

**ADDRESS AT THE SESSION OF THE UN COMMITTEE ON
MIGRANT WORKERS, HELD ON 23RD AND 24TH APRIL 2009 IN
GENEVA**

**SUBJECT: INITIAL REPORT OF BIH ON THE RIGHTS OF ALL
MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES**

**Dr. Dragutin Čegar, a member of the Delegation of Bosnia and
Herzegovina**

**Distinguished Chairperson,
Distinguished members of the Committee,
Ladies and Gentlemen,**

**Bosnia and Herzegovina, as you know, is among few European
countries to have acceded to and ratified the UN Convention on
the Protection of the Rights of All Migrant Workers and
Members of Their Families. We believe this is positive, since in
most cases the majority of countries worldwide, particularly
those that are better off and that have the greatest number of
migrant workers - and among them many workers from Bosnia
and Herzegovina- do not pay due attention to this issue. In this
way certain countries, notably those with large numbers of
migrant workers, contribute – directly or indirectly – to the
deepening of gaps in the exercise of rights of migrant workers**

and members of their families with respect to vital questions, primarily relating to their employment, creating conditions for the provision of housing, education for their children, health care, freedom of movement, assembly, trade unions, etc.

Methodology-wise, in the preparation and drafting of the Initial Report we tried to rely as much as possible on Provisional Guidelines with respect to the form and contents of initial reports to be submitted by States parties under Article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Wishing to involve and encourage a larger number of experts, professionals and academics with good knowledge of the subject-matter, we set up a working group consisting of 35 members from across the country. Therefore, the representatives of both Entities, as well as of Brčko District of BiH, participated in the working group. We sought to ensure representatives from the competent state-level and Entity-level ministries directly dealing with labour and employment issues, particularly for foreign workers, as well as those from the competent administrative organizations and agencies. Thus, the working group tasked with the drafting of the respective report included the representatives of the following state-level ministries and agencies: Ministry of Human Rights and Refugees, Ministry of Security, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Foreign Trade and Economic Relations, Ministry of Civil Affairs, Ministry of Finance and Treasury, Labour and Employment Agency of BiH, Agency for Statistics of BiH, and

Foreign Trade Chamber of BiH. In addition, the representatives of the following Entity-level organizations and institutions took part in the preparation of the report: Ministry of Justice, Ministry of the Interior, Ministry of Culture and Sport, Ministry of Labour and Social Policy, Ministry of Education and Science, Ministry of Health, Institutes of Statistics, and Chambers of Economy.

The representatives of the Confederation of Independent Trade Unions of BiH and Trade Unions of the Entities and of Brčko District contributed to the work of the working group.

The representatives of the Association of Private Employers of Republika Srpska and of World Diaspora Association of BiH also contributed to the work of the working group.

We wish to emphasize in particular the good co-operation with the representatives of the non-governmental sector, who were instrumental in designing and drafting the report by way of a specially organised public hearing.

We would like to extend our special gratitude to Ms. Carla Edelembos, the UN Committee for Migrant Workers Secretary, who visited Sarajevo – Fojnica upon our invitation and made an instructive presentation, sharing her wealth of experience with the members of the working group and thus providing her support at an early stage of the drafting of the Initial Report.

With respect to the previously determined rules of the UN Committee on Migrant Workers, we did not burden the introductory part of the Report with general information on Bosnia and Herzegovina, considering the fact that the CORE

document containing the most important information is kept at the office of the UN Secretary General.

In the first part of the Initial Report, we presented the constitutional, legislative, judicial, and administrative framework regulating the implementation of the Convention, including all bilateral, regional or multilateral treaties that Bosnia and Herzegovina signed with other countries in the field of migration.

The second part covers each article of the Convention. Here we strictly adhered to the Provisional Guidelines in terms of the form and contents of the Initial Report with respect to the following: non-discrimination (articles 1 (1) and 7), right to an effective remedy (article 83), and duty to implement the Convention (article 84).

The third part of the Initial Report is focussed on the issues of human rights of all migrant workers and members of their families and covers answers with respect to 27 articles of the Convention.

The fourth part provides information on other rights of migrant workers and their families who are documented or in a regular situation. These answers refer to 20 articles of the Convention.

The fifth part of the Report covers the provisions applicable to particular categories of migrant workers and members of their families. These answers refer to articles 57 to 63 of the Convention.

In the sixth part of the Initial Report we indicated the measures taken by BiH to ensure promotion of sound, equitable, humane

and lawful conditions in connection with international migration of workers and members of their families. The analysis covers the consideration of 7 articles of the Convention.

While drafting the Report, we followed the Committee's recommendations regarding technical parameters, namely sending the report in a printed paper copy and in electronic form (Microsoft Word), page numbering, paragraph numbering, editing of tables and diagrams, the contents of the Report, list of abbreviations with explanations, etc.

We tried, as much as possible, to avoid unnecessary repetition of statements already given in other reports by providing footnote indications. Also, we did not burden the document with extensive quotations of laws and implementing regulations which cover the subject-matter; we rather opted for sending such legislation in electronic form.

I would like to take this opportunity and point out that Bosnia and Herzegovina approached the work on this Report with firm determination and willingness to meet its obligations, as evident from the entire organization and broad involvement of all relevant institutions at state, Entity and Brčko District levels. This, coupled with bringing a large number of professionals and experts with knowledge of the subject-matter, suggests that it would be fair to say that the preparation and completion of the Initial Report has brought about a specific education of a great number of people in BiH and a significant promotion of the Convention.

Following its completion and adoption by the Council of Ministers of BiH, the Initial Report along with supporting documents was posted on the web-site of the Ministry for Human Rights and Refugees of BiH, thus becoming accessible to the general public in BiH.

I wish to particularly stress the fact that, since the very beginning, the non-governmental sector had been informed about the activities on drafting the Report and invited to cooperate by way of advertisements published in three most widely read newspapers. By participating in seminars and the public hearing a number of interested NGOs gave their constructive contribution, for which we owe them thanks.

We wish to stress here that, upon request of this UN Committee, Bosnia and Herzegovina submitted within the specified timeframe additional answers to 30 questions received.

We hope that, during the two days of discussions on the subject-matter, we will give our contribution to the mutual satisfaction, and that in the forthcoming period BiH will achieve even better results in protecting the rights of all migrant workers and members of their families, in accordance with the principles of the Convention and recommendations of this Committee.

Thank you for your attention!

Geneva, 23rd and 24th April 2009