



REFERENCE: CERD/101st session/FU/MJA/ks

24 September 2020

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 101st session, considered the follow-up report submitted by the Government of Bosnia and Herzegovina, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 8, 14 and 20 (a) and (b) of the Concluding Observations (CERD/C/BIH/CO/12-13), adopted following the consideration of the State party's combined 12th and 13th periodic reports, at its 96th session, held in August 2018.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 14th and 15th periodic reports, to be submitted in a single document by 16 July 2021.

Paragraph 8 of the Concluding Observations

The Committee thanks the State party for providing some data on refugees, asylum-seekers, foreigners under subsidiary protection, internally displaced persons and returnees. It notes that the rights to health care, social assistance, education, work and accommodation are guaranteed to all refugees and persons under subsidiary protection on an equal footing with Bosnian nationals. It also notes that the 2010 Revised Strategy for the Implementation of Annex VII of the General Framework Agreement for Peace provides for a number of measures aimed at creating adequate conditions for durable solutions for internally displaced persons and returnees.

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It further notes the information that returnees and displaced persons still face discrimination and that returnees who were internally displaced often do not register in places of return as they fear that they will lose the rights acquired in places of displacement. Moreover, it notes that the development of the methodology and terms of reference for the mapping of Roma needs is under way. The Committee regrets, however, that the State party did not provide reliable statistics on the different ethnic and national groups residing in its territory, including Roma, returnees, refugees and asylum seekers, to allow the Committee to assess how these groups enjoy their rights under the Convention.. The Committee considers the response of the State party unsatisfactory and requests the State party to include, in its next periodic report, updated information and data on the measures taken to implement these recommendations.

Paragraph 14 of the Concluding Observations

The Committee notes that the Global Alliance of National Human Rights Institutions granted the Institution of Human Rights Ombudsman “A” status in 2017. However, it is concerned that the draft amendments to the Law on the Ombudsman for Human Rights, which aims, inter alia, at improving the institution’s efficiency and autonomy, strengthening its cooperation with civil society organizations and its investigative capacities, and establishing a National Preventive Mechanism, have not yet been adopted by the Parliamentary Assembly. The Committee regrets that appropriate action has not been taken to implement its recommendations and considers the response of the State party unsatisfactory. The Committee reiterates its recommendation to expedite the adoption of the draft amendments to the Law on the Ombudsman for Human Rights and ensure the independence of the Institution of Human Rights Ombudsman, secure its financial autonomy and allocate the necessary human and financial resources for it to effectively carry out its mandate, including anti-discrimination activities, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee also recommends that the State party implement the recommendations issued by the Ombudsman, including those on private legal entities.

Paragraph 20 (a) and (b) of the Concluding Observations

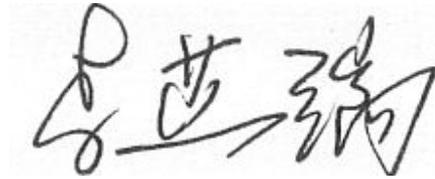
The Committee notes that the Code on Audio-visual Media and Radio Services prohibits broadcasting of content that incites hatred, violence, discrimination or prejudice on various grounds, including race, ethnicity and national origin. It also notes that, even though the Communications Regulatory Agency does not have the prerogative to impose sanctions on individuals and public figures for the use of racist hate speech, it can take measures, such as warnings, fines, suspension or revocation of the license, against any audio-visual media and radio service providers who broadcast content that is in violation of the Communications Law, the Code on Audio-visual Media and Radio Services, regulations of the Communications Regulatory Agency or the licence terms and conditions. In this regard, it notes the sanctions imposed by the Agency on some audio-visual media service providers for racist hate speech. However, the Committee regrets the lack of information on specific measures taken to: (a) strongly condemn and distance itself from racist hate speech and discriminatory statements in public discourse, including by public figures at the State and entity levels; and (b) call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred. The Committee considers the response of the State party unsatisfactory and requests the State party to

include, in its next periodic report, detailed information on the concrete measures taken to implement these recommendations, as well as on their impact.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Bosnia and Herzegovina, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination