

ADVANCE QUESTIONS TO BOSNIA & HERZEGOVINA

DENMARK

- According to the existing Constitution (Dayton Peace Agreement, Annex 4) only the three “constituent peoples” (Bosniacs, Croats and Serbs) are eligible to the House of Peoples and to the three-member collective Presidency.
- This means that other of the state’s minorities (e.g Jews, Romas, Albanians and persons who don’t declare themselves as any of the constituent peoples) do not have the possibility to be elected to these offices.
- On 22 December 2009 the European Court of Human Rights in the case of ‘Sejdic and Finci v. Bosnia and Herzegovina’ ruled these provisions to be discriminatory and not in line with the European Convention.
- Denmark would welcome an indication on how the Government of BiH envisages to amend the elections laws before the next parliamentary elections later this year.
- The few and independent media in BiH are struggling increasingly to secure funding and are subject to police raids and financial and political pressure/interference.
- Furthermore, the Communication Regulatory Agency (CRA), an independent regulatory body responsible for regulating the field of communication, is under continued political pressure.
- What measures has the BiH Government taken to ensure the continued independence of the Communication Regulatory Agency (CRA) as well as compliance with the decisions made by the CRA?
- Between 20.000 and 50.000 women were subjected to rape and other forms of sexual violence during the 1992-1995 war. Despite these remarkable numbers only about 30 cases (18 in ICTY and 12 in State Court of BiH) have been prosecuted and concluded.
- Several provisions and inadequate definitions in the state and entity laws make it difficult for victims of sexual crimes to gather sufficient evidence and have their cases of sexual violence promptly, impartially and effectively investigated and prosecuted in accordance with international law.
- What measures has the Government of BiH taken to amend the current definition of crimes of sexual violence in order to bring it into accordance with international law and standards?

LATVIA

- According to the information by the Office of the UN High Commissioner for Human Rights, 65 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering previous extensive cooperation of Bosnia and Herzegovina with special procedures mandate holders - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

SWEDEN

- Bosnia's first cultural festival for lesbian, gay, bisexual, and transgender people was held in September 2008. The festival met with denunciation by some media and NGOs, as well as anonymous death threats. Violence at the opening injured participants and compelled organizers to hold the remainder of the festival as a private event, while there was no official condemnation from the authorities. Although the police opened an investigation to date no-one has been indicted or prosecuted for making the threats.
- A draft non-discrimination law has been adopted in the first reading in the Bosnia and Herzegovina's House of Representatives. In June 2009, Bosnia's Inter-Religion Council, representing the country's main religious communities (Islamic, Orthodox, Catholic and Jewish) made an official statement protesting that the law could legalize gay marriages.
- Could the Government of Bosnia and Herzegovina elaborate on the measures it is taking to ensure the full enjoyment of human rights, including freedom of assembly and association, of LGBT persons, as well as on whether it would be willing to condemn any attacks on these persons, and could the Government comment on the processing of the draft the anti-discrimination law, including with regard to the legalization of gay marriages?
- Bosnia and Herzegovina has ratified the major UN and other international human rights conventions. The Constitution includes most of the principles of the human rights conventions and guarantees that they supersede national legislation. At the same time, reports indicate that implementation remains uneven and delays in meeting reporting obligations is still a problem. The constitutionally guaranteed right to freedom of expression has not always been fully implemented. The number of cases of physical violence and threats to journalists and editors has grown over the past few years, while the ethnic orientation by many media is increasing. Efforts to reform Bosnia and Herzegovina's public broadcasting have not been completed. The Federation's Law on the Public Broadcasting Service is not yet fully aligned with the Public Broadcasting System Law of Bosnia and Herzegovina. Full implementation of the whole legal framework for public broadcasting has not yet taken place. The relevant key priority area within the European Partnership with the EU has not been fully met.

- Could the Government of Bosnia and Herzegovina elaborate on what measures it is taking towards the full respect for freedom of expression and in particular to comprehensively address the safeguarding of the independence of the Communications Regulatory Authority?
