year, the issue of decertified policemen has not been resolved, but in cooperation with the Office of the High Representative and the relevant UN bodies, necessary measures have been undertaken in order to resolve the issue in a satisfactory way.

The prerequisites necessary for resolving this delicate issue are provided by amending domestic regulations and adopting a special law in this area.

Let me conclude:

The situation of human rights in BiH today is, of course, more favorable than only 2 or 3 years ago. A tendency of constant improvement is evident. A lot has been done and great deal will be done in the coming period. But, it is the fact that there is still some resistance – mainly because of misunderstanding the importance of human rights – to the implementation of norms from international legal documents, domestic laws and regulations. In raising the awareness of the importance of human rights so far, we have had significant assistance from the international community, especially from the United Nations, Council of Europe, European Commission, UNHCR, UNDP, OSCE, UNCEF, IOM, as well as other organizations and institutions, and numerous non – governmental organizations in BiH. I would like to take this opportunity to express, once again, gratitude to all of them, on behalf of the Ministry of Foreign Affairs and the Council of Ministers of BiH. Nevertheless, I think that even now and almost in all areas, we are prepared and capable of entirely taking over authorities and responsibilities and carrying them out on our own. Of course, domestic authorities carry the greatest responsibility, for the status of human rights as well as for the overall situation in the society, and only they are accountable in case of potential failure.

I thank you for your attention.