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Summary record of the 3351st meeting

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Chair: Mr. Iwasawa

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Third periodic report of Bosnia and Herzegovina (CCPR/C/BIH/3;
CCPR/C/BIH/QPR/3)*

1. *At the invitation of the Chair, the delegation of Bosnia and Herzegovina took places at the Committee table.*
2. **Ms. Đuderija** (Bosnia and Herzegovina), introducing the third periodic report of Bosnia and Herzegovina, said that the report had been compiled by a working group, with guidance from the United Nations Development Programme, on the basis of information provided by the competent national authorities. The drafting process had been coordinated by the Ministry of Human Rights and Refugees.
3. Recent legislative progress included the adoption of the bill amending the Law on Prohibition of Discrimination, to increase protection of persons with disabilities for example, and the adoption and initial implementation of the bill on free legal aid. There were plans to amend the provisions of criminal law concerning incitement to ethnic, racial and religious hatred, to cover the use of online media. The Criminal Code of the Republika Srpska had been amended to include the offence of hate crime.
4. The action plans on housing, health care, employment and education for Roma continued to be implemented and the Roma birth registration process had been completed. Human rights training courses for judges, prosecutors and civil servants were organized regularly. The Council for Children had launched an initiative to prohibit corporal punishment of children in all settings, including in the home. A common core curriculum based on learning objectives had been developed for five areas of education.
5. Other noteworthy initiatives included the creation of a central register of missing persons, the opening of the Sokolac Institute of Forensic Psychiatry for the treatment of criminal offenders and the appointment of the new director of the Communications Regulatory Agency. Funds had been raised for the projects relating to the closure of collective centres and the implementation of those projects was well under way.
6. The State party was fully committed to implementing the provisions of the Covenant and the Views adopted by the Committee under the Optional Protocol. It used the Committee's recommendations as the basis for policy planning at all levels of government.
7. **Ms. Pazartzis** said, with reference to paragraph 6 of the Committee's previous concluding observations (CCPR/C/BIH/CO/2), that she would like to know whether the amendments to the Election Law in 2016 had removed the provisions that prevented those who did not belong to one of the three "constituent peoples", namely Bosniak, Croat or Serb, from participating in elections, and whether those amendments were in force.
8. It would be useful to know whether the Committee's recommendations were disseminated to raise public awareness and whether there was a system in place for monitoring their implementation. Noting that few civil society representatives were present at the meeting, she wished to know whether civil society had been involved in the preparation of the State party's report and what steps had been taken to raise awareness of the reporting process among civil society organizations.
9. Clarification would be appreciated on the State party's position vis-à-vis the legal effects of the Views adopted by the Committee in individual communications. It was unclear whether there was a specific mechanism in place for the implementation of Views. With regard to communication No. 1955/2010, *Zeyad Khalaf Hamadie Al-Gertani v. Bosnia and Herzegovina*, she would like clarification on the current state of proceedings, in the light of reports that the decision to expel the author had not been revoked and had been challenged before the Constitutional Court.
10. With reference to the information submitted in the supplement to the periodic report, she invited the delegation to explain further why no violations of the Covenant were found to have been committed in any of the 88 cases that had been brought before the

Constitutional Court between 13 November 2012 and 25 July 2016. It was unclear whether the provisions of the Covenant were directly applicable in the domestic legal system. She would also like further information on the nature of the 15 rulings of the Court of Bosnia and Herzegovina in which the judge had invoked provisions of the Covenant.

11. Clarification would be appreciated as to whether the draft national strategy on transitional justice, the Programme for Improvement of the Status of Survivors of Conflict-related Sexual Violence and the draft law on the rights of victims of torture had been adopted. The delegation was invited to comment on the concern that there was no legal framework ensuring access to justice for all war crime victims, irrespective of their location. More information would be welcome on legislative or administrative measures taken to ensure that civilian victims and war veterans received equal treatment.

12. Lastly, she would like details of the current status of all unresolved cases involving missing persons and confirmation as to whether the Fund for Support of Relatives of Missing Persons had been established and was fully operational.

13. **Mr. Politi** said that he would like more information on the remedies available to victims of war crimes, in the light of allegations that very little had been done to address the needs of relatives of missing persons, former camp detainees and victims of conflict-related sexual violence and that associations of victims of human rights violations continued to encounter difficulties in accessing information on specific cases and communicating with prosecutors. He would also like information on initiatives to ensure the availability of legal aid throughout the territory of the State party.

14. The delegation was invited to comment on reports that victims in the Republika Srpska, especially rape victims, did not enjoy the same rights as victims in the Federation of Bosnia and Herzegovina and to supply further information on the treatment of victims of conflict-related sexual violence in the Republika Srpska, where rape victims were not recognized by law as a distinct category of civilian victims of war and were unable to access certain social benefits. He wished to know whether the Government planned to set up appropriate State institutions to ensure the application of consistent criteria in that regard.

15. He would like clarification on the status of the Fund for Support of Relatives of Missing Persons, which was supposed to have been established within 30 days of the entry into force of the Law on Missing Persons. It was unclear why war crime victims were generally requested to file a civil claim for compensation even though criminal courts had the power to award compensation. The Committee was concerned by the fact that filing a civil claim placed a financial burden on victims and required disclosing the identity of witnesses.

16. With reference to paragraph 6 of the State party's report and the supplement to the report, he would like further information on the number of training courses organized for judges, prosecutors and lawyers and their content. It would be useful to know who led the courses and what level of expertise was required of course leaders.

17. With reference to the supplement to the report, he would like clarification as to whether the amendments to the Law on Prohibition of Discrimination that had been adopted in 2016 guaranteed respect for all rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including the right to marry and to adopt children. He invited the delegation to comment on the apparent contradiction between the statistics provided by the Sarajevo Open Centre and the Office of the Ombudsman concerning cases of discrimination on grounds of sexual orientation and the claim, in paragraphs 44 and 45 of the report, that no such cases had been reported to State agencies such as the Gender Equality Agency. Moreover, it was unclear how the statement in paragraph 42 of the report, which held that current legislation did not discriminate against LGBTI persons, could be reconciled with the fact that such persons were not permitted to marry, adopt children or undergo gender reassignment surgery.

18. In the light of reports that LGBTI persons faced frequent harassment and discrimination, he wished to know what measures had been taken to enforce anti-discrimination legislation and to bring relevant local legislation into line with national law. The Committee would welcome updated information on the number of LGBTI persons who

had been attacked on the basis of sexual orientation; the criminal proceedings brought against perpetrators of those acts, including police and security officers; and the outcome of those proceedings. Lastly, it would be helpful to learn whether specific training programmes were in place to raise awareness of anti-discrimination legislation among police and security officers.

19. He invited the State party to elaborate on its response to the issues raised in paragraph 13 of the list of issues; to clarify whether it was planning to step up its provision of support to victims and witnesses, in order to supplement the efforts of civil society, international organizations and foreign donors; to confirm whether the Law on a Witness Protection Programme applied to district courts in the Republika Srpska and other cantonal and local courts; to provide statistics on the number of war crime trials held annually before cantonal and local courts; to comment on reports that victims and witnesses often refused to testify, owing to the lack of protection, especially in cases of conflict-related sexual violence; and to indicate whether measures had been taken to enable prosecutions to be carried out in spite of refusals to testify due to intimidation.

20. He further invited the State party to confirm whether the Witness Protection Department of the Prosecutor's Office had been closed; to elaborate on its statement, in the supplement to the report, that the Witness Protection Department did not have adequate human resources to provide psychological support to victims and witnesses; to clarify whether the limited provision of support could be attributed to a lack of commitment to the protection of victims and witnesses on the part of the State party or to external factors such as financial constraints; to indicate whether the State party planned to reopen the Witness Protection Department; and to describe the steps that would be taken to fully implement the National Strategy for Processing War Crimes.

21. **Mr. de Frouville** said that it was unclear whether the various criminal codes in force established command responsibility for the crimes of torture, enforced disappearance and sexual violence. The Committee was concerned by reports that such responsibility had been established only for the crime of enforced disappearance, under article 190-A of the Criminal Code of Bosnia and Herzegovina. It would appreciate clarification as to why crimes such as sexual slavery and forced sterilization were not recognized as war crimes under the Criminal Code of Bosnia and Herzegovina in accordance with the Rome Statute of the International Criminal Court.

22. With reference to paragraph 8 of the State party's report, he invited the delegation to respond to the concerns that the Criminal Code of the former Socialist Federal Republic of Yugoslavia, which was applied by entity-level courts and the Brčko District court, defined sexual violence very narrowly as acts involving penetration and that, as a result, many perpetrators of sexual violence were acquitted or received very lenient sentences. He wished to know whether there were any plans to amend the Criminal Code of Bosnia and Herzegovina to remove the possibility of granting amnesty for crimes under international law, as recommended by the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances.

23. Noting with concern the delay in the adoption of the draft national strategy on transitional justice, the Committee invited the State party to confirm whether the delay was due to the reservations of the authorities of the Republika Srpska; to explain the substantive reasons for those reservations; to describe the practical impact of the delay; and to indicate whether any measures contained in the strategy had already been implemented.

24. The Committee further invited the State party to explain the substantive grounds for the opposition of the representatives of the Republika Srpska to the Programme for Improvement of the Status of Survivors of Conflict-related Sexual Violence. Could it confirm that the Law on Protection of Civilian Victims of War in the Republika Srpska did not recognize survivors of conflict-related sexual violence as a separate category of civilian victims of war, had established a strict deadline of January 2007 for applications to obtain the status of a civilian victim of war and stipulated that, in order to qualify for that status, a person had to provide proof of at least 60 per cent bodily damage?

25. He would like to know the substantive reasons for the opposition of the representatives of the Republika Srpska to the bill on the rights of victims of torture and to

obtain further information on the content of the bill, in the light of reports that it contained a discriminatory clause that excluded members of enemy forces and those who had helped them.

26. While welcoming the adoption of the bill on free legal aid, the Committee was nevertheless concerned that legal aid within the entities and in the Brčko District remained fragmented and that appropriate legislation on legal aid had not been adopted at the federal level. It invited the State party to respond to those concerns and to provide further information on the implementation of the recently adopted law in the component parts of the country.

27. The Committee was concerned by the low number of convictions in cases of incitement to hatred and intolerance; by the shortcomings of the relevant legislation in view of international law, including the vagueness of the provisions on incitement to discord and hostility and the lack of provisions on hate speech relating to gender, sexual orientation and disability; and by the fact that few complaints had been lodged through mechanisms set up to tackle discrimination in the media, such as the Communications Regulatory Authority. It was unclear whether there was a specific legal framework to combat hate speech on the Internet. Lastly, the delegation was invited to supply information on the follow-up to the complaint filed by NGOs in the Republika Srpska regarding a law that had been adopted in 2015 on content published on social media, which had been deemed to pose a threat to freedom of expression.

28. **Ms. Seibert-Fohr** said that she would like to know the current status of the bill on the Ombudsman; whether it had been adopted by the parliament; why it had not been approved in August 2016; and to what extent the State party had taken into account the views of the European Commission for Democracy through Law on the bill. The Committee was concerned by the fact that the Ministry of Finance, the Council of Ministers and the Presidency were entitled to modify the budget once it had been adopted by the parliament and that those powers could be abused to interfere with the independence of the Ombudsman. It wished to know what measures would be taken to prevent such interference and whether the financial and human resources of the Office of the Ombudsman would be increased if it were to be established as the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to enable it to fulfil its mandate independently and effectively.

29. With regard to the issue of domestic violence, she would like to know whether the State party continued to collect data on domestic violence and why so many victims were reluctant to report cases. The delegation was invited to confirm the allegations that some measures, such as the removal of the perpetrator from the family home, were rarely implemented or were enforced after a delay of up to six months and that the police often focused on reconciliation rather than taking into account the best interests of the victim. She would like to know the measures adopted to encourage police officers to arrest perpetrators of domestic violence and to train prosecutors to investigate in the absence of testimony from victims. Lastly, she would like details of the criteria that were used to distinguish between domestic violence as a misdemeanour and domestic violence as a crime, noting that perpetrators were often sentenced to fines rather than prison sentences and that suspended sentences were common, even in cases concerning children or involving the use of weapons.

30. **Mr. Shany**, inviting the State party to confirm its commitment to abolishing the practice of having “two schools under one roof”, said that he would like to know what obstacles were preventing the Government from acting upon that commitment; why the judgment of the Supreme Court in that regard had not been fully implemented; who was responsible for implementing judgments of that kind; what measures were in place to give effect to the relevant recommendations of the Conference of Ministers of Education in Bosnia and Herzegovina; and what resources had been earmarked for the implementation of the non-discrimination chapter of the 2015-2018 Action Plan for Children.

31. In addition, he wished to know the state of play with regard to the development of common core curricula; the State party’s position on the development of a national group of

subjects and what it considered to constitute such a group; and how those changes would affect the participation of minority children in the education system. Noting concerns that some minority children were required to travel long distances in order to attend a school that met the expectations of their community, he invited the delegation to respond to that concern and to indicate how many children were affected.

32. It would be interesting to hear the delegation's assessment of the causes of the disparity between male and female participation in the labour market, given that women received quality education in the State party. He would also like to know whether efforts were being made to diversify the range of fields in which women sought employment; whether the Gender Action Plan had addressed the root causes of disparities or helped to increase the number of women in managerial positions; how many complaints were received annually by the Gender Equality Agency; and how many persons were employed by that Agency.

33. With respect to participation in political life, he invited the State party to explain why the 40 per cent quota for representation of women on lists of candidates had not been achieved, suggesting that it might be because female candidates were placed at the bottom of the list or because no sanctions were imposed on political parties for non-compliance. He would like clarification as to whether the quota applied only to national elections or to regional and municipal elections as well. Information would be welcome on efforts to combat multiple discrimination against women, especially disadvantaged groups such as Roma and internally displaced women, and how the needs of those groups were addressed under the Government's gender equality strategy.

34. With reference to paragraph 12 of the list of issues, he would appreciate an update on the current state of play with regard to the prosecution of war crime cases, including information on the number of cases prosecuted in 2015-2016; the penalties imposed; how many of those cases had involved rape or sexual violence; when the State party expected to conclude the most complex cases; and what measures had been taken to harmonize jurisprudence and sentencing among entities. Noting that the duration of proceedings appeared to have increased, he wished to know the reasons for those delays and invited the delegation to respond to the concern that the Prosecutor's Office of Bosnia and Herzegovina faced administrative problems, including a lack of financial and human resources.

35. The Committee would like to know whether the State party intended to address the concern that proceedings had been complicated by shortcomings in the relevant legislation and whether it was taking measures to address problems arising from the transfer strategy, whereby less complex cases were transferred to cantonal and district courts, requiring witnesses to testify for a second time. It was unclear how many victims of war crimes had actually received reparations. Lastly, it would be useful to know what steps had been taken in the aftermath of the *Maktouf and Damjanović v. Bosnia and Herzegovina* case with regard to the non-retroactive application of criminal law across the State party.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

36. **Ms. Đuderija** (Bosnia and Herzegovina) said that the Government was taking steps to improve the process of searching for missing persons, and received assistance from the International Commission on Missing Persons. The national Prosecutor's Office was responsible for ascertaining the whereabouts of missing persons and the circumstances of their disappearances, and the Missing Persons Institute was obliged to provide information regarding the location, identification or exhumation of missing persons. However, the activities of the Institute were often unsuccessful owing to incorrect information on the circumstances of a disappearance or delays in the legal system. A central database had been used for several years to verify whether certain individuals were missing. Over 800 people had been successfully removed from the database but many more needed to be located and identified. The families of missing persons were encouraged to provide blood samples in order to carry out DNA testing on unidentified deceased persons.

37. In a change to previous practice, the families of missing persons were no longer required to declare their missing relatives dead, but were instead able to obtain certificates confirming the missing person status of relatives. There was an institutional framework to

provide support to the families of missing persons, and the Institute had an advisory board that could help to intensify the process of searching for a missing person, which became more difficult as time passed. Under the Law on Missing Persons, the families of missing persons were entitled to have contact with liaison officers in relevant institutions, including the Ministry of Human Rights and Refugees. Although families were not able to participate in missing persons investigations, disciplinary procedures had been undertaken against prosecutors that did not seek the involvement of families.

38. Regarding implementation of the Covenant, she said that judges had invoked the Covenant in various cases between 2005 and 2015. The Ministry for Human Rights and Refugees had a methodology for implementing all recommendations made by the Committee, which were made available online and brought to the attention of the relevant authorities. With the assistance of the United Nations Development Programme, the Government was developing a digital mechanism to compile the recommendations made by all United Nations committees and monitor their implementation. The Government held workshops and training courses with the support of a United Nations team to ensure that all State institutions had information about the recommendations made by United Nations committees. To ensure that laws and practices complied with recommendations, bodies established by the Council of Ministers were responsible for preparing initiatives to be forwarded to the applicable levels of government. Recommendations made by the Council of Europe and other European Union institutions had also been used to amend existing legislation.

39. In line with recommendations of the Committee, the Criminal Code had been amended in 2016 to include provisions on the suppression of hate crime. The election law had also been modified and the percentage of female candidates required to stand in elections had been raised to 40 per cent. There had also been increased representation of minority groups at the local level, particularly Roma representatives.

40. The Ministry for Human Rights and Refugees was required to announce in advance that a policy, strategy or law was to be amended or drafted and invite civil society groups to participate in public consultations. With regard to the preparation of a periodic report, the majority of civil society organizations had specialized knowledge of particular parts of the Covenant and their contributions were taken seriously. However, owing to the word limits of treaty body reports, it was difficult to include all of the information provided. Certain information could only be provided by the institutions responsible for monitoring and implementing standards and recommendations under the Covenant. The Ministry for Human Rights and Refugees had been implementing a mechanism to enforce regulations regarding public consultation on policies, strategies and laws.

41. With regard to the rights of individuals, the Ministry for Human Rights and Refugees provided support to all parties involved in a given case. International organizations and civil society groups provided the majority of the assistance received by parties. Nevertheless, the Government was attempting to coordinate and compile the recommendations made by other institutions.

42. **Ms. Srdanovic** (Bosnia and Herzegovina) said that individuals that complained of human rights violations had access to legal remedies. The Court of Bosnia and Herzegovina provided for the possibility of initiating proceedings before the Constitutional Court against any court in the country in relation to rights and freedoms protected under the Constitution or other international legal documents in force in Bosnia and Herzegovina. Furthermore, the Constitutional Court could exceptionally consider applications in the absence of a judgment from a lower-level court.

43. Reparations in criminal proceedings were determined by the provisions relating to property claims in the law on criminal proceedings. The court had the possibility of deciding on a property claim or referring the parties to mediation if the claim was deemed to have merit. If guilt was established, the plaintiff could receive a full or partial claim filed through criminal proceedings and could be referred to civil proceedings for the remainder of the claim. If there were insufficient grounds for a claim, then the court would refer the party to civil proceedings.

44. Training for judges, prosecutors and defence counsel had been provided in Bosnia and Herzegovina since 2004 in cooperation with legal institutions, law schools and national and international organizations. The High Judicial and Prosecutorial Council established that judges must attend an annual minimum of three full working days of training. Judicial training centres were largely harmonized, and maintained records of training. Competent trainers were selected through a public competition on the basis of preset criteria.

45. With the assistance of the Council of Europe, further training in human rights was offered to judges, prosecutors and legal clerks on a number of subjects. In addition, the Ministry of Justice provided training for counsel appearing or interested in appearing before the Court of Bosnia and Herzegovina. Between November 2012 and June 2016, over 1,000 lawyers had attended training events intended to improve case law in the field of human rights protection, with an emphasis on people accused before national and international legal bodies.

46. A law on legal aid had been adopted in 2016 as part of efforts to ensure equal access to justice. It had been adopted in almost all parts of the country and regulated, inter alia, access to legal aid and the authorized providers. Legal aid was provided in civil proceedings, civil disputes, executive proceedings and criminal proceedings. Until an institutional mechanism to coordinate legal aid providers could be established, there was an informal legal aid network that worked with governmental and non-governmental organizations. Although plans to establish a legal aid bureau under the Ministry of Justice had not yet been realized, civil servants in the Ministry had been authorized to provide assistance to, inter alia, asylum seekers, stateless persons and the victims of trafficking in persons. Certain NGOs were also authorized to provide legal aid, including Vaša Prava.

47. Regarding criminal law, changes had been made to the articles of the Criminal Code relating to crimes against humanity and war crimes. Pursuant to recommendations made by the Committee against Torture, the definition of sexual violence had been modified. The article on command responsibility in the Criminal Code had been changed to include a specific definition of torture, and provisions covering the instigation, and tacit or direct approval of torture. The minimum prison sentence had also been increased to 6 years. As required by the International Covenant for the Protection of All Persons from Enforced Disappearance, forced disappearance had been included in the Criminal Code as a separate crime and provision had been made for the responsibility of hierarchical superiors in that regard.

48. **Ms. Đuderija** (Bosnia and Herzegovina) said that employees of entity-level and cantonal courts had been trained and therefore were able to handle war crimes cases, which were often deferred under the war crimes strategy.

49. **Ms. Taraba** (Bosnia and Herzegovina), turning to witness protection, said that there was a unit in the Prosecutor's Office that provided support and services to vulnerable witnesses in accordance with applicable legislation. Investigators in the unit were assisted by two witness support officers whose primary task was to ensure that witnesses received adequate psychological support and assistance during investigations. The witness protection unit also helped to ensure the effective functioning of the Prosecutor's Office by assisting witnesses at different stages of the investigation.

50. The State Investigation and Protection Agency also had a unit that dealt with witness protection and provided the same kind of support upon the request of the prosecutor and when instructed by the court trying the case. Witness protection programmes could be initiated for cases pending before the Court of Bosnia and Herzegovina, although the unit acted only on the instruction of the Court or the Prosecutor of Bosnia and Herzegovina and did not provide support or protection to witnesses testifying before entity courts. Nevertheless, witness protection was guaranteed at all levels of government, as entity courts and prosecutors provided witness protection and assistance at the entity level. The witness protection unit of the State Investigation and Protection Agency acted in compliance with all relevant laws and its staff were trained to observe professional standards.

51. **Ms. Đuderija** (Bosnia and Herzegovina) said that the protection of witnesses could never be entirely guaranteed, and additional challenges were presented by, inter alia, the

need to collect evidence and the length and timing of proceedings. Witnesses, particularly women, were often exposed to very high risk and protecting their identities was not easy. In the case law of Bosnia and Herzegovina, individuals who had divulged their identities had been deemed responsible and had been sanctioned by the courts.

52. However, additional witness protection programmes could be initiated at the request of the High Judicial and Prosecutorial Council, in partnership with NGOs and with the backing of the European Union and individual donor countries. In particular, such programmes aimed to assist female victims of sexual violence during legal proceedings, and consisted of measures to provide psychological support, encouragement and care after they had given testimony. Models had been developed which had been accepted by all regional, national and entity courts. In the Brčko district, additional assistance was provided by social work centres and mental health centres, which could support women testifying in sexual violence cases. Further measures were implemented by individual entities to protect female victims of sexual assault.

53. Under the Constitution, victims of torture were entitled to social protection and rehabilitation, and had access to psychological counselling and health care provided by mental health centres, in collaboration with NGOs. Nevertheless, mental health centres had insufficient resources to address the needs of victims of torture, in addition to witnesses and veterans of the armed services. The Government was taking steps to adopt a uniform national law on reparations for victims of torture, although the draft law in Republika Srpska had not yet been finalized in the light of critical comments from civil society representatives regarding certain provisions. It was hoped that a compromise could be reached on a legislative framework.

54. Recognition of their status made it easier for victims of sexual violence to receive financial and social support. The process for victims of sexual violence to obtain legal recognition of that status had therefore been simplified in the Federation of Bosnia and Herzegovina. Furthermore, a new law in Republika Srpska had established a committee to define the status of victims of sexual violence to avoid victims of such violence having to relive their trauma in order to prove their status. The committee used the testimony given by the victims in courts at all levels and guaranteed the full protection of the personal data and identity of the individuals involved. Similar practices had also been established in the Brčko district.

55. There was no reparations system in place in criminal proceedings as it would require those proceedings to be lengthened considerably. Parties seeking reparations in criminal proceedings were often referred to civil proceedings. The Government was therefore seeking to introduce a model that would ensure more effective access to non-pecuniary damages for victims.

56. **Ms. Smajević** (Bosnia and Herzegovina) said that the central database of missing persons contained information on the identities of missing persons and the circumstances of their disappearance. Since gaining access to the database of identity documents in 2013, staff at the Missing Persons Institute had verified the identities of thousands of people. It was vital to update the database as people who had survived the war had been mistakenly included. Although the Institute had received increased funding, greater financial resources were required in order to allow the Institute to set up regional offices and locate the thousands of people still missing. National and regional prosecutor's offices were obligated to assist in the identification of unidentified mortal remains by reviewing all ossuaries and mortuaries.

57. Families were regularly informed of developments in the identification of missing persons, and there was close cooperation between the national association of missing persons and regional associations. Unfortunately, there had been no progress in increasing support for the families of missing persons. The law on missing persons provided that funds should be established, but agreement on the manner of funding had not yet been reached. The idea that funding should vary according to the number of people who had been reported missing and the location of their disappearance remained controversial. Although the Constitutional Court had ruled that funding should be made available for certain cases, such funding had not been forthcoming.

58. Regarding the case of Abduladhim Maktouf and Goran Damjanović, she said that the Constitutional Court had ruled that article 7 (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms had been violated. The Court had received 13 new cases, which had been remanded for a retrial. The retroactive application of the law had been repealed and the judgements of the Constitutional Court had been enforced. The main objective had been to conclude cases and implement the war crimes prosecution strategy over a period of 15 years. However, that deadline had not been met and the Prosecutor's Office did not yet have a functional mechanism for assigning cases at the level of courts, entities or the State. In order to improve the process of implementing the document, the supervisory body had decided to amend the war crimes strategy. The Council of Ministers had therefore ordered the Ministry of Justice to appoint a working group that would include all members of the Ministry of Justice, and which would be supported by judges and prosecutors from the High Judicial and Prosecutorial Council and the Court of Bosnia and Herzegovina.

59. **Ms. Crnčević Čulić** (Bosnia and Herzegovina) said that women continued to be underrepresented in all areas of public life. In the 2014 elections, the number of women in the House of Representatives had increased, while, at the regional level, the number of female representatives had increased in some areas and stood at 18 per cent on average. Only two of the nine national ministerial posts were occupied by women, and there were no female deputy ministers. Furthermore, while the number of female mayors had increased slightly in 2016, approximately 80 per cent of councillors were male. Unfortunately, the quota of 40 per cent of elected representatives being female would be difficult to achieve, although the Central Election Commission was taking steps to ensure that all political parties submitted candidate lists that complied with the quota.

60. The overall number of female electoral candidates had been lower in 2016 than in 2012. Although there had not yet been any official analysis, it was thought that the reasons for that decrease included the absence of female-led campaigns, a lack of resources for female candidates, and traditional voting patterns that reinforced the gender imbalance. Although the numbers of male and female civil servants were roughly equal, there were very few women in senior positions in the armed forces, the police or the legal profession. Although the goal of increasing the number of high-ranking women over a three-year period had been set out in a national action plan, it was unlikely that the target would be met.

61. Regarding the status of women in the labour market, the rates of unemployment and inactivity were higher among women than men. The female employment rate was decreasing further as younger people left Bosnia and Herzegovina to work in other countries. Traditional roles also made it harder for women to find employment, as they were expected to stay at home to have children and take care of relatives.

62. Assistance was provided to the victims of domestic violence, the majority of whom were women. Although there was no unique database compiling domestic violence cases, there was a framework strategy for domestic implementation of the Istanbul Convention, as well as additional strategies at the entity-level. Moreover, there was significant cooperation between the Government and civil society groups on the gender action plan, which was the subject of an annual implementation plan prepared by the appropriate authorities.

63. Although the lesbian, gay, bisexual, transgender and intersex population remained vulnerable in all areas, particularly political participation, employment and protection from violence, significant progress had been made, including through measures under the gender action plan. Police officers, judges and prosecutors were trained to handle cases involving the lesbian, gay, bisexual, transgender and intersex population. There was also a national day dedicated to combating homophobia and transphobia.

64. **Ms. Durić** (Bosnia and Herzegovina) said that ethnic segregation in the education system was alternately viewed as a violation of human rights or a guarantee of the right to education. The Government filed regular reports on the matter with the European Commission under a stabilization and association agreement monitoring plan. The number of segregated schools had been reduced since 1999, although the Government could not abolish segregation altogether as education policy was devolved to regional authorities.

However, at conferences organized by the Ministry of Education, education ministers from all levels had been addressing the issue in order to eliminate discrimination throughout the education system, as required by national and lower-level legislation.

65. Intensive work had been carried out to draft a modernized common core curriculum based on learning outcomes to provide children with a broader education suited to a democratic society. The core subjects at primary and secondary level included national and foreign languages.

The meeting rose at 6.05 p.m.