



Economic and Social Council

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Committee on Economic, Social and Cultural Rights Pre-sessional working group

List of issues in relation to the second periodic report of Bosnia and Herzegovina (E/C.12/BIH/2), adopted by the pre- sessional working group at its fifty-first session (21-24 May 2013)

I. General information

1. In view of the Committee's previous recommendation concerning the independence and impartiality of the Office of the State Ombudsman, please provide information on how the Office's financial autonomy, and more participatory and open selection process, in relation to the appointment of the Ombudsman, are ensured.
2. Please provide information on measures taken to address differences in the context of the economic and social rights, in particular social protection, social services, and access to health care between Republika Srpska and the Federation of Bosnia and Herzegovina, as well as between cantons within the Federation.
3. Please provide information on whether the provisions of the Covenant are invoked before, and applied by the courts.

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

Article 2 paragraph 2 - Non-discrimination

4. Please provide information on steps taken to combat and prevent discrimination against returnees, in particular, against those representing minority communities in the majority community, residing in the State party, with regard to access to housing, employment, social protection, public health-care services and education. Please provide information on the progress of the implementation of the Agreement on the Return of Refugees and Internally Displaced Persons (annex VII) of the Dayton Peace Agreement.
5. Please provide information on steps taken, including regarding the implementation of the Action Plans of Bosnia and Herzegovina to address the issue of Roma in the areas of housing, employment, and health care.

Article 3 - Equal rights of men and women

6. Please provide updated information concerning progress achieved in amending existing legislation in order to ensure conformity with the Law on Gender Equality of 2003. Please also provide detailed information on additional financial resources allocated for the effective functioning of the Agency for Gender Equality.

7. Please provide information on steps taken to address the strong gender-role stereotypes in the family and society.

8. Please provide information on measures taken to increase the representation of women in the administration, legislature and judiciary, including regarding the temporary special measures.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 - The right to work

9. Please provide information on the impact of the implementation of the following three strategic documents for the period 2010–2014 on addressing the problem of unemployment, especially, among young persons aged between 15 and 24, people with disabilities and Roma: BiH Development Strategy, Strategy of Social Inclusion and Employment Strategy.

10. Please provide information on the impact of steps taken to close the gender pay gap and to remove obstacles faced by women in accessing employment opportunities.

Article 7 - The right to just and favourable conditions of work

11. Please provide annual statistical data concerning inspections carried out in the area of labour and safety at work by the Labour Inspection and their results, including on findings of breaches, as well as best practices.

Article 8 – Trade union rights

12. Please indicate the steps taken to address interference by employers with the right to form or join trade unions by employees, as well as to ensure that employees are protected from retaliatory action following union involvement.

Article 9 - The right to social security

13. Please clarify what steps have been taken to ensure adequate equitable allocation of necessary operational and financial means for the social welfare centres. Please also provide information on the system of how the work of social protection institutions is supervised and monitored.

14. Please indicate to what extent the social protection legislation provides adequate benefits and services to individuals in need and vulnerable groups. Please clarify what steps have been taken to ensure equitable allocation of existing financial means for the social protection system among various groups, e.g., individuals with disabilities, individuals having low-income, women on maternity leave, etc.

15. Please provide information on the State party's intention to address the issue of disparities in the social assistance provided to various groups of persons with disabilities and, if so, by what means or measures.

16. Please inform the Committee of the steps taken towards the adoption of an inter-Entity agreement on pension rights and the implementation of the inter-Entity agreement on health insurance with a view to guaranteeing access to pension benefits and health care by persons who move from one Entity to the other.

Article 10 - Protection of the family, mothers and children

17. Please provide information on steps taken to prevent early marriage, particularly, within the Roma community.

18. Please provide information on the measures taken to prohibit corporal punishment in all care settings, as well as in the home.

19. Please clarify how the maternity benefits system is regulated in the State party.

20. Please provide information on the steps taken to facilitate family reunification in the State party of refugees and internally displaced persons.

21. Please provide information on the impact of the third National Action Plan to Combat Trafficking for the period 2008–2012, and on the trainings for law enforcement officials, medical personnel and social workers during the reporting period. Please also provide information on the number of police officers who have been prosecuted and convicted in relation to the crimes of trafficking in human beings during the reporting period.

Article 11 - The right to an adequate standard of living

22. Please provide information on the measures taken by the State party to combat poverty and social exclusion, especially among the most vulnerable groups.

23. Please indicate the measures taken, legislative or otherwise, by the State party, to ensure the right to housing to low-income, disadvantaged, marginalized groups and Roma. Please also specify whether the State party is taking steps to ensure the collection of data, on an annual basis, on the demand for social housing units and the average waiting time. Please provide information on steps taken to ensure the right of returnees, including the Roma people, to repossess their pre-armed-conflict property or to obtain alternative housing or compensation.

24. Please provide information on whether the water management strategy referred to in the State party's report has been adopted in the Federation of Bosnia and Herzegovina, as well as on steps taken to implement the Framework Plan for the development of water resources in the Republika Srpska with a view to guarantee peoples' access to safe drinking water in the State party.

Article 12 - The right to physical and mental health

25. Please provide information on the steps taken to address the issue of non-communicable diseases, which are the leading cause of morbidity and mortality in the State party.

26. Please provide information on urgent measures taken to prevent diseases related to unsafe drinking water in the State party. Please indicate what steps have been taken to improve access to safe drinking water in the State party, in particular, in smaller cities and rural areas.

Articles 13 and 14 - The right to education

27. Please update the Committee as to the discontinuation of the practice of “two schools under one roof” as well as the construction of separate schools for children belonging to different ethnic groups. Please also provide information on measures taken by the State party to promote, through the school curriculum and other educational measures, positive inter-ethnic relations..

28. Please provide updated information on the effectiveness of the measures in the State party to address the non-attendance of Roma children in primary education and on their access to secondary education.

Article 15 - Cultural rights

29. Please provide information on legislative and other measures, as well as on the effectiveness of those measures, to ensure equal enjoyment of cultural rights by all groups, while preserving their own cultural identities and promoting intercultural understanding and appreciation of cultural heritage of other communities, in the entire territory of the State party.
