

# **Bosnia and Herzegovina**

## **NGO report on the human rights situation in Bosnia and Herzegovina**

Sarajevo (Bosnia and Herzegovina)

January 2012

### **NGO coalition:**

Human Rights House in Sarajevo (coordinator) and Human Rights House Foundation

CURE Foundation

European Law Students Association (ELSA)

Helsinki Committee for Human Rights in Bosnia and Herzegovina

Initiative and Civil Action (ICVA)

Regional Co-ordinator for Youth Groups

Renaissance - Association of Female Citizens

Rights for All

Serbian Civic Council - Movement for Equality

Woman and Society Centre

**[www.humanrightshouse.org](http://www.humanrightshouse.org)**



# Table of contents

<b>Introduction.....</b>	<b>5</b>
Contacts for the coalition.....	5
<b>Discriminatory electoral system .....</b>	<b>6</b>
United Nations mechanisms request to revise the Constitution.....	6
<i>Sejdic and Finci v. Bosnia and Herzegovina</i> judgement.....	6
Steps (not) taken by Bosnia and Herzegovina .....	6
<b>Mutual trust between different ethnic groups and discrimination against Roma people .....</b>	<b>8</b>
Hate speech.....	8
Building mutual trust between different ethnic groups .....	8
Discrimination against Roma people .....	8
<b>Missing persons.....</b>	<b>10</b>
<b>Discrimination against LGBT people in domestic law and practice .....</b>	<b>11</b>
<b>Freedom of the media and freedom of expression.....</b>	<b>12</b>
Harassment, threats and other attacks against human rights defenders in the media.....	12
<b>About the NGO coalition .....</b>	<b>13</b>



## Introduction

This report on the human rights situation in Bosnia and Herzegovina was produced by an informal NGO coalition as additional information to the report presented at the Parliamentary Assembly of the Council of Europe on the functioning of democratic institutions (Doc.12816). The coalition gathered around the Human Rights House in Sarajevo, and supported by the Human Rights House Foundation.

### Contacts for the coalition

#### Human Rights House Sarajevo

Srdjan Dizdarevic  
Tel: +387 33 660 811  
Mobile: +387 6 11 50 464  
E-mail: [sarajevo@humanrightshouse.org](mailto:sarajevo@humanrightshouse.org)

Human Rights House Sarajevo  
Ante Fijamenga 14b  
71000 Sarajevo, Bosnia and Herzegovina

#### Human Rights House Foundation (HRHF)

Florian Irminger, Head of International Advocacy and HRHF Geneva Office  
Tel: +4122 33 22 554  
Mobile: +4179 751 80 42  
E-mail: [florian.irminger@humanrightshouse.org](mailto:florian.irminger@humanrightshouse.org)

Rue de Varembe 1, PO Box 35  
1211 Geneva 20, Switzerland

## **Discriminatory electoral system**

The Constitution of Bosnia and Herzegovina (Bosnia and Herzegovina), adopted as an annex to the 1995 Dayton Peace Agreement, contains provisions that are contrary to international human rights standards. It is important to mention that NGOs for the protection of human rights in Bosnia and Herzegovina, ever since 1996, have been persistent in their efforts to make the authorities amend the discriminatory provisions of the Constitution.

### **United Nations mechanisms request to revise the Constitution**

The UN Human Rights Committee indicated that the Constitution of Bosnia and Herzegovina contains discriminatory provisions, requesting that the authorities undertake constitutional reform, and harmonize the Constitution of Bosnia and Herzegovina with the international standards. The UN Committee on the Elimination of Racial Discrimination underlined that the Constitution contains discriminatory provisions and recommended that the State ensures the equal enjoyment of the right to vote and to stand for elections for all citizens irrespective of their ethnic background.<sup>1</sup>

### ***Sejdic and Finci v. Bosnia and Herzegovina* judgement**

The European Court for Human Rights condemned Bosnia and Herzegovina in 2009 for denying the national minorities the right to be elected as members of the Presidency of Bosnia and Herzegovina and House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. Once more, the Bosnia and Herzegovina authorities have been requested to carry out the constitutional amendment as to eliminate the discriminatory provisions and harmonize the Constitution with the international standards.<sup>2</sup>

### **Steps (not) taken by Bosnia and Herzegovina**

In 2011, a Temporary Joint Committee of both Houses of the Parliamentary Assembly of Bosnia and Herzegovina was formed to implement the Verdict of the Court. The Committee comprised 13 political parties and representatives of the Council of National Minorities and a certain number of NGOs. The political actors failed to reach an agreement, and the Constitution of Bosnia and Herzegovina was not amended, and it preserved the discriminatory provisions.

There are no clear indications as to when the talks on constitutional reform might be reopened or an appropriate solution found.<sup>3</sup>

The constitutional reform is even more important, due to the fact that citizens of Bosnia and Herzegovina cannot identify themselves simply as citizens from Bosnia and Herzegovina (Bosnian and Herzegovinian), but have to identify as belonging to an ethnical group. This ethnical identification is the cause of many cases of discrimination, in access to health care, to

---

<sup>1</sup> Concluding Observations of the United Nations Committee on the Elimination of Racial Discrimination, recommendation 7, Geneva, 27 August 2010 (UN Doc.: CERD/C/BOSNIA AND HERZEGOVINA/CO/7-8).

<sup>2</sup> European Court of Human Rights, Grand Chambre, Case of *Sejdic and Finci v. Bosnia and Herzegovina*, Strasbourg, 22 December 2009 (Applications nos. 27996/06 and 34836/06).

<sup>3</sup> In February 2010, Bosnia and Herzegovina has accepted the recommendations 100 made by the United Kingdom and 102 made by the Netherlands on the reform of the Constitution at its Universal Periodic Review (UPR) (Report of the Working Group on the UPR, 19 February 2010, UN Doc.: H/HRC/WG.6/7/L.15).

NGO report on the human rights situation in Bosnia and Herzegovina

public education, and as discussed above, to public office.

## **Mutual trust between different ethnic groups and discrimination against Roma people**

### **Hate speech**

The language of hatred is still widely present in certain media, whereas the existing mechanisms of regulation, in electronic media, and self-regulation in print media, have proven to be insufficient and inefficient.

National authorities, including the Presidency of Bosnia and Herzegovina, have a responsibility to prevent national, racial and religious hatred, and to fully engage in prevention campaigns as well as to support discussions between the various communities in Bosnia and Herzegovina. Although laws to prevent national, racial and religious hatred have been adopted, the political leadership is not willing to implement them and to sanction those responsible for such hatred.

### **Building mutual trust between different ethnic groups**

The UN Human Rights Committee has recommended Bosnia and Herzegovina to intensify its efforts to adopt a systematic approach to reestablishing mutual trust between different ethnic groups and accounting for past human rights abuses.<sup>4</sup>

Initiatives for establishment of mutual trust between different ethnic groups usually come from the representatives of the civil society and international community. All these initiatives, except the one for establishment of truth in Srebrenica in July 1995, did not receive support from the authorities. An Act on Establishment of a Truth and Reconciliation Commission, prepared by NGOs and delivered to the competent authorities, has not been adopted. All efforts to find out the truth about the war events that took place in Sarajevo, which were guided by the experience of the Commission for investigation of the events in and around Srebrenica, have also failed. Other efforts to formalize and legalize the normalization process in post-war Bosnia and Herzegovina have also failed.

Non-governmental organisations are constantly trying to initiate talks between the former warring parties in certain local communities in order to meet victims' expectations and to create an atmosphere of tolerance.

Reconciliation, establishment of trust, tolerance and cooperation between different ethnic groups should be directed mainly towards young people. Even though they did not participate in armed conflicts, young people live with the consequences of war, which affect their attitudes and actions. Therefore, it is extremely important to provide a systematic approach to problems of ethnic differences among young people. NGOs already contribute and their impact could be made greater with a more proactive willingness to cooperate from state authorities.

Obviously, establishing the truth about war events and reconciliation are not yet the main priorities of the political bodies. The lack of action by political leadership can be considered as the main cause of the insufficient work in the country on war events and reconciliation.

### **Discrimination against Roma people**

Roma women tend to be discriminated for belonging to the Roma minority and are also discriminated based on gender, social origin or status, etc. Therefore, Roma women are victims

---

<sup>4</sup> Concluding Observations of the United Nations Human Rights Committee, recommendation 11, Geneva, 22 November 2006 (UN Doc.: CCPR/C/BIH/CO/1).



of “multiple discrimination”.

Low educational level among Roma women, where only half complete elementary school, and only a small number have higher education, presents a serious problem. A consequence of the aforesaid is a high unemployment rate among Roma women, which amounts to more than 87%, whereas only 8.4% are employed. Not a single Roma woman can be found working in the legislative or executive, or other decision-making bodies.

The State has issued a certain number of policies and measures for improvement of the position of the Roma population. The government’s position with respect to women and their rights, stipulated in the Strategy for solving the Roma issues in Bosnia and Herzegovina, is considered very worrying. In fact, only one paragraph of this Strategy refers to the issues of equality of Roma women within both the Roma community and the entire society.

However, even six years after the adoption of the referenced Strategy these modest objectives have not been met, nor are there any actions for their realization.

The Committee on the Elimination of Racial Discrimination has in 2010 reiterated its recommendations to the State to combat prejudices against Roma people “and to ensure that all Roma have access to personal documents that are necessary for them to enjoy their civil and political rights, as well as their economic social and cultural rights.”<sup>5</sup>

---

<sup>5</sup> Concluding Observations of the Committee on the Elimination of Racial Discrimination, recommendation 12.

## Missing persons

Sixteen years after the end of the war 10'000 persons are still considered missing. Within the referenced period, remains of about 20'000 persons were found, and most of them were identified.

Families of missing persons still believe that the process of finding their loved ones is very slow and inefficient.

Independent bodies for missing persons, mainly the International Commission for Missing Persons, believe that the hiding of dead bodies of the missing persons was very well planned, which thus made looking for the bodies of the missing persons very difficult.

Therefore, missing persons' families and organisations for missing persons are constantly putting pressure on the authorities to speed up the search process and to help detect the mass graves and other sites suspected of containing remains of missing persons.

Despite the fact that the competent authorities believe that it is imperative to establish a fund to support missing persons' families, this has not yet happened, and these families are still deprived of financial support, which only aggravates their position and prolongs their agonies.

In addition, authorities have still not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, signed by Bosnia and Herzegovina on 6 February 2007.

*A coalition of various NGOs of Bosnia and Herzegovina and the Swiss Association against Impunity has submitted a very complete report to the Human Rights Committee on the implementation of the recommendation 14, and more generally on the consequences of war and missing peoples: [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/TRIAL\\_2\\_BosniaHerzegovina104.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/TRIAL_2_BosniaHerzegovina104.pdf).*

## **Discrimination against LGBT people in domestic law and practice**

Bosnia and Herzegovina has adopted a number of laws and directives prohibiting discrimination on various grounds, including the law on prohibition of discrimination in 2009.

Lesbian, gay, bisexual and transgender rights activists are threatened and attacked in Bosnia and Herzegovina, because of the work they do. At the opening of the first Queer Festival in Sarajevo, on 24 September 2008, eight participants were physically assaulted. One of the organisers of the Festival, Svetlana Djurkovic, received death threats. These events in Autumn 2008 were extremely serious -- international NGOs, such as Amnesty International, and the international community reacted to these events, but the political leadership of Bosnia and Herzegovina did not take the full measure of the threat against lesbian, gay, bisexual and transgender people.

Bosnia and Herzegovina has not acted to prevent such violence and allow lesbian, gay, bisexual and transgender people to fully enjoy their rights to freedom of expression, freedom of assembly and freedom of association.

The law on prohibition of discrimination does not mention sexual orientation or gender identity as one criterion under which nobody shall be discriminated against. It does not mention same-sex marriage either. During the discussion of the law, some religious leaders argued that a general non-discrimination clause, giving the same rights to lesbian, gay, bisexual and transgender people, would be “nonsense because we will be in a position where we protect the rights of one, homosexuals, and discriminate the rights of others, believers.”<sup>6</sup>

---

<sup>6</sup> Vanja Jovanovic, Priest of Serbian Orthodox Church in Bosnia and Herzegovina, quoted on the website of the Human Rights House Network, 14 October 2010 (see: <http://humanrightshouse.org/Articles/15239.html>).

## **Freedom of the media and freedom of expression**

Public Radio and TV broadcasting in Bosnia and Herzegovina is strongly influenced by the authorities and political formations. Editing policies of these media outlets, which have a strong influence on the public, is governed by the interests of political circles, and they therefore cannot be considered professional and independent.

The Regulatory Agency for Communications, an independent body for protection of journalistic standards and ethics, is also under significant influence.

The private media also usually represents the narrow political and business interests of their owners and business lobbies, and sometimes are even in service of religious leaders. In addition, these media outlets are disregarding the journalistic professionalism and ethics.

A certain number of journalists are exposed to physical violence and constant pressure by means of threat and intimidation attempts, which negatively affects the freedom of expression.

Law on free access to information had little success in disclosing certain sources of information, which creates preconditions for manipulation of the citizens' and public opinion.

### **Harassment, threats and other attacks against human rights defenders in the media**

On the 10 and 12 January 2012, the daily newspaper *Oslobodenje* published two press releases of the Public Relations service of the Ryiasat of the Islamic Community containing large-scale allegations according to which "... the Helsinki Committee in Bosnia and Herzegovina had gone into moral bankruptcy a long time ago because they protect the violation of fundamental rights of Muslims by supporting the discrimination against Muslims, especially covered Muslim women..." Furthermore, the mentioned press releases falsely argue that "... the characteristics of this [Helsinki] Committee is to take the opposite side or remain silent in cases of violation of the Muslims' rights..."

Based on false grounds, both press releases decrease the respect, regard, and confidence in which the organisation and its members are held, and induce hostile opinions against the Helsinki Committee and its members. By pointing out prominent human rights defenders, they increase the risk of harassment and other attacks on those defenders and their relatives.

These verbal attacks against the Helsinki Committee for Human Rights in Bosnia and Herzegovina, its current president, Vera Jovanovic, and its former president, Srdan Dizdarevic, are the most recent example of hate speech in the country and of a defamation campaign against human rights defenders.

Authorities do not take action to protect the right to be a human rights defender, nor do they publicly denounce defamation of human rights defenders, or support human rights NGOs and their work.

## **About the NGO coalition**

This coalition of independent non-governmental organisations is established around the Human Rights House Sarajevo.

### **Human Rights House in Sarajevo (coordinator) and Human Rights House Foundation**

The Human Rights House Network is a forum of cooperation between established and emerging Human Rights Houses, uniting 70 NGOs in 15 countries in the Western Balkans, Eastern Europe and the South Caucasus, East and Horn of Africa, and Western Europe. The Human Rights House Sarajevo is a member of the Network. HRHN's aim is to protect, empower and support human rights defenders and their organisations. The Human Rights House Foundation, based in Oslo (Norway) and Geneva (Switzerland), is the secretariat of the Human Rights House Network.

- Website of the Human Rights House Sarajevo: [http://humanrightshouse.org/Members/Bosnia\\_and\\_Herzegovina/index.html](http://humanrightshouse.org/Members/Bosnia_and_Herzegovina/index.html)
- Website of the Human Rights House Network: <http://humanrightshouse.org>

### **CURE Foundation**

CURE Foundation is a non-governmental and non-profit organisation that works through feminist activism, education, arts and culture, publishing, and event management, in order to spark continued public dialogue on gender equality issues that are essential for a democratic society in BiH.

- Website: <http://www.fondacijacure.org>

### **European Law Students Association (ELSA)**

ELSA is the world's largest independent law students' association. It comprises a membership of around 32,000 students and recent graduates who are interested in law and have demonstrated commitment to international issues. ELSA operates primarily through its Local Groups, which are located at nearly 300 law faculties in universities throughout 42 countries in Europe.

- Website: <http://www.elsa.org>

### **Helsinki Committee for Human Rights in Bosnia and Herzegovina**

The aim of the Committee is the protection and promotion of human rights in Bosnia and Herzegovina. The Helsinki Committee for Human Rights in Bosnia and Herzegovina is one of the founders of the Human Rights House Sarajevo.

- Website: <http://www.bh-hchr.org>

### **Initiative and Civil Action (ICVA)**

ICVA's aim is strengthening the non-governmental sector in BiH through providing support to NGOs in: information-sharing and production of information sources; developing policies on issues relevant to NGO sector in BiH; advocacy towards governments, international organisations, UN and other stakeholders.

- Website: <http://www.icva-bh.org>

### **Regional Co-ordinator for Youth Groups**

Office of Regional Co-ordinator for Youth Groups of West Balkan was founded in Sarajevo, Bosnia and Herzegovina, in August 2005, by the Norwegian Helsinki Committee for Human Rights, which is organizing Human Rights Schools for high school students of West Balkan from 2000.

- Website: <http://www.humanrightsschools.org>

### **Renaissance - Association of Female Citizens**

The Association is a non-governmental, non-partisan, non-profit organisation established on 8 May 1999 in Sarajevo. It acts in a capacity of legal person on the territory of Sarajevo Canton and in the future it will function on the territory of the Federation of B&H.

- Website: <http://www.renesansa.com.ba>

### **Rights for All**

Rights for All is a non-governmental human rights and advocacy organisation aiming to create a just and democratic society based on human rights principles. We believe that critical forces for achieving deep-rooted and sustainable change come from within each society and Rights for All collaborate in partnership with organisations that share our vision of just society based on human rights principles on local, national, regional and international level.

- Website: <http://www.rightsforall.ba>

### **Serbian Civic Council - Movement for Equality**

Forum of the citizens of Serb ethnical origin was founded in May 1992. Serb Consultative Board was founded in November 1993. Serb Civic Council of Bosnia and Herzegovina – Canton Sarajevo was founded in Sarajevo at the First Assembly of Citizen of Serb Nationality, held on March 27, 1994, as an Association of Citizens.

- Additional information: <http://humanrightshouse.org/Articles/5107.html>

### **Woman and Society Centre**

The Research, Policy and Advocacy Centre "Woman and Society" from Sarajevo is an independent, feminist, non-governmental and non-profit organisation operating at the level of the State of BiH. The primary goal of the Centre is promotion of women's rights at the national, regional, and global level, and advocacy for gender-sensitive democratisation of the BiH society.

- Additional information: <http://humanrightshouse.org/Articles/5110.html>

