

Human Rights Report of Select Countries in Eastern Europe and Central Asia

The 108th session of the Human Rights Committee
The 55th session of the Committee on Elimination of Discrimination of
Women

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Ukraine
7th Periodic Report
2980th Meeting of the Human Rights Committee
July 8 and 9, 2013
Palais Wilson Geneva, Switzerland

Main Topics Covered:

- I. Legal and Judicial Systems
- II. Detention of Individuals
- III. Anti-discrimination Laws
- IV. Discrimination and Hate Crimes
- V. Protection of Persons with Disabilities
- VI. Domestic Violence
- VII. Gender Equality
- VIII. Human Trafficking
- IX. Refugees
- X. Violence and Torture

I. Legal and Judicial Systems

Actions Taken by the State

The state party presented the advancements made in strengthening the legal frameworks since the last periodic report. There has been criminal justice reform, which was aimed to meet international democratic standards. In 2012, the state implemented a new criminal code and procedures. More than 50 million Euros were put aside to implement the new code. The new code aims to increase the opportunity for bail and home arrest, and encourages detention sentencing as an extraordinary measure. The number of detainees has decreased by 33% since the code was implemented.

The new criminal code also includes details concerning evidence and trials. The new code guarantees the right to trial. The code also regulates that the victim has the right to view evidence obtained against them. The new code also hopes to address ineffective investigation and ill treatment of detainees. In the past, such problems persisted due to the dual role of the prosecutor's office to both prosecute and investigate the case.

In July of 2013, efforts were made to increase the public confidence of the judicial branch by the creation of a draft law. The law will abolish the five-year term of appointed judges, and eliminate the transfer of judges from different courts barring special circumstances.

As of January 1, 2013, the state has implemented a mechanism to provide free legal aid. Lawyers are chosen through a selective process, and staff 27 centers throughout the country. Since the implementation of the free legal aid, over 4,000 cases have made use of the new service.

II. Detention of Individuals

Main Concerns From the HRC

The HRC is concerned with the many cases regarding the detention of individuals and the impact it has on public health. Individuals can be detained for possessing .005 grams of opium, for which they can face up to three years in prison. This quantity can be found from the residue on needles and syringes. Two main concerns include such detentions undermining needle exchange programs, and the overcrowding of detention facilities. The needle exchange program is the cornerstone of HIV prevention efforts, and overcrowding of detention facilities leads to higher rates of communicable diseases. These concerns are also stem from the high numbers of deaths of persons in custody, which are three times higher than rates in the United States or the United Kingdom.

There are also serious questions about the length of the pretrial detention period. The maximum pretrial detention period is twelve months, and the HRC requested clarification on when the period begins.

Responses From the State Party

First offense crimes receive lower punishment than recidivist criminals. The Ministry of Health enacts orders, which indicate the amounts of substances that are considered illegal. The Ministry of Health links drug possession to murders and traffic accidents.

III. Anti-Discrimination Efforts

Actions Taken by the State

In September 2012, the state began a campaign against discrimination. The campaign promoted equal opportunity to ensure that citizens can draw upon the legislative process to counter discrimination. The current law in regards to discrimination has further defined those who are empowered to counter discrimination by having an inclusive list of definitions of discrimination. The state party recognizes that there are still improvements to be made, and is undergoing cooperation with the European Union to have an amendment to the law that will continue to broaden criteria for discrimination. The new law will contain inclusive language for discrimination on the basis of sexual orientation.

The state party has also undergone efforts to ensure the rights and safety of the Crimean Tartar peoples. The efforts by the state include plans for budgetary expenditure in forthcoming budgets for families and refugees, the construction of more mosques, and building more schools with Crimean language instruction.

IV. Discrimination and Hate Crimes

Main Concerns From the HRC

The HRC voiced strong concerns regarding the discrimination and hate crimes towards religious, ethnic, and other such groups. The state party provides very limited information on the discrimination against persons from the Jehovah's Witness religious group. The prosecutor can only invoke the state's criminal code if there was a deliberate attempt to incite religious animosity and hatred. However, the discrimination clause of the criminal code is not used in proceedings for Jehovah's Witnesses. NGO reports from 2013 illustrate that there have been as many as 71 attacks against the places of worship and against Jehovah's Witnesses. The HRC has serious concerns about the concrete measures taken by the state, and adequate protection of members of the Jehovah's Witness religious group.

The HRC had further questions regarding the discrimination against LGBT persons. Once discrimination law is implemented to include LGBT persons, there must be actions taken to enforce the implementation of this law. The HRC worries about the discrepancy between the law and its enforcement. No legal action has been taken regarding the discrimination of LGBT persons thus far, despite NGO reports of violence against members of the LGBT community.

Members of the Roma ethnic minority group are victims of discrimination, and the HRC raised serious problems that need to be addressed by the state. The Roma people live in extreme poverty. Regions with high concentrations of Roma people have been struck by serious natural disasters. Funds from the state budget were allocated and distributed for other people in the region for the same natural disasters, while the Roma communities received no aid. The HRC is worried about the access to state aid for the Roma people.

The Crimean Tartar ethnic minority faces serious challenges in regards to discrimination. NGO reports cite problems of racism and xenophobia. The Crimean Tartar are not represented in the state's parliament.

Responses From the State Party

The state party noted that there is currently a draft bill regarding the protection of LGBT persons. The bill aims to be passed in parliament and accepted by Ukrainian society. The bill includes language that leaves the burden of proof on the perpetrator of the crime rather than the victim.

In regards to the criminal cases brought against police for the physical abuse of Roma people, it was indicated that there were no violations and resulted in no criminal cases being opened. Cases were not opened due to lack of sufficient evidence. The Minister of Culture noted efforts to protect the rights of Roma peoples. There have been government

efforts to aid Roma persons to obtain proper identification documents, find employment, training for adults and education for children, and housing protection. In order to meet the needs of the Roma people, the state in combination with representatives from Roma organizations have formed a working group to further efforts to provide identification documents and service for homeless Roma people.

The Crimean Tartar ethnic minority is not represented in parliament, but they are represented in local government.

Ukrainian citizens have been convicted of hate crimes or discrimination. In 2011, five crimes were committed, and five Ukrainian citizens were convicted. In 2012, before the new criminal code was implemented there were three crimes investigated, and two cases were opened. Three persons were convicted for a discrimination-motivated homicide. The state party noted that discrimination crimes are complex because investigators must demonstrate that the crime was carried out due to intolerance.

The state party further noted that it has not only a responsibility to solve these crimes, but also to prevent them from happening. The state party noted the annual plan in the Ministry of the Interior for campaigns to counter illicit activity on the basis of racism, encourage ethnic and religious tolerance, and the education of youth in these matters.

V. Protection of Persons With Disabilities

Main Concerns From the HRC

Serious concerns were raised in regards to the ill treatment of persons with disabilities in psychiatric facilities. The state pediatric association is reported to have outdated medicines and insufficient amounts of food given to patients. The HRC is concerned about the creation of legislation to protect these persons, and the implementation of the practices to protect these persons.

Responses From the State Party

The Minister of Social Affairs noted the positive trends in state protection of the rights of persons with disabilities. An investigation of the rights of persons in psychiatric facilities is currently being undertaken.

VI. Domestic Violence

Actions Taken by the State

The issue of preventing domestic violence is one of the main concerns of the state authorities. Improvements have been made to national legislation on domestic violence. Currently, a draft bill is being made to concretely define domestic violence, and increase

the bodies and institutions that undertake measures to counteract this violence. Local administrations, authorities, health institutions, and educational institutions are all collaborating on these efforts. The state has created a national hotline for swift response to incidents of domestic violence and violence against children.

There is constant monitoring being undertaken to prevent domestic violence. The state noted that more than 90% of domestic violence victims are women. The state is carrying out efforts in cooperation with civil society to prevent domestic violence. The state has also implemented a national campaign, Stop Violence In Ukraine, which will run until 2015. In addition, campaigns ensuring the right to health of women and girls in difficult situations are being managed on a national level.

Main Concerns From the HRC

The HRC raised questions regarding the statistics of domestic violence cases in the state. The HRC asked for specific statistics regarding the number of perpetrators who were prosecuted and convicted of domestic violence.

Responses From the State Party

The department of family and children conduct the constant monitoring to prevent domestic violence. This entity collects information on the number of communications or reports of domestic violence, and the number of people who have gone through correction programs. In April 2013, there were 33,385 reports of domestic violence.

VII. Gender Equality

Main Concerns From the HRC

There are concerns about the underrepresentation of women in elected government. There are no women represented among the 25 appointed governors. Gender equality is not a policy objective, but a fundamental obligation as cited in the UN charter. The HRC cares about the concrete time frames and programs that the government is implementing in order to achieve a more equal representation in the national parliament. The HRC also noted serious discrepancy between the wages for men and women.

Responses From the State Party

There are plans for future measures to be implemented to prevent the discrimination of women. However, the state party indicated positive changes in the area of women in government: three women in the cabinet of ministers of Ukraine, increase in number of women in the state service, and high representation of women in local government bodies and councils. The state party noted that women do not occupy a sufficient number of political posts, but that positive changes have been made. A new draft bill is being prepared to introduce a quota of 30% of electoral lists to include women.

In regards to the wage gap, the state party noted that men have high paid jobs because they carry out work that is compensated for difficulty or danger. Women receive less pay because many women use their right to have a shorter working day. However, when occupying the same post women and men have equal pay. The state party cited efforts of positive discrimination in the state's labor legislation. Women are not allowed to work in difficult jobs, night shifts, and other certain kinds of work. There are limitations of the amounts of business trips women can take if they have small children.

VIII. Human Trafficking

Actions Taken by the State

In 2012, the state's parliament made a number of laws on providing assistance to victims of human trafficking. The state program is currently funded through the year 2015. Several thousand people have received assistance since the implementation of the program. The laws include monitoring of human trafficking in eight regions, with aims to add four more regions in the near future. The assistance offered to victims of human trafficking includes social services and rehabilitation plans for victims, psychological services, and medical and legal services. The state has implemented these programs and services through active cooperation and involvement of civil society, which includes international non-governmental organizations.

Responses From the State Party

The state party explained that foreign citizens that were victims of trafficking have the right to turn to the local authorities or the central authorities, and request the status of victim of human trafficking. There are budgets from the state, local, and private circles to combat human trafficking. This includes the financing of training for local authorities. There is ongoing cooperation between the state and civil society to address the issue, however, civil society organizations cannot receive financial support from the state.

IX. Refugees

Main Concerns From the HRC

The HRC had many questions related to the subject of refugees. Reports to the HRC state instances in which asylum seekers must provide their own interpreter. Other problems include insufficient state resources, difficulties for unaccompanied minors getting their cases heard, and the vast rejection of asylum cases. In the first personal interview for the case, the asylum seeker has to prove their case before the investigator will move them on to the next phase. Over 40% of cases are rejected in this initial phase.

Responses From the State Party

There are large numbers of persons applying for refugee status that do not receive it. In the past year over 1,500 persons applied for refugee status, and 152 persons were granted refugee status. Ukraine currently has over 2,500 refugees.

X. Violence and Torture

Main Concerns From the HRC

The HRC raised concerns regarding legal and medical processes for detainees. Attorneys should be present for interrogation. Medical evaluations should be undertaken by an independent entity before and after a person is detained. The HRC has received reports from civil society organizations noting mistreatment of detainees, but there are no convictions on any of these cases. The HRC recommended that videotaping of interrogations should be compulsory.

There are over 6,000 detention centers that need to be monitored by the state. There is room in this area for possible cooperation between the state and civil society to carry out the monitoring of detention facilities. In addition, independent complaint mechanisms need to be established to ensure the safety and rights of detainees.

Responses From the State Party

The state party ensured the committee that laws have been passed to ensure that any evidence gathered while a lawyer is not present is not seen as valid before the court. The detainees undergo a medical examination before entering detention. However, a doctor who is an employee of the detention facility carries out this medical examination. The state is doing its best to ensure that there are video recordings of detention interviews. Again, the state party emphasizes that any information obtained without the presence of a lawyer during an interrogation is not considered as valid evidence in the courts.

Tajikistan
2nd Periodic Report
2982nd Meeting of the Human Rights Committee
July 9 and 10, 2013
Palais Wilson Geneva, Switzerland

Main Topics Covered:

- I. Legal and Judicial Systems
- II. Death Penalty and Detention
- III. Domestic Violence
- IV. Gender Equality
- V. Refugees
- VI. Violence and Torture

I. Legal and Judicial Systems

Main Concerns From the HRC

After the report from the state party, the HRC was left with many concerns regarding the legal and judicial systems of Tajikistan. The special rapporteur decided that the judiciary is not sufficiently independent. The rapporteur made recommendations, which included more training for judges, allowing the judiciary to administer its own budget, progressively extending the tenure of judges, and combatting corrupting through salary increases. Since the rapporteur made the recommendations, the HRC asked the state party which, if any, of these recommendations have been carried out. In addition, if an independent body has been established to appoint and discipline judges.

Access to lawyers is also a serious concern. Reports to the HRC stated that access is often hindered during the early stages of interrogation. This limited access also correlated with reports of torture and violence against detainees. Related concerns were brought up regarding the registration of cases within three hours of detention. The HRC had concerns that this practice is being carried out and enforced.

Reports to the HRC demonstrated that the legal profession is not well organized, and that there are questions over the independence of lawyers. The Minister of Justice recently drafted a law stating that the ministry has the right to revoke the credentials and status of lawyers. The HRC asked for clarification regarding the explanation behind the draft law, and measures being taken to ensure the independence of lawyers from the influence of the state.

The HRC raised questions over the military's jurisdiction over non-military defendants. Civilians remain subject to military jurisdiction in cases in which military members are accused. The HRC found this to be very problematic, and requested further explanation of the reasoning that these cases are not tried in civilian courts.

Responses From the State Party

The legal profession is very fragmented, and lawyers wanted organization from the state. There is no intention of usurping control over the lawyers, and the state will eventually hand over the organizational responsibility over to the bar association.

The Supreme Court has interpreted that the three-hour period in which a report must be produced after the arrest, begins when the person is not able to act freely. Law enforcement officers are obligated to record two times – when the report was drawn up, and the time of the individual's detention.

II. Death Penalty and Detention

Main Concerns From the HRC

The HRC acknowledges the efforts made by the state to abolish the death penalty. The HRC requested more information on the nature of this commitment, the completion of the ratification process, and any obstacles that may arise.

The HRC understands that the presence and spread of tuberculosis (TB) is a sad legacy of the Soviet rule. The HRC requested information in regards to the measures taken to combat the presence and spread of TB in penal institutions.

Further concerns include the arrest of suspects and their treatment before interrogation. Reports note delays in registration of detainees, and pre-detention periods of up to 72 hours. The HRC stated that the 72-hour period is far too long to comply with the Covenant, and recommends outside limits of 48-hour periods. The special rapporteur was present during an instance of delay in registration of a detainee until after the interrogation.

Responses From the State Party

The state has a working group that been working on the issue of right to life for over two years. Since the state's constitution addresses the subject, there have been hurdles to abolish the death penalty.

The state party recognizes that the state's penitentiaries were built during the Soviet period. The antiquity of the facilities causes problems for the spread of TB.

In accordance with the law, every person who is detained is recorded within three hours of his or her detention.

III. Domestic Violence

Main Concerns From the HRC

The HRC is concerned with the many cases of violence against women and girls. Reports demonstrate that this violence is widespread and accepted in daily behavior. The HRC questioned the state party with the penalties imposed to those who inflict this type of violence on women, and if there is any form of compensation to the victims. The HRC also pressed the state party to address the discrepancies in statistics and data in regards to domestic violence.

The HRC noted the eighteen crisis centers established by the state to address the needs of victims of domestic violence. The HRC asked the state party for further information regarding the capacity, geography, and funding of the centers. The HRC also inquired about awareness campaigns for domestic violence that target women, children, and men at the grassroots level.

Responses From the State Party

The head of state has met with religious figures and community leaders in areas where such violence occurs. He asked these leaders to partner with him to promote the education of children and women, and address such patriarchal attitudes in rural areas.

The state party reports that the state has eighteen crisis centers and three shelters to deal with victims of domestic violence. These centers are staffed with specialists who work with the victims. Women are given free legal and psychological support, in addition to job search assistance. Additionally, the Council of Women and Family Relations has a crisis center, and 17% of people who come to the center are consulted about domestic violence.

The state has implemented an inspection system to prevent domestic violence. These inspectors have cooperated with the members of the Council of Women and Family Relations at various levels, and the program has yielded positive results. There have also been programs on television and radio to disseminate information in regards to domestic violence.

IV. Gender Equality

Main Concerns From the HRC

The HRC pointed out that the state party has not achieved the objectives that were identified in the last constructive dialogue. There has been no progress in the participation of women in appointed or elected political positions. The current party

controls the majority of the Parliament seats, which makes it clearer that the state party has not made any efforts to advance this cause.

The Committee on Elimination of Discrimination Against Women (CEDAW) has noted that there is a resurgence of patriarchal attitudes and stereotypes especially in rural areas. The United Nations Development Fund for Women (UNIFEM) reinforced these claims. The HRC asked what the state party has done to combat this issue.

The HRC raised additional concerns regarding dropout rates for girls. The HRC requested reports of actions taken by the state and a timeline to eliminate the dropout issue, especially in regards to girls.

Responses From the State Party

Working groups have been set up to address violence and discrimination against women and girls. The state has implemented an education of human rights program that will go until 2020. There has been a presidential decree on enhancing the role of women in society. Many ministries of the department have rules that dictate women must occupy certain leadership posts. Additional training has been implemented to attract women to local government agencies.

Training has been implemented for girls in rural areas. The state party recognizes that there are cases in which girls do not go to school or do not get the same amount of education as boys. In cooperation with NGOs, the state is working very hard to increase education for girls. In 1997, higher education institutions introduced a presidential quota for students from rural areas and isolated regions of the country. Of the 12,000 students to participate under this quota, 69% were female. The state party recognizes that there are still cases where students drop out of school. Of the 120,000 estimated dropouts, about 50% were female.

V. Refugees

Main Concerns From the HRC

The HRC applauds the state party for being among the first countries in central Asia to adhere to the International Convention on Refugees. However, the HRC presented major concerns regarding the laws and protection of refugees. The information provided from the state party conveyed restrictions for persons who cross the border illegally. However, the International Convention on Refugees and the Covenant¹ state that illegal border crossing does not exclude these persons from guarantee of an examination of their claims to seek refugee status. Continued concerns remained that present procedures are not effective in protecting refugees or persons seeking status as refugees. The HRC wondered to what extent legal restrictions about border crossings were necessary to protect national

¹ The United Nations Covenant on Civil and Political Rights

security. The HRC stated that more monitoring is required to ensure that the Covenant is being followed.

Responses From the State Party

Any refugee who comes to the state is under the protection of the republic and its governing bodies. There are ongoing efforts in a working group to prepare a bill that addresses the issues of refugees.

VI. Violence and Torture

Main Concerns From the HRC

The replies from the state party to the HRC suggest that cases of torture are not widespread. These reports state that authorities intimidate victims and that the courts do not take their cases seriously. Interrogators lack investigative skills, and seek confessions as a way to solve crimes. This spreads to the ill treatment and distortion of money from the families of detainees. The state party explains withholding information regarding torture for reasons of state secrets. The HRC asked for further explanation on this issue.

The HRC notes the report from the Ombudsman regarding the ill treatment of children by the police in the context of arrests. Often children are denied the right to have a lawyer. The HRC asked multiple times for the delegation to address these reports, and any action the state is taking to prevent such occurrences.

A specific instance of violence is cited in which the military carried out an operation that caused the death of hundreds of civilians. The state party reports investigation of criminal cases was undertaken, but omits information on the investigation regarding civilian deaths. The HRC has received many reports from NGOs numbers of civilians killed in this operation. The HRC asked why there was not an independent investigation undertaken for the civilian deaths.

Responses From the State Party

Since 2007, there has not been a single complaint concerning torture or mistreatment of detainees. All requirements on laws regarding torture have been met.

After the civil war, certain criminal groups did not hand over their weapons to the law enforcement officers. These groups merged and carried out serious crimes, including the murder of one of the heads of a regional office of security. The figures that the HRC cites do not correspond to the actual death toll. Two persons were killed in accidental crossfire, in addition to the 21 persons who resisted law enforcement during the special operation. All of the details of the operation will be verified and the right legal action will be taken.

Albania
2nd Periodic Report
2990th Meeting of the Human Rights Committee
July 15 and 16, 2013
Palais Wilson Geneva, Switzerland

Main Topics Covered:

- I. Legal and Judicial Systems
- II. Detention of Individuals
- III. Discrimination and Hate Crimes
- IV. Domestic Violence
- V. Gender Equality
- VI. Human Trafficking
- VII. Violence and Torture

I. Legal and Judicial Systems

Main Concerns From the HRC

The HRC is concerned with the state's treatment of the office of the Ombudsman. It is a constitutionally independent office, which seeks to represent the interests of both the citizens and the state. During the entire year of 2011, there was no person elected to the office of the Ombudsman. Once the position was filled in the following year, the Ombudsman submitted a brief report to the HRC. The HRC asked if the budget of the office of the Ombudsman must be approved by both the Ministry of Finance as well as parliament. The HRC additionally asked if the office of the Ombudsman has adequate funding and means to preform the tasks of the office. Reports state that there has been pressure put on the office of the Ombudsman by the state, in order to influence decisions of the Ombudsman. This pressure has resulted in budget cuts for the office of the Ombudsman.

The HRC raised serious concerns over the lack of consideration for the recommendations made by the Ombudsman. The office of the Ombudsman received over 5,000 complaints, and made 400 recommendations to the state. None of the recommendations have been acted upon by the state. The HRC asked the state party to elaborate on why the Ombudsman's recommendations are not taken seriously by the state political authorities.

There are specific cases in which the office of the Ombudsman has made recommendations to have an independent investigation on the human rights crimes that have been carried out. The HRC asked the state party of any outcomes of such investigations. The HRC specifically pointed out the riots of January 21, 2011, in which opposition protestors were killed, and reports demonstrate that a member of the prime minister's staff attempted to conceal information on these killings from authorities.

The HRC asked the state party to clarify the relationship between the Ombudsman's office and the Commissioner on Protection Against Discrimination, and to explain the ways in which the two offices cooperate on human rights issues.

The HRC noted that the provisions on hate crimes have been amended to include persons identifying as homosexual. However, there is only reference to sexual orientation but no reference to gender identity. The HRC asked the state party if gender identity will eventually be added to the criminal code.

The HRC had concerns regarding the issue of corporal punishment legislation. The HRC requested more specific data and information regarding children victims of corporal punishment, the convictions that have been handed down for such crimes, and the gravity of these punishments. The HRC requested information regarding the breakdown of geographic location for such violence.

The HRC has received reports stating that the implementation of the free legal aid program is very poor. The law came into force in 2009, and since then no subsidiary legislation has been enacted. The budget is not sufficient for the program to operate. The HRC asked the state party if there were any plans to increase the budget of the free legal aid program.

Responses From the State Party

The state party acknowledged that the office of the Ombudsman provides for the highest level of independence in the state government. The state party also informed the committee that the political situation in recent years has not allowed for appropriate levels of political coordination, and that the Ombudsman was not elected due to political disputes. These political problems are some of the reasons that the state has not been given admission to the EU. However, the most recent presidential elections are noted as one of the country's most successful.

The office of the Ombudsman is not the only office to complain about inadequate funding. All of the state institutions present such concerns. The Ministry of Finance prepares the budget for the office of the Ombudsman, and it is subsequently approved by the parliament.

The state party recognizes that the recommendations of the Ombudsman have not been implemented directly. However, the recommendations are still considered by the state government. The Ombudsman discussed overcrowding in prisons, and eventually the state adopted new policies to build additional facilities. The Ombudsman also recommended the state ratify an international convention on persons with disabilities. While there was not a direct reaction, the recommendation did serve to aid the government's ministries to make decisions related to this issue.

The Ombudsman has his own website, in which the office can disseminate any reports. There are certain reports that are legally restricted from public availability.

In regards to the riots on the 21st of January 2011, there are ongoing judicial examinations. Working groups have been formed between the prosecutor's office and the state police to gather evidence for further investigations.

The new criminal code includes language that covers all types of discrimination.

The Commissioner of the Prevention of Discrimination has filed for cooperation agreements with the office of the Ombudsman, and the Commissioner is waiting for a response from the Ombudsman.

II. Detention of Individuals

Main Concerns from the HRC

The HRC had many questions regarding the specifics of detention of individuals. The HRC asked if police officers decide if the detainee needs a medical examination, or if the detainee is able to request the examination. The HRC inquired how the detention period is calculated, and if it begins at the point of arrest or admission to a detention center. The HRC asked the state party to verify if the detentions are reported immediately or after an interrogation. The HRC asked the state party to explain laws regarding the maximum period for detention in a police station.

The HRC received numerous reports that detainees are not given access to a lawyer. In 2009, half of the detainees were not given access to a lawyer. In 2011, 450 out of 585 detainees in a specific detention facility were not given access to a lawyer.

The HRC asked the state party what legal provisions are in place to prevent the arbitrary detention of persons at the hands of the police. The HRC inquired if there are procedures in place for victims of arbitrary detention to receive compensation for this violation of human rights. The HRC asked the state party to present information of complaints, investigations, and sentences for individuals who have perpetrated arbitrary detention.

The HRC asked if children and mentally disabled persons could be detained under suspicion in police stations for up to ten days. If this is true, then it is a violation of the Covenant.

The HRC notes reports on the detention of asylum seekers who enter the state in an irregular manner. The HRC asked for clarification regarding the procedures of detaining persons who have entered the state irregularly. Reports to the HRC state that there is limited budget for food and medical attention, resulting in poor conditions. The HRC asked for information regarding the treatment of

unaccompanied minors seeking asylum, including the support and counseling available for such individuals.

Responses From the State Party

State authorities that violate any laws, including those of arbitrary detention, are subject to investigation and prosecution for their offenses.

Detainees have the right to medical examination and medical attention.

Asylum seekers are only detained while compiling their request. Once the request is submitted, they are then transported to a center to wait for their case to be heard. There are no issues of detention in the cases of asylum seekers. If asylum seekers commit a criminal offense, they are then detained for that offense, which has no relation to their application for asylum. The state has detailed procedures to address the asylum seekers who are unaccompanied minors.

III. Discrimination and Hate Crimes

Main Concerns From the HRC

The HRC recognized that there are many cases of discrimination against members of the LGBT community. The HRC also noted that there is a working group to develop an action plan to address the discrimination of LGBT persons. The HRC requested information on the specifics of the plan. The HRC is also concerned with the relationship between civil society and the Commissioner of Prevention of Discrimination. The HRC asked the state party about any obstacles to bring cases of discrimination of LGBT persons before the court of law.

The HRC also expressed concerns about the discrimination against the Roma ethnic minority. The HRC received reports noting that the enrollment of Roma children in school is much lower than the average national enrollment rate. The HRC asked the state party to address any actions being taken by the state to address this issue. The state is undertaking an action plan to address the living conditions for the Roma people. The HRC asked how the plan is being funded, and if there are specific budget allocations for the strategy and implementation of the national action plan. Additionally, the HRC asked the state party to provide details on the legal norms that protect against evictions and provide reallocation services for the Roma people. The state party was also asked to address concerns over the exclusion of the Roma people from the political process.

The discrimination against persons with disabilities is also a concern of the HRC. The HRC received many reports that many state institutions discriminate against persons with disabilities. The HRC asked the state party about the law for buildings to be accessible to persons with disabilities, and if the law is enforced. The state's press has also reported on the delay in the payment of disability allowances. The HRC asked the state party to address this concern, and if the state party can guarantee that these payments are being made on time. The HRC also inquired if efforts were made to ensure the inclusion of persons with disabilities in the state's recent presidential election.

Responses From the State Party

The state party has taken action to protect the LGBT community from discrimination. These actions target hate speech and discriminatory language against these persons. The state party recognizes that there have been publications that use language that treat homosexuality as a disease. The Commissioner on the Protection Against Discrimination has recommended the removal of such texts from educational and medical institutions within 60 days. The Commissioner has recommended that the Ministry of Education and Science guarantee that all texts and programs avoid the inclusion of such discriminatory concepts. The Commissioner has also reminded the heads of important institutions that they have a legal obligation to protect against discrimination.

IV. Domestic Violence

Main Concerns From the HRC

The HRC commended the state party for the recent inclusion of marital rape in the ratification of the criminal code. The HRC would like the state party to provide information on convictions as a result of the ratification of the criminal code.

The HRC recognized that this is one of the largest human rights problems in the state, with 60% of all women having suffered from domestic violence, and 60% of all children having been abused. The HRC asked the state party to provide information on the number of government funded facilities that deal with victims of domestic violence.

The office of the Ombudsman reported that victims of domestic violence are often asked if they have triggered the act of violence, and that there are difficulties for women to bring a civil claim. In addition, lack of awareness of the issue at the community level, follow-up of inspectors, and adequate protection orders being granted by judges. The HRC asked the state party if they share the concerns of the Ombudsman, and if any actions will be taken to follow up on these concerns.

The HRC received reports from Amnesty International regarding the conditions in the national shelter for victims of domestic violence. The HRC asked what measures are taken to rectify the situation for victims of domestic violence in the national shelter.

Responses From the State Party

The state party recognized that this is a widespread phenomenon in the state. The government has taken several measures to combat this issue. There have been coordinated efforts to prevent domestic violence. There have been both municipal and regional level coordination between health systems, social services, police, judges, and religious leaders. The state party reported a total of 24 coordinated systems.

Other efforts have been made by the state to address this issue. The first public shelter for victims of domestic violence was created in 2011. There has also been a partnership between the media and the government to present the efforts to protect women from domestic violence.

Domestic violence has been qualified in the criminal code as a criminal offense. The state party recognizes that there have been problems with the implementation and follow up in regards to protection orders.

The state party reported that the cases of ill treatment of victims in the state's national shelter were investigated. The director of the shelter was removed, and since then the conditions in the shelter have improved. The current director of the shelter has strong cooperation with NGOs.

V. Gender Equality

Main Concerns From the HRC

The HRC understands that political parties in the state have a quota where 30% of candidates must be female. The HRC questions how the quota is enforced.

The HRC noted that CEDAW has previously made recommendations to the state party to address the gender wage gap. The HRC asked about the awareness of women of their rights to complain through the labor code, and if efforts are being made to increase awareness of these rights.

Responses From the State Party

There has been progress made on the issue of women's representation in the government. The state party acknowledges that there is still progress to be made on the issue. Female candidates must make up at least 30% of the parties' total candidacy. Unfortunately, many parties decide to pay the fine instead of meeting the quota. The state party called for NGOs to put pressure on the parliament so that

election results require women to hold a quota of 30% of parliament seats. There is no time frame for reaching this quota.

The state party recognizes the regional problem of a gender wage gap. Studies are being undergone in the state in regards to this issue. The current pay gap in the state is about 17%.

VI. Human Trafficking

Main Concerns From the HRC

The HRC noted that the state party provided detailed description of legal procedures adopted by the state to combat the issue of human trafficking. However, the HRC has received reports that there are problems with the implementation of these legal procedures. Reports note the lack of coordination of state institutions, the failure to support victims and provide them with protection or compensation. The HRC also understands that the state is a source and transit point for human trafficking, including children and newborns being trafficked with the consent of their parents. These reports reveal cases in which law enforcement officials are involved in the trafficking. The HRC asked the state party of enforcement, investigation, and indictment related to the state's laws on human trafficking.

The HRC asked for further information regarding the very small number of prosecuted, and the even smaller number of convicted cases. The state party admits that human trafficking is such a serious issue, in light of this, the HRC asked for the explanation of why there were so few convictions.

Responses From the State Party

The state party notes a EU report that explains that the state has made progress on the issue of human trafficking. The state party acknowledged being a source country, but states that it is no longer a transit country for human trafficking. The state is working on legislation and financial measures to eradicate the issue of being a source country for human trafficking.

The state has implemented a reorganization of the witness protection program. Implementation of this reorganization includes an autonomous budget and flexibility in program admissions. These new changes will include those persons who are witnesses of human trafficking and aid in the administration of justice.

VII. Violence and Torture

Main Concerns From the HRC

The issue of blood revenge and killings is a very serious concern for the HRC. The HRC inquired about sentences that have been handed down in cases of conviction for blood revenge in the past few years. The HRC understands that police have taken steps to prevent this phenomenon by compiling lists of family names involved in such conflicts. The HRC asked how many family names are on this list. The HRC further noted that the statistical figures reported by the state party are quite low, and only refer to murders. The HRC understands that there are families confined to their houses for safety reasons and that the affects of these feuds reach beyond the killings themselves. The HRC asked what actions are being taken by the government to assist these families and children that are confined to their homes.

The HRC also noted that there are reports of thousands of forced disappearances that have not been addressed by the state. In addition to the forced disappearances in recent years, the HRC is concerned about actions being taken by the state to investigate and address forced disappearances during the Soviet era.

Responses From the State Party

There are over 200 families on the list of blood feuds. Blood revenge killings are punishable by a minimum of 20 years in prison. The state party acknowledged that there are about 70 children who are confined to their homes for safety reasons. The Ministry of Education has coordinated efforts to provide homeschooling for these children. In September 2013, changes in the criminal code will be in effect to extend the criminal sentence for blood feud killings from 25 to 35 years in prison.

The state ratified the convention on forced disappearances in 2007, and it was implemented in 2011. The state party recognized that in the Soviet period there were violations of human rights in regards to this issue. The state has approved financial means to investigate these cases. The state noted that forced disappearance is a serious criminal offence.

Czech Republic
3rd Periodic Report
2992nd Meeting of the Human Rights Committee
July 16th and 17th, 2013
Palais de Nations Geneva, Switzerland

Main Topics Covered:

- I. Detention of Individuals
- II. Discrimination and Hate Crimes
- III. Gender Equality
- IV. Human Trafficking
- V. Violence and Torture

I. Detention of Individuals

Main Concerns From the HRC

The HRC noted that persons crossing borders illegally can be detained for up to eighteen months without judicial review. The HRC asked how this law is in line with the Covenant. Additionally, asylum seekers can be kept in centers for up to 120 days while the center conducts medical examinations, identity verifications, and possible instances of quarantine. The HRC asked why medical examinations and identity verifications take so long to complete. The HRC asked for the data regarding the average stay in these centers, and asked the state party to respond to criticisms of the poor living conditions in the centers.

The HRC is concerned with the conditions in the state's prisons. Reports from the Ombudsman indicate that the number of prisoners is to grow overtime. The HRC asked if the most recent decline that the state party reported is a rare occurrence, rather than a general trend. The Ombudsman criticized the health conditions in the prisons. The HRC asked the state party to respond to the issues raised regarding the prisons.

State Party Response

The state party said that the state's policies are not in violation of the Covenant. The eighteen-month period is not a standard procedure for detention. This length of detention is only used in cases where the person fails to provide necessary information. The average detention time is 73.6 days. The average stay in the reception centers for identification and medical examinations is 14 – 21 days.

The state is aware of the longstanding issues regarding the state's prisons and detention facilities. The prison rate has been falling constantly.

II. Discrimination and Hate Crimes

Main Concerns From the HRC

The HRC has many concerns regarding the discrimination against the Roma ethnic minority. The HRC received reports from civil society organizations stating that 78% of the state's population dislikes Roma persons. The HRC asked how the state plans to address the chronic problem of hate speech, and if any concrete goals have been set to deal with this issue. The HRC asked what efforts the state is undertaking to integrate Roma children into educational systems. The HRC asked if police officers receive training on how to deal with perpetrators of discrimination.

Many reports detail the state integration programs for Roma persons are not working because these programs lack clear benchmarks and proper budgetary allocations.

The HRC expressed additional concerns regarding the political participation of persons with disabilities. The HRC understands that there is a judicial exam to allow such persons to participate in elections. The exam is not standardized, and violates multiple articles of the Covenant.

The HRC has received NGO reports stating that persons with disabilities are often treated in ways that violate the Covenant and other international agreements. An example of such environments is the mental health institutions. The state does not properly manage these institutions, and there is no ongoing monitoring. The HRC asked what efforts are being carried out to address these problems.

State Party Response

The state party admits that the situation regarding the Roma minority is not satisfactory. The Ministry of Education has made efforts to remove potential barriers of access to education for Roma children. These efforts must continue and be multiplied.

Police officers are trained to deal with perpetrators of discrimination against Roma persons. Additionally there is cooperation with representatives of the Roma community to work with the municipal and state level authorities. The police school has also increased its recruitment of Roma persons. The state party recognized that the situation could be better, but notes that progress is slowly being made in regards to this issue.

The new civil code that will be introduced in 2014 ensures the voting rights of persons with disabilities. The state believes that this judicial exam must be individualized. The exam is not in violation of the Covenant. Within three years if the legal capacity of a person with a disability is not judicially reviewed, then the person regains full legal capacity.

III. Gender Equality

Main Concerns From the HRC

The HRC understands that the communist regimes established an egalitarian system of rights of men and women, and similar stereotypes are still prominent in Eastern Europe. The HRC asked the state party what measures are being taken to put an end to the trends of the patriarchal values and traditional approaches for roles of women in society.

The HRC is concerned about the opportunities and practices of political participation for women. The HRC noted that there is currently one female minister out of a sixteen-minister government. The HRC asked why the representation of females in the ministry is not reflective of the changes that the state party claims in regards to political participation for women. Additionally, the HRC asked if there are any women governors. Efforts have been made to propose a 30% quota of women candidates from political parties, however the proposal was not submitted to the government. The HRC asked for more information this quota.

State Party Response

The state party recognized that there is significant work to be done in the area of political participation of women. There are fourteen regional governors, currently none of which are women. There is larger female representation in other areas of the state's government. Women have prominent roles in the state's decision-making bodies. Women make up 61% of positions in the judiciary, and more than 50% of state prosecutors. Political parties play an important role in the state's political life, and have a prominent role protected by the state's constitution. Men dominate mainstream political parties, and there is little participation of women in these parties.

There have been attempts to institute a quota for political parties to include female candidates. This quota of 30% has been drafted. However, the main issues were the lack of consensus and constitutional issues. Such law would require changes to the constitution. The state has moved towards other methods to improve female political participation.

IV. Human Trafficking

Main Concerns From the HRC

The HRC noted that the state not only has problems of human trafficking from persons from Europe, but women coming from Asia and Africa as well. The HRC asked what the state is doing to tackle criminal networks of human trafficking, and if any cases have resulted in convictions. The HRC has received reports of the involvement of police officers in human trafficking, and if any officers have been

convicted. The HRC asked for further reports on state efforts to combat human trafficking.

The HRC is also concerned with child victims of prostitution and trafficking. There is nothing about child prostitution in the state's criminal code. The HRC understands that children from ages fifteen to eighteen can legally engage in prostitution. The HRC asked the state to clarify on these statements, explain the measures taken by the state to protect children from commercial sexual exploitation, and what resources there are to support victims of child prostitution.

State Party Response

The state has implemented a new program that addresses psychological care and financial assistance for victims of human trafficking. The Ministry of the Interior, in cooperation with other government bodies and civil society organizations, are heavily involved in the execution of this program's goals. The program seeks to identify potential victims through prevention campaigns and invitations to join the program. Currently, there are about 190 women in the program. Women also have the option of not formally joining the program, but still receive certain program benefits.

It is illegal for public officials or law enforcement officials to cooperate with criminal groups, and such actions are subject to investigation. There is an extensive training program for police officials to deal with networks and victims of human trafficking.

In the state's criminal code there are stricter punishments for crimes against children. Commercial sexual exploitation activities are all included in the criminal code. Children ages fifteen to eighteen can engage in consensual sex, but prostitution is illegal. Prostitution involves possible coercion, which is covered in the criminal code. The state has a police help line, and the state has engaged in awareness campaigns on this issue.

V. Violence and Torture

Main Concerns From the HRC

The HRC is concerned with the issue of forced sterilization of Roma women. The HRC understands that there is a new state law on health that requires prior consent for sterilization. However, the HRC asked the state party how this consent is obtained, if there is a required presence of an interpreter, and how this new law is enforced. The HRC asked if there is legal counsel available for female victims, and if there have been any trials or convictions of such cases.

State Party Response

The state party recognized that there were unfortunate cases of forced sterilization, and the government has apologized for allowing these cases to occur. Since 2005, the Ministry of Health has undertaken serious measures to combat this issue. Sterilization is not allowed without the full consent of the patient. The state is strengthening legislative guarantees, and in 2012 has updated the legal framework to manage sterilization procedures. The framework also seeks to strengthen the rights of the patients. The state party recognized that this procedure is irreversible and results in serious consequences for human health.

Serbia
2nd and 3rd Periodic Report
Committee on Elimination of Discrimination Against Women
July 18, 2013
Palais de Nations Geneva, Switzerland

Main Topics Covered:

- I. Legal and Judicial Frameworks
- II. Discrimination and Hate Crimes
- III. Domestic Violence
- IV. Gender Equality
- V. Human Trafficking
- VI. Refugees
- VII. Health and Healthcare

I. Legal and Judicial Frameworks

Concerns of the CEDAW

The CEDAW is concerned with the state's implantation and obedience of international treaties. The CEDAW asked the state party to clarify if there were any cases in which the courts used the Convention², and if there were any cases in which women invoked their rights according to the Convention. If there are no such cases, then the CEDAW asked what plans the state had to increase knowledge about the rights according to the Convention to the general public. The CEDAW also inquired if the state had specific training on the Convention for judges.

The CEDAW asked questions regarding the state's new strategy for protection of discrimination, which was adopted in June 2013. The CEDAW asked why persons are only allowed to claim one ground of discrimination in the courts, when there are cases in which women are discriminated on multiple grounds. The CEDAW asked what action is being taken to ensure that the implementation of the new strategy for protection of discrimination and the Convention are both being monitored. The CEDAW also inquired about the efforts being made to provide free legal aid to citizens.

Inquiries were also made about the cooperation between the state and civil society organizations. The CEDAW asked for the state party to provide more information regarding the cooperation with NGOs, and specific funds the state was allocating for these organizations in order to implement the Convention.

² The Convention to Eliminate All Forms of Discrimination Against Women

State Party Responses

The state's legal framework enables implementation of the laws on gender equality, including international legal obligations. There have been two cases involving gender discrimination that were submitted to the Ministry of Labor and Social Policy. Neither case invoked the Conventions.

Judges attend trainings on the Conventions. The state enacted a project on combatting gender and sexual violence, which included training of the judges at the judiciary academy. This training has been attended by hundreds of court officers. The training includes a manual that covers the Convention. The manual is also available to court officers who do not attend the training.

The issue of free legal aid is in a process of public review and will be on the parliamentary agenda in the near future. The proposed steps include the adoption of the law on free legal aid, which takes into account the state's available financial resources. The proposal also seeks to define the criteria for receiving free legal aid.

The state is looking to develop indicators to further monitor the implementation of the state's laws.

There are instances in which the state provides funding for NGOs. The largest funding opportunity is the competition administered by the Gender Equality Directorate. Other opportunities for collaboration are taking place because of the obligation of the public authorities to cooperate with civil society organizations. The state and civil society work in forms of dialogue and cooperation with one another. An example is the integrated response to violence against women. In April 2013 the state held a conference on multi-level cooperation on violence against women. The state recognizes that in the past ten years, many initiatives have been launched by NGOs. The state government truly appreciates their cooperation.

II. Discrimination and Hate Crimes

Concerns of the CEDAW

The CEDAW asked what actions have been and will be taken to fight against discrimination against LGBT persons, and if there were any plans to introduce legislation to allow for the registered partnerships for lesbian couples.

Additionally, the CEDAW asked what plans and policies the state had to provide concrete solutions for the problem of discrimination against Roma women. The CEDAW understands that the state has a national action plan for Roma women. The CEDAW asked what new targets, monitoring, and budgeting the plan contained. Additionally, there are large discrepancies of Roma women in the education systems.

The CEDAW asked if there were any strategies the state is carrying out to target young Roma girls to enroll in various education levels.

The CEDAW had received reports regarding the discrimination against persons with HIV. The CEDAW understands that efforts have been made to publicize information to reach these groups of people through NGOs. The CEDAW asked if the state party had any information regarding temporary special measures being taken to understand the successes and failures of the information publication, in order to improve these efforts.

The CEDAW was frustrated with the lack of progress being made on the issue of discrimination against persons with disabilities. CEDAW noted that the state has proper legal frameworks in place to protect these persons from this discrimination; however, there have not been changes in the situation for women with disabilities.

State Party Responses

The state has recently adopted an anti-discrimination document which names LGBT persons as a group to be protected by the law. This is the first time in the state's history that a legal distinction exists for LGBT persons. Within the past few years there have been many efforts to combat this discrimination through partnership with civil society organizations. These efforts focused on political participation, labor and employment, education, healthcare and housing. The law on registered partnerships will be debated publically in the near future.

Many efforts have been made to combat discrimination against Roma women. There have been efforts to provide registration and civil documents to Roma women. In addition, the state has been working intensively to improve housing conditions. The state recognizes that this is one of the most difficult challenges facing this population. Beginning in 2014, the state's budget will fund the action plan. The plan seeks to increase participation of Roma women in political life, the prevention of unlawful marriages, prevention of human trafficking, changing social perception and combatting stereotypes, preventing domestic violence, education, and reproductive healthcare.

The state party recognized that there is much work to be done on the issue of discrimination against disabled women. The Ministry of Labor and Social Policy is leading a working group on this issue. The working group has developed a matrix for monitoring the implementation of the strategy of improving the conditions of persons with disabilities. Additionally, the state party notes that the employment situation for persons with disability has improved greatly over recent years. The state has implemented a national strategy to promote equal opportunity. Under this effort 10,600 persons with disabilities were hired.

III. Domestic Violence

Concerns of the CEDAW

The CEDAW had many questions for the state party regarding the issue of domestic violence. The CEDAW asked for information regarding domestic violence cases in which women were killed by their partners, and what services and shelters the state had in place for victims of domestic violence. Inquiries were also made about the financing and budgets of these shelters.

State Party Responses

In the last three years, the data on the number of women killed by their partner or domestic violence includes the following: 29 women killed by their husbands, 7 killed by former husbands, and 14 killed by their common law partners. Police officers receive training on how to deal with and combat domestic violence.

IV. Gender Equality

Concerns of the CEDAW

Major concerns were expressed regarding the political participation of women. Local level representation is significantly lower for females than for males. Only seven out of 159 mayors in the state are women. Women also make up less than 10% of the state's ambassador positions. The CEDAW asked what has been done and what plans are being made to address political participation.

Other concerns were raised in regards to the discrimination against women in employment. Long-term unemployment rates in the state are very high for women, especially youth and those with disabilities. The pay gap in the state between men and women is 15%, and 66% of families in poverty have women as the head of the household. The CEDAW asked how the state is working towards improving the situation for women in the labor market.

State Party Responses

The state party reported fifteen heads of embassies and consulates, and eleven ambassadorial positions are occupied by women. The number of women participating in local government is unsatisfactory. The level of political participation is an issue that the state is going to focus on improving.

The state has implemented a national employment strategy to promote equal opportunity and improve conditions for vulnerable populations of the labor market. This includes targeting women.

V. Human Trafficking

Concerns of the CEDAW

The CEDAW noted that there was only one case with a conviction of human trafficking. The CEDAW asked why this number was not higher. The CEDAW also asked about how the state coordinates services for victims of human trafficking.

State Party Responses

In 2006, the state law divided such offenses into two different categories. The categories include trafficking, and smuggling of persons. The state is going to adopt a national strategy for combatting human trafficking.

VI. Refugees

Concerns of the CEDAW

The CEDAW noted that the state has the highest amount of internally displaced persons (IDP) in Europe. However, the CEDAW was concerned that there are no ongoing efforts to monitor the situation. The state's Commissioner on Refugees does not have a database that separates data by gender. The CEDAW asked how the state party will design and establish a monitoring system for refugees and IDPs that includes gendered statistics.

State Party Responses

The state currently has 36 centers for refugees. In the state there are about 300,000 displaced persons.

VII. Health and Healthcare

Concerns of the CEDAW

The CEDAW had many questions regarding the state's policies and situations related to abortion. The CEDAW received reports stating that there are between 150,000 and 200,000 abortions every year, meaning that it is often used as a contraceptive method. Using abortion as a contraceptive method is very dangerous to the health of the woman. Modern contraceptive methods are not available or properly promoted. Additionally, the quality of counseling services and family planning is very low. The CEDAW asked how the state is going to address all of these issues related to abortion and the promotion of healthy measures of contraceptives. Additionally, CEDAW inquired if the state is going to control the cost of abortions as a means of controlling the number of abortions taking place.

There were also additional concerns regarding the availability of second-generation antiretroviral antibiotics to treat persons with HIV. Only the first generation of the drug is available in the state, and there are many reports of cases where persons have become resistant to the drug. The CEDAW asked the state party to clarify concrete actions that it is going to take to address this issue.

State Party Responses

The state party acknowledged the problems with the large number of abortions. The state will carry out more education and awareness rising so that abortion is only restricted for certain uses. Abortion is a legal right for every woman in the state. The Ministry of Health will not impose stricter conditions, but will ensure that women are aware of other contraceptive methods and health risks. The national insurance fund prescribes the prices for abortions in the public health system, and private practices dictate their own costs. Cost control is not something that can be done by the state. The state has limited funding for the national health insurance fund. However, the state is still seeking ways to raise awareness about the different methods of contraceptives. Such efforts include online counseling services to younger Internet users regarding the use of contraceptives. The state is working on improving the situation of family planning resources.

Bosnia and Herzegovina
4th and 5th Periodic Report
Committee on Elimination of Discrimination Against Women
July 19, 2013
Palais de Nations Geneva, Switzerland

Main Topics Covered:

- I. Legal and Judicial Frameworks
- II. Discrimination and Hate Crimes
- III. Domestic Violence
- IV. Gender Equality
- V. Human Trafficking
- VI. Violence and Torture
- VII. Health and Healthcare

I. Legal and Judicial Frameworks

Main Concerns of the CEDAW

The CEDAW raised concerns regarding the application of the Convention. CEDAW received reports stating that there was only one case in which the constitutional court refers to the Convention. The CEDAW inquired why this number is so low, especially considering reports detailing numerous Convention violations. The CEDAW asked if the Convention is promoted at the judiciary academy, and if judges are otherwise trained on the Convention. Many CEDAW members emphasized their concern about how the state is not applying the Convention in its courts.

State Party Response

The state party noted that the application of the Convention has been more successful on the entity level. All definitions in the Convention were used in the state's laws on gender and equality. The Convention is implemented through this state law. The reports only indicated one case in which the Convention was cited because the statistics do not include the decisions of all of the state's courts. The judges are trained on the Convention. The state party recognized that the laws on gender and equality are not frequently cited in the courts, but that the state will work on promoting awareness of these laws. The state party recognized that not all members of the parliament take gender issues as seriously as they should.

II. Discrimination and Hate Crimes

Main Concerns of the CEDAW

The CEDAW asked what measures the state is taking to integrate minority groups, such as Roma women and women with disabilities. Additionally questions were raised regarding the measures taken to ensure the birth registration of Roma children. The CEDAW received many reports detailing the exclusion of Roma women from the formal labor market. The CEDAW asked what efforts the state is taking to address the issue of integration of Roma women.

State Party Response

The state party is not satisfied with the level of discrimination that occurs against Roma women, and understands that there needs to be more progress on this issue. Employment for Roma women is a specifically difficult issue. The state has implemented awareness campaigns, conducted special parliamentary sessions, and worked with civil society organizations to address the issue of employment for Roma women. The largest obstacle arises with the level of education of the Roma women. However, social inclusion is a priority for the state.

III. Domestic Violence

Main Concerns of the CEDAW

The CEDAW requested that the state party provide more information regarding the situation of domestic violence, and to report the state efforts being carried out to address this issue.

State Party Response

The state party understands that domestic violence is a prevalent issue for the state. Half of the women surveyed have experienced some form of domestic violence in the last twelve years. The state party notes that part of the problem is rooted in systematic gender inequality that is established in both public and private life. The state is determined to continue to work on combatting domestic violence in combination with other efforts to achieve gender equality.

The state is working on methodology for data collection for the Convention. The state has ten shelters that treat victims of domestic violence, however these shelters provide a wide range of services and are not solely shelters for victims of domestic violence.

IV. Gender Equality

Main Concerns of the CEDAW

The CEDAW was concerned with the level of political participation for women. The CEDAW inquired about the participation of women in the state's diplomatic service.

The CEDAW noted the very high rate of unemployment of 43%. The employment rate for women is 23% compared to the rate for men, which is 43%. The CEDAW asked what efforts the state is undergoing to ensure that the obligation to gender equality is being implemented in the labor market.

State Party Response

The state has taken many efforts to address the level of political participation for women, including the Gender Equality and Empowerment plan. The state's political academy recruits and trains women for candidacy. The state party noted that the participation of women at the executive level is not satisfactory, and that women are underrepresented in the legislature. Women make up over half of the state's civil service, and 56% of the state's judges. Additionally, 48% of the state's prosecutors are female.

The state party noted that women are overall more educated than men, and dominate the population of those who have graduated from higher education. Educated women are more employed than educated men. However, the state party recognized that further efforts could be made to combat the issue of inequality in the workforce.

V. Human Trafficking

Main Concerns of the CEDAW

The CEDAW understands that the state has implemented recent efforts to address the trafficking of persons, however the CEDAW is still concerned with the implementation of these efforts. The CEDAW asked how the plan is being structured to include coordination with neighboring states. The CEDAW was also concerned about the coordination of the laws and efforts to combat human trafficking among the entities of government.

State Party Response

The state party noted that the most vulnerable population for human trafficking is women refugees. The Ministry of Security is working on an action plan to address the issue of human trafficking. The state noted that 80% of persons who are trafficked are also victims of violence and abuse. The state will address prevention efforts in the

action plan. The laws on human trafficking are harmonized at the state and entity level.

VI. Violence and Torture

Main Concerns of the CEDAW

The CEDAW recognizes that 20 years have passed since the Bosnian War, however limited efforts have been made to investigate the crimes of violence against women. The CEDAW requested statistics, state efforts to aid in rehabilitation of victims, and other efforts to implement witness protection programs. The CEDAW has received reports stating that there have been over 20,000 cases of rape, and only 600 cases have been investigated. Of the cases having been investigated, only 29 judgments have been issued. The CEDAW asked the state party why the number of convictions is so low.

State Party Response

The state party recognizes that not enough efforts have been undertaken to address the issues of violence against women from the war. The state does have a witness protection program.

VII. Health and Healthcare

Main Concerns of the CEDAW

The CEDAW was concerned with the access to healthcare for women living in both rural and urban areas. Reports stated that 8.5% of households reside in rural areas. The CEDAW asked what steps have been taken to ensure that women have access to healthcare and health resources. The CEDAW also asked the state party to report the percentage of women that have access to healthcare.

Concerns were raised regarding the availability of contraceptives. The reports demonstrate that only 40% of women use contraceptives, and only 9% of women use modern methods of contraceptives. The reports detail the difficulties for women to access modern contraceptive methods. The CEDAW asked the state party to report on the affordability and accessibility of modern contraceptive methods, and the state's available resources for family planning.

Additionally, the CEDAW was concerned about the state efforts to address the situation for those with HIV. Reports to the CEDAW state that the number of persons infected with HIV has increased over time, and that this number is especially heightened amongst female sex workers. The CEDAW asked about the state's strategy to combat HIV. The CEDAW also asked if the strategy included methods to

reduce the stigma surrounding the disease, and if any campaigns are going to be implemented to address dangerous sexual behavior.

State Party Response

The state party reported that various measures are being undertaken to improve the access to healthcare and health resources for women. Efforts will be made to raise the awareness of available health resources for rural women. Roma women have access to basic health insurance.

The modern methods of contraception are not widely used in the state. Outreach to Roma women is being undertaken by civil society organizations.

The state is undertaking education measures through the Center for HIV. The state is cooperating with NGOs to address this issue. The state is a low risk state for contracting HIV. The state's statistics for HIV do not distinguish sex workers because they are not recognized as formally employed persons. Additionally, the state's statistics do not separate the HIV cases by gender.

Recommendations

The following recommendations are based on observations from attending the above-mentioned committee sessions. The recommendations are divided into two categories: attention and action issues. The attention issues are high priority issues to be addressed by NGO and civil society organizations. These are areas in which there may be lack of effort from the state's government. The action issues have the greatest potential for achieving progress. The state has shown interest and effort in combatting this issue, but requires additional cooperation with NGOs and civil society organizations. The recommendations are limited by the information provided at the committee sessions. Addressing such issues intends to provide recommendations for future action and potential projects. Additional research will be required in order to implement the recommendations.

Ukraine

Attention Issue – Discrimination

Efforts should be undertaken to monitor the implementation of legal mechanisms to protect against discrimination. Specific attention should be given to the discrimination against Jehovah's Witnesses, LGBT persons, and Roma persons. NGOs can coordinate available resources to seek legal action for cases of discrimination.

Action Issue – Human Trafficking

While the state has made efforts to combat human trafficking, there can be additional efforts to monitor the implementation of the state efforts. These efforts can be undertaken in the eight specified regions. Additionally, advocacy can be made to expand the efforts to the state's other regions.

Tajikistan

Attention Issue – Legal and Judicial Frameworks

The HRC expressed many concerns about the legal framework in place to address human rights issues. There should be an increase in NGO cooperation with government bodies to advocate for legal reform. Efforts should be made to organize constituents to put pressure on government bodies to implement legal reforms.

Action Issue – Domestic Violence

The state has established crisis centers in recent years, and the head of state has met with many community leaders in order to combat this issue. NGOs can offer support with the

state's inspection system of domestic violence, and advocate for the construction of additional centers.

Albania

Attention Issue – Human Trafficking

The state experiences problems with implementing laws in regards to human trafficking. NGOs can work with the state to establish an understanding of all of the resources and efforts that can be coordinated. NGOs can help report cases in which law enforcement officials are involved in human trafficking. Additional increases can be made in legal advocacy and financial support for victims. NGOs can increase the awareness and direct victims to the state's witness protection program.

Action Issue – Domestic Violence

Efforts can be made to increase awareness of the issues and resources surrounding domestic violence at the grassroots level. NGOs can advocate for the improvement of shelter conditions. NGOs can participate in coordinating medical, social, and legal resources for victims of domestic violence. NGOs can also seek partnerships with state police, judges, and community level religious leaders.

Czech Republic

Attention Issue – Discrimination and Hate Crimes

Efforts can be made to implement anti-discrimination campaigns to aid the Roma people. There is also room for NGO outreach efforts to integrate Roma persons into the state's education systems.

Action Issue – Human Trafficking

NGOs can carry out awareness campaigns to increase the understanding of available resources for victims of human trafficking. The NGOs can share information about the state's program for victims, and aid with the enrollment. Efforts can also be made to create advertisements and raise awareness for resources targeted specifically towards children.

Serbia

Attention Issue – Health and Healthcare

NGOs can increase the availability and distribution of modern contraceptive methods throughout the state. Additional efforts can be made to introduce community level family planning and sexual education. Special attention can be given to increasing the knowledge of health risks associated with abortions.

Action Issue – Hate Crimes and Discrimination

Advocacy can be targeted towards obtaining legal rights for LGBT couples. Additional efforts can target the Roma population. Such efforts can include the aid in obtaining identification documents, and access to education. NGOs can coordinate with the state in their plan to increase the political participation of Roma women. Other possible campaigns can include reducing the stigma of persons with HIV, and increasing the awareness of the state's program for employment of women with disabilities. NGOs can help women with disabilities register and enroll in the state's employment program.

Bosnia and Herzegovina

Attention Issue – Health and Healthcare

Efforts can be made to increase access to healthcare for rural and urban women. Additionally, there can be outreach to promote the availability and knowledge of modern contraceptive methods. Specific attention should be given to Roma women and sex workers. Due to large gaps in the state's data collection for sex workers, efforts to collect this data would prove to be beneficial.

Action Issue – Human Trafficking

NGO efforts can be made to monitor the implementation of laws, and the harmonization of laws concerning human trafficking between the state and local levels. NGOs can coordinate legal assistance to victims, and advocate for more shelters for victims. The state noted that over 80% of persons who were trafficked experienced violence and abuse. Resources for victims of human trafficking should take into account these experiences in order to provide resources for the victims.

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