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The Permanent Mission of Bosnia and Herzegovina to the United Nations Office at Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights, Secretariat of the Human Rights Council Advisory Committee, and, referring to the letter, dated September 25th 2013 and request for the information on enhancing international cooperation in the field of human rights, has the honor to transmit the response of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

The Permanent Mission of Bosnia and Herzegovina to the United Nations Office in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, October 31st, 2013

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FOR HUMAN RIGHTS**
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RESOLUTION 23/3 ADOPTED BY THE HUMAN RIGHTS COUNCIL:
„Enhancement of international cooperation in the field of human rights“
- replies to the Questionnaire

Bosnia and Herzegovina is a complex state which consists of two Entities: the Federation of Bosnia and Herzegovina and Republika Srpska, and the District Brcko of Bosnia and Herzegovina as a „sui generis“ administrative unit, i.e. a condominium. The Federation of Bosnia and Herzegovina consists of 10 Cantons with 79 municipalities, while Republika Srpska consists of 62 municipalities.

QUESTION 1: In your opinion, what are the specific priority areas in which international cooperation in the field of human rights should be further enhanced??

Answer: Given the interdependent and undivided character of human rights, we believe that every human right enshrined in multilateral treaties such as UN and Council of Europe conventions, charters and covenants, which, besides other member states, Bosnia and Herzegovina has signed and ratified, is of great importance internationally and nationally. The State is obliged to pay due attention to each of the standards proclaimed with a view to respecting and protecting them because not only each individual human right but also all human rights proclaimed in the above-mentioned instruments (primarily the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Universal Declaration of Human Rights) considered together allow full degree of enjoyment and protection of human rights.

We note that the European Convention on Human Rights and Fundamental Freedoms and Protocols thereto are directly applied in the legal system of Bosnia and Herzegovina, and they have supremacy over other valid laws and regulations (so-called the principle of supremacy in the application).

Further, Bosnia and Herzegovina has adopted a comprehensive law on anti-discrimination stemming both from Article 14 and Protocol 12 to the European Convention and the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and concluding observations and recommendations of the Council of Europe Commission, ECRI.

QUESTION 2: How can international cooperation in the field of human rights be further enhanced in specific areas such as human rights education, international migration, interaction among human rights institutions and the right to development?

Answer: Given the fact that your question relates to a number of different areas we would like to inform you about each of them individually

Education

Education in Bosnia and Herzegovina is governed by laws and regulations setting forth conditions and measures related to the quality of education, which include all basic principles of the Universal Declaration of Human Rights and the Convention against Discrimination in Education.

The specified area is regulated by the following laws: the Framework Law on Preschool Education of Bosnia and Herzegovina ("Official Gazette", No. 88/07), the Framework Law on Primary and Secondary Education of Bosnia and Herzegovina ("Official Gazette", No. 18/03), the Framework Law on Vocational Education and Training in Bosnia and Herzegovina

("Official Gazette", No. 63/08), the Law on the Agency for Preschool, Elementary and Secondary Education ("Official Gazette", No. 88 / 07) and the Framework Law on Higher Education of BiH ("Official Gazette", No. 59/07).

The above-mentioned laws are based on human rights instruments, entity laws governing education having been brought in line with them and guaranteeing to all children equal access to education, equal opportunity for participation in the educational system, as well as identical treatment by removing every possible form of discrimination and intolerance.

Thus, any form of discrimination based on race, nationality, sex, language and script, religious, political or other opinion, physical or other disability, sexual orientation or economic status is prohibited in the educational system of Bosnia and Herzegovina. The goal is to promote tolerance and dialogue in the educational system in order to connect diversities.

Article 10 of the Framework Law on Education guarantees the right to language in accordance with the European Convention on Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and the Convention on the Rights of the Child.

The basic principle of the above-listed legislation is the protection of and acting in the best interests of the child, including care for the child's safety and the preservation of mental and physical health.

Articles of Incorporation and other laws of educational institutions are also required to include provisions prohibiting discrimination on any grounds and promote tolerance and co-existence based on mutual respect and understanding.

In addition to the legislation at the state level, the following strategies: "Strategic Development Directions of Pre-school Education of Bosnia and Herzegovina" 2005, "Strategy for the Development of Vocational Education and Training of BiH for the period 2007 to 2013" ("Official Gazette", No. 65/07), "Strategic Development Directions of Bosnia and Herzegovina with the 2008-2015 Implementation Plan" ("Official Gazette ", No. 63/08) have been adopted.

Revised Action Plan of Bosnia and Herzegovina on the educational needs of Roma was adopted by the Council of Ministers in July 2010. This document defines four goals and forty seven measures in order that this marginalized group of children have equal access to quality education and that they could acquire the necessary knowledge for later, better integration into society.

Human rights education is integrated into the curricula as an integral part of educational standards. The task and responsibility of schools is to contribute to a culture of respect for human rights, tolerance, understanding and nurturing the richness of diversity in their own environment.

Human rights international organizations can help observance of human rights in the area of education supporting:

- Inclusion of children with special needs in education and support provided to activities of the ministries of education (Entity and cantonal) to raise the level of social care for children and youth with special needs, with an emphasis on the provision of support services in accordance with the individual needs of each child, in order to reduce the level of social exclusion.
- Inclusion of Roma children in education and support to project activities for funding of day care centres for young children, which would provide services to young Roma women and

mothers, and support to project activities for the introduction of the position of Roma teaching assistants in schools with Roma children in large numbers.

- Implementation of Resolution 15/11 of the Human Rights Council: Plan of Action for the second phase of the World Programme (2010 - 2014), which focuses on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel.

Migrations

Bosnia and Herzegovina is a Party to the International Convention on the Rights of All Migrant Workers and Members of Their Families and prepared and successfully presented the initial report (2009) and the second periodic report (2011) before the relevant UN committee.

Apart from the positive aspects that, in the opinion of the Committee, Bosnia and Herzegovina took in the reporting periods in relation to the situation and position status of all migrant workers and members of their families, the Concluding Observations indicated the factors and difficulties BiH should eliminate in practice and enact laws and regulations to comply with international instruments. Such evaluations particularly related to the practical application of the existing legal framework.

It should be noted that the current policy concerning entry, stay and exit of foreigners is defined in the Strategy and Action Plan for Immigration and Asylum adopted by the BiH Council of Ministers. This document outlines the development of the immigration and asylum system, the current situation, defines goals, activities, timelines, responsible actors for tasks in the field of visas, borders, immigration, asylum and the protection of victims of trafficking. In late 2009 the BiH Council of Ministers appointed a coordinating body for monitoring and implementation of this document. In addition to the document, since 2008, at the proposal of the Ministry of Security, the BiH Council of Ministers has been adopting once a year "The Migration Profile of BiH", which describes in details and monitor migration flows to / from Bosnia and Herzegovina.

QUESTION 3: Could you give suggestions on how to improve the ways and means of international cooperation in the field human rights such as technical assistance, South-South cooperation, mainstreaming human rights etc.?

Answer: Regarding the improvement of methods of promotion of the human rights protection by cooperation with international organizations, Bosnia and Herzegovina is of the view that any form of cooperation between Member States and international organizations for the protection of human rights proclaimed in the international multilateral agreements is welcomed whether it is organizing seminars on the application and importance of the above-mentioned treaties or workshops and round tables to raise awareness of both citizens and the administration of the necessity to exercise and ensure the rights guaranteed by conventions, charters and covenants for the benefit of the Member State and the international community.

QUESTION 4: How have your authorities benefitted from international cooperation in the context of the universal periodic review? How could international cooperation in the context of this human rights mechanism be further strengthened, particularly with regard to the implementation of the recommendations that enjoy the support of the State concerned?

Answer: The Universal Periodic Review (UPR) is a new control mechanism of the United Nations set up in 2008 to review actions that each United Nations Member States has taken for improving the human rights situation.

As a reminder, at 17th meeting held on 19 February 2010, the UN Human Rights Council Universal Periodic Review Working Group (UPR) adopted the report of Bosnia and Herzegovina (BiH) and gave a total of 125 recommendations for different areas of human rights. BiH responded to the report on 10 June 2010, wholly or partially accepting a total of 88 recommendations and not accepting 37 recommendations. The next periodic review of the situation of human rights in all areas that were the subject of the original review is four years after the consideration and adoption of the initial report. Bosnia and Herzegovina is in line for the next periodic review in July 2014, when it will be required to provide information on steps taken to implement the recommendations and pledges since the previous review.

Thus, the UPR process is divided into four-year periods between considerations of human rights in a particular country and each subsequent report will include actions taken to implement the recommendations made earlier. In that period, the competent authorities and institutions should take a number of measures to implement the adopted recommendations, which include both continuous human rights monitoring in the areas included in the UPR recommendations and bringing the legislation in line with the international multilateral agreements Bosnia and Herzegovina has signed, ratified or taken over by succession.

Bosnia and Herzegovina has formed an inter-ministerial working group for the preparations for the Universal Periodic Review Second Cycle, which consists of representatives from all levels of government. Further, as in the preparations for the 2010 Universal Periodic Review, Bosnia and Herzegovina will continue ongoing cooperation with civil society and international organizations of which in the first place we emphasize UNDP's commitment and contribution to development of a matrix to collect data on the implementation of recommendations of the UN Human Rights Council Universal Periodic Review Working Group.

QUESTION 5: With respect to human rights treaties that your State is a party to, what difficulties have you faced in fulfilling your reporting obligations? How have you benefited from international cooperation in that regard and also in implementing the concluding observations of the treaty bodies?

Answer: Bosnia and Herzegovina accedes to international agreements on the grounds of the Law on Conclusion of International Agreements providing that this procedure involves consultations at all levels of government on the justification of accession or ratification of each individual treaty. After a statutory procedure has been completed, a decision on accession to the particular treaty is made by the Presidency with prior approval given by the Parliamentary Assembly of BiH. Likewise, when preparing both the initial and periodic treaty reports, Bosnia and Herzegovina holds courses of training first and informs all levels of government about the importance of compliance with the treaties and appoints representatives of the competent authorities to sit on working groups, to take part in the preparation of the reports and to be members of delegations presenting the reports before UN treaty bodies as scheduled.

Further, representatives of authorities of Bosnia and Herzegovina under whose jurisdiction the actual area that requires further clarifications and additional responses falls are engaged in preparing answers to additional questions asked by UN treaty bodies.

Valuable assistance is provided by international organizations such as the Council of Europe (concerning the application of the European Social Charter (revised), the Framework Convention for National Minorities, the European Charter for Regional or Minority Languages), UNDP (assistance in the preparation of UPR), UNFPA, UNHCR (relating to application of the Refugee Convention) and UNICEF (in relation to the Convention on the Rights of the Child and Protocol to the Convention).

QUESTION 6: Please identify best practices that have emerged from international cooperation in human rights.

Answer: As an illustrative example of "good practices" in Bosnia and Herzegovina we will mention the strengthening of tolerance in the Bosnia and Herzegovina society for national minorities, especially the Roma, which is the largest and most vulnerable national minority in Bosnia and Herzegovina.

There are 17 national minorities in Bosnia and Herzegovina. According to the 1991 census, it is evident that there are minorities that could be called "traditional" and, so to speak, "new" minorities that are a result of the dissolution of the former common state (Montenegrins, Macedonians and Slovenians). Regardless of the origin of minority, their number (133-10048 members), the Law on the Protection of National Minorities (Article 3) determines that for the purpose of this Law, »a national minority shall be a part of the population-citizens of BiH that does not belong to any of three constituent peoples and it shall include people of the same or similar ethnic origin, same or similar tradition, customs, religion, language, culture, and spirituality and close or related history and other characteristics ».

The Law on the Protection of National Minorities was passed and came into effect in May 2003 ("BiH Official Gazette" 12/2003). After passage, the Law on the Protection of National Minorities was published in three official languages of BiH in "BiH Official Gazette", making it available to all organs and institutions of authority in BiH, but also to other users of such type of publications and content, and then it was translated into English and Romany language - the act, that is the first translation of a law into the Romany language in BiH is deemed extremely important for the emancipation of the Roma national minority in BiH and considered an example of positive affirmation of Roma. Further, 1000 copies of a booklet containing the Law were printed and distributed to various addresses, so that no authority in BiH has justification or excuse for any failure to be informed about its content.

As per information available to the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, as a ministry of the Council of Ministers in charge of matters of national minorities, in late 2003 the entities in Bosnia and Herzegovina: Republika Srpska and the Federation of BiH began activities to enact their own laws on the rights of national minorities, as required by the Law on the Protection of National Minorities at the state level. The Law on Amendments to the Law on the Protection of National Minorities passed in October 2005 ("BiH Official Gazette" 76/2005) was more specific and set a statutory deadline of 60 days of passage of this Law for the establishment of the Council for National Minorities within the Parliamentary Assembly of BiH. Finally, a decision establishing the Council for National Minorities within the Parliamentary Assembly of BiH was adopted and published in May 2006 (BiH Official Gazette no. 38/2006), according to which the advisory body was established for the purpose of raising awareness about the importance of the establishment if

the body for promoting and protecting rights and resolving outstanding issues of both all national minorities and Roma as the largest and most vulnerable minority in our country in particular.

In Bosnia and Herzegovina for the two to three years the public has been informed a lot about minorities. The public broadcast services regularly provide the information about issues of minority communities, their culture, customs and characteristics of individual minority communities and activities of minorities' NGOs. The Radio and Television of Republika Srpska broadcast a weekly show dedicated to minorities, while TV BiH and Federation Television broadcast thematic shows at periodic intervals.

Further, the general policy enables intensive cooperation of NGOs and other minority associations with parent countries so that cross-border communication takes place without any formalities or other bureaucratic barriers. In fact, all national minorities, except the Roma minority, have contacts and cooperation with their parent countries without any conditions or barriers. Particularly intensive cooperation is carried out by NGOs of Slovenians, Czechs, Ukrainians, Italians, Hungarians, Macedonians and others in the field of culture, education, learning the mother tongue, information and the like. Active non-governmental organizations were able to identify their needs and, through collaboration with the Embassies of parent countries, developed different modalities of cooperation to meet their needs in these areas.

In Bosnia and Herzegovina, in the NGO sector, there are numerous associations that contribute to the advancement and protection of human rights by linking diversity and contributing to the preservation of ethnic and cultural heritage of minority communities such as "Czech Beseda" - Association of Czechs in the Republika Srpska, "Taras Shevchenko"-Association of Ukrainians in the Republika Srpska, the "Lira" Cultural Society of Jews etc.

Within the general policy, it is important to note that in recent years a number of discussions on various issues of minority status have been held. These round tables attended by representatives of minority communities, NGOs dealing with protection of minority rights and representatives of international organizations and ministries of BiH, entities, cantons and municipalities have been covered by the media highly professionally, which has certainly contributed to improving the climate of tolerance and understanding of the position of minorities in Bosnia and Herzegovina.

Although it is stated above that there are improvements in the position of minority communities in general, the position of the Roma community is still very difficult and unsatisfactory. The general policy of government is to support all minority groups, particularly Roma. But the needs of Roma in the field of housing, employment, health and social welfare are enormous and beyond the capabilities of impoverished, war-exhausted Bosnia and Herzegovina. The problem in these areas is poverty and not discrimination by the majority group or community as a whole.

Speaking of education of national minorities in BiH, it is important to note that in February 2004, as one of measures, with the mediation of the OSCE Mission to Bosnia and Herzegovina, authorities of BiH adopted Bosnia and Herzegovina Action Plan for Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina (it was revised in 2012) and its implementation is in progress and produces results.

The Ministry of Human Rights and Refugees, in cooperation with the Roma Board of Bosnia and Herzegovina, has prepared a document entitled "A Strategy for Solving Problems of Roma" (Roma Strategy). After months of discussion in the entity and cantonal governments, consultations with Roma NGOs and other organizations dealing with minority issues, the strategy was adopted by the Council of Ministers and published in "BiH Official Gazette"

67/05 on 27 September 2005. The adoption of this document was adoption of 15 separate programs of activities in different areas of life that would affect changes and improve the overall social position of the Roma in BiH (education, employment, housing, health and social welfare, census etc.). Before drafting and adoption of the Roma Strategy of Bosnia and Herzegovina, in Bosnia and Herzegovina or its entities there was no serious or comprehensive document that treated Roma issues in BiH, searched for or proposed solutions for overcoming and resolving them. Neither the 2002 Framework Program of Work of the Roma Board nor the Platform for the Establishment and Operation of Council of Roma of BiH as the umbrella association of Roma NGOs in BiH has these characteristics, size and scope.

On 27 September 2005 the Roma Board within the Council of Ministers issued a conclusion to publish the strategy in a booklet in official languages of Bosnia and Herzegovina (Serbian, Bosnian and Croatian) and to translate and publish it in English and Romany.

The expansion of network of non-governmental organizations of national minorities, particularly of Roma, and their networking continue at the level of Bosnia and Herzegovina.

The implementation of "The Action Plan on the Educational Needs of Roma and Other National Minorities in BiH" has been intensified. There has been a rise in the number of Roma children and children of other ethnic minorities enrolled in schools at all levels of education in Bosnia and Herzegovina (often under the principle of affirmative action). Depending on the capabilities of municipalities, cantons and the entities they were given school supplies, textbooks and monetary aid for transportation and meals.

The Law on the Protection of National Minorities formally extended the possibility of exercising the rights of national minorities, especially after the adoption of appropriate implementing legislation and confirmation of basic international instruments relating to the protection of national minorities. In fact, a special place here belongs to the Framework Convention on National Minorities, the European Convention on Human Rights and Fundamental Freedoms and the European Charter for Regional or Minority Languages. Bosnia and Herzegovina prepared and submitted to the competent bodies of the Council of Europe the third periodic report under the Framework Convention on National Minorities and the first report under the European Charter for Regional or Minority Languages is submitted.

In cooperation with the NGO sector and with the support by the organizations for the development: SIDA-Sweden and World Vision, after the Action Plan For The Educational Needs of Roma, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina prepared the Action Plan of Bosnia and Herzegovina for Roma Housing, Employment, Health Care, which was adopted by the Council of Ministers of Bosnia and Herzegovina and the implementation has been expedited in order to improve the situation of Roma.

Thus, Bosnia and Herzegovina is committed to any form of cooperation with international organizations that contribute to improving the level of protection of human rights by promoting them as well as through educational seminars on the importance of human rights to individuals and to the community as a whole. Expressing the importance Bosnia and Herzegovina attaches to respect for human rights guaranteed in treaties, a number of initiatives have been taken to bring the legislation of Bosnia and Herzegovina in line with international multilateral treaties which Bosnia and Herzegovina has signed and ratified or taken over by succession.