



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### 113th session

Geneva, 5–23 August 2024

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

## List of themes in relation to the combined fourteenth and fifteenth periodic reports of Bosnia and Herzegovina

### Note by the Country Rapporteur\*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

### Statistics

2. Reliable, updated and disaggregated data on the ethnic composition of its population.<sup>2</sup> Information on the tools developed to collect statistical data and the use of the principle of self-identification.

### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1 and 2)

3. Information on the implementation of the definition of racial discrimination enshrined in the Law on the Prohibition of Discrimination.<sup>3</sup> Information on harmonization and adoption of State-level legislation and policies to combat racial discrimination. Information on training courses and awareness-raising campaigns on the Convention and anti-discrimination legislation.<sup>4</sup>

4. Measures taken to overcome obstacles to the adoption of amendments to discriminatory provisions in the Constitution and electoral legislation.<sup>5</sup> Specific measures taken to fully implement the decisions of the European Court of Human Rights in this regard, in particular the judgment in *Sejdić and Finci v. Bosnia and Herzegovina*.<sup>6</sup>

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\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

<sup>1</sup> [A/65/18](#), para. 85.

<sup>2</sup> [CERD/C/BIH/CO/12-13](#), para. 8.

<sup>3</sup> *Ibid.*, para. 10.

<sup>4</sup> *Ibid.*, paras. 37 and 38.

<sup>5</sup> *Ibid.*, para. 12.

<sup>6</sup> *Ibid.*, para. 12; and [CERD/C/BIH/14-15](#), paras. 45–47.



5. Measures taken to strengthen the capacity of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina to carry out its mandate, in particular anti-discrimination activities. Information on the resources allocated to this institution. Information on the measures taken to ensure the implementation of the Ombudsman's recommendations.<sup>7</sup>

6. Measures taken to ensure an open space for human rights defenders and civil society organizations, in particular those working to combat racial discrimination.

#### **Hate speech and hate crimes (arts. 2 and 4)**

7. Compliance of criminal legislation of the State party with article 4 of the Convention and the inclusion of racist motive as an aggravating circumstance.<sup>8</sup>

8. Measures taken to prevent and combat racist hate speech and incitement to hatred, including in the media, in sports and on other public platforms, such as those on the Internet. Specific measures taken to combat racist hate speech by politicians and public figures.

9. Information on the number of cases of racially motivated crimes, including verbal and physical attacks, and on investigations, prosecutions, convictions and sentences.

#### **Situation of ethnic and national minorities (arts. 2 and 5)**

10. Impact of the measures taken to combat racial discrimination against ethnic and national minorities, in particular Roma. Measures taken to ensure that persons belonging to ethnic and national minorities and to the constituent peoples enjoy the same rights on an equal footing, in law and in practice.<sup>9</sup>

11. Specific measures taken to promote and ensure the political participation and representation of persons of belonging to ethnic minorities, in particular Roma, in decision-making positions and in public office.

12. Measures taken to combat discrimination in access to economic and social rights, including the rights to education, health, an adequate standard of living, social security and employment, particularly for Roma. Implementation of the Roma Action Plan for Employment, Housing and Health Care and allocation of the resources necessary.<sup>10</sup>

13. Specific measures taken to prevent statelessness, and results of the measures taken to ensure access to birth registration for Roma and members of other ethnic and national minorities.

14. Impact of the measures taken to ensure that individuals belonging to ethnic and national minorities, in particular Roma, have access, without discrimination, to the health-care system.

15. Impact of the measures taken to develop a more inclusive education system, to combat segregation and to eliminate the practice of "two schools under one roof" and mono-ethnic schools.<sup>11</sup> Measures taken to increase school enrolment rates and to combat school dropout rates among children from ethnic minorities, in particular Roma.

16. Measures taken to combat multiple and intersecting forms of discrimination, in particular against Roma.

#### **Situation of returnees (arts. 2 and 5)**

17. Specific information on the impact of measures taken for the sustainable return and reintegration of returnees and the implementation of the Revised Strategy for the

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<sup>7</sup> CERD/C/BIH/CO/12-13, para. 14.

<sup>8</sup> Ibid., paras. 16 and 18.

<sup>9</sup> Ibid., para. 12.

<sup>10</sup> CERD/C/BIH/14-15, para. 64.

<sup>11</sup> CERD/C/BIH/CO/12-13, paras. 27 and 28.

Implementation of Annex 7 of the Dayton Peace Agreement.<sup>12</sup> Information on investigations of incidents of hate speech and physical attacks against returnees.

**Situation of migrants, asylum-seekers and refugees (arts. 2 and 5)**

18. Information on the implementation of the strategy and action plan on migration and asylum for the period 2021–2025. Information on the implementation of and the recent amendments to the Law on Foreigners.

19. Impact of measures taken to increase capacity and improve the living conditions of facilities for the reception of asylum-seekers and migrants. Measures taken to enhance the protection of migrants, asylum-seekers and refugees, especially unaccompanied children, pregnant women and older persons.

**Access to justice (art. 6)**

20. Measures taken to facilitate access to justice and effective remedies for victims of racial discrimination. Statistics on cases of racial discrimination, including the results of investigations, convictions and sanctions, and reparation granted to victims.

21. Consideration given to adopting a comprehensive transitional justice process with a view to achieving effective reconciliation and peace among the different ethnic and ethno-religious groups.

22. Measures taken to ensure that police and other law enforcement officers do not engage in racial discrimination, including racially motivated violence and practices that amount to racial profiling.

**Combating racist prejudice and stereotypes (arts. 2 and 7)**

23. Specific outcomes of measures taken to overcome ethnic tensions and divisions that perpetuate racial discrimination. Measures taken to raise awareness among the public, civil servants and law enforcement officials of the importance of cultural diversity, tolerance and inter-ethnic understanding.

24. Policies adopted, including in school curricula, on human rights education and on education about the history and culture of ethnic and national minorities and their contribution to the State party's society.

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<sup>12</sup> Ibid., para. 26; and CERD/C/BIH/14-15, para. 102.