



**Joint Submission of the BiH Civil Society Initiative for
UPR for the 4th Universal Periodic Review on the State of
Human Rights Situation in Bosnia and Herzegovina**

July 2024

Title: Joint Submission of the BiH Civil Society Initiative for UPR for the 4th Universal Periodic Review on the State of Human Rights Situation in Bosnia and Herzegovina

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List of Abbreviations

B&H	Bosnia and Herzegovina
BD B&H	Brcko District of Bosnia and Herzegovina
CSO	Civil society organisation
CRPD	Convention on the Rights of Persons with Disabilities
DWP Law	Domestic Violence Protection Law
EctHR	European Court of Human Rights
EU	European Union
FB&H	Federation of Bosnia and Herzegovina
GAP	Gender Action Plan
GE Agency of B&H	Gender Equality Agency of B&H
GANHRI	Global Alliance of National Human Rights Institutions
HJPC	High Judicial and Prosecutorial Council
HRDs	Human rights defenders
ILO	International Labour Organisation
LGBTIQ+	Lesbian, Gay, Bisexual, Trans, Intersex, Queer, Asexual
NHRI	National Human Rights Institution
NPM	National preventive mechanism
NGO	Nongovernmental organisation
RS	Republika Srpska
UNCAT	United Nations Convention against Torture
VAWG	Violence against women and girls

Summary

- (1) The ***BiH Civil Society Initiative for UPR*** is an informal coalition of fourteen (14) civil society organisations from across Bosnia and Herzegovina (B&H) which act in various fields of promotion and protection of human rights.¹ In December 2018, Sarajevo Open Centre gathered potential members of the Initiative by targeting expert human rights organizations in different fields. The methodology for the joint submission included choosing the recommendations from the previous 3rd cycle of the Universal Periodic Review (UPR), desk research of the recommendation status, researching the measures and activities necessary for the realization of the recommendation, measure realization status and the activities of the recommendation in B&H, as well as the recommendations for the relevant institutions. Considering that the members of the Initiative have been acting in the field of human rights protection and promotion in B&H for a number of years, apart from desk research, they have also used the information gathered during their work with the target groups. Since its establishment, this is Initiative's second joint submission. The following Initiative's members submitted information for the joint submission: Balkan Investigative Reporting Network (BIRN), Civil Society Promotion Center (CPCD), CURE Foundation, Helsinki Citizens' Assembly Banja Luka, My Right – Empowers People with Disabilities, Sarajevo Open Centre (SOC), Transparency International in BiH (TI BiH), TRIAL International.
- (2) In the period 2019-2024, B&H faced many challenges which had an effect on the protection of human rights of the B&H citizens. Although the NPM is in the process of being established, it is not yet operational. Government levels in B&H still react on *ad hoc* basis with no systematic approach to gender inequality. The Constitution of B&H remains discriminatory, both in terms of the participation of "others" in legislative and executive power, and in terms of gender equality. Women are consistently underrepresented in executive bodies at the entity, cantonal, and local levels. Many of the goals and activities that were set out in the Action plan to Improve the State of Human Rights and Fundamental Freedoms of LGBTI People in B&H for the period 2021-2024 are not implemented yet. The relationships between same-sex partners and their partnerships are not regulated in any administrative unit in B&H. The executive and legislative authorities at the B&H level should prioritise the adoption of the new Law on the Protection of Persons who Report Corruption. The resolution of war crimes cases has been extended by two years since the existing deadline stipulated by the Revised Strategy for War Crimes Cases was not met. HRDs face a lack of public support for their work, and violence against them often goes unpunished, sometimes even encouraged. Rare efforts are invested in making online and offline space for civil society safer. Systematic and coordinated actions of all relevant actors' are needed for comprehensive and sustainable improvements of rights of people with disabilities.
- (3) Within the content of this submission, the referenced number of the recommendation for Bosnia and Herzegovina from the 3rd UPR cycle on which the paragraph is referring to is indicated and bolded at the beginning of each paragraph.

¹ Members of the BiH Civil Society Initiative for UPR are: Association Vaša prava BiH, Association Zemlja Djece, Balkan Investigative Reporting Network (BIRN), BH Journalists, CA for Promotion of Roma Education "Otaharin", CA Why Not, Civil Rights Defenders (CRD), Civil Society Promotion Center (CPCD), CURE Foundation, Helsinki Citizens' Assembly Banja Luka, My Right – Empowers People with Disabilities, Sarajevo Open Centre (SOC), Transparency International in BiH (TI BiH), and TRIAL International.

1. National human rights institution and national action plan (recommendations 120.2., 120.10, 120.12, 120.14, 120.15, 120.16, 120.17, 120.18, 120.19, 120.55, 120.74, 120.75 – partially implemented)

- (1) **120.2, 120.10, 120.12, 120.14, 120.15, 120.16, 120.17, 120.18, 120.19, 120.74, 120.75** The Parliamentary Assembly of Bosnia and Herzegovina (B&H) holds legislative authority for implementing regulations related to the National Human Rights Institution (NHRI) and the prohibition of torture and other inhumane and degrading treatments. It also oversees the operational functions of the Institution of Human Rights Ombudsperson of B&H. In 2023, the B&H Parliament passed amendments to the Law on the Human Rights Ombudsman of B&H aimed at enhancing the NHRI's financial independence and establishing a national preventive mechanism (NPM) in accordance with the Optional Protocol. Although the NPM is in the process of being established, it is not yet operational. Due to the delay in adopting the budget for 2024, there are no funds available to hire the necessary staff to make the NPM functional. This delay also affects the financial independence of the NHRI. Blocking the adoption of new budgets in B&H must cease.² The timely adoption of the state budget, in accordance with the law, is essential for the normal functioning not only of the NHRI but also of the state as a whole. The NHRI plays a crucial role in protecting citizens' rights and, therefore, must be ensured proper functioning and financial independence. It is important to note that on 16th May 2024 GANHRI awarded accreditation status A of NHRI in B&H³.
- (2) **120.55** Gender Action Plan 2023 – 2027 was adopted and its top priorities include tackling violence against women and girls (VAWG) and women's representation. Government levels in B&H still react on *ad hoc* basis with no systematic approach to gender inequality. It is recommended to approach gender equality more systematically and incorporate gender analysis in all processes of policy- and budget-making.

2. Equality and non-discrimination (recommendations 120.37, 120.49, 120.50, 120.64 - not implemented; 120.41, 120.57 – partially implemented)

- (3) **120.37, 120.49, 120.50** The Constitution of B&H remains discriminatory, both in terms of the participation of "others" in legislative and executive power, and in terms of gender equality. The highest authorities⁴ have not adopted/implemented the judgment of the European Court of Human Rights (ECtHR) in the Sejdic-Finci case⁵,

² News articles about the challenges of new budget adoption in B&H: Transparentno.ba (Transparency International B&H portal): <https://transparentno.ba/2024/03/15/sta-kada-budzet-i-odluka-o-privremenom-finansiranju-nisu-usvojeni/>; Faktor.ba (news web portal): <https://faktor.ba/bosna-i-hercegovina/aktuelno/sta-kaze-amidzic-jos-nema-budzeta-institucija-bih-evo-sta-se-sada-ceka/179495>; Radiosarajevo.ba (news web portal): <https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/bih-i-dalje-bez-budzeta-za-ovu-godinu-da-li-se-to-vlasti-sale-s-gradanima/539296>; Oslobođenje (news web portal): <https://www.oslobodjenje.ba/dosjei/intervjui/hasanovic-za-oslobodjenje-rast-budzeta-znaci-jacanje-institucija-bih-ne-bismo-pristali-na-smanjenje-924902>; Nezavisne novine (news web portal): <https://www.nezavisne.com/novosti/bih/Budzet-tezak-1355-milijardi-KM-ceka-dogovor-politicara/815280>.

³ Institution of Ombudsperson for Human rights of Bosnia and Herzegovina. *Institucija ombudsmana za ljudska prava Bosne i Hercegovine akreditirana u status "A"/Institution of Human Rights Ombudsperson of Bosnia and Herzegovina accredited "A" status*. Press release available at: <https://www.ombudsmen.gov.ba/Novost.aspx?newsid=3051&lang=HR>

⁴ The Presidency of B&H, the Council of Ministers of B&H, and the Parliamentary Assembly of B&H.

⁵ In addition to Sejdic-Finci, Zornic, Pilav, Slaku and Pudaric case law, the ECtHR, in 2023, in the case of Kovacevic, once again assessed that the Constitution of B&H is discriminatory. Kovacevic complained to the ECtHR because in the elections for the Presidency of B&H, as a resident of the FB&H, he could only vote for

and the constituent nations (Serbs, Croats, and Bosniaks) continue to enjoy a privileged status in B&H. A new development in the case of unimplemented ECtHR verdicts is that Azra Zornic⁶ filed a criminal complaint against Dragan Covic. The application was submitted on 27 February, 2024 due to the non-implementation of the ECtHR judgment.⁷ Initiative “Women Citizens for Constitutional Reform”⁸ remains the only initiative in B&H which, apart from the ethnic issue, also draws attention to the gender-discriminatory nature of the Constitution of B&H. As the highest legal and political act in the country, the Constitution of B&H does not recognize gender equality as a value and does not prescribe a ban on discrimination against women in the public and private spheres. The Institution of the Ombudsperson for Human Rights stated in April 2024 that the language in which the Constitution of B&H is written is discriminatory⁹ and issued a recommendation to the Parliamentary Assembly of B&H “to take measures within its competence with the aim of using gender-sensitive language in drafting, amending, or translating the Constitution of B&H”¹⁰. Recommendations: 1. Harmonize the Constitution of B&H with the verdicts of the ECtHR in the case of Sejdic-Finci and others. 2. Incorporate into the Constitution a comprehensive definition of the prohibition of discrimination against women, which covers direct and indirect discrimination in public and private spheres. 3. Any changes to the Constitution of B&H in any context should be written in gender-sensitive language. Responsible institution for implementation of recommendations: Parliamentary Assembly of B&H.

- (4) **120.41, 120.57** In the context of hate speech, the Criminal Code of the Federation of B&H (FB&H) still does not envision sexual orientation, gender identity or gender as protected characteristics. Criminal Code of Brcko District (BD) has been amended¹¹. Republika Srpska (RS)¹² contains these provisions, but there are recent political efforts of certain citizens’ groups and politicians to abolish provisions which provide protection to persons of different gender identity. The Draft Law on Amendments to the Criminal Code of FB&H was adopted in the House of Representatives of the Parliament of FB&H in 2022. The working group did not accept civil society organisations’ suggestions to broaden protected characteristics in article on hate crime with the explanation that it has nothing to do with the Istanbul Convention. After the elections in the same year, a new Minister of Justice was mandated and the process started all over again. Until now there is no information on the process of amending Criminal Code of FB&H. In the context of hate crimes, all three criminal codes, FB&H, RS and BD B&H, recognise hate crimes (in BD B&H), hatred is considered an

candidates who declared themselves Bosniaks and Croats, and not for those candidates who declared themselves Serbs. See: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-226386%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-226386%22]})

⁶ One of the appellants who received the verdict in 2014, filed a criminal complaint against Dragan Covic, the Presidency of B&H, the Council of Ministers of B&H, and the Parliamentary Assembly of B&H.

⁷ Please see: <https://shorturl.at/jtTY8>

⁸ The Initiative that gathers 36 women NGOs and individuals.

⁹ All titles and ranks in the Constitution of B&H are stated exclusively in the masculine form.

¹⁰ Gender sensitive language should be used in the Constitution, Initiative “Women Citizens for Constitutional Reform”, available at: <https://shorturl.at/UwwYu>

¹¹ Article 41 of the Law on Amendments to the Criminal Code of BD B&H (Official Gazette of BD B&H, no. 2/10), available at: <https://skupstinabd.ba/3-zakon/ba/Krivic--ni%20zakon%20Brc--ko%20Distrikta%20BiH/07B14-24%20Zakon%20o%20izmjenama%20i%20dopunama%20Krivic--nog%20zakona%20BD%20BiH.pdf>

¹² Article 359 of the Criminal Code of RS (Official Gazette of RS, no. 64/2017, 104/2018 - Decision of Constitutional Court, 15/2021, 89/2021, 73/2023 and Official Gazzete of B&H, no 9/2024 - Decision of the Constitutional Court of B&H)

aggravating circumstance) and protect LGBTI people and other social groups who are typically the target of such crimes¹³.

- (5) **120.64** Denial and glorification of war crimes and criminals is criminalized since 2021 by intervention of High Representative Valentin Inzko. Such denial is a constant occurrence in the public sphere, especially by political representatives of RS. Until 2024 only one indictment was raised and confirmed in the case of glorification of war criminals.

3. Women's rights (recommendations 120.160, 120.161, 120.165, 120.166 – partially implemented; recommendations 120.53, 120.153, 120.154, 120.155, 120.156, 120.159, 120.163, 120.164, 120.168 – not implemented)

- (6) **120.53** There is no work-life balance strategy in B&H. Most household chores, from cleaning, cooking to childcare¹⁴, are still primarily women's work and responsibility, making it difficult for women to find employment and build a career¹⁵. Women remain underrepresented in the labour market¹⁶, where they face various forms of gender-based discrimination, from sexual harassment to the inability to advance in their jobs. The lack of availability of kindergartens is also a problem. UNICEF's Study on Investing in Children showed that in B&H, only 44% of children aged 3 to 6 attend kindergarten. According to this study, increasing preschool enrolment in B&H could enable access to the labour market for over 2,200 women annually. This would generate more than 500 million BAM for the B&H economy over the next 30 years¹⁷. Additionally, one of the long-standing problems in both B&H entities is related to irregular and low amounts of alimony for children. For years, CSOs have been advocating the establishment of alimony funds that would take over the payments and later claim the amounts from unscrupulous and irresponsible parents, but to date, the

¹³ Amil Brkovic, Branko Culibrk, Delila Hasanbegovic, Dina Bajrektarevic and Jozo Blazevic, 2023 Pink Report, Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina, (Sarajevo: Sarajevo Open Centre, 2023), page 26, available at: https://soc.ba/site/wp-content/uploads/2023/06/Pink-report_za-web.pdf

¹⁴ At the top of the list are bathroom cleaning and ironing, which are jobs that in more than 90% of cases are performed exclusively or most often by women, while the husband takes over these tasks in less than 1% of cases. Every second woman (52.8%) had to significantly reduce sleep time for a longer period of time at least once in her life due to household chores and other family responsibilities. See the research by the Gender Equality Agency on the impact of gender-based division of household responsibilities : <https://shorturl.at/crFK0>

¹⁵ B&H does not have a confidential and safe system for filing complaints regarding gender-based discrimination in the workplace. Case law in this area is poorly developed and women, as the most frequent victims of this type of violence, are often left to themselves without adequate legal and psychological support. See: Gender-based Discrimination and Labour in B&H (2022): <https://shorturl.at/ywRON>. As a special form of gender-based corruption, sextortion stands out. It occurs at workplaces in B&H, as shown by research results, and the most frequent victims are women, especially those from vulnerable categories. This form of gender-based violence is not recognized in any labour laws, nor in laws on protection against harassment at work or laws on prohibition of discrimination. This type of gender-based violence occurs when the perpetrator, from a position of power, authority, or superior, asks for sexual favors from female subordinates.

¹⁶ According to data from the [Labour Force Survey in 2023](#), B&H has the lowest participation rate of female workforce in Southeast Europe, with a female employment rate of 37,5% compared to 62,5% for men, and men still earn 14.7% more than women.

¹⁷ Preschool education in B&H is underfunded. In FB&H, only 5.5% of the total education budget is allocated for preschool education, 9.3% in RS, and 7.6% in BD B&H. Increasing preschool enrolment and education would generate over 33 billion BAM for the B&H economy over the next 30 years. See: [UNICEF - Kindergartens for All](#)

funds have not been established¹⁸. This puts single parents, most of whom are mothers, in an even more difficult situation in terms of balancing private and family life¹⁹. When it comes to maternity benefits, a positive step forward was made in 2022 when the Government of FB&H adopted a decision to provide all unemployed mothers from 10 cantons with equal maternity benefits in the amount of 55% of the average salary in the FB&H. Each canton is given the option to increase these amounts if they have the capacity to do so. Within the labour laws in B&H, the term paternity leave is not recognized, and none of the laws establish a non-transferable, individual right of the other parent to use parental leave. Currently, in the labour laws, it is a matter of agreement between the parents, and not a non-transferable and obligatory right of the parents²⁰. According to available data for the period 2016-2022, only 1% of fathers in B&H used the right to parental leave²¹. There are slight advances in social services for new parents in FB&H through the one-time payments for every new born child in FB&H and monthly payments for all women who gave birth. The issue of different amounts which are paid still pertains and causes inequality among mothers in this entity. The RS Strategy on Social Protection 2023 – 2029 entails important inputs on social services. However, there is no progress on incorporating the EU Work-Life Balance Directive which is a recommendation in ensuring gender equal and adequate work-life balance, both for CSOs and governments. The following is needed for full implementation of recommendations: 1. Align labour laws with ILO Convention No. 190 and the EU Directive on work-life balance (2019/1158) by introducing at least ten paid working days of paternity leave, at least two months of non-transferable parental leave, at least five days of leave for careers and flexible working conditions. 2. Increase the availability of kindergartens at affordable prices in order to make it easier for parents, especially mothers, to balance their professional and personal lives. 3. Accelerate the adoption of Guidelines for the Prevention of Sexual and Gender-Based Harassment in Public Bodies at all levels and the private sector. 4. Clarify the legal responsibilities of labour inspectors at all levels to monitor and provide support in cases of potential or reported gender-based discrimination.

- (7) **120.153, 120.154, 120.155, 120.156, 120.159, 120.160, 120.161, 120.166** Gender equality policies are developed and overseen by GE Agency of B&H. GAP 2023 – 2027 was adopted and its top priorities include tackling VAWG and women's representation. Governments still react on an *ad hoc* basis with no systematic approach to gender inequality. It is recommended to approach gender equality more systematically and incorporate gender analysis in all processes of policy- and budget-making. B&H still has not implemented the Istanbul Convention to the full extent. The Criminal Code of RS is partially harmonised with the Istanbul Convention, but still

¹⁸ According to data from associations dealing with the rights of single-parent families, less than 10% of parents in B&H regularly pay child support after divorce, 20% pay occasionally, and 70% do not pay at all. See the report "There are still no alimony funds, until when will that be the case" on [BHRT](#) (March, 2024).

¹⁹ Non-payment of alimony brings a number of problems to single or divorced parents, mostly financial. In order to make up for this money, which they should receive through alimony, parents are often forced to work two jobs, which leaves them very little time for their children: <https://shorturl.at/uBO29>.

²⁰ Petric, Natalija (2020). Presentation of the EU Work-life balance Directive 2019/1158. Helsinki Citizens' Assembly Banja Luka. Available at: <http://hcabl.org/wp-content/uploads/2020/08/Direktiva.pdf>

²¹ Out of 22,449 applications for maternity allowance refunds submitted in the RS since 2016, 231 applications were related to fathers. In FB&H, a total of 28,838 people received allowances instead of salaries during maternity leave, of which only 105 were fathers, or just 0.36%. See: https://soc.ba/site/wp-content/uploads/2022/10/Otac-na-porodiljskom-web.pdf?utm_source=Klix.ba&utm_medium=Clanak

does not consent within the rape crime provisions.²² BD B&H amended their Criminal Code²³ which now defines rape as a sexual intercourse without consent of the victim.²⁴ The Criminal Code of FB&H still is not harmonised with the Istanbul Convention, even though the Draft of the Law on Amendments to the Criminal Code of FB&H was adopted in the House of Representatives of the Parliament of FB&H. None of these laws predict the perpetrator's family relationship with the victim as an aggravating circumstance. During its 76th session held on 4th July, 2024, the Government of RS approved amendments to the Criminal Code of RS. This amendment encompasses the removal of term “gender identity” from the Criminal Code. These changes could have significant implications for the legal recognition and protection of individuals based on their gender identity, and therefore, warrant careful consideration and monitoring in the context of human rights and equality standards²⁵. In 2019, the Council of Ministers of B&H established Committee for Monitoring Implementation and Reporting on the Istanbul Convention and Femicide in B&H²⁶. Existing Domestic Violence Protection Law (DVP Law) is not fully aligned with Istanbul Convention.²⁷ The new DVP law was proposed in RS in 2023. This draft was well aligned with the Istanbul Convention, but was withdrawn from the procedure without official explanation²⁸. Implementation of recommendations in terms of improving legislation is progressing very slowly in FB&H, the Criminal Code and DVP Law are yet to be aligned with the Convention. There are no rape crisis or sexual violence referral centres for victims to provide for medical and forensic examination, trauma support and counselling for victims. The Agency for Gender Equality of the Ministry for Human Rights of B&H signed agreements with three hospitals in B&H on establishing these centres, but there is no information on when they will be in function.

- (8) **120.163, 120.164, 120.168** Law on Council of Ministers of B&H and cantonal laws still have not ensured equal participation of women in executive bodies. These laws should be amended in a way which would ensure that council of ministers will not be formed until both genders are equally represented. Electoral Law still has not been

²² Article 123 (1) 21) of the Criminal Code of RS introduces sex and gender identity of a certain person as a basis for constituting a hate crime.

²³ Law on Amendments to the Criminal Code of BD B&H (Official Gazette of BD B&H no. 2/10), available at: <https://skupstinabd.ba/3-zakon/ba/Krivic--ni%20zakon%20Brc--ko%20Distrikta%20BiH/07B14-24%20Zakon%20o%20izmjenama%20i%20dopunama%20Krivic--nog%20zakona%20BD%20BiH.pdf>

²⁴ New criminal offences are introduced into the law: female genital mutilation, forced sterilization, stalking, psychological violence, sexual harassment, and forced marriage. At the same time, concept of consent was recognized as the existence of willingness to engage in sexual intercourse, and its absence is a condition for the existence of the criminal offense of rape.

²⁵ Official justification of these amendments refers to alleged intention to harmonize the Criminal Code with Constitution of RS: According to the Constitution of RS, all citizens are equal in their freedoms, rights, and duties, and are entitled to the same legal protection, irrespective of race, sex, language, national origin, religion, social origin, birth, education, property status, political or other beliefs, social status, or other personal characteristics.

²⁶ RS did not delegate a member to this Committee

²⁷ Amendments and supplements to the Law on Protection from Domestic Violence of 2019 have attempted to superficially and minimally align this matter with international standards, including those prescribed by the Istanbul Convention.

²⁸ Ministry of Family, Youth and Sports of RS abandoned the law without any explanation. However, more than 20 right-wing, populist, and clerical organizations that advocate for traditional values, with public support from the President and Prime Minister of RS and political parties holding the majority in the Assembly of RS have demanded for months that this law be withdrawn from further procedure. Their reasoning is based on unfounded claims that the law threatens the traditional family and introduces so-called LGBTIQ+ and gender ideology into the legal framework.

amended despite the efforts of civil society organisations and activists.²⁹ Women are consistently underrepresented in this and other executive bodies at the entity, cantonal, and local levels. After the 2022 general elections, one woman was appointed at the Council of Ministers as the chairperson, but still, in the nine-member composition of this body, there is only one female minister (11.11%). In the governments of the FB&H and RS, women make up 25% of ministers (heading four out of a total of 16 ministries). The representation of women in cantonal governments is 22.22% (20 women out of a total of 95 ministerial positions)³⁰.

- (9) **120.165** Gender institutional mechanisms in B&H conducted campaigns for promotion of political participation of women in cooperation with international and non-governmental organisations in B&H.³¹ These campaigns include videos, roundtables, conferences. Unfortunately, other institutions and political parties do not put efforts into promoting political participation of women.

4. Sexual orientation and gender identity (recommendations 120.43, 120.48 – partially implemented; recommendation 120.54 – not implemented)

- (10) **120.43, 120.48** The Action Plan to Improve the State of Human Rights and Fundamental Freedoms of LGBTI People in B&H for the period 2021-2024 was adopted at the 54th session of the Council of Ministers of B&H on 28 July 2022. The text of the Action Plan was proposed by the Ministry of Human Rights and Refugees of B&H. The document was drafted by an expert group made up of 25 representatives from the competent administrative bodies of the entities, BD, institutions of B&H and civil society. The action plan sets three general goals: 1) Equal opportunities and prohibition of discrimination, 2) Equal rights in all areas of life, and 3) A society of respect for diversity. Furthermore, the Action Plan foresees four strategic goals and as many as nineteen activities to achieve them. The Action Plan also elaborates the indicators for all activities, stipulates the responsible implementer and the timeframe for the activities³². However, many of the goals and activities that were set out in the Action plan are not implemented yet.
- (11) **120.54** The relationships between same-sex partners and their partnerships are not regulated in any administrative unit in B&H (FB&H, RS, BD B&H)³³.

²⁹ Informal coalition "Let's share responsibility equally" prepared amendments to the Electoral Law of B&H in order to ensure the equal participation of women and men in the legislature at all levels in B&H. Accordingly, the proposed amendments require that "each candidate list has an equal number of male and female candidates distributed alternately on the list", and that the missing number of elected women of at least 40% in parliaments is filled from the compensation lists. The relevant authorities have not yet considered these amendments.

³⁰ See: Gender Equality Index 2023: https://bhas.gov.ba/data/Publikacije/Metodologije/IndeksRodneRavnopravnosti_BS.pdf

³¹ Agency for Gender Equality of Ministry for Human Rights and Refugees of B&H, 2020, Campaign "I Vote for Woman" for more women in decision-making positions in B&H, accessed 9th of May 2024, <https://arsbih.gov.ba/kampanja-ja-glasam-za-zenu-za-vise-zena-na-mjestima-odlucivanja-u-bih/>

³² Ibid, page 13

³³ Amil Brkovic, Branko Culibrk, Delila Hasanbegovic, Dina Bajrektarevic and Jozo Blazevic, 2023 Pink Report, Annual Report on the State of Human Rights of LGBTI People in B&H, page 37, available at: https://soc.ba/site/wp-content/uploads/2023/06/Pink-report_za-web.pdf

5. Fight against corruption (recommendations 120.71, 120.107, 120.109 – partially implemented)

- (12) **120.71** During March 2024, the adoption of a new Law on the Prevention of Conflict of Interest in Institutions at the Level of B&H took place. This adoption was preceded by alterations to the Law’s fundamental provisions, which had clearly defined the requirement for all B&H institutions to submit asset declarations to the Conflict of Interest Commission.³⁴ In RS, revisions to the current law now allow public officials to lead organisations funded from the public budget, thereby legalising conflicts of interest in spite of civil society’s objections.³⁵ In FB&H, the Law on Prevention of Conflict of Interest has remained unenforced since 2013 due to the lack of a dedicated body to address issues of conflict of interest. The executive and legislative authorities should align the legal framework governing conflicts of interest with global standards by: Mandating the submission of asset declarations by public officeholders and instituting effective controls via administrative, disciplinary and criminal sanctions; Expanding the scope of the law to encompass all individuals holding elected or appointed roles within public sector institutions, agencies and enterprises; Guaranteeing the commission’s autonomy via a revised appointment formula.
- (13) **120.107, 120.109** As regards to implementation of anti-corruption policies, individuals reporting corruption in B&H cannot be said to enjoy unimpeded access to justice or adequate protection. There is the state-level Law on Protection of Persons Reporting Corruption in the Institutions of B&H. Remarkably, this law, unchanged since its adoption in 2013, comprises a mere 14 articles and notably lacks provisions for judicial protection for individuals granted “whistleblower” status. The pinnacle achievement in anti-corruption efforts – the external or judicial protection procedure – remains conspicuously absent from B&H’s current legal framework, representing a significant shortcoming. In contrast, RS recognises judicial protection, extending safeguards not only to whistleblowers, but also to other individuals who are connected to them (such as family members) and thus may suffer adverse consequences. Meanwhile, FB&H has yet to adopt such legislation, despite non-governmental sector initiatives calling for FB&H to start drafting and enacting the relevant law. The executive and legislative authorities at the B&H level should prioritise the adoption of the new Law on the Protection of Persons who Report Corruption. Furthermore, in FB&H, the authorities should establish uniform safeguards and legal recourse for all individuals reporting corruption, mirroring the standards set by other government levels.

6. Access to justice (recommendations 120.29, 120.30, 120.31, 120.32, 120.33, 120.34, 120.35, 120.66, 120.67, 120.68, 120.103, 120.104 – partially implemented; recommendations 120.36, 120.105, 120.178 – not implemented)

- (14) **120.29, 120.33, 120.66, 120.67** There is no state-wide reparations scheme and victims must navigate complex procedures to obtain their rights. An administrative collective reparations program has never been established through which all survivors in B&H would get easy access to compensation and other necessary reparation measures,

³⁴ Transparency International B&H, The Law on the Prevention of Conflict of Interest is Important for the Prevention of Corruption, the Adoption Procedure is not Transparent, available at: <https://ti-bih.org/the-law-on-the-prevention-of-conflict-of-interest-is-important-for-the-prevention-of-corruption-the-adoption-procedure-is-not-transparent/?lang=en>

³⁵ Transparency International B&H, RS is Trying to Legalize the Conflict of Interests with a New Law, available at: <https://ti-bih.org/republic-of-srpska-is-trying-to-legalize-the-conflict-of-interests-with-a-new-law/?lang=en>

under equal conditions and with the same level of protection of rights. The application of the statute of limitations on civil law suits filed by survivors, who want to claim compensation, is still leading to an issue where court fees are levied on victims for unsuccessful claims aimed at obtaining compensation particularly from RS. The FB&H and BD B&H have abandoned this practice. B&H is still far from providing adequate, prompt and effective reparations to victims of war crimes according to international standards. The Law on Protection of Civilian Victims of War Crimes adopted in the FB&H in July 2023 came into force in January 2024. The Law recognized children born out of wartime sexual violence for the first time and gave them rights. There is currently no provision within the law in RS whilst the similarly named Law in BD B&H does not provide rights for this category, despite formal recognition. The issue of the implementation of guaranteed rights remains, given the involvement of multiple levels of government and the lack of coordination by the relevant ministry. Under the RS Law on the protection of victims of wartime torture, the deadline for victims to apply for the status expired in October 2023. This runs against international standards where no time limit should be imposed. The UNCAT decision from 2019 in the case of Mrs A v. B&H has still not been implemented nor are any of the corresponding measures.³⁶

- (15) **120.30, 120.31, 120.32, 120.34, 120.35, 120.36, 120.103, 120.104** The Revised National Strategy is projected to last until the end of 2025. The estimated backlog consists of over 3000 reported war crimes that lack an identified suspect or where the commission of a crime has not yet been established in front of all Courts in B&H. It is logistically impossible to process all cases by the end of 2025. Judicial institutions claim they are understaffed and underfinanced but some of the main reasons for backlog are: the lack of regional and international cooperation, the staff is not efficiently prosecuting war crime cases, countries where the suspects reside are not willing to extradite them or they claim the right to prosecution but do not initiate the process. Integrity department of High Judicial and Prosecutorial Council of B&H (HJPC) is still not operative³⁷ which is causing delays in appointments of new judiciary staff³⁸. Deadline for the establishment of the Department for checking the financial statements of holders of judicial positions has been extended³⁹. HJPC unanimously adopted the proposal of the reform program of this institution for the period 2024-2026 while amending its Rules of Procedure and will no longer draw the national and gender representation of its members, which can lead to corruption and

³⁶ TRIAL International. *Preživjele ratnog seksualnog nasilja ponovo traže pravdu pred un komitetom protiv torture/Survivors of wartime sexual violence again demand justice before the UN Committee against Torture*. Article available at: <https://trial.ba/?p=1330>.

³⁷ Kuloglija-Zolj, Nermina. *Kasnjenje u provjeri imovine moglo bi blokirati imenovanja sudija i tuzilaca od decembra/A delay in asset verification could block the appointment of judges and prosecutors from December*. Article available at: <https://detektor.ba/2023/10/17/kasnjenje-u-provjeri-imovine-moglo-bi-blokirati-imenovanja-sudija-i-tuzilaca-od-decembra/>

³⁸ Begic, Jasmin. *U VSTV-u jos nisu spremni za primjenu izmijenjenog zakona/The HJPC is not yet ready to apply the amended law*. Article available at: <https://detektor.ba/2024/02/08/u-vstv-u-jos-nisu-spremni-za-primjenu-izmijenjenog-zakona/>

³⁹ Kuloglija-Zolj, Nermina. *Dom naroda produzio rok za formiranje Odjela za provjeru finansijskih izvjestaja sudija i tuzilaca/The House of Peoples extended the deadline for the establishment of the Department for checking the financial reports of judges and prosecutors*. Article available at: <https://detektor.ba/2024/01/31/dom-naroda-produzio-rok-za-formiranje-odjela-za-provjeru-finansijskih-izvjestaja-sudija-i-tuzilaca/>

discrimination⁴⁰. Urgent formation of the Integrity department and adoption of its rules of procedures, as well as securing financing of its work is needed. Verdicts for the crime of wartime sexual violence are still below the legal minimum (in case of plea of guilty), inconsistent in the context of mitigating and aggravating circumstances (if perpetrator is a family person or behaved well in the courtroom) and favouring the perpetrator instead the victims⁴¹. Court councils have to stop using mitigation measures to lower the sentences and secure higher compensations to the victims. Law on Prevention of Conflict of Interest has been adopted, although its adoption procedure wasn't transparent since last minute changes, not publicly discussed.⁴² The same law in RS entity is changing its procedure, having main controversy saying if public officers are not paid for executive roles in associations or foundations, there is no conflict of interest⁴³. Of the anticipated anti-corruption laws, only the Amendments to the Law on Public Procurement were adopted, lacking to fulfil its purpose, since Council of Ministers removed provisions which foreseen strengthening of supervision and the increase of sanctions⁴⁴. Whistleblowers are still not adequately protected, since courts support sanctions imposed by the companies and institutions towards whistleblowers (Emir Mesic case)⁴⁵.

- (16) **120.68** The free legal aid system is still disjointed across the administrative units. RS did not change their legislation to allow free legal aid in criminal procedures. In FB&H, the disjointedness is due to Cantons having their legislation covering free legal aid. This leads to unequal treatment and access to free legal aid in the country. The following is recommended: 1. Establish a political and institutional dimension of the reconciliation process to address systemic and ongoing obstacles that victims face. 2. The application of statutes of limitations needs to be abandoned, in line with the United Nations Convention against Torture (UNCAT) decision on B&H. 3. Court costs imposed on victims of wartime torture having sued RS need to be waived as soon as possible. 4. The Prosecutors Office of B&H needs to investigate and prosecute fully cases regarding denial, trivialisation and glorification of war crimes and war criminals. 5. Entities need to amend legislation on the rights of victims of torture removing restricting provisions. 6. Establish an efficient and comprehensive

⁴⁰ Kuloglija-Zolj, Nermina. *Zamrzavanje etnicke i spolne pripadnosti clanova VSTV-a kao sredstvo produzenja mandata/Freezing the ethnic and gender affiliation of HJPC members as means of extending the mandate*. Article available at: <https://detektor.ba/2024/02/01/zamrzavanje-etnicke-i-spolne-pripadnosti-clanova-vstv-a-kao-sredstvo-produzenja-mandata/>

⁴¹ Hodzic, Enes. *Sta trebate znati o kaznjavanju ratnog seksualnog nasilja u BiH/What you need to know about the punishment of wartime sexual violence in B&H*. Article available at: <https://detektor.ba/2024/01/05/sta-trebate-znati-o-kaznjavanju-ratnog-seksualnog-nasilja-u-bih/>

⁴² Dizdarevic Tahmiscija, Emina. *Tri stvari koje trebate znati o usvojenom tekstu Zakona o sprecavanju sukoba interesa/Three things you need to know about the adopted text of the Law on Prevention of Conflict of Interest*. Article available at: <https://detektor.ba/2024/03/07/tri-stvari-koje-trebate-znati-o-usvojenom-tekstu-zakona-o-sprecanju-sukoba-interesa/>

⁴³ Vujatovic, Djordje. *Promjene Zakona o sprecavanju sukoba interesa RS-a: Apsurd ili odgovarajuce rjesenje/Changes to the Law on Prevention of Conflicts of Interest of the RS: Absurdity or an Appropriate Solution*. Article available at: <https://detektor.ba/2023/06/06/promjene-zakona-o-sprecanju-sukoba-interesa-rs-a-apsurd-ili-odgovarajuce-rjesenje/>

⁴⁴ Husaric Omerovic, Azra. *Sta trebate znati o Alternativnom izvjestaju o napretku BiH na putu za clanstvo u EU/What you need to know about the Alternative Report on B&H's progress on the path to EU membership*. Article available at: <https://detektor.ba/2023/04/26/sta-trebate-znati-o-alternativnom-izvjestaju-o-napretku-bih-na-putu-za-clanstvo-u-eu/>

⁴⁵ Husaric Omerovic, Azra. *Prijavitelj korupcije Emir Mesic izgubio spor zbog degradacije na poslu/Corruption whistleblower Emir Mesic lost his case due to demotion at work*. Article available at: <https://detektor.ba/2024/03/13/prijavitelj-korupcije-emir-mesic-izgubio-spor-zbog-degradacije-na-poslu/>

reparations framework to ensure a non-discriminatory approach to all categories of victims and access to rights throughout B&H. A state-level Law on the Protection of Victims of War Crimes, with the establishment of a compensation fund needs enacted.

7. Fully implement the UNCAT decision in the case of Mrs A.

- (17) **120.105, 120.178** The resolution of war crimes cases has been extended by two years since the existing deadline stipulated by the Revised Strategy for War Crimes Cases was not met. Transition of low key cases to the local courts goes slowly, while additional challenge is unavailability of the accused one to the judiciary due to the dual citizenships with Croatia and Serbia. High number of acquitted persons (40 in 2023) accused for war crimes shows lack of quality of indictments and expertise of prosecutors⁴⁶. Institute for missing persons work with outdated equipment and technology, has insufficient number of pathologists and has very limited funds⁴⁷. Dozens of returnees were attacked in their local communities while incidents haven't been processed⁴⁸. Since 2021 when Criminal code was updated with provisions which prohibit denial of war crimes and genocide and glorification of war criminals was imposed, prosecution has raised only one indictment for war crime denial⁴⁹. HJPC has to further insist on prioritization of working of cases of attacking returnees⁵⁰ while Prosecution office has to implement European practice and work on educating prosecutors and judges.

7. Freedom of association and peaceful assembly, freedom of opinion and expression (recommendations 120.92, 120.96, 120.102 – partially implemented; recommendations 120.85, 120.86, 120.98 – not implemented)

- (18) **120.85, 120.86** The environment in which civil society activists/human rights defenders (HRDs) in B&H work can be described as uninspiring and intimidating. They face a lack of public support for their work, and violence against them often goes unpunished, sometimes even encouraged and caused by government officials. The legal framework within which HRDs operate is fragmented, leading to unequal rights and access to resources. There is little trust in institutions responsible for protection to respond adequately, and there is a general fear that publicly expressed views or opinions might harm HRDs, their organizations, or their families⁵¹. Lately, there are noticeable trends of further narrowing the space for CSOs, manifested through the adoption or announcement of restrictive laws that limit fundamental human rights,

⁴⁶ Rovcanin, Haris. *Povecan broj oslobadjajucih presuda za ratne zlocine, smanjen broj optuznica/Increased number of acquittals for war crimes, reduced number of indictments*. Article available at: <https://detektor.ba/2023/12/27/povecan-broj-oslobadjajucih-presuda-za-ratne-zlocine-smanjen-broj-optuznica/>

⁴⁷ Grebo, Lamija. *Jos 60 osoba nestalih u ratu pronadjeno tokom 2023. godine/Another 60 persons missing in the war found during 2023*. Article available at: <https://detektor.ba/2023/12/26/jos-60-osoba-nestalih-u-ratu-pronadjeno-tokom-2023-godine/>

⁴⁸ Husaric Omerovic, Azra. *Slucajevi zbog kojih je BiH pala na ispitu ljudskih prava i sloboda u 2023./ Cases due to which B&H the human rights and freedoms exam in 2023*. Article available at: <https://detektor.ba/2023/12/25/slucagevi-zbog-kojih-je-bih-pala-na-ispitu-ljudskih-prava-i-sloboda-u-2023/>

⁴⁹ Kuloglija-Zolj, Nermina. *Tri stvari koje trebate znati o prvom optuzenom za velicanje ratnog zlocinca/Three things you need to know about the first person accused of glorifying a war criminal*. Article available at: <https://detektor.ba/2024/01/31/tri-stvari-koje-trebate-znati-o-prvom-optuzenom-za-velicanje-ratnog-zlocinca/>

⁵⁰ Grebo, Lamija. *VSTV podrzao prijedloge za prioritarno procesuiranje napada na povratnike/HJPC supported proposals for priority processing of attacks on returnees*. Article available at: <https://detektor.ba/2024/04/19/vstv-podrzao-prijedloge-za-prioritarno-procesuiranje-napada-na-povratnike/>

⁵¹ See the report *"Human Rights Defenders in B&H – Rights, Position, and Obstacles"*. Human Rights House Banja Luka (2023). It is based on in-depth interviews with 21 human rights defenders from all over B&H, most of whom are women (13): <https://shorturl.at/dqxHL>

including freedom of expression, access to information, and freedom of association. The absence of these rights makes the work of HRDs nearly inconceivable. The amendments to the Criminal Code of RS (August 2023) have re-criminalized defamation and introduced other criminal offenses, significantly affecting the work of activists and journalists in terms of censorship, self-censorship, and potential criminal records due to defamation⁵², leading to consequences such as job ineligibility. Amendments to the Geological Surveys Act exclude local communities from decision-making, hindering environmental activists and breaching international conventions. This contradicts the Aarhus Convention and the European Charter on Local Self-Government, potentially adversely affecting the work of environmental activists combating irregular and unjust exploitation of B&H's natural resources. Although these negative trends primarily concern RS, attempts to limit the work of activists and journalists have also occurred in FB&H⁵³. The Government of the Sarajevo Canton had drafted a Law on Offenses against Public Peace and Order, considering the Internet as public space and proposing high fines for journalists and media outlets for disseminating false news, as well as penalties for moral offenses and obstructing or disparaging public authorities. Among these penalties was a provision for a ban on public appearances and activities for up to one year. Due to numerous criticisms from domestic and international organizations, the draft was withdrawn from further consideration in July 2023⁵⁴. When it comes to the freedom of assembly, B&H is governed by 12 laws regulating this right, among which only the laws adopted in Zenica-Doboj Canton in 2023, Una-Sana Canton in 2024 and Canton 10 as well as Law on Public Assembly of BD B&H are assessed as compliant with international standards. However, this diversity, together with excessive legal limitations in certain regulations, at times obstructs or discourages the effective exercise of the right to peaceful assembly. Consequently, this right is not equally accessible to all HRDs in the country, as legal provisions vary across different regions. Legal and bureaucratic barriers often obstruct the right to peaceful assembly, as seen in the case of B&H Pride March, which faced excessive security demands⁵⁵. The ongoing legislative process in RS regarding the Law on the Special Registry and Transparency of Nonprofit Organisations has raised significant concerns about the freedom of association. Although the Law was withdrawn from the parliamentary procedure (in May, 2024), it has already caused damage to civil society organizations in RS - labelling CSOs as agents of foreign influence has shaken their credibility in the public, and many organizations have begun to consider the possibility of re-registration in B&H or another level. The government must withdraw restrictive laws that threaten freedom of association and uphold commitments to European standards, ensuring a supportive

⁵² Since August 2023, when the amendments to the Criminal Code came into force, until the end of February 2024, the prosecutor's offices in RS received over 50 criminal complaints for defamation. The highest number of complaints - 39 - was received by the District Prosecutor's Office Banja Luka for the criminal offenses of defamation and disclosure of personal and family facts. Two complaints pertain to journalists. See: <https://shorturl.at/acjpx> (April, 12, 2024).

⁵³ Zatega, Ermin. *Krsenje javnog reda i mira i lazne vijesti na 'sarajevskom internetu'/Violation of public order and peace and fake news on the "Sarajevo Internet"*. Article available at: <https://shorturl.at/jxBSV>

⁵⁴ Ibid 48, <https://shorturl.at/jxBSV>

⁵⁵ Specific problems include: competent authorities have been narrowing down the right to peaceful assembly to precisely defined places, excessive bureaucratization in the exercise of this right, shifting responsibility to organizers, excessively broad powers of institutions regarding the approval of gatherings, the issue of non-recognition of "spontaneous gatherings," and the significant financial and logistical burdens are imposed on organizers in certain cases, such as BH Pride March - this is the only peaceful protest in Sarajevo Canton for which additional security measures are demanded.

environment for HRDs and maintaining democratic principles in B&H and refrain from adopting the Law on the Special Registry and Transparency of Nonprofit Organisations.

- (19) **120.92, 120.96** Limited progress was made in ensuring an enabling environment for civil society by adopting new law on freedom of assembly in BD B&H, and similar harmonization with EU standards should be applied elsewhere. Rare efforts are invested in making online and offline space for civil society safer. The findings of the Monitoring Matrix for B&H⁵⁶ indicate a shrinking space. More effort and resources must be invested in systematic and strategic development of a supportive environment for civil society. Cooperation Agreement between Council of Ministers of B&H and NGOs remains an unutilized opportunity. There are no adequate legal and institutional mechanisms for implementation of inter-sector partnership and civil dialogue which further obstructs relations between the two. Law on citizen initiatives and protection of citizens and activists would provide protection to HRDs. The draft Law was already adopted on 26 June 2024 by the House of Representatives of FB&H. The following step is that the House of Peoples of Parliament of FB&H should also adopt the law.⁵⁷ B&H Audit Office monitored the implementation of recommendations for performance audit of Grant Management in B&H institutions. Regarding implementation of recommendations from 2020, a weaker level of implementation was determined in 2021.
- (20) **120.98** Sarajevo Canton penalized the spread of fake news and criticism of state authorities. Although the draft bill was withdrawn due to the public outcry, the authorities expressed their commitment to reintroduce modified version of the same bill. Government activities like this, along with restrictive ideas of RS government, e.g., foreign agents' law, are a clear indicator that activists will self-censor more in their future activities and work.
- (21) **120.102** In July 2020 BD B&H adopted the Law on Peaceful Assembly, followed by Zenica-Doboj Canton⁵⁸ in 2023, Una-Sana Canton⁵⁹ in 2024 and Canton 10⁶⁰. These laws are harmonised with EU standards and regulate public assembly only, while public performance will be regulated with specific laws⁶¹. The Government of Canton Sarajevo formed a working group for drafting of the Law on Peaceful Assembly in 2021, but until this moment the draft of the law is still not available. RS and seven

⁵⁶ Monitoring Matrix Report 2021, CPCD BCSDN network <https://civilnodrustvo.ba/monitoring-matrix-on-enabling-environment-for-civil-society-development-in-bih-6/>

⁵⁷ Aarhus Center in B&H. *Usvojen Nacrt Zakona o građanskoj inicijativi i zaštiti građana/ki i aktivista/ica: Korak ka velikoj pobjedi za demokratiju i građanska prava u FBiH/Draft Law on Citizen Initiative and Protection of Citizens and Activists Adopted: A Step Towards a Great Victory for Democracy and Civil Rights in FB&H*. Article available at: <https://aarhus.ba/2024/06/27/usvojen-nacrt-zakona-o-gradanskoj-inicijativi-i-zastiti-gradana-ki-i-aktivista-ica-korak-ka-velikoj-pobjedi-za-demokratiju-i-gradanska-prava-u-fbih/>.

⁵⁸ Draft of the Law on Peaceful Assembly of Zenica-Doboj Canton, accessed on the 17th of May 2024, https://zdk.ba/images/attachments/02_Nacrt_Zakona_o_mirnom_okupljanju.pdf

⁵⁹ Draft of the Law on Peaceful Assembly of Una-Sana Canton, accessed on the 17th of May 2024, https://vladausk.ba/v4/files/media/pdf/64fb14f4022333.94680907_zakon%20o%20slobodi%20mirnog%20okupljanja%20%281%29.pdf

⁶⁰ The OSCE Mission to B&H greets adoption of the Law on Peaceful Assembly in Canton 10, fena.ba, accessed on the 17th of May 2024, <https://fena.ba/article/1575898/misija-osce-a-u-bih-pozdravila-usvajanje-zakona-o-mirnom-okupljanju-u-kantonu-10>

⁶¹ Nyaletsossi Voule, Clément. Preliminary Remarks of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. Sarajevo, 2024, page 7, paragraph 38. Available at: <https://www.ohchr.org/sites/default/files/documents/issues/association/statements/20240422-eom-bosnia-herzegovina-sr-freedom-assembly-associaton-en.pdf>

other cantons in the FB&H still have very restrictive laws and there is no information when or whether they will adopt laws aligned with international standards.

8. Right to education (recommendation 120.140 – partially implemented)

- (22) **120.140** Progress has been made in Early Childhood Education and Care enrolment rates. Implementation of the new Law on Financial Support to Families with Children increased coverage and equity in child cash benefits in FB&H. With the basic legal framework for adult learning in place at state and entity levels, B&H has a sound foundation for developments in this sector. The “Strategic Platform for the Development of Adult Education in the Context of Lifelong Learning in B&H 2014-2020” expired, without efforts to develop a new one.

9. Institutional capacity building (recommendations 120.21, 120.22, 120.24, 120.26 – partially implemented)

- (23) **120.21, 120.22, 120.24, 120.26** Training of law enforcement and judiciary officers is still not systematically resolved⁶². In 2023 Police Academy of FB&H conducted an education for 347 cadets on the topic of hate crime, hate speech and freedom of assembly. Unfortunately, these trainings are the result of civil society organisation’s effort and investment. These classes are not part of the regular curriculum. Whether these classes will be conducted or not depends on the approval of the current Federal Minister of Internal Affairs.

10. Rights of people with disabilities (recommendations 120.179, 120.180, 120.181, 120.182, 120.183, 120.184, 120.185, 120.186, 120.187, 120.188, 120.189, 120.190, 120.191 – partially implemented)

- (24) **120.180, 120.181, 120.182, 120.183, 120.185, 120.186, 120.189, 120.190** B&H has made some progress in implementing the recommendations from the last cycle of UPR concerning persons with disabilities. Still, the overall rate of implementation of recommendations and, the human rights situation in general, for this group remains unsatisfactory. The systematic and coordinated actions of all relevant actors' are needed for comprehensive and sustainable improvements. Mandatory education for civil servants and public institution employees on the human rights approach to disability as well as public campaigns are necessary to increase the understanding of the public on the rights of persons with disabilities and obligations of the state at all administrative levels under the CRPD⁶³. At the national and lower levels of governance, B&H has yet to harmonize its legislation with the CRPD the least to include an explanation of reasonable accommodations in all areas of life, not just employment, as currently stated in the Law on the prohibition of discrimination of B&H. Denying reasonable accommodation requests by disabled persons should be clearly defined as discrimination. Anti-discrimination legislation needs improvement, with clearer definitions of intersectional discrimination, especially affecting women with disabilities, who are not sufficiently recognized and included in the women’s as well as disability policies and movements. There is still no harmonized human rights-based concept of disability at all levels of the administrative organisation of B&H. No

⁶² Ibid 55, page 27

⁶³ UN Convention on the rights of persons with disabilities

national action plan for CRPD implementation exists. Instead, each entity, FB&H and RS, enacts its strategies. The RS's strategy (2017-2026) includes annual reporting, but these reports are not available online. The FB&H's strategy expired in 2021, and a new one has yet to be adopted. These strategies lack dedicated implementation and sufficient budget allocation, causing persons with disabilities to still struggle for a decent living. Coordinated efforts and better resource allocation are needed at all governance levels. The slow and insufficient implementation of these strategies results in inadequate inclusion, protection, and enjoyment of rights for persons with disabilities. B&H still has not introduced effective methods for inclusion and engagement of persons with disabilities including women and youth with disabilities in legislation creation. Regular and meaningful engagement and consultation remain limited, requiring further efforts to include these groups in legislative and policy development processes. The only progress has been achieved in several areas of B&H where organizations of persons with disabilities are capacitated and knowledgeable about the CRPD and existing legislation and cooperate with the authorities.

- (25) **120.179, 120.184, 120.187, 120.188, 120.191** Some efforts have been made to include students with disabilities in the regular educational system. The governments in some areas have taken steps to introduce or amend the laws and regulations that recognize the need for the creation of individual educational plans and the engagement of assistants in the classes. Still, significant barriers and gaps remain in the majority of B&H to provide quality education to children with disabilities, particularly in terms of the allocation of sufficient budgets for the provision of assistive aids, accessibility, trained staff, early access to health services, etc. The attitudes of society, including the educational authorities and teachers, are still the biggest obstacle to the implementation of the right to education especially for students with intellectual disabilities. Systemic improvements are necessary in many areas of B&H to provide equal educational opportunities for all children with disabilities without discrimination.

BiH Civil Society UPR Coalition member organizations that contributed to the content of the Shadow Report

Balkan Investigative Reporting Network (BIRN)

BIRN BiH a non-governmental organization based in Sarajevo that specializes in monitoring and reporting on war crime trials. The organization was founded in 2005 with the aim of providing the public of BiH with objective and timely information about transitional justice processes taking place in the country and across the region. Since 2015, BIRN BiH has expanded its activities to include monitoring and reporting on organized crime, corruption, and terrorism, as well as the operations of judicial institutions in the country. Upholding the highest professional standards in objective and independent reporting, BIRN BiH has earned professional and institutional recognition for its capability to expand its professional field and continue to inform and educate the public about judicial issues.

Civil Society Promotion Center (CPCD)

Civil Society Promotion Center (CPCD) was established in 1996, and works in BiH, as well as in countries of the Western Balkans. CPCD's mission is contributing to strengthening civil society in BiH through supporting development of civil society organisations in their mutual cooperation and networking, establishing framework for efficient relations with governmental and profit sector and development of civic activism, as well as through promotion of the non-profit sector as a qualitative and unavoidable actor in socio-economic development of the country. CPCD developed SMART center for education of adults.

CURE Foundation

CURE Foundation is a feminist-activist organization that promotes gender and sex equality and works for positive social change through educational, cultural and research programs. By organizing affirmative collective actions, CURE celebrates the strength and power of women, and helps to empower individuals to become initiators of social change in Bosnia and Herzegovina and the world.

Helsinki Citizens' Assembly Banja Luka

Helsinki Citizens' Assembly (hCa) Banja Luka was officially registered on August 16, 1996 as a local non-governmental organization in Republika Srpska /Bosnia and Herzegovina. Since that period, hCa Banja Luka has actively participated in promotion, strengthening, and linking civil initiatives, working on reconciliation and empowerment of marginalized groups for political activism, both on local and regional level.

hCa Banja Luka aspires to fulfill its vision through three program areas: Strengthening the Civil Society and Transformation of Public Authorities into the Citizens Service, Advocacy for Gender Equality, and Creating Conditions for More Intensive Inclusion of Youth in Public Life.

My Right – Empowers People with Disabilities

MyRight – Empowers people with disabilities is a Swedish umbrella organisation for persons with disabilities providing support in development and work of organisations of persons with disabilities across the world. MyRight branch office in Bosnia and Herzegovina works since 2009, and implements programme of empowering persons with disabilities and their organisations in rights guaranteed by the UN Convention of the Rights of Persons with Disabilities aiming to independently and successfully advocate for implementation of their rights. Capacity building programme covers five coalitions with more than 60 organisations of persons with various disabilities in Bosnia and Herzegovina.

Sarajevo Open Centre (SOC)

Sarajevo Open Centre (SOC) is an independent feminist civil society organization that strives to empower lesbian, gay, bisexual, trans* and intersex (LGBTI) people and women through community empowerment and activist movement building. SOC also promotes the human rights of LGBTI people and women publicly and advocates on national, European and international level for improved legislation and policies in Bosnia and Herzegovina. By working on European integration issues, SOC is improving human rights in general and encouraging further the development of civil society.

Transparency International in BiH (TI BiH)

Transparency International u Bosni i Hercegovini is an accredited branch of Transparency International, a global coalition for fight against corruption. Main goals of Transparency International in BiH are suppression of corruption, support to development of good governance, accountability and transparency of public institutions, broader democratic values and fair market.

TRIAL International

TRIAL International is a nongovernmental organization based in Geneva, and their office in Bosnia and Herzegovina deals with providing free legal aid to victims of war crimes in front domestic and international bodies and human rights protection mechanisms. TRIAL International puts pressure on authorities to improve the rights of survivors, advocates for legal activities in order to enforce justice, and contributes to raising awareness of the public about problems which victims of war crimes and their families are facing.

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