

ADVANCE UNEDITED VERSION

Distr.: General
18 June 2024

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination
113th session

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 (see A/65/18, para. 85) 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. Information on reliable, updated and disaggregated data on the ethnic composition of its population.¹ 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 Law on the Prohibition of Discrimination Definition of racial discrimination.² 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.³

4. Measures to overcome obstacles to amend discriminatory provisions in the Constitution and Electoral legislation.⁴ Concrete measures taken to fully implement the decisions of the European Court of Human Rights in this regard, in particular *Sejdić and Finci vs. Bosnia and Herzegovina*.⁵

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

¹ CERD/C/BIH/CO/12-13, para 8.

² CERD/C/BIH/CO/12-13, para 10.

³ CERD/C/BIH/CO/12-13, para 37 and 38.

⁴ CERD/C/BIH/CO/12-13, para 12.

⁵ CERD/C/BIH/CO/12-13, para 12 and CERD/C/BIH/14-15, para 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 its anti-discrimination mandate. Information on the resources allocated to this institution. Information on the measures adopted to ensure the implementation of the recommendations issued by the Ombudsman.⁶

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 (art. 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.⁷

8. Measures to prevent and combat racist hate speech and incitement to hatred, including in the media, in sports and on other public platforms such as the Internet. Specific measures adopted 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, as well as investigations, prosecutions, convictions, and sentences.

Situation of ethnic and national minorities (arts 2 and 5)

10. Implementation of the measures to combat racial discrimination against ethnic and national minorities, in particular Roma. Measures adopted to ensure that ethnic and national groups and the constituent peoples enjoy the same rights in equal footing, in law and in practice.⁸

11. Concrete measures adopted 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 representative institutions.

12. Measures to combat discrimination in accessing 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 Care⁹ and the resources allocated to ensure its implementation.

13. Concrete measures adopted to prevent statelessness and the implementation of measures adopted to ensure access to birth registration to Roma, as well as members of other ethnic and national minorities.

14. Implementation of measures 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 adopted 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. Measures to increase school enrolment rate and to combat school dropout among children from ethnic minorities, in particular Roma.

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

Situation of returnees

17. Concrete information on the impact of measures adopted to the sustainable return and reintegration of returnees and the implementation of the Revised Strategy for the

⁶ CERD/C/BIH/CO/12-13, para 14.

⁷ CERD/C/BIH/CO/12-13, para 16 and 18.

⁸ CERD/C/BIH/CO/12-13, para 12.

⁹ CERD/C/BIH/14-15, para 64.

Implementation of Annex 7 of the Dayton Peace Agreement.¹⁰ Information on investigations of incidents of hate speech and physical attacks against returnees.

Situation of migrants, asylum seekers, refugees

18. Information on the implementation of the Migration and Asylum Strategy and Action Plan for 2021-2025. Information on the recent amendments to the Law on Foreigners and its implementation.

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

Access to justice

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

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

22. Measures adopted 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.

Combatting racist prejudice and stereotypes (arts. 2 and 7)

23. Concrete outcomes of the 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 the school curricula, on human rights education, as well as education about the history and culture of ethnic and national minorities and about their contribution to the State party's society.

¹⁰ CERD/C/BIH/CO/12-13, para 26 and CERD/C/BIH/14-15, para 102.