

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON BOSNIA AND HERZEGOVINA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted-References in the National Report are *in Italics*.

Recommendations -including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

| ISSUE | N Report | Compilation | Summary |
|---|--|---|--|
| Equality and Non-Discrimination | Equal treatment on the grounds of gender and sexual orientation (56) | | |
| HIV/AIDS | | See Recommendations, CRC (46) | |
| Intolerance / hate crimes | | | No measures for prevention of victimization, hate crimes and intolerance based on sexual orientation /gender identity (25) |
| Right to marry | | | Bill including gay marriages legalization. Lack of harmonization of family laws with Law on Gender Equality (33) |
| Sexual orientation and gender identity | | | See Recommendations, HRW (38); Js (38) |
| Sexual Rights Defenders | | | Assaults against activists combating trafficking and defenders of sexual minorities (25) |
| Sexual Violence against children | | Sexual abuses (27) | Young and adult inmates held in contact (22) |
| Trafficking Forced prostitution | | See Recommendations, CMW (28), CRC (28), CAT (28) | See Recommendations, CoE Commissioner (20) |
| Trafficking/sexual exploitation /violence against children | | National Plan of Action to combat trafficking (17) Street children, esp. Roma (46) | Several plans for protecting child from violence, abuse and trafficking not endorsed (14) |

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

Equality and Non-Discrimination

BiH has established appropriate mechanisms to prevent discrimination based on sex by defining within the legal framework the right to equal treatment on the grounds of gender and sexual orientation of any person by his/her own choice. BiH established institutional mechanisms for gender equality in order to integrate gender concept in all laws, policies, strategies and program documents (Para 56, NR)

HIV/AIDS

See Recommendations, CRC (46)

Intolerance / hate crimes

Organization for Security and Co-operation in Europe (OSCE) noted numerous incidents where Bosnia and Herzegovina refused to take appropriate action to prevent further victimization of hate crimes and intolerance against non-heterosexual groups (Para 25, Summary)

Right to marry

Joint Submission by Organization Q and Sexual Rights Initiative (JS) also noted that Family laws of the FBiH and the RS defined marriage as the union between a man and a woman. This law had not been harmonized with the State Law on Gender Equality in Bosnia and Herzegovina, and it represented discrimination on the grounds of sexual orientation (Para 33, Summary)

See Recommendations, Human Rights Watch - HRW (33)

Sexual orientation and gender identity

See Recommendations, HRW (38); Js (38)

Sexual Rights Defenders

According to The Informal UPR Coalition¹, there is an escalation of assaults on human rights defenders. The targets were campaigners for the rights of sexual minorities, activists engaged against human trafficking (). Assaults against and attempts to silence journalists seriously threaten freedom of expression. Family members of human rights activists are often targeted to create a sense of fear and to prevent any act of criticism () (Para 25, Summary)

Sexual Violence against children

The Committee on the Rights of the Child (CRC) was concerned that children are increasingly exposed to domestic violence and other forms of abuses, including sexual abuse. (Para 27, Compilation)

¹ Joint submission by 30 NGOs in Bosnia and Herzegovina: Human Rights; House of Sarajevo, Helsinki Committee for Human Rights in Bosnia and Herzegovina, CURE Foundation, Serb Civic Council of Sarajevo Canton, Woman and Society Center, Association of Citizens „Renaissance“, Regional Coordinator for Youth Groups in Western Balkans, Center for Informative and Legal Help – CIPP, ICVA, Prava za sve (Rights for All), Association Q, Transparency International in B&H, Association of Roma Women „Better Future“, European Law Students' Association - ELSA, Center for Human Rights Sarajevo, Youth Club „Diamond“, Association of Decertified Policemen in B&H, Bona Fides, Zemlja djece (Land of Children), League for Protection of Private Property and Human Rights, Association for Civic Rights – UGP, Zdravo da ste (Hello Neighbour), Foundation „Truth, Justice, Reconciliation“, NGO of Altruists „Svjetlo“ („The Light“), Red Half-Moon of B&H, Association „Friends of Family“ and Center for Youth Development – PRONI.

Regarding conditions of detention, CCPR expressed concern over overcrowding, lack of staff and lack of education of the present staff, and lack of security within the prison. It was further reported that no measures were taken to avoid the contact between juvenile and adult offenders () (Para 22, Summary)

Trafficking /Forced prostitution

See Recommendations, the Committee on Migrant Workers - CMW (28); CRC (28), The Committee Against Torture - CAT (28); The Council of Europe Commissioner for Human Rights - CoE Commissioner (20)

Trafficking/sexual exploitation/violence against children

CRC noted, inter alia, the adoption of a National Plan of Action to combat trafficking in 2001 and of the Action Plan for Children 2002-2010 () (Para 17, Compilation)

CRC was concerned that a significant number of children, especially Roma, are living or working on the streets, do not attend schools and that many are forced to work (Para 46, Compilation) Bosnia and Herzegovina Working Group on Child Protection (BIHWGCP) noted that the National Action Plan for Children in Bosnia and Herzegovina 2002-2010, defining the state priorities toward children, had been revised (2008), while the () Strategy on protection of children from violence and abuse, () Strategy on Combating Violence against Children, State Action Plan for Combating Trafficking 2008-2012, (), had been endorsed. (Para 14, Summary)

See Recommendations, CRC (1): (17), (46); Special Rapporteur on trafficking in persons (29)

Suggested questions and/or recommendations

CAT

§ To ensure that victims (of trafficking) obtain redress and adequate compensation (Para 28, Compilation)

CMW

§ To address trafficking in persons, including through prevention, rehabilitation of victims, and prosecution of those responsible (Para 28, Compilation)

CoE Commissioner

§ To implement the laws and regulations concerning trafficking in human beings, and take measures to improve the understanding of what constitutes trafficking. (Para 20, Summary)

CRC

§ To implement and incorporate OP-CRC-SC in the criminal justice systems (Para 1, Compilation)

§ That investigations be carried out regarding the allegations that police officers may be involved in trafficking and that it impose sanctions (Para 28, Compilation)

§ The effective implementation of the National Plan of Action to combat trafficking in 2001 and of the Action Plan for Children 2002-2010,(Para 17, Compilation)

§ That the State ensure that street children are provided with nutrition, clothing, housing, health-care and educational opportunities; combat trafficking in children; () launch campaigns to raise awareness on HIV/AIDS (Para 46, Compilation)

The Special Rapporteur on trafficking in persons

- § That increased attention be devoted to the prevention of internal trafficking and trafficking from Bosnia and Herzegovina to other countries, with particular attention to the root causes of the phenomenon (Para 29, Compilation)

HRW

- § To pass the anti-discrimination law, which includes the legalization of gay marriages, without any amendments (Para 33 Summary)
- § To ensure freedom of assembly and association for lesbian, gay, bisexual and transgender communities, and condemn unequivocally any attacks on these groups (Para 38, Summary)

JS

- § An investigation into the attacks during the Queer Sarajevo Festival in September 2008, in which hooligans and religious groups allegedly left a minimum of 8 persons physically injured (Para 38, Summary)

SRI

- § To take all necessary legislative, administrative and judicial measures to ensure the fully respect of the existing legislation on equal treatment on the grounds of gender and sexual orientation, including sensitization work with the communities and direct access to justice to facilitate the report of human rights violations against non-heterosexual people.
- § Ask which steps Bosnia and Herzegovina government is taking to address the situation of intimidation and assault faced by human rights defenders and to guarantee freedom of expression.