

Optional Protocol: Signed: 1 March 1995; ratified: 1 March 1995.

Racial Discrimination

Succeeded: 16 July 1993.

The initial report for Bosnia and Herzegovina was due 16 July 1994; the second periodic report was due 16 July 1996.

Under its early warning and urgent procedures, the Committee considered the situation in Bosnia and Herzegovina at its August 1997 session. In Decision 2(51) (CERD/C/51/Misc.37/Rev.1) the Committee noted with great concern that: Bosnia and Herzegovina remains a deeply divided country; the boundaries are not very different from the confrontation lines between entities; and, there are clear patterns of discrimination and separation based on national or ethnic origin. The Committee also expressed concern over the serious obstacles to the right of refugees freely to return to their homes of origin and noted that property laws which conflict with the Dayton Agreement remain in effect. Profound concern was also expressed over the fact that little progress is being made in apprehending people indicted by the International Criminal Tribunal for the Former Yugoslavia. The Committee urged all parties to the Dayton Agreement to comply with their obligations to cooperate fully with the Tribunal in fulfilling its task of bringing to justice all persons guilty of the serious crimes falling within its jurisdiction, execute immediately all warrants of arrests, and expedite the transfer of individuals indicted by the Tribunal.

Discrimination against Women

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina was due 1 October 1994.

Torture

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina was due 5 March 1993; the second periodic report was due 5 March 1997.

Rights of the Child

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina was due 5 March 1994.

Reservations and Declarations: Paragraph 1 of article 9.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the territory of former Yugoslavia

A Special Rapporteur (SR) on the situation of human rights in the territory of former Yugoslavia was appointed in 1992, pursuant to resolution 1992/S-1/1 of 14 August 1992, adopted at the first special session of the Commission on Human Rights. Ms. Elisabeth Rehn was the Special Rapporteur during 1997.

The SR visited Bosnia and Herzegovina (B&H) from 26 to 28 June 1996 to assess the human rights situation in the context of the elections scheduled for September 1996. The report of that mission (E/CN.4/1997/5) stated that the elections would not meet all the relevant requirements of international law and the Copenhagen Declaration. [The Copenhagen Declaration was agreed at the Meeting of the Conference on the Human Dimension of the Organization for

Security and Cooperation in Europe (OSCE). This Declaration, combined with the General Framework for Peace in Bosnia and Herzegovina, charged the OSCE with supervision of the preparation for and conduct of the elections and established the rules and regulations for the elections.] The SR supported the recommendation of the Chairman-in-Office of the OSCE, that the mandates of all the authorities elected expire in two years, when new elections would take place. The rationale behind this proposal was that it would allow for further consolidation of the democratic process and provide an opportunity for a free and fair expression of the will of the people within a reasonable period of time.

Issues highlighted as requiring attention before the next elections included: obstacles to the exercise of the rights to freedom of association and assembly for political parties other than the three in power or with authority, namely the Serbian Democratic Party (SDS), the Party of Democratic Action (SDA) and the Croatian Democratic Union (HDZ); the de facto lack of freedom of movement particularly in the Republika Srpska; the need to ensure equal access to radio and television stations for politicians who do not belong to the SDS; censorship of the media in Croat-controlled areas; inter-entity distribution of newspapers and magazines; the need for inter-entity telephone contact; obstructions to the return of refugees and displaced persons to "minority areas"; and, the pervasive climate of fear and insecurity.

The report states that violations continued in B&H, particularly in the areas of freedom of association and assembly, freedom of movement for campaigners and candidates, restrictions on freedom of expression and abuses of the media, and violent attacks on politicians and their supporters. The report noted that governments, local authorities and police forces had failed to take the action necessary to counter these practices and to permit significant voluntary return to areas where returnees are now part of minority populations. Incidents of ongoing displacement were also mentioned.

This assessment of the elections was supplemented by follow-up commentary in the SR's general report to the Commission on Human Rights (of October 22, 1996) (E/CN.4/1997/9, paras. 3-37, 138-142) which reiterated that conditions for free and fair elections did not exist in September 1996 and that the elections had suffered from restrictions on free political expression, free association and free movement. The report observed that: opposition voices were rarely heard in the media; opposition party members were frequently the target of threats and discrimination; reports of intimidation were received from all areas of the country; and there were reports of persons losing their employment, especially in state enterprises, because of their political affiliations. As well, there were no reliable mechanisms to prevent the registration process from being manipulated in such a way as to encourage displaced persons and refugees to cast their votes in strategically important municipalities. However, the SR stated that small opposition parties and non-governmental organizations saw the elections as the first step towards their gaining a voice in the country's civil society.

In terms of post-election conditions, the report refers to the task of institution-building and notes that technical and political problems had led to a "blockade" on the activities of the new institutions. One example cited was the failure to