



**Joint Submission**

**Universal Periodic Review of Bosnia and Herzegovina**

**Mid-Term Report**

**Developed by *BiH Civil Society Initiative for UPR***

**BiH Civil Society Initiative for UPR** is an informal coalition of fourteen civil society organisations from across Bosnia and Herzegovina which act in various fields of promotion and protection of human rights. Members of the BiH Civil Society Initiative for UPR are: Sarajevo Open Centre, BH Journalists, Civil Rights Defenders, CURE Foundation, Transparency International in BiH, Association „Zemlja Djece u BiH“, CA Why Not, Civil Society Promotion Center, Association „Vaša prava BiH“, TRIAL International, My Right – Empowers People with Disabilities, CA for Promotion of Roma Education “Otaharin”, Association for Democratic Initiatives, and Helsinki Citizens’ Assembly (hCa) Banja Luka.

The report is compiled by the organizations (in alphabetical order): Association for Democratic Initiatives (ADI), BH Journalists Association, Helsinki Citizens' Assembly Banja Luka (HCA BL), MyRight – Empowers people with disabilities, Sarajevo Open Centre (SOC), Transparency International BiH (TI BiH).

**July 2022**

### **Association for Democratic Initiatives (ADI)**

ADI's main focus is improvement of the rule of law, protection of human rights, and EU integrations in Bosnia and Herzegovina by fostering participatory and direct democracy practices and instigating partnerships between the civil society, governmental institutions and the private sector. ADI realizes its objectives through proposing policy solutions, implementing projects and advocacy campaigns, and organizing educational trainings. (web: [www.adi.org.ba](http://www.adi.org.ba))

### **BH Journalists Association**

The Association of BH Journalists is a non-political, non-profit organization whose members are journalists, freelance journalists, journalism students and other media employees whose basic profession is journalism. The main goals are to protect and improve the freedoms, rights and responsibilities of journalists as well as to protect the reputation and dignity of the journalistic profession and improve the right of the public to be informed about events in society, as well as the right of every person to freedom of opinion, expression and access to the media. (web: [www.bhnovinari.ba](http://www.bhnovinari.ba))

### **Helsinki Citizens' Assembly Banja Luka (HCA BL)**

The Helsinki Citizens' Parliament (HPG) of Banja Luka is actively involved in the promotion, strengthening and linking of civil initiatives, working to reconcile and empower marginalized social groups for political action at the local and regional level. HPG Banja Luka strives to realize its vision by acting through three program areas: Strengthening civil society and transformation of public authority into a service for citizens, advocating for gender equality and creating conditions for more intensive involvement of young people in public life. (web: [www.hcabl.org](http://www.hcabl.org))

### **MyRight – Empowers people with disabilities**

MyRight - Empowers people with disabilities is the umbrella organization of Sweden's disabled people's movement for international cooperation, which has a long tradition of approaching disability from a human rights perspective. MyRight's vision is a world in which people with disabilities enjoy equal rights and opportunities for a life worthy of a human being through inclusion in society. The values of MyRight are directed towards the growth and development of knowledge and skills of people with disabilities so that they can independently and effectively advocate for their rights. (web: [www.myright.ba](http://www.myright.ba))

### **Sarajevo Open Centre (SOC)**

Sarajevo Open Centre works to advance human rights, especially the position and human rights of LGBTI people and women in Bosnia and Herzegovina, through representation of their realities and advocacy for legal, policy, economic, social and cultural changes in all areas of life. SOC' programs are focused on advocacy, legal protection and institutional cooperation; awareness-raising; community empowerment and movement building. (web: [www.soc.ba](http://www.soc.ba))

### **Transparency International BiH (TI BiH)**

Transparency International is a global movement with a unique vision: a world in which government, the business sector, civil society and people's daily lives are free of corruption. TI BiH guided by a vision of a society based on fairness, transparency and accountability, capable of preventing and punishing corruption and a mission to fight for systemic change in society and articulate citizens' demands for responsible, transparent and efficient governance. We achieve this in partnership with the public, private and civil sectors. (web: [www.ti-bih.org](http://www.ti-bih.org))

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# 1. Hate speech

**Recommendations 120.3, 120.59, 120.60, 120.61; 120.62, 120.63, 120.64**

*Efforts to combat, condemning the political rhetoric that accentuates ethnic cleavages, incitement to racial, ethnic and religious hatred*

Public incitement of national, racial and religious hatred and intolerance among constituent peoples and others living in Bosnia and Herzegovina is regulated by four criminal codes (at the state, entity and district levels). However, some of the aforementioned criminal codes do not recognize inciting hatred on other grounds, such as sexual orientation, gender identity, gender, disability, sexual characteristics, etc. **(120.64)** Public incitement to violence and hatred (hate speech) in the Republika Srpska is prohibited on the grounds of nationality, race, religion or ethnicity, color, sex, sexual orientation, disability, gender identity, origin or any other characteristic; while in Federation of BiH and Brčko District, it is limited exclusively to inciting intolerance or hatred on national, ethnic and religious grounds. As a result, the Federation of BiH and Brčko District BiH criminal codes should be amended, as was done in the Republika Srpska, to harmonize laws and provide proper protection to LGBTI people as well as members of other groups who are typically the target of such crimes. **(120.59)**

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina has created a Working Group that will develop an Action Plan to combat hate speech. It also included representatives of BH Journalists Association and other CSOs. In 2020 alone, the Press Council received a total of 712 complaints about hate speech. Hate speech in the online space is still **not regulated**. Also, in September 2021, parliamentarian Irfan Čengić submitted an initiative to amend the Law on Public Order and Peace of Sarajevo Canton. This initiative calls for the declaration of internet platforms and social networks as a public place so that offenses against public order and peace (already prescribed by positive legislation) apply to them as well, which would allow hate speech to be treated as a misdemeanor and to be sanctioned in that way. During 2021, the Press and Online Media Council in Bosnia and Herzegovina received 509 complaints about hate speech - of which, as many as 505 complaints related to comments made by visitors to online portals.<sup>1</sup> **(120.61)**

In 2021, the Prosecutor's Office of Bosnia and Herzegovina started an investigation and confirmed the indictment against Fatmir Alispahic, the owner and author of the Antimigrant.ba web portal. Although the filing of the indictment by the Prosecutor's Office of Bosnia and Herzegovina is a positive step forward, the Court of Bosnia and Herzegovina acquitted Alispahic in a first-instance verdict. The reasoning of the judgment stated that the defendant's statements are within the framework of a political, journalistic free narrative, protected by freedom of speech in Bosnia and Herzegovina. **(120.64)**

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<sup>1</sup> Vijeće za štampu u Bosni i Hercegovini, <http://www.vzs.ba/>; See also: “Vijeće za štampu u BiH realizira kampanju „Stop! Govor mržnje 2018“ u online medijima”, Oslobođenje, 17. 8. 2018, <https://bit.ly/2Xqif4q;>)

Furthermore, the judgment stated that the statements posted on the web portal Antimigrant.ba are addressed to "migrants" and not to one nation, race, religion or another specific group. Hate speech was directed towards people on the move and has its basis precisely in the fact that the people on the move do not belong to the constitutive peoples of BiH, but to other peoples, races and ethnicities, which was the basis (context) of generating intolerance, expressing and inciting hatred. The Court of Bosnia and Herzegovina did not take into consideration the fact that the name of the media web portal Antimigrant.ba clearly indicates that its main mission is to cause hatred towards people on the move among the general public in BiH. Alispahic continued with the same rhetoric, publishing a series of texts and posts on the previously mentioned web portal, which was not accepted as credible evidence of the intent by the Court of Bosnia and Herzegovina. In March 2022, the Prosecutor's Office filed an appeal before the Appellate Panel of the Court of Bosnia and Herzegovina against the first-instance verdict, proposing that the verdict be annulled or changed and that the accused should be found guilty. On March 31, 2022, the Appellate Panel rejected the appeal as unfounded.<sup>2</sup>

## **2. National mechanisms for human rights protection**

### **Recommendations 120.7; 120.12; 120.13; 120.14; 120.15; 120.16; 120.17; 120.18; 120.19**

Ministry of Human Rights and Refugees of BiH adopted action plan<sup>3</sup> regarding human rights within its Agenda for 2021.

#### *Institution on Ombudspersons for Human Rights in Bosnia and Herzegovina*

In 2021, the Ministry of Human Rights and Refugees of BiH organized public consultations on the Law on Amendments to the Law on the Ombudspersons for Human Rights of Bosnia and Herzegovina. The purpose of the aforementioned amendments was to establish a national preventive mechanism against torture and ill-treatment, ensure financial independence and strengthen cooperation with civil society, the academic community and international organizations<sup>4</sup>. However, this bill was never put into the parliamentary procedure due to the boycott of the work of the parliament by political representatives from the Republika Srpska entity.

The Initiative for Monitoring the European Integrations of Bosnia and Herzegovina indicated that the offered solutions, although they treat some very necessary areas, do not cover all the key issues related to the regulation of the work and organization of the Ombudspersons Institution, which are recognized both by the civil society in BiH and by international actors. In its amendments sent to the Ministry for Human Rights and Refugees, the Initiative recalled the recommendations from the European Commission's Opinion on BiH's application for EU membership and the Commission's Analytical Report.

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<sup>2</sup> Alispahic acquitted of accusations of inciting hatred, <https://ba.n1info.com/vijesti/alispahic-pravosnazno-oslobodjen-optuzbi-za-izazivanje-mrznje/>

<sup>3</sup> Work Program of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina for 2021, available at: [http://www.mhrr.gov.ba/ministarstvo/Programi\\_rada/default.aspx?id=9680&langTag=bs-BA](http://www.mhrr.gov.ba/ministarstvo/Programi_rada/default.aspx?id=9680&langTag=bs-BA)

<sup>4</sup> <https://ekonsultacije.gov.ba/legislativeactivities/details/110977>

The draft law envisages the establishment of a national **preventive mechanism against torture and ill-treatment**, in such a way that this competence is directly assigned to the Institution of Human Rights Ombudsman/Ombudsmen of BiH, with clear powers and the manner of exercising it. This fulfills the obligation of BiH which, among other things, is directly indicated in the recommendations contained in the Analytical Report. Another positive change is this law proposal was the introduction of the Joint Commission for Human Rights of the Parliamentary Assembly of Bosnia and Herzegovina, which gives its opinion on the draft budget and the commission of the Finance and Budget Committee of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, and the duty of the Ministry of Finance and Treasury to include the Institution's budget in accordance with the recommendations from the statements of the aforementioned commission. It also envisages that the approved budget must ensure the **functional independence** of the Institution and its functioning without additional conditions.

In addition to the mentioned areas, the Initiative noted that the Amendments prepared by the Ministry do not treat important areas that are contained in the Opinion and the Analytical Report, which we would single out:

- **The selection of the Ombudsperson from the Others (non-constituent peoples)** remains an unresolved issue, and the model proposed by the Initiative for the mentioned problem proposes a solution through the introduction of the fourth Ombudsperson from the Others.

Analytical Report of the European Commission underlines that the law states that "the ombudsperson will be appointed from the three constituent peoples (Serbs, Bosniaks and Croats), which will not exclude the possibility of appointing an ombudsman from the Others", with the provision that no person who declares himself/herself as "Other" has been appointed as an ombudsperson so far. From all of the above, we see that the apparently neutral provision actually affects the category of Others unequally, and in this way, indirect discrimination is carried out against citizens who do not declare themselves to be one of the three constituent peoples of Bosnia and Herzegovina.

- **Thematic division of work between three (or four) Ombudspersons**

The principle of joint decision-making very often slows down the decision-making process, and sometimes makes it completely impossible. In order to solve this issue and make the work of the Institution more efficient, the division of work between the appointed ombudspersons is of great importance. This division of labor is also known in comparative practice. European Commission stated that the three ombudspersons decide on proposed recommendations by consensus, which causes significant delays or inaction in sensitive cases: "This is harmful to the work of the institution and must be changed". The proposal from the Model Law of the Initiative assumes the introduction of a fourth Ombudsperson from among Others, but it is possible to divide the work according to the existing structure.

At the same time, the Initiative recalled the issues of initiating or intervening in court proceedings and the possibility of initiating misdemeanor proceedings in case of non-

implementation of recommendations or non-cooperation in case of discrimination. This area was also identified in the Analytical Report: In addition to issuing recommendations, the Ombudsperson has the power to initiate or intervene in court proceedings and to request reopening of proceedings or review of court decisions, but has never used these powers. If the ombudsperson's recommendation is not implemented or if involved institutions do not cooperate with the ombudsman in cases of discrimination, it may be a violation of the law. However, the Ombudspersons Institution has not initiated misdemeanor proceedings in the last 3 years (written in 2019).

Another issue regarding the work of the Institution of Human Rights Ombudsman/Ombudsmen of BiH is the selection of the new ombudspersons. The mandate of the current composition of ombudsperson expired in November 2021. However, the new ombudspersons have not been selected so far. Both chambers of the state parliament have appointed their representatives to the Ad Hoc Joint Commission of Both Houses of the Parliamentary Assembly of Bosnia and Herzegovina for the Implementation of the Procedure for the Appointment of Three Human Rights Ombudspersons of Bosnia and Herzegovina in July 2021. Nevertheless, the Commission was constituted only in March 2022, due to boycott of the state institutions.

Since its constitution, the Commission has worked in a non-transparent manner, documents relevant to the its work have not been made public, and civil society and representatives of international organizations have not been consulted either.

The adopted Rules of Procedure do not prescribe articles related to mandatory consultation of civil society and international organizations in the process of ombudspersons' election, which was the case in 2015. The Initiative for Monitoring the European Integration of BiH used all available means to point out the problem of lack of transparency and to take an active part in the election of the ombudspersons. In their work, the Initiative recalled the Paris Principles and the Report of the Subcommittee for Accreditation of the Global Alliance of National Institutions for Human Rights, which indicates the inconsistency of Bosnia and Herzegovina's law with international standards. The initiative reminded the state institutions that the non-transparent process of selecting the ombudspersons can negatively affect the re-accreditation process planned for 2023.

### **3. Non-discrimination**

**Recommendations 120.21; 120.22; 120.37; 120.39; 120.43; 120.46; 120.48; 120.49; 120.50; 120.90; 120.180**

Bosnia and Herzegovina has not ensured equal **participation of women** in executive nor legislative bodies yet, despite the efforts of civil society organizations who prepared the amendments to the Election Law in a way that less represented gender will be mandated from the compensation lists until they reach 40% quota. Law on Council of Ministers of BiH still has not changed in a way which would ensure that Council will not be formed until both genders are equally represented. Parliamentarian from Parliamentary Assembly of BiH submitted these amendments made by civil society, but there were not enough votes for these changes to be adopted. BiH still has not adopted Law on **Same-sex Partnerships** which puts LGBTI person in completely

unequal position in comparison to other citizens because they do not have right to private and family life, they cannot inherit their partner's property after the death of the partner, they cannot have their partner's health insurance in case they are unemployed etc. (120.49; 120.50)

#### *Training of law enforcement and judicial officials*

Although the state did not commit to organizing trainings, the Sarajevo Open Centre continued to train judges and prosecutors on the LGBTI human rights in cooperation with the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina (CEST FBiH) and the Judicial and Prosecutorial Training Centre of the Republika Srpska (CEST RS). The contents of these trainings were designed in such a way that the bearers of the BiH judicial community received comprehensive training on the protection of LGBTI people using the current legal protection mechanisms in BiH. The education combined criminal and anti-discrimination protection for LGBTI people in civil proceedings. Furthermore, the educators referred to relevant national and European case law on the protection of LGBTI human rights. (120.21; 120.22)

#### *Discrimination against persons with disabilities*

Systemic discrimination against persons with disabilities based on the cause of disability is still in force in Bosnia and Herzegovina. Thus, persons who acquired a disability during the war enjoy a significantly greater scope of rights than persons who acquired the same disability by birth or in time not related to the war on the territory of Bosnia and Herzegovina. In addition to the cause of disability, there are significant differences in the status and scope of rights enjoyed by persons with disabilities in the two entities (Federation of Bosnia and Herzegovina and Republika Srpska) and the Brčko District. Although the law on the prohibition of discrimination also includes a prohibition based on disability, insufficient work is being done on the education of lawyers and other public officials, as well as the general population in BiH, so that everyone can be involved in the prevention and fight against discrimination, including multiple and intersectional discrimination that persons with disabilities are often exposed to. (120.39; 120.48; 120.180)

Women and children with disabilities are additionally vulnerable group of people with disabilities. Their living conditions, exposure to violence, and needs for assistance or professional support are not recognized because disability, as a characteristic of a person, is not considered when collecting various information by social services, law enforcement agencies, health institutions, etc. The rare research that dealt with violence against women with disabilities shows that women with intellectual disabilities are a particularly vulnerable category and that violence against women with disabilities manifests itself in various forms - denial of assistance, starvation, threats that they will be left alone on the street without anyone assistance, up to the denial of information concerning their bodies and sexual health, forced administration of contraceptives and forced sterilization.

#### *Discrimination against minorities*

Public broadcasting services are obliged by the Law on the Public Broadcasting System and the Law on the Protection of the Rights of Members of National Minorities of BiH to broadcast using



all the official languages of Bosnia and Herzegovina. Nevertheless, it is not the case and there are no programs in the languages of national minorities.<sup>5</sup> (120.46)

Based on the findings of the OSCE's Publication "*Discrimination in Bosnia and Herzegovina: Public Perceptions, Attitudes, and Experiences*" the community that is perceived as most discriminated against was **Roma**, which 81 per cent of respondents found to be subjected to widespread discrimination. However, even though most respondents recognized discrimination against Roma to be present, a majority of them exhibited negative stereotypes against Roma themselves. Around half of the respondents believed that most Roma live on social welfare and do not want to work, and said they would not employ Roma. 38.6 per cent of respondents went as far to say that Roma employed in service would repel customers and 37.6 per cent stated that they had nothing against Roma, but they were more likely to be thieves. A disconnect was made apparent between Roma and other groups when 63 per cent of respondents said they did not know any Roma at all. It is possible that this disconnect and lack of inter-group socializing has contributed to an alienation of the Roma community and therefore fostered prejudice.

Similar to the situation with Roma, 70 per cent of respondents expressed belief that discrimination was widespread against persons identifying as LGBTIQ, but then went on to showcase prejudice against them. 59.9 per cent of respondents do not approve of homosexuality and believe it is an illness that should be cured, and 72.9 per cent do not agree that homosexuality is natural. Worryingly, 38.1 per cent of respondents supported an employer not hiring someone based on their sexual orientation and 39.7 per cent said they would be embarrassed to even know their neighbor was LGBTIQ. A larger distance was seen between LGBTIQ and other groups compared to Roma, with 85 per cent of respondents reporting that they did not know any LGBTIQ people, potentially fueling negative prejudice against this group. As the Law on Prohibition of Discrimination specifies that discrimination based on sex, sexual orientation, gender identity, and sexual characteristics is prohibited and thus must be combatted, work is needed from all relevant actors to tackle these highly concerning results. (120.37)

#### *Develop a strategy to combat discrimination*

BiH Council of Ministers has adopted the *2021-2023 Action Plan for the Promotion of Human Rights and Fundamental Freedoms of LGBTI People in Bosnia and Herzegovina* in July 2022. There was a long delay in adoption of this document. The final draft was completed at the end of 2020, as a comprehensive set of measures and public policies aimed at improving the position of LGBTI people in BiH. It is noteworthy that the document largely focuses on anti-discrimination issues in all spheres of society. Primarily through training of judicial office holders on discrimination, training of health care professionals and capacity building of relevant institutions, but also a series of proactive measures aimed at raising awareness about discrimination among the general public and relevant representatives of public authorities. However, the blockade of the state institutions by the representatives from the Republika Srpska entity began in July 2021. The

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<sup>5</sup> Maja Radević, "*Indikatori nivoa medijskih sloboda i sigurnosti novinara u BiH 2019*", BH novinari, p.10, available at: <https://safejournalists.net/wp-content/uploads/2020/12/BiH-BiH-2019.pdf> ; Maja Radenić, "*Indikatori nivoa medijskih sloboda i sigurnosti novinara BiH*", BH Novinari, p.11, available at: <https://bhnovinari.ba/wp-content/uploads/2022/05/BiH-BiH-2021.pdf>

work of the BiH Council of Ministers, which has the authority to adopt the Action Plan, has also been halted. (120.43)

Drafts of the Law on the Publicity of Media Ownership and Pluralism, the Law on Advertising and the Procedure for Financing the Media from Public Budgets are in the Parliamentary Procedure since 2018. (190)

## 4. Gender Equality and LGBTI rights

### Recommendations 120.53; 120.54, 120.157, 120.163; 120.168; 120.129

*Equal opportunities in the labor market, adequate work-life balance, narrowing and closing the gender wage gap, access to the necessary social and health-care services*

Recommendation **120.53** has been partially fulfilled. The state does not have a unique strategy for harmonizing private and professional life, nor has it provided the conditions that would enable women and men to deal more easily and equally with their household and business obligations.

The **lack of widely available childcare and care services for the elderly and sick** remains one of the key factors affecting women's employment. According to UNICEF, early childhood education services are not widely available for all children in BiH, especially not for children from vulnerable families. The enrolment rate in preschools in BiH for children aged 3 to 6 is the lowest in Europe (25%)<sup>6</sup>. The same goes for caring for the elderly: there is almost no possibility of daily services, the number of public nursing homes is limited, and the costs of private nursing homes are high<sup>7</sup>.

Regulations on parental leave and benefits exist, but they are not the same for everyone, depending on the jurisdiction. When it comes to **maternity benefits** in the Federation of BiH, which for years were different from canton to canton, which put women in an unequal position and represented a form of discrimination, some progress was made in May 2022. Namely, the Parliament of the Federation adopted the Law which determined that maternity allowances will amount to 298 BAM per month<sup>8</sup>. In this way, all women giving birth who are not employed will have the right, without additional conditions and in whichever canton they live, to receive an amount of 298 BAM for 12 months, and the cantons have the right to increase this amount. However, the application of this law has not yet begun.

Some progress was also made in the Republika Srpska with the adoption of the draft Law on Temporary Child Support<sup>9</sup> (June, 2022), which will make life easier for single parents, most of whom are women. The draft law provides for the establishment of a special alimony fund from

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<sup>6</sup> Bosnia and Herzegovina: Gender Country Profile, July 2021, UN Women Country Office Bosnia and Herzegovina

<sup>7</sup> Ibid.

<sup>8</sup> <https://www.klix.ba/vijesti/bih/usvojen-zakon-nezaposlene-porodilje-u-fbih-mjesecno-ce-dobijati-minimalno-298-km/220526121>

<sup>9</sup> <https://www.narodnaskupstinars.net/?q=la/vijesti/narodna-skup%C5%A1tina-na-22-redovnoj-sjednici-usvojila-%C5%A1est-zakona-devet-nacrta-zakona-informaciju-o-dugu-i-konsolidovani-izvje%C5%A1taj-o-izvr%C5%A1enju-bud%C5%BEeta-republike-srpske-nastavak-zasjedanja-5-jula>

which temporary child support will be paid. The Government of the Republika Srpska hereby assumes the obligation to "pursue" unscrupulous parents, that is, to refuse to issue travel documents to those parents who do not fulfill their legal right to pay alimony or to confiscate them.

Another problem that influence seriously the participation of women in labor market is **gender-based discrimination** to which they are exposed in the workplace or during employment, and which is not adequately processed.

There was no significant progress in recognizing forms of gender-based discrimination at labor, nor in reporting these cases.

The results of an online survey conducted in 2021<sup>10</sup> show that 46% of women and 15% of men have experienced some form of gender-based discrimination (GBD) in their workplace. However, of the persons who experienced such discrimination, 78% of women and 69% of men did not report it to the competent institution. In addition to the fear of losing a job, additional factors that discourage employees from reporting GBD include the length of litigation and the difficulty of documenting cases. The research also indicates **a slight increase in cases of sexual harassment in the workplace** to which women are more exposed (compared to 21% of men surveyed, 40% of women stated that they were victims of at least one form of sexual harassment) and persons in positions of power were more prone to harassment.

When it comes to **discrimination in employment**, apart from the issue of family planning and marital status, it is worrying that 5% of women were asked for medical evidence related to their pregnancy status. On the other hand, more women respondents believe that they have faced discrimination in terms of promotion, and 11% of women compared to 1% of men felt discriminated against in the promotion process because they had or planned to have children. Similarly, the conducted survey showed that the **right to paid maternity leave** was denied to 30% of women.

### *Same-sex marriages*

Family life is in the competency of BiH's entities. Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District BiH **have not adopted laws on same-sex partnership** so far. Institutional action is only visible in the Federation of BiH, where the Government has raised the issue of regulating the status of same-sex partnerships. Thus, in February 2020, at its constituent meeting, an Inter-ministerial Working Group began its work by analyzing the existing regulations to suggest new solutions which need to be adopted in the Federation to enable same-sex partnerships to exercise the rights arising from the ECtHR. After its constituent session, the Working Group invited representatives of the Sarajevo Open Centre, as an organisation that represents LGBTI people and has expertise in this area to join them.

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<sup>10</sup> 683 people participated in the online survey. In addition to the survey, the second edition research is based on an analysis of the legal framework, responses from institutions and NGOs to a questionnaire designed for research, in-depth interviews with victims of discrimination and interviews with relevant actors in charge of protection against discrimination. See: Ramić Marković, Svyetlana (2022). Gender-based discrimination in the field of labour in Bosnia and Herzegovina.

As the constituent meeting coincided with the start of the COVID-19 pandemic in BiH, the work of the Working Group was interrupted until the beginning of 2021. In the period from February to April 2021, the Working Group held three meetings where significant progress was made towards fulfilling its mandate – adopting official conclusions to be presented to the Government of the Federation of Bosnia and Herzegovina as to which regulations need to be adopted and/or amended to eliminate discrimination against same-sex couples in this entity. In the Inter-Ministerial Working Group, Sarajevo Open Centre’s representatives advocated the adoption of a special law that would regulate many areas of interest for same-sex partnership in the same way as granted to marital and extramarital partners. For that purpose, the Model Law on Same-Sex Partnerships of the Federation of BiH was presented, which was previously drafted by the Sarajevo Open Centre.

The working group ended its work in 2021 by reaching a conclusion and proposal for the adoption of the Law on Same-Sex Partnership in the Federation of BiH. The conclusion was communicated to the Government, which had not taken any tangible steps on this subject by the time this report was completed. Following the adoption of the aforementioned conclusions by the Government, it is expected that a new working group will be formed in charge of drafting the relevant regulations and finally submitting them to the legislative procedure. Looking at the previous process and what lies ahead, it is clear that with this dynamic, same-sex couples will have to wait a long time until their status is regulated in the Federation of Bosnia and Herzegovina entity. **(120.54)**

*Strengthen the capacity of social welfare centres, police and health centres to respond to cases of sexual and gender-based violence, including cases of domestic violence*

Recommendation **120.157** has been partially fulfilled. One of the standards provided for in the Istanbul Convention is the opening of easily accessible crisis centres for victims of rape or sexual violence in order to provide medical and forensic examinations, support for the trauma experienced and counseling victims. The BiH Gender Equality Agency has signed agreements with three hospitals in the Federation of BiH<sup>11</sup> on cooperation in the establishment of crisis centres for victims of rape and sexual violence, while the Republika Srpska authorities refused to participate in a project through which funds for crisis centres will be provided.

Opening emergency relief centres for people who have experienced sexual violence was also one of the requests of the group “Nisam tražila” (“I did not ask for it”). The FB page of this group appeared in early 2021 and in just a few days received thousands of testimonies /confessions of women and girls about the traumatic experiences of sexual harassment or rape<sup>12</sup>. Complaints submitted to the BiH Prosecutor’s Office on the basis of these testimonies are still awaiting their epilogue<sup>13</sup>. **(120.157)**

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<sup>11</sup> The agreements have been signed with the General Hospital Prim Dr. Abdulah Nakaš Sarajevo, the University Clinical Hospital Mostar and the University Clinical Centre Tuzla. The Agreement provided initial funds for the adaptation of premises and the purchase of equipment for crisis centres in the total amount of KM 180,000. More at: <https://arsbih.gov.ba/potpisani-sporazumi-za-otvaranje-kriznih-centara-za-zrtvesilovanja-i-seksualnog-nasilja/>

<sup>12</sup> The page was started by four young actresses from Sarajevo, and after Serbian actress Milena Radulović accused the professor and director Miroslav Mika Aleksić of raping, triggering an avalanche of reactions on social media.

<sup>13</sup> The Academy of Performing Arts (ASU) Sarajevo has submitted to the BiH Prosecutor’s Office the collected documentation on two occasions (January and March 2021), in connection with complaints of sexual abuse. Until

*Gender equality and representation quotas* (120.163; 120.168; 120.129)

Governments at all levels (state, entity and cantonal) still have fewer women in their composition than is prescribed by Gender Equality Law of BiH<sup>14</sup>. Despite this, the initiative to amend the Law on the Council of Ministers to ensure the participation of at least 40% of women in this body was rejected<sup>15</sup>.

Furthermore, the authorities did not take any effort to improve the Electoral Law of BiH in order to achieve gender equality in the political life of the country. On the contrary. On the other hand, in 2021, an informal coalition "Let's share responsibility equally"<sup>16</sup> was formed that is trying to influence changes to the Electoral Law. Accordingly, the coalition prepared amendments requiring 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<sup>17</sup>.

Compensation lists are formed by the leaders of political parties and the will or opinion of the voters does not affect the order on the list. This is exactly the space that could enable the missing number of elected persons of the underrepresented sex up to 40% in the legislative bodies at all levels in BiH.

Proposals for amendments were sent to the Inter-agency Working Group (IAWG) for Amendments to the Election Legislation of BiH, but so far, we have not received a response from this body.

## 5. Media freedoms

**Recommendations 120.86; 120.87; 120.91; 120.93; 120.94; 120.95; 120.97; 120.99; 120.100; 120.101**

Media representatives especially suffer intimidation and pressure from political officials through defamation lawsuits (in 2020, 289 lawsuits were filed against newspapers), which intimidates them in performing their professional tasks. The Helpline for Journalists, which operates within the Association "BH Journalists", during 2020 recorded around 50 attacks on journalists, during 2021 it recorded 71 cases of violations of journalistic rights and media freedoms, including labor

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December 2021, the ASU Sarajevo was not contacted on this matter by the BiH Prosecutor's Office, said Srđan Vuletić, the Dean of the ASU: <http://sitanvez.mooshema.com/>

<sup>14</sup> Article 20 of the Law on Gender Equality BiH stipulates the participation of at least 40% of the less represented gender in bodies at all levels of government.

<sup>15</sup> The initiative of parliamentarians Mirjana Marinković Lepić and Aida Baručije was accepted by the House of Representatives of the Parliamentary Assembly of BiH (the initiative to amend the Law on the Council of Ministers was adopted in this body in June 2021), but was rejected by the House of People of the PABiH (in May 2002, this initiative was rejected by the majority of votes in the House of People).

<sup>16</sup> The coalition is consisted of 6 civil society organizations and 7 individuals: Sarajevski Otvoreni Centar, Helsinški Parlament Građana Banja Luka, Centar za mlade „KVART“, Fondacija CURE, Uduženje građana Budućnost Modriča, Forum Lijeve Inicijative, and individuals Besima Borić, Alma Kratina, Sanja Renić, Gordana Vidović, Adnan Kadribašić, Azra Okić and Senada Bosno.

<sup>17</sup> Proposals for amendments to the BiH Election Law were sent to the Commission for Achieving Gender Equality of the BiH Parliament and the Inter-ministerial Working Group for Amendments to the BiH Election Legislation: <https://hcabl.org/amandmani-inicijative-podijelimo-odgovornost-zajedno/>

disputes, mobbing and defamation claims. Two cases of SLAPP lawsuits were registered. 7 reports of pressure and censorship within the newsrooms were also received. During 2022, around 25 various attacks on journalists were registered. **(120.86)**

Only 1/3 of court proceedings are resolved in favor of journalists. There is still no updated record of cases where the media or media workers appear as an injured party in the System for Automatic Case Management (CMS) of the High Judicial and Prosecutorial Council with the aim of monitoring court epilogues. **(120.94)** The Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina does not have a data base on attacks on journalists. Currently, only the Ministry of Internal Affairs of the Republika Srpska entity has this data base. The Cantonal Prosecutor's Office of the Canton of Sarajevo is extremely willing to cooperate in the matter of upgrading the CMS system. According to the Chief Cantonal Prosecutor, a request of this type should be addressed to the High Judicial and Prosecutorial Council. This cantonal prosecutor's office has appointed a contact person, a prosecutor, who will communicate with journalist associations and be available to journalists for all their questions, reports and threats.

In the last three years, the Free Media Help Line has registered over 143 criminal acts committed against journalists, including one attempted murder, numerous death threats, physical attacks, death threats and rights violations that threaten the safety of journalists. Gender-based violence is on the rise. **(120.87)** Free Media Help Line has recorded about 60 cases of attacks on female journalists in the last five years. During 2021 and 2022, the Free media help line recorded 11 cases resolved in favor of journalists.<sup>18</sup>

In 2019, BH journalists submitted amendments to the Criminal Laws (of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republika Srpska, Brčko District) related to endangering security, in order to nominally introduce journalists into the criminal legislation as a profession that needs special and more effective protect against attacks and other criminal acts. In 2021, there were no amendments to criminal laws that would make the prosecution of those responsible for threats and attacks against journalists more effective. The Ministry of Justice of BiH conducted consultations on amendments to the Law on Free Access to Information of Bosnia and Herzegovina. CSOs submitted their comments. The Association “BH Journalists” requested shorter deadlines for access to information for media professionals. **(120.100)**

## **6. Freedom of assembly**

### **Recommendations 120.88; 120.96; 120.102**

Except for the Law on Peaceful Assembly of the Brcko District of BiH, adopted in July 2020, the current legal framework (10 cantonal laws and the RS Law on Public Assembly) regulating this area is incompatible with international standards, unharmonized, and offers different definitions and interpretations of basic terms such as the concept of public assembly, types of public assembly, space provided for public assembly, the content of applications and the granting of permits for

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<sup>18</sup> Media Release, BH Journalists Association, April 2020, available at: <https://bhnovinari.ba/bs/2020/04/16/regionalna-platforma-faktor-ba-pod-prijetnjama-i-pritiskom-da-ukloni-sadrzaj>; Nedim Pobrić, „Istrage i procesuiranje napada na novinare i medijske radnike u BiH“, interviewed by Maja Radević, available at: <https://bhnovinari.ba/wp-content/uploads/2020/11/Istrage-i-procesuiranje-napada-na-novinare-u-BiH.pdf>;

public assemblies, the responsibility of organizers and competent organizations, and the decision-making process for public assemblies. Such a legal framework makes it difficult for BiH citizens to exercise their right to freedom of assembly and other constitutionally and legally guaranteed rights.

Canton of Sarajevo appointed a working group to work on the Draft Law on Public Assembly of Sarajevo Canton and the Law on Public Events and Other Forms of Assembly in Sarajevo Canton. Civil society representatives and professional public were included in the drafting process of these two laws in December 2020, through participation at the public consultations organized by the cantonal Ministry of Internal Affairs. In 2021, despite the planned amendments to the relevant legislation, there has been no significant shift in the Canton of Sarajevo legislation that governs this area. The work of these working groups was restarted in 2021. This time, even at the draft stage, civil society was not involved in the process. Despite pressure from civil society representatives to meet with members of the working group and participate in the process in 2021, this has not occurred. By the time this report was completed, the Draft Law was still not in the process of public consultation, nor had there been a major movement in recognizing BiH citizens' freedom of assembly, despite the announced amendments to the relevant legislation. **(120.96)**

Freedom of association is regulated by 4 laws in total (on the state level, Federal level, level of Republika Srpska and level of Brcko District of BiH). Those laws are mostly harmonized with international standards governing this legal matter.

*Removing blanket bans for specific places and criminal penalties for organizers who fail to comply with administrative procedures*

The existing law in the Republika Srpska has been in force since 2008, while the cantonal laws were adopted from 2009 to 2016, so it is necessary to adopt new regulations or revise the existing ones. The Ministry of Internal Affairs of Sarajevo Canton proposed a draft law on peaceful public assembly in the area of Sarajevo Canton, and numerous civil society organizations objected to the restriction of places of public assembly, and the process of adopting the law was stopped. However, certain political parties, after the recent Pride Parade in Sarajevo (June 2022), are once again advocating the adoption of a new law, in which they emphasize the designation of spaces for public assembly, which is unacceptable. **(120.102)**

The provisions of the laws on public assembly in BiH define assembly location as a place that is accessible and suitable and where the assembly does not endanger the rights and freedoms of others, public morals, health and safety of people, property, nor does it obstruct public traffic.

As early as 2010, the Venice Commission and the OSCE/ODIHR, in their Joint Opinion on the Sarajevo Canton Law on Public Assembly, stated that the definition of assembly location which stipulates an "accessible" and "suitable" place is not precisely defined nor should it be based on the possible effects of the assembly on other simultaneous activities, because such formulations provide space for potentially arbitrary decisions of the competent authorities to ban the assembly. As the reason for such criticism in 2010 has not changed to date, in the recently published Joint Opinion of the Venice Commission and the OSCE/ODIHR on the Legal Framework Governing the Freedom of Peaceful Assembly in BiH (including other cantonal laws on public assembly, and

the laws of the Republika Srpska and of the Brčko District BiH), they urged again for the repeal of all disputed provisions that refer to “accessible” and “suitable” places as locations for assemblies. In addition, this Joint Opinion emphasizes that it is inevitable that assemblies disrupt public activities in some way, but that this should not result in a ban even when there is real or potential danger of disrupting public traffic and the inability of police authorities to ensure normal traffic flow.

From the perspective of international standards, the provisions authorizing municipal/city councils, i.e. local self-government bodies or the mayor, on proposal of the chief of police, to define a list of locations where assemblies can be held are also unacceptable. Such regulation necessarily leads to extremely restrictive solutions. For instance, the Decision on Designating Spaces for Public Assemblies in the Territory of Banja Luka Municipality designates only two locations that are “accessible” and “suitable” for assemblies in this municipality.

Practice has also shown that local self-government bodies, as well as legal entities owners of certain public areas, use the “grey zones” in other laws and bylaws to arbitrarily restrict the freedom of assembly of certain groups. In this respect, it is crucial to reflect on provisions of the Law on Temporary Use of Public Spaces in the Territory of Sarajevo Canton that had implications in practice regarding assembly locations. This law, *inter alia*, defines public spaces that can be used temporarily, as well as their purpose, and conditions and manner of their use. When the Law on Temporary Use of Public Spaces in the Territory of Sarajevo Canton was adopted, there was no law on public assembly in force, therefore, public assemblies and protests were not explicitly listed among the grounds for temporary use of public spaces. However, this gap could have been overcome by subsequent amendments to the Law on Temporary Use of Public Spaces. Namely, according to the current text, the law stipulates the possibility of temporary use of public spaces for cultural, entertainment, sports, humanitarian or other events. Such events (both profitable and non-profit), as well as public assemblies and protests, are at present regulated by the same law on public assembly.

The Law on Temporary Use of Public Spaces in the Territory of Sarajevo Canton stipulates that the temporary use of public spaces requires a relevant consent of the competent municipal body. In addition to the grey zone made possible by the absence of reference of the Law on Temporary Use of Public Spaces to peaceful assemblies and protests, there may be room for arbitrariness due to specific arrangements established by the competent municipal body with the owners regarding temporary use of public space, according to which, for example in the case Children of Sarajevo Square, it is required from the organiser to obtain a consent of the owner of the property – BBI Real Estate d.o.o. The owner of the property is thus given the possibility to refuse to give consent for the reason that their belief is not in line with the belief intended to be promoted at the public assembly. This action was also supported by the Human Rights Ombudsman Institution of BiH, in considering the appeal of the Sarajevo Open Centre, where they underlined that in the specific case the legal entity that owns the property (BBI Real Estate d.o.o.) did not exceed the powers granted on the basis of ownership of the property that is to be considered privately owned space. However, the location, although privately owned, is otherwise a publicly accessible area – a square – and not a separate space difficult to access. Also, this practice involves several bodies involved in deciding



on the exercise of the right to freedom of assembly: in addition to the Ministry of the Interior to which the assembly must be notified, the decision involves the competent municipal body and the owner of the property. A number of laws that regulate public assembly in BiH also stipulate exhaustive lists of locations where assemblies cannot be held, e.g. near hospitals in such a way that the assembly interferes with ambulance access or disturbs the patients, near kindergartens, primary and secondary schools, while occupied by children and students.

Such legal solutions are problematic from the perspective of international standards because they imply an absolute ban on assemblies in locations otherwise accessible and fail to ensure case-by-case assessment. Therefore, there may be legitimate reasons for concern that assemblies at particular locations will potentially lead to some disruption, but this needs to be assessed on a case-by-case basis. The competent authorities should always consider steps to providing security at assemblies, while minimizing potential risks and not simply banning all assemblies at specific locations. Numerous laws in BiH also ban assemblies in national parks and protected nature parks, unless their cause is protection of nature and human environment or marking important historical dates. It seems that even such solutions do not comply with the standards and recommendations related to the bans on the messages that assemblies intend to convey. Some laws on public assembly in BiH also contain provisions that ban assemblies in the vicinity of special security buildings and enhance this restriction by stipulating that assemblies may be held only at a distance estimated by the police agency responsible for the building security. Such provisions are problematic not only because of the overarching nature of such restrictions, which neglects the communicative purpose of freedom of assembly and does not consider the circumstances of each case, but also because of the potential discretionary action of police authorities in estimating the allowed distance.

Furthermore, as emphasized in one of the analyses<sup>19</sup> of the problems with public assemblies in BiH, additional concern is the fact that the laws in BiH, except for the Law on Public Assembly of Canton 10, do not specify which buildings have special security (state institutions, public institutions or companies, banks, post offices, etc.). In addition, according to the legal framework on freedom of assembly in BiH, public roads, but also other places where movement or activity of a large number of citizens could be seriously disrupted, are not considered suitable places for assembly. Such provisions do not consider international guidelines according to which temporary traffic disruptions are not in themselves a sufficient reason to impose restrictions on assembly.

## **7. Judiciary and access to justice**

### **Recommendations 120.104; 120.105; 120.107**

#### *Independence of the judiciary*

At the end of 2021, the Proposal on Amendments of the Law of the High Judicial and Prosecutorial Council of BiH was referred to the parliamentary procedure, with the aim of more detailed

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<sup>19</sup> See Ljubinko Mitrović, “Javni skupovi u Republici Srpskoj” in Federalno ministarstvo pravde, Pravna misao 5 – 6, Sarajevo, 2010, p. 68

regulation of the procedures for the dismissal of the members of the Council, the obligation of judges and prosecutors to regularly submit property reports, disciplinary proceedings against judges and prosecutors, and additional activities of judges and prosecutors outside of working hours. The proposer of the law of the High Judicial and Prosecutorial Council, pointed out that the adoption of the new law would contribute to ensuring the independence of judicial institutions, however, the members of the House of People of the Parliamentary Assembly of Bosnia and Herzegovina as a commission, did not reach an agreement on the draft law because the law did not receive an entity majority in the vote. The Proposal of the Law itself suffered certain criticisms from the Venice Commission and the interested public, which mainly related to the failure to define the consequences in the case when a member of the council finds himself in a situation of a conflict of interest. The High Judicial and Prosecutorial Council dismissed the Chief State Prosecutor Gordana Tadić from her position due to negligence or carelessness in the performing of official duties. **(120.104; 120.105)**

#### *Free legal assistance and implementing anticorruption policies*

With the aim of realizing the right to a fair trial and equal access to justice, free legal aid is provided to everyone, who according to their financial situation are not able to achieve their rights in the court or other authorities without harming the necessary support of themselves and their families. However, when it comes to anti-corruption policies, it cannot be said that persons who report corruption in Bosnia and Herzegovina achieve the right to access justice, or even adequate protection. In Bosnia and Herzegovina, there is a State Law on the protection of persons who report corruption in the institutions of Bosnia and Herzegovina, which has not been amended since its adoption in 2013. This law has only 14 articles and does not ensure judicial protection of persons who have the status of "whistleblower" and report corruption in BiH institutions. From the experience of Transparency International Bosnia and Herzegovina, persons who require protection as whistleblowers, most often require or are interested in judicial or external protection, and unwillingly decide on the procedure of internal protection. The procedure of external/judicial protection is precisely the greatest achievement in the field of anti-corruption policies, however, the current law at the level of Bosnia and Herzegovina does not recognize it as a form of external protection, which is a major drawback. Similar drawbacks can be found under the current Law on the Protection of Persons Who Report Corruption in the Brčko District. **(120.107)**

On the other hand, in the Republika Srpska, the Law on the Protection of Persons Who Report Corruption recognizes judicial protection, and protects not only those who report corruption, but also other persons who are connected to them, and therefore suffer harmful consequences (for example, family members), while the Federation of Bosnia and Herzegovina has not yet adopted the law, although there are initiatives by the non-governmental sector to approach the drafting and adoption of laws. It is necessary to ensure equal protection and equal access to justice for every person who reports corruption at any level of government in Bosnia and Herzegovina. **(120.107)**

## **8. Persons with disabilities**

**Recommendations 120.141; 120.144; 120.179; 120.180; 120.183; 120.184; 120.192**

Since our authorities accepted the recommendations given to BiH in the third cycle of the UPR, there have been **no initiatives for legislative changes** to harmonize with the Convention on the Rights of Persons with Disabilities, which would contribute to the removal of obstacles and the equalization of opportunities for persons with disabilities to participate equally in society and exercise their rights. **(120.180; 120.184)**

Although some recommendations concerning inclusive education were accepted by our authorities as if their implementation was already underway **(120.179; 120.184)**, and some were only accepted **(120.141; 120.144)**, the education system in regular primary and secondary schools, as well as vocational schools, adapts too slowly and insufficiently to the different needs of students, especially students with disabilities. There is a lack of continuous professional development of the teaching staff to strengthen their competencies for inclusive education to facilitate and improve their work in classes with diverse students.

There is a continuous lack of inclusive and focused budgeting of the ministries of education, which includes the financing of all necessary human, technical and material resources for the implementation of inclusive education in regular schools, which would ensure respect for the rights of children and young people with disabilities to fair and equal participation in the education process. At the same time, huge budgets are directed to special schools and institutions as forms of education that segregate children and youth with disabilities.

The obligation to provide reasonable accommodation to children and young people with disabilities as well as accompanying sanctions is still not included in the educational legislation which greatly affects the quality of education, and ultimately affects the future quality of life and employment of people with disabilities.

#### *National action plan on the rights of persons with disabilities*

In the past period, there were no significant efforts by the authorities to implement entity strategies for equalizing the position of persons with disabilities, although the authorities also marked this recommendation as if it is in process of implementation was already underway. Some progress has been made regarding the accessibility of the websites of the institutions of the legislative and executive authorities to persons with disabilities and physical accessibility where the authorities in major cities invest some funds in the construction of accessible sidewalks, audible traffic lights, and accessible transportation, but still, most public spaces remain inaccessible for people with disabilities. **(120.183)**

Some progress has been made in terms of the inclusion of persons with disabilities in decision-making processes in three municipalities in Bosnia and Herzegovina - in Tuzla, Trebinje, and Sarajevo, where, at the level of local self-government units, advisory bodies (appointed advisors) for disability issues have been formed. We still have to wait to see the effectiveness of the meaningful inclusion of persons with disabilities in the decision-making process. **(120.183)**

The exact number of people with disabilities living in our country is still unknown because there is no definition of a person with disabilities, so each institution follows its own criteria and gives numbers based on them. Therefore, systematized data on persons with disabilities, disaggregated

by gender, social status, housing conditions related to the accessibility of space, and the needs of persons with disabilities for personal assistance or other support systems, do not exist. **(120.183)**

### *Health care for persons with disabilities*

Access to health care for persons with disabilities, especially women and children with disabilities, is still difficult primarily due to the inaccessibility of facilities and equipment, although this recommendation is also marked as ongoing there are no visible activities in this field. The quality of health services is further threatened due to the lack of education of health personnel on how to treat and provide services to people with different disabilities. In the end, there is no responsibility on the part of the healthcare staff for patients in general, and thus not to persons with disabilities. **(120.192)**

## **9. Refugees and asylum seekers**

### **Recommendations 120.201; 120.205**

Lack of capacity of competent institutions continues to slow down work and prevent timely action in providing access to international protection for refugees and persons on the move in accordance with international standards. BiH needs to undertake all necessary activities in order to improve institutional and coordination difficulties. Migration and asylum should be managed by the state, while the burden of migration flows should be evenly distributed within BiH.

The agreement on the readmission of Bosnia and Herzegovina with Pakistan entered into force in 2021, enabling the return of citizens of this country who are illegally staying in Bosnia and Herzegovina. The pandemic has generally slowed down readmission procedures due to the epidemiological measures introduced by a number of countries. Due to the very restrictive policy of EU countries regarding the reception of persons on the move and the repressive measures taken at the borders, especially by the police and border service of Croatia, the time that persons on the move spend in BiH has been extended, mainly people on the move who failed to enter the EU countries, which are their target destination, on several occasions. Bosnia and Herzegovina is still a transit country that is increasingly facing the problem of organized human trafficking and sexual exploitation of people on the move. Unaccompanied minors, who make up 7% of the total number of people on the move, and women who are easy targets for both domestic criminals and organized groups are especially at risk.

In the period January – December 2021, the total number of people on the move was around 7,500.<sup>20</sup> Most of them were placed in camps, of which the Lipa camp has the worst accommodation conditions. After a fire broke out in this camp in December 2020, around 500 people on the move found themselves in a very difficult situation. During January 2021, at temperatures lower than 15 degrees Celsius, people on the move were exposed to inhumane treatment for 25 days in a completely destroyed camp area. After several days of protests that were organized by the citizens of the Una-Sana Canton (USC) and the refusal of the cantonal authorities to move people on the

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<sup>20</sup> According to the information of the Border Police and the Service for Foreigners of Bosnia and Herzegovina, <https://balkans.aljazeera.net teme/2021/7/4/znacajno-smanjeno-broj-migranata-u-bih>

move to the former Bira camp, the authorities did not propose an alternative solution for accommodation. Around 2,500 people on the move waited outside, during winter, in abandoned buildings and improvised camps in Bihac and Velika Kladusa. Attempts to move some of them to a new location, to the barracks in Bradina, were rejected by the local authorities, and the locals organized protests. Negotiations on relocation and the relocation itself lasted for days, and in the end an agreement was reached for transfer to the Usivak and Blazuj camps. At that moment, the Blazuj camp was completely full, and additional capacities were improvised, which led to worsening of accommodation conditions of the people on the move who were already accommodated there.

The largest number of people on the move are still in the Una-Sana Canton because it is geographically closest to the border with the EU. There are still illegal camps where those who want to be as close as possible to the border temporarily gather, and the living conditions in improvised camps are catastrophic. However, their number is decreasing compared to the previous period, especially during winter months. It is estimated that around 250 people stay in one of these temporary transit camps.

Access to health care is provided for people on the move who are staying in camps, while a very large number of adults and children are in a state of need. People with chronic diseases, pregnant women, children and the elderly are especially vulnerable. The situation is further complicated by the pandemic caused by the COVID-19 virus, and it is again evident that people on the move are most vulnerable, since they are exposed to the risk of infection due to the conditions in which they live. Access to food and hygiene items depend on where people on the move are accommodated. The role of humanitarian organizations and volunteers who provide meals to people on the move, including those in illegal camps, is very important. However, due to their involvement, the work of the volunteers was criticized by the local authorities. As a result, volunteers were exposed to hate speech and received threats to their safety from various organized groups.

The transition of responsibilities and obligations related to the care of people on the move has not yet passed from international organizations to state institutions. The safety and dignity of persons on the move is not even close to the level guaranteed by the international standards accepted by BiH. A large number of services are still provided through international and domestic humanitarian organizations and groups of volunteers who work directly with people on the move.