



Stalna Misija Bosne
i Hercegovine pri UN
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Permanent Mission of Bosnia
and Herzegovina to the UN
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Стална мисија Босне
и Херцеговине при
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The Permanent Mission of Bosnia and Herzegovina to the United Nations presents its compliments to the Executive Office of the Secretary-General of the United Nations and, with reference to the General Assembly Resolution No. A/RES/71/181, has the honor to submit, enclosed herewith, the input of Bosnia and Herzegovina to the reports of the Secretary-General in accordance to the above mentioned resolution.

The Permanent Mission of Bosnia and Herzegovina to the United Nations avails itself of this opportunity to renew to the Executive Office of the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 8 June 2017



United Nations Secretariat
New York
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Enclosure as stated (5x)



Ministry of Human Rights and Refugees
of Bosnia and Herzegovina

**An information paper on the implementation of UN General Assembly Resolution
A/RES/71/181 „A global call for concrete action for the total elimination of racism, racial
discrimination, xenophobia and related intolerance and the comprehensive implementation
of the Durban Declaration and Action Plan“**

Over the last years, Bosnia and Herzegovina, as a member of the UN and State party to the Convention on the Rights of Persons with Disabilities, has devoted special attention to the protection of rights enshrined in the European Convention of Human Rights and the prevention and elimination of all forms of racial and other forms of discrimination.

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

1. A unique institution of BiH Ombudsman for Human Rights was established and now it is fully operational, including the Anti-discrimination Department.
2. For years now, the Agency for Gender Equality of BiH, in cooperation with the entity Gender Centres, has been striving to ensure elimination of all forms of discrimination against women in BiH, 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.
3. 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 BiH.
4. Efforts are made in accordance with Articles IV and V of the Constitution to resolve the right of ethnic minorities, referred to under the Constitution as 'Others', which has been found to be discriminatory in the decision of the Strasbourg-based ECtHR in *Sejdic and Finci*. This issue of BiH is expected to be resolved in accordance with the judgment of ECtHR soon. Also possibilities for the implementation of judgments in *Pilav vs BiH* and *Zornic vs BiH* are being explored.
5. The Law on Prohibition of Discrimination based on and designed in accordance with European standards was passed in 2009. Provisions of the law protect citizens of Bosnia and Herzegovina against discrimination in all spheres of life and work, including: employment, health and social protection, judiciary and administration, housing, public information, education, sports, culture, science, economy, etc., then, from all forms of harassment, sexual harassment, mobbing, incitement to segregation or discrimination. Under this law, all public bodies and authorities have an 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 design and create conditions for equal

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treatment. They must work to amend and adopt laws, policies and procedures in accordance with the Law on Prohibition of Discrimination. Amendments to the Anti-Discrimination Law were passed by the Parliamentary Assembly of Bosnia and Herzegovina and published (Official Gazette of Bosnia and Herzegovina, No. 66/16) and an unofficial consolidated text of the Law on Amendments to the Law on Prohibition of Discrimination can be found on the official website of the Parliamentary Assembly of Bosnia and Herzegovina.

The new amendments mostly brought the Anti-discrimination Law in line with the EU acquis and international human rights standards. The new amendments have accorded protection against discrimination to persons with disabilities, the elderly and LGBTI persons. As part of the IPA 2 assistance project (2014-2020), a project proposal is being prepared for the next period, with the aim of effectively implementing policies to combat discrimination and promoting equal rights and opportunities of all groups in society.

6. 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 occur 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 BiH, 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.

7. In the context of the above, we are currently working to resolve the issue of "two schools under one roof", which is a striking example of segregation and division of students because of ethnicity. This activity includes the Ministry of Civil Affairs, the Federation Parliament and the Government of the Federation of Bosnia and Herzegovina, in the territory of which this phenomenon occurs and which are decisive to find ways to completely eliminate it as soon as possible.

8. Propagating ideas of racial discrimination or hatred in Bosnia and Herzegovina is sanctioned as a criminal offense of incitement to national or religious hatred in the criminal legislation at the state and at the entity levels and in Brcko District. Bosnia and Herzegovina is strongly committed to the fight against terrorism which is criminalized in the legislation of Bosnia and Herzegovina.

9. With a view to implementing international instruments, Bosnia and Herzegovina pays special attention to the Roma, as this ethnic group is the largest national minority in Bosnia and Herzegovina and the most vulnerable by all parameters. Joining the Decade of Roma Inclusion, Bosnia and Herzegovina committed to remedy the Roma situation in BiH in all social segments. Along these lines a methodology and an implementation plan for the funds that the State earmarks in the budget and allocates for the implementation of the Action Plan of Bosnia and Herzegovina to address the issue of Roma in the following areas: housing, employment and health care were designed. An action plan for education was adopted previously. In order to successfully and effectively carry out activities at the state level, needs of the Roma in BiH were registered and a database of Roma people in BiH is being developed. Currently operational activities for the implementation of Roma Action Plan covering the mentioned-above fields are carried out on the ground. The process of adoption of the Strategic Platform to Address the Issues of National Minorities in Bosnia and Herzegovina is at the final stage.

10. A special topic related to elimination of any form of intolerance is the attitude towards refugees and asylum seekers. Although BiH has been addressing rights of refugees and displaced persons in a good way for many years now, especially in terms of property law rights, where the property has been recovered almost one hundred per cent, there are a lot of difficulties in the field of sustainable return. This means that,

in addition to refugees returning to their original home, they should be provided with basic conditions to resume a normal life style. In addition to repairing and building houses that have been devastated or destroyed, the returnees need jobs, school buildings, clinics, roads, electricity and other conditions for normal work and living. Unfortunately, BiH has not yet managed to solve the problems of refugees and displaced persons according to the Action Plan at the state level. An assumption is that they can be fully resolved by 2014 with the help of the international community and donors.

11. It is important to note that, with regard to the position and functioning of religious communities, Bosnia and Herzegovina has made a progress by adopting the Law on Freedom of Religion and Legal Position of Churches and Religious Communities. 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, BiH 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.

According to the provisions of the Basic Agreement between the Holy See and BiH, in December 2008 a Mixed Commission for the implementation of the above-mentioned agreement was established.

Negotiations on the bilateral Agreement between Bosnia and Herzegovina and the Islamic Community of Bosnia and Herzegovina are underway.

12. 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. To this end, marking the Human Rights Day on 10th December, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina hosted a conference titled "Where Hate Speech Begins, Freedom of Speech Stops" with more than 300 participants.

13. First of all, it is necessary to note that Bosnia and Herzegovina commits to maintain a multicultural society through the strengthening of dialogue as the primary means of connecting diversities and developing of tolerance in society.

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.

The Constitution of Bosnia and Herzegovina, as the highest law in a hierarchy of laws, rules and regulations, incorporated the European Convention on Human Rights and Fundamental Freedoms, which is directly applied in the legal system of Bosnia and Herzegovina and thus shows the commitment of Bosnia and Herzegovina to the readiness and openness for cooperation with the Organization of the United Nations, the Council of Europe and OSCE in order to strengthen mechanisms for promotion and protection of human rights and fundamental freedoms. It must be emphasized that the principle of "non-discrimination" is embedded in the Constitution of BiH, Entity constitutions and constitutions of lower

levels of government and that the Parliament has recently passed Amendments to the Law on the Prohibition of Discrimination in Bosnia and Herzegovina.

Bosnia and Herzegovina is a party to numerous international agreements, conventions and covenants related to the interdependent, indivisible and universal character of human rights according to which it has successfully submitted and presented its periodical reports before competent international committees of both UN and the Council of Europe.

We note that these instruments in official languages and alphabets of Bosnia and Herzegovina and in English have been posted on the official website of this Ministry.

Bosnia and Herzegovina joined the Council of Europe on 24 April 2002, which made it 44th member of this political organization founded in 1949. Upon the accession to the Council of Europe, Bosnia and Herzegovina committed to fulfil the obligations contained in the Opinion of the Council of Europe Parliamentary Assembly number 234 (2002) and, inter alia, to sign and ratify the European Convention on Human Rights and Fundamental Freedoms – the backbone of international instruments of the Council of Europe - in the first year after accession (before 24 April 2003). This commitment was fulfilled on 13 July 2002.

The European Convention on Human Rights and Fundamental Freedoms has been incorporated as a self-executing treaty since the entry into force of the General Framework Agreement for Peace in Bosnia and Herzegovina (14 December 1995), through the Constitution of BiH as Annex IV of the Agreement that gave it a priority, i.e. the supremacy over all national laws. In addition, Annex VI of the Agreement established the Commission on Human Rights consisting of the Office of the Ombudsman of Bosnia and Herzegovina and Human Rights Chamber.

Therefore, the European Convention on Human Rights and Fundamental Freedoms is an international legal source of human rights directly applicable in the legal system of Bosnia and Herzegovina, as an integral part of the Constitution, and has supremacy over all domestic valid legislation.

14. Children's rights in Bosnia and Herzegovina are guaranteed by the Constitution of Bosnia and Herzegovina and the entity constitutions and laws passed at the level of the entities, Brcko District and the cantons in BiH. The laws that protect children's rights are laws in the field of social protection, family law, law on child protection, legislation on education, laws in the health care field. The Council of Ministers adopted the 2002-2010 Action Plan for Children. On the basis of the adopted Action Plan, the Council for Children of Bosnia and Herzegovina was established as an advisory body to the Council of Ministers in charge of implementing this plan. Further, Bosnia and Herzegovina adopted the 2015-18 Action Plan for Children. Working groups of the Council for Children have prepared the initial reports on the implementation of the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflicts.

The valid Bosnia and Herzegovina legislation is also fully compliant with Article 42 of the Convention on the Rights of the Child as it provides for compulsory and free primary education (and now it also applies to pre-school education that will be organized by the authorized institutions for preschool education and upbringing of children according to the place of residence of parents/legal guardians of the child, with the aim of a comprehensive literacy achievement for the entire BiH population).

States Parties are Contracting Parties to any international document, including the Convention on the Rights of the Child, and they have a duty to adequately inform the public about provisions thereof through publication in the Official Gazette, by placing them on websites of relevant institutions, through educational seminars for students, teaching staff and parents, as well as by publishing brochures to promote

the protection of child's rights, in which this Ministry is greatly assisted by UNICEF and the Council of Europe.

15. Guidelines for the Implementation of the World Program for Human Rights Education

Based on the UN Human Rights Council resolution no. 15/11 and 24/15, the Human Rights Education Guidelines were developed.

The Guidelines require the competent authorities in BiH to act in accordance with the constitutional competencies and develop the following:

- Plan of Action for human rights education in the primary and secondary school systems,
- Plan of Action for civil servants, law enforcement officers and military staff,
- Plan of Action for human rights education for journalists and media professionals
- Plan of Action for human rights education of persons with disabilities.

Target groups: civil servants, law enforcement officials and military staff, journalists, all levels of education and vulnerable groups

Activities taken so far:

- on 21 February 2017, in line with the World Program, the BiH Council of Ministers adopted the 2016 – 2019 Action Plan on Human Rights Training for Journalists and Media Professionals
- The BiH Civil Service Agency has also adopted the 2016-2019 Action Plan for Human Rights Training for Civil Servants and the BiH Ministry of Justice has adopted the 2015-2019 Action Plan for Human Rights Education for the field under the competence of the Ministry
- The OSCE has initiated the development of Action Plans in line with the guidelines in all relevant education ministries in BiH.

The report on the implementation of activities (adoption of action plans) foreseen in the guidelines will be prepared in December 2017 as set out in the Guidelines.