



ANSWERS TO THE QUESTIONNAIRE ON THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (CERD)

Question 1: Kindly provide information on the phenomena of xenophobia in your national context, including any general trends?

Bosnia and Herzegovina took over by succession (after the dissolution of Yugoslavia) the International Convention on the Elimination of All Forms of Racial Discrimination in its entirety (without reservations) and provisions thereof are incorporated in the legal system of Bosnia and Herzegovina.

Bosnia and Herzegovina, as a member of the United Nations and signatory of the International Convention on the Elimination of All Forms of Racial Discrimination (which entered into force on 16 July 1993), on 22-23 February 2005, before the relevant committee of the UN, successfully presented the Initial Report on the International Convention on the Elimination of All Forms of Racial Discrimination (which is treated as the first six reports) and 7 and 8 Periodic Report on the implementation of the mentioned Convention which were adopted and successfully presented before the competent Committee in 2010.

Preparations of the 9th and 10th Periodic Report on the Convention are already in progress and Bosnia and Herzegovina will submit it to the relevant UN Committee by 16 July 2014.

Please note that Bosnia and Herzegovina is a complex state which consists of two Entities (Federation of Bosnia and Herzegovina and Republika Srpska) and the District Brčko of Bosnia and Herzegovina as a „sui generis“ administrative unit, i.e. a condominium.

Racial discrimination as well as other forms of discrimination are directly prohibited by the BiH Constitution (and by the constitutions of the entities) and it is criminalized through several elements of crimes under the Criminal Codes of BiH, entities and Brčko District which clearly expresses the commitment of BiH authorities for the respect of human rights of all citizens living in it as well as foreigners who were granted permanent or temporary residence in the territory of BiH while respecting the principle of tolerance.

General principles of the International Convention on the Elimination of All Forms of Racial Discrimination are incorporated in the Law on Movement and Stay of Foreigners and the Law on Immigration and Asylum.

Bosnia and Herzegovina implements a policy of eliminating racial discrimination both in the general legal framework and through promotion and recognition of equal status for all in legislative, judicial, administrative and other measures; the right to return and repossession of property of citizens; and organization of cultural activities and the situation of Roma, as the largest and most vulnerable minority (among 17 national minorities exhaustively enumerated in the Law) in Bosnia and Herzegovina.

The Law on Prohibition of Discrimination based on and designed in accordance with European standards was passed in 2009. Provisions of the law protect citizens of Bosnia and Herzegovina against discrimination in all spheres of life and work, including: employment, health and social protection, judiciary and administration, housing, public information, education, sports, culture, science, economy, etc, then, from all forms of harassment, sexual harassment, mobbing, incitement to segregation or discrimination. Under this law, all public bodies and authorities have an obligation and duty to fight against discrimination and to refrain from it, removing obstacles that may directly or indirectly result in discrimination. These institutions also have a duty to actively design and create conditions for equal

treatment. They must work to amend and adopt laws, policies and procedures in accordance with the Law on Prohibition of Discrimination.

The Rulebook on Discrimination Cases Monitoring, which provides for the establishment of a Central Database on Discrimination Cases to be set up in the BiH Ministry of Human Rights and Refugees, is being drafted.

As we have already discussed above, the BiH Constitution, as the highest law in the country, directly prohibits discrimination in a provision that reads: «The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.»

The European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees protection and enjoyment of human rights and fundamental freedoms, so Article 14 provides the following: »The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status«, is incorporated into the Constitution of Bosnia and Herzegovina and makes the Convention directly applicable in Bosnia and Herzegovina so that it has a priority over all other laws (so-called supremacy of the application).

With regard to human rights and fundamental freedoms, entity constitutions and constitutions of the cantons are consistent with the human rights principles enshrined in the Constitution of Bosnia and Herzegovina.

Question 2: How is xenophobia addressed in your country (include any legal and judicial frameworks and practices, substantive and procedural measures)?

The Constitution of Bosnia and Herzegovina determines the status of constituent peoples (Bosniaks, Croats and Serbs) and other citizens in Bosnia and Herzegovina in terms of guaranteeing the constitutionality and all rights in the entire territory of Bosnia and Herzegovina without any type of discrimination. After the tragic war in Bosnia and Herzegovina, in practice, for a quite long time, a problem of national exclusion and memorization of certain ethnic groups, Bosniaks or Croats or Serbs or Others, in terms of representation in the legislative, executive and judicial bodies has been present. All the above has resulted in a decision of the Constitutional Court of Bosnia and Herzegovina ordering amendments to the constitutions of Entities and cantons and alignment with the Constitution of Bosnia and Herzegovina.

A partial decision on constitutionality issued by the Constitutional Court of Bosnia and Herzegovina gave an interpretation of Preamble of the Constitution in which Bosniaks, Serbs and Croats are defined as “constituent peoples”. Furthermore, the decision notes that Article II / 4 of the Bosnia and Herzegovina Constitution prohibits discrimination on any grounds such as inter alia affiliation with a national minority and thereby assumes the existence of groups defined as national minorities. It also states that the BiH Constitution makes a clear difference between constituent peoples and national minorities, in order to affirm the continuity of Bosnia and Herzegovina as a democratic multiethnic state. Constitutional amendments have made an important step in consolidating the political and legal order in the country as well as formal legal guarantees of equality of members of all ethnic groups and equality of all citizens. This is the basis for the elimination of discrimination or discriminatory treatment of individuals and minority groups on the grounds of national, religious or political affiliation.

The valid provisions of the Constitution do not legally or formally prevent members of national minorities or "Others" from standing in elections or being elected as members of the BiH Parliamentary Assembly, either as individual candidates or candidates of political parties.

Owing to the violation of the right to be elected and discrimination against "Others", who are not members of any of the three constituent peoples of Bosnia and Herzegovina according to the Constitution, an application was filed with the European Court of Human Rights in Strasbourg by representatives of Roma and Jews. It is the case of Dervo Sejdic and Jakob Finci against Bosnia and Herzegovina. On 22 December 2009 the Grand Chamber of the Court of Human Rights in Strasbourg rendered judgment No. 27996/06 in favour of the applicants, ordering BiH to bear the legal costs of applicants and to proceed with the constitutional changes that will be compatible with the European Convention on Human Rights and Fundamental Freedoms.

With the aim of introducing the relevant constitutional and legislative amendments, the Council of Ministers adopted an action plan on 4 March 2010 and appointed a Working Group to draft them. The Central Election Commission adopted the Action Plan on 18 February 2010, stating in detail the provisions which should be adopted and possible steps to be taken if the amendments are not adopted before the scheduled general election by the end of May the same year.

The Council of Ministers appointed a Working Group which did not meet the deadline set to reach an agreement on proposed constitutional amendments because the leading politicians had a disagreement on substantive issues. After that, on 22 April 2010, the Council of Ministers considered the report of the Working Group responsible for the preparation of constitutional and legislative amendments and gave it a new deadline for discharging the task. This means that also the October election in Bosnia and Herzegovina passed without Bosnia and Herzegovina having complied with the judgment of the European Court of Human Rights.

On 20 October 2011 a joint committee of the Parliamentary Assembly was appointed to prepare amendments to the Constitution of BiH by 30 October and amendments to the Election Law in order to fully implement the judgment of the European Court of Human Rights of Strasbourg.

A decision issued by the Constitutional Court of Bosnia and Herzegovina abolished previous entity symbols (flag, coat of arms and anthem), because they do not represent constituent peoples in the whole territory of Bosnia and Herzegovina thereby failing to ensure higher respect for diversities.

Question 3: Which national mechanism(s) with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance does your country have in place?

1. Bosnia and Herzegovina has dedicated itself to the principle of respect for human rights and fundamental freedoms (as underlined above, the European Convention on Human Rights is an integral part of the Constitution and is directly applicable in the legal system of Bosnia and Herzegovina) by strengthening democracy, multicultural dialogue and respect for ethnic, cultural and religious diversities and combating all forms of discrimination and intolerance shown towards members of any community.

We also want to note that Bosnia and Herzegovina as a country of so-called continental legal tradition that is founded on the "Roman law" applies the principle of equality of citizens when brought to justice regardless of national, social or ethnic origin and religious or political beliefs.

The criminal legislation of Bosnia and Herzegovina abides by the principle of "nullum crimen sine lege, nulla poena sine lege" that prohibits discrimination of suspects.

For a better understanding of discrimination and intolerance in the BiH society we will use an analysis of education, employment and social security.

All persons in the territory of Bosnia and Herzegovina enjoy human rights and freedoms, including the right to education and they have ensured equal access to education without discrimination, through the principle of equality of educational certificates, regardless of the part of BiH in which they were acquired, smooth movement for continuation of further education under appropriate curricula/ studying and taking examinations in any additionally required courses being enabled.

Children returning from abroad to continue their education will be able to do so on the basis of a foreign educational certificate, with a prior recognition in accordance with applicable regulations.

The valid legal provisions on equality of the use of languages and alphabets of the constituent peoples in schools are also directed towards eliminating discrimination against any group of students.

All principles laid down in the Framework Law on Education and elaborated in laws at lower levels operate for enjoyment and protection of the right to education of all children, including children of refugees and returnees:

The Framework Law expressly provides that schools are obliged to provide all possible assistance in enrolment, attendance and continuation of further education and provide conditions for exercising this right, especially for children of refugees, internally displaced persons and returnees.

In order to preserve national and cultural identity of children of BiH citizens in foreign countries, support is provided for the organization of additional classes of "national group" of subjects.

Displaced children and children in collective centres are provided with governments' assistance within the limits of their possibilities (free textbooks, meals) and a number of NGOs are very active. Books were examined and inappropriate content was removed from them.

The Council of Ministers established the Commission for Curriculum Development for additional classes for children living abroad, which, according to the latest information, has completed its work.

In Bosnia and Herzegovina, there is no framework law on labour and employment or an appropriate ministry at the state level. The Ministry of Civil Affairs is responsible for coordinating activities and harmonizing plans of the entity authorities and defining a labour and employment strategy at the national level.

With regard to employment protection legislation, Bosnia and Herzegovina people are facing a stark unemployment situation due to a lack of vacancies, the devastated economy and a proliferation of highly educated professionals who can do nothing else but register at the Employment Services.

Procedures of the exercise of employment rights are the same for all unemployed persons regardless of where their pre-war home was. The Law provides that an unemployed person is entitled to unemployment benefits in the employment service according to the place of permanent residence and an unemployed person, who left pre-war home due to the war, is entitled to unemployment benefits in the employment service according to the place of temporary residence.

Pursuant to the Law on Mediation in Employment and Social Security of Unemployed Persons, none person may be placed in an unfavourable position compared to others on the grounds of: their race, colour, sex, religion, political or other opinion or conviction, national, ethnic or social affiliation or origin, property, trade union or political organisation or association membership or non-membership or physical or mental condition.

Further, all workers in Bosnia and Herzegovina are rewarded equally for work of equal value and there is no discrimination between male and female employees.

Issuing decisions (rješenja) the Service for Foreigners' Affairs grants temporary or permanent residence in the territory of BiH to foreigners who reside in BiH on the grounds of work permit.

Displaced persons and returnees in Bosnia and Herzegovina are provided with social security under the same legal conditions as other citizens. The main obstacles in exercising the above-mentioned statutory rights of displaced persons in the area of social security are: a lack of a functional operation of the system of social security and a lack of funds for social security, which all together along with inefficient coordination mean that there is no harmonization between the entities in terms of groups of beneficiaries and the scope and level of benefits for people in need and there are limited social security funds or appropriation of low funds for social security at the entity level.

For example, with a change of residence or return to pre-war home, a displaced person must de-register in the place of temporary residence, thereby losing social security entitlements and register in the place of pre-war residence, but to be eligible for the social security entitlements in the place of pre-war residence

he has to be registered at the "new" address for 6-12 months, depending on the particular entity and canton.

The displaced persons and returnees are characterized by specific circumstances, such as daily, weekly or monthly "seasonal labour migration", changing of the composition of households and a large number of so-called female and elderly households, income instability and poor availability of social security mechanisms compared to the rest of the population.

Because of these and other factors it is more likely that displaced persons and refugees will become people in need compared to the rest of the population.

In the context of full sustainable return and reintegration of returnees, special attention should be paid to the reconstruction of social, health and cultural infrastructure.

The last census in BiH was held in April 1991 on the basis of the Law on the 1991 Census of Population, Households, Dwellings and Farms ("Official Gazette of SFRY" 3/90) and the Law on Organization and Carrying out of the 1991 Census of Population, Households, Dwellings and Farms and Census Financing ("Official Gazette of SR BiH", 22/90).

Bosnia and Herzegovina is familiar with the principle/recommendation of UN that population censuses should be carried out every 10 years in the year ending with 0 or 1, but, as we mentioned above, the last census of Bosnia and Herzegovina was carried out in April 1991.

Since the last census in 1991, a new census has not been carried out in Bosnia and Herzegovina and therefore new statistics are not available.

We note that preparations for the new census are underway.

Question 4: Kindly provide information or any comments your country might have on the issue of procedural gaps to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), including any legal and judicial frameworks and practices, substantive and procedural measures.

The establishment of international bodies for the protection of human rights, including bodies of the Council of Europe (ECRI) and the UN (CERD) to combat racism, intolerance and prevent all forms of discrimination and the adoption of the Durban Declaration and Programme of Action efficiently contributes to strengthening the mechanisms for the protection of human rights through raising awareness of target groups in order to strengthen tolerance, link diversities, guarantee equality before the law, the right to equal access to courts, the right to freedom of conscience and religion, right to education etc. Control mechanisms of international bodies for protection of human rights have contributed to the implementation of multilateral treaties (such as conventions, covenants, charters etc.) in Member States.

Bosnia and Herzegovina condemns any form of any propaganda which encourages intolerance and racial discrimination. It endorses judicial protection and the right to appeal. It is highly sensitive and quick to react if intolerance and racial discrimination appear in education, up-bringing, culture, media and sport, all with the aim of successfully combating prejudices that often lead to racial discrimination, helping understanding, tolerance and friendship among nations and ethnic groups. We especially emphasize this because three constituent peoples and 17 ethnic minorities live in BiH, where various forms of intolerance and discrimination are possible, especially when it comes to sport events and competitions. This phenomenon has recently come into play more and has become disturbing. In this regard, in order to eliminate discrimination in sports, the Law on Sports, which will contribute to elimination of incidents/riots in sports fields, was passed at the state level.

Since the constituent peoples and national minorities in Bosnia and Herzegovina are all of Caucasians and that there is no discrimination based on skin color, we are using the opportunity to adduce the following facts and measures taken by the State.

As an illustrative example of "good practices" in Bosnia and Herzegovina we will mention the strengthening of tolerance in the Bosnia and Herzegovina society of national minorities, especially the Roma, which is the largest and most vulnerable national minority in Bosnia and Herzegovina.

There are 17 national minorities in Bosnia and Herzegovina. According to the 1991 census, it is evident that there are minorities, which could be called "traditional" and, so to speak, "new" minorities that are a result of the dissolution of the former common state (Montenegrins, Macedonians and Slovenians). Regardless of the origin of minority, their number (133-10048 members), the Law on the Protection of National Minorities (Article 3) determines that for the purpose of this Law, »a national minority shall be a part of the population-citizens of BiH that does not belong to any of three constituent peoples and it shall include people of the same or similar ethnic origin, same or similar tradition, customs, religion, language, culture, and spirituality and close or related history and other characteristics ».

The Law on the Protection of National Minorities was passed and came into effect in May 2003 ("BiH Official Gazette" 12/2003). After passage, the Law on the Protection of National Minorities was published in three official languages of BiH in "BiH Official Gazette", making it available to all organs and institutions of authority in BiH, but also to other users and types of such publications and content, and then it was translated into English and Romany language - the act, that is the first translation of a law into the Romany language in BiH is deemed extremely important for the emancipation of the Roma national minority in BiH and considered an example of positive affirmation of Roma. Also 1000 copies of a booklet containing the Law were printed and distributed to various addresses, so that no authority in BiH has justification or excuse for any failure to be informed about its content.

As per information available to the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, as a ministry of the Council of Ministers in charge of matters of national minorities, in late 2003 the entities in Bosnia and Herzegovina: Republika Srpska and the Federation of BiH began activities to enact their own laws on the rights of national minorities, as required by the Law on the Protection of National Minorities at the state level. The Law on Amendments to the Law on the Protection of National Minorities adopted in October 2005 ("BiH Official Gazette" 76/2005) was more specific and set a statutory deadline of 60 days of the date of enactment of this Law for the establishment of the Council for National Minorities within the Parliamentary Assembly of BiH. Finally, a decision establishing the Council for National Minorities within the Parliamentary Assembly of BiH was adopted and published in May 2006 (BiH Official Gazette no. 38/2006), according to which the advisory body was established for the purpose of raising awareness about the importance of the establishment of the body for promoting and protecting rights and resolving outstanding issues of both all national minorities and Roma in particular as the largest and most vulnerable minority in our country.

In Bosnia and Herzegovina for the two to three years the public has been informed a lot about minorities. The public broadcast services regularly provide the information about issues of minority communities, their culture, customs and characteristics of individual minority communities and activities of minorities' NGOs. The Radio and Television of Republika Srpska broadcast a weekly show dedicated to minorities, while TV BiH and Federation Television broadcast thematic shows at periodic intervals.

Further, the general policy enables intensive cooperation of NGOs and other minority associations with parent countries so that cross-border communication takes place without any formalities or bureaucratic barriers. In fact, all national minorities, except the Roma minority, have contacts and cooperation with their parent countries without any conditions or barriers. This cooperation is particularly intensive by NGOs of Slovenians, Czechs, Ukrainians, Italians, Hungarians, Macedonians and others in the field of culture, education, learning the mother tongue, information and the like. Active non-governmental organizations were able to identify their needs and, through collaboration with the Embassies of parent countries, developed different modalities of cooperation to meet their needs in these areas.

In Bosnia and Herzegovina, in the NGO sector, there are numerous associations that contribute to the advancement and protection of human rights by linking diversity and contributing to the preservation of ethnic and cultural heritage of minority communities such as "Czech Beseda" - Association of Czechs in

the Republika Srpska, "Taras Shevchenko"-Association of Ukrainians in the Republika Srpska, the "Lira" Cultural Society of Jews etc.

Within the general policy, it is important to note that in recent years a number of discussions on various issues of minority status have been held. These round tables attended by representatives of minority communities, NGOs dealing with protection of minority rights and representatives of international organizations and ministries of BiH, entities, cantons and municipalities have been covered by the media highly professionally, which has certainly contributed to improving the climate of tolerance and understanding of the position of minorities in Bosnia and Herzegovina.

Although it is stated above that there are improvements in the position of minority communities in general, the position of the Roma community is still very difficult and unsatisfactory. The general policy of government is to support all minority groups, particularly Roma. But the needs of Roma in the field of housing, employment, health and social welfare are enormous and beyond the capabilities of impoverished, war-exhausted Bosnia and Herzegovina. The problem in these areas is poverty and not discrimination by the majority group or community as a whole.

Speaking of education of national minorities in BiH, it is important to note, as a measure taken by BiH authorities, that, with the mediation of the OSCE Mission to BiH, in February 2004, they adopted an action plan to meet educational needs of Roma and other national minorities in BiH (it was revised in 2012) and its implementation is underway and has been producing results.

The Ministry of Human Rights and Refugees, in cooperation with the Roma Board of Bosnia and Herzegovina, has prepared a document entitled "A Strategy for Solving Problems of Roma" (Roma Strategy). After months of discussion in the Entity and cantonal governments, consultations with Roma NGOs and other organizations dealing with minority issues, the strategy was adopted by the Council of Ministers and published in "BiH Official Gazette" 67/05 on 27 September 2005. The adoption of this document was an adoption of 15 separate programs of activities in different areas of life that will affect changes and improve the overall social position of the Roma in BiH (education, employment, housing, health and social welfare, census etc.). Before drafting and adoption of the Roma Strategy of Bosnia and Herzegovina, in Bosnia and Herzegovina or its entities there was no serious or comprehensive document that treated Roma issues in BiH, searched for or proposed solutions for overcoming and resolving them. Neither the 2002 Framework Program of Work of the Roma Board nor the Platform for the Establishment and Operation of Council of Roma of BiH as the umbrella association of Roma NGOs in BiH has these characteristics, size and scope.

On 27 September 2005 the Roma Board within the Council of Ministers issued a conclusion to publish the strategy in a booklet in official languages of Bosnia and Herzegovina (Serbian, Bosnian and Croatian) and to translate and publish it in English and Romani.

The expansion of network of non-governmental organizations of national minorities, particularly of Roma, and their networking continues at the level of Bosnia and Herzegovina.

The implementation of "The Action Plan on the Educational Needs of Roma and Other National Minorities in BiH" has been intensified. There has been a rise in the number of Roma children and children of other ethnic minorities enrolled in schools at all levels of education in Bosnia and Herzegovina (often under the principle of affirmative action). Depending on the capabilities of municipalities, cantons and the entities they were given school supplies, textbooks and monetary aid for transportation and meals.

The Law on the Protection of National Minorities formally extended the possibility of exercising the rights of national minorities, especially after the adoption of appropriate implementing legislation and confirmation of basic international instruments relating to the protection of national minorities. In fact, a special place here belongs to the Framework Convention on National Minorities, the European

Convention on Human Rights and Fundamental Freedoms and the European Charter for Regional or Minority Languages. Bosnia and Herzegovina prepared and submitted to the competent bodies of the Council of Europe the third periodic report under the Framework Convention on National Minorities and the first report under the European Charter for Regional or Minority Languages is at the final stage of drafting.

In cooperation with the NGO sector and with the support by the organizations for the development: SIDA-Sweden and World Vision, after the Action Plan For The Educational Needs of Roma, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina prepared the Action Plan of Bosnia and Herzegovina for Roma Housing, Employment, Health Care, which was adopted by the Council of Ministers of Bosnia and Herzegovina and the implementation has been expedited in order to improve the situation of Roma.

Bosnia and Herzegovina is committed to combat trafficking and eliminate all forms of trafficking in women and children, and for this purpose the government of BiH established the Office of Coordinator for the Prevention of Human Trafficking and Illegal Immigration and implement a project titled "Safe houses" through which it provides adequate assistance to victims of violence and thereby victims of human trafficking as a form of modern slavery.

As regards the measures which Bosnia and Herzegovina has been taking continuously while applying the basic principles set forth in multilateral international documents such as UN and Council of Europe conventions, charters and covenants, Bosnia and Herzegovina ratified or taken over by succession, we quote the following:

a) A unique institution of BiH Ombudsman for Human Rights was established and now it is fully operational, including the Anti-discrimination Department.

b) a) For years now, the Agency for Gender Equality of BiH, in cooperation with the entity Gender Centres, has been striving to ensure elimination of all forms of discrimination against women in BiH, in particular with regard to employment, overall equality in labour and their participation in political and public life and activities and spheres of important decision-making.

b) The Commission for Human Rights, Immigration, Refugees and Asylum operates under the Parliamentary Assembly of Bosnia and Herzegovina. Its mandate is protection of human rights and fundamental freedoms enshrined in the Constitution and laws of BiH.

Starting from the Constitution of Bosnia and Herzegovina (which incorporates the European Convention on Human Rights and Fundamental Freedoms), Bosnia and Herzegovina is committed to ensure respect for freedom of religion and free expression of opinion.

Bosnia and Herzegovina is a country (according to the Constitution of Bosnia and Herzegovina) of three constituent peoples (Bosniaks, Serbs and Croats) and (under the Law on the Protection of National Minorities) 17 national minorities, which is a fact that as such indicates the diversity of cultural heritage as part of national wealth of this country.

In Bosnia and Herzegovina there are four major monotheistic religions (besides Jerusalem, Sarajevo, the capital of Bosnia and Herzegovina, is another example in the world where in the range of only 500 meters there are the Cathedral, the Orthodox Church, the Bey Mosque and Synagogue.

It is important to mention that in BiH there is the Interreligious Council of BiH which contributes to truth and reconciliation as well as to linking of diversities with the aim of living together, respecting each other and cooperating. The Interreligious Council of Bosnia and Herzegovina consists of the Islamic Community in Bosnia and Herzegovina, the Serbian Orthodox Church, the Catholic Church and the Jewish Community of Bosnia and Herzegovina. It is interesting to note that the Interreligious Council of

Bosnia and Herzegovina has printed the Glossary of Religious Terms in order to promote better understanding of the cultural diversity of society of Bosnia and Herzegovina.

The Interreligious Council of BiH has condemned any violence against any human being because any human rights violation is a violation of God's laws.

Bosnia and Herzegovina guarantees freedom for all religious and community leaders to freely carry out their mission in the entire territory of BiH, makes it possible for every child to exercise the right to religious instruction taking his/her choice and condemns acts of hatred based on ethnic or religious differences.

In order to exercise freedom of conscience and religion, as guaranteed by the Constitution of Bosnia and Herzegovina and the highest international standards, in March 2004, the Bosnia and Herzegovina Parliament adopted the Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina in order to contribute to improving the mutual understanding with respect to their own heritage and traditional values of tolerance and coexistence which has been present for decades in Bosnia and Herzegovina.

It is important to note that, with regard to the position and functioning of religious communities, Bosnia and Herzegovina has made a progress by adopting the Law on Freedom of Religion and Legal Position of Churches and Religious Communities. The Law effectively and in a good way regulates the freedom of religion and beliefs, the legal status of churches and religious communities, the relationship between the state, churches and religious communities.

Based on the Law, BiH has signed and ratified two international legal agreements and those are:

1. The Basic Agreement between BiH and the Holy See (signed in April 2006) and Additional Protocol to the Basic Agreement signed in September 2006,
2. The Basic Agreement between BiH and the Serbian Orthodox Church signed in 2007 and ratified in 2008.
3. The Basic Agreement between Bosnia and Herzegovina and the Islamic Community of Bosnia and Herzegovina is being prepared.

According to the provisions of the Basic Agreement between the Holy See and BiH, in December 2008 a Mixed Commission for the implementation of the above-mentioned agreement was established.

Bosnia and Herzegovina makes continuous efforts and, together with the Communications Regulatory Agency, which operates at the state level, takes necessary steps in the fight against incitement to violence motivated by hate-mongering through abuse of the press, audio-visual, electronic media and new communication technologies. In this way, in accordance with international standards, BiH makes efforts to ensure the freedom of press, speech and expression and that any incitement to hatred or violence is legally sanctioned.

Unfortunate negative experience and lessons learned from its own past tragic conflicts in its own territory have prompted Bosnia and Herzegovina to take an initiative for enacting the Law on a Ban of Fascist and Neo-Fascists Organizations in Bosnia and Herzegovina, which is currently deliberated in parliamentary adoption procedure.

It can be concluded generally that in this reporting period, a decrease in criminal acts ethnically motivated against returnees is evident.

Please note that events marking the construction or renovation of religious buildings and commemorative meetings were held in a safe environment primarily due to responsible and professional performance of police forces in Bosnia and Herzegovina. A noticeable decline in ethnically motivated crimes against returnees can be seen in the number and type of crimes and petty offenses committed against returnees.

The police take measures to prevent incidents and perform regular patrols in returnee areas.

Please note that the sustainable return of refugees and displaced persons from the aspect of security is given a special priority.

The "Community Policing" and "Strengthening the Local Police Capacities for the Citizens' Safety" projects facilitate everyday contacts (24 hours) of the police and returnees (police patrols through the

returnee settlements) and the police forces and representatives of associations of returnees and continuous cooperation with representatives of religious communities and forums for security of the municipalities in which they were established.

The activities above have resulted in a positive shift in security of returnees and contribute to the maintenance of Bosnia and Herzegovina as a multi-national and multi-religious community what it has always been.

With signing the Dayton Peace Agreement in Bosnia and Herzegovina, peace was restored and the country hit the road to rapid recovery by strengthening tolerance and respect for and appreciation of diversity through the development of a modern democratic state, which shows the tendency towards soon inclusion into European integration processes.

Question 5: Would your country have any comments on the issue of the impact of reservations on the implementation to the ICERD?

The answer to question 5 is given in paragraph 1 above, explaining that the international instrument was fully accepted by succession.

Question 6: Would your country have any comments concerning Article 14 of the ICERD (declaration by State Party recognizing the competency of the Committee to receive/consider individual complaints)?

As we have already discussed above, Bosnia and Herzegovina is a complex state (consisting of two entities and one district, which is obliged to follow the procedure of concluding international agreements, which requires consultation during signing, ratification, making or withdrawal of reservations and giving unilateral declaration of acceptance and an approval by the competent authorities at all levels of governance in Bosnia and Herzegovina of feasibility and purposfulness of some of the above listed activities.

Bearing in mind that one of the recommendations of the UN Committee on the Elimination of All Forms of Racial Discrimination deals with the recognition of the competence of the Committee to consider individual complaints of discrimination cases, we note that it was taken into consideration and that the answer to the recommendation (upon completion of the above-mentioned consultations) will be an integral part of the 9th and 10 Periodic report that will be prepared in coordination with the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and the working group of government representatives from all levels of governance in Bosnia and Herzegovina with active participation of NGOs (including associations of national minorities).

Question 7: Which CERD recommendations has your country implemented with regard to national mechanisms and xenophobia, including any legal and judicial frameworks and practices, substantive and procedural measures? What has been your national experience (including challenges) in this regard?

Bosnia and Herzegovina is making efforts to fully implement concluding observations and recommendations of relevant UN committees including the Committee on the Elimination of All Forms of Racial Discrimination. In this regard, the Council of Ministers adopted the Framework action plan for implementing the recommendations of both United Nations committees and relevant committees and bodies of the Council of Europe (including the Council of Europe Commission against Racism and Intolerance (ECRI), which visited BiH on two occasions: in April 2004 and February 2010).

Question 8: How is assistance provided to victims and/or affected communities of racism, racial discrimination, xenophobia and related intolerance at the domestic level? How do victims and/or affected communities participate fully and effectively in relevant processes and national mechanisms?

The answer to question 8 is contained in the answer to question 3.

Thus, supporting people whose human rights have been violated or infringed includes the establishment of shelters for victims of trafficking, cooperation of police with the local community to ensure "sustainable return" of refugees and displaced persons, cooperation with associations of national minorities, the Council of National Minorities and Roma Board, the establishment of the Council for Children in order to protect the "best interests" of the child, cooperation with religious communities and the Inter-Religious Council etc..

Question 9 :

- a) Kindly indicate any possible recommendations your country would wish to provide; and**
- b) Are there any additional comments or information your country wishes to provide in relation to xenophobia, national mechanisms or procedural gaps?**

A general comment that can be given on question/observation 9 is that Bosnia and Herzegovina does not experience significant manifestations of xenophobia and that Bosnia and Herzegovina has criminalized xenophobia and all forms of discrimination and intolerance in the normative and legal framework prohibiting and condemning all discrimination based on race, national or ethnic, religious and other origins and all forms of intolerance.

Bearing in mind provisions of the multilateral agreements that Bosnia and Herzegovina has signed, ratified or taken over by succession and constitutional principles, in order to eliminate any form of discrimination and intolerance and to join the European integration process as soon as possible, Bosnia and Herzegovina has adopted a comprehensive law banning discrimination.