



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Sixteenth session
16–27 April 2012

**Consideration of reports submitted by States parties under
article 73 of the Convention**

**List of issues to be taken up in connection with the consideration of the
second periodic report of Bosnia and Herzegovina (CMW/C/BIH/2)**

I. General information

1. Please describe how non-governmental organizations (NGOs) participated in the drafting of the second periodic report (CMW/C/BIH/2, para. 94 and annex III) and indicate if the Office of the Human Rights Ombudsmen for Bosnia and Herzegovina was consulted during the preparation of the report. Based on the 2007 Agreement on Cooperation between the Council of Ministers and the NGO sector (para. 95), please elaborate on concrete actions which involved NGOs in the implementation of the Convention.
2. Please indicate if the Committee's concluding observations on the State party's initial report have been disseminated, as requested in paragraph 41 of the concluding observations (CMW/C/BIH/CO/1). In this regard, have workshops, conferences, round tables and similar events been organized, in cooperation with civil society organizations, on the implementation of those recommendations?
3. Please indicate if the State party has conducted an assessment of its Strategy on Immigration and Asylum Action Plan 2008-2011 (CMW/C/BIH/2, para. 41) and whether it intends to renew it. If so, please provide information on the results of such assessment and indicate the financial and human resources allocated to the implementation of the renewed Strategy.
4. The report refers to two judicial and prosecutorial training centres in the federation of BiH and the Republika Srpska for judges and prosecutors (CMW/C/BIH/2, paras. 59-60). Please indicate whether legal training on the application of the Convention forms part of the programme of these centres. Please also indicate if the State party has taken steps to provide training for other public officials and for social workers on the content of the Convention.
5. The report (CMW/C/BIH/2, para. 51) refers to statistics on transit migration as being an integral part of the State party's migration profiles 2008 to 2010. Since the profiles

contain data only on the total number of visas issued and on visas issued at borders (annex I, para. 84), please provide the Committee with adequate information on data regarding transit migration patterns (transit visas type A and B in particular), as requested by the Committee in its previous concluding observations (CMW/C/BIH/CO/1, para. 16).

6. Please provide official estimates of the number of migrants in the State party who are undocumented or in an irregular situation, disaggregated by sex, age and nationality, on an annual basis since 2009.

7. Please clarify whether the entry or stay in the State party by migrant workers in an irregular situation constitutes an offence and if so, which criminal and/or administrative consequences such migrant workers may face (CMW/C/BIH/2, paras. 75-76).

8. Please provide updated information on the human and financial resources allocated to the Office of the Human Rights Ombudsmen for Bosnia and Herzegovina and on its current mandate on issues related to migrant workers, including the inspection of immigration centres.

9. In its previous concluding observations (CMW/C/BIH/CO/1, para.14), the Committee encouraged the State party to consider making the declarations provided for in articles 76 and 77 of the Convention. Please indicate whether the State party has taken or is planning to take any steps towards making those declarations.

II. Information relating to each of the articles of the Convention

A. General Principles (art. 7 and 83)

10. Please indicate if the State party has taken any steps to implement the Law on Discrimination adopted in 2009 to ensure equal rights and opportunities for migrant workers and their protection against discrimination (CMW/C/BIH/2, paras. 71-72). Please describe what are the preconditions and prerequisites referred to by the State party for the achievement of equal rights and opportunities and protection against discrimination on any grounds (CMW/C/BIH/CO/1, para. 65).

11. With regard to the activity of second instance bodies referred to in paragraph 14 of the report, please provide information on the number and types of appeals lodged with those bodies, as well as on the number and outcome of the cases decided, disaggregated by entities and district, since the entry into force of the Law on Movement and Stay of Aliens in May 2008? Please also provide information on any cases where provisions of the Convention were directly applied or referred to by domestic courts or administrative authorities between 2009 and 2012.

12. Please also provide information on the number of complaints about violations of migrants' rights dealt with by the Human Rights Ombudsmen for Bosnia and Herzegovina since 2009, their outcome and any redress provided to victims of such violations.

B. Part III of the Convention

Article 16, 17 and 22

13. Please indicate whether the new Law on Movement and Stay of Aliens which entered into force in 2008 (CMW/C/BIH/2, paras. 5 and 9) contains any provisions on the protection of migrant workers in an irregular situation against violence, physical injury, threats and intimidation, in line with article 16, paragraph 2, of the Convention?

14. With regard to the review of citizenship referred to in paragraphs 67 to 70 of the report, please indicate if the Citizenship Review Commission established in 2006 has completed its mandate and describe how decisions issued by the Commission can be reviewed or challenged on appeal. In that regard, please provide the following data on (a) the number of persons whose citizenship was revoked; (b) the number of appeals lodged; (c) the number of citizenships reinstated after successful appeal; (d) the number of documented persons who were able to remain in the State party after revocation of their citizenship, (e) the number of persons placed in immigration centres; and (f) the number of persons who have been deported. In light of the short deadlines for appeal and review described in the report (CMW/C/BIH/2, para. 68) and the conflicting information before the Committee regarding prolonged detention, please provide information on the length of detention of persons placed under surveillance.

15. With regard to the detention of persons identified by the Intelligence and Security Agency (CMW/C/BIH/2, paras. 35 and 68) as constituting threats to national security and public order, please clarify the legal requirements and procedural steps, including at the appeal stage, for placing foreigners under surveillance in immigration centres. Please also clarify from which moment access to consular agents and to legal aid is provided. Does the current legislation establish a time-limit for detention in immigration centres?

16. Please provide updated statistical data, disaggregated by sex, age and nationality, on migrant workers in an irregular situation and members of their families detained in the immigration centre established in late 2009 (CMW/C/BIH/2, paras. 74-76; annex II, paras. 24-25), as well as on the number of immigration detainees expelled from the State party since 2009.

Article 25

17. Please provide information on any measures taken by the State party to protect domestic migrant workers from exploitative conditions of work, particularly women, including those in an irregular situation. Please also indicate whether the State party envisages acceding to the International Labour Organization (ILO) Convention No. 189 (2011) on Domestic Workers.

Article 28

18. Please indicate whether migrant workers in an irregular situation and members of their families have access to emergency medical care in neighbourhood health clinics or centres.

Article 29

19. Please indicate if children of migrant workers, including those in an irregular situation, are systematically registered at birth and whether they are entitled to obtain Bosnian nationality. Please indicate the steps taken by the State party to ensure that all migrant children, including Roma migrant children, are issued personal documents which are necessary for them to access health care, child allowances and education.

C. Part IV of the Convention

Article 41

20. Please indicate if any evaluation mechanism has been established to assess the impact of the measures taken by the State party to facilitate voting by its nationals abroad

(CMW/C/BIH/2, paras. 80-83) and provide updated data on the number of nationals abroad who have participated in elections since 2009.

Article 43

21. According to information before the Committee, a permanent residence requirement applies for the granting of child allowances in the three entities. Please indicate if the conditions for access to such benefits are in line with the principle of equal treatment of migrant workers with nationals of the State of employment.

D. Part V of the Convention

Article 59

22. Please provide data or estimates on the number of seasonal workers employed in the State party (CMW/C/BIH/2, paras. 84-85). Please indicate if the State party intends to develop a system of registration for seasonal workers and describe which concrete actions have been taken to address the violations of rights of seasonal workers referred to in paragraph 85 of the report.

E. Part VI of the Convention

Article 65

23. Please indicate what steps have been taken to ensure effective coordination between the Entity Employment Institutes, the Labour and Employment Department of Brcko District (CMW/C/BIH/2, para. 86) and relevant institutions at the central government level (paras. 25-28).

Article 68

24. With regard to trafficking in persons (CMW/C/BIH/2, para. 88), please provide information on the estimated number, disaggregated by gender, age and nationality, of victims of trafficking in persons to, from and in transit through the State party, as well as updated data on the number of trafficking cases decided by judicial organs, in particular on the number of investigations, prosecutions, convictions, sentences imposed on traffickers and redress provided to trafficking victims.

25. The report (CMW/C/BIH/2, para. 79) refers to a Strike Task Force established in 2004 which contributes to combating human trafficking and organized illegal immigration. Please provide updated information on the human and financial resources allocated to it and on the training it has provided to judges and prosecutors since 2008 (para. 92). Please indicate if other relevant professional groups have received training, in particular immigration and law enforcement officers, including members of the State Investigation and Protection Agency, as well as social workers. Please also indicate whether the State party intends to renew its 2008-2010 National Action Plan to combat human trafficking (para. 91).
