



13 May 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Bosnia and Herzegovina and welcome the constructive engagement of your Government during the 34<sup>th</sup> session of the UPR Working Group in November 2019.

As the final outcome report on the review of Bosnia and Herzegovina has been recently adopted by the Human Rights Council at its 43<sup>rd</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Bosnia and Herzegovina – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 74 delegations and the presentation made and responses provided by the delegation of Bosnia and Herzegovina. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I acknowledge your country's efforts in addressing ethnic segregation in education and I encourage Bosnia and Herzegovina to put a rapid end to the "two schools under one roof" system. I am also encouraged by the efforts to ensure that the Office of the Ombudsperson functions in compliance with the Paris Principles and, in this respect, I look forward to the adoption of the Draft Law on amendments to the Law on the Ombudsman for Human Rights in order to strengthen it. I further welcome Bosnia and Herzegovina's efforts aimed at harmonizing the legislation at the level of State and the Entities with the international human rights standards and overcome the remaining legislative fragmentation in its national laws.

I encourage Bosnia and Herzegovina to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Bosnia and Herzegovina's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Bosnia and Herzegovina to establish a national mechanism for comprehensive reporting and follow-up on recommendations received from all international and regional human rights mechanisms and on treaty obligations, while

His Excellency  
Mr. Bisera Turkovic  
Minister for Foreign Affairs  
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linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:  
[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Bosnia and Herzegovina to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

Finally, kindly allow me to use this opportunity to express my Office’s profound solidarity with your country and all Member States in connection with the negative impact of the COVID-19 pandemic. I hope that despite unprecedented challenges it will soon be over in all countries worldwide, including through implementation of human rights based approaches to our collective response to the pandemic. I look forward to discussing with you ways in which my Office may assist Bosnia and Herzegovina in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet  
High Commissioner for Human Rights

cc: Her Excellency  
Ms. Semiha Borovac  
Minister for Human Rights and Refugees  
Bosnia and Herzegovina

Ms. Ingrid Macdonald  
United Nations Resident Coordinator  
Bosnia and Herzegovina

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Taking the necessary steps to harmonize its legislation with the article 25 of the International Covenant on Civil and Political Rights, irrespective of ethnicity, and the respective rulings of the European Court of Human Rights, as well as the judgments of the Constitutional Court of Bosnia and Herzegovina to remove provisions that discriminate against certain ethnic groups, by preventing them from fully participating in elections.
- Redoubling efforts to combat hate speech, in accordance with articles 12 and 20 of the International Covenant on Civil and Political Rights.
- Setting up a domestic mechanism to monitor the implementation of human rights recommendations at the State, entity, district and cantonal levels.

### **National human rights framework**

- Considering the adoption of a national human rights action plan, allocating adequate resources for its implementation and measures to strengthen human rights policy coordination with at all governance levels.
- Continuing to support the gender equality policy, particularly through the Gender Action Plan for 2018–2022, and strengthening cooperation with women's organizations in the implementation of the Gender Action Plan, and systematically involving them in the development of legislation, policies and programmes on gender equality at the State, entity, district and cantonal levels.
- Taking concrete measures to ensure the effective implementation of the Anti-Discrimination Law and the national Action Plan to Combat Trafficking in Human Beings 2016–2019.
- Improving human rights training and accountability for prison officials and providing training to law enforcement and judiciary officers in tackling discrimination, hate speech and acts of violence based on the sexual orientation and gender identity of the victims.
- Continuing efforts to intensify training programmes in accordance with human rights standards and integrating it into the school curriculum.

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

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

##### *Equality and non-discrimination*

- Continuing strengthening the protection of the rights of all citizens, notably by ensuring the implementation of the legislation on non-discrimination and on gender equality, and by strengthening initiatives aimed at the elimination of

discrimination against all persons, including women, persons with disabilities, ethnic minorities and the lesbian, gay, bisexual, transgender and intersex community.

- Continuing efforts aimed at developing a comprehensive strategy in the field of protecting and promoting human rights and combating discrimination, including the establishment of an appropriate human rights system.
- Taking all the necessary measures to combat discrimination against ethnic, religious and linguistic minorities, in particular with regard to persons who do not qualify as Bosniacs, Serbs or Croats, by removing discriminatory provisions from the Constitution, the Election Law and other legislation, and by implementing the judgments of the European Court of Human Rights, such as the Sejdić and Finci judgment.
- Elaborating a countrywide anti-discrimination strategy, covering discrimination against lesbian, gay, bisexual, transgender, and intersex persons, in cooperation with civil society.

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

- Increasing anti-corruption efforts, by adopting and implementing legislation preventing conflicts of interest, ensuring transparent party financing in accordance with international standards, and eliminating bribery and impunity.
- Ensuring that the relevant institutions tasked with fighting corruption are independent and adequately resourced.
- Adopting and implementing an overall strategy to fight air pollution, which affects the enjoyment of the right to health, particularly for children and older persons.
- Adopting a national commitment in line with the United Nations Guiding Principles on Business and Human Rights through the adoption of a national action plan on business and human rights.

**B. Civil and political rights**

*Right to life, liberty and security of person*

- Guaranteeing the prohibition of torture, by establishing a national mechanism for the prevention of torture as required under article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, making it fully operational and providing it with sufficient human and financial resources.

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

- Strengthening the independence of the judiciary, including the High Judicial and Prosecutorial Council, in particular by sanctioning individuals who do not respect its independence and by ensuring that it meets international standards in the prosecution of war crimes.

- Strengthening the professionalism and independence of the judiciary system and improving the level of expertise of the prosecution, as well as of the courts, to ensure the enforcement of European and international standards in the prosecution of war crimes.
- Ensuring access to justice for every citizen, including by providing free legal assistance to the most vulnerable groups and by fully implementing anti-corruption policies.
- Ensuring that the mechanism for free legal aid is operational throughout the national territory for all vulnerable citizens, including persons who were victims of sexual violence during the war.
- Ensuring that survivors of conflict have access to justice, by adopting and implementing a national war crimes processing strategy and by meeting the needs of the most vulnerable displaced persons and refugees.
- Ensuring the full implementation of laws related to wartime victims of rape and sexual violence, so that the status of victims of wartime torture is ensured equally for all victims throughout the territory and jurisdiction of Bosnia and Herzegovina.
- Developing a comprehensive rights-based framework for redress for the civilian victims of war, including survivors of wartime sexual violence, and ensuring that the right to compensation in civil and criminal proceedings is enforceable in practice.
- Taking further steps towards reconciliation at the State and regional level, by supporting the civil society-backed initiative to establish a regional truth commission, approving the revised National War Crimes Processing Strategy and implementing the Law on Missing Persons.
- Continuing to enhance the capacities of institutions to deal with serious organized crime, corruption and other challenges related to the rule of law, including through an adequate human rights training system and the continued improvement of regional cooperation and cooperation with international institutions.

#### *Fundamental freedoms*

- Taking meaningful steps to ensure the use and quality of public broadcasting in all of the State's official languages.
- Stepping up measures to prevent hate speech and incitement to racial, ethnic and religious hatred in the media.
- Taking all the necessary measures to guarantee full respect for the rights to freedom of expression and of association.
- Ensuring the effective protection of human rights defenders and journalists so that they are free from acts of intimidation or reprisals.

- Taking all the necessary measures to protect and promote civic space, online and offline, and ensuring a safe and enabling environment for human rights defenders and activists.
- Ensuring appropriate judicial follow-up to cases of threats and violence against journalists and media workers.
- Intensifying efforts to protect the freedom of peaceful assembly and freedom of expression, both online and offline, as well as creating a safe and enabling environment for civil society, human rights defenders and journalists, by ensuring that any attack against them or members of their families is properly investigated and the perpetrators brought to justice.
- Revising current laws governing the right to peaceful assembly, through the removal of blanket bans on certain venues and criminal penalties for organizers who fail to fulfil administrative procedures.
- Taking all the necessary measures to foster intercultural dialogue, tolerance and understanding among the different communities, including by enabling a positive environment for reconciliation, for the protection and inclusion of all vulnerable groups.

*Prohibition of all forms of slavery*

- Continuing and intensifying national efforts to combat trafficking in human beings particularly women and children, and providing the necessary care for victims.

*Right to family life*

- Implementing laws that would recognize same-sex partnerships and define the rights and obligations of cohabiting couples in same-sex unions.
- Extending effective protection and support to the family as the fundamental and natural unit of society, in line with international human rights law.

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

*Right to work and to just and favourable conditions of work*

- Amending without further delay the Constitution in order to eliminate discrimination based on membership of an ethnic group, in public political life and in terms of access to employment in the public sector. This should be done in accordance with the relevant jurisprudence of the European Court of Human Rights
- Ensuring equal opportunities for women and men in the labour market, by adopting family strategies aimed at achieving gender equality and adequate work-life balance for both women and men, narrowing and closing the gender wage gap, and ensuring access to the necessary social and health-care services for new parents and children.

*Right to an adequate standard of living*

- Continuing with its successful social programmes to combat poverty and inequality, in order to provide the best possible quality of life for its people.
- Continuing to promote sustainable economic and social development, in order to provide a solid foundation for the enjoyment of all rights by its people.
- Continuing to implement initiatives to promote the right to equitable housing.

*Right to health*

- Strengthening its efforts to improve health-care services and to ensure universal access to basic health-care services.
- Facilitating access for children with special needs to health care.

*Right to education*

- Expanding efforts to ensure inclusive and quality access to education for children.
- Taking further steps to implement measures aimed at guaranteeing the right to education in an inclusive manner, by eliminating all kinds of practices that may cause segregation or assimilation of minority groups.
- Taking measures to strengthen the inclusiveness of the education system, especially by facilitating access to education for Roma children and children with disabilities.
- Providing access to education and protecting the right to education in the mother tongues of the three constituent peoples, in a tolerant and inclusive education system.
- Continuing efforts aimed at improving the quality of education, by preventing ethnic segregation in formal education through the application of anti-discriminatory approaches based on the Council of Europe standards and practices.
- Taking the necessary measures to eradicate ethnic segregation in education, including revision of the “two schools under one roof” system, and redoubling efforts to increase the integration of Roma children into schools.
- Introducing education on human rights and gender equality, as well as comprehensive sexuality education for children and young persons in the formal and non-formal education system.

**D. Rights of specific persons or groups**

*Women*

- Continuing to promote gender equality and taking further measures to ensure the empowerment of women and support their economic empowerment by, inter alia, improving their access to the financial system.
- Advancing on the implementation of the Gender Action Plan for 2018–2022 in order to achieve gender equality in all areas of economic, political and social life.
- Continuing efforts to ensure that its legislation, including laws on protection against domestic violence, is fully in line with the Istanbul Convention on preventing and combating violence against women and with regards the provision of adequate material and psychological or legal assistance for women victims of domestic violence.
- Adopting amendments to all laws on the governments in Bosnia and Herzegovina to guarantee the minimal representation quota of women in executive governments and ministerial positions of 40 per cent, in accordance with the Law on Gender Equality.
- Ensuring that the Election Law is amended to promote the representation of women at different levels of government.
- Taking action to improve women's rights and empowerment, by ensuring their meaningful participation in all political and economic processes.
- Conducting awareness campaigns to encourage women to take on high-level public positions.
- Promoting the full political, economic and social participation of women.

#### *Children*

- With regards the Action Plan for Children for 2015–2019, developing and adopting a new action plan on child protection, keeping in mind the specific needs of vulnerable children and including measures for the protection of the rights of children without parental care and children with disabilities, and measures for juvenile justice across the country, with the aim of continuing to strengthen comprehensive respect for and protection of the rights of boys, girls and adolescents.
- Taking effective measures to secure children's rights on the basis of the Convention on the Rights of the Child and the Optional Protocols thereto, for all children in the country.
- Continuing efforts to prevent violence against children.



### *Persons with disabilities*

- Aligning domestic legislation with the Convention on the Rights of Persons with Disabilities, including by adopting a harmonized concept of disability and legal measures to fight disability-based discrimination.
- Expanding inclusiveness and strengthening protection of the rights of persons with disabilities.
- Drafting a national action plan on the rights of persons with disabilities with a clear time frame and budget for its implementation, and harmonizing all laws and regulations to ensure that persons with disabilities are treated equally throughout its jurisdiction, regardless of the cause of disability, and that the rights of children with disabilities are further protected at all levels, as previously recommended.
- Ensuring that persons with disabilities are meaningfully engaged in the development of legislation, policies and programmes on climate change and disaster risk reduction.
- Facilitating access to health care for persons with disabilities.
- Taking action to implement the Convention on the Rights of Persons with Disabilities, in particular the right to inclusive education.

### *Minorities*

- Removing obstacles for national minorities to effectively exercise their political rights and aligning its Constitution with the European Convention on Human Rights.
- Introducing the necessary amendments to the Election Law to guarantee at all levels the equality of the constituent peoples, as well as other national minorities.
- Making the necessary constitutional changes to end discrimination against minorities in exercising their right to full political participation.
- Creating policies and strategies to promote and protect the rights of ethnic minorities to enable them to fully participate in civil and political activities, particularly in the general election.
- Strengthening efforts to protect and promote the rights of minorities and other vulnerable groups, by increasing access to health and other services.

### *Migrants, refugees and asylum seekers*

- Taking appropriate measures to provide refugees and migrants with effective access to international protection in line with international standards.
- Ensuring humane and lawful conditions of detention and accommodation of migrants, including by implementing appropriate procedures, oversight

mechanisms and effective coordination within government, especially to prevent the trafficking and abuse of women and girls.

- Making the greatest efforts in relation to the situation of migrants and asylum seekers, improving reception conditions and, in particular, prohibiting the deprivation of liberty of unaccompanied minors, and ensuring that they have access to education and health services.

*Stateless persons*

- Taking measures to ensure that all children born in the country are registered at birth in order to prevent statelessness and have access to equitable and non-discriminatory, quality education, regardless of ethnicity.
  - Strengthening measures to facilitate birth registration of girls and boys born abroad or whose parents are migrants or asylum seekers.
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