

# Combating Discrimination



The Mission works to strengthen human rights-based practices and to combat discrimination by collaborating with legislative and governmental institutions at all levels, the judiciary, the BiH Institution of Human Rights Ombudsman, civil society organizations, and human rights defenders.

BiH is signatory to the European Convention on Human Rights and Fundamental Freedoms (the European Convention) and other international treaties for the protection of human rights and prohibition of discrimination.

In BiH's complex constitutional system, the provisions of the European Convention and its

Protocols have priority over all other laws. Furthermore, international standards have direct application in the BiH legal system. BiH has ratified Protocol No. 12 to the European Convention, expanding the State's obligation to prohibit discrimination in the enjoyment of any right, including through domestic legislation.

BiH subsequently became the first country which the European Court of Human Rights (ECtHR) found to be in violation of this Protocol, in the case of *Sejdić and Finci v. BiH*. In its ruling in favour of *Sejdić and Finci*, the ECtHR reproached the constitutional ineligibility of the applicants to stand for election to the BiH House of Peoples or the BiH Presidency because of the fact that they did not belong to any of the constituent peoples of BiH.

Additionally, the obligation of authorities and citizens to respect human rights and non-discrimination is engrained in the commitments contained within the BiH Constitution, the entity constitutions, the Statute of Brčko District BiH (Brčko District), constitutions of the

Federation of BiH's (FBiH) ten cantons, and the Law on the Prohibition of Discrimination.

## Discrimination in BiH

Discrimination in BiH remains a widespread problem, according to 87 per cent of respondents of the survey carried out to [measure general understanding of discrimination, the number of instances of discrimination, and social distance as a driver of prejudices and stereotypes](#).

When asked if they witnessed discrimination in the previous 12 months, 28.8 per cent said they had on the grounds of political affiliation or belief, 26.9 per cent on the grounds of disability, 25.3 per cent on the grounds of gender 25 per cent on the grounds of ethnicity.

Every third person reported about being exposed to unfair and unequal treatment in the previous 12 months.

The results reveal strong discrimination and deeply rooted negative stereotypes against Roma, individuals and groups who are numerical ethnic minorities in their communities, such as returnees, religious minorities, and migrants, and discrimination based on one's sexual orientation or identity. Roma are victim to rampant social exclusion and discrimination, particularly visible in employment, education, housing and access to social protection and healthcare services.

The Roma community is frequently subject to discriminatory incidents via hate speech and other hate crimes, including verbal assaults, the use of derogatory terms or insults, and negative stereotypes. Furthermore, Roma women and children are victim of multiple forms of discrimination and, as a result, Roma children have a low enrolment rate in secondary schools and universities coupled with a high dropout rate.

Additionally, the prevalence of gender-based discrimination was of major concern.

More positively, inclusive attitudes towards persons with disabilities: 87.8 per cent of respondents believe that children with disabilities should be mixed with other children, and similarly 81.1 per cent of respondents believe there is enough money for public institutions to adapt to persons

in wheelchair.

There are many instances of social discrimination that provide serious cause for concern in BiH. For example, ethnic segregation is present in the education system. The "two schools under one roof" practice physically separates children based on ethnicity and each group is taught under a separate curricula. Strong preference for the mixing of children of different ethnicities in schools were also seen in the results with 77 per cent of respondents who do not support such segregation.

Overall trends that are expanded upon are that the younger generation perceives less discrimination than older generations and the higher the education level of respondents, the more widespread they saw discrimination to be.

The [Law on Prohibition of Discrimination \(LPD\)](#) was adopted by the BiH Parliamentary Assembly in 2009 and amended in 2016. It aims to strengthen BiH mechanisms designed to fight discrimination, particularly against persons of vulnerable social categories. However, despite the existence of this solid legislative framework and the efforts exerted by many stakeholders to enhance the capacities of these mechanisms, discrimination remains persistent in BiH.

10 years after the adoption of the Law, the Mission prepared an [analysis of the work of three key institutional actors with the mandate and competencies to combat discrimination assessing progress achieved and offering concrete recommendations for how to overcome challenges identified](#).

### Support to Institutional Mechanisms

The Mission supports BiH institutions that are meant to address discrimination, namely the BiH Ministry for Human Rights and Refugees, the BiH Institution of Human Rights Ombudsman and the judiciary, with an additional focus on civil society organizations, universities and the general public.

In co-operation with the BiH High Judicial and Prosecutorial Council and BiH judiciary, the Mission analyses BiH anti-discrimination jurisprudence and produces reports such as the [Analysis of Judicial Response to Discrimination Challenges in Bosnia and Herzegovina](#).

Together with BiH Entity Judicial and Prosecutorial Training Centres, the Mission strengthens the capacities of the judiciary and legal professionals to interpret and apply the LPD and better understand international and domestic standards on equality and non-discrimination through training, [conferences](#), trainings and peer-to-peer workshops.

The Mission aims to increase the visibility of anti-discrimination topics in BiH universities by organizing moot court competitions and

providing support to summer schools and student debates on human rights topics.

The Mission also provides stereotypes/discrimination sensitisation trainings and awareness-raising campaigns on the needs of people in situations of vulnerability, such as Roma, including through designing, printing and distributing promotional materials, including the [Roma on the Margins](#) multimedia project, and conducting social media campaigns.



For more information, scan the QR code.



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