



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/BIH/Q/1
27 September 2006

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Eighty-seventh session
10-28 July 2006

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE INITIAL REPORT OF BOSNIA AND HERZEGOVINA*
(CCPR/C/BIH/1)

**Constitutional and legal framework within which the Covenant is implemented
(arts. 2 and 4)**

1. What is the status of the Covenant in domestic law at the State, Entity, cantonal and municipal levels? Can it be directly invoked before the courts? Is it applied by the courts?
2. Please provide information on the draft Law on the Human Rights Ombudsman of Bosnia and Herzegovina (para.180 of the report). Please indicate the extent to which the proposals are or are not compatible with the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights (GA Res. A/48/134 of 20 December 1993).

Discrimination against women and domestic violence (arts. 2 (1), 3, 7, 26)

3. Is the Law on Gender Equality capable of addressing endemic gender discrimination in society, as exemplified in paragraph 39 of the report, or does it merely focus on the denial and curtailment of rights on grounds of gender by the State? Please clarify whether temporary special measures to overcome *de facto* discrimination of women are envisaged in the Law on Gender Equality and provide examples of cases where such measures have been implemented successfully.
4. Please provide detailed information on measures to combat domestic violence envisaged in the Law on Protection against Violence in the Family and in the new Family Law (para.28), as well as on the nature and effectiveness of measures taken to combat domestic violence, which is reportedly present in every fourth family in the State party (para.40 of the report).

* Whenever reference is made to the State party, it should be understood as covering the State, Entities, cantons and municipalities, as well as the Brcko District.

5. Please specify which measures, other than statutory quota, the State party is taking to remedy the extremely low representation of women in all legislative bodies as well as in high positions in the executive branch and in the judiciary (para.34-38).

Accountability, right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 2, 6 and 7)

6. What measures are being taken to strengthen the cooperation of the State party with the International Criminal Tribunal for the Former Yugoslavia with a view to facilitating the arrest and/or transfer to the custody of the Tribunal of indicted persons, including Radovan Karadzic and Radtko Mladic. Please also specify measures taken to ensure the cooperation of the police with war crimes prosecutors and with the investigation of all war crimes allegations, including those perpetrated by members of the ethnic majority within an Entity.

7. Please provide further information on any measures taken to address the lack of human resources and funding of the War Crimes Chamber of the State Court of Bosnia and Herzegovina and of the district and cantonal courts dealing with war crimes cases, as well as deficiencies in the systems of witness protection and of remuneration for court-appointed defence attorneys.

8. Please indicate whether the identity of all suspects listed in the report of the independent Srebrenica Commission established in the Republika Srpska have been disclosed to the Office of the High Representative and to the State Prosecutor and, if not, why not. Please specify the number of criminal proceedings and the nature of the charges brought against these suspects.

9. Please provide information on any current and proposed initiatives to promote reconciliation and the re-establishment of mutual trust between different ethnic groups (para.178 of the report).

10. Given the large number of disappearances during the armed conflict from 1992 to 1995, please provide information on the implementation of the Law on Missing Persons (para.46 of the report), as well as on the establishment and functioning of the Institute for Missing Persons and of the Fund for Support to the Families of Missing Persons.

11. Please inform the Committee whether victims of torture, including camp survivors and victims of sexual violence, benefit from the victim of war status and, if not, why not. Please also indicate whether the State party, at the Entity level, intends to ease the procedural requirements for obtaining civilian victim of war status and whether the levels of benefits received by civilian victims of war are gradually being harmonized among the Entities and cantons and adjusted to the benefits received by war veterans.

12. Please provide information on the measures taken to strengthen the protection against abuse and ill-treatment at the time of arrest and during police custody or incarceration, such as strict selection criteria

and training for police and prison officers, access to lawyers and medical doctors for arrested, detained and imprisoned persons, and proper recording and investigation of allegations of ill-treatment. How is the confidentiality of access to bodies authorized to receive complaints about ill-treatment ensured?

Elimination of slavery and servitude (art. 8)

13. What measures is the State party taking to coordinate and harmonize State and Entity legislation on trafficking in persons, especially women and children, to sensitize law enforcement officers and the judiciary, as well as the general public, on the severity of the crime of trafficking and on the need to eliminate gender stereotypes, and to strengthen assistance, protection and compensation provided to victims of trafficking, including children, as well as to witnesses (paras.41 and 79-90 of the report)? How effective are these measures?

Liberty and security of the person and treatment of prisoners (arts. 9 and 10)

14. Please indicate the permitted period of time before anyone arrested or detained on a criminal charge must be brought before a judge or other judicial authority, and provide detailed information on the judicial procedures to review the lawfulness of detentions.

15. Please provide information on the measures taken to improve the conditions of detention in police establishments and prisons, especially as regards staffing, occupancy levels, hygienic conditions (para.74 of the report), quality of meals and out-of-cell activities.

16. What measures is the State party taking to improve the protection against abuse, material conditions, and the quality of treatment of patients in residential health institutions (para.76 of the report)? Please indicate whether the Republika Srpska Mental Health Act has entered into force and describe its provisions on the protection of the rights of mental health patients.

Freedom of movement (art. 12)

17. Please provide updated information on the progress achieved in the process of returns, including minority returns, and on the measures taken at the State, Entity and municipal levels to ensure the sustainability and safety of returns (para.149 of the report), such as measures for the social and economic re-integration of returnees, de-mining activities (para.150 of the report), and investigation and prosecution of all crimes and acts of violence against returnees, as well as persons who remain displaced. Please provide statistical data disaggregated by Entity.

Right to a fair trial (art. 14)

18. What measures are being taken to address the substantial backlog of court cases (paras.178 and 184 of the report) and to reduce delays in court proceedings (para.187 of the report). Please report on allegations of influence of political parties on the judiciary in politically sensitive cases?

Right to be recognized everywhere as a person before the law and right of every child to be registered immediately after birth (arts. 16 and 24, paragraph 2)

19. Please provide information on the steps taken to ensure that members of ethnic minorities, including Roma, have access to personal documents such as personal identity documents and documents related to the provision of health insurance and social benefits, that Roma residents are registered irrespective of the legal status of Roma settlements, and that birth certificates are issued for Roma children irrespective of their parents' ability to pay the medical fees required to obtain the medical records necessary for registering the newborn.

Freedom of religion (art. 18)

20. What measures is the State party taking to combat acts of religious hostility, such as the destruction or desecration of religious sites and how effective are these measures (para.206 of the report)? Please provide statistical data on religiously motivated attacks on people and property, disaggregated by Entity.

Freedom of opinion and expression, incitement to racial hatred (arts. 19 and 20)

21. Please provide detailed information on the number and nature of court cases and the sanctions imposed on local politicians and journalists inciting to ethnic discrimination, hostility or violence.

Right to take part in the conduct of public affairs (art. 25)

22. What steps does the State party intend to take to ensure the equal enjoyment of the rights under article 25, including by those referred to as "Others"?

23. To what extent have legal provisions adopted in both Entities, and providing that a former employee who has been unfairly dismissed by a public enterprise or a local administration must be rehired or compensated, been applied in the context of minority returns and what is being done by the State party to address the reportedly low level of implementation of these provisions?

Right to be equal and equality before the law (arts. 2, 26)

24. Please explain why the application of the principle of equality has been limited to citizens in subsection (a) of draft Article II.1 of the constitutional amendment and why a large number of civil and political rights, including the right to effective legal remedy fair trial guarantees, are exclusively granted to citizens of the State party (see draft Article II.3 (b) of the constitutional amendment).

25. What measures is the State party taking to end the provocative use of national or religious symbols by some local authorities, which contributes to creating and maintaining a hostile environment towards minorities?

Rights of persons belonging to minorities (art. 27)

26. What measures have been taken to ensure adequate opportunities for members of national minorities, including the Roma, to receive instruction in their language and religion and on their culture (para.293 of the report)? Please describe the relevant provisions of the Law on the Protection of Rights of Persons Belonging to National Minorities in that regard.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

27. Please provide information on the steps taken to disseminate information on the Covenant and on the submission of the present reports in all official languages. Please also provide information on the involvement of representatives of all ethnic and minority groups, the State and Entity Ombudsman's Offices and civil society in the preparatory process (paras.5 and 18 of the report).
