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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 15 November 2005, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Bosnia and Herzegovina (continued) (E/1990/5/Add.65; E/C.12/Q/BIH/1; HR/CESCR/NONE/2005/7; HRI/CORE/1/Add.89/Rev.1)

1. At the invitation of the Chairperson, Ms. Bera, Mr. Čegar, Ms. Džasić, Ms. Hadžibegić, and Mr. Nagradić (Bosnia and Herzegovina) resumed places at the Committee table.
2. The CHAIRPERSON invited the delegation to reply to all outstanding questions.
3. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that the Government was making plans for when international financial assistance decreased and the international community, which had been equipping institutions and training staff, for example, gradually withdrew from Bosnia and Herzegovina. The reduction in international financial assistance would have the greatest impact on displaced persons and refugees. Legislative preparations for the following year's budget, which would see a 10 per cent reduction in public spending, were under way.
4. The problems experienced by displaced persons in reintegrating and returning to normal life, such as difficulties in finding employment and educating children, were referred to as difficulties in "sustainable return". In order to resolve the problem more effectively, the Government had established the Ministry for Human Rights and Refugees and a sustainable return fund to finance the implementation of State policies in that area.
5. Under the strategy adopted to implement annex 7 of the Dayton Agreement, it was intended to find solutions to the problems of refugees and displaced persons by the end of 2006. The Government was receiving support from the United Nations Development Programme (UNDP) for the implementation of projects in that area, such as the construction of housing and infrastructure.
6. The Government was also seeking to promote rural development, as rural populations were most affected by poverty. Poverty could only be eradicated through socio-economic development. In that context, the Government had adopted a development strategy and employment programmes for young people.
7. The development of housing strategies fell within the competence of the Entities. In 2005 the Council of Ministers had requested the drafting of a housing policy study, which was expected to recommend the establishment of a State authority to coordinate the two Entity ministries, thus gradually transferring competence from the Entities to the State.
8. Negotiations on a loan from the Council of Europe Development Bank to finance sustainable housing solutions for displaced persons were at the final stage. The Government would also continue negotiations with other development banks to secure funding for other development problems.

9. Ms. HADŽIBEGIĆ (Bosnia and Herzegovina) said that the Government had adopted an action plan for children for 2002-2010, and had established the Council for Children within the Ministry for Human Rights to deal with all issues relating to children.

10. As a result of the war, there was a huge number of single-parent families, usually headed by mothers. Some 32,000 children had lost one parent during the war. Unfortunately, the social welfare system did not maintain full records on such children, as single parents did not receive welfare benefits if they were capable of providing for their children. The welfare benefits paid to single-parent families depended on the financial capacity of the Entity or canton in question. Single-parent families also received benefits under the law on the protection of veterans of war, as the fathers had generally been killed as members of the armed forces.

11. As to the role of the father in single-parent families, by law, men and women enjoyed equal rights in terms of parental leave and compensation, meaning that the father could receive paternity benefits for one year if the mother was deceased. Bosnia and Herzegovina was a very traditional society, with strong family values, and although the events of the war had greatly affected society, the strength of the family had perhaps helped it to cope.

12. Another major consequence of the war was that some children had lost both parents. Such children were not referred to as orphans, as there was a certain stigma attached to that term, but rather as children deprived of parental care. In early 1996 there had been 3,500 registered children who had lost both parents, but as those children came of legal age the number was decreasing, and so there were currently 2,200 such children. In devising strategies to deal with them the preference was for alternative care models, such as foster families, rather than institutional care. Although there were some 900 children in such institutions, they were only accommodated there temporarily until other forms of care were identified.

13. In addition to fostering and institutional care, there was the possibility of full adoption, considered the most humane option. The Government had been under intense pressure from numerous non-governmental organizations (NGOs) and individuals wishing to organize adoptions, but had never allowed foreign nationals to adopt children if there were applicants in Bosnia and Herzegovina. There were over four times more applicant parents than there were children who qualified for adoption.

14. A considerable number of children had been disabled during the war. Mines continued to be a problem, and most mine incidents involved children. Children with disabilities were also offered accommodation with foster families, institutional care being a last resort. Only 120 children with mental disabilities were cared for in institutions. With NGO funding, the Government had established 20 day-care centres, primarily for children with physical disabilities, so that they could remain with their families. Social welfare centres played a central role in the decision-making process in the care of such children. Those centres operated in very difficult conditions, as many of them had been badly damaged during the war, but the system had never collapsed.

15. The elderly were recognized as a vulnerable category, and made up 12 per cent of the total population. Bosnian society was ageing due to the huge loss of life during the war: 250,000 people at the last estimate. One problem was that many families that had left

Bosnia and Herzegovina had left elderly family members behind, who became charges on the already overburdened social welfare system. However, according to a survey on quality of life, the elderly were not generally among those living below the poverty line, as many of them also received financial assistance from family living abroad.

16. Mr. ČEGAR (Bosnia and Herzegovina) said that efforts to combat trafficking included training all personnel dealing with the issue, such as judges, prosecutors, diplomatic missions, asylum officers and health-care workers. An action plan had recently been adopted to cover the period until 2007 to provide a framework for prevention and training. The Government had established shelters for victims of trafficking with the support of NGOs and international organizations, to provide medical treatment and other assistance to victims, who were predominantly women.

17. There were provisions in criminal legislation on domestic violence, including mental and physical violence. Domestic violence was generally reported to the social welfare centres, which worked in close cooperation with law enforcement authorities. The law on domestic violence defined penalties, including the removal of the perpetrator from the family home, and some prosecutions resulted in prison sentences. The protection of victims was ensured, and assistance and support were provided to the family.

18. Ms. BERA (Bosnia and Herzegovina) said that Bosnia and Herzegovina's water resources were an important element in economic development. Unfortunately, the negative consequences of the war were still being felt in water management. Inappropriate legislation had negatively affected water supplies, drinking water in particular. The necessary infrastructure was lacking, and water supplies were increasingly polluted. Although the system of water development and management came within the purview of regional authorities, the Government was aware of the need to centralize the system in order for real improvements to be made. A water management project had begun in 1998, with support from the European Union, but no significant results had been achieved. The strategies for water management in Bosnia and Herzegovina and the Republika Srpska had been harmonized, and the Government's midterm development strategy contained measures to provide sufficient water to the population and improve quality standards.

19. Turning to the issue of drug abuse, she said that statistics were available on the types of drugs abused and by what age groups. Drug abuse was a serious problem, with over 30 per cent of addicts using drugs intravenously. Legislation on drug abuse had been adopted in the Republika Srpska and was currently under parliamentary discussion in the Federation of Bosnia and Herzegovina. An awareness-raising campaign had been launched in schools, and educational films on drug abuse had been made. The problem was monitored by the State authorities and NGOs, and a number of rehabilitation centres had been established for treating addicts.

20. On the issue of waste disposal, she said that since 1997 the Government had been involved in a project for sustainable environmental development and had developed a strategy for solid waste management. It cooperated closely with European partners in the context of the

Danube Convention and the Convention on the Black Sea. Environmental issues were an essential component of Bosnia and Herzegovina's social and economic integration into the European Union. The Government had received funding assistance for developing environmental protection projects, which were included in the midterm development strategy.

21. The mental health system had been reformed immediately after the war, with a complete departure from the method of long-term hospitalization for psychiatric patients. At the primary health care level 39 mental health-care centres had been established in the Federation, and 12 in the Republika Srpska, staffed by social workers, psychiatrists, physicians and psychologists. Legislation on the protection of persons with psychiatric illnesses had been harmonized in a response to international recommendations. Information on access to mental health care in rural areas was not currently available, but could be included in the next periodic report. At the end of the war the number of people with mental health problems had been considerably higher than average, owing to the large number of cases of post-traumatic stress disorder. Those cases had recently begun to decrease.

22. Promotion and prevention activities were being carried out in respect of cardiovascular illness; family doctors had a particularly important role in that regard. Such activities received funding from the State budget. Primary health care had been reformed immediately after the war, with significant support from the World Health Organization (WHO). A series of by-laws had been adopted on funding for training family doctors, which had led to the establishment of postgraduate courses in family medicine. Considerable improvements had been made in the services offered to patients by family doctors. The Government intended to continue the reform processes and further improve primary health care, particularly by increasing the responsibilities of family doctors. Although the so-called "brain drain" phenomenon had been a problem during and immediately after the war, largely owing to low wages, that was no longer the case. Unfortunately, doctors preferred to remain in urban areas, since the working conditions in rural communities were particularly difficult. At the end of the war medical centres had been established in areas where returns had been expected, but in many cases those returns had not taken place, and the facilities remained unused. Although inter-Entity agreements on access to health care had been concluded, they were not being implemented effectively. Steps were being taken to ensure that legislation in the two Entities was harmonized and to improve access to health care for all.

23. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that efforts were being made to establish the social conditions necessary to prevent drug abuse. Responsibility for responding to that problem was currently divided between the police force, the education sector and the media. A State-level strategy to harmonize efforts and a plan of action on combating drugs had been drafted and would be adopted in the near future.

24. Ms. DŽAJIĆ (Bosnia and Herzegovina) said that legislation had been adopted on the public broadcasting service and radio and television, and that radio and television stations were now in existence. Further funding was required in order for the public broadcasting service to work effectively. An independent body had also been established at the State level to regulate media activity and issue frequency licences to radio broadcasters, and to sanction those who used the media to violate regulations or the ethical norms of journalism or to incite discrimination.

25. A number of NGOs concerned with media protection were active at the Entity and cantonal levels. Alleged infringements of the journalists' code of conduct were decided by the Press Council of Bosnia and Herzegovina. Following the signing of the Dayton Agreement, a number of NGOs and international organizations had been active in Bosnia and Herzegovina in supporting the establishment of independent media. There was no legal provision for censorship, and there had been no cases of sanctions being imposed on the media, newspapers, or journalists. Although there was political pressure on the media, there was, conversely, also media pressure at work in politics. The focus of media attention had shifted from issues of national interest to socio-economic issues, because citizens were interested in securing a certain quality of life for themselves.

26. Bosnia and Herzegovina's multicultural unity had been affirmed through the centuries of its existence: its constituent peoples understood each other well; their cultures overlapped and there were no major intercultural divides. Difficulties in that regard in the recent past had been the product of policies imposed from above.

27. The Inter-Religious Council of Bosnia and Herzegovina had been established some time ago in order to bring together the leaders of the main religious communities with the aim of establishing constructive inter-religious dialogue. Bosnia and Herzegovina also had a centre for intercultural religious dialogue.

28. In 2004 a committee had been established within the Ministry for Civil Affairs to develop a cultural strategy as the basis for the drafting of a law at the level of the State. Pursuant to the Dayton Agreement the Commission to Preserve National Monuments in Bosnia and Herzegovina had been established with responsibility for classifying sites as national monuments. Given the enormous physical damage incurred during the hostilities, the Commission had determined that monuments damaged during the 1992-1995 war should be restored to their pre-war condition. The psychological effect on returnees of seeing familiar monuments restored was significant, and aided reintegration. The international community had also done a great deal: the Old Bridge Area of the Old City of Mostar had been declared a UNESCO World Heritage site and there were proposals for other sites to be accorded the same status, which would create a further obligation on the authorities to do all they could to protect the country's cultural heritage. Cultural events such as the Sarajevo film festival or the International Festival of Children's Theatres brought together all the citizens of Bosnia and Herzegovina.

29. The education system in Bosnia and Herzegovina was organized along Entity and then cantonal lines, and was therefore fragmented. There were 2 laws on education at the Entity level, 10 at the cantonal level, and 1 at the level of Brčko District, as well as a framework law on primary and secondary education. Laws at the State level on higher education, preschool education and secondary vocational education were being drafted. The phenomenon of overcrowding was one of the most painful problems facing the education system in Bosnia and Herzegovina. Her Government hoped to overcome such problems and honour the Constitutional obligation to ensure that every child had equal access to education.

30. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that, with the encouragement of the Organization for Security and Cooperation in Europe, an action plan on the educational needs of the Roma had been adopted in 2004 which provided for a range of activities intended to increase the number of Roma children attending secondary schools and universities. It was significant that not one complaint had been filed by Roma since the beginning of the school year. Past difficulties, such as the cost of providing text books, had been resolved. All school-aged Roma children attended school. Those who were behind in their schooling due to past absences were given the opportunity to catch up with their peers.

31. Ms. BARAHONA RIERA said that she would appreciate further clarification on the subject of agricultural property and the impact of privatization on the situation in rural areas (E/1990/5/Add.65, para. 318).

32. Ms. GHOSE said that, as the Gender Equality Agency had not been in existence long enough for the delegation to be able to report thoroughly on its activities, the State party should ensure that it provided information in its second periodic report on the Agency's work in relation to issues covered by the Covenant.

33. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that agricultural land had long been privatized, and the change in property rights had not negatively impacted on the agricultural population, as it had done on those working in urban areas. There was little unemployment in agricultural areas. The rural population did, however, face other challenges, such as access to medical services and to educational facilities, or the lack of day-care facilities for young children; it was that lack of infrastructure that dissuaded people who had become accustomed to the advantages of city life from returning to their villages. Due to funding constraints, the Gender Equality Agency was not adequately staffed, and was therefore not yet fully operational.

34. The CHAIRPERSON said that the Committee had concluded its dialogue with the State party. She thanked the delegation for the sincerity of its answers and emphasized that the role of the Committee was not to criticize, but to point out areas which could be improved upon.

35. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that his delegation had appreciated the opportunity to present the situation in Bosnia and Herzegovina, engage in an open and frank dialogue, and take home the Committee's criticisms and recommendations. He hoped that, despite the time constraints, it had been clear to the Committee just how much importance his Government attached to eliminating human rights violations in Bosnia and Herzegovina. He gave assurances that the Committee's recommendations would be implemented forthwith.

The meeting rose at 4.50 p.m.