



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the third periodic report of Bosnia and Herzegovina\*

#### I. General information

1. Please provide information on the measures taken to incorporate the rights enshrined in the International Covenant on Economic, Social and Cultural Rights into the domestic legal order and to ensure that provisions of the Covenant can be invoked before, and be directly applied by, the courts, other tribunals or administrative authorities, as well as examples of such application of the Covenant. Please also provide specific information on the training provided for judicial officials on the provisions of the Covenant and their justiciability.
2. Please provide information on the legal, institutional or policy framework put in place at the State level for monitoring and coordinating implementation of the obligations under the Covenant at the entity level and at the cantonal level and indicate how this framework operates in practice in order to address any gaps in implementation. Please also provide information on the measures taken to collect comprehensive and comparative data that are relevant for assessing the extent to which Covenant rights are realized at the State and entity levels.
3. Please provide information on the measures taken to strengthen the independence of the Institution of Human Rights Ombudsman in light of the recommendations made by the Global Alliance of National Human Rights Institutions when the Institution was reaccredited with A status in 2017. In that regard, please provide an update on the status of the draft law amending the Law on the Institution of Human Rights Ombudsman. Please also provide information on: (a) the measures taken by relevant authorities to ensure that the recommendations made by the Institution are followed, either by implementing them or by providing a reasoned explanation for not doing so; (b) the rate of implementation of the recommendations during the reporting period; and (c) changes in the budget allocated to the Institution.

#### II. Issues relating to the general provisions of the Covenant (arts. 1–5)

##### Maximum available resources (art. 2 (1))

4. Please provide information on the evolution, over the past 10 years, of:

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\* Adopted by the pre-sessional working group at its sixty-fifth session (21–25 October 2019).



(a) The proportion of persons living below the poverty line and the level of inequality, defined as the ratio of the total income accruing to the richest decile of the population to the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is generated through taxes;

(c) The tax rates levied on corporate profits and on personal income, the value added tax rate (excluding taxes on luxury items, on tobacco and alcohol, on sugared drinks and snacks and on gasoline) and the percentage of total revenue generated from the personal income tax collected from the richest decile of the population;

(d) Public expenditure as a percentage of the gross domestic product and the proportion of the total public expenditure that is allocated to social spending (social security, food, water and sanitation, housing, health and education) at the State, entity and cantonal levels;

(e) Absolute levels of social spending adjusted for inflation.

5. Please indicate whether the fiscal consolidation measures and restructuring of public service sectors undertaken in the framework of the Reform Agenda for Bosnia and Herzegovina 2015–2018 were preceded by an assessment of their impact on Covenant rights, including their potentially disproportionate impact on women and low-income families, and how the results of such an assessment were taken into account. Please clarify whether the State party held public consultations prior to adopting the Reform Agenda and while implementing it.

6. Please provide information on:

(a) The implementation of the fourth and fifth anti-corruption strategies, including achievements and challenges;

(b) The measures taken to harmonize anti-corruption legislation at different levels of government with a view to bringing them into line with relevant international norms;

(c) The measures taken to enhance the enforcement of anti-corruption legislation, in particular to address the reportedly low level of prosecutions and convictions;

(d) The measures taken to strengthen anti-corruption bodies at the State and entity levels, including the Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption, and to improve cooperation among these bodies;

(e) The effectiveness of laws on the protection of whistle-blowers, notably the Law on Protection of Persons Reporting Corruption in the Institutions of Bosnia and Herzegovina (at the national level) and the Law on Protection of Persons Reporting Corruption (in the Republika Srpska), and whether plans exist to adopt similar legislation in the Federation of Bosnia and Herzegovina;

(f) The cases of corruption, including those involving high-level officials, including the numbers of cases reported, investigated and prosecuted, as well as the number of convictions and the sanctions imposed.

#### **Non-discrimination (art. 2 (2))**

7. Please provide information on the steps taken to overcome ethnic tensions and divisions among the population and to promote an integrated society in which people enjoy their Covenant rights irrespective of their ethnic or national origin, religion, language or place of residence.

8. Please indicate to what extent the measures taken by the State party have ensured that national minorities and persons belonging to the “others” category enjoy their Covenant rights on an equal footing with the three constituent peoples. Please also provide information on the measures taken to ensure the effective participation of and consultation with these people in decision-making processes that affect them. Please further provide information on the implementation of the quota for national minorities to be represented in the municipal councils provided for in the Election Law.

9. Please provide information on:

(a) The measures taken to harmonize legislation at the State and entity levels, which currently provide different levels of protection of rights to refugees and persons who have been granted subsidiary protection in terms of accessing employment, family reunification, social security benefits, health-care services and education;

(b) The steps taken to provide the large number of asylum seekers living in squats or on the street, particularly in Una Sana Canton, with adequate accommodation and access to education, social assistance, health-care services, public transportation and other public services;

(c) The State party's decision to forcibly transfer the above-mentioned asylum seekers, including unaccompanied minors, from Una Sana Canton to Vucjak, which used to be the site of a landfill, despite its proximity to landmine-affected areas;

(d) The measures taken to improve the living conditions in reception centres, particularly for those with special needs.

10. Please provide information on the progress made by the State party in providing returnees and internally displaced persons with adequate housing and making restitution for their property. Please also provide information on the measures taken to facilitate the integration of these persons in society and to ensure that they are not discriminated in the enjoyment of their Covenant rights, particularly their rights to work, to social protection, to health and to education.

11. Please provide information on the measures taken to further facilitate registration of the births of Roma and, in particular, to address the difficulties faced by Roma in renewing their identity cards due to the requirement, imposed by the 2015 registration law, that they provide the address of a dwelling registered in their name. Please also indicate whether the State party has carried out an assessment of the effectiveness of the measures to address the discrimination faced by Roma in enjoying their Covenant rights, including within the framework of the revised action plan for addressing Roma issues in the fields of employment, housing and health care 2017–2020, and, if so, please provide information on the findings and the measures taken to address them.

#### **Equal rights of men and women (art. 3)**

12. Please provide information on the impact of legislation, including the Election Law and the Law on the Financing of Political Parties, to improve women's representation in legislative bodies. Please also provide information on the measures taken to improve women's representation in decision-making positions in the public and private sectors and their impact, including relevant statistical data.

13. Please provide information on the measures taken to address the growing disparities between men and women in terms of labour force participation and employment. Please also provide information on the measures taken to combat horizontal and vertical occupational segregation of women and to enhance the access of women and girls to vocational and technical education. Please further provide information on the gender pay gap in the State party and on the measures taken to narrow it.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

14. Please provide information on:

(a) The measures taken to address the high unemployment rates, particularly among young people;

(b) The measures taken to facilitate the employment of persons with disabilities and the implementation of the quota provided for in the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities, including the rate of compliance

and the effectiveness of the financial incentives in place to encourage employers to comply with the quota;

(c) The measures taken to facilitate the transition of undeclared workers in the informal economy, particularly women, to employment in the formal economy;

(d) Including statistics disaggregated by sex, age group, ethnicity and entity on labour market participation, employment, unemployment and underemployment, during the reporting period.

#### **Right to just and favourable conditions of work (art. 7)**

15. Please provide updated information on the coverage and the amount of the existing minimum wages in different parts of the State party and on the steps taken to establish a national minimum wage. Please provide information on cases in which hourly rates below the minimum wage are applied in accordance with sectoral collective agreements, including the numbers and percentages of enterprises that have applied such reduced wages and the number and percentage of affected workers.

16. Please provide information on how, following the amendments to the Labour Code of 2016 (Law No. 26/2016) of the Federation of Bosnia and Herzegovina and the adoption of the new Labour Law (2016) of the Republika Srpska, and taking into account also of the Labour Code of Brčko District, the State party implements the principle of equal pay for work of equal value, particularly as regards work of a different nature but of equal value.

17. Please provide information on the framework legislation and policy on occupational health and safety. Please also provide information on the incidence of occupational accidents and diseases during the reporting period and on the measures taken to prevent them. Please further provide information on labour inspections carried out during the reporting period, including relevant annual statistical data, information on the main areas of violations of labour legislation identified through inspections and the measures taken to address them.

18. Please provide information on the complaints mechanisms available to workers wishing to claim their right to just and favourable conditions of work. Please also provide information on the complaints filed by workers, including annual statistical data on the number of complaints filed, the main areas of the complaints and the results of the complaints.

#### **Trade union rights (art. 8)**

19. Please provide information on the steps taken to introduce sanctions for violations of legal provisions that prohibit interference in trade union affairs (sect. 16 of the Labour Code of 2016 of the Federation of Bosnia and Herzegovina, sect. 211 of the Labour Law of the Republika Srpska and sect. 7 of the Labour Code of Brčko District). Please clarify whether workers in the civil service equally enjoy trade union rights, including the right to strike, and indicate how the notion of minimum services is defined in the two entities and in Brčko District.

#### **Right to social security (art. 9)**

20. Please provide information on:

(a) The measures taken to ensure that the level and coverage of social security benefits within the entities and within the cantons of the Federation are sufficient to provide recipients with an adequate standard of living;

(b) The measures taken to extend the coverage of social security benefits, including pensions, disability benefits and health insurance, particularly to workers in the agricultural sector;

(c) The measures taken to equalize the level of disability benefits and entitlements irrespective of the cause of impairment (i.e., to equalize benefits granted to victims of conflict and other persons with disabilities);

(d) The measures taken to address the situation in which employees cannot access social security benefits, including health insurance, due to the failure of their employers to register them in social security funds or to pay their contributions to the funds;

(e) Any steps taken to streamline the processes of pension applications, especially for those who have worked outside of their residential area or abroad;

(f) The implementation of the inter-entity agreement on pension rights and of the inter-entity agreement on health insurance;

(g) Any efforts made by the State party to reform the social security systems with a view to improving coordination between the different social security systems existing in the entities and cantons and to ensuring that adequate social security benefits are accessible to all regardless of their place of residence and are not interrupted as a result of a change in residence.

#### **Protection of the family and children (art. 10)**

21. Please provide detailed information on the maternity leave, paternity leave and parental leave provided for in labour laws and on the extent to which workers actually take such leave, including relevant statistical data and the challenges faced by workers in taking such leave. Please also provide information on the measures taken to expand the support services for childcare and other care responsibilities and include statistical data, disaggregated by region, on the number of households benefiting from support services in comparison to the number of households who have sought such support.

22. Please provide information on the measures taken to address the root causes of children in street situations and to provide protection for these children and ensure the enjoyment of their rights to an adequate standard of living and to an education.

#### **Right to an adequate standard of living (art. 11)**

23. Please provide information on the framework policy to combat the high incidence of poverty in the State party. Please also clarify the difficulties faced by the State party in determining the national poverty line and systematically analysing the situation of poverty. Please also provide information on the measures taken to support people living in poverty, including social assistance, and their effectiveness.

24. Please provide information on:

(a) The framework legislation and policy on social housing and the provision of social housing, including relevant statistical data;

(b) The progress made and challenges faced in closing collective centres and providing alternative adequate housing to those who are living in them, including through the implementation of the project on the closure of collective centres and alternative accommodation through public housing solutions (E/C.12/BIH/3, paras. 166 and 168);

(c) The measures taken or envisaged to provide adequate housing to those who are living in collective centres or alternative accommodation but are not covered by the above-mentioned project;

(d) The situation of homelessness in the State party.

25. Please provide information on the measures taken to ensure that all households are connected to public water and sewage systems. Please also provide information on the measures taken to ensure that the quality of water provided through rural water supply systems and individual water supply systems is regularly monitored. Please further provide information on the measures taken to regulate the tariff policy of public utility companies such as water supply companies and electricity-distribution companies to ensure the protection of disadvantaged and marginalized households and to prevent them from having these services discontinued.

#### **Right to the highest attainable standard of physical and mental health (art. 12)**

26. Please provide information on:

(a) The ongoing reform of the health sector and whether the impact on access to health services in rural areas, as well as the risks of overburdening the primary public health-care sector following the abolishment of specialized dental care and women-focused and maternity care, have been assessed;

(b) The measures taken to harmonize all the subsystems of health-care services existing in the State party with a view to enhancing access to health-care services for all regardless of their place of residence;

(c) The measures taken to extend health insurance coverage to disadvantaged and marginalized persons, including children whose parents have no insurance, Roma, asylum seekers, stateless persons, workers whose employers fail to pay their contributions to health insurance providers, workers in the informal economy and persons living in rural areas;

(d) The measures taken to improve the availability and quality of health-care services and to reduce the disparities in accessing health-care services between urban and rural areas;

(e) The measures taken to improve the adaptability of health-care services to persons with disabilities;

(f) The measures taken to improve sexual and reproductive health education and services, particularly for adolescents.

**Right to education (arts. 13–14)**

27. Please provide information:

(a) Including annual statistical data disaggregated by sex, ethnicity, disability and region, on school enrolment rates, completion rates and dropout rates at the primary and secondary levels of education, during the reporting period;

(b) On the measures taken to increase the enrolment rates and completion rates of disadvantaged and marginalized children, particularly Roma children at the primary and secondary levels, and the impact thereof;

(c) On the measures taken to improve the availability and accessibility of education, particularly for children with disabilities, children in rural areas and asylum-seeking children, including those in the refugee reception centres near Mostar and in Salakovac;

(d) On the measures taken to improve the quality of education and academic achievements of students, particularly disadvantaged and marginalized students.

28. Please provide information:

(a) On the progress made by the State party in moving away from the segregated school system to the integrated school system, and the main challenges faced and the measures taken or envisaged to overcome them;

(b) On the progress made by the State party in facilitating interaction among students from different ethnic backgrounds within and outside schools, and the main challenges faced and the measures taken or envisaged to overcome them;

(c) On the progress made by the State party in developing and teaching a common core curriculum for all public and private schools and the effectiveness of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina in that regard, and the main challenges faced and the measures taken or envisaged to overcome them;

(d) On the progress made by the State party in providing multilingual education, and the main challenges faced and the measures taken or envisaged to overcome them;

(e) On the implementation of the Guidelines for Writing and Evaluation of History Textbooks for Primary and Secondary Schools in Bosnia and Herzegovina;

(f) Including annual statistical data disaggregated by ethnicity and region, on the numbers and percentages of schools under the two-schools-under-one-roof system, monoethnic schools and integrated schools, as well as on the percentages of students attending each of these types of schools.

**Cultural rights (art. 15)**

29. Please provide information on:

(a) The implementation of the cultural policy strategy 2008 and the action plan for its implementation 2017–2018;

(b) The measures taken to provide legal status to the seven cultural institutions mentioned by the State party in its report (E/C.12/BIH/3, para. 188), on the support provided to them through the memorandum of understanding on supporting the work of cultural institutions of common importance and interest for Bosnia and Herzegovina 2016–2018 and on the annual budget allocated to those institutions;

(c) The measures taken to enhance the enjoyment of cultural rights by persons with disabilities and any steps taken to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired, or Otherwise Print Disabled.

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