



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: ohchr-registry@un.org

REFERENCE: 2023-59/CESCR/FU

6 November 2023

Excellency,

In our capacity as Chair and co-Rapporteurs for the follow-up to concluding observations of the Committee on Economic, Social and Cultural Rights, we have the honour to refer to the examination of the third periodic report submitted by Bosnia and Herzegovina at the Committee's seventieth Session held in 2021. In the concluding observations (E/C.12/BIH/CO/3), the Committee requested Bosnia and Herzegovina to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 7 (a), 35 (a), and 45 (b) of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/BIH/FCO/3) received in November 2022 under its follow-up procedure. The Committee examined the report at its seventy-fourth session, held from 25 September to 13 October 2023, and wishes to communicate the following assessment:

Paragraph 7 (a): State party's obligations – Assessment: Partial progress

The State party's follow-up report indicates that the different levels of government, including the Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS) and Brčko District (BDBiH), have adopted and implemented sectoral plans and strategies to ensure the enjoyment of the economic, social and cultural rights.

The Committee notes the efforts of the FBiH-Minister of Labour and Social Policy to promote the harmonization of labour and social policies across all the cantons. The Committee also acknowledges the FBiH's ongoing efforts to develop a social and child protection strategy and encourages continued consultation for its enactment. Moreover, the Committee notes the Family law adopted by the RS government and the reported efforts undertaken by the RS-Ministry of Economy and Entrepreneurship along with the FBiH-Ministry of Development, Entrepreneurship, and Crafts in supporting women's entrepreneurship. The Committee also welcomes the passage of a new Law on Civilian Victims of War by the BDBiH and the FBiH governments.

His Excellency
Mr. Bojan Vujić
Permanent Mission of Bosnia and Herzegovina
to the United Nations Office and other international organizations in Geneva
Email: mis.zeneva@mvp.gov.ba

While acknowledging some steps taken toward harmonization by the different levels of government, the Committee is of the view that the current approach remains partial and fragmented. In this regard, the Committee notes reports on the absence of a unified legislative and public policy framework across the different levels of government. This results in persistent administrative disparities, gaps in coverage, and inequalities in the progressive realization of economic, social and cultural rights.

Consequently, the Committee assesses that there has been partial progress in the implementation of this recommendation. The State party is requested to provide, in its next periodic report, detailed information on measures taken to implement the recommendation and the progress made thereby.

Paragraph 35 (a): Right to Social Security – Assessment: Partial progress

The State party's follow-up report highlights various measures taken to reform its social security system. These measures encompass the adoption of various laws, strategies, and policies by the Republika Srpska (RS), including legislation pertaining to Social Security, Healthcare, Child Protection, and specific programs aimed at children, persons with disabilities, and older persons. Similarly, the Federation of Bosnia and Herzegovina (FBiH) has adopted measures, such as laws regarding the Protection of Civilian Victims of War, Families and Children, Foster Care, Parents and Caregivers, and Material Support. Additionally, both the FBiH and the RS governments have introduced a new parent-caregiver entitlement, while the Brčko District (BDBiH) government has passed the Law on Civilian Victims of War.

The Committee notes that the State party, in its follow-up report, explains that social security and social policy fall within the exclusive jurisdiction of the different levels of government as defined by their constitutional provisions.

While acknowledging the steps taken to reform the various social security systems and achieve a certain degree of harmonisation in benefits by the different levels of government, the Committee notes with concern reports that the social security system at the State-level remains fragmented. The Committee is also concerned with information relating to the complexities of the social security system's structure and the lack of effective coordination across all levels of government. The Committee is further concerned about reports of insufficient funding, the underdevelopment of the different social security systems, and the limited harmonization and effectiveness of social security benefits.

In light of these concerns, the Committee is of the view that the absence of a State-level unified and/or harmonized approach across the various social security systems reinforces regional disparities, which may have unintended discriminatory effects on disadvantaged and marginalized individuals and groups, in particular women, internally displaced persons, stateless persons, asylum-seekers and refugees.

Consequently, the Committee assesses that there has been partial progress in the implementation of this recommendation. The State party is requested to provide, in its next periodic report, detailed information on measures taken to implement the recommendation and the progress made thereby.

Paragraph 45 (b): COVID-19 pandemic – Assessment: Lack of information to make an assessment

The State party’s follow-up report provides information on the measures taken concerning the vaccination efforts in the context of the COVID-19 pandemic. However, the Committee notes with concern that the information provided points out disparities in vaccine distribution among regions and different levels of government. In this regard, the State party’s follow-up report indicates that *“a major problem in the adequate and relevant monitoring of the vaccination process in BiH is the fact that these data are collected at several instances and that there is no single central database on vaccinated persons in BiH.”* Furthermore, the Committee notes that the State party’s follow-up report indicates *“that the official data that exists points to varying vaccination rates across different regions, with some regions having low vaccination percentages.”*

The Committee acknowledges that the State party has taken some steps concerning this recommendation. However, it is of the view that there is no concrete information that demonstrates an enhanced effort to facilitate universal and equitable access to COVID-19 testing, treatment and vaccination, nor demonstrates the streamlining of administrative and medical procedures.

Consequently, the Committee assesses that there is a lack of information to make an assessment with regard to the implementation of this recommendation. The State party is requested to provide, in its next periodic report, detailed information on measures taken to implement the recommendation and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party to provide it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurance of our highest consideration.



Asraf Caunhye

Co-Rapporteurs for follow-up

Committee on Economic, Social and Cultural Rights



Mikel Mancisidor



Laura-Maria Crăciunean-Tatu

Chair

Committee on Economic, Social and Cultural Rights