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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF BOSNIA AND HERZEGOVINA
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where specifically indicated, any developments which occurred after 7 March 2019, the date on which the response of the authorities of Bosnia and Herzegovina to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have not been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1) *In its report on Bosnia and Herzegovina (fifth monitoring cycle) published on 28 February 2017, ECRI recommended that the authorities strengthen the institutional capacity of the Ombudsman Institution in order to empower it to carry out its anti-discrimination mandate effectively. This should include, inter alia, streamlined decision-making processes and an adequate increase in funding to provide for sufficient human resources and awareness-raising campaigns. The authorities should also ensure that in the context of planned amendments to the Ombudsman Law, the Ombudsman Institution maintains its full financial independence from the government. Furthermore, the authorities should intensify their efforts to promote compliance with the recommendations of the Ombudsman Institution.*

On 30 October 2017, the government submitted a proposal for amendments to the Law on the Ombudsman for Human Rights to the Parliament of Bosnia and Herzegovina. ECRI was informed by the authorities that the proposal for legislative amendments is intended to improve the organisational structure of the Ombudsman Institution and its reporting to the Parliament and the public on the observed phenomena of systemic failure to respect human rights. The proposal also introduces an obligation for the Ombudsman Institution to cooperate with civil society, a provision which was repeatedly requested by the Institution itself on the assumption that this important element would be adequately reflected in its budgetary allocation. Furthermore, the amendments to the Law aim at strengthening the role of the Institution in investigating individual cases of discrimination and launching initiatives for amending laws.

On 20 March 2018, however, the Joint Commission on Human Rights of both Houses of Parliament of Bosnia and Herzegovina (House of Representatives and House of Peoples) submitted a negative report on the legislative proposal. Both Houses subsequently refused to endorse the Joint Commission's negative report and tasked it, in line with parliamentary procedure, with reviewing its position and drafting a new one. The authorities informed ECRI that this new report has not been submitted yet. Therefore, the proposal for legislative amendments to the Law on the Ombudsman for Human Rights is still pending.

With regard to the budgetary situation of the Ombudsman Institution, ECRI notes that while the approved budget for 2018 amounted to 2,678,000 BAM (approximately 1,370,000 Euros), which was an increase compared to previous years, this amount was still below the Institution's budget of 2010 when its mandate was extended following the adoption of the Law on the Prohibition of Discrimination. A lack of adequate resourcing of the Ombudsman Institution obviously affects its capacity to increase the level of protection of human rights in Bosnia and Herzegovina. Furthermore, the fact that full financial independence of the Ombudsman Institution from decision-making by the executive power is still not guaranteed remains a major concern.¹ Moreover, ECRI has not received any information indicating that the authorities have intensified their efforts to promote compliance with the recommendations of the Ombudsman Institution.

Although ECRI recognises that some efforts have been made by the authorities of Bosnia and Herzegovina to address existing shortcomings with regards to the Ombudsman Institution, it considers that the recommendation has so far only been partially implemented.

¹ See also: European Commission, "Report on Bosnia and Herzegovina for 2018" (17 April 2018).

2.) *In its report on Bosnia and Herzegovina (fifth monitoring cycle), ECRI strongly reiterated the recommendations made in §§ 68-72 of its 2010 report, in particular concerning the urgent need to end all forms of segregation in schools, including “two schools under one roof” and monoethnic schools, and the application and further development of the common core curriculum. ECRI also strongly recommended ensuring inclusive and non-discriminatory learning environments in all schools and the removal of any symbols that represent an ethnic or religious bias.*

ECRI has not received any information indicating that steps have been taken to end all forms of segregation in schools. At the same time, the authorities of Bosnia and Herzegovina acknowledge that the problem of segregation in the field of education, in particular the practice of “two schools under one roof” and monoethnic schools, persists.

The authorities informed ECRI that in some Cantons of the Federation of Bosnia and Herzegovina (which is one of the country’s two entities, the other being the Republika Srpska) activities related to the common core curriculum have been implemented. However, these consisted of pilot projects and training activities. While such preparatory work is useful, it is not the full-scale application of the common core curriculum that ECRI and other relevant bodies have repeatedly recommended.

ECRI is aware that education is a policy area that, according to the country’s constitution, falls within the decision-making powers of the two entities. In this context, it is disappointing to see that the authorities at all levels have failed to make progress in an area of such crucial importance for building an inclusive society and overcoming the deeply entrenched ethnic divisions in the country.

ECRI considers that this recommendation has not been implemented.

