

ECRI REPORT ON BOSNIA AND HERZEGOVINA

(sixth monitoring cycle)



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TABLE OF CONTENTS

| | |
|---|-----------|
| FOREWORD | 4 |
| SUMMARY | 5 |
| FINDINGS AND RECOMMENDATIONS | 7 |
| <i>I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS</i> | 7 |
| A. EQUALITY BODIES | 7 |
| B. INCLUSIVE EDUCATION | 8 |
| C. IRREGULARLY PRESENT MIGRANTS | 9 |
| D. LGBTI EQUALITY | 10 |
| <i>II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE</i> | 13 |
| A. HATE SPEECH | 13 |
| B. HATE-MOTIVATED VIOLENCE | 15 |
| <i>III. INTEGRATION AND INCLUSION</i> | 18 |
| A. INTEGRATION AND INCLUSION IN THE EDUCATION SECTOR | 18 |
| B. RETURNEES | 22 |
| C. ROMA | 24 |
| D. REFUGEES AND BENEFICIARIES OF SUBSIDIARY PROTECTION | 27 |
| <i>IV. TOPICS SPECIFIC TO BOSNIA AND HERZEGOVINA</i> | 28 |
| ELECTORAL LAW: THE SEJDIC AND FINCI JUDGMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS | 28 |
| INTERIM FOLLOW-UP RECOMMENDATIONS | 30 |
| LIST OF RECOMMENDATIONS | 31 |
| BIBLIOGRAPHY | 33 |
| APPENDIX: GOVERNMENT'S VIEWPOINT | 37 |

FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 7 December 2023; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on Bosnia and Herzegovina on 6 December 2016, progress has been made and good practices have been developed in a number of fields.

The budget of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina was increased from 2.7 million convertible marks (BAM) in 2022 to 3.24 million BAM in 2023.

A variety of academic trainings on inclusive education for teachers exist in the country. The Agency for Pre-primary, Primary and Secondary Education has also developed a toolkit for the evaluation and self-evaluation of primary schools in Bosnia and Herzegovina in the field of intercultural and inclusive education.

The education authorities of the Republika Srpska removed content that had negatively portrayed Jehovah's Witnesses following ECRI's criticism in its last report as well as attacks against the group's places of worship.

The situation for migrants has substantially improved. Most migrants are now housed in temporary reception centres. There are currently four such centres and basic needs are provided for by the International Organisation for Migration (IOM) with support from the European Union.

Three LGBTI pride parades have taken place in Sarajevo, with protests against the pride marches having remained peaceful. The organisers have good relations with the Sarajevo municipal and cantonal authorities.

The OSCE Mission in Bosnia and Herzegovina is working with the High Judicial and Prosecutorial Council on improving its database and comprehensively recording confirmed and suspected hate crime cases.

ECRI noticed that in a generally difficult context of inter-ethnic relations and far from optimal conditions for returnees, the town of Srebrenica has a municipal music education centre which serves as a meeting point for children from different ethnicities and can thereby help to transcend the entrenched group boundaries and tensions at local level. ECRI also heard about similar local initiatives in other municipalities across the country, in particular in the field of sports.

ECRI welcomes these positive developments in Bosnia and Herzegovina. However, despite the progress achieved, some issues give rise to concern.

The recommended streamlining of decision-making processes in the Ombudsman Institution and its full financial independence from the government, as requested in ECRI's priority recommendation in 2016, have not yet been implemented.

There is still no possibility to register same-sex partnerships in the country and there is also still no legal or administrative provision for the recognition of gender reassignment procedures and for regulating the associated administrative processes.

In the context of persisting inter-ethnic/inter-religious hate speech, the Interreligious Council of Bosnia and Herzegovina has ceased its activities. The Central Electoral Commission's mandate to monitor the use of hate speech during election campaigns has also not been extended beyond the 30-day period to cover the entire duration of election campaigns.

In March 2023, LGBTI activists and sympathetic journalists were attacked by a group of persons in Banja Luka (Republika Srpska). The victims of the attack complained about a lack of police protection.

The long-standing recommendation to promote integration and inclusion in the education sector, in particular by abolishing the "two schools under one roof" (that exist in some cantons of the Federation of Bosnia and Herzegovina) and other forms of segregation and discrimination in education, has not been implemented. This ongoing problem reflects the deep-seated ethnic and political tensions in the country.

So far, no effective steps have been taken to comply with the 2009 judgment of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina*. The constitutionally enshrined powers of the three "constituent peoples" perpetuate not only the political exclusion of persons not identifying with any of the three groups but also hinder the overall development of a civic identity.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

In the area of LGBTI equality, ECRI recommends that the authorities provide a legal framework that affords same-sex couples the possibility to have their relationship recognised. ECRI also recommends taking steps towards ensuring that the domestic law in Bosnia and Herzegovina guarantees a quick, transparent and accessible process based on clear, precise and foreseeable legal provisions by which transgender persons can obtain legal gender recognition.

With a view to promoting inter-ethnic/inter-religious dialogue and combating hate speech, ECRI recommends that the authorities facilitate, without interfering in the internal affairs of religious organisations, a renewed dialogue between the religious leaders with the aim of revitalising the Interreligious Council. Furthermore, the mandate of the Central Electoral Commission to monitor the use of hate speech should be extended to the entire duration of election campaigns.

ECRI recommends that the state-level authorities provide additional funding to municipalities, including but not limited to the town of Srebrenica, to set up or expand existing cultural learning centres and similar institutions, such as sports clubs, that due to the non-ethnic/non-religious activities can facilitate the overcoming of ethnic boundaries especially among young people.

In the area of education, ECRI reiterates its recommendation to end all forms of discrimination in education, including the segregation in “two schools under one roof” in cantons of the Federation of Bosnia and Herzegovina and non-inclusive school environments in the Republika Srpska.* ECRI also recommends that the authorities facilitate a dialogue on how to introduce multi-perspective history teaching in schools.

In the field of electoral law, ECRI recommends that the authorities take determined action to comply with the 2009 judgment of the European Court of Human Rights in the case of Sejdić and Finci v. Bosnia and Herzegovina.*

*This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies¹

1. The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina (Ombudsman Institution) is based on Annexes IV and VI of the General Framework Agreement on Peace for Bosnia and Herzegovina (known as the Dayton Peace Agreement) of 1995 and is governed by the Law on the Human Rights Ombudsman of Bosnia and Herzegovina (2002, amended in 2006) and the Law on prohibition of discrimination in Bosnia and Herzegovina (2016). It covers both the private and public sectors. The Ombudsman Institution is made up of three Ombudspersons, one from each of the “constituent peoples” (Bosniacs, Croats and Serbs).²
2. ECRI was informed by representatives of the Ombudsman Institution that it currently employs 63 staff members, five of whom are working on anti-discrimination issues, and that they consider this to be adequate. Moreover, ECRI notes positively that the Institution’s budget was increased from 2.7 million convertible marks (BAM) in 2022 to 3.24 million BAM in 2023. The majority of cases referred to the Institution that concern discrimination relevant to ECRI were on the grounds of ethnicity and/or religion, especially affecting returnees, in the areas of employment and restitution of pre-war property. Cases concerning LGBTI persons have also been received by the Institution. In general, it appears that about two thirds of the Institution’s recommendations are either fully or partially implemented. However, there is no disaggregated data available for cases falling within the mandate of ECRI.³
3. In its fifth monitoring cycle report on Bosnia and Herzegovina, ECRI had noted that the decision-making process within the Ombudsman Institution is often complicated because the three Ombudspersons, one from each of the constituent peoples, take all decisions by consensus. ECRI considered that as well as slowing down the process, cases deemed too politically sensitive in the climate of ethnic divisions were not in practice considered, such as the issue of segregation in schools.⁴ ECRI notes that no changes have been made to the decision-making arrangements or are currently planned.
4. In its last report, ECRI recommended that the authorities strengthen the institutional capacity of the Ombudsman Institution to carry out its anti-discrimination mandate effectively, inter alia by streamlining decision-making processes and by ensuring the Institution’s full financial independence from the government. ECRI requested priority implementation for this recommendation and recognised in its 2020 conclusions that some efforts had been made by the authorities to address existing shortcomings with regards to the Ombudsman Institution, but that the recommendation had only been partially implemented.⁵
5. In this regard, it is positive to note that on 24 May 2023 the Council of Ministers of Bosnia and Herzegovina approved a draft law, which would provide greater financial independence for the Institution. This text, if approved by Parliament, will put an end to the hitherto existing possibility of the Ministry of Finance and Treasury

¹ The term “national specialised bodies” was updated to “equality bodies” in the revised version of GPR No. 2 which was published on 27 February 2018.

² Listed here in alphabetical order. See also footnote 146 on the results of the 2013 census.

³ See also ECRI 2016: § 83, where it is mentioned that about 50% of the Institution’s recommendations were fully implemented.

⁴ ECRI 2016: § 80.

⁵ ECRI 2020, Conclusions on the implementation of the recommendations in respect of Bosnia and Herzegovina subject to interim follow up: § 5.

to cut the Ombudsman Institution's budget even after it has already been approved by Parliament.⁶

6. ECRI strongly encourages the authorities to continue strengthening the Ombudsman Institution's in line with ECRI's previous recommendations as outlined above and in its last report.

B. Inclusive education

7. This section is about general initiatives and trainings for inclusive education (see also ECRI's General Policy Recommendation No. 10⁷). Specific issues related to ECRI's previous recommendations (fourth and fifth monitoring cycles) on problems with regard to integrated education in Bosnia and Herzegovina are dealt with in section III.A of the present report. In previous reports, particular attention was given to the urgent need to end all forms of segregation in schools, including "two schools under one roof" (that exist in some cantons of the Federation of Bosnia and Herzegovina) and monoethnic schools, and ensuring non-discriminatory learning environments in all schools and the removal of any symbols that represent an ethnic or religious bias.⁸
8. It should be noted that the responsibility and political decision-making for the field of education is decentralised in Bosnia and Herzegovina (BiH). The country's two entities – the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS), as well as the autonomous Brčko District (BD), are each responsible for education on their territory. In addition, the 10 cantons of the Federation in turn also have autonomy in the field of education. At state level – for the state of Bosnia and Herzegovina as a whole – the Ministry of Civil Affairs, which inter alia covers education issues, is only responsible for coordinating and consolidating entity policies and, where relevant, linking them to international strategies or activities.⁹
9. The Council of Ministers of BiH has developed and adopted Policy Recommendations with a Roadmap for Improving Inclusive Education in Bosnia and Herzegovina on 2 September 2020.¹⁰ The measures proposed in this document emphasise the need to perceive quality education for all as a public good and a basic social value, underlining the necessity to implement policies in accordance with international standards and develop a democratic culture in schools based on democratic rights and responsibilities in order to improve inclusive education without discrimination on any grounds.¹¹ However, it remains to be seen if and how these recommendations will be implemented in practice (see also section III.A below).
10. A variety of academic trainings on inclusive education for teachers exists in Bosnia and Herzegovina. A 2020 study about the presence of intercultural education of teacher trainees in the country refers to various courses which could equip teaching staff to better work in a multicultural environment. Such courses are inclusive education, civics education, democracy and human rights. Eight universities offer teacher training. With regard to training teaching staff to work in a multicultural environment, course subject titles and length of training differ

⁶ The law includes, inter alia, also a provision to list cooperation with civil society explicitly as part of the mandate of the Ombudsman Institution, which ECRI welcomes.

⁷ ECRI, General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education (2006).

⁸ See for example ECRI 2016: § 59.

⁹ For further details see the website of the Council of Ministers of Bosnia and Herzegovina/ Home/Ministries/Ministry of Civil Affairs - <https://www.vijeceministara.gov.ba>

¹⁰ Council of Ministers of Bosnia and Herzegovina, Policy Recommendations with a Roadmap for Improving Inclusive Education in Bosnia and Herzegovina (2020).

¹¹ Ibid.: 8-9; see also: Bosnia and Herzegovina (2023), The Fourteenth and Fifteenth Periodic Report on the International Convention on the Elimination of All Forms of Racial Discrimination: 25; and Council of Europe, Action Plan for Bosnia and Herzegovina 2022-2025: 2 and 9.

according to the university.¹² ECRI has been informed that some cantons of the FBiH participate in a “Democracy and Human Rights” programme and developed a roadmap for incorporating human rights elements into teacher training.

11. The Agency for Pre-primary, Primary and Secondary Education has also developed a toolkit for the evaluation and self-evaluation of primary schools in Bosnia and Herzegovina in the field of intercultural and inclusive education, which is designed to be used by educational inspectors and advisors, as well as for self-evaluation in primary schools.¹³
12. In the RS, didactic and other materials of offensive content may not be used or studied in teaching or other school activities, and teachers or other school staff may not make statements that could justifiably be considered offensive to the language, culture and religion of students belonging to any national, ethnic or religious group.¹⁴ A positive development in this regard has been the removal of content negatively portraying Jehovah’s Witnesses in the RS following ECRI’s criticism of this in its last report as well as attacks against the group’s places of worship.¹⁵
13. However, in 2019, a textbook *Culture of Religion* for the 1st and 2nd grades of High School in Republika Srpska was published that depicts Jehovah’s Witnesses in a way its members consider to be inaccurate and biased, namely being mentioned in one section along with dangerous cults. ECRI was informed that some Jehovah’s Witness parents whose children are high school students expressed concern about the stigma the book has exposed their children to, and in one case a child allegedly suffered bullying and harassment because of this. Apparently, the relevant department of the Ministry of Education of the Republika Srpska has informed a representative of Jehovah’s Witnesses that the relevant part will be revised in the upcoming edition for the following school year. ECRI trusts that the authorities will take action to resolve this issue and does not give rise to future manifestations of hatred against Jehovah Witnesses.
14. More generally, ECRI has not received any concrete information on systems to monitor and respond to incidents of racist and/or anti-LGBTI bullying in the education system. ECRI encourages the authorities to explore the possibility of setting up such systems across the country, with the aim of collecting data about the scale of the problem, designing prevention activities and providing adequate support to victims of such bullying.

C. Irregularly present migrants

15. Interlocutors met by the ECRI delegation during the 2023 country visit consider that migrants irregularly present in Bosnia and Herzegovina are usually intending to enter the European Union and thus are not planning to stay in the country for prolonged periods of time. At the end of 2017, there was an increase in the number of migrants arriving in Bosnia and Herzegovina. In 2018, the authorities counted 24 067 migrant arrivals, compared to 755 in the whole of 2017. During 2019, 29 124 arrivals were recorded. The number decreased in 2020 with 16 150 migrants being registered.¹⁶ In 2021, the number of persons irregularly entering Bosnia and Herzegovina was comparable to 2020 and lower than in 2018 and 2019, possibly also due to Covid-19 and related restrictions: 15 740 arrivals were

¹² Beljanski, Mila / Dedić Bukvić, Emina, Comparative Overview of the Presence of Intercultural Education of Teacher Trainees in Serbia and Bosnia and Herzegovina, in: *Journal of Ethnic and Cultural Studies* (Vol. 7, No. 3, December 2020), pp. 1-16, here: 4-6 and 10-13.

¹³ Bosnia and Herzegovina (2023), *The Fourteenth and Fifteenth Periodic Report on the International Convention on the Elimination of All Forms of Racial Discrimination*: 22.

¹⁴ Ibid.

¹⁵ ECRI 2016: §§ 42 and 49.

¹⁶ International Organisation for Migration (IOM) Bosnia and Herzegovina, website – see <https://bih.iom.int/data-and-resources>.

counted.¹⁷ In 2022, this number rose again sharply to 27 429 and in the first eight months of 2023 already 17 802 irregular entries were recorded by the authorities.¹⁸ The three main countries of origin in recent years have been Pakistan, Afghanistan and Bangladesh. However, in mid-2023 Morocco had replaced Bangladesh as one of the top three countries of origin. The vast majority of migrants entering the country irregularly are single men; in August 2023 they made up 88%.¹⁹

16. While a few years ago, especially during 2018 and 2019, the situation for migrants passing irregularly through the country was extremely difficult due to a near-complete lack of facilities,²⁰ this situation has substantially improved. Most migrants are now housed in Temporary Reception Centres. There are currently four temporary reception centres. Basic needs are provided for by the International Organisation for Migration (IOM), with support from the European Union, including accommodation, food, hygiene products, clothes, water, sanitation facilities, maintenance, and security. Frequently only less than half of the places in reception centres are occupied.²¹
17. For migrants to be able to access the temporary reception centres and the various services offered there, they generally have to express their intention to seek asylum in Bosnia and Herzegovina. In 2021, for example, 14 688 persons did so, and 15 170 did in 2020. With this registration they also cease to be considered by the authorities as irregularly present in the country. However, migrants usually stay in the centres only for a short while and do not continue with their asylum application in the country. In August 2023, the average stay in the centres was only between five and nine days.²²
18. The EU Commission has, as of late, considered the situation for migrants staying in Bosnia and Herzegovina to be generally acceptable. UNHCR in Bosnia and Herzegovina also published an assessment in March 2023 in which it found that asylum procedures, while lengthy, were on the whole acceptable.²³ ECRI encourages the authorities in its future dealings with migrants who pass through or stay irregularly in Bosnia and Herzegovina to also take inspiration from ECRI's General Policy Recommendation (GPR) No. 16 on safeguarding irregularly present migrants from discrimination.

D. LGBTI equality²⁴

19. In July 2022, the Council of Ministers of Bosnia and Herzegovina adopted its first action plan aiming to improve the human rights and fundamental freedoms of LGBTI persons. The 2021-24 LGBTI Action Plan addresses hate speech, freedom of assembly, family law, transgender rights, prejudice and stereotyping.²⁵ The plan is also one of the steps towards bringing human rights protections in the country in line with EU standards.²⁶ The plan should, inter alia, pave the way towards

¹⁷ European Commission, Commission staff working document, Bosnia and Herzegovina 2022 Report, SWD (2022) 336 final: 45.

¹⁸ IOM Bosnia and Herzegovina, Bosnia and Herzegovina Migration Response – Situation Report 7-20 August 2023: 1.

¹⁹ Ibid., IOM Bosnia and Herzegovina website and European Commission 2022: 45.

²⁰ Council of Europe Commissioner for Human Rights, Letter (15 May 2018) The Commissioner calls on Bosnia and Herzegovina to improve assistance to asylum-seekers and migrants; and United Nations Country Team Bosnia and Herzegovina, Refugee and Migrant Situation in Bosnia and Herzegovina – The Multi-Cluster/Sector Initial Rapid Assessment (MIRA) Report, May 2018.

²¹ European Commission 2022: 45.

²² IOM 2023: 1. – In 2021, out of the 14 688 persons who expressed their intention to claim asylum in Bosnia and Herzegovina, only 167 actually applied for international protection. (European Commission 2022: 48)

²³ See UNHCR, 2022 Participatory Assessment Report in Bosnia and Herzegovina; Sarajevo Times, Asylum and Integration are possible in Bosnia and Herzegovina, 24 March 2023; and European Commission 2022: 45-48.

²⁴ For terminology, see ECRI's glossary.

²⁵ Ministry for Human Rights and Refugees (2022), 2021-2024 Action Plan to improve the state of human rights and fundamental freedoms of LGBTI people in Bosnia and Herzegovina: 4.

²⁶ Ibid.

regulation of same-sex partnerships and help transgender persons with access to medical services and legal gender recognition.²⁷ The Action Plan was a follow-up from a 2016 anti-discrimination report of the Parliament of Bosnia and Herzegovina.²⁸ Representatives of LGBTI organisations met by the ECRI delegation during the 2023 country visit were pleased with the Action Plan, but remained cautious as to whether its implementation would indeed be carried out as envisaged. In this regard, ECRI encourages the authorities to take all necessary steps to implement the Action Plan effectively, including through the allocation of appropriate resources to the implementing bodies and partners.

20. The Law on Prohibition of Discrimination (2009, as amended in 2016) includes sexual orientation and gender identity among the prohibited grounds for discrimination and offers comprehensive protection against discrimination in all aspects of public life, including education, employment, healthcare and access to services.²⁹ However, civil society organisations informed ECRI that, in their view, the application of the relevant anti-discrimination legislation needs to be further improved.³⁰ Moreover, under the Law on Prohibition of Discrimination, there is an obligation to harmonise laws at the entity and cantonal levels with the state-level legislation. However, still not all relevant laws at the different levels include sexual orientation, gender identity and sex characteristics as grounds on which discrimination is prohibited.³¹ ECRI invites the authorities to use their coordinating and convening powers to ensure that legislation at different administrative and political levels is harmonised in this respect.
21. Three LGBTI pride parades have taken place in Sarajevo (one of which was an online/hybrid version during the Covid-19 pandemic). Protests against the pride marches have been peaceful. The organisers have good relations with the Sarajevo municipal and cantonal authorities. During its 2023 country visit, the ECRI delegation heard complaints about additional security requirements made by the authorities on pride marches, which result in a financial burden for the organisers but was also informed that the organisers received at least some financial support from the authorities to meet the security standards. The organisers also praised the constructive and professional attitude of the police in this respect (however, see also paragraphs 44 - 46 below).
22. There is still no possibility to register same-sex partnerships in the country. As already pointed out in its fifth monitoring cycle report on Bosnia and Herzegovina,³² ECRI believes that the absence of recognition of same-sex partnerships can lead to various forms of discrimination in the field of social rights. In this regard, it draws the attention of the authorities to the Recommendation CM/Rec(2010)5 of the Council of Europe's Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.³³ In this context, ECRI also refers to its General Policy Recommendation (GPR) No.17 on combating intolerance and discrimination against LGBTI persons.³⁴

²⁷ Ibid.

²⁸ Ibid.: I.a.

²⁹ Sarajevo Open Centre (2022), Pink Report 2022, Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina: 19-20.

³⁰ European Commission 2022: 35.

³¹ Sarajevo Open Centre 2022: 19-20. – In terms of hate crimes (see part II.B of this report below), the inclusion of sexual orientation and gender identity as explicitly mentioned hate-motivations into the relevant criminal codes has been harmonised at state level and in the two entities (FBiH and RS) as well as Brčko District (see Ministry for Human Rights and Refugees 2022: 5).

³² ECRI 2016: § 87.

³³ Council of Europe, Committee of Ministers, Recommendation CM/Rec(2010)5, in particular § 25. – See also ECtHR judgment *Fedotova and Others v. Russia* (40792/10, 30538/14 and 43439/14; GC, 17 January 2023).

³⁴ ECRI 2023: Recommendations §§ 15-16.

23. ECRI reiterates its recommendation that the authorities provide a legal framework that affords same-sex couples the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live, and to promote equal treatment.
24. In its last report on Bosnia and Herzegovina, ECRI also noted that transgender persons can change their name and the personal identification number, including a gender marker, after having undergone a complete gender reassignment procedure, including surgery.³⁵ Although no problems had been reported at the time, there were, however, no legal or administrative provisions for the recognition of gender reassignment procedures and for regulating the associated administrative processes.³⁶ Therefore, ECRI recommended that the authorities regulate the procedure and conditions of gender reassignment, in line with Council of Europe guidelines.³⁷ During its latest country visit to Bosnia and Herzegovina, the ECRI delegation was informed that no changes in this respect have been made so far.³⁸ Several interlocutors also indicated that there is insufficient expertise among medical staff in the country about transgender issues and gender reassignment. However, the authorities indicated that although they would like to conduct related trainings in the healthcare sector, the relevant budgets are insufficient and have experienced additional financial strains as a result of the Covid-19 pandemic. In this regard, ECRI again also refers to its GPR No. 17.³⁹
25. ECRI recommends to take steps towards ensuring that the domestic law in Bosnia and Herzegovina guarantees a quick, transparent and accessible process based on clear, precise and foreseeable legal provisions by which people can obtain legal gender recognition and that individuals can change their name and sex markers on all official identity, social security and other public documents, in line with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other Council of Europe instruments.
26. ECRI notes a dearth of information about the situation of intersex persons, including children. While some interlocutors indicated that a few cases of so-called sex-normalising surgery might have been carried out in Sarajevo hospitals, it seems that generally parents of intersex children are referred for advice and medical interventions to clinics in neighbouring countries. ECRI notes that in Bosnia and Herzegovina no official guidance or rules exist to regulate the issue, leaving it up to each individual medical doctor to decide on what advice to give. In this context, ECRI invites the authorities take steps aiming at enacting legislation that prohibits medically unnecessary surgery and therapies on intersex children in the light of the relevant recommendations contained in its GPR No. 17.⁴⁰

³⁵ ECRI 2016: § 90.

³⁶ Ibid.

³⁷ Ibid.: § 91.

³⁸ ECRI notes that the relevant legal and regulatory aspects in the healthcare sector are the responsibility of the entities (FBiH and RS) and Brčko District.

³⁹ ECRI 2023: Recommendations, e.g. §§ 24 and 30, see also Recommendation CM/Rec(2010)5 of the Council of Europe's Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity, as well as Parliamentary Assembly of the Council of Europe, Resolution 2048 (2015), Discrimination against transgender people in Europe.

⁴⁰ See in particular ECRI 2023: Recommendations § 32.

II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

A. Hate speech⁴¹

27. Official as well as civil society interlocutors met by the ECRI delegation during the 2023 country visit confirmed that racist hate speech in Bosnia and Herzegovina still originates mainly from members of the three main ethnic groups (constituent peoples) and is directed against members of another one of these groups. Sometimes this can also overlap with the respective religious affiliation that many members of each of these ethnic groups have. In addition, hate speech against Roma and, in previous years also against migrants transiting the country, could be observed, whereas anti-LGBTI hate speech mainly emerged in the context of pride marches. There is no official data on the number of hate speech incidents.⁴² No public body is tasked to monitor it on a permanent basis and civil society organisations involved in preventing and combating hate speech do not have the capacity to ensure a complete and comprehensive monitoring.⁴³ Hate speech is reportedly still widespread, including and in particular in political discourse,⁴⁴ and has increased also online and in social media in recent years.
28. An example of ethnic hate speech took place during a Serb Chetnik-gathering in the town of Višegrad on 10 March 2019 during which songs were sung that contained lyrics of an anti-Bosniac character. While the first instance court dismissed the charges of incitement to racial hatred, the second instance court overturned the verdict and ordered a retrial. Ultimately, the Appellate Division of the Court of Bosnia and Herzegovina found three participants guilty of incitement to national, ethnic and racial hatred and, in 2022, sentenced them to five months' imprisonment.⁴⁵
29. A special aspect of hate speech is linked to the denial of genocide and war crimes committed during the Bosnian war in the 1990s.⁴⁶ In July 2021, the previous High Representative of the international community required the adoption of amendments to the Criminal Code of Bosnia and Herzegovina outlawing denial of genocide, crimes against humanity and war crimes.⁴⁷ However, the then President of the Republika Srpska shortly after decreed that this law would not be enforced in the RS.⁴⁸ The Office of the High Representative emphasised that the Constitution of Bosnia and Herzegovina does not grant entity authorities the right to take such a decision. Nevertheless, there have been no cases of prosecution of genocide denial in the RS subsequently. The move of the RS authorities, in combination with the ongoing rhetoric of secession, also seems to have had a somewhat chilling political effect on prosecutorial authorities at state level, which generally seem to have refrained from prosecuting genocide denial until recently.⁴⁹ In March 2023, however, the State Prosecutor's Office initiated a case against the President of the Republika Srpska, for genocide denial.⁵⁰ Allegedly, he spoke about Srebrenica on

⁴¹ See definitions of hate speech and hate crime in [ECRI's Glossary](#).

⁴² ECRI was informed by the authorities that the Ministry of Interior of the Republika Srpska (RS) keeps regular records of incidents that may be characterised as hate crimes (ethnic-, national- or religious-based attacks exhibiting intolerance and hatred). However, ECRI underlines in this context that hate speech is a broader category than hate crime.

⁴³ See also: Council of Europe (in cooperation with the Ministry of Human Rights and Refugees), Mapping Responses to Hate Speech in Bosnia and Herzegovina – A Situational Analysis and Mapping Report 2022.

⁴⁴ See for example: EU Commission, Commission staff working document - Bosnia and Herzegovina 2022 report - SWD (2022) 336 final: 29.

⁴⁵ Balkan Insight News / Balkan Transitional Justice, Bosnia Convicts Serb Chetniks of Inciting Ethnic Hatred, 22 June 2022.

⁴⁶ See for example: Memorial Center Srebrenica, Srebrenica genocide denial report 2022.

⁴⁷ High Representative, Sixty-third report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General, 2023: § 20.

⁴⁸ Balkan Insight News, Bosnian Serb Decree Rejecting Genocide Denial Law Sparks Uncertainty, 13 October 2021.

⁴⁹ Cf. High Representative 2023: § 20.

⁵⁰ N1 Sarajevo, Bosnia Prosecutor's Office forms case against Milorad Dodik over genocide denial, (6 March 2023).

21 February 2023 in Banja Luka (RS), denying that genocide had been committed in 1995 by stating: “Genocide did not happen there. We all know that here in Republika Srpska”.⁵¹

30. In some cases, divisive and aggressive rhetoric also comes from religious leaders. A statement by the Reis-ul-ulema (Grand Mufti) of the Islamic community in Bosnia and Herzegovina, on 4 March 2023, caused severe inter-religious and political tensions. The Reis-ul-ulema is reported to have said: “We must show in every possible way that we are ready to defend the institutions of the state of Bosnia and Herzegovina. When they fall, as they fell in 1992, we must be ready to protect this country with weapons as well, and, if I may say so, no one should have any dilemmas about whether we should do that or not...”.⁵² This comparison and, as some interpreted it, justification and preparation for renewed armed conflict, was strongly rejected by the High Representative and others.⁵³
31. The statement also added to already existing tensions within the Interreligious Council of Bosnia and Herzegovina (IRC).⁵⁴ On 27 January 2023, St. Sava’s Day (an important religious holiday in the Serb-Orthodox tradition), the chief imam of the Majlis of the Kozarac Islamic Community, called the Serbian Orthodox Church a sect. After that, an imam and professor at the Faculty of Islamic Pedagogy in Bihac called the Republika Srpska (RS) “a genocidal creation that appeared on January 9th”.⁵⁵ The RS police initiated investigative proceedings against both of them for incitement to violence and hatred.⁵⁶ The Serb-Orthodox Church representative on the IRC ceased to participate in this body at the end of January 2023, alleging that the IRC had failed to react to criminal acts committed against Serbs in the country.⁵⁷ Ultimately, the events led to the cessation of the IRC’s activities. ECRI notes the particularly unfortunate nature of the situation in which the country’s main religious leaders – reflecting, although not entirely, also the country’s ethnic composition and the inter-group tensions – have been unable to jointly advance the key elements of their religious tenets that they all share: non-violence, peace and respect for human dignity.
32. ECRI recommends that the authorities facilitate, without interfering in the internal affairs of religious organisations, a renewed dialogue between the religious leaders with the aim of revitalising the Interreligious Council of Bosnia and Herzegovina and its contribution to developing a tolerant and inclusive society that is respectful of diversity.
33. Periods before elections are particularly prone to an intensification of hate speech. In this regard, ECRI recommended in its fifth monitoring cycle report on Bosnia and Herzegovina that the Central Electoral Commission’s mandate to monitor the use of hate speech during election campaigns be extended from 30 days prior to the election date to the entire duration of the election campaign.⁵⁸ However, no such extension has been implemented so far.
34. ECRI recommends that: i) the mandate of the Central Electoral Commission to monitor the use of hate speech be extended to the entire duration of election campaigns and ii) the parliamentary and other elected bodies and political parties

⁵¹ RFERL.org, Prosecutor Files Case Against Bosnian Serb Leader Dodik For Genocide Denial, (6 March 2023).

⁵² High Representative 2023: § 17.

⁵³ Ibid. and https://twitter.com/OHR_BiH/status/1632768803728773121?s=20, as well as N1 Sarajevo, Head of BiH’s Islamic Community under fire over “warmongering” statement, (6 March 2023).

⁵⁴ The Interreligious Council, established in 1997, was composed of representatives from the four traditional religious groups in the country: the Islamic (Sunni) community, the Serb-Orthodox Church, the Roman-Catholic Church and the Jewish community.

⁵⁵ Sarajevo Times, Two Imams and the Fate of the BiH Interreligious Council, (14 February 2023).

⁵⁶ Ibid.

⁵⁷ N1 Sarajevo, Serbian Orthodox Church Metropolitan in Bosnia leaves Interreligious Council, (3 February 2023).

⁵⁸ ECRI 2016: §§ 34 and 37.

be encouraged to address hate speech, in particular in the context of electoral campaigns, in the light of ECRI's General Policy Recommendation No. 15 on combating hate speech, Recommendation Rec(2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

35. ECRI notes positively that, as had been recommended in its fifth monitoring cycle report,⁵⁹ the student dormitory in Pale (RS) that had previously been named after a convicted war criminal has been renamed. Similarly, ECRI was informed that in Mostar (FBiH) all streets previously named after leaders of the World War II fascist Ustasha regime have been renamed.
36. As concerns hate speech against LGBTI persons, ECRI notes that this largely although by no means exclusively centers around the period of LGBTI pride parades, similar events and their preparations and public announcements.⁶⁰ In its last monitoring report on Bosnia and Herzegovina, ECRI noted that anti-LGBTI hate speech also originated from politicians and was particularly increasing on social media.⁶¹ NGOs met by ECRI confirmed that this is still the case and that the targets of such hate speech also include LGBTI activists. In April 2022, the Municipal Court in Sarajevo issued a first instance judgment recognising for the first time a violation of the anti-discrimination law against LGBTI persons in a case concerning online hate speech by an elected cantonal representative.⁶²
37. In July 2022, the Council of Ministers adopted the LGBTI Action Plan. While legislation is harmonised and includes provision on hate crimes on grounds of sexual orientation and gender identity, the effective application of the relevant provisions of the Criminal Code through prosecution of hate crimes and hate speech against LGBTI persons remains insufficient.⁶³ Reference is made to the recommendation made in the following section of the present report as regards the provision of training to criminal justice actors.

B. Hate-motivated violence

38. The competent authorities in Bosnia and Herzegovina report hate crime data to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR).⁶⁴ However, ODIHR also notes that there is no effective centralised institutional reporting mechanism in the country.⁶⁵ Bosnia and Herzegovina has co-operated with ODIHR and the OSCE Mission in the country in order to train law enforcement officials and criminal justice professionals on hate crimes.⁶⁶ In co-operation with ODIHR and the OSCE Mission, the authorities of the Republika Srpska (RS) have also worked to improve hate crime recording and data collection through ODIHR's Information Against Hate Crimes Toolkit (INFAHCT) programme, including through a diagnostic workshop held in April 2022.⁶⁷
39. The High Judicial and Prosecutorial Council (HJPC), with the support of the OSCE Mission, is currently working on improving its database and comprehensively recording confirmed and suspected bias-motivated incidents. In spite of a 2008

⁵⁹ ECRI 2016: §§ 16-18.

⁶⁰ See also European Commission 2022: 33.

⁶¹ ECRI 2016: §§ 28-29.

⁶² European Commission 2022: 35.

⁶³ European Commission 2022: 35.

⁶⁴ Hate crimes reported to ODIHR include acts of violence against persons or property, but also criminalised forms of hate speech, such as threats, that in this ECRI report are dealt with in section II.1 above.

⁶⁵ See OSCE/ODIHR hate crime reporting website: <https://hatecrime.osce.org/bosnia-and-herzegovina>

⁶⁶ Ibid.

⁶⁷ Ibid.

commitment by the authorities to improve the situation in this area, in general, administrative weaknesses still often impede recording and reporting of hate incidents / hate-crime cases, and overall consolidation of data continues to be carried out mainly by the OSCE Mission.⁶⁸ ECRI was informed that the cooperation between the HJPC and the OSCE Mission is scheduled to continue.

40. ECRI recommends that the authorities ensure the comprehensive recording of bias-motivated violent incidents, in particular by completing the improvement of the High Judicial and Prosecutorial Council's database, with the support of the OSCE Mission to Bosnia and Herzegovina.
41. The problems with recording hate incidents and hate crime cases are also reflected in the discrepancies between the cases reported by the police (45 in 2021, three in 2020 and 21 in 2019) and by other sources, mainly civil society organisations (128 in 2021, 91 in 2020 and 126 in 2019).⁶⁹ The main bias-motivations are ethnic or religious (mainly anti-Christian and anti-Muslim), reflecting the post-war tensions of the country. Antisemitic incidents are rare. The numbers of anti-LGBTI incidents are not at the level of ethnically or religiously motivated hate incidents, but ECRI notes that so far, they rarely appear in the officially reported data but mainly in the information collected by civil society organisations. This seems to indicate hesitation among members of the LGBTI community to report relevant cases to the police. It is noteworthy that across all categories a large majority of hate incidents / hate crimes are either threats or attacks against property. Only a minority of cases concern attacks against persons.⁷⁰ The High Judicial and Prosecutorial Council of Bosnia and Herzegovina informed ECRI that, according to its data, 41 court cases related to offences of incitement to hatred (36 cases) and hate crimes (five cases) were completed between 2018 and 2022.
42. In this regard, ECRI was also informed by various interlocutors that serious acts of violence against returnees (see also section III.B below) have not been a frequent occurrence in recent years. Nevertheless, civil society organisations indicate that low-level incidents might have occurred which were not reported by the victims. Overall, this situation seems to be an improvement in comparison to the descriptions in ECRI's fifth monitoring cycle report,⁷¹ although attacks against returnees still occur at times. On 3 September 2023, a Bosniac returnee was attacked in his car in the village of Gornja Kamenica (RS), near the local mosque, by several persons, who started beating his head.⁷² The fact that ethnically motivated violence against persons, fuelled by tensions stemming from the Bosnian war, are not entirely absent in the country is also demonstrated by another recent example: on 14 January 2023, a group of Serbian junior football players and their parents were assaulted in Sarajevo, leaving at least one person seriously injured. About a dozen attackers had targeted the group with knives.⁷³ It is positive to note in this case that the mayor of Sarajevo visited the victims and condemned the violence.
43. Attacks against religious buildings are also an expression of hatred and lingering post-war tensions. In 2019, for example, the Orthodox Church of Annunciation in Donje Vukovsko, a village near the town of Kupres (FBiH), was vandalised and parts of it destroyed during the Easter holidays.⁷⁴ The church is listed as a national

⁶⁸ In this regard, the authorities informed ECRI that the Ministry of Interior of the Republika Srpska (RS) has an Analytics Department that keeps records of reported hate-motivated incidents/hate crime cases.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ ECRI 2016: § 40.

⁷² N1 Sarajevo, Bosniac returnee assaulted in the Bosnia's RS entity, (4 September 2023).

⁷³ N1 Sarajevo, Hooligans spark incident at junior tournament, man from Serbia injured, (15 January 2023).

⁷⁴ N1, Interreligious Council condemns desecration of church in southern Bosnia, (3 May 2019).

monument. Other more recent attacks against religious buildings include, inter alia, the Orthodox Cathedral in Mostar (7 December 2022) and the Dašnica Mosque in Bijeljina (13 January 2023).⁷⁵

44. A particularly prominent case of anti-LGBTI violence occurred in the city of Banja Luka (RS) after the police had banned an LGBTI event there in March 2023.⁷⁶ LGBTI activists and sympathetic journalists were attacked by a group of persons with sticks and bottles outside the office of Transparency International, where a meeting of LGBTI groups had taken place. At least one activist was taken to hospital after having been hit on the head. Representatives of LGBTI organisations complained to the ECRI delegation during the visit that the police, which had been present at the scene earlier, withdrew ahead of the attack and left the venue unprotected. The ECRI delegation also heard accusations that the police might have deliberately left the LGBTI persons vulnerable to an attack. It is obvious that such mistrust already jeopardises the important relationship between the LGBTI community and law enforcement authorities in Banja Luka, if not in the RS overall. Such deteriorating relationships are certainly counter-productive to combating anti-LGBTI hate crime and to encouraging victims to report hate incidents to the police.
45. ECRI recommends that the authorities ensure that a full and credible investigation into the incident of violence against LGBTI persons in Banja Luka is carried out.
46. Moreover, the above-mentioned incident also puts at risk the fledgling relationship between the LGBTI community and police authorities in the area of training activities for law enforcement officials to recognise, prevent and combat hate crimes against LGBTI persons.⁷⁷ In this regard, some positive steps have been taken in recent years. The entity-level authorities have conducted various activities in the field of training and awareness-raising to combat hate crime. The Centre for the Education of Judges and Public Prosecutors in the RS held two sessions on hate crimes and as part of a seminar on the protection of the human rights of LGBTI persons. During 2021, the RS Ministry of Internal Affairs trained 30 police officers as part of a training on ensuring a sensitive response to security incidents that may be motivated by prejudice or hatred. In particular, the training focused on the indicators of hate crimes motivated by bias based on the victim's sexual orientation, gender identity or sex characteristics. In addition, more than 50 police officers were trained in responding to hate crime at 16 training sessions held by the Ministry, the EU Agency for Police Training (CEPOL), the OSCE and the Council of Europe.⁷⁸ In 2021, the Centre for the Education of Judges and Prosecutors in the Federation (FBiH) also held training sessions on the subject of hate-motivated crimes. A specific session on crimes motivated by hatred based on sexual orientation and gender identity was included in a seminar on the protection of the human rights of LGBTI persons.⁷⁹
47. ECRI recommends that the authorities conduct an evaluation of their anti-hate crime activities and intensify their training efforts for law enforcement officials and members of the judiciary in the area of preventing and combating hate crime, in cooperation with the Council of Europe and other relevant international organisations.

⁷⁵ High Representative 2023: § 18. The authorities informed ECRI that the attack of 13 January 2023 was investigated by the RS police and that the offenders, who were minors, were sanctioned.

⁷⁶ RFERL.org, Rights activist injured in attack in Banja Luka following LGBT event ban, (19 March 2023).

⁷⁷ The Covid-19 pandemic and related lock-down measures also seem to have increased risks for LGBTI persons at home: in 2021, the Sarajevo Open Centre documented 14 hate-motivated incidents against LGBTI persons, which included several cases of domestic violence (European Commission 2022: 35).

⁷⁸ OSCE/ODIHR hate crime reporting website.

⁷⁹ Ibid.

III. INTEGRATION AND INCLUSION

48. In its fifth cycle report, ECRI pointed out that the division of the country's political life along ethnic lines and the absence of any strategy or even basic willingness to promote overall national integration continued to have detrimental effects.⁸⁰ The entrenched ethnic power-sharing mechanisms and ideologies cement ethnic fragmentation and hinder any steps towards building an integrated society in which a person's rights, duties and position are not based on ethnicity. Unfortunately, the paradigm shift regarding attitudes towards the relationship between citizens, ethnic communities and the state that ECRI underlined as urgently necessary still remains elusive (see also section IV. below).⁸¹ ECRI continues to consider that without such a change in the overall political outlook, the development of a cohesive and inclusive society in Bosnia and Herzegovina is seriously compromised.⁸²
49. This highly problematic general context affects various thematic areas analysed by ECRI in its country reports, including (but not limited to) the field of education and the situation of returnees. While the below analysis and recommendations on these aspects are important, they should hence not be considered as isolated technical problems, but instead be viewed through a holistic perspective that recognises that the problems highlighted are the results and symptoms of an overall ethnicity-based political system.⁸³ ECRI does not wish to question or attempt to diminish the relevance of ethnic identity for members of ethnic groups and for a society as a whole. Still, it cannot but point out the hugely problematic consequences of a political and constitutional system that is entirely and exclusively focused on ethnic identities as the criterion for political participation and power, and more broadly for public life in general.

A. Integration and inclusion in the education sector

50. ECRI generally attaches great importance to an integrated and inclusive education sector, and even more so in fragmented societies.⁸⁴ It is obvious that education is the key mechanism for overcoming prejudices, resentment and hatred in future generations and is thus essential for building a more tolerant and inclusive society. However, it appears that in Bosnia and Herzegovina the ethnic political elites continue to embrace a very different priority when it comes to education: namely ensuring that it remains a tool at their disposal to reproduce rather exclusive identities (based on ethnicity, often coupled with the corresponding religion, i.e. Islam, Catholicism or Orthodox Christianity). In this context, education is used to resist the formation of broader common and shared civic identities and to preserve a state of mutual ethnic mistrust and defensiveness, in which members of the respective ethnic group are constantly prompted to consider their identity group leadership as a protector and guarantor of safety in what is perceived as a weak overall state structure with continuing ethnic rivalry and hostile group relations. Against this background, it requires a particular broadmindedness, integrity and courage among ethnic political elites to lead their communities away from such a position.
51. The above-mentioned problem is clearly illustrated by the lack of progress as regards one of ECRI's priority recommendations made in its last report in 2016. ECRI reiterated, as a matter of priority, a recommendation it had already made in its 2010 report concerning the need to end all forms of segregation in schools, including "two schools under one roof" (see paragraph below) and monoethnic

⁸⁰ ECRI 2016: § 53.

⁸¹ See also *ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ In this context, see also ECRI General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

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.⁸⁵ In its 2019 interim follow-up conclusions, ECRI found that no substantial progress on this recommendation had been made and therefore considered that this recommendation had not been implemented.⁸⁶ On this occasion, ECRI, being aware that education is a policy area that, according to the Constitution of Bosnia and Herzegovina, falls within the decision-making powers of the two entities⁸⁷, expressed its disappointment about the fact that the authorities at all levels had 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.⁸⁸

52. There are still more than 50 cases of “two schools under one roof”, in which children are segregated based on their ethnicity.⁸⁹ It should be noted that this phenomenon exists only in some cantons of the Federation of Bosnia and Herzegovina (FBiH) and not in the Republika Srpska (RS) or the Brčko District (BD). In spite of various court judgments, this problem persists. In a case initially launched before the Municipal Court of Mostar in 2011 by the NGO Vaša Prava against the Ministry of Education of the Herzegovina-Neretva Canton concerning the primary schools in Stolac and Čapljina, in August 2014, the Supreme Court of the FBiH⁹⁰ found that the defendants had been discriminated on ethnic grounds. On 18 July 2017, the Constitutional Court of Bosnia and Herzegovina (BiH) rejected the appeals against the decision of the FBiH Supreme Court that had been submitted by the two primary schools.⁹¹ On 15 June 2017 and on 9 March 2022, the BiH Constitutional Court also rejected the appeals that had been submitted by the cantonal authorities of Herzegovina-Neretva Canton.⁹² Decisions issued by the BiH Constitutional Court are final and binding. Unfortunately, no steps have been taken so far to execute the original FBiH Supreme Court judgment.
53. In a similar case, on 31 August 2021 the FBiH Supreme Court issued a judgment⁹³ in which it found that the defendant, the Ministry of Education, Science, Culture and Sport of the Central Bosnia Canton, by giving its consent and by organising schools on an ethnic basis, and by the adoption and implementation of school curricula based on ethnic principles, had allowed segregation of pupils in primary and secondary schools on the basis of their ethnic affiliation, by which it had engaged in discrimination. The Supreme Court ordered the cantonal Ministry to undertake the necessary and legally required measures to end further segregation and discrimination of children in schools in the Central Bosnia Canton. However, as in the previous case mentioned above, the FBiH Supreme Court decision has

⁸⁵ ECRI 2016: § 59.

⁸⁶ ECRI 2019: 6.

⁸⁷ These are the Federation of Bosnia and Herzegovina (mainly inhabited by Bosniacs and Croats) and the Republika Srpska (mainly inhabited by Serbs); although in the Federation the responsibility for education is further devolved and falls within the powers of its 10 autonomous cantons. The Brčko District, a self-administered condominium of the two entities, is also in charge of its own education system and is generally considered to be an exception due to having a well-functioning ethnically integrated education system (see ECRI 2016: § 55).

⁸⁸ ECRI 2019: 6. – See also: Council of Europe Committee of Ministers, Resolution CM/ResCMN(2019)8 on the implementation of the Framework Convention for the Protection of National Minorities by Bosnia and Herzegovina: 1.

⁸⁹ These are: 36 schools in the Central Bosnia Canton, 16 schools in Herzegovina-Neretva Canton (plus one case of administratively and legally unified “two schools under one roof”, as well as two cases of divided schools teaching two curricula) and two schools in Zenica-Doboj Canton (plus three cases of administratively and legally unified “schools under one roof” and two other cases of divided schools teaching two curricula). See: OSCE Mission to Bosnia and Herzegovina, “Two schools under one roof”- The most visible example of discrimination in education in Bosnia and Herzegovina (2018): 28-45.

⁹⁰ Case No. 58 0 Ps 085653 13 Rev.

⁹¹ Case Nos. AP-4814/14 and AP-4984/14.

⁹² Case Nos. AP 4348/14 and AP-3362/21.

⁹³ Case No. 51 0 P 054522 21 Rev 2.

so far not been implemented. In this regard, ECRI is also concerned about information it received about discussions and suggestions by some cantonal politicians to simply replace “two schools under one roof” with entirely separate monoethnic schools. It should be remembered that both types constitute forms of segregation and that, therefore, such a step would merely replace one type of segregation with another.

54. Other forms of segregation and discrimination⁹⁴ in the field of education already mentioned by ECRI in its 2016 report also continue to occur, in particular with regard to the absence of a neutral learning environment in schools.⁹⁵ During the 2023 country visit, the ECRI delegation went to an educational facility in Nova Kasaba (RS). This facility was initiated by Bosniac Muslim returnee parents, who objected to what they considered discrimination in the school their children originally attended in Konjević Polje.⁹⁶ Their list of grievances includes that their children were taught in locations that, in part, were used during the Srebrenica genocide for killing Bosniacs.⁹⁷ In addition, the history of the location and the events that took place do not feature in the RS educational curriculum (see also below on history teaching).⁹⁸ Bosniac parents also complained that the RS Ministry of Education is no longer officially recognising and designating their language as “Bosnian” – as was done previously – but instead names it, including in pupils’ school documents, “the language of the Bosniac people”.⁹⁹ Furthermore, their (Muslim) children were supposed to participate in school activities related to the Orthodox Christian faith, and Bosniacs were allegedly marginalised on the school board.
55. The current facility in Nova Kasaba was only intended as a transitional measure but has been in operation now for over a decade. It operates with teachers from – and in accordance with the curriculum of – the Sarajevo Canton, although it is located in the RS. However, although ECRI could observe the dedication of the teaching staff, it also noticed the extremely difficult logistical situation with a building of insufficient size resulting in overcrowded classrooms. Apparently, the situation is further aggravated during the winter months when outdoor exercise is often restricted. ECRI was informed that the BiH Constitutional Court has already confirmed that the arrangements in the original school facility constituted discrimination (AP 1198/19).¹⁰⁰ However, so far, no steps have been taken to remedy the situation and to improve the conditions sufficiently in order for the Bosniac pupils from Nova Kasaba to return to their original school in Konjević Polje and benefit from a neutral learning environment there.
56. In the context of integrated education, ECRI notes positively the document *Policy Recommendations with the Roadmap for Improving Inclusive Education in Bosnia and Herzegovina* that was adopted by the country’s Council of Ministers on

⁹⁴ For ECRI’s definition and standards regarding segregation as a form of discrimination see ECRI GPR No. 7 (rev.): § 6.

⁹⁵ ECRI 2016: § 58. See also Council of Europe Commissioner for Human Rights, Report following his visit to Bosnia and Herzegovina from 12 to 16 June 2017 (2017: § 55).

⁹⁶ See also ECRI 2016: § 58.

⁹⁷ Radio Free Europe / Radio Liberty website, “On Srebrenica Massacre Road, School won’t teach of tragedy” (31 August 2019).

⁹⁸ Ibid. - See also: Council of Europe Commissioner for Human Rights 2017: § 53. His report criticises, inter alia, a statement issued in June 2017 by the President of Republika Srpska (RS) and the RS Minister for Education saying that: “no children attending schools in Republika Srpska will learn about the siege of Sarajevo or the Srebrenica genocide” (ibid., see also: Nezavisne Novine (3 June 2017), Malešević: O genocidu u Srebrenici se neće učiti u RS).

⁹⁹ See also ECRI 2016: § 58 and Council of Europe Commissioner for Human Rights 2017: §§ 51-52; as well as N1 (n1info.ba, 18 October 2019) Bosniac students from Konjevic Polje forced to attend school in Nova Kasaba.

¹⁰⁰ Judgment of the Bosnia and Herzegovina Constitutional Court of 23 June 2021, which overturned an earlier judgment of the Supreme Court of the Republika Srpska (no. 71 0 P 184192 17 Rev, 22 November 2018) that had denied the existence of discrimination in access to education for the Bosniac children in Konjević Polje. – See also: OSCE Mission to Bosnia and Herzegovina, Analysis of Anti-Discrimination Case Law in Bosnia and Herzegovina for the Period 2018-2021, 2023; as well as N1 (n1info.ba, 24 June 2021), Constitutional Court rules in favour of discriminated Bosniac children in RS.

2 September 2020 (see also section I.2 above).¹⁰¹ The document contains some **promising approaches**, such as the specific objective (SO) No. 3 on implementing anti-discrimination policies in line with international standards, including the revision of educational content with ethnocentric narratives (SO 3, 1.a), ensuring measures against any type of discrimination on any ground, including ethnic affiliation (SO 3, 2.a) and the elimination of any form of physical ethnic segregation and the prevention of any attempt to organise education in an ethnically segregated manner (SO 3, 2.b). However, the full implementation of these policy recommendations has still not happened and there remains a stark discrepancy between the document and the reality, as described above.

57. ECRI reiterates its recommendation, as a matter of priority, to end all forms of discrimination in education, including the segregation in “two schools under one roof” in cantons of the Federation of Bosnia and Herzegovina and non-inclusive school environments in the Republika Srpska.

58. As concerns history teaching in schools, ECRI notes that history is not part of the common core curriculum¹⁰² but included in the so-called national group of subjects together with, inter alia, the languages of the three constituent peoples (Bosnian, Croatian, Serbian). In 2000, the Council of Europe’s Parliamentary Assembly had recommended “a moratorium on teaching about the most recent conflict so as to enable historians from all the communities in Bosnia and Herzegovina, with the help of international experts, to develop a common approach”.¹⁰³ While such a moratorium could be considered as reasonable shortly after the war, there are serious questions as to whether the continuation of such an approach more than a quarter of a century after the events is still useful. In this respect, a dialogue on how to introduce multiperspective history teaching might be more appropriate than merely trying to avoid it indefinitely,¹⁰⁴ building also on the Council of Europe Committee of Ministers’s Resolution CM/ResCMN(2019)8, which called for “integrated education based on the common core curriculum covering history and geography that would be taught following an inclusive and multiperspective approach”.¹⁰⁵ In this regard, ECRI also refers to the recent OSCE report on History Teaching Materials on 1992-1995 in Bosnia and Herzegovina¹⁰⁶ as well as to the work of the Council of Europe’s Observatory on History Teaching in Europe.¹⁰⁷

59. ECRI recommends that the authorities facilitate a dialogue on how to introduce multiperspective history teaching in schools.

¹⁰¹ The document was prepared with the support of the European Union and the Council of Europe as part of the Horizontal facility for Western Balkans and Turkey.

¹⁰² On political problems and delays with the development and system-wide application of the common core curriculum, see ECRI’s fourth cycle report on Bosnia and Herzegovina (2010: §§ 64 and 71), ECRI’s fifth cycle report on Bosnia and Herzegovina (2016: § 57) and ECRI’s conclusions (2019): 6), in which it found that, while some pilot projects and training activities had taken place, no full-scale application of the common core curriculum had been achieved. Unfortunately, such a full-scale application remains elusive. ECRI was informed that the common core curriculum has been finalised but that the harmonisation of existing curricula with the new common core curriculum is the responsibility of entity education authorities (or cantonal ones in the FBiH). – In this respect, see also Council of Europe Commissioner for Human Rights 2017: § 56 and Council of Europe Committee of Ministers, CM/ResCMN(2019)8: 1.

¹⁰³ Council of Europe Parliamentary Assembly Recommendation 1454 (2000) on Education in Bosnia and Herzegovina: § 7.4.

¹⁰⁴ See also the Council of Europe Commissioner for Human Rights 2017: “avoiding teaching about recent history does not lead anywhere and [...] these issues cannot be ignored forever” (§ 53).

¹⁰⁵ Council of Europe Committee of Ministers, CM/ResCMN(2019)8: 1. – See also: Council of Ministers of Bosnia and Herzegovina, Policy Recommendations with a Roadmap for Improving Inclusive Education in Bosnia and Herzegovina (2020): “ensuring that educational content [...] provides for different (multiple) relevant perspectives (SO 3, 1.b).

¹⁰⁶ OSCE Mission to Bosnia and Herzegovina / H. Karge, History Teaching Materials on 1992-1995 in Bosnia-Herzegovina: Building trust or deepening divides? (The report on learning and teaching on the period of 1992-1995 in primary schools throughout Bosnia and Herzegovina), 2022.

¹⁰⁷ Council of Europe, Enlarged Partial Agreement - Observatory on History Teaching in Europe (<https://www.coe.int/en/web/observatory-history-teaching>).

B. Returnees

60. The situation of returnees is not only characterised by problems in the field of education, but also other widespread forms of marginalisation and de-facto segregation. In its fifth cycle monitoring report,¹⁰⁸ ECRI described that there were some 460 000 returnees in the country: most of them are Bosniacs, Croats or Serbs and they constitute a minority in the regions to which they returned. Their situation has been described as difficult and often characterised by significant levels of discrimination, which results in the absence of a safe and welcoming environment for returnees. In its last report, ECRI recommended that the authorities fully implement the *Revised Strategy for the implementation of Annex VII of the Dayton Peace Agreement (Agreement on Refugees and Displaced Persons)*.¹⁰⁹ However, the government's own reporting points out that, despite the efforts made, Bosnia and Herzegovina has not yet managed to fully solve the problems of returnees in accordance with the Revised Strategy.¹¹⁰
61. According to the authorities, the greatest progress has been made in the area of reconstruction of housing units for returnees, as well as the renewal of communal and social infrastructure and electrification of returnee settlements.¹¹¹ Some progress was also made on closing collective accommodation centres and improving healthcare for returnees.¹¹² However, information from the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina indicates that returnees still face considerable problems in the areas of property rights, education, employment, healthcare and social protection, in addition to hate speech and inefficient administrative processes, all of which affect their integration and inclusion.¹¹³ Representatives of other organisations met by the ECRI delegation during the country visit also confirmed that large problems remain especially in the areas of unemployment among returnees, with potentially negative impact on the sustainability of their return. The ECRI delegation was informed by several interlocutors that discrimination on ethnic grounds against members of minority returnee communities is common and is also reflected in the recruitment practices of public bodies and companies.¹¹⁴ ECRI was informed by different authorities that income generation projects for returnees have shown positive results, including in rural areas, but that funding for these activities is declining.
62. With regard to social benefits, there is still the problem that changing one's place of residence from one entity to another can lead to the loss of status and rights provided by the law of one entity and not provided by the law of another entity (significant difference in scope and quality). Returnees can therefore easily lose their acquired entitlements and benefits. Little progress has been made in this area of social protection,¹¹⁵ in spite of ECRI's recommendation in its last report to this effect.¹¹⁶

¹⁰⁸ ECRI 2016: § 60.

¹⁰⁹ ECRI 2016: § 64.

¹¹⁰ Bosnia and Herzegovina, The 14th and 15th periodic report on the International Convention on the Elimination of all forms of Racial Discrimination (2022): § 101.

¹¹¹ Ibid.: § 102.

¹¹² Ibid.

¹¹³ The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina, Information regarding the report of Bosnia and Herzegovina on the implementation of the International Convention on Elimination of all forms of Racial Discrimination and recommendations of the CERD, 2018: 3.

¹¹⁴ See also: Ibid.

¹¹⁵ Bosnia and Herzegovina 2022: § 105; and Institution of the Human Rights Ombudsman of Bosnia and Herzegovina 2018: 3.

¹¹⁶ Cf. ECRI 2016: § 64.

63. ECRI recommends that the authorities ensure sufficient funding for income generation activities for returnees and resolve the problem of disadvantages for returnees in the area of social benefits.
64. ECRI visited the municipality of Srebrenica, where the war-time events still have a lasting impact today. Bosniac returnees to the area include survivors and relatives of victims of the 1995 massacre, which the International Criminal Tribunal for the former Yugoslavia found to have constituted genocide.¹¹⁷ The past continues to weigh heavily on relations between Bosniacs and Serbs. In this context, ECRI notes that the genocide memorial in Potočari, which was established by the High Representative of the international community in Bosnia and Herzegovina and is now a state-level property, has essentially no working relationship with the municipality of Srebrenica.¹¹⁸ While ECRI is aware of the difficult and conflictual situation regarding different approaches to and interpretations of the history of the Bosnian war in the 1990s, including the terminology to be used for the war-time events in Srebrenica,¹¹⁹ it strongly encourages national authorities to facilitate and promote forms of cooperation between the municipality and the memorial site.
65. ECRI notes positively the degree of cooperation among municipal political leaders from both ethnic groups. Although there are still no municipal public initiatives with the direct aim of promoting reconciliation, mutual understanding and tolerance, ECRI received positive information from different interlocutors about the work of the municipal music education centre. This institution, while not officially working towards improving inter-ethnic relations, seems to have a very beneficial impact in this regard on the younger generation: learning musical instruments, as well as foreign languages, and other skills (options were broadened beyond music) together creates a positive dynamic with mutually shared interests that can transcend ethnic and religious boundaries, resentment and hatred. Instead of labelling it “a place where Bosniacs and Serbs can meet”, and thereby unwittingly reinforcing and juxtaposing ethnic group belonging, the approach of not emphasising ethnicity seems to be more effective: by not reproducing the usual identity dichotomy, a civic space of joint experience is created. This could be considered as a **promising practice**. In this context, ECRI notes that the activities of the local music education centre in Srebrenica could be extended if sufficient additional funds were made available. ECRI also heard about similar local initiatives in other municipalities across the country, in particular in the field of sports.
66. ECRI recommends that the state-level authorities provide additional funding to municipalities, including but not limited to the town of Srebrenica, to set up or expand existing cultural learning centres and similar institutions, such as sports clubs, that due to their non-ethnic/non-religious activities can facilitate encounters, shared interests and the overcoming of ethnic boundaries especially among young people.

¹¹⁷ ICTY, judgment in the case Prosecutor v. Radislav Krstić, case no. IT-98-33.

¹¹⁸ With the exception of the municipality providing some police security on approach roads during commemoration ceremonies – the municipal police or the RS police force are not allowed to enter the memorial site itself.

¹¹⁹ Serb representatives at political level generally refuse to use the term “genocide” for the 1995 Srebrenica massacre, despite the findings of the International Criminal Tribunal for the former Yugoslavia, which established that genocide had been committed – see also section II.1 above on hate speech. Bosniacs, in particular survivors and relatives of victims, often consider such denial to be an insult and a form of re-victimisation.

C. Roma

Data and policies

67. According to official estimates, between 25 000 and 50 000 Roma live in Bosnia and Herzegovina.¹²⁰ They are recognized as the most neglected and most vulnerable national minority¹²¹ in the country and the conditions in which many Roma families in Bosnia and Herzegovina live have been characterised as a state of chronic, multidimensional poverty.¹²² The state-level Ministry of Human Rights and Refugees (MHRR), the Institution of the Human Rights Ombudsman, as well as other national and international organisations, have carried out research documenting that the socio-economic position of Roma is still difficult, primarily due to a high unemployment rate, low enrolment of Roma children in schools and poor level of education among adults, poor housing and infrastructure, as well as poor access to health care and social services.¹²³ The gap between Roma and the majority of the population in these areas is very noticeable, and Roma women are in a particularly difficult situation.¹²⁴
68. The Strategy of Bosnia and Herzegovina for addressing the issues of Roma (henceforth: the Strategy) was adopted in 2005 with the strategic aim of improving the socio-economic status of Roma in the country. The objectives are focused on the areas of education, employment, health care, social housing and effective anti-discrimination measures. The Strategy identifies a long-term need for concrete initiatives towards integration and inclusion of Roma and does not contain a specific timeframe in which the strategic goals should be implemented. Implementation is planned and carried out based on multi-year Action Plans, adopted with the consent of the governments of both entities and of the Brčko District. Following on the first three Action Plans 2009-2012, 2013-2016 and 2017-2020, the authorities adopted, in December 2020, the Action Plan of Bosnia and Herzegovina for Social Inclusion of Roma 2021-2025. The new Action Plan covers the relevant focus areas of the Strategy, although the area of education is based on a separate Framework Action Plan on Educational Needs of Roma 2018-2022, which brings together the entity Action Plans for Roma education (education being the responsibility of the entities, and in the case of the Federation the cantons).¹²⁵
69. A 2019 OSCE survey¹²⁶ confirmed that the Roma community is strongly affected by prejudices. Around half of the respondents believed that most Roma live on social welfare and do not want to work and said they would not employ Roma. Some 38% of respondents said that Roma employed in service would repel customers, and a similar percentage stated that they had nothing against Roma, but that they were more likely to be thieves.¹²⁷ A disconnect is apparent between Roma and other groups when 63% of respondents said they did not know any

¹²⁰ UNICEF Bosnia and Herzegovina, website section on Roma children, available at: <https://www.unicef.org/bih/en/roma-children>. – The Ministry of Human Rights and Refugees informed ECRI that they work on the assumption that there are around 40 000 Roma in Bosnia and Herzegovina, based on numbers received from local authorities.

¹²¹ The country's Law on the Protection of National Minorities (2003) recognises 17 national minorities in Bosnia and Herzegovina, Roma being the largest of them. See also the work of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM): <https://www.coe.int/en/web/minorities/bosnia-and-herzegovina>.

¹²² UNICEF Bosnia and Herzegovina, website section on Roma children.

¹²³ Ministry of Human Rights and Refugees (MHRR), Action Plan of Bosnia and Herzegovina for Social Inclusion of Roma 2021 – 2025, (2020): 2.

¹²⁴ UNICEF Bosnia and Herzegovina, website section on Roma children.

¹²⁵ ECRI was informed that the Republika Srpska (RS) has adopted an Action Plan for Roma Education 2020-2024, which also covers adult education.

¹²⁶ OSCE Mission to Bosnia and Herzegovina, Discrimination in Bosnia and Herzegovina: Public Perceptions, Attitudes, and Experiences, 2019.

¹²⁷ OSCE 2019: 25-26.

Roma.¹²⁸ Lack of inter-group socialising has contributed to an alienation of the Roma community and therefore fostered prejudice. During the war, many Roma were expelled from their hometowns and many Roma remain internally displaced within the country today.¹²⁹

70. In 2020 the MHRR collected new baseline indicators on the status of Roma families in the fields of employment, health care, housing, education and discrimination. The analysis of the indicators gathered by the units of local government has confirmed, once again, the need for initiatives aiming at improving equality and social inclusion of Roma in Bosnia and Herzegovina.¹³⁰

Education

71. The attendance rate of Roma in the education system is still very low, as is the school attainment rate. In 2017, only 1.5% of Roma children were enrolled in pre-school education, compared to 13% of non-Roma children.¹³¹ At primary school level, the respective gap was 69% participation among Roma children compared to 97% among non-Roma children, meaning that more than 30% of Roma children were not enrolled in primary school. For secondary schools, the discrepancy is even greater: while nearly 92% of non-Roma children were enrolled, it was only 22.6% of Roma children. Although for pre-school and primary school enrolment there was no big discrepancy between Roma boys and Roma girls, when it comes to secondary schooling only 18% of Roma girls were enrolled compared to nearly 27% of Roma boys.¹³² However, the authorities indicated to ECRI that since 2018/19 there seems to have been an increase in the number of Roma children enrolled.
72. In this context, ECRI was informed that at local level, many initiatives to support and increase enrolment and attendance of Roma children have shown some degree of success, for example employing Roma teaching assistants. The relevant authorities of the RS, for example, informed ECRI that drop-out rates for Roma children in the RS are very low. Overall, however, there appears to be still an insufficient systematic, institutional and sustainable approach in this regard. Furthermore, while there have been good experiences made with Roma health mediators (see paragraph 77 below), there is no such scheme in the field of education.¹³³ Expanding the work of Roma mediators also to education would be especially important given the particular difficulties many Roma pupils faced due to the Covid-19 related restrictions: with often difficult housing situations and lack of sufficient family income to provide laptops or similar equipment¹³⁴ to follow online classes, the learning situation for Roma was rendered even more disadvantageous.

73. ECRI recommends that the authorities expand the Roma mediator scheme to the field of education.

Employment

74. Unemployment among Roma is particularly high. According to 2017 estimates, the unemployment rate of Roma aged 15 to 64 was 54%, compared to 30% among

¹²⁸ OSCE 2019: 25.

¹²⁹ Civil Rights Defenders, *The wall of Anti-gypsyism: Roma in Bosnia and Herzegovina*, 2017: 5.

¹³⁰ MHRR, *Report on implementation of APR 2017-2020 and the use of grants for employment, health care and housing in 2018 and 2019, 2020*.

¹³¹ Civil Rights Defenders 2017: 13.

¹³² *Ibid.*

¹³³ In this regard, ECRI was informed by the authorities that, as of 2022, schools in the RS are required, upon approval by the RS Ministry of Education, to hire a person trained to assist, where appropriate, pupils belonging to a national minority (e.g. Roma). – See also the work of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities on Bosnia and Herzegovina: <https://www.coe.int/en/web/minorities/bosnia-and-herzegovina>

¹³⁴ ECRI was informed that in some cases local authorities provided a limited supply of IT-equipment to Roma pupils.

the general population. Again, there was also a marked gender difference: 79% of Roma women were estimated to be unemployed (compared to 34% of non-Roma women) and 44% of Roma men (compared to 27% of non-Roma men).¹³⁵ The authorities informed ECRI that only around 30% of Roma at working age are registered as seeking employment through the relevant Employment Bureau (public employment agency¹³⁶), while a large number is engaging in activities in the informal labour market. In this regard, ECRI notes that employment programmes and vocational training courses, for example through the Centre for the Education of Adults, have educational entry-level thresholds that exclude those who have not completed primary school and/or have limited literacy skills. While this barrier is not specifically targeting Roma, it has de facto a disproportionately high impact on Roma given the problems that members of this community face in the field of education.

75. ECRI recommends that the authorities lower the threshold for vocational training courses to ensure that members of the Roma community who have not completed primary school education and/or have limited literacy skills can also participate.

Housing

76. The housing situation is still difficult for many members of the Roma community. According to the authorities, some 1 200 Roma families have benefited in recent years from social housing or refurbishment of existing accommodation. However, the MHRR considers that there are, across some 50 municipalities, still around 1 000 Roma housing units in need of renovation, and around 3 000 units that are in need of legalisation. While recent Roma Action Plans have delivered some progress in this regard, ECRI strongly encourages the authorities to continue and intensify their efforts in this area.

Health

77. There are currently 175 Roma health mediators, which – according to all interlocutors met by the delegation during the country visit – provide very good and useful services, in particular but not only during the Covid-19 pandemic. Under the current Roma Action Plan, 3 million Convertible Marks (BAM), approximately 1.54 million Euros, are spent on Roma health care (including mediators) through the entities and cantons. Roma health mediators are primarily involved in outreach and awareness-raising activities and the facilitation of better contacts between health institutions and communities, but they also help in obtaining health cards or in identifying health problems in communities. It is generally considered that most Roma now have access to public health insurance.¹³⁷ The Roma health mediators have proven to be an important link between Roma families, Roma associations and local institutions. Some local authorities have contemplated employing Roma mediators in local public institutions, but this has not happened yet. ECRI encourages making the use of Roma mediators more sustainable and integrated in local institutions.
78. A particular problem that was brought to the attention of ECRI by Roma civil society organisations is the fact that many Roma women have not seen a specialist doctor in the area of reproductive health for a long time. ECRI invites the authorities to review the situation of Roma women's access to reproductive healthcare, identify shortcomings and take any appropriate action.
79. ECRI was also informed about mobile outreach teams in Sarajevo Canton as well as in some other cantons/municipalities that are tasked to assist Roma children

¹³⁵ Civil Rights Defenders 2017: 11.

¹³⁶ There are three public employment agencies: the RS Employment Bureau, the FBiH Employment Bureau, and the Employment Bureau of BD.

¹³⁷ Although there are apparently some technical problems regarding access to the health insurance in the Federation (FBiH), when persons do not have employment.

who spend a considerable time on the streets and suffer from various forms of neglect. Assistance consists of day-care centres or, in some cases, the provision of temporary accommodation, as well as ensuring that the basic health needs of these children are met. This could be considered as a **promising practice**.

Access to documents

80. According to UNHCR, the number of persons at risk of statelessness considerably decreased over the past years. In 2012, a UNHCR mapping exercise determined 4 500 people in Bosnia and Herzegovina with an undetermined nationality and who lacked civil registration and documentation, most of whom were Roma.¹³⁸ In 2016, the UNHCR estimated that only 58 persons were at risk of statelessness.¹³⁹

D. Refugees and beneficiaries of subsidiary protection

81. As of May 2023, Bosnia and Herzegovina hosted 45 recognised refugees and 105 beneficiaries of subsidiary protection according to information received from the authorities. As mentioned in section I.3 above, the state is mainly a transit country for migrants on the way to member states of the European Union. Recognised refugees, on the one hand, have access to education, the labour market, healthcare, and social welfare, as well as to family reunification, without a minimum period of time in the country. They also have access to naturalisation after five years of residence. Beneficiaries of subsidiary protection, on the other hand, while having access to the other rights mentioned above, do not receive permanent residence permits and therefore cannot access the family reunification or the naturalisation process.¹⁴⁰ ECRI was informed about discussions to review the Law on Aliens to grant beneficiaries of subsidiary protection permanent residence so that they could also qualify for family reunification and naturalisation. ECRI encourages the authorities to conduct such a review.
82. A new bylaw on integration was adopted in 2020, entering into force in 2022. This bylaw aims at improving integration, inter alia, to learning about the country's culture in introduction courses. However, these courses have not yet commenced. ECRI notes that language courses, including for children, as well as skills training are offered by NGOs. While outsourcing such activities does not need to be a problem per se, the authorities need to closely monitor the implementation, including through evaluations, to ensure the quality and consistency of services and that they are provided through reliable partners on the basis of sustainable arrangements.
83. The authorities informed ECRI that they do not have concrete data on the labour market participation of refugees and beneficiaries of subsidiary protection. UNHCR recommended, inter alia, that the authorities map labour gaps and establish partnerships with the relevant employment agencies, employers and vocational training programmes to facilitate access to the labour market.¹⁴¹ ECRI supports this recommendation.
84. ECRI notes with concern that the various measures taken by the authorities to improve and promote the integration of refugees and beneficiaries of subsidiary protection do not include a gender-perspective and an analysis of specific needs of women and girls.¹⁴²

¹³⁸ UNHCR, Global Trends 2012, 2013: 38.

¹³⁹ UNHCR website, Stepping out of the Shadows of Statelessness, (23 December 2016).

¹⁴⁰ According to the government, some 70% of beneficiaries of subsidiary protection in Bosnia and Herzegovina give up that status over time by moving to other countries.

¹⁴¹ UNHCR, 2022 Participatory Assessment Report in Bosnia and Herzegovina – Protection and Integration of Asylum-Seekers and Persons granted International Protection in Bosnia and Herzegovina: 27.

¹⁴² See also Council of Europe, CM/Rec(2022)17 on Protecting the rights of migrant, refugee and asylum-seeking women and girls, section V. (Residence and integration).

85. ECRI recommends that the authorities include a gender analysis and perspective into their integration measures for refugees and beneficiaries of subsidiary protection.

86. In the first 14 months following Russia's aggression against Ukraine in 2022, some 170 Ukrainians arrived in Bosnia and Herzegovina. Of them, 14 applied for and received subsidiary protection status, while around 150 received temporary residence on humanitarian grounds, which does not entail any access to social rights. UNHCR and other organisations have advocated for the activation of the temporary protection system that is foreseen in the Law on Asylum of Bosnia and Herzegovina.¹⁴³ Temporary protection status would grant access to rights, including health, education and work. The government announced that it would be prepared to activate the system once the number of persons fleeing the war in Ukraine reaches 1 000. However, ECRI strongly encourages the authorities to reconsider and to follow the UNHCR recommendation to activate the temporary protection system, irrespective of the number of potential beneficiaries.

IV. TOPICS SPECIFIC TO BOSNIA AND HERZEGOVINA

Electoral law: the Sejdić and Finci judgment of the European Court of Human Rights

87. ECRI notes that since its last report on Bosnia and Herzegovina of 2016, the overall situation with regard to ethno-nationalistic politics has remained largely unchanged.¹⁴⁴ The consociational power-sharing arrangements of the 1995 Dayton Peace Agreement,¹⁴⁵ which have guaranteed a peaceful coexistence of the three main ethnic groups in the country (the so-called "constituent peoples" – Bosniacs, Croats and Serbs¹⁴⁶) have unfortunately also hindered any meaningful progress towards building an integrated society. Hopes that the institutionalisation along ethnic lines of the country's political system would only be necessary as an interim post-conflict measure, seem to have been dashed. Instead, the fragmentation has become entrenched and – with few exceptions – widely accepted. Ethno-nationalistic elites of all sides continue their politics of self-segregation, limited- or non-cooperation across ethnic lines and mutual mistrust and suspicion. Reproducing ethnic identities and political allegiances has become a paramount objective of these elites. Having provided peace for nearly three decades now, the country's consociational system, at the same time, preserved the underlying root causes of inter-ethnic conflict in Bosnia and Herzegovina, which still pose a substantial risk for a resurgence of open hostility and armed conflict.

88. In this regard, the European Court of Human Rights (ECtHR), in its 2009 judgment in the case *Sejdić and Finci v. Bosnia and Herzegovina*, criticised constitutional provisions that reserved posts in the tripartite institution of the country's Presidency and membership in the House of Peoples at state level (the upper house of the national parliament) for ethnic Bosniacs, Croats and Serbs only.¹⁴⁷ The ECtHR considered these provisions to be in breach of the prohibition of discrimination (Article 14 of the European Convention on Human Rights taken in conjunction with Article 3 of its Protocol No. 1; as well as Article 1 of its Protocol No. 12).¹⁴⁸ Already

¹⁴³ UNHCR 2022: 27.

¹⁴⁴ See for example ECRI 2016: § 53.

¹⁴⁵ The official title is "The General Framework Agreement for Peace in Bosnia and Herzegovina".

¹⁴⁶ The three groups are listed here in alphabetical order. – According to the 2013 census, Bosniacs constitute 50.11% of the population, Bosnian Serbs 30.78%, Bosnian Croats 15.43%, and other ethnic groups, including national minorities such as Roma, make up 2.73%. (Some respondents did not declare their ethnicity.) See: *Census of Population, Households and Dwellings in Bosnia and Herzegovina, 2013 - Final Results*, Agency for Statistics of Bosnia and Herzegovina, June 2016.

¹⁴⁷ The Presidency is a three-member body which collectively serves as head of state. It comprises one Bosniac, one Croat, and one Serb. The House of Peoples consists of five members from each of the three "constituent peoples" ethnic groups.

¹⁴⁸ *European Court of Human Rights (ECtHR), Sejdić and Finci v. Bosnia and Herzegovina (27996/06 and 34836/06, judgment 22 December 2009 [GC])*.

in its last report, ECRI pointed out that the judgment had still not been executed at the time and that this may, in addition to amendments to the electoral legislation of Bosnia and Herzegovina, also require changes to the Constitution, which is part of the 1995 Dayton Peace Agreement.¹⁴⁹

89. In spite of its 2016 recommendation,¹⁵⁰ ECRI notes that this has still not been done to execute the judgment.¹⁵¹ The authorities informed ECRI that, apparently, a political agreement has been reached in principle to work towards its execution. However, no concrete proposals have been made or effective steps been taken. ECRI is fully aware of the very delicate situation with regard to changing the relevant provisions in the Constitution of Bosnia and Herzegovina that is an integral aspect and stabilising factor of the peace agreement: while the execution of the judgment can provide a stepping stone towards a less ethnicity-centred political system and a more integrated and inclusive society, the risk of opening “Pandora’s box” needs to be recognised and mitigated appropriately.¹⁵² Nevertheless, holding any progress towards building a broader civic national identity to ransom, potentially in perpetuity, by ethno-nationalistic elites, who seem primarily concerned with maintaining their own power and privileges, cannot be considered a suitable alternative either.
90. ECRI recommends, as a matter of priority, that the authorities take determined action to comply with the 2009 judgment of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina*.

¹⁴⁹ ECRI 2016: § 65 and footnote 86. – See also: Council of Europe, Department for the execution of judgements of the ECHR: <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-3141%22%5D%7D>.

¹⁵⁰ ECRI 2016: § 67.

¹⁵¹ ECRI also notes the judgment of the ECtHR in the case *Kovačević v. Bosnia and Herzegovina* (43651/22, 29 August 2023), which concerns state-level voting rights of citizens of Bosnia and Herzegovina. The Court found a violation of the European Convention on Human Rights as a result of the inability of the applicant, due to a combination of territorial and ethnic requirements, to vote for candidates of his choice in legislative and presidential elections at state level. – See also: Council of Europe, 1468th CM-DH meeting, 5-7 June 2023: <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-3141%22%5D%7D>.

¹⁵² In this regard, see also the dissenting opinion of Judge Bonello, pp. 54-57 of the ECtHR *Sejdić and Finci* judgment.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Bosnia and Herzegovina are the following:

- (§ 57) ECRI reiterates its recommendation to end all forms of discrimination in education, including the segregation in “two schools under one roof” in cantons of the Federation of Bosnia and Herzegovina and non-inclusive school environments in the Republika Srpska.
- (§ 90) ECRI recommends that the authorities take determined action to comply with the 2009 judgment of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina*.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§23) ECRI reiterates its recommendation that the authorities provide a legal framework that affords same-sex couples the possibility to have their relationship recognised and protected in order to address the practical problems related to the social reality in which they live, and to promote equal treatment.
2. (§25) ECRI recommends to take steps towards ensuring that the domestic law in Bosnia and Herzegovina guarantees a quick, transparent and accessible process based on clear, precise and foreseeable legal provisions by which people can obtain legal gender recognition and that individuals can change their name and sex markers on all official identity, social security and other public documents, in line with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other Council of Europe instruments.
3. (§32) ECRI recommends that the authorities facilitate, without interfering in the internal affairs of religious organisations, a renewed dialogue between the religious leaders with the aim of revitalising the Interreligious Council of Bosnia and Herzegovina and its contribution to developing a tolerant and inclusive society that is respectful of diversity.
4. (§34) ECRI recommends that: i) the mandate of the Central Electoral Commission to monitor the use of hate speech be extended to the entire duration of election campaigns and ii) the parliamentary and other elected bodies and political parties be encouraged to address hate speech, in particular in the context of electoral campaigns, in the light of ECRI's General Policy Recommendation No. 15 on combating hate speech, Recommendation Rec(2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
5. (§40) ECRI recommends that the authorities ensure the comprehensive recording of bias-motivated violent incidents, in particular by completing the improvement of the High Judicial and Prosecutorial Council's database, with the support of the OSCE Mission to Bosnia and Herzegovina.
6. (§45) ECRI recommends that the authorities ensure that a full and credible investigation into the incident of violence against LGBTI persons in Banja Luka is carried out.
7. (§47) ECRI recommends that the authorities conduct an evaluation of their anti-hate crime activities and intensify their training efforts for law enforcement officials and members of the judiciary in the area of preventing and combating hate crime, in cooperation with the Council of Europe and other relevant international organisations.
8. (§57) ECRI reiterates its recommendation, as a matter of priority, to end all forms of discrimination in education, including the segregation in "two schools under one roof" in cantons of the Federation of Bosnia and Herzegovina and non-inclusive school environments in the Republika Srpska.
9. (§59) ECRI recommends that the authorities facilitate a dialogue on how to introduce multiperspective history teaching in schools.
10. (§63) ECRI recommends that the authorities ensure sufficient funding for income generation activities for returnees and resolve the problem of disadvantages for returnees in the area of social benefits.
11. (§66) ECRI recommends that the state-level authorities provide additional funding to municipalities, including but not limited to the town of Srebrenica, to set up or

expand existing cultural learning centres and similar institutions, such as sports clubs, that due to their non-ethnic/non-religious activities can facilitate encounters, shared interests and the overcoming of ethnic boundaries especially among young people.

12. (§73) ECRI recommends that the authorities expand the Roma mediator scheme to the field of education.
13. (§75) ECRI recommends that the authorities lower the threshold for vocational training courses to ensure that members of the Roma community who have not completed primary school education and/or have limited literacy skills can also participate.
14. (§85) ECRI recommends that the authorities include a gender analysis and perspective into their integration measures for refugees and beneficiaries of subsidiary protection.
15. (§90) ECRI recommends, as a matter of priority, that the authorities take determined action to comply with the 2009 judgment of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina*.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Bosnia and Herzegovina.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Bosnia and Herzegovina on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 6 December 2023, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

The Ministry of Security of Bosnia and Herzegovina has submitted comments on Section C. Irregularly present migrants, paragraphs 15 through 18 and on Section D. Refugees and beneficiaries of subsidiary protection paragraphs 81 through 86.

With regard to section D. Refugees and beneficiaries of subsidiary protection, paragraph 81 states that beneficiaries of subsidiary protection, although they have access to the other rights mentioned above, they do not receive permanent residence permits, so they cannot access the family reunification or the naturalization process, that ECRI was informed about discussion on a possibility to review the Law on Aliens to grant beneficiaries of subsidiary protection permanent residence so that they could qualify for family reunification and naturalization, and that ECRI encourages the authorities to review the Law.

Regarding this recommendation, we are mentioning that Bosnia and Herzegovina, in accordance with Article 70 of the *Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part*, is obliged to harmonize its legislation with the legislation of the European Union (EU Acquis).

The Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on Amendments to the Law on Aliens ("Official Gazette of BiH", number 63/23), which entered into force on September 23, 2023.

The Law on Amendments to the Law on Aliens has been harmonized with the EU Acquis and is harmonized with the EU Acquis to the greatest extent possible.

Concerning the specific proposal referring to enabling family reunification of beneficiaries of subsidiary protection, please note that with regard to family reunification, the Law on Amendments to the Law on Aliens has been harmonized with the Council Directive 2003/86/EC of June 22, 2003, on the right to family reunification. Article 3 paragraph (2) item c) of this Directive has stipulated that this Directive does not apply when the sponsor is authorized to reside in a member state on the basis of a subsidiary form of protection in accordance with international obligations, national legislation or the practice of member states or requests permission to stay on that basis and is awaiting a decision on his/her status.

Pursuant to the aforementioned provision of Article 3 paragraph (2), item c) of the Council Directive 2003/86/EC of 22 June 2003 on the right to family reunification, Bosnia and Herzegovina is not obliged to enable family reunification for the beneficiaries of subsidiary protection on its territory.

The Ministry of Civil Affairs of Bosnia and Herzegovina has submitted the following comments:

On page 8, in section "B. Inclusive education", the passage under paragraph 8 would reflect the authorities' views as follows:

It should be noted that the competency for the field of education in Bosnia and Herzegovina (BiH) is decentralised. The country's two entities – the Federation of Bosnia and Herzegovina (FBiH), i.e. 10 cantons in the FBiH, and the Republika Srpska (RS) and the autonomous Brčko District (BD) are each responsible for the education on their territory. At state level – for the state of Bosnia and Herzegovina as a whole – the Ministry of Civil Affairs, which inter alia covers education issues, is only responsible for coordinating and consolidating entity policies and, where relevant, linking them to international strategies or activities.¹

¹ More information is provided on the website of the Council of Ministers of Bosnia and Herzegovina/Home/Ministries/Ministry of Civil Affairs-<https://www.vijeceministara.gov.ba>

On page 18, item „A. Integration an inclusion in the education sector“, under paragraph 52, the passage under paragraph 8 would reflect the authorities' views as follows:

According to the data of the competent education authorities there are still more than 32 cases of “two schools under one roof”, in which children are segregated based on their ethnicity.² It should be noted that this phenomenon exists only in two cantons in the Federation of Bosnia and Herzegovina (FBiH) and not in the Republika Srpska (RS) or the Brčko District (BD). In spite of various court judgments, this problem persists. In a case initially launched before the Municipal Court of Mostar in 2011 by the NGO Vaša Prava against the Ministry of Education, Science, Culture and Sports of the Herzegovina-Neretva Canton concerning the primary schools in Stolac and Čapljina, in August 2014, the Supreme Court of the FBiH³ found that the defendants had been discriminated on ethnic grounds. On 18 July 2017, the Constitutional Court of Bosnia and Herzegovina (BiH) rejected the appeals against the decision of the FBiH Supreme Court that had been submitted by the two primary schools.⁴ On 15 June 2017 and on 9 March 2022, the BiH Constitutional Court also rejected the appeals that had been submitted by the cantonal authorities of Herzegovina-Neretva Canton.⁵ Unfortunately, no steps have been taken so far to execute the original FBiH Supreme Court judgment.

In paragraph 54, the passage would reflect the authorities' views as follows

Other forms of segregation and discrimination⁶ in the field of education already mentioned by ECRI in its 2016 report also continue to occur, in particular with regard to the absence of a neutral learning environment in schools.⁷ During the 2023 country visit, the ECRI delegation went to an educational facility in Nova Kasaba (RS), which was initiated by Bosniac returnee parents, who objected to what they considered discrimination in the school their children originally attended in Konjević Polje.⁸ Their list of grievances includes that their children were taught in locations that, in part, were used during the Srebrenica genocide for killing Bosniacs.⁹ In addition, the history of the location and the events that took place do not feature in the RS educational curriculum (see also below on history teaching).¹⁰ Bosniac parents also complained that the RS Ministry of Education and Culture is no longer officially recognising and designating their language as “Bosnian” – as was done previously – but instead names it, including in pupils’ school documents, “the language of the Bosniac people”.¹¹ Furthermore, their children were supposed to participate in school activities related to the Orthodox Christian faith, and Bosniacs were allegedly marginalised on the school board.

² These are: 36 schools in the Central Bosnia Canton, 16 schools in the Herzegovina-Neretva Canton (plus one case of administratively and legally unified “two schools under one roof”, as well as two cases of divided schools that have two different curricula) and two schools in the Zenica-Doboj canton (plus three cases of administratively and legally unified “two schools under one roof” and two other cases of divided schools that have two different curricula). See: OSCE Mission in Bosnia and Herzegovina, “two schools under one roof” - the most obvious example of discrimination in education in Bosnia and Herzegovina (2018): 28-45 *These are outdated data, there are no “2 schools under one roof” in the Ze-Do canton, they are administratively and legally unified.*

³ Case no. 58 0 Ps 085653 13 Rev.

⁴ Cases no. AP 4814/14 and AP 4984/14

⁵ Cases no. AP 4348/14 and AP-3362/21

⁶ ECRI's definition and standards related to segregation as a form of discrimination, see ECRI GPR no. 7 (rev): paragraph 6.

⁷ ECRI 2016: paragraph 58 See also the Report of the Council of Europe Commissioner for Human Rights after the visit to Bosnia and Herzegovina from 12-16 June 2017 (2017: paragraph 55)

⁸ See also ECRI 2016: paragraph 58

⁹ Website of the Radio Free Europe/Radio Liberty: “On the Srebrenica massacre road, the school won't teach of the tragedy“ (August 31, 2019),

¹⁰ Ibid. see also: the Council of Europe Commissioner for Human Rights, 2017: paragraph 53. His report criticizes, among other things, the statement of the President of Republika Srpska of June 2017 and the Minister of Education of the RS, which states: “children attending schools in Republika Srpska will not learn about the siege of Sarajevo or the genocide in Srebrenica” (ibid, see also: Nezavisne novine (June 3, 2017), Malešević: The genocide in Srebrenica will not be taught in the RS).

¹¹ See also ECRI 2016: paragraph 58 and the Council of Europe Commissioner for Human Rights 2017: paragraphs 51-52 as well as N1 (n1info.ba, October 18, 2019), Bosniac students from Konjević Polje go to school in Nova Kasaba.

As regards paragraph 57, the authorities would like to add the following

The Council of Ministers of Bosnia and Herzegovina at its 33rd session, held on December 20, 2023, considered and adopted the Information on the implementation of Policy Recommendations with a Roadmap for Improving Inclusive Education in Bosnia and Herzegovina, and tasked the Ministry of Civil Affairs of Bosnia and Herzegovina to intensify, in cooperation with the competent education authorities and other key stakeholders, activities on the implementation of phase III of the Joint Action of the European Union and the Council of Europe titled "Quality Education for All", dedicated to the effective implementation of the "Policy Recommendations with a Roadmap for Improving Inclusive Education in Bosnia and Herzegovina".

The aforementioned Recommendations have been harmonized with the vision of the Council of Europe for quality education and Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education, as well as with international standards for quality education for all, especially in the inclusion segment. The measures proposed by this document emphasize the need for quality education for all to be perceived as a public good and a basic social value in Bosnia and Herzegovina.

The adoption of this document has ensured that quality education for all is understood as a public good and a basic social value in Bosnia and Herzegovina. The Roadmap envisages the improvement of further integration of the diverse society of Bosnia and Herzegovina by increasing social cohesion based on the intercultural competencies of students, their parents and teachers.

The implementation of the proposed recommendations should contribute to the improvement of inclusive education and the further development of inclusive education policies, which should be a continuous process, vision and goal of the competent education authorities in Bosnia and Herzegovina and all relevant partners, with a view to achieving quality education at all levels, for all.

Paragraph 58 would reflect the authorities' views as follows

As concerns history teaching in schools, ECRI notes that history is not part of the common core curriculum but included in the so-called national group of subjects together with, inter alia, the languages of the three constituent peoples (Bosnian, Croatian, Serbian). In 2000, the Council of Europe's Parliamentary Assembly had recommended "a moratorium on teaching about the most recent conflict so as to enable historians from all the communities in Bosnia and Herzegovina, with the help of international experts, to develop a common approach". While such a moratorium could be considered as reasonable shortly after the war, there are serious questions as to whether the continuation of such an approach more than a quarter of a century after the events is still useful. In this respect, a dialogue on how to introduce multiperspective history teaching might be more appropriate than merely trying to avoid it indefinitely, building also on the Council of Europe Committee of Ministers's Resolution CM/ResCMN(2019)8, which called for "integrated education based on the common core curriculum covering history and geography that would be taught following an inclusive and multiperspective approach". In this regard, ECRI also refers to the recent OSCE report on History Teaching Materials on 1992-1995 in Bosnia and Herzegovina as well as to the work of the Council of Europe's Observatory on History Teaching in Europe.

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