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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
29 November-3 December 2004

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

List of issues to be taken up in connection with the consideration of the initial report of Bosnia and Herzegovina concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.65)

**I. GENERAL FRAMEWORK WITHIN WHICH
THE COVENANT IS IMPLEMENTED**

1. Please explain how the State party's succession to the Covenant on 1 September 1993 gave it a legally binding status, and please provide examples of how its provisions have been applied, including references to court cases.
2. Please indicate whether the State party intends to adopt and implement a national plan of action on human rights in accordance with the Vienna Declaration and Programme of Action of 1993.
3. Please indicate whether the offices of the Ombudsman for Human Rights are able to deal with all the rights enshrined in the Covenant and, if not, whether the State party intends to widen their mandates accordingly.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2: Non-discrimination

4. Please indicate what measures the State party has taken in order to combat discrimination among the different ethnic groups comprising the population.

Article 3: Equality between men and women

5. Please explain whether the Law on Gender Equality enacted in 2003 has been successful in combating gender discrimination, in particular with regard to the principle of equal wages for work of equal value for men and women.

6. Please explain the mandate and functions of the National Minorities Council and indicate the scope of the Law on the Protection of the Rights of Minorities.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

7. Please explain how privatization has affected employment.

8. Given the official unemployment rate of 41 per cent in the State party (paragraph 97 of the report), please indicate what measures have been taken to remedy that situation.

9. According to the State party's report, unemployment among persons with disabilities is a serious problem, especially because they have limited opportunities for work. Please indicate what measures have been taken to promote the right to work of disabled persons.

10. The State party's report states that more than two thirds of youth are employed in the informal sector of the economy. Please indicate what measures are being taken by the State party to protect the rights of that category of workers.

Article 7: The right to just and favourable conditions of work

11. The State party has ratified a number of International Labour Organization (ILO) conventions. Does the State party intend to ratify other ILO conventions, particularly those concerning the minimum wage and the protection of children?

12. Please explain how the minimum wage is determined by collective bargaining and labour legislation. Please explain why private employers who have not concluded collective agreements with their employees are not obliged to pay a minimum wage.

Article 8: Trade union rights

13. Please explain how the right to form and join trade unions is being implemented and regulated in the State party.

14. Please explain how the 1998 Law on Strikes distinguishes between essential and non-essential services.

Article 9: The right to social security

15. Please provide information on any groups of people that may have fallen through the social security net of the State party, and whether any measures have been taken in that regard.

Article 10: Protection of family, mothers and children

16. Please indicate what measures the State party has taken to address the problem of child labour.

17. Please explain what measures have been adopted to protect the rights of orphans, the number of which has substantially increased as a result of the war.

18. Please indicate how the State party has dealt with problems of forced prostitution and the sexual exploitation of children, including child pornography. Please also provide information on effective measures taken by the State party to combat trafficking in persons, especially of women and children.

19. Please provide information on the problem of domestic violence, particularly against women, and what effective measures it has taken to combat that phenomenon.

Article 11: The right to an adequate standard of living

20. Please indicate what measures have been adopted to improve the living conditions of people who live below the poverty line in the State party.

21. Please indicate what effective measures have been adopted to improve the living conditions of those who have been disabled as a result of the war, and how their rights are being protected. Please explain to what extent they are covered by the State party's insurance schemes.

22. Please describe measures adopted by the State party to improve the housing situation in the country, in particular for internally displaced and repatriated persons.

23. Please indicate what effective measures the State party has adopted to ameliorate the living conditions of the Roma people.

24. Please indicate what measures have been adopted in order to improve access to housing for those who are on waiting lists for housing.

25. Please indicate whether people who were forcibly evicted as a result of the war are being provided with alternative housing.

Article 12: The right to physical and mental health

26. Please explain what steps have been undertaken with the help of the international community to clear mines in the affected areas of the country.

27. Please indicate whether an effective policy is being pursued in order to combat alcohol abuse and the consumption of tobacco and illicit drugs.

28. Please provide information on assistance provided to the people suffering from mental health problems caused by the war.

29. Please explain how the health insurance system functions in practice and whether it covers the whole population equally, without discrimination.

30. Please describe what measures have been adopted to address the problem of the increasing number of unplanned pregnancies and of women resorting to abortion as a family planning tool.

31. Please indicate what effective measures are being undertaken by the State party to deal with the widespread problem of cardiovascular and hypertension-related diseases.

Articles 13 and 14: The right to education

32. What steps are being envisaged to address the phenomenon of “two schools under the same roof” (paragraph 616 of the report), in order to promote ethnic tolerance and racial harmony in the State party?

33. Please explain how the principle of “inclusive education” (paragraph 619 of the report) works in practice and comment on its effectiveness.

34. Please provide information on the implementation of the new Action Plan on the Educational Needs of Roma and Members of Other National Minorities, and how this Plan has enhanced the enrolment of Roma pupils at all levels of schooling.

Article 15: Cultural rights

35. Please provide information on measures taken by the State party to restore the cultural heritage damaged during the war.
