

Ladies and Gentlemen, Dear Excellencies, Distinguished representatives of civil society,

It is my honor and pleasure, as Head of the Delegation of BiH, to acquaint you with due diligence given by Bosnia and Herzegovina, as a member of the UN and a member of the UN Committee on the Elimination of Racial Discrimination, in the past to the prevention and elimination of all forms of racial and other forms of discrimination.

Let me remind you that, at its sixty-eighth session held on 22 and 23 February 2006, the Committee on the Elimination of Racial Discrimination considered all reports of BiH from the initial to sixth periodic report, submitted in one document (CERD/C/464/Add.1), respecting matters contained in the International Convention on the Elimination of All Forms of Racial Discrimination. Subsequently, on 8 March 2006, the Committee adopted Concluding Observations on the Elimination of Racial Discrimination, which competent state bodies and institutions of Bosnia and Herzegovina were informed about, with the Council of Ministers concluding that they were to be consistently implemented. The non-governmental sector and the general public were informed about the recommendations of CERD. Based on the recommendations, Bosnia and Herzegovina prepared and submitted to CERD the combined seventh and eighth periodic reports on the implementation of the Convention and "follow-up" information about activities that Bosnia and Herzegovina had taken and then the ninth to eleventh periodic reports were submitted in one document that is presented today.

Regarding the measures that Bosnia and Herzegovina has undertaken and is continuously undertaking to apply basic principles of the Convention, we note the following:

1. A unique institution of **BiH Ombudsmen for Human Rights** was established and started operating at full capacity.
2. For years now, **the Gender Equality Agency 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 within the Parliamentary Assembly of Bosnia and Herzegovina. Its mandate is protection of human rights and fundamental freedoms enshrined in the Constitution and legislation of BiH.
4. Pursuant to Articles IV and V of the Constitution of Bosnia and Herzegovina, continuous efforts are made to resolve rights of national minorities which, under the Constitution, are defined as "Others", which **the European Court of Human Rights** found to be discriminatory in *Finci – Sejdić against Bosnia and Herzegovina*, because it favours the constituent peoples (Bosniaks, Serbs and Croats) and grants

them special privileges and advantages, in relation to other ethnic groups - 17 of them as established in the Law on the Protection of National Minorities that was adopted in 2003.

5. **The Anti-discrimination Law**, which was based and designed on the European standards, was adopted in 2009. The provisions of this Law protect the citizens of BiH from discrimination in all areas of work and life, including: employment, social and health care, justice and administration, housing, public information, education, sport, culture, science, industry and the like and from any form of harassment, sexual harassment, mobbing, segregation or incitement to discrimination. According to this Law, all public authorities have an obligation and duty to fight against discrimination, to refrain from it and removing obstacle that directly or indirectly result in discrimination.

6. Bosnia and Herzegovina condemns any form of propaganda inciting intolerance and racial discrimination. It supports judicial protection, including the right to appeal as an ordinary remedy. It is sensitive enough to take measures should intolerance and racial discrimination in the areas of education, upbringing, culture, media and sport occur, with the goal of successfully fighting against prejudices that usually lead to racial discrimination and helping with understanding, tolerance and friendship among nations and ethnic groups.

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.

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.

11. **The Law on Freedom of Religion and Legal Position of Churches and Religious Communities** was passed and it effectively and in a good way governs the freedom of religion and beliefs, the legal status of churches and religious communities, the relationship between the state, churches and religious communities.

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 to legally sanction any incitement to hatred or violence.

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 human rights international bodies, including the body of Council of Europe (ECRI) and the body of UN (CERD) for fight against racism, intolerance and prevention of all forms of discrimination as well as the adoption of the Durban Declaration and Programme of Action make an important contribution to the strengthening of human rights mechanisms through increasing the awareness of target groups with a view to strengthening tolerance, connecting differences, achieving equality before the law, achieving equal access to justice, the right to freedom of thought and religion, the 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 passed the Law on the Prevention of all Forms of Discrimination in Bosnia and Herzegovina in late 2009.

Bosnia and Herzegovina has incorporated all premises and postulates from the International Convention on the Elimination of All Forms of Racial Discrimination in the criminal legislation, prescribing criminal penalties for crimes against humanity, genocide, war crime against civilians, war crimes against the wounded and the sick, war crimes against prisoners of war, organizing a group of people and incitement to commit criminal acts of genocide, crimes against humanity and war crimes, violation of equality of a man and a citizen, destruction of cultural, historical and religious monuments and thereby established the legislative mechanisms to protect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, etc.

We note that the appointed representatives of both the government (at all levels of the organization) and NGOs made significant contribution in the preparation of the 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> periodic reports under the International Convention on the Elimination of Racial Discrimination.

Thank you for your attention.