

Statement on the Universal Periodic Review of Bosnia and Herzegovina

Almost 25 years after the signing of the Dayton Peace Agreement, Bosnia and Herzegovina (BiH) is a country that is still struggling to deal with the aftermaths of war. The country struggles with repetitive political crisis which severely affects the government's ability to live up to its human rights obligations.

This statement addresses the following issues:

1. The impact of economic reforms on gender equality and economic, social and cultural rights
2. Shrinking space for activism
3. Rights of migrants and asylum-seekers.
 1. **The impact of economic reforms on gender equality and economic, social and cultural rights**

During the previous UPR cycle, BiH accepted several recommendations pertaining to gender equality and increased efforts to achieve development and combat poverty.

But since the previous UPR cycle the government of BiH has also pushed forth economic reforms, with support from the European Union and international financial institutions, conditioning economic growth with structural reforms and fiscal consolidation, ultimately leading to cuts in public spending. For example, the IMF's loan to BiH is conditioned to the progress of the structural reforms, while no poverty-mitigation programmes have been introduced.

The reforms also envision most investments to be made in large-scale infrastructure projects, which will therefore mostly benefit job creation in heavily male dominated sectors such as construction. Sectors where women are overrepresented in the workforce, such as hospitals and schools, or investments into social infrastructure that support women's participation in society, such as child and elderly care are not prioritised and are likely to suffer from cuts in public spending.

The ability to participate in political and public life is intimately linked with the enjoyment of economic and social rights. The failure to invest sufficient resources and funds into economic and social rights in BiH has been perhaps the most serious and persistent obstacle to women's participation.

Since its last UPR, protests from workers, unions, teachers, healthcare workers and civil society in have increased. Protests have increased due to low salaries, unpaid benefits, or generally poor human rights situation in the country.

Despite the foreseeable impacts of the reforms on inequalities (including on gender inequalities), the reforms were not planned with a human rights-based approach or with an inclusive and transparent way. Civil society at large, including women's human rights groups, remains excluded throughout the planning and implementation phase of the reforms.

RECOMMENDATIONS:

1. **Create mechanisms that ensure systematic, meaningful and effective consultations with broad spectrum of civil society, in particular with women's groups, in the planning, implementation and evaluation of economic reforms.**
2. **Introduce mandatory *ex-ante* and *ex-post* gender and human rights impact assessments into the process of planning and undertaking reforms and investments in various sectors in society and use findings to take corrective actions where negative impacts are found, such as direct or indirect discrimination or increase in poverty levels.**
3. **Conduct gender analysis of all conditionalities linked to lending agreements with International Financial Institutions or other lending institutions, and where negative effects are detected, invest in effective mitigating programs.**
4. **Put an end to austerity measures and assess the impacts of those implemented thus far, in particular in relation to access to economic and social rights, introducing strategies to rectify the identified negative effects on the population, in particular women and other marginalised categories in the society.**
5. **Invest in broadening and improving the full spectre of affordable public services specifically aiming at supporting women's engagement in the formal economy and relieving them from the burden of unpaid care work.**
2. **Shrinking space for activism and increase in repressive measures**

During its last UPR BiH supported several recommendations pertaining to the strengthening of its human rights mechanisms, as well as regarding freedom of expression and assembly. However, since 2014, repressive measures have been used on several occasions to restrict the activities of human rights defenders and of civil society. In our submission we have dealt in detail with events related to two cases – *Justice for Davida* and *Women of Kruščica*, but I will focus on repressive measures used by the police in relation to the Women of Kruščica, which is about one communities struggle to defend their access and right to water and to adequate standard of leaving.

While there are no recommendation from the previous cycle that directly address the right to water there are several recommendations pertaining to adoption of a comprehensive approach to promotion and protection of human rights, the need to conduct broad consultations with civil society, strengthening the rule of law, the conduct of police officers, gender equality and so forth.

All of these recommendations are highly relevant for the ability of the communities in BiH to defend the pristine rivers that find themselves under heavy pressure from construction. To give you a general background BiH plans to build 300 new mini hydropower dams around the country, on nearly all of the country's 244 rivers. This puts pristine rivers and communities' right to water and to a clean environment at risk. Activists also have major concerns regarding the issuance of construction permits without rigorous and transparent social, environmental and human rights impact assessments. The population affected by these plans has been systematically excluded from decision-making processes despite existing legislation that guarantees their right to participate in decision-making.

Women of Kruščica, a small village in central Bosnia, challenged construction permits to build hydropower dams that would have damaged waterways in their community. They went to Court to

claim remedy for violations of their right to meaningful consultations before issuing permits and to participate in public affairs related to water, and they won.

Although their campaign was eventually successful it came with a very high personal cost for the women. Women were subjected to police violence, violations of their right to peaceful assembly including excessive use of force by the police, intimidation from police officers, including through threats of high fines to pressure women from marginalized and poor socio-economic backgrounds.

The right to water is closely connected to gender equality and achievement of SDGs. In 80% of households with water shortages, women and girls are responsible for water collection.

RECOMMENDATIONS:

1. **Adopt effective measures to realise, without discrimination, the right to water and to ensure environmental sustainability and democratic and transparent management of natural resources, treating them as a social and cultural good, and not primarily as a commodity.**
2. **Review and where necessary revise the allocation of permits pertaining to the construction of hydropower plants so as to ensure compliance with international human rights law, including the International Covenant on Economic and Social Rights and the CESCR's General Comment No.15 on the right to water, in particular with regard to the obligation of the State to respect, protect and fulfil the right to water.**
3. **Take measures to ensure that private enterprises, including when contracted by the State, operate under adequate regulatory frameworks, that safeguard environmental sustainability, and comply with human rights standards, including by giving priority in the allocation of water to the right to water for personal and domestic use.**
4. **Introduce measures to prevent abuses of BiH regulatory framework pertaining to environmental protection and investment in natural resources, through *inter alia* independent monitoring; informed and meaningful participation of affected communities and imposition of penalties for non-compliance.**
5. **When conducting human rights and environmental impact assessments, take into account the impacts of investments on gender-based discrimination, women's health, gender-based and sexual violence, gendered division of labour on family and community levels, and women's access to and control of social and economic resources.**
6. **Guarantee affordable and accessible legal assistance to communities, with specific regard to the needs of women and marginalised groups, in lodging complaints about allegations of human rights violations resulting from business activities, including in the mining and hydropower sectors, and thoroughly investigate all such allegations and revoke licenses as appropriate.**
3. **Rights of migrants and asylum-seekers**

Since the end of 2017 BiH has seen a steady increase in the number of arrivals of asylum seekers and migrants. This is a newly emerged issue for the country, since the second UPR cycle. A sharp

increase in migration flows through the country has revealed a substantive lack of capacity and interest from the relevant national institutions and international organizations to ensure a dignified protection of migrants and asylum-seekers. The government has failed to ensure accessible asylum procedures, and many asylum-seekers are left holding only attestations of the expressed intention to seek asylum. Without proper documentation they have no access to economic, social and cultural rights.

Places in formal accommodation camps are very limited. Most asylum seekers and migrants live in live in inhumane and degrading conditions such as factory halls, on the streets, in makeshift camps, squats and private accommodations. Often without access to sufficient food; healthcare, clothing and so forth. Vulnerable groups such as children or pregnant women or people with chronic diseases are not provided with specialised health care. This precarious situation puts women and girls at risk of violence and gender-based violence.

Recently, the authorities of Una Sana Canton started relocating migrants and asylum-seekers to a location which both the UN and the EU Commission have referred to as entirely inadequate as it is located in the vicinity of a landmine affected area and is a former landfill. The location poses serious health hazards and there are no sanitary facilities and no access to running water or electricity.

Detention of migrants and asylum-seekers by border police in cage-like holding cells have been documented at the southern part of border crossing into BiH, including of families with children.

Such inhumane reception conditions push migrants and asylum-seekers to leave the country as soon as possible, often by resorting to smugglers, which put them in harm's way. Illegal crossings put them at risk of violence and of illegal pushbacks. Many are returned back to Bosnia with visible wounds on their bodies. Single women and women traveling with children, unaccompanied and separated children, face a high risk of becoming victims of trafficking or exploitation.

RECOMMENDATIONS:

- 1. Uphold its obligations to protect and assist refugees, asylum seekers and migrants, including through taking effective control over the process of administration of camps.**
- 2. Ensure humane, dignified and lawful conditions of detention and accommodation of asylum-seekers and migrants, making sure that gender-sensitive measures and reception conditions respond to the specific needs of women and girls, and that appropriate procedures and oversight mechanisms are put in place to protect them from the risk of trafficking, abuse and other violations they can be exposed to, due to the precarious situation they find themselves in.**
- 3. Undertake systematic and continuous efforts to sensitise and build the capacities of public bodies, including the judiciary, police, border authorities, health and education personnel, civil servants, municipal and government officials, and others, to promote and protect the human rights of refugees, asylum seekers and migrants, and to address discriminatory attitudes and stereotypes.**

4. **Take measures to assist in the durable social integration of refugees and asylum seekers in economic, social and cultural life, ensuring that they have access to education, health services and housing without discrimination.**