The Permanent Mission of Bosnia and Herzegovina to the United Nations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights, and, referring to the Note Verbal dated December 26th 2012, and request for information on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity, has the honor to transmit the response of Bosnia and Herzegovina.

The Permanent Mission of Bosnia and Herzegovina to the United Nations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, February 18th 2013

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Information on the implementation of UN Resolution named: "Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind": The best examples in Bosnia and Herzegovina

To recall, Bosnia and Herzegovina is a complex state consisting of two Entities (Federation of Bosnia and Herzegovina and Republika Srpska) and Brčko District of Bosnia and Herzegovina as the administrative "sui generis" unit or condominium. Racial discrimination as well as other forms of discrimination are directly prohibited by the BiH Constitution (and by the constitutions of the entities) and it is criminalized through several elements of crimes under the Criminal Codes of BiH, entities and Brčko District which clearly expresses the commitment of BiH authorities for the respect of human rights of all citizens living in it as well as foreigners who were granted permanent or temporary residence in the territory of Bosnia and Herzegovina while respecting the principle of tolerance.

By the succession, Bosnia and Herzegovina took over the International Convention on Elimination of All Forms of Racial Discrimination (without reserves) and obligations within it and incorporated it in its legal system. General principles of the International Convention on Elimination of All Forms of Racial Discrimination are incorporated into the Law on Movement and Stay of Aliens and Asylum and the Law on Immigration and Asylum.

Bosnia and Herzegovina implements a policy of eliminating racial discrimination both in the general legal framework and through promotion and recognition of equal status for all in legislative, judicial, administrative and other measures; the right to return and repossess of property of citizens; and organization of cultural activities and the situation of Roma, as the largest and most vulnerable minority (among 17 national minorities exhaustively enumerated in the Law) in Bosnia and Herzegovina.

In 2009 the Anti-discrimination Law was adopted, which was based and designed on European standards. Provisions of the Law protect the citizens of Bosnia and Herzegovina from discrimination in every area of life and labor including: employment, social and health protection, justice, housing, public informing, education, sport, culture, science, economy, all forms of harassment, sexual harassment, mobbing, segregation or incitement to discrimination. According to the Law all public authorities have the obligation and duty to fight against discrimination and to refrain from it, removing obstacles that may directly or indirectly result in discrimination. These institutions also have a duty to actively create and maintain conditions for equal treatment. To this end they have to review, amend and enact laws, policies and practices in accordance with the Anti-discrimination Law.

It is currently in the process of preparation the Regulation on Monitoring of Discrimination, which provides a Unique Database of Discrimination Cases and which should be established within the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

As we have already discussed above, the BiH Constitution, as the highest law in the country, directly prohibits discrimination in a provision that reads: "The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured
to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

The European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees protection and enjoyment of human rights and fundamental freedoms is incorporated into the Constitution of Bosnia and Herzegovina and makes the Convention directly applicable in Bosnia and Herzegovina so that it has a priority over all other laws (so-called supremacy of the application). With regard to human rights and fundamental freedoms, entity constitutions and constitutions of the cantons are consistent with the human rights principles enshrined in the Constitution of Bosnia and Herzegovina.

Owing to the violation of the right to be elected and discrimination against "Others", who are not members of any of the three constituent peoples of Bosnia and Herzegovina according to the Constitution, an application was filed with the European Court of Human Rights in Strasbourg by representatives of Roma and Jews. It is the case of Dervo Sejdic and Jakob Finci against Bosnia and Herzegovina. On 22 December 2009 the Grand Chamber of the Court of Human Rights in Strasbourg rendered judgment No. 27996/06 in favor of the applicants, ordering Bosnia and Herzegovina to bear the legal costs of applicants and to proceed with the constitutional changes that will be compatible with the European Convention on Human Rights and Fundamental Freedoms.

Bosnia and Herzegovina has dedicated itself to the principle of respect for human rights and fundamental freedoms (as underlined above, the European Convention on Human Rights is an integral part of the Constitution and is directly applicable in the legal system of Bosnia and Herzegovina) by strengthening democracy, multicultural dialogue and respect for ethnic, cultural and religious diversities and combating all forms of discrimination and intolerance shown towards members of any community.

The establishment of international bodies for the protection of human rights, including bodies of the Council of Europe (ECRI) and the UN (CERD) to combat racism, intolerance and prevent all forms of discrimination and the adoption of the Durban Declaration and Programme of Action efficiently contributes to strengthening the mechanisms for the protection of human rights through raising awareness of target groups in order to strengthen tolerance, link diversities, guarantee equality before the law, the right to equal access to courts, the right to freedom of conscience and religion, right to education etc.

Control mechanisms of international bodies for protection of human rights have contributed to the implementation of multilateral treaties (such as conventions, covenants, charters etc.) in Member States.

Bosnia and Herzegovina condemns any form of any propaganda which encourages intolerance and racial discrimination. It endorses judicial protection and the right to appeal. It is highly sensitive and quick to react if intolerance and racial discrimination appear in education, up-bringing, culture, media and sport, all with the aim of successfully combating prejudices that often lead to racial discrimination, helping understanding, tolerance and friendship among nations and ethnic groups.
We especially emphasize this because three constituent peoples and 17 ethnic minorities live in Bosnia and Herzegovina, where various forms of intolerance and discrimination are possible, especially when it comes to sport events and competitions. This phenomenon has recently come into play more and has become disturbing. In this regard, in order to eliminate discrimination in sports, the Law on Sports, which will contribute to elimination of incidents/riots in sports fields, was passed at the state level.

Since the constituent peoples and national minorities in Bosnia and Herzegovina are all of Caucasians and that there is no discrimination based on skin color, we are using the opportunity to adduce the following facts and measures taken by the State.

As an illustrative example of "good practices" in Bosnia and Herzegovina we will mention the strengthening of tolerance in the Bosnia and Herzegovina society of national minorities, especially the Roma, which is the largest and most vulnerable national minority in Bosnia and Herzegovina, and the adoption of "A Strategy for Solving Problems of Roma" (Roma Strategy) in the fields of employment, education, housing and health protection. In Bosnia and Herzegovina for the past years the public has been informed a lot about minorities. The public broadcast services regularly provide the information about issues of minority communities, their culture, customs and characteristics of individual minority communities and activities of minorities' NGOs. The Radio and Television of Republika Srpska broadcast a weekly show dedicated to minorities, while TV BiH and Federation Television broadcast thematic shows at periodic intervals.

Further, the general policy enables intensive cooperation of NGOs and other minority associations with parent countries so that cross-border communication takes place without any formalities or bureaucratic barriers. In fact, all national minorities, except the Roma minority, have contacts and cooperation with their parent countries without any conditions or barriers. This cooperation is particularly intensive by NGOs of Slovenians, Czechs, Ukrainians, Italians, Hungarians, Macedonians and others in the field of culture, education, learning the mother tongue, information and the like. Active non-governmental organizations were able to identify their needs and, through collaboration with the Embassies of parent countries, developed different modalities of cooperation to meet their needs in these areas.

In Bosnia and Herzegovina, in the NGO sector, there are numerous associations that contribute to the advancement and protection of human rights by linking diversity and contributing to the preservation of ethnic and cultural heritage of minority communities such as "Czech Beseda" - Association of Czechs in the Republika Srpska, "Taras Shevchenko"-Association of Ukrainians in the Republika Srpska, the "Lira" Cultural Society of Jews etc.

The Law on the Protection of National Minorities formally extended the possibility of exercising the rights of national minorities, especially after the adoption of appropriate implementing legislation and confirmation of basic international instruments relating to the protection of national minorities. In fact, a special place here belongs to the Framework Convention on National Minorities, the European Convention on Human Rights and Fundamental Freedoms and the European Charter for Regional or Minority Languages. Bosnia and Herzegovina prepared and submitted to the competent bodies of the Council of Europe the third periodic report under the Framework Convention on National Minorities and
the first report under the European Charter for Regional or Minority Languages is at the final stage of drafting.

In cooperation with the NGO sector and with the support by the organizations for the development: SIDA-Sweden and World Vision, after the Action Plan For The Educational Needs of Roma, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina prepared the Action Plan of Bosnia and Herzegovina for Roma Housing, Employment, Health Care, which was adopted by the Council of Ministers of Bosnia and Herzegovina and the implementation has been expedited in order to improve the situation of Roma.

As regards the measures which Bosnia and Herzegovina has been taking continuously while applying the basic principles set forth in multilateral international documents such as UN and Council of Europe conventions, charters and covenants, Bosnia and Herzegovina ratified or taken over by succession, we quote the following:

a) A unique institution of the Ombudsman for Human Rights of Bosnia and Herzegovina was established and now it is fully operational, including the Anti-discrimination Department.

b) For years now, the Agency for Gender Equality of Bosnia and Herzegovina, in cooperation with the entity Gender Centers, has been striving to ensure elimination of all forms of discrimination against women in Bosnia and Herzegovina, in particular with regard to employment, overall equality in labour and their participation in political and public life and activities and spheres of important decision-making.

c) The Commission for Human Rights, Immigration, Refugees and Asylum operates under the Parliamentary Assembly of Bosnia and Herzegovina. Its mandate is protection of human rights and fundamental freedoms enshrined in the Constitution and laws of Bosnia and Herzegovina.

In Bosnia and Herzegovina there are four major monotheistic religions (besides Jerusalem, Sarajevo, the capital of Bosnia and Herzegovina, is another example in the world where in the range of only 500 meters there are the Cathedral, the Orthodox Church, the Bey Mosque and Synagogue. It is important to mention that in BiH there is the Interreligious Council of BiH which contributes to truth and reconciliation as well as to linking of diversities with the aim of living together, respecting each other and cooperating. The Interreligious Council of Bosnia and Herzegovina consists of the Islamic Community in Bosnia and Herzegovina, the Serbian Orthodox Church, the Catholic Church and the Jewish Community of Bosnia and Herzegovina. It is interesting to note that the Interreligious Council of Bosnia and Herzegovina has printed the Glossary of Religious Terms in order to promote better understanding of the cultural diversity of society of Bosnia and Herzegovina. The Interreligious Council of Bosnia and Herzegovina has condemned any violence against any human being because any human rights violation is a violation of God’s laws. Bosnia and Herzegovina guarantees freedom for all religious and community leaders to freely carry out their mission in the entire territory of Bosnia and Herzegovina, makes it possible for every child to exercise the right to religious instruction taking his/her choice and condemns acts of hatred based on ethnic or religious differences.

In order to exercise freedom of conscience and religion, as guaranteed by the Constitution of Bosnia and Herzegovina and the highest international standards, in March 2004, the Bosnia and Herzegovina
Parliament adopted the Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina in order to contribute to improving the mutual understanding with respect to their own heritage and traditional values of tolerance and coexistence which has been present for decades in Bosnia and Herzegovina. The Law effectively and in a good way regulates the freedom of religion and beliefs, the legal status of churches and religious communities, the relationship between the state, churches and religious communities.

Based on the Law, Bosnia and Herzegovina has signed and ratified two international legal agreements and those are:

1. The Basic Agreement between BiH and the Holy See (signed in April 2006) and Additional Protocol to the Basic Agreement signed in September 2006,
2. The Basic Agreement between BiH and the Serbian Orthodox Church signed in 2007 and ratified in 2008.
3. The Basic Agreement between Bosnia and Herzegovina and the Islamic Community of Bosnia and Herzegovina is being prepared.

According to the provisions of the Basic Agreement between the Holy See and Bosnia and Herzegovina, in December 2008 a Mixed Commission for the implementation of the above-mentioned agreement was established while the Mixed Commission for the implementation of the Basic Agreement between the Orthodox Church and Bosnia and Herzegovina is still in progress.

Bosnia and Herzegovina makes continuous efforts and, together with the Communications Regulatory Agency, which operates at the state level, takes necessary steps in the fight against incitement to violence motivated by hate-mongering through abuse of the press, audio-visual, electronic media and new communication technologies. In this way, in accordance with international standards, BiH makes efforts to ensure the freedom of press, speech and expression and that any incitement to hatred or violence is legally sanctioned.

It can be concluded generally that in this reporting period, a decrease in criminal acts ethnically motivated against returnees is evident. Please note that events marking the construction or renovation of religious buildings and commemorative meetings were held in a safe environment primarily due to responsible and professional performance of police forces in Bosnia and Herzegovina. A noticeable decline in ethnically motivated crimes against returnees can be seen in the number and type of crimes and petty offenses committed against returnees. The police take measures to prevent incidents and perform regular patrols in returnee areas. Please note that the sustainable return of refugees and displaced persons from the aspect of security is given a special priority. The "Community Policing" and "Strengthening the Local Police Capacities for the Citizens’ Safety" projects facilitate everyday contacts (24 hours) of the police and returnees (police patrols through the returnee settlements) and the police forces and representatives of associations of returnees and continuous cooperation with representatives of religious communities and forums for security of the municipalities in which they were established.
The activities above have resulted in a positive shift in security of returnees and contribute to the maintenance of Bosnia and Herzegovina as a multi-national and multi-religious community what it has always been.

Though the fact that Bosnia and Herzegovina suffered numerous violations and violations of human rights (including the basic one- right to life) as the great example of previous time it is necessary to mention the case of a man who gave his own life to (Srdjan Aleksic) protect the life of his friend of other nationality in Trebinje. Today, the streets and squares in Bosnia and Herzegovina and the region carry the name of this fighter for human rights and it is also recorded the short film about him.

With signing the Dayton Peace Agreement in Bosnia and Herzegovina, peace was restored and the country hit the road to rapid recovery by strengthening tolerance and respect for and appreciation of diversity through the development of a modern democratic state, which shows the tendency towards soon inclusion into European integration processes.