

# Human Rights Task Force A Mid-Term Review

This document is part of the mid-term assessment review carried out by the Human Rights Co-ordination Centre, tasked by the Steering Board. It intends to summarise and assess the priorities set during the Human Rights Task force in February 2001. It is an interagency assessment conducted through the relevant Human Rights Co-ordinating Groups.

## **1. Return of Refugees and Displaced Persons**



<p><b><i>Plan of Action:</i></b>  <b><i>Increase the number of property repossession decisions and reinstatements</i></b></p> <p><b><i>Action Recommended by the Steering Board:</i></b></p>	<p>The <i>Operational Framework</i> document of the inter-agency Property Legislation Implementation Plan (PLIP), comprising OHR, OSCE, and UNHCR together with UNMIBH and CRPC is approaching its first anniversary. The Plan aims at increased standardisation and co-ordination of the approach of these agencies to issues of property legislation implementation, and draws on mechanisms including a country-wide network of field staff: 'focal points' covering all municipalities where implementation is ongoing. One of the major responsibilities of this network is the monthly procurement of PLIP statistics, showing the implementation rates in each municipality. Published on a monthly basis, including on the websites of the PLIP agencies and in the local press, these statistics are the most reliable information on current levels of property implementation throughout the country. Most importantly, they provide a point of reference for dialogue, with and between local authorities at all levels, on promoting the issuance of decisions on repossession and the enforcement of these decisions. They also allow for increased monitoring and tracking of the performance of each municipality, and form a basis for engagement with the issues raised by each. Current statistics (May 2001) show the Federation to have completed 36% of its current caseload, and the Republika Srpska (RS) 17%, with the average for the country at 27%.</p> <p>Despite the disappointing results in some parts of the country, the PLIP-framework, operational since summer 2000, can be considered as one of the most successful examples of how joint strategies and well co-ordinated inter-agency action can enable progress to be made despite political obstruction. However, in some of the most hard line areas even this has proven difficult so far and more needs to be done. Also, this approach has not been as successful when trying to enforce the "positive obligations" of the housing authorities, such as their duty to provide alternative housing/emergency housing or addressing the housing concerns of vulnerable groups such as Roma. The ultimate aim is to reinforce the rule of law and to create a self-sustaining, non-political property repossession process.</p>
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Laws dealing with property repossession (Law on Housing Relations, privatisation and Laws on Cessation) must be brought into accord with one another, amended and implemented to effect a consistent and non-discriminatory system for property repossession;	On 17 July the High Representative imposed amendments to the legislation of both Entities concerning the purchase of socially owned apartments, simultaneously lifting the RS law, which had been suspended. The package of amendments was aimed at harmonising the laws and removing the discriminatory aspects. Primarily, the result is to place returnees purchasing apartments on a more equal footing with other purchasers. Action ongoing.
The well-functioning structure of RRTF and PLIP, supported by organizations with field staff, needs to be maintained to monitor and guarantee common approach and policy concerning the property law implementation and to co-ordinate return strategies and funding;	Action ongoing.
Establish functioning system of information-exchange between the housing authorities and the OMIs on repossessions in order to prevent multiple occupancy;	The PLIP agencies are close to finalising a country-wide project for standardised and efficient information exchange. This was created in close collaboration with housing officials in both entities, and representatives of the RS and Federation Ministries for DPs and Refugees, the Federation Ministry of Urbanism, and the BiH Ministry for Human Rights and Refugees (MHRR).
Enforcement of all CRPC decisions, in line with the Laws on the Enforcement of CRPC decisions;	Action ongoing.
Complete expedited issuance of decision and eviction of multiple occupants;	Action ongoing.
Issuance of decisions in chronological order;	This is now accepted practice in many if not all municipalities, although various priorities, for example decisions concerning multiple occupants, result in exceptions.
Identification of and (budgetary) provision for alternative accommodation by local authorities;	Action ongoing.
Implementation of all decisions within deadlines specified by law, even if authorities fail to provide alternative accommodation;	Action ongoing.
Transparency of procedures of in revalidation of contract with respect to unclaimed apartments;	The PLIP agencies are working together to create instructions to guide Public Attorneys and local commissions in evaluating such revalidations.

<p>Develop Good Governance Project in co-operation with OSCE Democratisation in the area of administrative and financial sectors to provide for accountability of local authorities dealing with property issues (provision of funds in the budget for alternative accommodation, increased efficiency in property implementation).</p>	<p>The PLIP agencies are closely tracking – and in many cases querying – relevant budget provisions, particularly for the most problematic area: the provision of alternative accommodation to facilitate the implementation of the property laws. A Municipal Work Plan is currently being drafted, to target individual municipalities, with input from the Focal Points. This aims to identify methods of maximising current resources to boost administrative efficiency and complete implementation of the legislation in a reasonable period of time.</p>
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<p><b><u>Plan of Action:</u></b>  <b><u>Improve the effectiveness of response to return-related incidents</u></b>  <b><u>Action Recommended by the Steering Board:</u></b></p>	<p>The severity of return-related incidents in the RS continues to be far greater than in the Federation. While the majority of incidents in the Federation involved verbal harassment and occasional damage to property, the incidents in the RS involved the use of explosives, shootings (including the murder of a 16-year-old returnee girl on 12 July in Damdzici, Vlasenica Municipality, Eastern RS) physical attacks, significant damage to property, and violent demonstrations. It has been noted that police investigations into the serious incidents in the RS remain poor, and few of the perpetrators have been identified or brought to justice.</p>
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<p>Preventive measures: Local police authorities, particularly in contentious return areas, must be pressed to implement operational plans to increase police presence to guard against possible return related violence. Priority will be given to monitoring the implementation of such plans;</p>	<p>Incidents of ethnic violence in the RS have far exceeded, in number and seriousness, incidents in the Federation. Although detailed plans were made regarding mosque reconstruction ceremonies in Trebinje and Banja Luka, RS authorities failed to prevent major attacks against Bosniaks and international community representatives in May 2001. After significant and concerted pressure from the international community, the RS authorities controlled protesters during the second attempt to dedicate the Ferhadija Mosque reconstruction in June 2001.</p>
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Engaging public prosecutors: Interventions will be made with public prosecutors, who are obliged to request investigations into serious crimes;

Action, particularly at the field level, continues to be taken in an effort to ensure that investigations into serious crimes, especially return-related, occur. OSCE Human Rights officers continue to monitor investigations and intervene with public prosecutors to ensure that return-related violence cases are properly prosecuted. Following the intervention of OSCE with the public prosecutor Zvornik to have the case moved from the Minor Offences Court to the Basic Court, on 25 April 01 the Basic Court in Zvornik found 14 Serb defendants guilty for involvement in a serious incident of mob violence against returnee Bosniaks. Two of the accuseds were sentenced to 45 days imprisonment. The others were fined.

<p><b>Criminal Investigations:</b> Particular attention will be paid to instances when local officials attempt to limit sanctions against perpetrators of crimes by initiating minor offence proceedings (instead of criminal proceedings).</p>	<p>Pressure has been placed on the Trebinje and Banja Luka police, who have attempted to limit the criminal culpability of perpetrators of the May 2001 violence. Although such pressure has resulted in the police placing more individuals under criminal suspicion, police witnesses have compromised the prosecutions by failing to identify perpetrators and giving false statements before investigative judges.</p> <p>Investigations into violence committed against Bosniaks in Eastern RS, particularly in Bratunac, Srebrenica and Vlasenica, continue to be highly inadequate.</p>
<p><i>Demand that law enforcement systems investigate and prosecute and judicial system appropriately punish temporary occupants who loot apartments;</i></p>	<p>A priority activity of all International Organisations engaged in PLIP is ensuring that the relevant agencies in the Criminal Justice System undertake appropriate action against temporary occupants who allegedly have looted apartments, with positive results: particularly with regard to the perception (by members of the Criminal Justice System as well as the general public) that looting is a crime.</p>



<p>Systematic gathering of Information on occurring <i>return-related violence</i> (RRV) incidents since they have negative impact on the return process. This statistical material should be elaborated and used when dealing with law enforcement officials inefficiently addressing the rule of law problems;</p>	<p>UNMIBH has set up a database of return-related violence, both at the Regional and MHQ level. The information available is analysed to identify law enforcement institutions and agents that fail to perform their duties in responding to such incidents or contribute significantly to the problem. Members of the International Community, particularly in the field, monitor return-related violence cases and identify prosecutors who fail to act effectively in accordance with their duties.</p>
<p>Increase field monitoring of LP response to RRV and property law violations, including looting. Once the re-registration results are officially published establish regional overview of DP and internal refugees chart for property/sustainable return problem areas;</p>	<p>UNMIBH, through its Human Rights Investigators in the field, is persistently pursuing the investigations by local police into return-related violence.</p>

<p>Disciplinary action and IC sanctions against police chiefs and police officers; An increase in the number removals of obstructive or ineffective police officials, de-certifications of police officers and use of non-compliance orders against police officers. More effective use of the Internal Disciplinary Prosecutor and the Disciplinary Commission monitored by the IC including misuse of property;</p>	<p>After significant pressure from UNMIBH, the RS Minister of Interior removed the Bijeljina Public Security Centre (PSC) Chief and Deputy Chief in June 2001, in part because of a pattern of severe bias by Bijeljina and Janja police in responding to minority return-related violence. The Minister also removed the Trebinje PSC Chief in May 2001 in the aftermath of the poor police response to the demonstrations against the rebuilding of the Osman Pasha Mosque. In June 2001, UNMIBH de-authorized the Trebinje PSC Crime Chief for misconduct in investigating the perpetrators of the violence.</p>
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Complaints against public prosecutors and judges;  
Use of conduct report forms against individual prosecutors or judges to the appropriate vetting (comprehensive review) councils;

IJC assumes that the complaints are being received and addressed, but conduct report forms are currently not being used. In an endeavour to overcome the fear of individuals as a factor which may be discouraging public complaints, OSCE has started the process of gathering information and submitting complaints to the judicial and prosecutorial commissions and councils. There is a need to create a greater 'awareness' within the International Community of the need to gather and compile evidence relating to misconduct. The gathering of information needs to be systematic and co-ordinated and needs to be formulated into properly structured and documented complaints to be submitted to the commission and councils. The establishment of an inter-agency co-ordinating mechanism with focal points for gathering information, investigations and the submission of complaints is recommended.

<p><b>Plan of Action:</b>  <b><u>Promote the sustainability of return</u></b>  <b><u>Action Recommended by the Steering</u></b>  <b><u>Board:</u></b></p>	<p>Significant deterrents to return remain in place. These include the deliberate withholding of employment opportunities to minority returnees (employment discrimination), fragmented and discriminatory education systems, continuing prevention of the realisation of returnees' pension rights, denial of access to health care in the place of return, and the manner in which publicly-owned utility companies in many areas continue to deny minority returnees access to services such as electricity, gas, and tele-communications. Nonetheless, an increasing number of people are exercising the rights to return. However, because of wide-spread discrimination many minority returnees often return back to their former place of displacement, to areas in which they constitute part of the majority, or attempt to migrate to third countries.</p> <p>As such, particularly as return continues to accelerate, it is imperative that the International Community focuses attention and resources upon ensuring that the return is sustainable. Aside from strengthening the Criminal Justice System, enabling equal access to utilities, employment, pensions, health and education is vital if minority return and, thereby, reconciliation and stability in Bosnia and Herzegovina (BiH), are to prevail. Continued co-ordination between agencies, political pressure and legislative reform are required together with increased resources to match the prevalence of discrimination in the field of economic and social rights.</p>
<p><b>Access to utilities:</b></p> <ul style="list-style-type: none"> <li>• Collection of information should be ensured through the UNHCR Legal Aid and Information Centres and the Offices of the Ombudsmen – <i>addition June 2001: also through UNHCR, OSCE, OHR and OHCHR;</i></li> <li>• Exchange of information with and between the Entity Ministries is to be promoted.</li> </ul>	<p>An inter-agency Utilities Working Group has been established this year and the concomitant timelines and Action Plan developed. Following the recommendations of the Human Rights Steering Board, work began on the development of a co-ordinated International Community strategy to combat abuses and anti-return behaviour by Utility companies. During the first meeting of the Utilities Working Group, it was agreed that, as an initial step, a smaller working group composed of UNHCR, OSCE, OHR and OHCHR would work identify location, type and quantity of cases of discrimination against minority returnees in obtaining utility reconnections in the place of return.</p> <p>A comprehensive questionnaire has been drafted and approved. The purpose of the questionnaire is to conduct a countrywide survey of the most common obstacles in accessing utilities. A general strategy outline would recommend to agencies in the field to survey cases of discriminatory application of existing laws and regulations, and report findings to the Working Group. Meeting regional electricity companies and co-ordination of the project with Ministries of Energy and Mining are planned in order to solicit their support in solving the problems ascertained. In order to verify companies' compliance with the laws and the regulations, the Working Group would intervene and conduct audits following a review of all cases received. Based on a preliminary identification of the various types of cases by OSCE, UNHCR developed a questionnaire that will be used for a comprehensive inter-agency survey of the cases of discrimination against minority returnees in the various regions of BiH in the last 6 months. This survey will enable assessment of future action. The planned survey, and at a later stage the outcome, will be presented to the Ministries of Energy and the Directors of Electrical companies, in order to solicit their support in eliminating the obstacles and solving the problems ascertained.</p> <p>The conditionality of funding to the state owned companies that do not comply in supporting the needs of returnees has been a recommendation of the Human Rights Steering Board. A Public Information Campaign on Utilities in co-operation with local NGOs, promoting sustainability in return areas, will be instrumental in achieving durable solutions.</p> <p>The High Representative Decision on telephone reconnections of 30 July, 1999, with the aim of removing unjustified impediments to the reconnection of minority returnees, included a provision establishing a PTT Advisory Committee, chaired by an independent person designated by OHR, to make binding decisions in case of disagreement between pre-conflict subscribers and the relevant PTT. The Committee, established on February 1, 2000, currently consists of a central decision-maker and a Co-ordinator, both from OHR. The PTT themselves have demonstrated increasing willingness to co-operate with the Committee, only due to the efforts and expertise of the Committee members and UNHCR's Legal Aid and Information Centres. So far, this Committee has dealt with nearly 200 cases. This process is supported by the well organised network throughout the country for receiving and processing the claims (in case of disputes, the applicant addresses the closest LAIC who forwards it to the Committee in cases in which they were not able to reach the agreement with PTT).</p>

<p><b>Employment:</b></p> <ul style="list-style-type: none"> <li>• Execution of audits in a selected sample of companies to assess their personnel policies and detect any discriminatory acts. The following actions are required: 1. To obtain funds to hire professional auditors (assistance from OHR-Anti Fraud Department) or identify the implementing agencies within the international community, 2. To acquire permission to execute audits from the relevant authorities and companies and 3. To oversee the project, and 4. To evaluate the results;</li> <li>• Engage donors and OHR–Economic Department in discussion about the use of conditionality of investments to promote “fair employment principles” and hiring of returnees before investing;</li> <li>• Make public the IC position and expectations regarding returnee hiring, through for example the issuance of Press Releases;</li> <li>• Monitor the work of commissions for implementation of relevant labour law articles (Federation 143 and RS 152).</li> </ul>	<p>This project has not been launched yet and remains a priority. Funds have not yet been identified to hire professional auditors. Strengthened co-operation between OSCE and OHCHR envisaged to assess fair employment practices.</p> <p>The inter-agency <i>Fair Employment Practices Strategy Policy Paper (Prevention and Elimination of Discrimination in Employment)</i> was presented to donors at the Human Rights Information Meeting in June and a copy of the Paper sent to all Embassies in Sarajevo. The Paper encourages donors to make their investment conditional upon the respect of non-discriminatory principles. In addition, independent contacts have been made with prospective donors by members of the Working Group on Economic and Social Rights, and research has been conducted on major investors in BiH and main sectors of investments.</p> <p><b>Vares Conducts Employment Survey:</b> OSCE Human Rights Officer in Vares conducted a survey on the current status in employment in Vares Municipality, which included interviews with Directors and legal advisors of the 10 major companies and institutions. The report provides fundamental desegregated statistics and information on <i>inter alia</i> the ethnic and gender breakdowns of the companies, the ethnic composition of the managing positions and the recruitment procedures. The report reveals that whilst generalised discrimination may be suspected, finding proof is difficult. Moreover, it suggests reinstatement or compensation for wait listed workers under Article 143 of the FBiH Labour Law has given rise to false expectations among the population due to lack of financial resources and political will. The report provides important information for strategic action aimed at having a positive influence on discrimination in the workplace. Similar projects are underway in the Travnik and Kakanj areas and it is anticipated that other initiatives will be taken in advance of funding being secured within the International Community to carry out countrywide assessments.</p> <p>OSCE is currently formalising a budget proposal for an Employment Survey and Technical Advice Programme.</p> <p>An awareness-raising campaign began in June 2001. The Working Group on Economic and Social Rights (GESR) prepared a letter outlining employment strategies. The letter was sent to all Embassies accredited in BiH. The letter was also presented to the Embassies attending the June Human Rights Information Meeting (see above).</p> <p>Monitoring by ARC Legal Aid and Information Centres (LAICs) and OHR, including a survey on the work of the commissions and problems encountered, has been conducted. Collaboration is continuing between OHR, ARC, UNHCR and OHCHR/work with the Federation Ministry for Social Affairs (including through the establishment of a working group) to assist in the work of the commissions and to encourage them to fulfil their duties. For example, assistance has been given to the Ministry in drafting guidelines for the cantonal commissions regarding their competence and the procedure to follow.</p> <p>The GESR, with the participation of ARC, expressed its concern regarding the implementation of a procedure described by Art. 143 of the FBiH Labour Law during several meetings with Representatives of the Federation Ministry of Social Affairs (FMSA). In particular the GESR suggested the removal of an FMSA Instruction excluding the ‘administrative’ sector from falling under the remit of Article 143 and the issuance of new guidelines facilitating the work of the Commissions. The Minister of Social Affairs, Displaced Persons and Refugees, Mr. Sefer Halilovic, took part in one meeting and recognised the existence of an operational problem. On his proposal, a smaller working group tasked to draft the new guidelines was created. The revocation of the contested instruction is being addressed.</p> <p>OSCE has monitored several of the Cantonal Commissions primarily to monitor and report on implementation of the Law but also to advocate improved working method and treatment of legal issues facing the Commissions.</p>
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<p><b>Pensions:</b></p> <ul style="list-style-type: none"> <li>• <b>Assess the implementation of the Agreement on Respective Rights and Obligations Regarding the Implementation of the Pension and Invalidity Insurance and its impact on pension delivery across IEBL and between Federation pension funds' areas of competence;</b></li> <li>• <b>Review the current legal framework</b> and develop a policy together with Economics dep. to ensure the delivery of pensions to the individual's place of residence;</li> <li>• <b>Work with OHR Economics Department to establish a mechanism of transferring funds,</b> in this case pensions, across IEBL.</li> </ul>	<p><b>The process is in progress. An update on the current situation in BiH regarding pension rights and payments was prepared by UNHCR for release.</b></p> <p>As a first step towards rationalisation of the system, the High Representative passed in November 2000 a decision merging the two Federation Funds into one. The High Representative did, in November 2000, further rationalise the pension system by making the pension payments vary according to the total amount of contributions collected for that month (although they could not fall below a certain level).</p> <p>As a consequence of a Decision of the BiH Constitutional Court on Pensions, officials are now required to issue formal decisions upon receipt of any application for payment of pension entitlements.</p> <p>The Pension system of Brcko District is still incomplete. There are also still some problems regarding the payment of pension to refugees in RS (Croatian Serb), as well as to BH refugees in Croatia (Bosnian Croats).</p> <p><b>The process is in progress. There is now a system in-place whereby returnees can collect their pensions via PTT. The only exception is Mostar where a returnee contacts the pension fund which then transfers the pension to either the PTT or bank which ever is the most convenient for the potential recipient. Work with OHR Economics and Legal Departments, in order to facilitate expedient transfer of funds, has resulted in development regarding the Agreement between the states of the former Yugoslavia.</b> The agreement for methods and transfer of pensions should be in place by September 2001. It is important that BiH ratify the already existing Agreement on Pensions with Croatia. Upon the initiative of OHR Human Rights Officer in Travnik, OHR, UNHCR and OSCE developed and distributed BiH-wide a leaflet detailing pension entitlements.</p>
<p><b>Health:</b></p> <ul style="list-style-type: none"> <li>• <b>Assess the problem of access to health for various categories of the population;</b></li> <li>• <b>Review the current legal framework</b> and develop a policy to ensure health coverage regardless of one's entity/canton residence or pension fund location;</li> <li>• <b>Establish a mechanism of transfer of funds</b> from one's health institute (where health contributions are collected) to any healthcare facility in BiH.</li> </ul>	<p><b>Access to health remains a problem. A problematic area is that of employees not having certified health books due to their employers failing to pay the contributions for health insurance.</b></p> <p>UNHCR Health Study was finalised. It outlines the legal framework in BiH (Federation, RS and Canton Sarajevo as a case study). It portrays obstacles for proper functioning of health insurance schemes in BiH and difficulties encountered by special categories of persons.</p> <p>This process is still in progress. On 5 June 2001, it was agreed that the Ministry for Human Rights and Refugees (MHRR) would take the lead in further discussions of the Draft Agreement on Health Care Insurance. It appears that the Draft Agreement is to be reviewed again upon the requests of some cantons.</p> <p>To date there is no legislative requirement for any cantonal health fund to share their financial resources with the Federal Health Fund.</p> <p>OHCHR initiative the Health Working Group. With other members of the IC participating in the Working Group, OHCHR, in line with the concept of ownership and sustainability, is pushing the relevant domestic authorities to convene meetings between the various Health Ministers in an effort to resolve the situation.</p> <p>Several meetings with International Community and national actors took place regarding the signing of the Inter-Entity agreement drafted by the group of National experts on health insurance. Sarajevo Canton continued not to support the proposed agreement. In May the Canton submitted to the International Community a fundamental amendment. The International Community encouraged the Cantons and the Entities to discuss this proposal and to come to an agreement which would guarantee access to health care facilities in an Entity other than where the person is insured. A small commission with representatives of Cantons and OHCHR has been created in June to come, within a month, to an agreement acceptable to all parties.</p>

<p><b>Education:</b></p> <ul style="list-style-type: none"> <li>• Joint monitoring exercises regarding textbooks improvement and implementation of the 10 May 2000 Inter-Entity Education Agreement and;</li> <li>• Collection of information regarding minority pupils and teachers are to be carried out in 2001;</li> <li>• Increase the visibility of education issues at the level of OHR's political structure;</li> <li>• Prepare a modern legal education framework for Primary and Secondary education based on EU standards;</li> <li>• Pursue the adoption of a modern legal framework for Higher Education;</li> <li>• Support the modernisation and rationalisation of the present system on the basis of the Bologna Declaration, making use of regional development opportunities provided by the Stability Pact as well as EU development and co-operation instruments.</li> </ul>	<p>While the inter-entity Education Agreement of 10 May 2000 remains a blueprint for the gradual reform and modernisation of the education scene in BiH, on 26 April the EU proposed a 4-5 year "Sector Development Programme", which aims at elaborating a shared strategy for the modernisation of primary and general secondary education in BiH. This programme was readily endorsed by the entity Ministers as well as all the International Organisations and will commence this Summer.</p> <p>UNHCR continues its efforts in the field to find practical remedies to ensure that returnee children have access to education.</p> <p>Will be carried out in the fall of 2001 as certain measures of the Inter-Entity Agreement are to be implemented as of September 2001.</p> <p>Minority teachers: available figures show that only 3% of the teachers in the RS, at both Primary and Secondary education levels, actually belong to the other constituent peoples; in the Federation available figures vary from one Canton to another; the average is between 5 and 8%. Entity Ministers are to report back to OHR in August 2001 on their efforts to integrate teachers from all constituent peoples on purely professional criteria, especially in return areas.</p> <p>Visibility: process is in progress; results will become apparent in the fall of 2001. Existing laws have been translated and analysed comparatively. CoE expertise as well as expert field consultations are now required to take this process forward and to its expected conclusion by the end of 2001.</p> <p>The law on primary and secondary education in the Brcko District, drafted by the Law Review Commission of the Office of the Brcko Supervisor, was rejected by the Assembly on 27 June 2001, a week later the OHR imposed the law.</p> <p>Process will be completed by the end of 2001.</p> <p>A new legislative framework for Higher Education is being developed under the aegis of the Higher Education Co-ordination Board and the principles of the Bologna Declaration (a single European space for Higher Education by 2010) will be gradually implemented in all universities. However, fundamental structural reforms will have to be carried out in order to meet the standards laid out in the above mentioned Declaration. So far only the University of Tuzla has convincingly strengthened the powers of the Rector in terms of strategic planning capacity based on academic criteria. The issue of the actual number of universities that a small country like BiH needs and can afford will also have to be addressed as soon as possible. Higher Education is a crucial area for the future of BiH as it can substantially reduce the tide of young people who wish to leave because they do not see a future for themselves in their own country at the present stage (62% according to a UNDP survey).</p> <p>Process is on-going; however no concrete results should be expected in the short term as systemic change is often very slow.</p> <p>During March and April, OSCE and OHR carried out spot-checks in a selection of schools that use the Croat curriculum. This follows reports that the former Deputy Minister of Education had reneged upon a prior agreement whereby all second grade students would be taught the second alphabet as from the second semester of the current school year. The checks are essential in order to verify compliance with ongoing efforts to establish common elements to the different curricula in BiH. Preliminary findings for the 12 schools visited by OSCE suggested that there was full compliance in one school, partial compliance in five schools and no compliance the remaining six schools. Unfortunately, the spot-checks were cut short because of political events in Herzegovina during March and April.</p> <p>During the period, work by OSCE Human Rights Officer in Capljina demonstrates that the return of school children to the main school in Stolac is not progressing smoothly and that integration is not improving. It is essential that the International Community policy of 'two schools under one roof' is reviewed to ensure that it is treated merely as a step towards genuine integration rather than an end in itself which will result in segregation under one roof.</p> <p>Although positive developments have taken place in the field of education these past few months, it is clear that much more emphasis needs to be given to the education sector in BiH. OHR has, therefore, determined that education for peace and reconciliation, of both the young and adults, should become a national priority. It is, therefore, necessary for there to be public and unequivocal financial, moral and political support of local and international actors in BiH for a policy of integrated, multi-ethnic education and eradication of widespread ethnically based discrimination.</p>
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## 2. Reform of Judiciary and Police

<p><u>Plan of Action:</u>  <u>Accelerate internal restructuring and reform measures to improve the effectiveness of judicial and police officials in the performance of their duties</u>  <u>Action Recommended by the Steering Board:</u></p>	<p>The protection of the rights of the citizens requires a well functioning judiciary, respect for the Rule of Law and effective non-discriminatory law enforcement structures. Administrative officials responsible for return and property issues cannot ignore claims of minority returnee populations in order to accommodate strong nationalist sentiments. Nevertheless, in cases where police, prosecutors and judges ignore crimes against minorities, disciplinary measures must be taken in order to ensure discriminatory practices do not prevail. The Independent Judicial Commission (IJC) has been established to oversee the implementation of structural judicial reform and to monitor the functioning of the Judicial Review Commissions, which are tasked with comprehensively reviewing the conduct of serving judges and prosecutors, as well as with monitoring the appointments of judges and prosecutors.</p>
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*Legislative reform, unacceptable delays in the legal system in relation to every stage of the legal process (from the initial police investigation, filing of charges to court hearings) should be addressed by revision of the RS and Federation criminal codes and criminal procedures. The failure of the legal system to deal with cases expeditiously has a direct impact on return-related violence cases. This will require a coherent and consolidated approach to the issue and should be a priority for judicial reform. Reforming court procedures, promoting the creation of uniform procedural court guidelines, books of rules etc, strengthening the role of the public prosecutor, reducing the role and function of the investigative judge in conjunction with the training of judges, prosecutors and lawyers through Council of Europe, Domestic Training Board and IJC;*

Draft criminal procedure legislation has been prepared by OHR-AFD that would be introduced at state and entity levels by the end of 2001. The Draft has been released to International agencies and will shortly, once translated, be released to National agencies. Within the Ministry of Civil Affairs and Communications a Working Group has been established, involving State and Entity Ministries, OHR, CoE and other organisations, which will elaborate principles for criminal procedure reform and a draft code for the State-level to be reflected in amended codes for the other jurisdictions. At this stage, the criminal procedure legislation will:

- Reduce the role of the investigating judge;
- Remove the role of the private prosecutor;
- Give the public prosecutor more control over the investigative process;
  - Encourage greater concentration of hearings;
- Require appeals to be finally decided by the appeal court;
- Include better provisions on witness protection.

In anticipation of the implementation of this legislation, the IJC has begun work on initial stages of development of a comprehensive inter-agency training programme for judges and prosecutors, including UNMIBH, US DOJ and OHR-AFD.

OHR and UNMIBH continue to consult with the Federation Ministry of Interior on revisions to the *Federation Law on Internal Affairs*.

The Ministry has sought to expedite the revision process, but there has been contention over provisions relating to the powers of the Police Commissioner. Such contention has prevented a serious discussion of strengthening provisions on disciplinary responsibility and amending provisions on hiring new officers.

Discussion of revisions to the *RS Law on Internal Affairs* has not been initiated.

In view of the conclusions and recommendations contained in JSAP's final thematic reports, accelerate reform of the court system and criminal and civil procedure through the efforts of the IJC, with particular attention to improving the performance of judges and prosecutors, reducing delay and inefficiency in the court system, and advancing criminal and civil procedure reform;

The IJC was formally mandated by the High Representative in March 2001 to guide and co-ordinate judicial reform activities in BiH. Its work includes both judicial reform in the broad sense and also the monitoring of the ongoing process of review of sitting judges and prosecutors.

From its initial gathering of information on the work of other International Organisations in this field, the IJC is now finalising its strategic plan for the next twelve months, which needs to be approved by the High Representative. It is likely to include as priorities:

- Monitor and advise the Commissions and Councils as they continue the Comprehensive Review of current judges and prosecutors, and review current legislation governing the judicial appointment and disciplinary procedures;
- Civil procedure reform and training;
- Reform of legislation on enforcement of civil judgements and training;
- Court administration and management reform;
- Criminal procedure training

As yet, all these projects are in the early stages. However, the IJC has established excellent working relationships with other agencies with which it will co-operate on these projects and also with the relevant Ministries and other local organisations.

<p>Establish training institutes to provide, among other things, practical training for incoming and sitting judges and prosecutors and comprehensive, continuing legal education for lawyers. From a human rights standpoint, the training institutes should provide training in judicial administration and case management, in order to improve judicial economy and to reduce delays and inefficiency within the judicial system.</p>	<p>Legislation to create judicial training institutes in each entity has been drafted and is expected to be adopted by the RS National Assembly and the Federation Parliament by the end of 2001. The IJC will assist the institutional and curricula development of the training institutes to ensure sustainability and responsiveness to needs of BiH judges and prosecutors.</p>
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<p><u>Plan of Action:</u> <u>Reform police institutions</u> <u>Action Recommended by the Steering Board:</u></p>	<p>UNMIBH/IPTF continues to press for structural reforms of police institutions, particularly in light of the pressing need to insulate police officials from political pressures.</p>
<p>Promote de-politicisation of the police by supporting the creation of police commissioner posts within each ministry of the interior;</p>	<p>UNMIBH continued to pursue the creation of Police Commissioner/Director of Police positions throughout BiH. On 20 March 2001, an Interim Director of Police was appointed at the Federation Ministry of Interior. On 18 June 2001, an Interim Director of Police was appointed at the RS Ministry of Interior.</p>
<p>Press local police authorities to unify ethnically divided police administrations;</p>	<p>After months of delays and pressure from UNMIBH, Federation authorities completed the unification of the Mostar East and West Prisons in July 2001. Prisoners are now housed in a single unit in West Mostar, and Bosniak and Croat staff have been merged.</p>

<b>Press local authorities to improve and strengthen internal control mechanisms;</b>	<b>UNMIBH has initiated an assessment of the structural and functional adequacy of internal disciplinary procedures of police administrations. Information and statistics on disciplinary procedures, which were collected in all Cantons and PSCs, are being analysed with a view to making recommendations to strengthen and improve the current system.</b>
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**Press local authorities to reform arrest and custody procedures, and search procedures.**

**The Federation Arrest and Custody Project is close to conclusion. The joint UNMIBH/Federation Ministry of Interior Working Group developed the model record-keeping material on deprivation of liberty in compliance with European standards. The uniform procedures and records on deprivation of liberty were adopted by the Federation Ministry of Interior in February 2001 and by all 10 Cantonal Ministries of Interior during May 2001. Since 1 June 2001, the Registry Books with standard records on deprivation of liberty have been implemented in the Federation police stations.**

In February 2001, the IPTF Commissioner forwarded to the RS Minister of Interior a report summarising results of the UNMIBH micro-audit of 105 police stations and recommending that the RS authorities, in co-operation with UNMIBH, develop and implement a uniform record keeping mechanism on arrest and custody. The UNMIBH/RS Ministry of Interior Working Group agreed upon the model record keeping on deprivation of liberty. In June 2001, the model records were tested in 12 selected RS police stations. Following the testing, the Working Group should finalise the material on deprivation of liberty. It is expected that the new procedures on deprivation of liberty should be implemented throughout the RS by September 2001.

UNMIBH's analysis of the search procedures, both in the RS and Federation, has been ongoing. This is with a view to build safeguards into the system to prevent its abuse by the law enforcement officials.

Continue working with local police officials in the Federation and the RS to reform and improve arrest and custody procedures.	UNMIBH continues to monitor implementation of the new procedures on deprivation of liberty in the Federation. See <i>supra</i> for the RS Project.
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<p><u>Plan of Action:</u>  <u>Improve training</u>  <u>Action Recommended by the</u>  <u>Steering Board:</u></p>	<p>Given the substandard performance of the agencies within the Criminal Justice System, intensive training in all aspects of judicial and investigative work, in particular, is essential. Whilst such a need has been recognised by the International Community, sufficient resources have not been forthcoming.</p>
<p>Judicial administration. From a human rights standpoint, the judicial training institutes will provide training in judicial administration and case management, in order to improve judicial economy and to reduce delays and inefficiency within the judicial system;</p>	<p>Legislation on judicial training institutes has been drafted and all indications are that it will be passed by the end of the year.</p> <p>The IJC will also endeavour to ensure that case management techniques are introduced to the extent possible in all procedural law reform, as well as other changes in procedure to make the judicial process more efficient. The IJC expects to undertake additional initiatives to reform court administration in general.</p>

<p><u>Seminars/training for judges, prosecutors and police.</u> IC to support and encourage initiatives of Council of Europe, Domestic Training Board, UNMIBH and the Independent Judicial Commission. Training sessions should be specifically focused on the issue of return related investigations and proceedings.</p>	<p>With respect to human rights training for the members of the judiciary, a comprehensive three-year training programme on the ECHR and European legal standards was initiated in July 2000 by the Council of Europe with one year of funding provided by the United States of America. Between September 2000 and June 2001 more than 250 judges and prosecutors who took part in one-week practical courses on the application of the ECHR in the domestic legal system of BiH. From among the participants a select few will receive specialised training in November 2001 on how to conduct training courses themselves. Despite the fact that the ECHR has been a part of domestic law since December 1995, most judges were ignorant of both the substance of the Convention and its status in the country. Funding permitting, from early 2002 all judges and prosecutors will receive specific training on the ECHR. In addition to the courses, substantial materials and commentaries on the ECHR are being produced and an ongoing dialogue with the judges on the ECHR has been initiated. Strengthening the functioning and independence of the judiciary through developing local capacity is an important element of this programme.</p> <p>Under the 1996 Rome ('Rules of the Road') Agreement, signed by the signatories of the Dayton/Paris Peace Agreement, representatives of BiH Entities agreed to submit all cases of war crimes suspects to the International Criminal Tribunal for the former Yugoslavia (ICTY) prior to arrest by national authorities. Particularly regarding compilation of information and evidence-gathering, there is an obvious need for training. Many of the cases submitted for which ICTY has said there is insufficient evidence or a lack of connectivity of the evidence for the case to go to trial, for instance, could have been approved by ICTY if training on this issue occurs. It is important to note that such cases can be resubmitted to the ICTY if further evidence is obtained. To address these training matters ICTY Rules of the Road Unit, the Coalition for International Justice and the American Bar Association/Central and East European Law Initiative (ABA/CEELI) conducted training in Sarajevo and Banja Luka in March 2001, with a view to repeat and expand the exercise in BiH this year. The training was geared towards Judges, Advocates and Prosecutors and was sponsored by the Netherlands Government.</p>
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### 3. Capacity Building of Domestic Human Rights Institutions and NGOs

Plan of Action:  
Ensure legislative and  
financial reform relating  
to Human Rights  
Institutions  
Action Recommended by the  
Steering Board:

Legislation is now in place regulating the work of the three Ombudsman Institutions in BiH, at both the State and Entity level. In addition, agreements have entered into force concerning the future (until 31 December 2003) of the institutions established under Annex 6 and 7 of the Dayton Peace Agreement (the BiH Ombudsman, the Chamber and the CRPC). Funding, while often precarious for the institutions, has enabled the institutions to perform their mandated tasks. However, in order to create a sustainable domestic structure capable of meeting the demands put on these institutions, a number of areas need work: a legislative framework regulating the merger of the Constitutional Court and the Human Rights Chamber and capacity-building of the new institution – a draft legislative proposal was prepared in June 2001 by the Venice Commission; clarification of the position of the Agents of BiH to the Human Rights Chamber and international bodies – draft legislation prepared at the state level left the question of a state agent open; monitoring the reappointment of the Entity Ombudsmen; ensuring the sustainability of the institutions (i.e. State-funding), required for BiH accession to the Council of Europe and required under the EU roadmap.



Merger of the Human Rights Chamber with the Constitutional Court by legislation to be drafted on the basis of a Report adopted by the Venice Commission in 2000;

The Venice Commission concluded that it is both logical and desirable to opt for the transfer of all competences of the Chamber to the Court in order to entrust all final appeals in human rights cases to a single jurisdictional body at the State-level. This transfer should take the form of a “merger” of the Human Rights Chamber with the Constitutional Court, ensuring not only competent transfer but also an effective transfer of expertise, experience, procedural and other capacities and resources. The OSCE, CoE, OHR and HRCh/CC representatives are working closely on considering:

- Substantive legal issues, namely, whether the protection afforded to human rights by the Constitutional Court of BiH under the Constitution of BiH and its Rules of Procedure can comprise the protection afforded by the Human Rights Chamber under Annex 6 to the Dayton Agreement;
- The working methods of the two institutions and their human and financial resources;
- A possible time schedule for the transfer of competence, the combination of working methods and the merger of the human and financial resources.

Draft legislation has been prepared (June 2001). Meetings with authorities are scheduled for September of this year. There are two principal approaches – either through the legislative process, or through a constitutional amendment. Formal comments from the institutions are expected.

<p>Promote the co-operation between the Agents and national authorities through adequate funding, political support and the sustainable integration of the Agents in the governmental structures of BiH;</p>	<p>Financing of the Office of the FBiH Agent seems to be adequate, although the salary scale in the Federation has led to some staff leaving from jobs in the judiciary.</p> <p>The Office of the RS Agent has not been supported adequately, which influence its efficiency and jeopardise the implementation. This includes late payment of salaries and non-payment for expenses of the office.</p> <p>The status of the BiH Agent has not been resolved yet. The work of BiH Agent is mostly on a voluntary basis (although the agents receive funding for other jobs), although draft legislation is being prepared for the Council of Ministers on this point and to regulate the agent's status at the European Court of Human Rights.</p>
<p>Ensure adequate State funding for Annex 6 and 7 Institutions of at least KM 600,000 per institution to the BiH Ombudsman, the Human Rights Chamber and the CRPC, as required by CoE accession documents and the European Union "Road Map";</p>	<p>The currently envisaged funding in BiH budget seems to be inadequate.</p> <p>Recently, the Senior Deputy High Representative, Ambassador Sonn, sent a letter to the Chairman of the Council of Ministers urging additional funds for the Institutions, in line with the request for KM 600,000 per institution, which has been dropped to KM 400,000 to the Ombudsman and KM 100,000 for each of the CRPC and the Chamber.</p>

<p>Ensure adequate staffing of the Annex 6 and Annex 7 institutions, and in particular ensure the position of the registrar of the Human Rights Chamber;</p>	<p>It seems that the problem of a new registrar for the Human Rights Chamber has been resolved. The Government of the Netherlands has offered some additional staff for the Human Rights Chamber, which has assisted the Chamber in its caseload. In addition, the appointment of part time clerical staff has improved the efficiency of the Chamber.</p>
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<p>Ensure adequate funding of Entity Ombudsmen Institutions by integrating a budget for the institutions in the budget for 2001 of the respective Entity; Accept a necessary minimum structure and outline of the institutions in a MoU with OSCE;</p>	<p>In order to prepare the Entity Ombudsmen for transition to national responsibility, the OSCE is carrying out activities with regard to an agreement with the RS and Federation Governments on the MoU on the transfer of the Entity Ombudsmen and the attached budget.</p> <p>Co-ordinate Institution's fundraising with regard to allocate funds where needed most: both Entity Ombudsmen will require financial support by the International Community until 2006, at least. Support in fund raising and lobbying for support with other members of the International Community will be necessary. Permanent contact with donor states on the work of the Entity Ombudsmen and their funding needs. In particular, seeking commitment of donors to provide long-term funding until 2006.</p> <p>Establish contact with the CoE, OSCE/ODIHR, OSCE Missions in the region and other Ombudsman institutions with a view to identify suitable partners and experts for the Entity Ombudsmen. The preferable form of assistance will be visits of experts to the offices for between one week and three months to advise the Ombudsmen on a daily basis. Funding could be provided under the Stability Pact Project on National Human Rights Protection Institutions, Including Ombudsmen.</p>
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<p>Support reappointment of the RS Ombudsmen currently in office and the appointment of qualified candidates in the Federation;</p>	<p>In order to prepare the Entity Ombudsmen for transition to national responsibility, OSCE is monitoring the process of appointment of the new ombudsmen. A strategy regarding the appointment of competent candidates is being developed and monitored. The reappointment will take place in September. Discussion with both Institutions and respective governments are underway.</p>
<p>Ensure translation and publication of GFAP (Dayton) in the Official Gazettes of BiH, in particular with respect to the Human Rights Agreement (Annex 6) and the status of international human rights instruments in BiH (Annex 4).</p>	<p>The OHR asked the Ministry of Foreign Affairs to assume responsibility for this Dayton obligation. The Ministry has collected several versions of translations and now is in the process of establishing an official translation in all official languages.</p>

<p><b><u>Plan of Action:</u></b>  <b><u>Increase compliance with</u></b>  <b><u>decisions of the Human</u></b>  <b><u>Rights Chamber and</u></b>  <b><u>reports of the BiH</u></b>  <b><u>Ombudsman and Entity</u></b>  <b><u>Ombudsmen</u></b>  <b><u>Action Recommended by the</u></b>  <b><u>Steering Board:</u></b></p>	<p>The first half of 2001 continued to witness significant increases in the implementation rates of the Human Rights Chamber and the BiH Ombudsman Institutions. The rate has not yet, however, reached 90%: equivalent to the rates seen for implementation of decisions of the European Court of Human Rights. International Organisations have been involved in the success in implementing these decisions, as have the agents of the Federation, RS and BiH governments to the Annex 6 institutions. While progress has been made this year, implementation of three important outstanding decision and reports have not been effected, namely the Father Matanovic case, the Mostar “Liska Street” case and Banja Luka Mosques.</p>
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<p>Obtain implementation rates of over 90% for both decisions of the Human Rights Chamber and the BiH Ombudsman, including through active monitoring by OHR and OSCE of the implementation process, together with the Agents of the three governments, through regular contact and meetings with the agents;</p>	<p>The implementation rate increased from 10% in 1999 to current 73% for both institutions. The implementation of the Chamber's decision increased to 75% while the implementation of the Ombudsman's cases is 69%. This has been largely due to work with the agents to the BiH institutions. The RS authorities continue to hinder implementation of key Human Rights Chamber decisions, particularly regarding official involvement in disappearances. Despite significant pressure from UNMIBH and OHR, the RS authorities have failed to complete a full investigation into the disappearance of Father Tomislav Matanovic, as ordered by the Chamber in its first decision in 1997.</p>
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<p>Continue assistance given by other international organisations, in particular UNMIBH and IJC, in the implementation process.</p>	<p>Assistance has continued. For example, in the Matanovic case UNMIBH has undertaken an investigation and actively engaged the RS authorities, which resulted with first positive steps in implementation since 1997. In May 2001, UNMIBH de-authorized 3 RS police officers who were involved in the disappearance. In the Hermas case, IJC will take some activities together with FBiH Prosecutor's office to ensure the implementation. Liska Street continues to be monitored by Mostar-based organisations.</p>
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<p><b><u>Plan of Action:</u></b>  <b><u>Involve the Ministry for Human Rights and Refugees in property-related matters</u></b>  <b><u>Action Recommended by the Steering Board:</u></b></p>	<p>The BiH Ministry for Human Rights and Refugees (MHRR) was created in April 2000 and took over some of the then competencies of the BiH Ministry for Civil Affairs and Communications (MCAC). In addition to immigration, asylum and human rights, the Ministry is responsible for activities related to the repatriation to BiH of BiH citizens who became refugees abroad and for co-ordination of inter-entity activities with regard to return (as regulated in the Law on Refugees from BiH and Displaced Persons in BiH, published in December 1999). In addition, MHRR has been instrumental in the re-registration of displaced persons.</p>
<p>Ministry for Human Rights and Refugees to Chair property implementation meetings with the International Community and the entity ministries responsible for implementation;</p>	<p>In line with the concept of ownership, steps are being taken with regard to establishing a working relationship between the PLIP agencies and the MHRR whereby MHRR will assume full responsibility for the co-ordination of the implementation of property laws and information-exchange. In the interim period, the MHRR is kept fully abreast of all the relevant information and issues by the PLIP agencies.</p>

<p>The role of MHRR regarding return will need to be strengthened during 2001. MHRR can play an important role in facilitating the exchange of information among Entities on return of displaced persons and the implementation of the property law. A Protocol among OHR, UNHCR, MHRR and the Entity Ministries on return and reconstruction priorities for 2001 will be also discussed.</p>	<p>The MHRR helped the PLIP agencies draft the project for the facilitation of the exchange of information, between and within Entities, pertaining to the return of displaced persons and the implementation of property law. A Protocol among OHR, UNHCR, MHRR and the Entity Ministries on return and reconstruction priorities for 2001 was discussed and agreed upon in Spring 2001 in an endeavour to create a mechanism for the allocation of funds for priority return areas. However, despite on-going co-operation and communication between the International Community, MHRR and Entity Ministries, realisation of this Protocol has yet to occur. On a positive note, in July 2001, the Stability Pact announced a desire to financially assist the MHRR in recognition of the potentially vital role of the Ministry and the fundamental issues within its mandate (such as sustainable return and equal access to fundamental human rights).</p>
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<p><b><u>Plan of Action:</u></b>  <b><u>Create a vibrant civil society</u></b>  <b><u>Action Recommended by the Steering Board:</u></b></p>	<p>A strong and vibrant civil society is an essential pre-condition for accountability and transparency in the country. Furthermore, strengthening and supporting NGOs and civil society through legislative reform, political intervention, training is crucial for the stability, prosperity, vitality and democracy of BiH.</p>
<p>Promotion of the involvement of the local legal aid centres (currently supported by UNHCR) and domestic non-governmental organisations in all monitoring and reform activities to make them sustainable in long term. Training and financial support needs to be provided;</p>	<p>The UNHCR Legal Aid and Information Centre Network continues to be the main provider of legal aid in BiH, assisting 52,000 beneficiaries in the first six months of 2001. UNHCR has strengthened the Network through the continued standardisation of administrative procedures and emphasis on the sharing of information, best practices and the referral of cases within the Network. Continued legal training and capacity building has resulted in the identification of expert sub-groups, which focus on issues and projects on behalf of the Network. Toward long-term sustainability, an Implementation Group has been established that actively participates in the harmonisation of the Network and the formation of long-term development strategies.</p>

Push the passage of BiH Law on Associations and Foundations and two similar laws in the Federation and RS. The legislative process still very much depends on the local parliaments;

The draft state-level *Law on Associations and Foundations* has been adopted by the Council of Ministers and forwarded to the State Parliament. The House of Representatives adopted the draft on April 13. However, it will be necessary that the House of Peoples adopt the draft before the *Law on Associations and Foundations* is finally passed on the state level. In addition, the Ministry of Civil Affairs and Communications established a working group on bylaws that would facilitate the implementation of the law. It is expected that the bylaws will be adopted before the law.

In the RS, the draft *Law on Associations and Foundations* was negotiated with the RS Ministry of Administration and Local Self-governance in order to harmonise it with the CoE and international standards, as well as the decision on languages of the BiH Constitutional Court. The draft has been adopted by the RS Government and forwarded to the Republika Srpska National Assembly (RSNA). The Law will be presented to the RSNA on 24 July for the first reading. With respect to the Federation *Law on Associations and Foundations*, several meetings were held in March with the Federal Ministry of Justice and Ministry of Social Affairs, DPs and Refugees in order to harmonise the draft with international standards. The draft is supposed to be finalised by the Ministry of Justice by the end of June and sent to the Federation Government.

<p>Monitor the general legal framework laws which are not expected to cover all the legal problems and restrictions that NGOs are facing. This is particularly related to the financial aspects, such as taxation and customs, that have a great impact on the sustainability of non-governmental organizations in BiH.</p>	<p>Monitoring of the situation regarding the laws that regulate financial aspects related to the work of NGOs continues. Additionally, the Civil Society Coordination Group (CSCG) has decided to engage an expert group that would analyse the legislation in this field. The expert group is supposed to identify major problems in the current legislation, as well as the new drafts that are part of the general tax reforms in BiH.</p>
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<p><u>Plan of Action:</u>  <u>Press local authorities to effectively combat trafficking</u>  <u>Action Recommended by the Steering Board:</u></p>	<p>Domestic authorities have been given primary responsibility for responding to the problem of trafficking in human beings. The Ministry for European Integration and the Stability Pact have been tasked by the Council of Ministers to take the lead in ensuring that BiH has a national plan of action to combat trafficking. A primary concern is that local authorities have not established shelters for trafficking victims, instead relying on the UNMIBH/IOM repatriation project. The fact that victims are so quickly repatriated, however, has complicated or prevented prosecutions of traffickers, as victims are unable to provide testimonies during trials. Often, local police or judicial officials have complicated prosecutions by failing to prioritise trafficking cases.</p>
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Press local authorities to open shelters and to provide protection for victims, so that they can testify against traffickers; press local authorities to seek funding for such shelters;

In April 2001, UNMIBH met with the MHRR and received an oral commitment that the MHRR would assume some responsibility for the operation of the shelters managed by IOM. With the assistance of UNMIBH and IOM, MHRR has prepared a draft project proposal to assume operational and financial responsibility for the shelters. The Trafficking Working Group has been sub-divided into 3 groups in order to more effectively address distinct areas: legislative reform, awareness-raising and protection (for example, support of shelters). The Legislative Reform Sub-Group reviews legislation and addresses the harmonisation of eight legislative matters, which include the activities of all relevant governmental authorities involved in combating the trafficking of human beings. The Protection Sub-Group's mandate involves providing the trafficking victims protection and shelter. Work is continuing on the first draft of the Action Plan concerning legal measures relevant to combat the trafficking in human beings. OHR has presented the temporary shelter project to potential donors, which, if approved, will ensure the costs for the accommodation of trafficked victims waiting for repatriation for two months.

**Press local authorities to expedite criminal procedures in trafficking cases.**

**Press local authorities to conduct tax and health inspections** on nightclubs as another method of closing down nightclub owners who force trafficked victims to engage in prostitution.

*[added June 2001]*

**Press local authorities to ensure that the Department of Foreigners**, under the Ministry of Interior, is properly issuing working visas in legal passports in order to detect trafficked victims. *[added June 2001]*

UNMIBH has been successful in pressing prosecutors to submit the statements of trafficking victims taken before Investigative Judges into evidence in trials. In at least 3 trials, judges have admitted the evidence and it has resulted in convictions against the bar owners.

UNMIBH has pressed local authorities in Canton 6 to conduct such inspections and this initiative needs to be expanded to other Cantons and PSCs.

UNMIBH has conducted audits of 2 PSC stations to ensure that proper procedures are being followed.

There is evidence that working visas are being issued in false passports and further audits are required.

Plan of Action:  
Facilitate expedient  
exhumations and  
identification processes  
Action Recommended by the  
Steering Board:

In August of 2000, the International Commission for Missing Persons (ICMP) founded the Missing Persons Institute (MPI) for BiH. The Institute represents a genuine effort to integrate the BiH government into a national structure that represents all three ethnic/ religions groups in the pursuit of a common goal: to resolve the fate of persons missing from the conflicts in BiH, regardless of their religion or ethnic origin. On January 1, 2001 the Joint Exhumation Process was transferred from the Office of the High Representative (OHR) to the Missing Persons Institute (MPI). The MPI Supervisory Board was formed during the reporting period and convened for the first time in March 2001, chaired by Jakob Finci with 3 members from family associations and 3 representatives of the Federation and RS Commissions on Missing Persons (representing the 3 majority ethnicities).

To date (end June 2001), the International Committee of the Red Cross (ICRC) has received tracing requests for a total of 20,654 persons who disappeared during the course of the conflict. Over the last six-and-a-half years the fate of 2,347 individuals have been clarified. Out of these, 296 persons were found alive. Another 2,051 missing persons were identified and their mortal remains handed over to their families. Finally the families of an additional 867 missing persons have received reports about the death of their relatives but are waiting to recover the mortal remains to confirm this information. Consequently, families of 17,440 missing persons are still seeking answers to their tracing request (statistics as of 02 July 2001).



The authorities must provide information on all persons unaccounted for according to their obligations under the DPA, Annex 7, Article V.

Exchange of information has improved, particularly since the 2 entity Commissions have been included in the monthly Expert Working Groups, but is not yet problem-free.

In June (10-14), ICMP Chairman, James V. Kimsey and ICMP Commission member, HM Queen Noor visited the regions of the Former Yugoslavia. During the visit a meeting was held with the members of the BiH Presidency and the entity-level Prime Ministers, who all pledged their full support to the Missing Persons Institute (MPI). Their political support will bolster the legitimacy of the work of this unique National structure. In addition, ICMP hosted an historic meeting between the entity-level Prime Ministers, the entity-level Ministers of Justice, Finance, Defence and Interior, and ICMP Government Representatives (Foreign Minister, the Deputy MHRR and the RS President of the Supreme Court). In the course of the discussion they agreed to support legislation to force authorities to reveal information on gravesite location and support the Minister of Foreign Affairs to work with ICMP on the creation of agreements with BiH's neighbours for exchange of information and monitoring exhumations. During the ICMP Commission Meeting in Rome, June 26-27, 2001, the Commission Members agreed that due to the lack of initiative on the part of the regional governments to engage in a meaningful process of exchange of information on the location of gravesites and monitoring by opposing sides, ICMP would propose to host a meeting between the Foreign Ministers from BiH, RoC and FRY (possibly September 2001) and ask them to sign a protocol for cooperation that would address the 1991-1995 conflicts.

The issue of incorporating the exhumations process into a framework for evaluating the domestic war crimes prosecutions process was discussed in the Human Rights Steering Board in June. Future action will be co-ordinated with ICMP.

<p>The authorities must ensure that sufficient funds are allocated to the Missing Persons Commissions and to the Courts, to continue the Inter Entity Exhumation Program.</p>	<p>In May 2001, funds were eventually released to the Missing Persons Commissions by their respective Governments, thus facilitating the release of funds (for equipment) from ICMP.</p> <p>During the meeting between ICMP Chairman, HM Queen Noor, the entity-level Prime Ministers, the entity-level Ministers of Justice, Finance, Defence and Interior, and ICMP Government Representatives (Foreign Minister, the Deputy MHRR and the RS President of the Supreme Court) – see above – the domestic authorities also agreed to support the creation and realisation of an annual line item in the entity-level budgets for missing persons issues.</p>
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#### 4. Personal Integrity of Officials

<p><u>Plan of Action:</u>  <u>Support police vetting</u>  <u>(comprehensive review)</u>  <u>procedures</u>  <u>Action Recommended by the</u>  <u>Steering Board:</u></p>	<p>The importance of reforming the police and the judiciary to build the foundations for increased respect for the rule of law and protection of human rights cannot be overestimated. Through implementation of the policy on Registration, Provisional Authorisation and Certification, UNMIBH evaluates the suitability of law enforcement officials. Those with unsuitable backgrounds are prohibited from serving as police officers. Additionally, through implementing its non-compliance policy, UNMIBH identifies officers whose conduct deviates from international standards.</p>
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<p>Vet Police Officers who violate property laws;</p>	<p>Since 1 January 2001, around 530 police officials have legalised their housing status, either by voluntarily vacating the property they occupied or concluding rental agreements with property owners.</p> <p>All police officials with temporary occupancy right decision should be vetted in the future.</p>
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Resolute implementation of IPTF policies on Registration and Non-Compliance, with the intent of ensuring that officers with unsuitable backgrounds, or who display unsuitable behavior, are not permitted to work as police officers;

UNMIBH/IPTF is currently provisionally authorising local police officers based upon an assessment of their integrity and capacity to function as law enforcement agents in accordance with democratic policing practices. UNMIBH is working toward meeting the ethnic balance quotas as set by the Bonn-Petersberg and RS Framework Agreements. The final certification stage of police officers, in which middle- and high-level police officials will undergo further scrutiny to assess their integrity and professional capacity as police officers, will begin shortly.

The total number of registered police personnel throughout BiH now stands at 24,351. This figure includes uniformed police officers as well as administrative staff. Of the 13,349 police personnel registered in the Federation, 66% are Bosniaks, 29% are Croats, and 3% are Serbs. Of the 10,001 police personnel registered in the RS, 97% are Serbs, 2.5% are Bosniaks, and 0.5% are Croats.

To date, UNMIBH/IPTF has provisionally authorised a total of 10,657 persons to exercise police powers in both entities as well as BiH State police institutions and Brcko District. In the RS, 5,580 officers have been provisionally authorised to exercise police powers; 97% are Serbs, 2% are Bosniaks, and less than 1% are Croats. In the Federation, 4,664 police officers have been provisionally authorised to exercise police powers including 61% Bosniaks, 35% Croats, and 3% Serbs.

<p>Press local police authorities to initiate internal disciplinary proceedings against officers who receive IPTF non-compliance reports.</p>	<p>UNMIBH is in the process of finalising its new de-authorisation policy that incorporates provisions for automatic initiation of disciplinary proceedings upon the service of non-compliance report by UNMIBH on any local police officer.</p>
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<p><u>Plan of Action:</u>  <u>Monitor the work of, and build a structural framework of, the Federal and Cantonal Commissions and the High Councils</u>  <u>Action Recommended by the Steering Board:</u></p>	<p>During the year 2000, the basis for regulating and improving professionalism within the judicial system was established through the enactment of laws on judicial and prosecutorial service. These laws established judicial and prosecutorial bodies. Judges and prosecutors generally view these laws as a substantial measure in establishing the independence of the judiciary and prosecutor's office in the handling of their own affairs. The laws in both entities empower the Commissions/Councils to carry out certain activities affecting the judiciary and the prosecutor's office. First, the Commissions/Councils review candidates for judicial or prosecutorial posts and recommend to the appointing authority the most qualified candidates. Second, the Commissions/Councils are responsible for disciplining judges and prosecutors who commit ethical violations. Third, the Commissions/Councils are conducting a comprehensive review of judges and prosecutors in order to determine their fitness to hold office. The comprehensive review period began in summer 2000 and will last 18 months.</p>
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Monitor the work of the Commissions/Councils in conducting the professional review of sitting judges and prosecutors, under the oversight of the IJC, in order to determine fitness to hold office;

The IJC currently monitors all sessions of the judicial/prosecutorial commissions/councils in both entities. The commissions/councils meet regularly but are currently understaffed and lack technical and administrative support to properly carry out their functions. They are engaged in the appointment and review of judges and prosecutors. As to appointment, on 04 July 2001 the IJC ensured the signing of a MoU by the Commissions and Councils and Entity Ministries of Justice, which introduces an identical and streamlined appointment process throughout BiH. As to review, IJC is now fully involved in the direct work of the commissions/councils regarding the review process, in order to expedite the removal of unsuitable judges/prosecutors. The commissions/councils must intensify their efforts in the review process, in order to achieve meaningful results in the removal of judges and prosecutors who are not fit to hold office. IJC is taking all steps within its power to ensure this occurs.

In relation to the Comprehensive Review Process, the gathering of information about judges and prosecutors and the submission of concrete and substantiated complaints must be a priority. The Judicial reform program requires, in addition to capacity building and training, concrete disciplinary measures where judges and prosecutors are found, with clear evidence and following due process, to have seriously violated basic norms of conduct. OSCE has been gathering information and documentation in relation to judges and prosecutors who abuse their positions of trust and authority feeding that information to the commissions/councils as formal complaints.

<p>Regulate, on a long-term basis, the professionalism of judges and prosecutors through the codification of appointment and disciplinary procedures as contained in books of rules for the Commissions/Councils and develop the authority of the Commissions/Councils. These two procedures are significant to the long-term development of standards of independence and professionalism in the judicial system, and these procedures should embrace standards contained in professional codes of ethics, also passed in 2000;</p>	<p>The IJC is promoting a long-term strategy, in which the recently introduced standard appointment procedure is codified. The IJC has drafted books of rules regulating the appointment procedure for the Entity commissions/councils and the state commission for nomination of judges. The IJC is also promoting the introduction of new laws in 2002, which would redesign the composition of the commissions/councils and consolidate their authority in the spheres of appointment and discipline of judges and prosecutors. Such measures would also require the codification of sound ethical codes, ample training the regulation of judges/prosecutors, and adequate support of the expanded role of the commissions/councils through government funding and dedication of physical premises.</p>
<p>Provide the Commissions/Councils, through the IJC, with assistance in interpreting laws regulating judges and prosecutors, to help establish their authority to regulate judges and prosecutors free of political interference, and to propose any changes or introduce additional regulatory measures necessary to the enforcement of ethical and professional standards;</p>	<p>The IJC currently provides advisory opinions to interpret laws regulating judges and prosecutors. In addition, the IJC maintains regular contact with the commissions/councils, ministries of justice, and governmental appointing authorities in order to provide guidance on matters affecting the judiciary and prosecutors' offices. The absence of a recognised ethics code and strict enforcement thereof is one main source of future reform in order to raise professional standards.</p>

Vet judges who violate property laws.	The IJC is collaborating with OSCE in order to identify judges and prosecutors who violate property laws. Through the PLIP initiative, OSCE gathers information and document cases, which will be submitted to the commissions/councils under the Comprehensive Review Process monitored by IJC. Violation of property laws is a basis for removal from the office of judge or prosecutor.
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<u>Plan of Action:</u> <u>All public officials to</u> <u>comply with property laws</u> <u>in terms of their own</u> <u>housing situations</u> <u>Action Recommended by the</u> <u>Steering Board:</u>	Increased accountability of public officials must be promoted within the context of existing mechanisms such as the PEC Rules and Regulations and the High Representative's removal procedure.
Remove through either the PEC or the High Representative's power consistently obstructionist officials;	On 6 June 2001, the Bihac Minister of Culture and Education, Izolda Osmanagic, was removed by PEC due to her failure to comply with property laws. She was occupying someone's property and did not vacate the property in question by the deadline that she was issued.
Pass draft law that suspends officials for obstructing the implementation of property laws;	This is not considered to be a priority. Individuals may be, and are, removed through recourse to PEC Rules and Regulations or by the High Representative for violating or obstructing the implementation of property laws.



<p>Prosecute and fine officials who are violating the laws or obstruct their implementation.</p>	<p>The International Community continues to work with public prosecutors to ensure that officials who violate property laws are prosecuted. A recent example was in Bratunac Municipality, where the Mayor and Head of the Department of Urban Planning were charged with offences relating to the illegal allocation of land and removed by Decisions made by the High Representative on 01 June.</p>
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## 5. Respect by BiH of International Treaty Obligations

<p><u>Plan of Action:</u>  <u>Ensure relevant authorities</u>  <u>in BiH co-operate with the</u>  <u>International Criminal</u>  <u>Tribunal for the former</u>  <u>Yugoslavia (ICTY)</u>  <u>Action Recommended by the</u>  <u>Steering Board:</u></p>	<p>The level of co-operation of the authorities in BiH with the ICTY remains unacceptably poor, particularly in the RS. To date, none of the alleged war criminals indicted by the ICTY have been arrested by the national authorities in BiH. Since January 2001, one more additional indictee, Dragan Obrenovic, was seized by international armed forces (in Kozluk, Zvornik Municipality, Eastern RS on 15 April). This occurred after a lull in activity, since the attempted arrest of Janko Janjic on 12 October 2000, when the suspect detonated a hand grenade killing himself and injuring 5 others including 4 of the arrest team. There is a pressing need to arrest and transfer the two most wanted alleged war criminals, Radovan Karadzic and Ratko Mladic. In particular, it is particularly important for Karadzic to be arrested and transferred to ICTY in The Hague in light of the forthcoming joint trial of Biljana Plavsic and Momcilo Krajisnik: as all three are charged with war crimes relating to the same events and facts it would be expeditious to try all 3 together. The RS authorities, as yet, have not taken any concrete measures in locating and arresting any ICTY-indictees, nor have they forwarded information to SFOR that would lead to the apprehension of indictees. Despite knowledge to the contrary, RS authorities continue to declare that no ICTY-indictee resides within the territory of the RS. Partly as a result of increasing levels of co-operation of FRY and Croatian authorities with the ICTY, additional pressure has been put upon the RS authorities, to assume their responsibilities, by the International Community. An on-going concern, which is hampering return, the concept of justice and prospects for reconciliation and peace in BiH, is the presence of a large number of alleged war criminals in BiH, particularly those in positions of power or who remain influential over the local population, the political structures and the Criminal Justice System. This is a serious concern for which there are no facile remedies. One prospective channel is increased political and financial support for the work of the ICTY Rules of the Road Unit, in an endeavour to increase the number and standard of case files submitted for clearance to the ICTY and the number and standard of domestic war crimes trials. Support for training proposed by the ICTY Rules of the Road Unit, as previously undertaken by the ICTY Rules of the Road Unit, the Coalition for International Justice (CIJ) and the American Bar Association/Central and East European Law Initiative (ABA/CEELI) in March 2001 (see above), would help rectify the general lack of knowledge of fundamental investigative and judicial procedures and international standards with regard to war crimes prosecutions.</p>
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<p>Ensure relevant authorities in BiH assume their responsibility, as mandated in the DPA, to co-operate with the ICTY</p>	<p>RS activity with regard to potential domestic war crimes trials and the obligation to involve ICTY in the process has improved, thus signalling somewhat of a change with regard to the attitude of RS authorities to the jurisprudence of the ICTY. Under the 1996 Rome ('Rules of the Road') Agreement, signed by the signatories of the Dayton/Paris Peace Agreement, representatives of BiH Entities agreed to submit all cases of war crimes suspects to the International Criminal Tribunal for the former Yugoslavia (ICTY) prior to arrest by national authorities. While national authorities have complied with the Agreement, it has only been since March 2001 that concrete signs of RS co-operation have been seen. In March, RS Prosecutors submitted 13 case files to the Rules of the Road unit in the ICTY for review and have since prepared other case files for ICTY-review. Prior to this occasion, the ICTY had only ever received 2 case files from the RS for review since the Agreement was signed. Despite this progress, RS co-operation with the ICTY with regard to indictments issued by the ICTY for trial in the Tribunal remains very poor.</p> <p>The International Community has put considerable pressure upon the RS authorities, particularly the SDS leadership, to fulfil their obligations to co-operate with the ICTY. Despite the statement pledging co-operation with the ICTY issued by the SDS leadership (RS President Sarovic, RS VP Cavic and RSNA Speaker Kalinic) on 12 December 2000, upon encouragement from the High Representative, the SDS have not officially removed Radovan Karadzic from their party.</p> <p>Progress has been made with regard to the problem of ensuring that the 3 Liaison Officers to ICTY in the Hague (Bosniak, Croat and Serb) receive equal and full financial, logistical and political support. On 31 May 2001, the BiH Presidency agreed to accept full responsibility for the Liaison Officers. The need for each Liaison Officer to work independently of each other and the Embassy, and with full staff, has been accepted by the Presidency and, as such, budget approval has been requested. Budget approval is anticipated in late August. Additionally, proposals for candidates for the vacant position of the Croat Liaison Officer are currently being received. OHR will continue to monitor the progress and put pressure upon the RS Government to ensure that the recently established <i>Bureau for Co-operation with the ICTY</i>, headed by Djordjevic, fully supports the work of the RS Liaison Officer, Jovicic. The RS Government should also establish contact points within the relevant RS Ministries to support the work of the RS Liaison Officer and co-operate fully and expeditiously with requests/orders/warrants of the ICTY and follow-up actions of the Liaison Officer. This should be immediately undertaken in the form of instructions issued to the Ministries (transparent to OHR). Since January 2001, the level of co-operation of RS authorities with regard to providing access to information and to prospective witnesses has increased, but is still not ideal.</p> <p>On 09 April 2001, ICTY gave comments on the RS <i>Draft Law on Co-operation with the ICTY</i>. The initial draft placed limits on co-operation that the RS is already obliged to give and subordinated the jurisdiction of ICTY to the RS. The amended Draft has incorporated the significant concerns raised by ICTY. Whilst no additional legislation is required with regard to co-operation with the ICTY the Law may provide the political impetus needed and assist in the facilitation of the existing obligations. The Draft has been submitted before the RSNA of 24 July and may only be adopted in September. ICTY and OHR will not wait until September for the obligations of the RS authorities to be realised.</p>
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<p><u>Plan of Action:</u>  <u>Ensure the protection of the</u>  <u>rights of refugees</u>  <u>Action Recommended by the</u>  <u>Steering Board:</u></p>	<p>Over the course of last year, BiH became an attractive transit country for traffickers, smugglers, irregular migrants and asylum seekers. Reasons for this development include <i>inter alia</i>, the improved security situation, a relatively liberal visa policy, and a number of legal <i>lacunae</i> with respect to migration and asylum.</p> <p>Due to a more efficient BiH State Border Service since January 2001, UNMIBH stated that so far this year 6,800 persons have been prevented from illegal entering the country. Of continuing concern, however, is the number of those who require international assistance and protection.</p> <p>While the focus has been on “illegal” or irregular migration, a significant number of these may have legitimate reasons for fleeing from their country of origin, including asylum seekers, who must be assured protection in accordance with international refugee and human rights law. Although the <i>Law on Immigration and Asylum</i> is technically in force since 31 December 1999, it represents a complete institutional and structural reform of earlier legislation. Extensive by-laws and instructions are still needed and the required national institutions are not yet in place. UNHCR is in the meantime undertaking refugee status determination as well as making available extensive technical expertise and limited financial resources to the Ministry for Human Rights and Refugees (MHRR).</p> <p>The new MHRR is responsible for all issues relating to human rights, immigration and asylum in BiH. However, it must be noted that matters relating to immigration and asylum are a fairly new domain for BiH, and that MHRR is severely under-funded and under-resourced. Extensive capacity-building is therefore required well beyond 2001.</p>
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<p>To ensure respect for fundamental international refugee law principles, including <b>refoulement and access to the territory</b> (refoulement is the return to countries and territories where a person may fear serious harm – the principle also applies when return is likely to take place indirectly as well as at the border). Namely:</p> <p>To ensure rights of asylum seekers and refugees <b>are respected, and;</b></p> <p>To ensure access to the asylum procedures in BiH by developing a mechanism for the identification and referral to UNHCR of <b>potential asylum seekers and refugees;</b></p>	<p><b>UNHCR is holding consultations with the Ministry of Human Rights and Refugees (MHRR), with the International Police Task Force (IPTF) and with the State Border Service (SBS):</b></p> <ul style="list-style-type: none"> <li>• to ensure awareness of their particular obligations and to provide guidance;</li> <li>• to ensure referrals and linkages to UNHCR; <ul style="list-style-type: none"> <li>• to clarify the modalities of the identification of asylum seekers and the manner in which individual cases should be processed;</li> </ul> </li> <li>• to assist with identified asylum seekers.</li> </ul> <p><b>UNHCR is undertaking Refugee Status Determination (RSD) on behalf of the Government of BiH.</b></p> <p>Asylum seekers and refugees are issued protection letters in order to ensure, among others, protection from <i>refoulement</i>.</p>
<p>Extensive training in refugee law with the MHRR, State Border Service, local police, judiciary and others;</p>	<p><b>During the reporting period, UNHCR has been conducting various forms of training activities in basic refugee protection principles including:</b></p> <ul style="list-style-type: none"> <li>• 2 extensive seminars for IPTF and SBS officers;</li> <li>• several half day training as part of transitional training of SBS officers;</li> <li>• Regular training of UN Human Rights Officers;</li> <li>• Regular training of IPTF officers.</li> </ul>

<p>Elaborate by-laws to the Law on Immigration and Asylum and other required instructions and decisions together with the MHRR;</p>	<p>UNHCR, along with OHR, OHCHR and IOM, continues to work on the elaboration of by laws to the <i>Law on Immigration and Asylum</i> as well as working on the establishment of a structure for immigration and asylum through its regular participation to the Working Group on Immigration and Asylum. A first Rulebook on entry, travel, documents, visas and residence permits is close to completion. UNHCR is holding discussions with the MHRR regarding possible amendments to the <i>Instruction on the Temporary Admission to Bosnia and Herzegovina of Refugees from the Federal Republic of Yugoslavia (FRY)</i> as well as possible changes to the implementation of the Instruction.</p> <p>UNHCR is holding discussions with the MHRR regarding the possibility to extend temporary protection provided by the <i>FRY Instruction</i> to other groups in need.</p>
<p>To seek durable solutions for refugees from FRY and Croatia.</p>	<p>UNHCR continues its efforts towards the identification of cases for resettlement. UNHCR provides counselling for voluntary returnees.</p> <p>UNHCR is involved in an ongoing process to clarify the status of Croatian Serbs who fled Croatia before 1995.</p>

<p><u>Plan of Action:</u>  <u>Support BiH Ministry of Human Rights and Refugees to produce its overdue reports to human rights treaty bodies, and include NGO participation in the process</u>  <u>Action Recommended by the Steering Board:</u></p>	<p>International organisations are prepared to offer technical assistance in preparing these reports and in establishing capacity in the ministry to produce, and "defend" the reports before the relevant committee, as required in the six treaties, which have implementation bodies.</p>
<p>The international community to work with the Ministry for Human Rights on beginning the reporting process to the treaty bodies. To provide technical assistance in this process. Fourteen reports to all six treaty bodies are overdue at present. The original focus to be on reports to the Economic, Social and Cultural Rights Committee, the Human Rights Committee and the Core Document for reporting to Human Rights Treaty Bodies;</p>	<p>In April of 2000, the OHR co-ordinated a brief working round table on the reporting process, which was well-received by the attendees. The Ministry of Human Rights and Refugees (MHRR) was initially supportive of receiving staff at their Ministry. Delays in the process may relate to the move to Marijn Dvor. OHCHR has begun the process of ensuring that one person be sent to the Ministry to assist with reporting on Economic and Social Rights. Donor support is sought with respect to providing staff to the Ministry to assist in their determination of legislation with the ECHR.</p> <p>The OSCE and the OHCHR have begun steps towards ensuring additional expertise be given to the staff of the MHRR in meeting their reporting obligations. Further information is expected by the end of September in this respect.</p> <p>To date, however, BiH has not met its reporting obligations to the six major human rights treaty bodies.</p>

<p>Improve the status of national minorities, including Roma, in B&amp;H under the Framework Convention for the Protection of National Minorities through the Implementation of the Framework Convention for the Protection of National Minorities in Bosnia and Herzegovina (Early 2001).</p>	<p>On 28-29 March 2001, the CoE and OSCE organised a <i>Roundtable on the Status of Roma and the implementation of the Framework Convention for the Protection of National Minorities</i>, as part of the joint CoE-OSCE/ODIHR 'Roma under the Stability Pact' Project. The roundtable aimed to raise awareness of the situation of Roma in BiH and provide a forum for Roma NGOs to voice their concerns. Participants included representatives of the State MHRR and European Integration, the RS MRDP, the FBiH Ministry for Education, Science, Culture and Sport, Roma organisations, the State and FBiH Ombudsmen, International Organisations (IOs) and NGOs. Roma participants presented a number of recommendations, which will be distributed to the relevant Ministries and IOs for consideration and action. Participants recommended that the current constitutional status of Roma be included in the discussions of the Constitutional Commissions. They also supported the establishment of a National Advisory Board for Roma Issues with representation from the relevant Ministries, Roma communities, local NGOs and IOs. One of the concrete results of the roundtable was the preparation of a report consisting of twenty-seven recommendations elaborated during the event. The report was sent to relevant Ministries, accompanied by a joint OSCE-CoE letter urging them to elaborate, establish and implement policies and structures (such as a Roma Advisory Board) in order to begin addressing the problems Roma continue to encounter as the largest national minority in BiH.</p> <p><i>Proposed Capacity-Building Project with Roma Associations/NGOs:</i> Roma representatives have consistently articulated that they need to be involved in the elaboration, implementation and assessment of policies and programs aimed at improving their situation and status in BiH. However, due to the large number of Roma Associations and their lack of financial resources, their capacity and co-ordination with other associations is limited, as is their ability to advocate and lobby the government to support them in their efforts to improve the situation of Roma in BiH. It is for this reason that OSCE will facilitate an assembly meeting between international Roma leaders and BiH Roma Associations (Roma-to-Roma approach). This meeting will be used to assist BiH Roma in the development of a common platform and election of a Roma representative body, which will become the partner of the BiH Government for realising the national strategy on Roma issues. This body will delegate Roma members of the Roma Co-ordination Group and the anticipated National Advisory Board on Roma/National Minorities.</p> <p>Two Draft Laws concerning the protection of National Minorities were adopted by the Council of Ministers: one proposed by the MHRR, Kresimir Zubak, and the other by Ibrahim Spahic, a delegate in the House of Peoples. In the 5<sup>th</sup> session of the House of Peoples (14 June 2001), the <i>Draft Law on Rights of Ethnic and National Communities or Minorities</i>, proposed by Spahic, was adopted. Zubak's Law was adopted by the Council of Ministers on 19 April and forwarded to the House of Representatives. It is commendable that both Laws were proposed independently of any IC intervention or pressure. Nonetheless, the IC is encouraging debate regarding some problematic provisions and possible harmonisation of the two Laws.</p> <p>In an effort to ensure that special interests and discrimination against a Constituent People or Other are addressed, on January 11, 2001 the High Representative issued two Decisions whereby 16-member constitutional commissions of the entity parliaments were established.</p>
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## HRCC Member Organisations

**OHR:** Under the Annex 10 of Dayton Agreement, the Office of the

High Representative is tasked with co-ordination of civilian aspects of peace implementation in Bosnia. OHR maintains a regional human rights presence, and works closely with other agencies who monitor the human rights situation, to develop strategies and co-ordinate interventions. For more information about the OHR generally or about human rights specifically, please contact:

Office of the High Representative tel: 387-33-283-500

Emerika Bluma 1 fax: 387-33-283-501

Sarajevo, Bosnia web: [www.ohr.int](http://www.ohr.int)

**OSCE:** The OSCE mandate derives from Article 10 of Annex 6 of the Dayton Agreement. The Human Rights Department advances civil, political, social and economic rights including property, return, education, employment, and others. The Human Rights Department interprets its mandate to include *inter alia*: monitoring on and investigating allegations of human rights abuses and training of national NGOs. Its 28 Field Offices and 4 Regional Centres allow the OSCE to ensure the full coverage of the territory of BiH and makes the organisation a direct actor in addressing human rights-related issues.

OSCE Human Rights Department tel: 387-33-444-444

Dzenetica Cikma 2/4 fax: 387-665-236

Sarajevo, Bosnia web: [www.oscebih.org](http://www.oscebih.org)

**UNHCR:** The United Nations High Commissioner for Refugees is the lead organisation for the implementation of Annex 7 of the Dayton Agreement, which guarantees the right of refugees and displaced persons to return to their homes of origin. UNHCR provides international protection and assistance to refugees and displaced persons, and other persons of concern. For more information about UNHCR in Bosnia, please contact:



UNHCR tel: 387-33-666-160

Unis Building Tower A fax: 387-33-470-171

Fra Andela Zvizdovica 1 web: [www.unhcr.ba](http://www.unhcr.ba)

Sarajevo, Bosnia

**UNMIBH/IPTF Human Rights Office:** The existence of International Police Task Force is mandated by Annex 11 of the Dayton Agreement. Under Security Resolution 1088, the IPTF's work includes "investigating or assisting with investigations into human rights abuses by law enforcement personnel." The main objectives of the Human Rights Office are to: investigate human rights violations by law enforcement agents; design remedial measures to correct such violations; and to monitor and ensure the implementation of corrective measures. To implement these objectives, the Human Rights Office carries out investigations into serious incidents of police misconduct and conducts comprehensive inspections of law enforcement agencies to address persistent endemic institutional deficiencies. The Human Rights Office is comprised of 145 International police and 17 international civilian staff, deployed throughout the country.

UN House tel: 387-33-496-265

Aleja Bosne Srebrene b.b. fax: 387-33-496-539

Sarajevo , Bosnia

**OHCHR:** As of December 1998, the OHCHR in Bosnia and Herzegovina is part of the Office of the Special Representative of the Secretary General (SRSG, in charge of the UNMIBH). It focuses its activities on human rights training and on issues of gender and discrimination, with particular emphasis on social and economic rights. It continues to support the mandate of the Special Rapporteur of the Commission on Human Rights and participates in the work of

the Human Rights Co-ordination Centre (HRCC) of the OHR. The legal authority for its presence is based on annual resolutions of the Commission on Human Rights as well as Article XIII of Annex 6 of the Dayton Agreement.

UN House tel: 387 33 49 6402, 6403

Aleja Bosne Srebrene b.b. fax: 387 33 49 6438

Sarajevo, Bosnia

**IJC:** The Independent Judicial Commission (IJC), while initially being created under the auspices of OHR, carries out its pivotal role of directing judicial reform in BiH independently. The IJC is responsible for initiating, guiding and co-ordinating a comprehensive judicial reform strategy and professional training measures. It also assists and advises the judicial and prosecutorial commissions/councils in both entities on matters related to the appointment, discipline, and review of judges and prosecutors. This concentration of judicial reform responsibilities is expected to achieve more uniform and accelerated reform measures that directly impact on and improve the conduct of judges, prosecutors and other legal professionals as well as the institutional operations of the justice sector.

Independent Judicial Commission tel: 00 387 33 445 216

Emerika Bluma 8 fax: 00 387 33 445 223

71 000 Sarajevo, Bosnia and Herzegovina web: [www.ohr.int](http://www.ohr.int)

**CoE:** The Council of Europe has instituted a multi-faceted co-operation programme with Bosnia and Herzegovina, aimed at assisting the country in meeting the organization's standards of pluralist democracy, human rights and the rule of law. To support and monitor the implementation of these co-operation activities, the CoE has a field presence in Sarajevo and

Mostar

Council of Europe/Vijece Europe tel: 00 387 33 264 360

Zelenih Beretki 16/A, fax: 00 387 33 264 360

71000 Sarajevo, Bosnia and Herzegovina web: [www.coe.int.org](http://www.coe.int.org)