

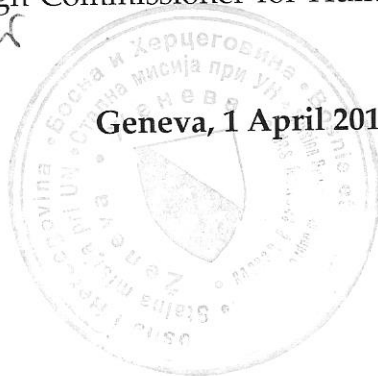


No. 202-32-05-4-68-2/19

The Permanent Mission of Bosnia and Herzegovina to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Note Verbal dated 25th January 2019 regarding national contribution concerning cooperation with the United Nations in the field of Human Rights A/HRC/39/41 and HRC 36/21/2017 has the honor to attach here with Reply of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina concerning cooperation with the United Nations in the field of Human Rights A/HRC/39/41 and HRC 36/21/2017

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

Geneva, 1 April 2019



To the Office of the High Commissioner for Human Rights
GENEVA

Email: reprisals@ohchr.org

A REPLY OF THE MINISTRY OF HUMAN RIGHTS AND REFUGEES OF BOSNIA AND HERZEGOVINA CONCERNING COOPERATION WITH THE UNITED NATIONS IN THE FIELD OF HUMAN RIGHTS (A/HRC/39/41 and HRC 36/21/2017)

With regard to the query of the UN Office of the Commissioner for Human Rights concerning cooperation with the UN in the field of human rights, specifically the legal and political framework that ensures communication with international bodies, with the United Nations in particular, and on the activities undertaken by the state authorities to this end, we want to inform you about the following:

In accordance with its competencies prescribed in Article 12 of the Law on Ministries and Other Bodies of the Administration of Bosnia and Herzegovina (BiH Official Gazette, Nos. 5/03, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09, 103/09, 87/12, 6/13 and 19/16), in the framework of the implementation of human rights policies, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina monitors and implements international conventions and other documents in the field of human rights and fundamental freedoms.

The Constitution of Bosnia and Herzegovina obliges the State to ensure the highest level of protection of internationally recognized human rights and fundamental freedoms (Article II, point 2).

The European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols thereto are an integral part of the Constitution of Bosnia and Herzegovina and, in accordance with the principle of supremacy, this gives them priority over application of other pieces of valid legislation.

Bosnia and Herzegovina is a signatory of 17 (seventeen) international agreements, conventions, charters and covenants that relate to the interdependent, indivisible and universal character of human rights and has successfully presented the initial and periodical reports to the UN and Council of Europe human rights treaty bodies.

Specifically, UN human rights treaties signed and ratified by Bosnia and Herzegovina are:

- International Convention on the Elimination of Racial and All Forms of Discrimination (CERD);
- International Covenant on Economic, Social and Cultural Rights and Optional Protocol;
- International Covenant on Civil and Political Rights and two Optional Protocols thereto;
- International Convention on the Rights of All Migrant Workers and Members of Their Families;
- Convention on the Rights of the Child and three Optional Protocols thereto (1. on the involvement of children in armed conflict, 2. on the sale of children, child prostitution and child pornography and 3. on a communications procedure);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional Protocol thereto;
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Optional Protocol thereto;
- Convention on the Rights of Persons with Disabilities;
- Convention on Enforced Disappearances;
- Madrid International Plan of Action on Ageing (MIPAA); and
- Universal Periodic Review (UPR) as a new UN reporting mechanism.

Concerning the specific obligations of Bosnia and Herzegovina, that is of the Ministry of Human Rights and Refugees, under the abovementioned conventions, the following reports have been completed and submitted to date:

- a) **International Convention on the Elimination of Racial and All Forms of Discrimination (CERD)** – Bosnia and Herzegovina submitted its Initial Report in January 2005, followed by periodic reports in 2008 and 2013.

The 12th and 13th periodic report under the International Convention on the Elimination of Racial and All Forms of Discrimination (CERD), which was adopted by the Council of Ministers of BiH in July 2017, contains information on the implementation of the Committee's General Recommendation (35) on Combating racist hate speech and awareness raising campaigns at all levels in BiH with the aim of promoting understanding, tolerance, peaceful cohabitation of individuals and various national and religious groups. The report includes information on the improvement of criminal legislation, educational and promotional activities, with no indication of the number of criminal cases involving hate speech and hate-motivated crimes.

- b) **International Covenant on Economic, Social and Cultural Rights and Optional Protocol** – The initial report was submitted in 2004. The first and second periodical reports were submitted in 2010, and the third report was submitted at the end of 2018.

- c) **International Covenant on Civil and Political Rights and two Optional Protocols thereto** – The initial report for the period 1994-2004 was submitted in 2005 and the second periodic report was submitted in 2011. Follow up of the Second Periodic Report, i.e. answers to the Special Rapporteur's questions, were submitted in June 2014.

The third periodic report of Bosnia and Herzegovina under the International Covenant on Civil and Political Rights adopted by the Council of Ministers in December 2016 was presented in March 2017, on the basis of which several recommendations were sent to the BiH authorities, among which recommendation 7, which referred to information on the measures taken to combat (a) racially motivated verbal and physical attacks on members of ethnic groups, religious and national minorities; (b) intolerance, discrimination and hate speech, including political hate speech; and (c) racist content in the media and on the Internet.

- d) **International Convention on the Rights of All Migrant Workers and Members of Their Families** – The initial report was submitted in 2009. The second periodical report was submitted in 2010, and the third periodic report was submitted in 2017.

- e) **Convention on the Rights of the Child and three Optional Protocols thereto (1. on the involvement of children in armed conflict, 2. on the sale of children, child prostitution and child pornography and 3. on the communications procedure)** – The initial report was submitted in May 2005. Periodical reports were submitted in 2009, 2010 and 2017. An annual report on the implementation of the Action Plan for Children in BiH is prepared regularly. An advisory and coordination body for institutions at the level of BiH - the Council for Children of Bosnia and Herzegovina - has been established.

- f) **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional Protocol thereto** – reports were submitted in 2004, 2010 and 2017.
- g) **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Optional Protocol thereto** – The initial report was submitted in 2005. The combined fourth and fifth reports were submitted in 2011. Answers to the priority questions were delivered in 2015. The sixth periodical report was submitted in 2017.
- h) **Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto** – Bosnia and Herzegovina ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol in 2010. The first report on the implementation of the UN Convention on the Rights of Persons with Disabilities in BiH was submitted to the Committee on the Rights of Persons with Disabilities in February 2013, and in April 2017 the Committee published its Concluding observations on the initial report of BiH (CRPD / C / BIH / CO / 1), which contained a series of recommendations for Bosnia and Herzegovina. It is precisely these recommendations of the Committee (Articles 11b and 52) that require equalization of the rights of persons with disabilities in BiH, regardless of the cause of disability.

These recommendations were adopted at the July 2017 meeting of the Council of Ministers of BiH and they were submitted to the governments of the Federation of BiH, Republika Srpska and the Brčko District of BiH in August 2017, whose institutions, according to the constitutional division of responsibilities, were responsible for the rights of persons with disabilities (health care and social protection, pension and disability matters, veterans' matters etc.), for action. The BiH Ministry of Human Rights and Refugees planned to develop in 2018 the Program for the Implementation of Recommendations of the Committee for the Rights of Persons with Disabilities until 2020.

- i) **Convention on Enforced Disappearances** – The first report was submitted in 2014 and it was presented by the delegation of Bosnia and Herzegovina in October 2016.
- j) **Madrid International Plan of Action on Ageing (MIPAA)** – The initial report on the implementation of MIAPA was submitted in 2017. The next report will be prepared in 2021.
- k) **Universal Periodic Review (UPR) as new UN reporting mechanism** - Bosnia and Herzegovina completed first (2010) and second cycle (2014) of the Universal Periodic Review (UPR), and the third cycle of the UPR, which Bosnia and Herzegovina is due to deliver in July 2019, is currently under preparation. A review before the UN Human Rights Council is scheduled for November 2019.

In addition to regular reporting on conventions ratified, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina is obliged to report or inform the competent authorities on UN resolutions / declarations, which reflect the existing international law or general legal principles with the aim of contributing to the creation and improvement of international customs, general legal principles and negotiation of international treaties of general interest.

With the aim of promoting and protecting human rights and fundamental freedoms, and in the interest of faster integration into European flows and a more qualitative approach to the drafting of legislation, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina will continue its activities on reporting on the human rights situation, in line with obligations under ratified UN treaties.