

REPORT

Project NHC 0109:

**PROMOTION OF HUMAN RIGHTS AT THE LOCAL AND
CENTRAL LEVEL IN BOSNIA AND HERZEGOVINA**

Sarajevo 2010.

Sarajevo, March 2011

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INTRODUCTION

In Bosnia and Herzegovina the complex institutional structure and centrifugal political forces make human rights advocacy towards authorities a cumbersome and challenging endeavour. Municipal administrations are obliged by law to appoint human rights commissions to, inter alia, receive, review and act as appropriate on complaints from citizens. However, the monitoring carried out by the Helsinki Committee in BiH has revealed that such bodies are not functioning as intended, since the level of knowledge and awareness of human rights at the municipal level of government is very low.

Implemented activities and related findings of HCHR during the year 2010, represented also a challenge and inspiration for HCHR to react and write reports such as report for Universal Periodic Review (UPR), report for Committee Against Torture (CAT), and report for Committee on the Elimination of Racial Discrimination (CERD), in order to more effectively inform and alarm the UN bodies on critical human rights issues and general human rights situation in BiH.

The experiences of HCHR in BiH so far, have indicated that independent monitoring of human rights in local communities, with appropriate education and local and international lobbying, can contribute to positive changes and improvement of the situation of human rights in Bosnia and Herzegovina.

The aim of this publication is thus, to inform the broadest public, especially interested individuals and organizations, on human rights situation at local and central level in BiH and to make possible for them to actively engage in the efforts for promotion of human rights in BiH.

The following reports were published in local and English language, and are the result of the project „*Promotion of Human Rights at the Local and Central Level in BiH*”. The project was implemented by HCHR in BiH with the support of Norwegian Helsinki Committee.

**Team of the Helsinki Committee for Human Rights
in Bosnia and Herzegovina**

FINAL REPORT FORM

1. Name of the Project

Project reference number and title of the project:

NHC 0109 ; Promotion of Human Rights at the Local and Central Level in BiH

2. About the Project

Brief description of how the project/program has been carried out (be sure to include the main topics dealt with in the activities)

Project has been implemented through 4 activities:

- 1. monitoring of the work of the parliaments in BiH and lobbying for adoption and harmonization of laws on human rights issues;*
- 2. fact finding missions in local communities;*
- 3. education of municipal commissions and representatives of local communities,*
- 4. and parallel- the public campaign on promotion of protection of human rights.*

1. When it comes to monitoring of the work of the Parliamentary Assembly of BiH, the HCHR determined that the parliamentary assembly meets at least once a month, the agendas of each meeting are very extensive in the number of points, so that on several occasions certain sessions are extended by applying the system of continuation of these sessions. When we talk about the scope of the agenda, the number of points on the agenda goes beyond 45. HCHR monitoring team determined that the sessions are prepared very badly, that the circles of political parties are ineffective in reaching common views on some points and that the work of the consortium of the political clubs is working poorly.

When talking about the laws related to human rights, amendments to the BiH Election Law were adopted, following also discussions and adoption of amendments to the Constitution of Bosnia and Herzegovina, and also the Act on Public Radio and Television Service of Bosnia and Herzegovina, the bill on amendments to Law on Protection of Classified Information, as well as reviewing the Strategy for the implementation of Annex 7 of the Dayton Peace Agreement and the proposed strategy for the development of sport in BiH.

There was also, a public debate carried out on the law on the census of Bosnia and Herzegovina which was not adopted, and public hearing on the Draft Law on Copyright and Related Rights, and the Draft Law on collective management of copyright and related rights.

Monitoring team, besides the Parliamentary assembly, also followed the international responsibilities of state related to reporting to the UN and European Commission.

2. In every local community, the mission team had meetings with the president and mayor of municipality, representatives of commissions for human rights, gender equality, youth, religious communities and with the representatives of police administration. Mission team also had meetings with the representatives of NGO sector, from whom we got the first information and evaluation of human rights situation. Questions that mission team asked were the following:

- *Whether people are informed that there are mechanisms for protection of human rights at their disposal if or when they need to report potential violations?*
- *Do the responsible commissions in the local community come out to the field with the aim of establishing a dialogue with citizens, in order to capture the level of respect for human rights, and whether the information arrives directly from citizens when it comes to discrimination on sexual, ethnic and religious grounds?*
- *Do especially vulnerable groups, among them refugees, women, children, the elderly persons, disabled persons, ethnic minorities, have the quality in protection of their rights through the municipal decisions, statutes, rules, regulations, and whether, for that purpose, some special programs were brought? Which method is used for the publication of important documents of municipality?*
- *Do the working bodies of the municipality, together with the presidents and mayors, participate in the processes of inter-municipal cooperation?*
- *What is the treatment of religious communities in municipal budgets of local communities?*
- *What is security situation, especially for returnees?*
- *What is the position of youth and the educational process, especially for children of returnees? Is the phenomenon of two schools under one roof present in these areas?*
- *Was there ever in your local community, a thematic session on the topic of human rights, especially human rights of vulnerable groups?*

Elementary findings from these missions are transformed into recommendations presented to organizations and institutions that we visited.

1. *Local communities in BiH should harmonize their statutes with the provisions of the European Charter of Local Self-Government;*
2. *Entity and cantonal governments are to implement reforms of its administration;*
3. *The municipal Rules of procedure should be amended in the part that regulates the issues of election of municipal committees, which will enable that full members (at least one third) are representatives of civil society, prominent individuals, experts, etc.*
4. *To establish a wider network of committees, such as networks dealing with human rights, with religious communities, with young people, etc. All in order to establish and respect closely the same standards under which these committees would function. These networks would help to overcome residual problems from the past war period, and that in such a way, quickly and efficiently lead to all kinds of truth deepening, encouraging the deeper dialogue on such issues, as well;*
5. *Each local community should be included in the agenda of the municipal councils periodic analysis of human rights in their communities that will be presented at the thematic sessions of municipal councils. That analysis should be led by HR Commissions;*
6. *Council of Ministers, the Parliamentary Assembly of Bosnia and Herzegovina to accede to the amendments to the Election Law in order to eliminate discrimination against citizens of Brčko and enabled them to elect and to be elected to the authorities at the state level;*

3. As part of activities, seminars for representatives of nongovernmental organizations, presidents of municipal assemblies, mayors or assistants of chiefs, secretaries of the municipalities / municipal councils and presidents of municipal councils and commissions (Commission for Human Rights, Commission for Work with Religious Communities, Commission for Youth, Commission for Appeals and Complaints of Citizens, Commission for Gender Equality, Commission for Environmental Issues, etc.), were held in seven communities.

The purpose of education was increasing the openness of public administration officials, according to the needs of citizens and the rights of citizens to participate in important decisions affecting the future of their communities, as well as exercising the rights of citizens on access to clear and timely information.

The education brought greater knowledge about human rights, procedures and methods of effective action through the legal system, and resulted in concrete actions that can contribute to community development in participatory and democratic manner.

What is extremely significant result of this project is that it has brought inter-ethnic confidence among members of target groups because it established the dialogue and cooperation among the returnees and the domicile population of both entities. They are aware that the universality of learning about human rights and systematic work in local communities, strengthens the concept of co-responsibility in public affairs and is certainly a kind of support to the reform of local government in BiH. Citizens are empowered to be equal participants in local decision making and to exercise supervision and control of local authorities. This changes the political culture in Bosnia and Herzegovina, and gives direct contribution to the overall process of democratization of the region, building civil society, and contributing to the transitional process which BiH is currently in.

When talking about public campaign, we succeeded informing citizens on the Committee activities and obligations of BiH toward EU. The promotional material was distributed to all attendees during fact-finding missions, education seminars or monitoring. Also, on the field, in the places where youth groups were formed, the distribution of these materials was done. The members of youth groups (30 of them) also made a street action on which they distributed this material. It was held in the period before the start of pre-election campaigns, because we wanted to remind the political leaders to put promotion and protection of human rights as a program activity in their working plans. HCHR emphasized the situation of human rights at the Local and Central Level in Bosnia and Herzegovina during the whole project period.

3. Goal Achievement

Goal Hierarchy

Use the one that was the basis for your application

1 Development Goal /Impact on society

Human Rights Commissions were established in all local communities. Members of these commissions have finally started to lead direct communication with citizens and representatives of nongovernmental organizations, and citizens have realized that such a mechanism, established within the municipal councils, is at their disposal to protect their rights and freedoms.

Rules of procedure which every municipal assembly has adopted have been amended in some local communities, to become more human rights sensitive.

2 Purpose/outcome

The government accepts HCHR suggestions, recommendations and reports, but they are not making it visible to public.

The exception is the Ministry of Justice with whom the HCHR has signed a memorandum of co-operation, specifically in the area of monitoring the implementation strategy for judicial reform in Bosnia-Pillar II (the execution of criminal sanctions).

HCHR is recognized source of information on human rights issues in BiH.

Indicators

- *Fourteen (14) reports from 14 visited local communities;*
- *Twelve (12) invitations from governmental bodies and nongovernmental organizations to HCHR to take part in implementing projects and strategies;*
- *UPR report of Ministry of human rights and refugees in Bosnia and Herzegovina;*
- *UPR Report;*
- *CERD Report;*
- *CAT Report;*
- *Media coverage - 25 articles on HCHR activities/results (attached to this report).*

Assumptions/Risk factors

The local government in the Federation has not yet been established and there is no continuity in their work.

Political parties watching only their interests from adoption of any laws : Council of Ministry of BiH adopted only 26 laws, in relation to the 110 planned in 2010.

3 Output

1. Authorities recognize HCHR's letters of concerns, recommendations, and optimally changed their behaviour in the field of implementation of the issues related to the rule of law and respect of human rights, especially on constitutional reform and adoption of antidiscrimination policies.

2. Authorities and civil society organizations at the municipal level, gained better knowledge on human rights issues in the country through education.

3. HCHR visible and heard when it is up to lobbying for the protection of human rights, informing partners: diplomatic community in B&H, international organizations that are dealing with human rights, UN, OSCE, Council of Europe, media, NGO's, EU, Norwegian government, and public in general; Public cam-

Indicators

1. a. UPR Report
- b. CERD Report (Shadow report by the Coalition of Non-Governmental Organizations on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in BiH);
- c. Report on Implementation of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (CAT) in Bosnia and Herzegovina (BiH)
- d. Report on the human rights situation in 2010;
- e. Public Announcements;
- f. GLASNIK 14 and 15 (<http://www.bh-hchr.org/publications.htm>)

2. a. 189 participants on 7 seminars gained knowledge on human rights, procedures and methods of effective action through the legal system;
- b. HCHR recommendations that have entered the final document on human rights situation in Bosnia and Herzegovina;
- c. 76 counterparts in fact finding missions;

3. a. Twenty-five (25) media articles;
- b. Records from radio emissions;
- c. 1000 postcards; 1000 posters; 1000 flyers
- d. Internet publications: Most downloaded item: European charter on local self government;

Assumptions/Risk factors

1. Parliamentarians do take NGO reports in consideration but do not give NGO credits for them, or make it visible.

2. The whole project was implemented in dramatic situation in election year in Bosnia and Herzegovina;

3. All the changes and organizational limits with HCHR has encountered in 2010 remotely affected the implementation of the project, meaning that the team of HCHR came to many stressful situations is the realization of this project.

- 3 *campaign – informing citizens on the Committee activities and obligations of B&H toward EU. HCHR emphasized the situation of human rights at the Local and Central Level in Bosnia and Herzegovina while reporting for UPR, Global Compact, CERD and by publishing articles in „GLASNIK“.*
- Unique visitors: 31,306 (the rest of internet publications is in the attachment.*

4 **Planned activities**

Description	Indicators	Assumptions/Risk factors
<p>1 <i>Monitoring of the work of the parliaments in B&H has proven not to be problematic, but lobbying for adoption and amending laws was difficult because of the election year; The constitutional changes did not take place in this year;</i></p>	<p>1. a) <i>Invitation letters from Parliament, Commissions, other invitations from ministries;</i></p> <p>b) <i>Partnership with Ministry of refugees and human rights and Ministry of justice, partnership with the BiH, we were able to divide re-NGO which were a part of non-formal coalition for reporting on specific issues; press releases (in attachment);</i></p>	<p><i>The risk of lack of funding did not materialize, thanks to support of NHC;</i></p> <p><i>Though HCHR employees and team had a lot of activities related to elections in year 2010. in BiH, we were able to divide resources and strengths in a proper manner in order to give our best in implementing every project planned.</i></p>
<p>2. <i>Elementary findings from these missions are transformed into recommendations presented to organizations and institutions that we visited;</i></p>	<p>2. <i>Reports from FFMs, HCHR's recommendations (in the attachment).</i></p>	
<p>3. <i>Although it was planned on education 10 municipal commissions, 14 local commissions participated in the educations;</i></p>	<p>3. <i>Expressions of interests, 14 reports.</i></p>	
<p>4. <i>The promotional material was distributed to other nongovernmental institutions, target local communities, it has been used on HR schools, it was available to every citizen who asked for free legal assistance. Youth group gave the promotional material to parliamentary groups of BiH;</i></p>	<p>4. <i>30 members of the youth group organizing street actions, promotional material distributed to the citizens on human rights issues in BiH (Constitution amendments, discrimination, vulnerable groups in BiH), and recommendations and authorities' activities toward these issues.</i></p>	

5 Present situation (baseline)

Description

Indicators (to be associated to indicators specified under 4. Outcome)

Achievement of goals/project results

Please describe to what extent your goals have been met, by referring to indicators, unintended and intended positive and negative side effects, and other information you consider to be relevant. Please pay particular attention to what you consider to be the reasons that you did/did not succeed in meeting your goals

Generally speaking, HCHR believes that it achieved its goals. The NGO sector has been participated alongside with the government in front of the international institutions that adopted two crucial reports of the Helsinki Committee (UPR and CERD).

On the other hand, given that the project was implemented during the election year, and that the campaigns of political parties were organized throughout the whole year (they were non-democratic, with a lot of hate speech), the work of political parties that were the position or the opposition in parliament was reduced to minimum. However, throughout the procedure of passing the laws that would be harmonized with the EU standards, the authorities have shown again their inefficiency (Parliament of BiH has adopted only 26 laws, in relation to the 110 planned in 2010, during the total of 13 sessions (both Houses) that they have held until the General Elections, October 4, 2010). All the lobbying of NGOs, including the HCHR team did not reach the level. When it comes to local communities, working bodies of the municipal councils after completed educations and fact-finding mission are, more active and more willing to cooperate. Indicators of our arguments is the fact that in the local community Orasje Youth Commission actively participated in the preparation of the School of Human Rights (letters of notice, a report from the radio), reports from the missions, letters and correspondence with various Ministries and Commissions (see attached).

Also, the project had its impact even beyond the expected framework (additional project results are attached to this report):

- 1) High Representative and EU Special Representative, Valentin Inzko, recognized the activities and the aims of the project, and has sent a letter as an expression of gratitude for taking part in the meeting of Political and Security Committee of the EU for raising the key issues which are a highly important reminder of the most urgent concerns of citizens of BiH in the post-election period. Mr. Inzko also expressed his availability and readiness for any further cooperation with the HCHR and NHC (which was emphasized as a donor or HCHR's activities);*
- 2) City of Sarajevo, Association of Municipalities and Cities of the Federation of B&H, Association of Municipalities and Cities of the RS, and Network of Associations of Local Authorities of South-East Europe – Nalas, invited HCHR in BiH to take participation in International Fair of Municipalities 2011 – NEXPO in March this year, and discuss about good government and EU integrations partnerships on BiH development, social inclusion, etc.*
- 3) As a result of successful implementation and cooperation with the communities, four (4) newly interested local communities (Priluk, Šerići, and Suha from the municipality of Živinice, and Donje Poljice from the municipality of Lukavac) have sent their petition to HCHR (beyond 1.000 citizens' signatures) in February this year, to take participation in the project activities and have their local communities covered by the project aims too.*

4. Influence on target groups/stakeholders

In what way did your project influence your target groups?

Target groups have encountered for the first time with efforts of one nongovernmental organization which, by coming to previously planned communities, opened space for establishing the dialogue among civil sector

and governmental bodies and broke stereotypes that government only rules the citizens and that the citizens must be passive actors. In the other hand, target groups have opened the dialogue on the universal issues, such as human rights, that are concerning all of them. Therefore, we think that this project, even after the project implementation period, becomes the property of target groups, which will multiply their knowledge in their communities. The representatives of civil society, armed with knowledge will know how to influence on authorities by creating programs and policies of local governments and assembly commissions.

How was your success in integration of minority groups, equal distribution of gender, and inclusion of people with particular needs?

Helsinki Committee has paid special attention to vulnerable groups whose rights are harshly and repeatedly violated. Here above all, HCHR had in mind women, children, victims of trafficking and domestic violence, persons with disabilities, military and civilian war victims, pensioners, sexual minorities, members of ethnic and religious minorities, families of missing persons. Attached to this report, are:

- *CERD Report - Shadow report by the Coalition of Non-Governmental Organizations on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Bosnia and Herzegovina - on which HCHR worked and included the findings from the monitoring and fact-finding missions,*
- *the annual report of the HCHR on the situation of human rights in Bosnia and Herzegovina for the period January - December 2010.*

How did the project influence on your stakeholders, and to what extent did you have interaction with institution, agencies other NGOs etc?

We must underline that we had no problems in interaction with governmental institutions. By cooperating with the nongovernmental organizations within the local community, HCHR worked on building networks of these NGOs. In that way HCHR could build a front of civil society organizations which would be enough equipped so that, in the future, they could work on the monitoring of human rights in their local communities.

Working bodies of assemblies, commissions, etc, can have in its structure the members which are not councillors and do not have the right to vote (Bosanski Petrovac, Brcko, Gracanica, Doboje East). HCHR insisted that the representatives of NGO are elected in the working bodies of municipal assemblies, or that the municipal assembly makes corrections and amendments to the Rules of procedure, in which it will be stated that one third (1/3) of these bodies are representatives of civil society in the local community, with the right to vote (Doboje).

Only the Commissions for election must be fully composed out of councillors.

Have you established further partnerships on education during this period?

In every local community HCHR has established a close cooperation with

- *mayor of municipal assembly, and through him with relevant authorities of the municipality (Department of Social Services - Education)*
- *the municipal secretary whose jurisdiction of work relates to the working bodies and commissions of the municipality (Commission for Human Rights, Commission for Youth, Commission for the work of religious communities, Commission for complaints of citizens, etc)*
- *responsible ministries of Cantons;*
- *Nongovernmental organizations.*

The final agreement between these institutions and HCHR is that after the completion of the project, human resources and technical capacity of HCHR is available in the case that education in human rights tends to multiply and to expand on other institutions and departments within local communities (education, health, social institutions, etc). Especially, legal department of HCHR and youth groups can be of great importance in future cooperation (legal service in specific cases of violation of human rights, and youth group in promoting the dialogue with young people).

5. Challenges

How was risk factors dealt with?

Whether we talk about the government representatives or nongovernmental organizations in the local community, in the previous projects HCHR have showed to the local communities that focus of the HCHR was on the human rights of citizens of BiH. The members of the monitoring team and the team for education, did not in any situation asked the question of the political option in these local communities, since the fundamental question that was being protected and focused on was to what extent the statute and work regulations of those local communities are respected and affirmed by the citizens. All in order to have the human rights concept, for which the government is responsible to create, truly affirmed and fully applied in practice.

All HCHR's activities have led to the suppression of discriminatory policies and raising awareness about their rights, whether in education, free legal aid, providing information, or other kinds of lobbying for protection of human rights of citizens. These good intentions that were stated by HCHR, have break down the barriers of distrust, bias, and have deepened trust in the work of BH NGOs.

One of the main risks was the indifference of political parties and government to work on this project. However, HCHR has seen that the willingness of the local authorities to cooperate is present, they are willing to attend the educational seminars. Also through informal discussions with the participants, a remark was made that HCHR is the first NGO that deals with such issues, offering the education in this field, and monitoring the application of acquired knowledge after that. It is also said by the participants that HCHR is one of the rare NGOs that is ready to openly and efficiently work together with them, by coming to their local communities directly and offering them right answers, all in order to promote and protect human rights throughout BiH.

What unexpected challenges did you face, and how did you manage these?

First challenge we faced was the impossibility of harmonization of terms of monitoring, education or fact finding missions with the representatives of local communities. Therefore, we had to increase and improve communication with local authorities.

The reason for the long consultations before the start of the planned activities, was that the project was implemented in the year of elections in BiH, which was another challenge. All the media were mostly focused on monitoring the pre election activities of political parties.

This was also the year which was the culmination of economic crisis. We were able to overcome this, because we had funds to cover costs of education and travel of participants, which the local communities wouldn't be able to cover by themselves.

All this was contributed by the fact that the International community didn't have human rights as a focus this year in Bosnia and Herzegovina. We tried to overcome this by sending statements and reports on the state of human rights in this year which was important for Bosnia and Herzegovina.

What are key learning elements for future project implementation?

HCHR learned that we must insist on further education, an alternative education during the whole life because there are many things that are only superficially known, without understanding the real essence of human rights and the real harm that the violence can produce. This theory should be linked with the human rights violations in practice and use the acquired knowledge to solve them.

Civil society organizations, especially those in the mission of protection and promotion of human rights, together with the government must create an atmosphere in the local community and beyond that the statutes, decrees, regulations and other legal acts of local communities, must be implemented in order to improve the rule of law in protecting the rights of the local community.

6. Evaluation

How was the project evaluated, and results measured?

On every round table there were two panels: Human rights and international standards- practice of the local community, and Access to information, local self government- experiences and perspectives.

After every round table, the participants were given three questions:

- *Were you before, in this contexture, a part of such education system?*

We received different answers on this question. In more developed communities, they were in this contexture on educations, but they were not dealing with such subjects that relate to human rights in their communities and are derived from international standards. This was new to them, and represented a bigger challenge, so it took more time for this panel (around 3 hrs).

- *Is this kind of education useful and necessary?*

All the participants answered that all kinds of education is useful in the transitional period in Bosnia and Herzegovina. Human rights, as the universal category of everyday life, are on the top of priority list.

- *How will you transfer the acquired knowledge into practice?*

Most participants said that the gained knowledge will certainly reduce stereotypes towards NGOs and their importance in the state, the importance of lifelong informal education, and that newly gained knowledge can be transferred to other by organizing similar educations in their communities, with the help of HCHR.

7. Project organization

Which competences have been developed in the organization because of this project, and how do you intend to further develop and make use of these competences?

The aim of this project HCHR further developed while working under United Nations Global Compact, a strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption. The knowledge and impressions from monitoring, and fact finding missions were the key issues on which HCHR formed its report on these principles.

HCHR was also a leader of nonformal NGO coalition aimed at monitoring the implementation of UN recommendations which obliged the state of Bosnia and Herzegovina after the UPR session in February 2010 in which we used the knowledge on this project to form HCHR's recommendations.

These newly gained results and skills will be used for further work and implementation of future HCHR activities and projects.

How do you evaluate project cooperation (regional, multilateral, bilateral etc.), and do you have suggestions for improvements?

Project cooperation was multilateral, citizens and authorities of local communities participated in the project activities contributing to the project aims.

Describe what exit strategy/follow-up you think is realistic now when the project is finalized

Considering the fact that the authorities in Bosnia and Herzegovina changes every four years, HCHR is aware of the fact that we have to be in constant contact with local authorities and press for continued education. At the same time, HCHR must insist on the quality of dialogue between civil society and government that will leave behind a written record (local newsletters, local TV stations, web sites), so that when the change of government happens, we do not have to start from beginning.

What steps have been taken to initiate these measures?

Our exit strategy also includes youth who have passed through the schools of human rights, in a way that when they return to their local communities, they actively engage in their work, especially in the Commissions for youth.

8. Milestones/activities

	Data	Finished
	(Number of participants, attendees etc)	(mm/yy)
<i>Monitoring of BH Parliament</i>	<i>13 meetings</i>	<i>09/2010</i>
<i>Education seminars</i>	<i>189 participants</i>	<i>10/2010</i>
<i>Monitoring 14 local communities</i>	<i>76 participants</i>	<i>11/2010</i>
<i>Press conference</i>	<i>10 (news agencies)</i>	<i>11/2011</i>

9. Other information of relevance for the report

In many of these local communities, HCHR is present in providing free legal aid to citizens. Case analysis and monitoring have indicated the following:

- *In attempts to exercise their rights, citizens are facing all bureaucratic traditions in almost all, but particularly in municipal administration bodies,*
- *Administration bodies employ staff who are mostly incompetent, politicized, and are brought to implement political views instead of offering service to citizens*
- *Loyal staff who are employed in local administration in smaller places, and local administration is also used as haven for politicians whose mandates have expired or family members*
- *Most administration offices are almost mono-ethnic and this is one of the reasons for discrimination of returnees and all those of other ethnicities*
- *Administration apparatus is enormous, slow and inefficient at all levels of government*
- *Agreed reforms have not been carried out.*

Additional project results emphasize the significance, importance and impact of the implemented project "Promotion of Human Rights at the Local and Central Level in BiH", and represent the basis and need for implementation of the similar project in the future, covering new local communities in need.

FACT-FINDING MISSION REPORTS IN THE MUNICIPALITIES OF:

■ REPORT

of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipalities of Bosanski Petrovac and Drvar, May 19, 2010.

The population of the municipality of Bosanski Petrovac is multinational (Bosniaks and Serbs). According to the words of the mayor, Mr. Ermin Hajder, they were all refugees during the war, and they have all returned to their residents after the war was over. The population of the municipality Bosanski Petrovac, according to the census from 1991, was 15.500, and the current number is estimated at about 7.000 inhabitants.

So far, there are approximately 70 residential units restored, and two residential buildings (in Krnjeuša). There are a lot more destroyed residential family homes to be restored, but significant resources for reconstruction are needed. All school facilities are renewed, including the school in the village where there are no children.

Return of property is resolved almost completely. A couple of items are still in the process, i.r. the premises of INA (petrol pump), Borovo (trade), etc.

Security situation is generally good and it can be concluded that there is no problem regarding it. There were no nationalistic outbursts in recent times. Measures of public order and good cooperation with security authorities, are implemented. Public places (bars, etc.) are not divided by national belonging and there are no such excesses, especially in the last two years. In the municipality there is no occurrence of dealing and drug use or other opiates.

The case of domestic violence (two cases) were quickly resolved by the Centre for Social Welfare and by the security and justice bodies.

The level of social and health care is not satisfactory, primarily due to lack of required financial funds and the distance from the center of the municipality.

Center for Social Work assists elderly persons in their homes with the funds available. The Mayor believes that the existing criteria for the achievement of social protection are inadequate because "a man who stays out of work is not a welfare case" and that such cases should be solved in a better way. Large number of households, due to their age, can not maintain the level required in agricultural production to provide for their needs, and they will consequently come into a state of social need, so the mayor suggests that the law should ensure that agricultural lands can be taken under the rent so such households could provide the necessary funds for their existence in that way.

There are approximately 1.250 unemployed persons, of which 51-52% are women. There are 20 unemployed persons who have university and college diploma, where 90% of this category are women.

COOPERATION WITH NON-GOVERNMENTAL ORGANIZATIONS

NGO budget funds are not planned, but they are allocated according to the accepted programs and activities. The Commission for Relations with Religious Communities has not been working, because there was no

response from the representatives of religious communities, according to the words of the Mayor. Religious workers are not involved in political life, nor were involved in election activities.

Obvious problem is the town cemetery, due to the lack of spatial features, so a new space for this purpose has not been resolved yet.

Lately there are no occurrence of attacks on religious buildings, cemeteries and burial ground, while previous cases were dismissed and prosecuted.

Mrs. Slobodanka Kecman, Secretary of Municipal Council, said that the realization of rights before the authorities and services significantly improved after the establishment of the municipal service for the provision of services to citizens – GAP was also implemented and offices equipped. They had several submissions and initiated civil initiatives, but in most cases, the Municipal Council was not competent to deal with these issues. In accordance to the law, submissions were directed at the relevant departments.

Submissions, suggestions and complaints were sent to the Commission for Complaints and Appeals of Citizens, however there are other organized and legally prescribed forms for petitions, complaints and suggestions of citizens.

Pursuant to statutory provisions of the Municipal Council, and in accordance to the adequate law, commissions were established in the municipality of Bosanski Petrovac – *list of established commissions and their members attached.*

Representation of women in all structures is taken into consideration, and it can be concluded that there has been a progress in this field, but it is still not in accordance to the expected percentage. In the Municipal Council out of 17 seats, only 1 is represented by women, the representation of women on electoral list was higher. One woman is the mayor's assistant, and one woman is secretary of the Municipal Council, while two women are school principals (50% of educational organizations), in schools and municipal services representation of women employees is up to 50%.

According to the words of Mrs. Ermina Hinic, the Commission for Gender Equality was constituted and has adopted a work program, it reports to the Municipal Council about its work. No cases of domestic violence were reported. The only case reported is in the family Dragisic – where the woman has moved to Banja Luka. They have not worked on gender education nor have they had such activities.

Representation of women has improved in the local communities as well, out of 13 local communities, 3 of them has a woman for vice president, and the number of women members in the bodies of local communities is increased. However, the total representation of women is not within the percentage of 40%. Mrs. Hinic emphasized that the reports which they regularly submit to the Municipal Council, never got any response, so the Municipal Council obviously does not take those reports into consideration during their decision making process.

■ **REPORT** **of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Drvar, May 19, 2010.**

Drvar is the first municipality in BiH in the number of returnees, i.e. about 50% of prewar population returned to their homes. Number of inhabitants according to the census from 1991, was 17.600, and now it is estimated that the municipality has a population between 8.500-9.000. National structure is about 500 - 600 Croats, and the rest of population are Serbs. The most organized group return was back in 1997, 1998 and so until year 2001. Now the return occurs sporadically and individually. It is interesting that many young people have returned, as well.

Extremely difficult economic situation in this municipality, was stressed by the mayor of Drvar, Mrs. Ana Papak-Dodig. The municipality employs about 1.100 workers, of which the company "Finest" employs approximately 400 workers, and some percentage works in stores. Local government bodies employ 52 persons, and the rest is employed in schools, healthcare, telecommunication, electrical utility, etc.

All holders of pre-war economic development are devastated, the mill was privatized and it is the only undertaking object in the municipality (Finest company). Number of young people waiting for the employment at the Bureau for Employment, is very high, and very few returnees have returned to their previous jobs.

In 2005 began the investments in infrastructure and more intensive urban renewal and rural areas. The city was almost completely devastated. So far, about 3.000 residential units are renewed, and the renewal requirements are waiting for another 1.100 residential units. Reconstruction aid was received from the Republika Srpska as well.

All local communities have been electrified. A small area nearby the village Prekaja with 5 - 6 families living there, is not electrified yet.

Particularly difficult position have 13 villages which were given after the war happenings to the territory of Unsko-Sanski Canton, and before the war they have belonged to the municipality of Drvar. These villages have no electricity, and all rights are exercised in Bihac, which is located over 110 kilometers away. It is absurd that these people actually go across numerous villages, then Drvar and Bosanski Petrovac to realize their fundamental rights in Bihac. Citizens Drvar run an initiative to connect the whole territory of municipalities in the Unsko-Sanski Canton, like it was before the war, when they belonged to the regional community of the municipality of Bihac.

It was stated that local municipalities with the authorities of the Federation of BiH have good cooperation, but with the Canton 10, which they belong to, they have almost no cooperation. Inter-ethnic relations are good, because in the past six years there have been no incidents on that basis.

National representation of employees by subjects of employment is slightly in favor of the Croat, so the post office is mono-ethnic, they are all Croats. They say that they have the attitude that if you hire a Serb that everyone will leave the job. Situation of electro distribution is satisfactory. School directors are Serbs, while the teaching staff is adequately nationally represented.

Primary education includes 560 students and 260 secondary students. The classes for Serbian children are performed by the program of national subjects. For the organized transport of students funds are allocated from the municipal budget in the amount of 70.000 KM, and for all other material school costs, an additional 50.000 KM. In this Canton only salaries of workers in schools are on the budget of Canton 10, which makes extremely high expenses for the budget of this municipality. Municipal budget is small and amounts to from 1.8 to 1.9 million KM. Municipal authorities employ 52 workers, and there should be about 30 workers, which also makes some financial difficulties.

Center for Social Work is not established but represents a part of the responsible municipal administrative body, and it is called the Department of Social Work. Social benefits are paid from the budgets of cantons.

In accordance with the inflow of budgetary resources, funds are allocated for adequate social protection. There are 160 beneficiaries of social care in the municipality, and 100 KM are regularly allocated for each of them. Salaries are paid to employees of administrative bodies in January 2010, and also in accordance to that, the social welfare to the beneficiaries.

It is highlighted that filling of the budget happens on the basis of forest resources at an annual level, and achieve a of total 150 -160.000 KM. Drvar municipality is dissatisfied with this fact, because Drvar has vast forest complexes, and has the smallest revenue coming from these resources, and no influence or access to their exploitation. The largest share belongs to Livno, which almost has no forest wealth.

Security situation is satisfactory. Cooperation with police authorities is good, and is based in Livno. Only two cases of violation of the public peace and order were reported. The mayor believes that the municipal court is biased, because it processes all claims against the municipality "in the short term," when a municipality is the applicant then the procedure is not being resolved. She believes that judges are influenced by political and other lobbies.

It is believed that the cooperation between religious communities is weak and insufficient. However, there were no attacks on religious sites and cemeteries. Religious buildings have been restored. Relations are tolerant and without failure.

RECOMMENDATIONS:

HCHR Team can conclude that in the field of human rights in the municipalities of Bosanski Petrovac and Drvar most prominent problem is the impossibility of faster and higher employment, as well as extremely low quality of municipal budgets for the financial settlement of their basic civic problems, such as water supply, electricity and road communication. For the municipality of Bosanski Petrovac particular aggravating circumstance is that this municipality does not have its representatives in the legislative and executive power of Unski-Sanski Canton. For faster and better development of the municipality of Drvar, a great annoyance is the authorities of the Canton 10, which although Drvar belongs to their territory, they do not have an adequate relation towards it.

REPORT

of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Neum, Trebinje and Ljubinje, May 19 - 20, 2010.

THE MUNICIPALITY OF NEUM

The municipality of Neum is one of the smaller municipalities, with around 5.000 inhabitants divided in five local communities, where municipal authorities have good cooperation and communication at all levels.

The municipal council consists of 17 councillors from several political parties, where most of them come from HDZ (Croatian Democratic Community).

The main problem that inhabitants of this municipality face with is unemployment which is the biggest problem in the state of BiH, in general.

In the municipality of Neum, with five thousand people, employed is approximately 1.100 of them, while number of employees in municipal services is 59. Age structure of councillors is such that there is no younger age than 28 and gender balance is non-existent, since there is no women councillors, employed are those with university and highschool diploma, there is no councillors with lower level of education.

The municipality has one primary and one secondary school and all three nationalities attend them.

Since one side of Neum is open to the sea, most of the income and inhabitants' activity is focused on tourism, where the municipality is visited by around 15.000 of tourists during the season. These capacities could be used in greater extent with respect to geographical location, but even now in the narrowest part of the city, there are tourist facilities that are not renovated in order to work at full capacity and get another 2.000 – 3.000 tourists more. Problem which is related to tourism, and was expressed on this occasion, is that the municipality of Neum does not get a refund from a travel taxes by the canton, and municipality of Neum is actually responsible for its collection and control. If one part of the money from tourist taxes would be returned to the local community, as it should, this municipality could then have more financial resources to invest in tourism. Another problem related to this municipality is that Neum is also a larger port for ships, and when entering the haven and stay longer, such ships release a greater volume of waste materials that float for days near the shore, until harsh winds naturally remove them.

Security situation is solid and safe throughout the municipality, and there is a good cooperation with the police at all levels. Some important and significant cooperation with neighbouring municipalities is not evident, and there is also lack of communication between municipality, canton and state institutions.

MUNICIPALITY OF LJUBINJE

Around 4.200 inhabitants is located in the area of about 326km² which is divided in seven local communities. There was no destruction during the war in this municipality, nor destruction of others' property, as well as the expulsion of non-Serbian population which is the majority in municipality of Ljubinje. The municipality has 17 councillors, parliamentary majority coalition consists of political parties: SNSD, PDP, SRS, and

one independent candidate, while the mayor comes from the SDS party, so there is a lack of cooperation and increased tolerance between mayor and the president of the Assembly, which in any case is commendable for any one of them, since it reflects on finding the agreement on the distribution of information to citizens on the assembly's sessions. In municipal government there are 32 employed persons. Planned budget of the municipality is 1.500.000, 00 KM but has a deficit of nearly $\frac{1}{4}$. In the area of the municipality there is one primary and one secondary school. The municipality prints its Official Gazette, in which it publishes all parliamentary decisions.

Gender structure of the members is such that there are 5 women out of 17 councillors, age is not younger than 28, and educational structure is approximately 60% of the university educated, while others have high school education. Municipal Commission are formed and they mostly meet by need, which is very rarely, their work is not paid, because most committee members are composed of commissions and their compensation is considered as councillors fee. In case there is a need for professional person who is not a committee member, then they hire a qualified person from category of citizens.

Ljubinje municipalities as all municipalities in Herzegovina, does not have many employed, and a huge number of pre-war population and economic leaders of these municipalities usually do not work or work in a very small scale which does not contribute to the development of the passive region anyway.

What is now currently working in the area of the municipality is poultry, food factories, meat industry, wood processing and construction, but these are small facilities that employ fewer workers, so that the Bureau of the municipality registers around 500 unemployed persons.

There is no significant cooperation with neighboring municipalities, in any field except with the municipalities of South-Eastern Herzegovina, which have formed an association of municipalities from the area, with the aim of improving cooperation and economic development in this part of Republika Srpska.

Pre-war facilities of the metal industry, textile industry, the purchase of tobacco are out of function, and they were carriers of the development of this municipality.

THE MUNICIPALITY OF TREBINJE

Trebinje is one of the more developed municipalities in Herzegovina, but has most of the same problems as other municipalities from this region.

The municipality has 33.000 inhabitants which are located in 18 local communities, and it is the largest municipality, by number of inhabitants, in the area. The budget is 17.600.000, 00 KM. All the activities in relation to the meetings of the Assembly, as well as other important activities for citizens, are made public on the official web site of the municipality, through which citizens get informed and can also ask questions.

The municipality has 31 councillor, a majority of coalition government comes from SNSD – Club center. All the councillors are of Serbian nationality, except one Montenegrin. Age structure is 31, two councillors are women, and there are no councillors younger than 28 except six of them that are 35 years old. Qualification structure is such that there are most of them with the university diploma, while the rest has highschool education.

There are around 9.000 people employed in the area of the municipality, while in municipal administration work 150 of them.

All necessary municipal commissions were formed, there are 10 of them, including three committees and one officer for youth with permanent employment in the municipality, they function quite well and have regular meetings, they are also engaged in many projects.

Since Trebinje is located close to the border of three states, or cities Herceg Novi – Trebinje –Dubrovnik, it uses very little this chance for a better development, although the neighbors are not overly interested too, and are mainly burdened by the past war which happened 15 years ago, which could not be said for criminal groups that, unfortunately, do not lack of cooperation which they use well for their personal interests.

Economic condition in this, but also other, municipality is bad, since metal industry, which was a leading industry of this area, functions now with only 10% of its pre-war potential, while some industries were con-

verted into food and textile industries, while some are totally out of function. Numerous times, representatives of local authorities of Trebinje, called for cooperation the representatives of Dubrovnik, in order to launch some economic cooperation in the area, but they have never expressed a desire to this meeting.

Regardless of the fact that it is located at the intersection of roads, security situation is good throughout the whole territory of the municipality, and beyond, we can say in the entire Herzegovina.

Also as Ljubinje, Trebinje municipality is a member of the Association of Municipalities of Eastern Herzegovina, as well, which cooperates at the level of economy and development, but due to the small budget that they have, their activities are very limited.

■ **REPORT** **of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Gracanica, May 30, 2010.**

Gracanica belongs to Tuzla Canton and it is located on the territory of Federation of BiH. Gracanica municipality covers an area of 219 km² in 20 settlements, and has about 54.000 inhabitants. Also, Gracanica is one of those settlements for which it is considered to be one of the oldest. In this municipality there is intensive development of small businesses, family businesses, shops, catering, crafts, etc. It belongs to those municipalities that were awarded of the ISO 9001/2000 standards. Mayor, Nusret Helic and president of the Municipal Council, Muharem Music are extremely proud of this certificate. In addition to that, comes the fact that the first elementary school in Gracanica was opened in 1886, and next were ten elementary schools, a music school and elementary and high school, including gymnasium and one high school center. The high school pupils of this municipality, thanks to the Helsinki Committee and its education program and other projects, four years ago first met with high school pupils coming from Dobojo, and remained with them on friendly terms, some youthful loves were born as well. (It is important to point out that about 97% of the population of the municipality of Gracanica is Bosniak, while majority population is Serbian).

The NGO sector is not sufficiently developed, but that is because the municipal council has established 19 committees and boards. HCHR Team met with the Committee for the Protection of Human Rights and Freedoms, the Committee for Relations with the Settlements, members of the Youth Committee, Committee for Gender Equality, Committee for Urban Planning and Environment, Committee for Education, Science, Culture, Information and Sport, Committee for Relations with Religious Communities, and Committee for Petitions and Suggestions.

It should be noted that before the war there were buildings of all three religions, and today there is only one at full capacity - Islamic religious community, while the buildings of the Orthodox and Catholic religious communities are practically closed. The Committee for Urban Planning and Environment pointed out that there are a lot of illegal constructions in the municipality of Gracanica, which is practiced mainly by refugees and displaced people coming from Srebrenica, Zvornik, and other cities, and that still, according to the words of the Mayor and the President of the Municipal Council in Gracanica, exists a collective accommodation center with about 78 families from Srebrenica. There is no planned strategy for these families to be taken care of, so it is usually the job of municipal services to provide care for them. According to information given by the representatives of the Committee for Gender Equality and the Committee for Work With Youth, there are no visible results of their work among the people of Gracanica, primarily because of the traditional relations between men and women, and because of the generation gap.

RECOMMENDATIONS:

1. Municipal authorities to create the environment for refugees and displaced persons in the municipality, and primarily in the collective centers, to be enabled to achieve their basic human rights such as right to home;

2. To resolve the issue of dissolution of the collective centers, and that must be made together with the authorities of Tuzla Canton;
3. Municipal committees with their activities and operations, to be more present among the citizens which would allow better capacity building of civil society in BiH.

REPORT

of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Doboj, May 31, 2010.

Doboj, with its geographical position, is practically in the heart of Bosnia and Herzegovina, because this municipality represents a transport junction between north and south, and east and west of BiH. The Municipality has today approximately 80.000 inhabitants, and the city itself somewhere around 35.000. These figures are the result of an evaluation done by the Bureau of Statistics of the Republika Srpska in Banja Luka. In addition to the City, the area of the municipality comprises 89 settlements and 73 local communities. According to the statements of officials of Doboj municipality, Doboj is among first municipalities in BiH that completed implementation of property laws and is considered to be the municipality with the largest number of returns of displaced persons to their pre-war location. Also, the mayor and the president of Doboj municipality are proud to point out that in this community new homes were given to thousands of people who have realized their right to choose the place to live. This is mostly related to the citizens of Serbian nationality who, during the whirlwind of war, escaped from neighboring districts which are now located in the Federation of BiH (Gracanica, Maglaj, Zepce, Zavidovici, etc).

Doboj is becoming today more and more an educational center. There are three primary and six secondary schools, including two faculties. Assistant of Chief for Social Services, proudly points out that Youth Group of the Helsinki Committee for Human Rights acts in this municipality, and high schools are very pleased with the cooperation with HCHR BiH regarding educational programs for youth.

When it comes to work and the constitution of the working bodies, there are 12 working bodies, however the HCHR Team regrets that Human Rights Commission and Commission for Gender Equality are not established. They are extremely satisfied with the Commission for the Protection of the Environment, Cultural Heritage and Urban Planning, Commission for Youth Affairs, Commission for Religious Affairs, Commission for Cooperation with Local Communities, Municipalities and Cities, and the Commission for Social Monitoring and Petitions.

There are more than 50 NGOs operating in this municipality, HCHR got an information that there is no elaborated methodology in the work of the Commissions and NGOs. It is estimated that the working bodies of the municipality of Doboj are insufficiently active and are mainly in function of political parties from which they were delegated. However, the good thing is that in the composition of these working bodies, which count between five and seven members, there is always one who does not belong to any political option. For forecoming 2011, the NGO sector is of opinion that they must show firstly within themselves, more solidarity with each other, in order to unite in their efforts in the following year, to make greater results in the field of implementation of the agreement on cooperation between the Municipal Assembly, municipal mayor and NGOs. This agreement allows them greater participation in policy-creation and influence decision-making process through programs offered for a better life, democracy and promoting human rights. Doboj municipality adopted ten strategic documents, but in the opinion of many, these documents are only a dead letter on paper.

In order to implement any document, representatives of NGO sector expect assistance related to the educational programs made by those NGOs that are not influenced by any political options in BiH.

RECOMMENDATIONS:

1. Officials of Doboj municipality to form a working body that will monitor the implementation of strategic documents;

2. Dobož Municipal Assembly to amend the rules and form two commissions: Commission for Gender Equality, Human Rights Commission for Petitions and Appeals;
3. Non-governmental organizations through the Commission for Youth and the Commission for Supervision, to reach within themselves a minimal agreement in their joint speeches and joint appearances in front of municipal authorities.

■ **REPORT** **of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Kupres, August 25 – 26, 2010.**

The territory of the municipality of Kupres in the Republika Srpska covers an area of 45 km². This municipality borders with municipalities of Kupres from the Federation of BiH, Sipovo, Glamoc and Donji Vakuf. This municipality has around 620 inhabitants, which is 200 households. They are engaged in agriculture and stock-farming. The most important undertaking is their forest management, Mosor with about 40 employees.

Return of the inhabitants in this municipality is very difficult, but general opinion is that it would be accelerated with better construction loans and donations. The development of this municipality can be seen in agriculture, especially livestock farms.

The center of the municipality is located in Novo Selo, mayor Goran Zubic says that in times of war from 1992 to 1995, the municipality was devastated and up to now, they do not have any significant aid in regards to the reconstruction of the municipality, because the municipality Kupres was before the war, a unique municipal territory, while now it is divided into two municipalities.

However, the president of the Municipal Assembly, Mirko Sebez, believes that in the coming period, the municipality will have a much better capacity, because the estimated number of 600 current residents will be significantly higher when the municipal facilities are built for tourism development.

Territory of Kupres municipality in the Federation of BiH has 42 inhabitants, and 100% of them are Croats. Most rely on tourism, taking into consideration the surrounding mountains, Čajuša 1 and Čajuša 2.

■ **REPORT** **of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Travnik, September 13 – 14, 2010.**

Travnik is the administrative, health, educational, tourist and cultural centre of the Central Bosnia Canton and it covers the territory of 563 km². It borders with nine municipalities – Bugojno, Novi Travnik and Vitez in the south, Zenica on the east, Teslić, Kotor Varoš and Skender Vakuf to the north, and Jajce and Donji Vakuf on the west.

It is estimated that Travnik is at present inhabited by around 56,000 people. There are around 46,000 Bosniaks, around 9,000 Croats, around 500 Serbs and as many Roma people, Albanians and others. These estimates give a picture of the return results, as well as the demographic changes that had occurred over the previous period. At least 7,000 Bosniaks expelled from Republika Srpska chose Travnik as their permanent place of residence.

The Municipal Office for displaced persons, refugees and reconstruction has information based on insight of the Mixed Municipal Commission that there are 3,523 houses requiring reconstruction on the territory of Travnik. Reconstruction of 316 is planned for 2008, despite the fact that only 19 were reconstructed in 2007.

One person each returned to 18 of the 19 reconstructed houses, while three persons returned to the one house.

The same office has information that there are other 12,746 potential returnees.

The process of property return and return of people has been very slow due to evident inter-ethnic divisions and lack of political will of leading nationalist parties to ensure freedom of movement for all people, the right to use private property, the right to education, work and health care. Up until 1998, the municipal administration had been divided into the Croat part located in Nova Bila, and the Bosniak part located in Travnik.

Many say that the Board for Refugees and Displaced Persons is the busiest body of the Municipal Council. They are unhappy with the existing legislation and non-functioning of the return fund at the state level. The funds are not united and are being spent irrationally. People are frequently granted reconstruction material, while they are not in the position to pay for the labour. There are no collective accommodation centres, but the Municipality allocates 40,000 KM for alternative housing. People who need assistance in reconstruction apply to this Board, which then visits the sites and sets priorities. Returnees are living poorly, but also those who did not leave their homes.

The difficult economic and social situation is caused primarily by the lack of jobs. There are around 7,000 employed persons, while almost 10,000 are registered at the Bureau for Employment. Many of them, according to the interlocutors, are working but are not legally registered, or have registered for the health care benefits. The municipal budget planned for 2008 is 12 million marks and the biggest portion will be spent on budget users and needs of maintenance and repair of road and other infrastructure.

It is concerning that the constitutional amendments on constitutional status of peoples are not respected in employment with the municipal administration, public institutions and enterprises. The chairman of the Municipal Council Tahir Lendo says that Travnik's 16 public institutions and companies employ 86 per cent of Bosniaks, 12 per cent of Croats, and two per cent of Serbs and others. He says that there are no Serbs among the 95 employees of the municipal administration, and that Croats have not been represented in the numbers guaranteed by the constitution either. The Cultural Centre was mentioned, as an institution founded by the Municipality, which employs one Croat and eight Bosniaks.

The Municipal Council has 31 councillors – 22 Bosniaks (mostly members of the SDA - 14) and nine Croats (mostly from the HDZ - 6). There are no representatives of the Serb people. Decisions are frequently made by outvoting. Croat councillors say that their proposals and requests of citizens are hardly or not at all endorsed by the Council. They illustrate this with the impossibility of the Croat Cultural Association Napredak to be returned its property or at least allocated compensation land. The ombudsmen recommendations have not helped in this case either. The Vrhbosna Archbishop's Office cannot return its property – the Jesuit Grammar School, either, regardless of the decision of the Human Rights Chamber from 2004 stipulating return of the whole building.

It is stressed that the executive government does not respect decisions of the Municipal Council in the case of Nova Bila mine, the exploitation of which endangered a settlement inhabited by 1,200 Croats before the war. Currently, there are around 20 private houses in the "red zone", for which the Council decided to allocate compensation land, but this decision has not been implemented so far.

Travnik has 11 primary and six secondary schools, as well as a number of departments of the Tuzla and Sarajevo universities and several private universities. Schoolchildren are mostly divided along ethnic lines in schools and they study different programmes, which is a reflection of will of the Canton's and Municipality's ruling structures. No-one has dealt with the issue of whether this practice has been in the best interest of children. Students of private universities do not have sufficient guarantees that their diplomas will be recognized, and, as they say, they are always under pressure of various information, even media reporting that some faculties do not comply with legal standards.

The Municipality hosts the Travnik Cantonal Hospital, Lund Disease Hospital and the "Dr Friar Mato Nikolić" hospital, one medical centre and five regional ambulance centres. The capacities are satisfactory, but the problem is that a considerable number of citizens do not have adequately regulated health care, or do not have health insurance at all.

The interlocutors said, and this was confirmed by police, that there have been no inter-ethnic incidents over the past years, such as those that had been registered in the first post-Dayton years. However, the still

unresolved murders of two Croat police officers from 1998 continued to burden building of greater confidence of citizens in the rule of law.

The Travnik Police Administration, which cover the area of responsibility of Travnik, Novi Travnik and Vitez, employs 250 persons, most of whom are located in the Police Administration – around 150 of them, while fifty each are dispersed around the three police stations. Meeting of conditions of ethnic representation in line with the 1991 census would require employment of around ten more Serbs. According to the police chief Slavko Lovric, the security situation is satisfactory.

A big problem is organized theft of motor vehicles. In 2007, there were over 140 of such thefts. The advocacy in favour of transfer of this problem to the state level, due to the fact that the perpetrators are linked at the state level and well equipped, have not been met with understanding. The chief of police also expresses dissatisfaction with work of the judiciary. Criminal reports tend to stay in their drawers for up to three years, all in order for badly prepared indictments to fail before the court. In the first ten months of 2007, 10 domestic violence reports and one rape were filed. Violation of public peace and order is most frequently related to late working hours of bars and poor work of inspection services.

Chief Lovric stressed poor status of police officers who are, according to him, discriminated against, in comparison with the rest of the municipal administration. Although they are forced to work at night, overtime, in four brigades, during holidays and under extraordinary circumstances, they are not paid for this work, despite the fact that they are requested to keep work records. Municipal workers manage to get overtime pay regularly. The police chief advocates higher and regular salaries in order to avoid corrupt police at the level of the state. The Police Administration is located in a former nunnery and nothing is being invested in this facility because of this.

Non-governmental organizations had expected a lot from the takeover of premises of the former Yugoslav People's Army Home, which was promised to the citizens of Travnik. They have been expecting since 2005 for the Municipality to send a letter to the FBiH Ministry of Defence, as the army is still using one part of the building, while the other part is administered by the Cultural Centre. The NGO sector expect the Municipality to adopt policy of action for this facility and its use, in cooperation with the NGO sector and in line with needs of all citizens of Travnik.

RECOMMENDATIONS:

1. To the local authorities headed by the Mayor: to harmonize the number of employees in the municipal administration, public institutions and companies with the constitutional amendments on constitutional status of all peoples
2. To the legislative and executive authorities in Travnik: to coordinate mutual relations in line with the Law on Local Self-Governance and principles of democratic society
3. To the local authorities: to respect the unalienable right to property of all those who have been deprived of this right until now;
4. To the local authorities: to work on more decisive improvement of partner relations with non-governmental sector and provide adequate assistance in implementation of their projects

REPORT

of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Kneževo, September 14, 2010.

District of the municipality Kneževo (before war: Skender Vakuf) extends to the south of the Republika Srpska, along the border with the Federation of BiH. Its area is very specific, because it is situated between the mountains Vlasic, Gola, Rance, Cemernica, Tisovac and Osmace, and neighbor municipalities are Jajce, Kotor Varos and Travnik.

Municipality Kneževo has an area of 360 km² with about 13 800 inhabitants of which 15% is urban population. Now-a-days, Kneževo has 890 households and 3 300 inhabitants.

When it comes to the economy, the most important to them is a branch of wood and metal industry. According to data from the Department of Finance and Economy, the Municipality Kneževo has 89 registered legal entities. Besides this, there is 199 independent business owners. However, despite such a big number of registered legal entities and individual entrepreneurs, the economy is in total collapse.

In the municipality Kneževo there is a primary school, while high school classes are being held in the school of Jovan Ducic.

Statute of Municipality Kneževo, according to the words of the president of the municipality, is passed in 2006. Under this Statute, the working bodies of the municipality and the commission or committees are formed by need, which means that only by the explicit request of the Gender Centre of the Republika Srpska, the Commission for Gender Equality was formed, which works according to programs of the Gender Centre of Republika Srpska and in this regard, has quite good results.

The mayor of Kneževo, Cedo Vukovic, argues that having in mind good geographical position of the municipality, tourism is the only economic sector that this municipality should perform better in order to achieve financial results. It is especially important to note that Kneževo provides ideal conditions for hunting, fishing and health recovery. During winter, they also have routes for ski activities arranged.

President of the Municipal Assembly, Goran Aleksic, expects more of young people to actively contribute to the promotion of tourism potential of the municipality.

The HCHR Team recommends to high school of Jovan Ducic to get connected with high schools from the neighboring municipalities, and municipal authorities to show greater understanding of the programs and proposals that come from informal youth groups in the community of Kneževo. Also, municipal authorities must have closer cooperation with neighboring communities.

REPORT **of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Jablanica, October 13, 2010.**

Unlike the Mayor of the municipality of Srebrenica Osman Suljic, who showed even the indifference of some ecological problems in the municipality he governs, his colleague from Jablanica, ecc. Salem Dedic, can be described as someone who knows everything related to the ecology. So the conversation with him and the members of the monitoring team on water protection, wild landfills, the future national park Prenj - Čvrsnica - Čabulja, and planned route of the Corridor VC flowed spontaneously, with reference to the tiniest details related to the vitally important areas such as environmental protection.

Having noted that in almost all areas there is an environmental progress or is headed toward that goal, he stressed the following facts:

Since the worst situation is related to the plumbing, which was built over fifty years ago with the asbestos pipes, the plumbing is thus set as priority issue, that is the construction of new water supply system. In the first phase they have replaced the worn out pipes, while the second phase, which will be completed next year, is to build 60 percent of the new aqueduct. Water is now correct, and the funds are found to provide Jablanica with its own laboratory for testing water quality.

Hydroelectric power plants on river Neretva made a commitment in year 1977 to invest into the construction of sewage networks in some areas and in more waste water treatments, and these obligations are mostly fulfilled by now.

Like many other municipalities, Jablanica also has a problem with wild landfills, and the city landfill itself is not in satisfactory condition. The idea of a regional landfill offers the best solution, but, as pointed out by the Mayor, it is difficult to find partners. The municipality has 44 local areas and 60 percent is covered by the

regular garbage collection, owing to public utilities. The most difficult is the approach to the mountain areas, where there is no road communication.

Regarding the planned route of the corridor VC, they believe that it is acceptable and that will not harm the natural environment in Jablanica. In addition, Jablanica would have access to the route, which is taken as very important for the whole municipality, and that represent the connection with Banja Luka.

When it comes to the future national park Prenj - Čvrsnica - Čabulja, it would be extended in three cantons and six municipalities. This will, understandably, seek synchronized action, of course, under the federal "hat", all of these cantons and municipalities. As pointed out by Chief Dedic, Jablanica municipality is ready to give its full share in the preservation of biological and ecological overwhelmed and diverse area, which abounds endemic and relict species of flora and fauna.

However, "we can not allow that two thirds of the municipal area is to be included in a future national park," said Dedic. He also mentioned that the municipal development strategy from 2007 to 2011 has environmental protection as one of its strategic goals.

■ **REPORT** **of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Tomislavgrad, October 14 – 15, 2010.**

Team of the Helsinki Committee for Human Rights in BiH met and discussed in Tomislavgrad with the mayor, Mr. Ivan Vukadin, president of the Municipal Council, Mr. Mate Kelava, Secretary of Municipal Administration, Mr. Kristijan Petrovic and representatives of Commissions: Commission for Human Rights and Citizens' Petitions and Complaints, Commission for Local Communities to Cooperate With Municipalities, Cities and Non-governmental Organizations, Commission for Environmental, Cultural and Natural Heritage, Commission for Relations with Religious Communities, Commission for Sports and Youth Affairs, representatives of NGOs and civic associations.

Tomislavgrad municipality covers an area of 966 km², the ethnic composition of the population is, according to census from 1991: Croats 86.56% or 25 967, Muslims or Bosniaks 10.49% or 3 148, Serbs 1.91% or 576, Yugoslavs 0.35% or 107 and others 0.67%, or 202, making a total of 30 000 inhabitants. After the war, this number is reduced, and given that there is no real statistical data now-a-days, it is estimated that today the municipality has around 22 000 inhabitants.

During the previous war, a large population of non-Croatian nationality left Tomislavgrad, refugees and displaced persons have returned their property, but they themselves, never returned to their homes in Tomislavgrad. A large number of Croats also sought their salvation in Western Europe or some over-ocean countries. The economic situation in this municipality is very heavy, so a large number of citizens of Tomislavgrad is employed as construction workers in Dalmatia and Zagreb, and in some major companies in Tomislavgrad at sales center Prodex, cable factory Kapis Tomislavgrad and some transport and construction enterprises. We should not forget that Tomislavgrad abounds with many cafes and sports betting objects, as major meeting points for young people.

The city has one elementary school - Ivan Mažuranić, and one high school - general gymnasium. In Tomislavgrad there are three culture associations, and the most known in the city is called, KUD Kralj Tomislav.

According to given information by NGO sector and the municipal committees, there is an overwhelming depressing economic situation in this municipality, on the one hand, and on the other hand, people feel completely isolated from higher authorities.

The HCHR Team regrets that the Statute of the municipality of Tomislavgrad was passed in 1999 and it has not been changed ever since, meaning that it is still not compliant with the new law on the principles of local self-government of the Federation of BiH. Despite the structured municipal working bodies and commissions, their activity among the citizens is practically not felt. Therefore, the HCHR is of the opinion that the municipal leadership must in future take the following steps.

RECOMMENDATIONS:

1. Statute of the municipality of Tomislavgrad to be in accordance to the Law on Principles of Local Self-government of the Federation of BiH;
2. All the working bodies and commissions have an active attitude towards the tasks of the commissions themselves, and by the rules that are established by Tomislavgrad Council on July 26, 2004;
3. NGOs show more activism, and are open to dialogue with local committees in order to contribute and do more to promote and protect human rights in Tomislavgrad, neglecting what political option residents of the municipality belong to.

REPORT**of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Bugojno, November 18, 2010.**

This time the Mission turned a specific attention to the issue of the return and status of returnees, implementation of property legislation, employment, security conditions, activities of the civil sector, etc.

In line with the 1991 census, Bugojno, covering 366 square kilometres of territory, had 46,843 inhabitants: out of which there were 19,724 Muslims, 15,963 Croats, 8,854 Serbs, 1,539 Yugoslavs while 763 inhabitants were members of other ethnic groups.

Precise data on the present number of inhabitants and the demographic structure do not exist. Municipal statistics show that the number of the population is coming close to its pre-war number and that total of 15,721 persons returned to Bugojno following the signing of the Dayton Agreement and preceding the 31st of August this year, as follows: 9,890 Croats, 3,263 Serbs, 2,553 Bosniaks and 15 Others. It is important to mention that these figures are the result of the monitoring over the property repossession process.

The Parish Office, on the other hand, presented data that somewhat less than seven thousand of Croats returned to the Municipality, and representatives of the Serb returnee community stated that their number living in the town was approximately 1,000 at the present time.

Tremendous burden for the Municipality represent more than two thousands of people displaced from neighbouring municipalities (Kupres, Prozor, Rama, Duvno, Šipovo D.Vakuf, G.Vakuf) who either do not want to or have no conditions to return to their homes.

Between the 4th of April 1998 and the 31st of August 2003 total of 4,319 claims for repossession of apartments, houses and business premises were submitted. The total number of 4,195 rulings was issued, and 4,067 or 94,17 % out of the number were implemented. The implementation percentage compared with the issued rulings amounts to 96,95%, that is 96,39% for habitable apartments and houses. During the said period there was reconstructed or provide assistance in construction material for 1,876 residential units as well as provided roof construction for 210 residential units. Pursuant to the applications submitted to the Information Centre in Bugojno it is necessary to reconstruct additional number of 1,259 residential units / 1.174 houses and 85 apartments/.

Prior to 1992 16,600 workers was employed in Bugojno, while the current figure is merely 3,900, considering that 3,746 persons is looking for a job through the Employment Bureau. It is presupposed that a number of employees work on the black market. Close to 1,500. With the assistance of the Employment Bureau 700 people have found job in last three years. There is extant drain of skilled personnel, particularly people who used to work in military industry. Out of 170 engineers, the number that existed in 1992, no more than five are in Bugojno at present. Privatisation, which is mostly completed, (MLINPEK and a part of SLAVKO RODIĆ are still to be sold) did not yield the expected results. There are complaints in the municipality that they still did not get true data on the process carried out since reports of the Cantonal Privatisation Agency did not find their way to them. They are specifically interested that the state that is the Federation BiH manifest its intentions regarding the faith of former military industry which used to be the moving force of the economic growth of not merely Bugojno.

Process of privatisation was carried out in the absence of exiled population. That was mostly done to the detriment of Bugojno returnees of the Croat and Serb nationality. There is also existent problem of the exercise of the right of returnees to work in public institutions. The Association "Povratak/ Return" claims that there are court rulings expressing the obligation of public enterprises to restore people to their jobs but that the rulings failed to be implemented. Certain balance was achieved in judicial, police and education bodies. In the health sector there is a constantly open job announcement particularly for returnees but, as responsible person stated, there were no persons with medical degree

The difference in the data when it comes to the issue of returnees is a result of the fact that in a number of cases the applicants of the claims for repossession of houses and apartments stated larger number of family members than the number that genuinely came to Bugojno. The sale of approximately 1,300 repossessed and reconstructed houses is also registered. The Serbs and Croats and Bosniaks equally sell their property. It is brought in connection with declining economy and the inability to find job.

Although the Federal law on the principles of local self-government is not compliant with the European Charter of Local Self-Government, local leadership lined the Statute of the municipality with federal law in year 2007. Accordingly, the municipal council together with the municipal authorities failed to provide better service to citizens and to the local community and to establish a permanent working bodies and commissions, but Commission for Gender Equality and Youth Commission are considered to be the most active and most bound to work with nongovernmental organizations, educational institutions and local communities. HCHRBiH team believes that the work of the Commissions made a big step forward in the promotion of human rights, but that these Commissions must be more connected among themselves, more active in establishing a dialogue between municipal authorities and citizens, as well as cooperation with such bodies in other municipalities, especially the municipalities from which the refugees and displaced persons are.

The issue, which encumbers relations among ethnic groups, is also the fact that the destiny of 21 imprisoned members of the HVO has remained unknown. They were imprisoned during the conflict. Soldiers of the BiH Army kept them imprisoned for a period in Bugojno Prison but they were taken in unknown direction on the 1st of November 1993. In the public it is well known group of "26 missing" Bugojno Croats. It was subsequently stipulated that four of them were dead and Željko Miloš appeared to be alive. The families continued to unsuccessfully trace the other members. Former municipal leadership is considered responsible for this.

The Serb returnees warned about the cases of illegal changing of land boundaries, which were the reason why several court proceedings were or have been instituted.

During the period, which the Mission spent in Bugojno, a major part of interlocutors expressed their dissatisfaction with the work of the Prosecutor's Offices and Courts. Criminal charges are being processed with delay, court disputes last for too long.

The Chair of the Municipal Council of Bugojno presented problems pertaining to the restoration of Hrvatski dom to "Napredak". A part of the premises, as he considered, was illegally granted to "Borac – Travnik".

The security situation in Bugojno is qualified as extremely tense, disturbing, which inspires fear in all citizens of Bugojno. This is primarily due to the fact that a terrorist attack took place on the building of police stations in Bugojno, at the end of June 2010. It is believed that this terrorist attack was realized with the help of "imported" foreign groups that have identified their haven and place of residence immediately after the war (in BiH public known as the Wahhabis). HCHRBiH team has been in communication with non-governmental organizations since April, and received information that these groups in some rural areas practically terrorized the population by imposing them their "rules of life", but cause of the fear the inhabitants of these places are not willing to be public witnesses of the terrorizing.

After the terrorist attacks on the police station, where 6 people were injured in an explosion and even one policeman killed, all the security structures in Bugojno and whole Federation expect sincere cooperation with the citizens in terms of collecting information on all the facts that could contribute to the rapid elucidation of the attack.

There were also mentioned "obsolete" zoning and development plans, which impede construction and private initiative. There are no assets in the budget for their amendments.

During the talks with representatives of a number of NGOs the openness of local governmental bodies for their initiatives and actions was stressed, which had not been case in the years preceding. Multinational Agricultural Co-operative "Behar" presented interesting programs the objective of which is to revitalise agricultural production and to facilitate sustainable return. There are less and less donors interested in their ideas even though some of the projects yielded results.

RECOMMENDATIONS:

1. Local authorities must have a transparent relationship with the citizens of this community and to the individual signals from the local communities react efficient and quick to, especially on issues of rehabilitation and reconstruction of infrastructure in local communities, water, electric power, roads and telephone networks as a prerequisite for keeping people in the community;
2. Make security situation of the citizens safer and open dialogue between citizens and police structures due to the timeliness of information;
3. Run all the processes of negotiation between local communities and the Central Bosnia Canton to regulate the jurisdiction of both, especially when it comes to inspection services;
4. Municipal Commissions should cooperate with the Commissions of neighboring municipalities and cantons;

REPORT

of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Orašje, November 28, 2010.

Municipality of Orasje is located in North-East Bosnia and Herzegovina. Leaning on Sava River, it covers the area of 125 square kilometers. It directly borders with the Republic of Croatia. The mayor of the municipality estimates that there are about 24 500 inhabitants, while more than three thousand are employed.

As regards to the infrastructure, it is interesting that there are somewhere around 7.000 connections with ADSL access, and when it comes to mobile communication, they have ERONET, TELSTRA, VIP, SIMPA, and MOBIS. Citizens' complaints mostly relate to the condition of infrastructure, while there are problems also related to people who have their land property in Croatia because there is a large border barrier and they can not sell their products in Croatia. The municipality has several pending cases related to property issues with Croatia, and some of the problems are linked to the channels, as well.

In year 2008, the municipal council passed a decision on amendments to the Municipal Statute of Orasje (adopted in 2002) which, among other things, regulates the issue of direct election of mayors where the current mayor, Djuro Topic boasted that it is his second mandate on this position. During his mandate, procedures related to the access to resources that are quite affordable, were adopted, and allocation of social assistance is transparent. Citizens can also directly contact the Mayor, and address to them over the Internet.

Problems are present in the competencies related to the formation of local councils in the communities. Their wish is to create a municipal youth council, and there are two NGOs functioning in the area, called Puls and Mozak, and the municipality follows their activities and helps them.

Creation of the budget is in process, and there will be amount of around 5.2 million of convertible marks. The problem exists around the fact that there is no legal solution that can regulate the collection of taxes.

Most citizens are engaged in residential agriculture, and the unemployment rate is around 25%.

Municipality of Orasje has been assessed and was poorly ranked because of the landfills in the villages of the returnees, so they made a strategy that was implemented by 2008. year.

The municipality employs 78 civil servants, of which 10% is Bosniaks.

They have a minority - Albanians, and the returnees were mostly older people.

The return is completed in 2008. Although the controversial landfill was in the village of the returnees, and which was resolved during the 2008 by the implemented strategy, the refugees mainly settled in other

places. It is positive that the latest attacks on returnees was in 1999, and most returnees are of Serbs, and Bosniak nationality.

The occurrence of domestic violence are reported, and that information was obtained through the Centre for Social Work. So far there was no violence with fatal consequences.

There are 13 local communities in Orasje, and it was noted that less and less people go to medical treatments and education in Croatia. There are 5 primary and one secondary school. There is a lack of interest of secondary school pupils, around 1000 of them, in the activities of civil society.

Orasje has created a strategy to protect human rights. The director of the Health Center in Orasje is Serb. The Municipal Council has three commissions, it numbers three to seven members, who are councilors and prominent citizens. They are thinking about how to expand the Commission and to establish cooperation with local communities, according to the law on local self-government.

ASSESSMENT OF HUMAN RIGHTS

There is an evident progress after the war - the situation is satisfactory because there were no inter-ethnic conflicts even during the war.

The realization of other rights can be better – i.e. social rights when economic conditions improve. Many Serbs have not returned, however those who have returned have no problems. Employment problems are present in both the Croats and the Bosniaks side. The boardroom has members who are women, and also there are Serbs and Bosniaks. Bosniaks are dissatisfied with the administrative body of the primary school, and they want a position of managers.

Only the head of the public utilities is of Bosniak nationality. The council of parents consists of politically eligible parents. They have problems with citizenship: Females who married during and after the war, and have Croatian citizenship, can not obtain citizenship of BiH and 60 – 70 percentage of people have no citizenship.

Problems are evident both in water safety. It is not tested, which is why there are a lot of kidney patients who undergo dialysis. The problem related to water is because the septic pits are shallow dug. There is no communication with the local community council.

Evident is the constant disagreement between the parties in power, and those are two HDZs, so everything is related to politics, and citizens enjoy as much benefits as adheres to a political option they belong to. The Committee for Environment is specifically active, it made

comments to the Mayor relating to the iron and garbage in the river and the lack of lighting on the bridge, giving also their suggestions to it, as removing the wild landfills etc. These recommendations are partly well based. There are 61 unemployed person in the community with higher education, 332 persons with disability and 13 homeless persons who centers for social work can not help because they have no money. Centers for social work do not go to the field, so they do not know what is the actual condition regarding this category of citizens.

RECOMMENDATIONS:

1. The Rules of Procedure of the Municipality of Orasje and other documents, to be uploaded to the web site of the municipal council;
2. To form Youth Commission in Orasje municipality as soon as possible, and to show greater activism with their neighbors, relating to the elimination of all defects related to the ecological rights of citizens (mining, cutback the number of illegal landfills, the right to better health and social care, securing water and sewer network in the municipality etc.);
3. The municipal council together with the Posavina Canton, ensure through adequate development of the documents, greater sustainability of returnees in the municipality, which would contribute to better protection of human rights in the municipality.

REPORT**of the fact-finding mission of the Helsinki Committee for Human Rights in BiH in the municipality of Brčko, November 29, 2010.**

By General Framework Agreement for Peace, the final decision of the Arbitral Tribunal For Dispute Over Inter-Entity Boundary in Brcko Area and the Constitution of Bosnia and Herzegovina, Brcko District a single administrative unit of local government under the sovereignty of Bosnia and Herzegovina. The Constitution of Bosnia and Herzegovina, as well as relevant laws and decisions of the institutions of Bosnia and Herzegovina, are directly applicable throughout the District. Laws and decisions of the district authorities must comply with applicable laws and decisions of the institutions of Bosnia and Herzegovina.

Brcko District is located in Bosanska Posavina, based on its geographical position, economic and other facilities, it is a commercial and cultural center of Bosanska Posavina. Brcko city, since its formation has features of multi-ethnic, multicultural and multireligious community, the principles on which it is based Brcko District of Bosnia and Herzegovina. Based on the last census in 1991, the territory of the municipality of Brcko had 87.332 inhabitants, of which 38.771 of them are Bosniaks (44.4%), Croats 22.163 (25.4%), 18.133 Serbs (20.8%), 5.621 Yugoslavs (6.4%) and 2.644 others (3%). According to the government estimations now-a-days, Brcko District has a population of 90.000 people, and most of the population are citizens of Serbian nationality. According to the testimony of representatives of government, today in Brcko, there are 13.600 employed citizens, and about 18.000 unemployed. It is said that a special employment program in Brcko will be made, primarily through the development of economy and investments.

During the Fact-finding Mission of HCHR Team, separate conversations with the representatives of legislative authorities were made (the president of the Brcko District, Milan Tomic), executive (mayor Mirsad Djapo), representatives of the Commission of Human Rights, Slobodanka Curcic, a representative of the Commission for Labor, Health and Social Protect, Stako Stakic, the representative of the Commission for Education, Sport, Culture and Cooperation with Religious Communities, Esed Kadric, a representative of the Commission for Monitoring of the Work of the Government, the institutions of the District and a Citizens' Appeals, Esed Atic, a representative of the Public Utility Commission, Public Service and Environment, Radoslav Bogicevic, and representatives of nongovernmental organizations.

Mayor: They have a multi-ethnic community that participates in the government. Currently, there is a small number of Croats, although they were previously second nation per capita. Government relations are based on equality, because during the employment process, there is a strict attention to the national representation. All decisions are taken unanimously by the government because they have a co-ordinating body which previously harmonizes its decisions. Difficult position related to the protection of human rights, have Roma people, while somewhat better position have Albanians. This poor status of Roma people is coming from the fact that they are not registered, and they can not change their situation because they do not have a professional staff who would represent them and advocate for their rights and needs. In cases where they are registered, they are awarded by flats and have an adequate social status, they also have schools for Roma people, but a few of them attends these schools.

Employment of Roma is also not so great. In this decade, Roma people intend to create a project for all these problems. Problems of disabled persons, civil victims of war and killed persons will be a focus of special department, which was by now, an issue of health services. They have a lot of NGOs – 450 of them, from hiking, veterans, hunting, etc. Most of them are mono-ethnic, and they are formed primarily because of the money required from the city. They have more counselors, and none of them deals with the issues of young people. The city has two kinds of jurisdiction, local and entity. The District has 80.000 inhabitants, of which 40.000 lives in Brcko. They have 15.000 – 20.000 unemployed persons, according to the Bureau of Statistics, although according to their records, there are actually, 50.000 of them.

They have no laws on youth and sports, and the Council of Ministers have 5 representatives, however their presence does not provide greater effects. They have 38 local communities of the returnees. Agriculture branch

is not unified and agriculture work is not being stimulated. They made the water company, and now they must make the network as well, and they do not have any equipment for waste water. Education is a multinational and classes and teachers, as well. Interests of the municipality of Orasje are different, but a joint interest is certainly waste / landfills, however, the solution to this problem demands money.

VICE PRESIDENT OF BRCKO:

There were few complaints on the functioning of the executive branch and in the last two years, they have received only 30 complaints of citizens, mainly relating to the employment issues, and a smaller number of complaints relating to the property issues. They do not have any rules about national representation, but they are paying attention to it. There are 2 representatives in the Assembly coming from national minorities. It is concerning that around 28.000 people did not realize their right to vote on the last elections, and this happened because they had to declare whether they will vote for the option of the Federation or Republika Srpska depending on the acceptance of an adequate citizenship. Those who did not want to choose lost their right to vote. There are around 87.000 voters and around 50 local communities. Around 15.000 voters live outside of the District, they have BH personal documents, but live abroad. The vice president of Brcko believes that they are an "open city" a bit too much having in mind that they employ in their schools more people who come from outside than from Brcko city. The boards of directors are not elected by ethnicity. They give loans to students (somewhere around 100 of them) based on the contest and certain criteria, so they have an issue of harmonizing those criteria with nationalities. A lot of money has to be invested in mine clearance.

It is evident that there is no sufficient work related to IPA programs, so they demanded from the executive authorities to draft projects to provide money. They have various assemblies of commissions, and in its ranks are representatives who work by regulated settings. Commissions are able to use consulting firms and paid experts.

MEETING WITH THE PARLIAMENTARY COMMITTEES

One part of the committee members is for having the commissions open, in the sense that they are not just represented by delegates. The second part of the members, considers the meetings of the commissions open in a sense that other professionals might attend them too, not just members of the commission, and therefore there is no need for the commissions to be expanded. There is no Commission for Gender Equality. Highlighted are the problems of illegal landfills, technical water which is not drinkable, and issues associated with lack of money for the replacement of asbestos pipes in order to provide drinkable water.

Part of the members of the Commission considers that the authorities are corrupted, that they do not meet their obligations, that they employ people without open contest and by discriminating them. They believe that they do not respect the law on public procurement when it is up to exchange projects. Decisions are being made only in narrow circle consisted of several parties. Some believe that there are problems in money spendings and that the money is illegally spent, and that in cases of not giving the support to the government, those citizens are being discriminated in future when they apply for a job.

The District makes a high school education compulsory, providing free transportation for pupils, including free textbooks, and it is being invested in kindergartens too. However, the power is still in foreign forces. They also have a youth center.

RECOMMENDATIONS:

1. To the Assembly of the Brcko District: To pay more attention to human rights and to commit current commissions to more active attitude towards this area;
2. To NGOs: To be involved in monitoring of the human rights situation in Brcko District, to report about it to the authorities of the District, the supervisor and the general public in the District and BiH. NGOs must prove more receptive of the human rights violations and not allow to be silent about it.

REPORT ON THE STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA

(Analysis for the period January – December 2010)

Sarajevo, February 28, 2011

INTRODUCTION

Improving the human rights situation in Bosnia and Herzegovina must be directed towards satisfying the interests and rights of citizens, and their interests are certainly economic prosperity, higher living standards, and strengthening democracy and improving human rights.

Starting from these points and level of their realization, we can estimate that the last year was a year not only of missed opportunities, but a year of complete blockade. Many reforms that were needed to make in order to overcome the deep crisis and to make a step closer to the European Union, have not been implemented. The authorities have shown again, verbal commitment and dedication to move closer to joining the EU while, specifically their work, showed that these efforts were of declarative nature only. For example, throughout the procedure of passing the laws that would be harmonized with the EU standards, the authorities have shown again their inefficiency (Parliament of BiH has adopted only 26 laws, in relation to the 110 planned in 2010, during the total of 13 sessions (both houses) that they have held until the General Elections, October 4, 2010). Also, through the implementation of already adopted legislation, the authorities have acted non-democratically, so the absence of rule of law and legal state is more than evident, and having in mind also the absence of the culture of respect for human rights, the harsh violations of these laws, are also significantly evident.

As a dramatic example of the government's standpoint towards the human rights area, we emphasize the failure to single out the verdict of the European Court of Human Rights, issued in December 22, 2009 in the case of Sejdic – Finci. The verdict was ignored at the cost of possible consequences (suspension of the Stabilization and Association Agreement, questioning the legitimacy to the BH delegates at the Council of Europe etc).

The above behavior of the authorities reached a peak before the general election, specifically in the election campaign, which was marked by hate speech and unrealistic promises of political actors in solving social problems that have accumulated, particularly in the area of employment.

Some political actors have focused their campaign on the disqualification of rivals and political opponents by using untruths and insinuations, some used children for rallies and on promotional material, some strictly blamed members of other ethnic groups for difficult situation in the country , while some made differences between the voters exclusively on the basis of nationality, in order to homogenize them further, calling those, who are of the same national group, but of different opinion, non-legitimate representatives of their people, while others tried to buy votes etc.

A complete halt in the functioning of government at all levels (except in local communities), was after the election, because the new government formation and implementation of election results, did not happen until the end of 2010, where all the legal time limits were violated. For that time, previous government that has continued to function in that vacuum, during their technical mandate, enacted a series of decisions that will

have long-term consequences (various dismissals and appointments that are not in accordance with the law, illegally and hastily determining the budget and resource allocation etc.).

Citizens, exposed to harsh human rights violations, did not have any adequate protection nor were such cases transparent to BH public. Closing the Home of Human Rights, entity ombudsmen and the cessation of the Commission of Property Rights, considerably weakened the institutional protection of human rights in BiH. Responsibilities of these institutions were transferred to institutions whose function is still not at full capacity, which takes too long to establish (Ombudsman for Human Rights, Commission for Real Property Claims of Displaced Persons and Refugees), and they are headed by a staff who are mostly elected on the basis of political suitability. To all this must be added the fact that, due to political obstruction, the law on free legal aid is still not adopted.

Commission for Human Rights and other working bodies function in the local communities, and their responsibilities are promotion and protection of human rights, which is in accordance with the Statutes and Rules of those municipal councils/assemblies, but due to public distrust and inefficiency of these bodies, there is a small number of cases where citizens actually address to them. If we add to this a fact that BH Constitution does not contain a single letter on regulation of the work of local self-government, that is that the local self-government is the responsibility of the entities and the District, which jurisdiction is still not in accordance with the European Charter of Local Self-Government, then as a final result of this situation we have unfavorable image of human rights in the local community.

In this open space, exposed to government's pressure, non-governmental sector found its place, for which the international community, as of 2010, has less and less funds and generally, the interest for human rights issues in BiH.

DISCRIMINATION

Numerous international documents ratified by BiH contain mechanisms to protect every citizen from any form of discrimination. Nevertheless, discrimination is still widespread: in the field of public employment, in education, in health and social care, particularly returnees, pensioners and disabled people, in the area of housing, sexual and gender minorities etc. Therefore, in almost all spheres of life and work of citizens.

The Anti-discrimination Law in Bosnia and Herzegovina (adopted in August 2009) introduced a unique and clear standards for the identification of discrimination and its timely relatively strict sanction, and gathered all anti-discriminatory provisions that existed so far, but were determined by different laws. The law has finally established a framework for the implementation of equal rights and opportunities for all persons in BiH and established a system of protection against discrimination.

The law is carried out just over a year, but individual experiences indicate that discrimination goes at least in two directions:

One relates to the BiH Constitution and laws generally applicable to the entity, that directly discriminate certain groups of people. BH Constitution and Election Law directly discriminate national minorities, but also members of constitutive peoples which are numeric minority in certain areas in BiH – right to be elected on an equal footing as the constituent peoples at the highest levels of government and the people who are a numerical majority (for instance, Bosniaks and Croats for the government at the state level, should always be from the Federation of BiH and the Serbs from the Republika Srpska). Residents in the District of Brčko (about 28.000 of them) did not vote in general elections because according to the Election Law, they must choose to vote by entities, instead of having the opportunity, according to the adopted amendments to the Constitution of BiH, to enable them to vote for the highest level of government in BiH, and to make possible for all citizens of the District to be elected in the level of government, except in the local government district.

Discrimination exists in the laws on BH citizenship, because citizens who live in the areas that border with Republic of Croatia, and have Croatian citizenship, are not enabled to have citizenship of their spouse, although they are in marriage with BH citizen, and live in BH area. A particular problem is the law on social protection in Federation of BiH that directly discriminate people with disabilities with regard to the manner of acquiring disability (whether

they are military or civilian invalids – this influences the level of fees) and on the basis of their place of habitation; acts on health protection, refugees and displaced persons, protection of national minorities, etc.

Although the Anti-discrimination Law of BiH ordered that all general laws and regulations must comply with this law within one year, this did not happen.

Another direction of discrimination appears in the application of those laws where there is a group (ethnic and gender minorities, persons with disabilities, women, returnees) and when there is an individual discrimination during the realization of human rights (right to work and from work, employment, education, health and social protection, and the growing trend of cases of mobbing and sexual harassment).

The most difficult situation is, however, a position of national minorities.

Established advisory bodies for issues of national minorities (at the level of the state of BiH and both entities) do not have sufficient presumptions for normal and functional performance, because they lack of professional, financial and technical support. These bodies and their members are still not consulted when considering matters of vital importance to their members.

The curricula and teaching plans have no content that would include history, culture, tradition and language of national minorities, which could influence the reduction of prejudice against minority groups, particularly Roma population. Minority languages are not used in the communications with the authorities, including judicial authorities, neither in schools or in print media, and only two radio stations have occasional programs in Roma language.

Around 1.000 members of the Jewish community, according to unofficial data, who live in BiH, still face the fact that in BH bookstores one can buy anti-Semitic books, such as Mein Kampf, which can be interpreted as a threat to this community, while a phenomenon of manifesting anti-Jewish mood is evident in relation to developments in the Middle East.

Hate speech is not only a characteristic of pre-election period. In public statements of certain political and religious leaders, whole ethnic and/or religious groups are trying to be stigmatized. They still accuse other groups for war crimes or crimes in general. And in the same time they refuse to see crimes committed by their own people. The entire nations are qualified as "criminal" or "genocidal." In all possible ways there are attempts to create hate and distrust towards members of other nations. Unfortunately, the judicial bodies of prosecution do not deal with these phenomena.

Positively should be evaluated the fact that there is a significantly reduced violence which is motivated by national and religious affiliation, although this behavior is still present especially on the sport fields (racist rhetoric, graffiti calling for ethnically motivated violence or carry a message of hate, highlighting Nazi characteristics, etc.).

Citizens who complain of discrimination and require the protection of the Helsinki Committee for Human Rights in BiH and the competent courts, generally indicate the occurrence of sexual and other physical or non-physical workplace harassment (mobbing) and the number of cases still does not reflect the actual situation in this field. This is certainly due to several reasons:

- People are still not familiar with the forms of discrimination provided by the Act, to seek protection capabilities and institutions that can provide protection;
- Persons exposed to discrimination find difficult to decide to use remedies in fear of job loss, isolation and other bad consequences in the course of the proceedings or after returning to work;
- Court proceedings are usually lengthy and court decisions are not implemented and they are in various ways played out, which discourages those who are discriminated;
- Initiation of proceedings and their conduct is related to court costs and attorneys that few can cover, and the Law on Free Legal Aid has not yet been enacted.

It is extremely worrying that one of the most important institution that has responsibilities for the implementation of the Act, it is the Ministry of Human Rights and Refugees, has not made any of their legal obligations and thus, they also violate the Act.

Institution of Ombudsmen of BiH, which is also responsible for the implementation of the mentioned Act, did not respond to its task yet. It is possible that this is the result of insufficient staff. Having in mind the manner of funding (from the budget of BiH), this institution can not itself affect the number of staff it needs to work on combating discrimination. It is also very questionable whether this method of financing guarantees the independence of the Institution of Ombudsmen if it opens up the possibility of pressure coming from legislative and executive authorities onto the Ombudsmen to act only by a small number of mechanisms of the Act and failing to, for example, collect and analyze statistical data on discrimination cases, write real and extraordinary reports, inform the public about instances of discrimination, raise awareness of issues related to racism and racial discrimination, etc.

All the foregoing, indicates that the struggle against all forms of discrimination and violence can and must be taken only by using all legally available methodologies. It is necessary to work on empowerment at all levels: from individuals and vulnerable groups to report discrimination, to strengthening of the institutions responsible for law enforcement in order to, as strong and independent institutions, be able to guarantee its citizens a solid protection from discrimination.

In this fight, civil society organizations should engage more strongly, in the areas of monitoring the work of relevant institutions, improvement of legislation, but certainly also to empower discriminated groups and their own legal teams in order to focus specifically on discrimination linked to gender and disability, where there is the largest number of reported cases.

MEDIA

For the reporting period the general assessment is that the media in BiH is fragmented by the same principle by which the political scene in the country is fragmented. This is partly driven by the election campaign in which a number of media openly put themselves to the function of political projects. The problem is specific and very serious because in this position were found the public broadcasters, which significantly undermined their impartial editorial policy.

During the past year in 43 cases (data from BH Journalists Association) was registered the violation of media freedom and journalists' rights in Bosnia and Herzegovina. The structure is following: 9 threats and pressures, 5 physical attacks on journalists, 3 cases of withholding information, 9 cases of dispute / mobbing, 3 cases of complaints of unprofessional behavior, 3 cases of slander, 1 death threat, etc.

What is particularly worrying is the increasingly frequent occurrence of violations of legal working status of journalists especially when media are privately owned, and this phenomenon did not bypass the public services. Journalists were forced to the months of work without pay and without the payment of health and pension insurance.

It is difficult to speak in the overall democratization of society, if a significant segment of the democratization- the media is certainly not able to fight for the provision of basic social security.

Hate speech characterize a large number of media activities and what is the most dangerous fact is that the public service joined. Overall relations in the sphere of public broadcasting are catastrophic. Public broadcasters have become political opponents and do not choose the means in this calculation, their management committees lead verbal battles, and the founders are silently observing.

No matter the efforts of professional organizations (BH Journalists Association, the Press Council) media scene in Bosnia has great difficulty to be protected from unprofessional actions of some individuals or entire newsrooms. Partly this is the result of political missions which were adopted by some media reducing the journalism only to protection of national interests by applying the matrix of war - the goal justifies the means!

COURT AUTHORITIES

Functioning of the judicial and executive authorities in BiH shows that discrimination is present in these areas. Thus, the realization of human rights through the courts, the source of discrimination lies primarily in the fact that in BiH there are four legal systems, which means that there are four criminal law, and same number

of the Code of Criminal Procedure. Inconsistent and different legislation lead to unequal treatment of citizens, because their position is determined by the judicial authorities of their whereabouts. This could be avoided by harmonization of criminal law at all levels, and certainly by the formation of the Supreme Court. Its work would contribute to the harmonization of court practice and meritorious interpretation of the law, given that such a court would be built into the system of entity courts functioning as the highest judicial instance.

The current practice of the Court refers only to cases pending before the Tribunal, and it operates in specific areas and procedures in which there are both, the first and the second instance court. However, some of the criminal offenses related to war crimes proceedings are before this Court, and some which are graded as minor, before the Cantonal / District courts entities. The decision on who is responsible of these courts for what case, often led in recent years to the dissatisfaction of persons against whom the proceedings are, as it is suggested that, since some cases are being proceeded at the Court, and others at lower courts, they have unequal position, having in mind that they are not judged by the same laws, nor their convictions are thus, equally treated.

All this suggests that further reform of the judicial system should go in that direction, because then all the accused would be equal before the law.

Furthermore, changes in the law that were part of the reform of the judicial system, made justice virtually inaccessible to the poor citizens, instead of the principle of establishing the material truth, the principle that places the burden of proving on the parties was integrated, where the courts only arbitrate and make judgments based on evidence presented. Procedural laws do not distinguish rich and legally educated people from the vast majority of those who are not all that, which is why justice is available now only to rich ones, and which is why this leads to degradation of the principle of equal access to justice.

Previous judicial reform, the method of selecting judges, the new processing and other laws, determined plans and ways in which the courts are dealing with such cases, respect of the priorities, have not been satisfactory so far, because it can still be concluded now-a-days, that the judiciary is dysfunctional and ineffective and that judicial proceedings take intolerably long, even after more than five years, which is outside the legal time limits. In this way, preparation and other hearings are being scheduled before the first instance courts and also, the second instance courts, even when it comes to the hearing which must be considered as urgent. Monitoring of proceedings before the courts show that the outcomes of some of them are still influenced by politics, acquaintances and "respectable" citizens, therefore, by various forms of corruption.

When, in addition to the above, we have in mind that not a small number of cases show that the verdicts are being canceled several times, then you can give an estimation that the courts are being managed by the staff that is insufficiently qualified, dependent on politics or even morally unfit. This indicates that the High Judicial and Prosecutorial Council has more of a formal approach to the selection of the personnel, without real verification of their expertise, and that the principle of lobbying for individual staff is dominant. How else to explain phenomena that staff who were not up to that time the judges in this court, are being elected for presidents of the court, that some judges leave their functions in order to in behalf of certain political party and participate in the executive branch, to appoint staff who has been convicted, etc.

A very prominent problem is the failure of final court decisions, particularly in the field of civil proceedings in which, when it comes to charges of war damages, there was a law adopted that prohibited these payments. Certain failures of some decisions of constitutional courts are evident as well, which indicates that the legal state and the rule of law are not yet established in BiH.

A particular problem is definitely the work of prosecutors at all levels and their ignoring of prosecutions for corruption, especially those that are tied to politics. Some cases of prosecution of organized crime are recorded, but they are lonely and they end up with a much easier legal qualification of crimes and minimum parole, if they get a verdict and become convicted.

GOVERNMENT AUTHORITIES

In accordance with the law, citizens were informed that a number of rights they exercise before the competent administrative departments. Despite advances in their operation, many bodies are slow to overcome

the old bureaucratic habits in the communication with citizens. They are still required to obtain their requirements with the documents and provide facts on which the authorities keep official records and that, in accordance with law, they must obtain *ex officio*. Also, citizens are denied the necessary legal assistance during the administrative proceedings which they need in order to more easily and efficiently accomplish a right that belongs to them by law. Furthermore, citizens are not included in administrative proceedings, which started by request of other persons, whose resolution has an impact on the exercise of rights or protection of the interests of those citizens. Implementation of final decisions issued in administrative procedures is ineffective or it is not or can not be implemented, etc.

The causes of this situation lie mainly in the fact that government authorities are overburdened with staff and serve to recruit adequate, and yet uncared political staff, family members or those who in any way "indebted" those in power. Thus, their composition generally reflects the ethnic composition of those who employ them. All of this, but also frequently the incompetence at work, lead to discriminatory practices and numerous violations of human rights.

It is expected that the agreed reforms to reduce the slow and inefficient administration, which consumes a large part of budget at all levels, will finally be implemented.

SOCIAL RIGHTS

Key instruments for the protection of social rights, are certainly the fight against poverty and social pronounced separation and protection of vulnerable groups through legislation, but also through their consistent application.

Bosnia and Herzegovina is not defined in its Constitution as a social state, and legislation in this area varies both between entities and among the cantons in the Federation. The laws in this area, often do not comply with any international standards. Therefore, the scope of social rights is not in the field of legislation regulated the same way for all citizens who have a need for them.

Unequal access to these right for all alike represents discrimination, because each entity and cantonal authorities do not give sufficient resources in order to have the level of legally guaranteed rights evenly distributed to their beneficiaries. Specifically, the funds allocated for social protection are not classified according to objective needs, but rather than according to political preferences and political elite's efforts to "buy" social peace. This is especially present in the election campaign. A striking example is the adoption of laws on these issues a few years ago in the Federation of BiH, just before the general elections, which guaranteed on paper cash benefits to users of social benefits, while those benefits were not even envisioned by the budget.

All this resulted in the fact that today more than 300.000 people live in the state of social need, and have no social support or it is minimal. The largest number of pensioners are also living below the subsistence minimum, with pensions that do not reach 300.00 KM, and which did not increase in the last few years.

At the end of 2010, more than 522.000 workers who are unemployed were registered and this trend will certainly continue, given that only in that year around 80.000 workers lost their jobs. On account of those who remained to work, the authorities are trying to find a way out of economic crisis which was partly caused because of their wasteful behavior at all levels, and also because of the huge administrative apparatus, since they do not share the fate of workers – they have a guaranteed job. Introducing a new way of taxation and the decision to reduce wages and disability benefits, without reducing the overall reform of the administration, is an attempt to fix the budget. All this indicates that the status of social rights is cancer in BiH society.

MOVEMENT AND RESIDENCE OF FOREIGNERS

The European Court of Human Rights in Strasbourg was brought in early 2010, a decision to prohibit deportation of Ammar Al-Hanchia, Tunisian citizen who was detained in BiH in the immigration center in Lukavica on suspicion of threatening national security. The court ordered that the immigrant must not be forcibly deported to his native Tunisia for opportunities to be exposed to torture and inhuman behavior. The same decision was made for Abu Hamza (Imad Al Husin) who was detained at immigration center since the October 6, 2008.

Formally in BiH there is legislation which guarantees the rights of foreigners in BiH in accordance to international standards, but the practices and judgments referred point to more major problems when it comes to immigration:

- In BiH are in force the Law on Citizenship and the Law on Movement and Stay of Aliens and Asylum. These laws are in accordance with international standards in the field of human rights. However, the amendments to the Citizenship Law of November 2005, abolished the right of appeal to persons who were stripped of citizenship which is contrary to the internationally recognized right to a fair and equitable process. There were 1.255 cases processed. Decisions of the Temporary Commission revoked 661 citizenship acquired from April 6, 1992 to the end of 1995, mostly people of African and Asian origin. A large number of persons to whom the decisions were related, was not heard or they were not given the opportunity to personally or by proxy present their arguments and evidence;
- There were issues during the deportation of a number of persons to whom citizenship was revoked in this way. Some of them were expelled to countries where they face the death penalty, torture or other inhuman and degrading treatment;
- The process of decision-making on asylum or temporary stay, does not respect the principle of reasonable time, and a Department for Foreign Affairs refuses to release prisoners from custody at least until the completion of cases before the Court.

The practice is that the cases related to these persons transfer from the Court to the Constitutional Court and to the Court again, and then some come up to Strasbourg. Then again, the Court has to make its statement related to the decision of the court in Strasbourg.

All of that endlessly prolongs detention of these people and makes their fate and the fate of their families uncertain. The allegations that someone poses a potential national emergency, which is often the case, should not be extended indefinitely, without previously raised charges and court proceedings. In order to reasonably conclude about one's potential threat to national security, a fact that a person is placed on a list of persons who pose a threat to security, is not enough; Department of Foreign Affairs calls onto the law on protection of classified information that allows almost all information to be declared as confidential. According to state authorities, those information are related to "public safety, defense, foreign affairs or intelligence and security" while the person concerned has no right of access to classified information, nor the does the legal representative authorized to act in behalf of a client.

The Helsinki Committee for Human Rights in BiH has monitored the issue of movement and residence of aliens in BiH in 2010, through the analysis of the Convention on the Prevention of Torture and other cruel, inhuman or degrading treatment and procedures (CAT), on whose application the state of BiH committed itself. The report was delivered by the end of 2010, to the Committee against Torture of the United Nations.

The report, inter alia, states that since the entry into force of CAT, interest in its application increased and that a significant number of NGOs expressed willingness to contribute to the respect of it. Non-governmental organizations next to carrying out the monitoring of the implementation of CAT, also initiate the necessary legislative and other changes in order to respect and apply the Convention.

Helsinki Committee will follow these issues in the future and will insist on the consistent application of the Convention on the Prevention of Torture.

Based on the analysis of the human rights situation in 2010, the Helsinki Committee for Human Rights in Bosnia and Herzegovina, suggests to the competent authorities the following

RECOMMENDATIONS

1. Parliamentary Assembly to urgently elect chairmen of both chambers, so as to create conditions for the election of the Prime Minister and finally the Council of Ministers;
2. Council of Ministers and the Parliamentary Assembly to accede urgent changes to the Constitution of Bosnia and Herzegovina in accordance with the decision of the European Court of Human Rights issued on October 22, 2009;

3. Parliamentary Assembly of BiH to, during the creation of amendments to the Constitution, install an article that relates to issues of local self-government in accordance with the European Charter of Local Self-Government, and to entities and the District to harmonize its legislation with the same;
4. To the Parliamentary Assembly of BiH to adopt the Law on the establishment of the Court of BiH;
5. Council of Ministers and the Parliamentary Assembly to urgently approach changes of all the provisions of the Constitution which are inconsistent with the European Convention on Human Rights and Freedoms, in order to remove discriminatory provisions;
6. Council of Ministers and the Parliamentary Assembly to work with more effort on the implementation of necessary reforms that stand as a liability on BiH path towards the European Union;
7. Council of Ministers and the Parliamentary Assembly of BiH and entity governments and parliaments to support the institution of the Ombudsman of Bosnia and Herzegovina in order to fulfill the responsibilities assigned to it by the Anti-discrimination Law in Bosnia and Herzegovina;
8. Ministry of Human Rights and Refugees to permanently collect data on the occurrence and extent of discrimination and that, within the statutory time limits, based on reports inform the Council of Ministers and the Parliamentary Assembly of BiH;
9. Ministry of Human Rights and Refugees, to establish a central database, to make rules about how to collect data on cases of discrimination, and to monitor enforcement of the prohibition of discrimination;
10. Presidency to adopt appropriate decisions which would the Council of Ministers and the Parliamentary Assembly of BiH incorporate into the Law on Citizenship of Bosnia and eliminate discrimination in the acquisition of citizenship of BiH;
11. Council of Ministers, the Parliamentary Assembly of Bosnia and Herzegovina to accede to the amendments to the Election Law in order to eliminate discrimination against citizens of Brčko and enabled them to elect and be elected to the authorities at the state level;
12. Entity and cantonal governments to complete the harmonization of laws on social protection of each other and with European standards;
13. Entity and cantonal governments to implement reforms of its administration, with special emphasis on the rationalization;
14. Local communities in BiH should harmonize their statutes to the provisions of the European Charter of Local Self-Government.

THE REPORT OF INFORMAL NGO COALITION FOR UPR OF BOSNIA AND HERZEGOVINA

February 2010

INTRODUCTION

The Informal NGO Coalition for UPR of Bosnia and Herzegovina (B&H) submitting this report consists of 30 non-governmental organizations that deal with promotion and protection of human rights in B&H. The coalition is established in March 2009 by following NGOs: Human Rights House of Sarajevo, Helsinki Committee for Human Rights in Bosnia and Herzegovina, CURE Foundation, Serb Civic Council of Sarajevo Canton, Woman and Society Center, Association of Citizens „Renaissance", Regional Coordinator for Youth Groups in Western Balkans, Center for Informative and Legal Help - CIPP, ICVA, Prava za sve (Rights for All), Association Q, Transparency International in B&H, Association of Roma Women „Better Future", European Law Students' Association - ELSA, Center for Human Rights Sarajevo, Youth Club „Diamond", Association of Decertified Policemen in B&H, Bona Fides, Zemlja djece (Land of Children), League for Protection of Private Property and Human Rights, Association for Civic Rights - UGP, Zdravo da ste (Hello Neighbour), Foundation „Truth, Justice, Reconciliation", NGO of Altruists „Svjetlo" („The Light"), Red Half-Moon of B&H, Association „Friends of Family" and Center for Youth Development - PRONI.

EXECUTIVE SUMMARY

1. Bosnia and Herzegovina has ratified the majority of the UN conventions relating to human rights. The Convention on the Rights of Persons with Disabilities has not yet been ratified. However, the Conventions that the state has committed to apply are not applied directly. For example only one case of direct implementation of the Convention on the Rights of the Child was recorded so far.
2. The lack of state regulation and the rule of law, which makes space for violation of human rights, is illustrated by the fact that even 20% of the decision passed by the Constitutional Court are not respected for nor implemented!
3. The use of hate and inflammatory speech is widely spread. Nevertheless, these occurrences are not being sanctioned, thus freeing the instigators of the violation of human rights from responsibility, while at the same time direct perpetrators of the most severe criminal offences being eventually tried before the courts.
4. Having in mind the role of international community in Bosnia and Herzegovina, since the signing of the Dayton Peace Agreement until today, international community is also contributing to violation of human rights, as illustrated in the case of 598 decertified policemen.

BACKGROUND AND LEGAL FRAMEWORK

3.1 Discrimination

5. The Constitution of Bosnia and Herzegovina contains certain controversies, some of which are related to discrimination. Article 2, of the Constitution guarantees the enjoyment of human rights to all persons without discrimination on any grounds. However, Articles 4 and 5 of the Constitution contain discriminatory provisions. Namely, Article 4 sets out that each of the two chambers of the Parliamentary As-

sembly of BiH shall „select from its members one Serb, one Bosniak, and one Croat to serve as its Chair and Deputy Chair...”, thereby depriving anyone, who does not belong to any of the three mentioned nationalities, of the opportunity to serve as Chair or Deputy Chair in both Chambers of the Parliaments, which presents a discrimination. In the same manner, Article 5 determines the composition of the Presidency of BiH which shall consist „...of three members: one Bosniak, one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republic of Srpska”. This Article discriminates not only those persons who do not belong to the Serb, Croat and Bosniak people, but also the Croats and Bosniaks who do not live in the Federation of BiH, and Serbs who live outside the Republic of Srpska.

6. Although the competent institutions, the European Commission for Democracy through Law, also known as the Venice Commission, the UN Human Rights Committee, among others, have concluded that these provisions of the BiH Constitution are in contravention of the international human rights standards, they have still not been amended nor harmonized with the above-mentioned Convention.
7. Some laws have discriminatory provisions too. This is the case with the Law on the Rights of Veterans and Members of their Families of the Federation of BiH. The Constitutional Court of the Federation of BiH proclaimed this law unconstitutional in 2005 due to the discriminatory provisions affecting the members of the Army of the Autonomous Province of Western Bosnia and members of their families. However, the Federation Prime Minister, who is obliged to implement the decision of the Constitutional Court, has consistently refused to do so.
8. The Law on Gender Equality and the Law on Rights of National Minorities, which were harmonized with international norms and contain anti-discriminatory provisions, were adopted in the previous years. However, these laws are not being applied in an adequate manner. The Law on Prohibition of Discrimination has been adopted recently, which is encouraging.
9. Discrimination is one of the most serious generators of violations of human rights in BiH. Individuals are discriminated against on the grounds of their national, political and sexual orientation. Moreover, the victims of discrimination are also members of the so-called "vulnerable" groups. Apart from women, sexual minorities, the subjects of discrimination are also persons with disabilities, national minorities, families of missing persons, victims of war, elderly people, children, returnees. The members of vulnerable groups are being discriminated against in many different ways. Discrimination is demonstrated in some vital fields of life, such as employment, education, health and social care, pension rights. One of the consequences of this situation is, for example, the fact that only 0.8 per cent of working age returnees belonging to an ethnic group that is not dominant in a region, has employment. Furthermore, only 1.5 per cent of working age Roma have jobs, as compared to 50 per cent that had been employed before the war¹.
10. The discrimination is more frequently reported in the area of employment in the civil service of BiH due to inadequately defined regulations, lack of independency and of professional work of the Panel for selection of candidates, and the inadequate role of the Civil Service Agency of BiH as such in the whole process.
11. The discrimination is also reported in case of holders of the occupancy² right over the apartments that were seized in 1945 and allocated to the citizens over which they had acquired the occupancy right pursuant to the Law on Housing Issues from 1974. The holders of occupancy rights in the Republic of Srpska and Brcko district gained the right to purchase apartments they live in, while the tenants in the Federation of BiH have not gained that right. There is also widely spread discrimination by place of residence and it refers to the exercise of the rights in the field of social care, health care, education, rights of the child, rights of the elderly and vulnerable persons.

¹ Report on the status of Human Rights in BiH for 2008-Helsinki Committee for Human Rights in BiH- www.bh-hchr.org

² Occupancy right over the apartments is a specific type of ownership that basically is similar to the state ownership over the apartments. The occupants have some rights over the apartments, but definitely not the property right.

3.2. National minorities

12. The Law on the Rights of National Minorities has become effective in Bosnia and Herzegovina in 2003. This Law is based upon the Framework Convention on Protection of National Minorities which has been ratified by Bosnia and Herzegovina. BiH has not so far ratified the European Charter on the Regional and Minority Languages.
13. Although the Law on Protection of National Minorities was adopted more than two years ago, it has not been applied due to failure to pass necessary by-laws and due to lack of political will. The Law has listed 17 national minorities living in Bosnia and Herzegovina, but there are no reliable data on their number since the last census was conducted in 1991, and in the meantime, due to war and ethnical cleansing, there were significant demographic changes.
14. The largest is Roma population, however, the assessment of the number of Roma people varies, and it can be only assumed that currently in Bosnia and Herzegovina there are in between 80,000 to 85,000 Roma people, while the activist of Roma associations claim that there are in between 80,000 to 120,000 Roma people.
15. The status of member of national minorities is unfavourable, and they are in the large number of cases the victims of ethnic discrimination. When speaking of members of national minorities, the position of Roma people is of course the most difficult. Their position is particularly difficult in regard to the employment, economic position and housing. Only 1.5 % of working age Roma people are employed as compared to about 50% that had worked before the war. The only Roma who was working in civil service, Redzo Seferovic, has been fired. Only six Roma is employed in the area of Zenica-Doboj Canton, in the Federation of BiH. In Visoko, one Roma works, while in Sarajevo and Tuzla Canton there are two policemen of Roma nationality each. In the Chemical Complex in Tuzla, there are two engineers of Roma nationality. There are municipalities in which not a single Roma is working.
16. A significant number of Roma people has not exercised the right to return to their homes in which they had lived before the war. However, the living conditions of Roma people are extremely poor and do not meet the minimum standards. Usually they live in humid houses, without sanitary facilities, running water and electricity. It is estimated that around 10.000 Roma families do not have appropriate accommodation.
17. The vast proportion of national minorities is not entitled to free health care, since that right belongs to employed persons, members of their families and retired people.
18. Regarding education, only 15% of Roma children complete compulsory 8-year primary education, while the girls stop their education in the fifth grade of primary school. Illiteracy is very common with Roma people.
19. The minority languages are not used in any communication with authorities, including the courts. There are no examples of learning minority languages in schools. There are no printed media in Roma language, and only two radio stations occasionally broadcast the programs in this language.
20. The establishment of the Roma Council as a consultative body can be taken as positive example.
21. Based on the data obtained from the Jewish organizations, there are about 1.000 Jews in Bosnia and Herzegovina. The European Commission Against Racism and Intolerance (ECRI) is concerned about the fact that anti-Semitic books, including Mein Kampf and Zion Protocols can be bought in the book-shops in BiH, interpreting it as a threat to the Jewish community. The Islamic Youth Magazine „SAFF" published anti-Semitic text speaking of Jewish victims of Holocaust and killing of six million of Jews in the concentration camps during the Second World War in an abusive language, the author of which is Fatmir Alispahic.
22. The human rights in Bosnia and Herzegovina are in a close co-relation with nationalities, and in that sense the rights of the members of national minorities are not being protected.
23. Bosnia and Herzegovina has signed the Declaration on Accession to "Decade of Roma Inclusion 2005 - 2015" only on 4 September 2008. By signing this Declaration, BiH has expressed its political will to sig-

nificantly reduce discrimination against Roma people and to improve their socio-economical status. In such a context, action plans were made to resolve the problems of Roma in the areas of employment, accommodation, health care and education, however they are still not being fully implemented.

3.3. Human Rights Defenders

24. In Bosnia and Herzegovina there is an escalation of assaults on human rights defenders and their situation can be assessed as alarming. This assessment is based on a series of cases of violence and death threats, intimidation and silencing attempts and other attacks against individuals and groups who are trying to protect rights of individuals and contribute to the improvement of human rights in the country. The target of assaults were campaigners for the rights of members of sexual minorities³ as well as the activists engaged against human trafficking. The victims of assaults are also the non-governmental organizations and their activists who deal with investigation of corruption and crime,⁴ as well as journalist who are engaged in research journalism, dealing with unlawfulness of any kind. Assaults against journalists and attempts to silence journalists seriously threatens freedom of expression, bringing into question the achieved level of development of democracy. One should stress that family members of the human rights activists are often targeted, which indicates that there is a intention to create a sense of fear and to prevent any thought or act of criticism.
25. In the previous years, attempted murders of some activists have been recorded. It is indicative that none of the cases were resolved and none of perpetrators of violence have been investigated.
26. Attacks against human rights defenders most frequently come from politicians, and lately more frequently from high-ranking religious officials.
27. The authorities do almost nothing to protect the human rights defender. The courts and police fail to respond and sanction assaults against human rights defenders. Moreover, nothing has been done to provide safe environment for activists dealing with protection and promotion of human rights.
28. Severe attacks against trade union activists have been recorded, as well as the cases of dismissal from job of some of them.⁵
29. The Declaration of the General Assembly of the United Nations on the Rights and Obligations of the Individuals, Groups and Social Bodies related to promotion and protection of universally recognized human rights and freedoms is not adequately treated by the authorities, which also contributes to inadequate treatment of human rights activists.

3.4. Torture, inhumane and degrading treatment

30. The most frequent incidents of torture, i.e. "use of excessive force", are linked with penitentiaries. In number of cases, prisoners have complained of bad treatment by prison guards. The first problem is the lack of a single definition of torture in the current entity legislation, which calls for synchronization. The need for adequate training of employees of penitentiaries is evident, as well as their introduction to the regulations banning torture. Very often, persons in custody are not sufficiently informed about their rights and the rights to complain. Independent internal control, or the independent work of doctors and inspections, have not been secured, which is the reason why the cases of torture are rarely fully investigated and disclosed. The lack of regular monitoring of the conditions in penitentiaries by human rights institutions and non-governmental institutions is evident, although it could lead to improvement of the overall situation. Finally, the state of penitentiaries and the status of persons in custody are illustrated by the fact that two verdicts of the Court of Human Rights in Strasbourg were related to the violation of the rights of those persons, and Bosnia and Herzegovina was penalized.

³ Decapitation death threats against one of the organizers of the First Queer Festival in Sarajevo, Svetlana Djurkovic, at the end of September. In addition, eight participants of the Festival were physically assaulted

⁴ threats against official representatives of Transparency International of BiH were issued by the Republika Srpska Prime Minister Milorad Dodik, similar threats were issued by other officials of the SNSD, the ruling political party in this entity.

⁵ Mirza Huskic, trade union activist in the Federal Television, was fired on the basis of „giving statements to other media outlets” .

31. A special problem is linked with convicted persons in need of mandatory psychiatric treatment. Although the international regulation and local legislation stipulate accommodation of these persons in a specialized medical institution set up only for this purpose, these persons are still residing in inappropriate institutions such as the penitentiary in Zenica, or in the Psychiatric hospital in Sokolac, which do not meet the criteria and existing international standards.
32. The situation in the penitentiaries is also illustrated by the fact that the Court of Human Rights in Strasbourg passed several verdicts related to the violation of the prisoners' rights, including the convicted persons in need of mandatory psychiatric, and Bosnia and Herzegovina was penalized.

3.5. Sexual minorities

33. Homosexuality was treated as criminal offence until 1998. Homosexuality is decriminalized through modifications of the legislation. The Law on Gender Equality from 2003 prohibits discrimination on the grounds of sex, gender and sexual orientation. However, there are again efforts underway to abolish this legal provision. The Family Law in the Republic of Srpska and in the Federation of BiH define a marriage as "a legal community of a man and a woman", in spite of the provisions of the UN Convention on Prohibition of all Forms of Discrimination and in spite of the current Law on Gender Equality. Recently adopted Law on Prohibition of Discrimination refers to the existing family laws when definition of a marriage is in question. There are no laws that would relate to the identity and rights of bisexual and transsexual persons. Finally, there are no laws that would regulate the issue of transgender persons and decisions that would regulate their sex, sexual or gender identity.
34. There is no possibility of concluding the same-sex marriages or adopting children by the same-sex couples.
35. In spite of evident discrimination that the members of the sexual minorities are exposed to, no court decision was passed identifying and sanctioning such discrimination.
36. During the preparations for the First Queer Festival in Sarajevo at the end of September 2008, a hate speech against homosexuals was delivered. Homosexuality was qualified as "a disease", as "Western trash" and "deviation". These statements were given by politicians, including parliamentarians, and some religious leaders. This supported violators and hooligans who physically assaulted participants of the Festival, which resulted in eight casualties.
37. In addition, activists who advocate for the rights of persons belonging to sexual minorities and their organizations are exposed to constant pressures, threats, aimed at disabling them to perform their work. Prejudices against lesbian, homosexuals, bisexuals and transsexuals are sustained by schools which do not speak about these occurrences or speak about them in a distorted way.

3.6. Sex and Gender Based Violence

38. Despite the existence of legislation based on international standards, directed against the sex and gender based violence it frequently appears, in particular in domestic violence. The victims of violence are mainly women, adolescent girls and girls. It is more often reported on the cases of incest the victims of which, as well as sexual violence generally and involvement into the chain of prostitution, are underage girls. Although there is no official statistics, non-governmental organizations estimate that only 5% of victims report the violence to the police.
39. Sentences for violence against women and girls are usually extremely lenient. Suspended and financial sentences are mainly passed. Imprisonment sentences are rarely pronounced, while maximum sentences, as a rule, are not pronounced.
40. In spite of the Law on Prevention against Domestic Violence, the victims are being forced to live under the same roof with a violent person. According to one reliable research, a violent person has not been moved away from the apartment in any of the cases. Protection of victims of violence is being mainly addressed by non-governmental organizations which resettle the victims of violence into safe houses. The authorities allocate minimum funds for this purpose.

3.7. Persons with Disabilities⁶

41. The Convention on the Rights of Persons with Disabilities has not yet been ratified. In this field, a basic problem is that the state, when persons with disabilities are concerned, does not take into account their objective situation and needs, but considers them in a function of a group to which they belong to, and in origin of disabilities. Persons with disabilities are divided into four groups: by place and way of appearance of disabilities: disabled war veterans, civil war victims, disabled workers and civil non-war persons with disabilities. The disabled war veterans are in the most favourable position who, as compared with disabled non-war persons, have even six or more times higher disability allowances. Disabled civil non-war persons are in the worst position among whom, in accordance with the data of the World Bank, almost 43% does not have any material support.
42. There are no sufficient or adequate measures to include persons with disabilities into employment or to train them to carry out jobs they can do. The employers are not sufficiently stimulated to get these persons employed.
43. Although the Law on Education provides for the inclusion of children with disabilities, inclusion does not exist in practice, since material and other requirements for it are not met.
44. Movement of Persons with disabilities and access to institutions, which should be easily approachable to them, such as health care, educational, administrative and other institutions, is considerably limited. Access to public transport means is also made impossible for some categories. Despite the existence of regulations in this field, their implementation in essence depends on the good will of local authorities.
45. We have noted a lack of dialogue between the representatives of governmental bodies and organizations of persons with disabilities, as well as a lack of reliable statistics which could be helpful for changing the current situation.

3.8. Right to Adequate Education

46. The education is divided into three partial nationally coloured curricula. Through them, tendencies of separation and assimilation are expressed, and the consequence is the creation of three separated groups of citizens, who poorly know each other or do not know each other at all, having as a consequence lack of confidence and fear from others.
47. There is particularly dramatic situation in more than 30 divided schools with classical segregation taking place. The children are divided on ethnical grounds, and they are deprived of opportunity to mutually communicate and even meet each other.
48. Although the primary schooling is defined as compulsory and free, the situation does not fit into the definition. Almost 4% of children at the school age are not enrolled either due to a big distance from school, inaccessibility of school to children with special needs, due to extreme poverty, non-possession of documents - birth certificate, first of all, which particularly affects Roma children, or due to nationally coloured curricula and text-books, which rejects the children members of minorities.. There are cases that Roma children, who have problems with language, are placed in special classes for children mentally disabled. Notably, the last several years parents do not enroll female children in school. There is a high percentage of children not completing primary school in spite the fact that this is compulsory. Parents are not being sanctioned when preventing children from attending primary schools.
49. Primary education creates additional costs for the families, which makes special difficulties to the families in need. The issue of free provision of text-books and transportation to school for those who can not cover the costs has not been resolved in a systemic way.

⁶ This chapter, depending on the terminology used by specific associations, includes persons with special needs, handicapped persons, persons with disabilities and disabled people.

3.9. Children's Rights

50. Children belong to the category of extremely vulnerable persons. The right to life is also endangered which is illustrated by the official data that eight promiles of children do not reach fifth year of life. Every fourth child is a victim of some forms of violence, and children are, most frequently, casualties of mines the number of which nowadays exceeds one million.
51. Every fifth child lives in a poor family which, among other things, cause undernourishment, which negatively affects the health, and has a higher risk of diseases.
52. A number of children, particularly Roma children, are not registered into the birth registry books, can not use health insurance, social aid, and can not enroll to school. Children accommodated in care homes do not enjoy equal protection by the state, and some care homes are outside of the social care system, and the state does not have insight into the situation in these institutions.
53. Assessments show that almost 25% of children do not have free health care notwithstanding the fact that they are entitled to that right under the law.
54. As a consequence of poverty, and of modern slavery, there is an increasing number of children on the street, begging.
55. There is an evident abuse of children for the political purposes, at the rallies of political parties or during street manifestations. Children are being brought into the first rows, and those pictures are being mis-used for political purposes.

3.10. Social Rights

56. In its Constitution, Bosnia and Herzegovina is not defined as a social state. System of protection differs in the entities, with the laws that are not harmonized with international norms. The existing system of social protection, which is inefficient and discriminatory, does not offer security to most vulnerable citizens, which creates tensions and instability.
57. Although the funds earmarked for social care are not small, they are not distributed in line with objective needs and rules, but in line with political affiliation and in line with efforts of political elite to buy political allies. Thus, around 300,000 people live in a situation of a social poverty, at the same time having no social support. The cause for such a situation lies in a fact that exercise of guaranteed rights depend on economical strength and readiness of some of the cantons to secure budget funds for implementation of the law in practice.
58. Particularly endangered are children, mothers on maternity leave, non-war disabled persons, workers without employers contributions, Roma people, and elderly people.
59. Among the causes of bad situation there is a lack of competences within institutions that implement social policy, as well as the absence of sanctions against those cantons that do not meet minimum obligations prescribed by law.

3.11. Freedom of Expression

60. De-penalization of the libel and the slender, as well as adoption of Law on free access to information, have generated more favourable legal framework for the respect of freedom of expression. However, this freedom remains exposed to constant pressure and threats.
61. One of the fundamental problems lies in the fact that the transformation of public radio and television broadcasting system has not been completed. The prerequisite, those that could realistically protect the public service from political pressures and influences have not been founded. In addition, political pressures upon the Regulatory agency for communications - that should, among other duties, defend ethical and other professional standards as an independent body-have resulted in the dependence of a number of public broadcasters on the centre of the political power.
62. In the vast number of cases, private media demonstrates narrow-minded business or political interest of their owners, certain lobbies, and are, more often dependent of religious leaders' disposal. Standards of professional journalism are often sacrificed for the sake of these narrow interests.

63. An increase of physical violence against journalists has been noticed, and journalists and some editorial staff have been subjected to a constant pressure through verbal threats, attempt to instil fear and having charges threats against them by high ranking politicians that are enabled to reconcile themselves to the role of media in a democratic society. Those pressures cast a serious doubt over the freedom of expression and threaten to extinguish the few media organizations that take a critical discourse on some events in the society.
64. Freedom of expression is further questionable on the grounds of clannishness of certain information sources, irrespective of the Law on free access to information. Paradoxically, certain items of important information are inaccessible even for the member of the Parliament, which influences the character of decisions made and in turn enables manipulation of citizens and the public opinion.
65. Freedom of expression is, in the broad sense, seriously jeopardized when it comes to stating own identity. This right is particularly imperilled in cases of declaring an ethnic identity that does not comply with the division among the three constitutional ethnicities and ethnic minorities. The possibility of once declaring as a 'Bosnian', 'Herzegovinian', or similar is denied. The same goes for the identity as per sex and gender. Despite personal declaring, certain social authorities are imposing their understanding of identity as valid, which directly opposes the right to an own identity.

3.12. Freedom of Association

66. Number of citizens' associations and foundations, as some denominations legal forms of association, exceeds the figure of an 8000 and it can be said not to be small. However, civil society organizations are atomized, fragmented, considerably weakened and based on ethnical principles. The NGOs are encouraged to register at entity or cantonal level, but not at the level of the whole country. The politics of discouragement openly interferes with formation of civil society organizations that want to register at the level of the whole of BiH. The procedures of registration are lengthy and complicated, and only stronger NGOs and those well equipped personnel can pass them. Furthermore, only organizations registered in the Republic of Srpska entity level, for example, can apply for funding from the budget of the entity, which is only one way to non-governmental organizations permission to register at the entity level.
67. Special obstacles that trade unions face in practice are that they can not be registered at the level of the entire country.
68. As authorities attempt to weaken and discredit the NGO sector, are increasingly establishing "Governmental non-governmental organizations" that create misunderstanding and confusion among non-governmental organizations, and among citizens.

3.14. Corruption and Human Rights

69. Bosnia and Herzegovina is placed in 92nd- 95th position on the list of 180 countries as per perception of corruption, according to Transparency International. This fact alone shows that in Bosnia and Herzegovina there is not respect for the law, which indicates that it does not even respect those legal provisions relating to human rights and civil liberties. Character and extent of corruption, and involvement of the holders of political power, have caused the issue of corruption to enter the human-rights agenda. Immunity of high-ranking politicians, the fact that enormous resources invested in business made corruption an important generator of violations of human rights. Only in the area of environment, corruption, supported by multimillion investments, directly denied the right of citizens to express their will and influence the development and investment policy.
70. The issue of corruption is directly related to the right to development. Funds that flow into the pockets of individuals could be in a country like Bosnia, used for development investment, employment and better social policy.
71. Critical attitude towards corruption has seriously brought into question the freedom of expression, and brought into danger defenders of human rights.

72. Based on this report, the non-governmental organizations suggest the authorities in Bosnia and Herzegovina, the following:

RECOMMENDATIONS

1. Ratify, as soon as possible, the Convention on the Rights of Persons with Disabilities.
2. Conduct a national census and establish statistical data that are, among other things, elements of assessment of human rights.
3. Provide all necessary legal and material support to BiH Ombudsman as a national institution for human rights. This implies, among other things, a creation of human and financial preconditions to start implementing the Law on prohibition of discrimination. Strengthening institution of Ombudsman, as an independent body, as impartial and competent institution will be of enormous importance to the future of human rights in BiH.
4. Given the immense discrepancy between the assumed international obligations and existing law on the one hand and on the other, its practice, it is necessary to do a thorough analysis of the implementation of ratified international conventions and establish specific programs for their application.
5. Increasingly difficult positions of defenders in the field of human rights and their protection, necessarily imposes the need for sensitization of law enforcement agencies, the media and public opinion in order to create an environment in which it will be possible for citizens and their organizations to operate freely in the field of human rights. It is necessary to establish a legal framework which would guarantee the rights and personal safety for defenders of human rights.

CERD LIST OF ISSUES

BY THE COALITION OF NON-GOVERNMENTAL ORGANIZATIONS ON IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION IN BOSNIA AND HERZEGOVINA

Sarajevo, 8 June 2010.

INTRODUCTION

Non-governmental organizations in Bosnia and Herzegovina whom have gathered around the Human Rights House of Sarajevo, express their regret that the authorities have failed to effectively monitor implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Bosnia and Herzegovina regularly, consistently and within the prescribed deadlines, since the concept of racial discrimination also encompasses ethnic and religious discrimination, segregation and intolerance. According to assessments by human rights NGOs, such discrimination has been the main generator of human rights violations in Bosnia and Herzegovina over the past years.

1. We welcome the acceptance of the initiative to promote a dialogue on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in Bosnia and Herzegovina, by the authorities. Furthermore, we hope this dialogue will be maintained.
2. It is with special regret that we note the failure to amend certain parts of the BiH Constitution whereupon certain important rights are conditioned by specific nationality or ethnicity. This applies particularly to the election of members of the BiH Presidency, House of Peoples of the BiH Parliamentary Assembly and chairs of both houses of the BiH Parliamentary Assembly,¹ despite the clearly stated position of the Committee on the Elimination of Racial Discrimination as contained within the Concluding Observations of the 68th session of 20 February - 10 March 2006.
3. We welcome reports that violence on grounds of ethnicity and religion has decreased, and we commend efforts by the authorities to guarantee the safety of all citizens of BiH, concerning property and person.
4. Bosnia and Herzegovina still lacks credible statistical information that would enable the effective monitoring of cases of discrimination and violence based on ethnic intolerance. We consider the reluctance to hold a population census totally unacceptable.
5. We welcome the adoption of the Law on The Prohibition of Discrimination and we consider this an encouraging development. Adopted in 2009, this law prohibits discrimination on grounds of race, skin colour, language, faith, ethnicity, national or social background, affiliation with a national minority, among other things. We also welcome the law's universal application, across all persons in Bosnia and Herzegovina.
6. The ombudsman, who's responsibility it is to implement the Law on Prohibition of Discrimination, is financed from the BiH state budget. This arrangement does not guarantee independence of this body nor autonomy from the legislative and executive branches of government and the associated pressures.² For instance, the ombudsmen do not have the powers to decide on the number of staff needed to work

¹ Section B, Item 4 of the Concluding observations of the Committee on the Elimination of Racial Discrimination on BiH.

² Among other things, the BiH Law on Salaries has abolished the provision of the BiH Law on Ombudsmen equalizing their salaries with those of Constitutional Court judges, therefore directly affecting the independence of Ombudsmen.

- on combating discrimination. According to an assessment of non-governmental organizations, the existing Department for Elimination of All Forms of Discrimination is not staffed sufficiently.
7. According to research of Jewish communities, around 1,000 Jews live in BiH. We are concerned with the fact that bookstores sell anti-Semitic books, including *Mein Kampf* and *Protocols of the Elders of Zion*, which we consider a threat to the Jewish community. The Islamic magazine SAFF also published an anti-Semitic article by Fatmir Alispahic, speaking offensively about Jewish victims of the Holocaust and the suffering of over six million Jews in the Second World War. Furthermore, we have also observed demonstrations of anti-Jewish attitudes in relation to the Middle East events and Israeli policies.
 8. Hate speech is still a commonly used tool. A number of politicians and religious leaders have attempted to stigmatize whole ethnic and religious groups in their public statements. 'Other' ethnic and religious groups are still being collectively accused of crimes, while the crimes committed by the accusers own ethnic group are ignored. Whole nations are being labelled as "criminal" or "genocidal" in an attempt to incite hate and distrust between members of different ethnic groups.³ Furthermore, the judiciary has not intervened.
 9. Regretfully, Bosnia and Herzegovina has so far failed to adopt a law banning fascist organizations and use of fascist symbols. This has encouraged racist rhetoric, particularly evident on the sports fields and exhibited in graffiti calling for ethnically motivated violence or conveying messages of hate. These incidents largely remain unprosecuted and their inspirers and perpetrators unpunished.
 10. Advisory bodies for issues of national minorities have been established at the levels of BiH and both entities - Republika Srpska and the Federation of BiH. However, the conditions for effective and efficient work of the national minorities' councils have not yet been ensured. They lack professional support, as well as financial and technical means. Moreover these bodies tend not to be consulted when issues vitally important for national minorities are being discussed.
 11. We consider the establishment of the Roma Council a very positive development, since Roma are the most vulnerable category of BiH citizens.
 12. School syllabi and curricula no longer include the history, culture, tradition or language of national minorities. This could promote a reduced prejudice against minorities, particularly the Roma.
 13. Minority languages are not used in communication with the authorities, including the courts. There have been no instances of minority language teaching in schools. There are no printed media in the Roma language, and only two radio stations occasionally broadcast programmes in this language.
 14. Some printed media continue to highlight ethnicity in cases concerning criminal acts by perpetrators of Roma descent. They do not refrain from publishing full names and surnames of juvenile offenders, victims of human trafficking and sexual abuse, where they are Roma.
 15. Bosnia and Herzegovina joined the "Decade of Roma Inclusion 2005-2015" in September 2008 representing an important expression of political will to decrease discrimination against Roma and simultaneously improve their economic and social status. Moreover, a programme of activities for reaching certain objectives was endorsed through action plans. The total of 1.5 million Euros was allocated for these purposes from the BiH budget and the Swedish development agency allocated another million Euros.
 16. In relation to increased access to the health system for Roma people; no identifiable results have been registered so far.
 17. Progress has been recorded in terms of education. The number of Roma children in primary and secondary schools as well as at university, has increased.

³ For example: Milorad Dodik, the Prime Minister of Republika Srpska: "It is unacceptable for us in Republika Srpska to be put on trial by Muslim judges and to have legitimate appeals rejected by them."; Mustafa Cerić, the chief cleric of the Islamic Community in BiH: "We know very well that Mr Gregorian married a Ms Olga in Bosnia and Herzegovina; we wish him a good and happy marriage, but this tells us that Mr Gregorian does not have the right to give us moral lectures, to call on us, but has the obligation to respond." [alluding to ethnicity of Gregorian's wife who is, judging by her name, not a Muslim, or a Bosnian Muslim – author's note]; Fahrudin Radončić, leader of a newly formed political party – the Alliance for a Better Future of BiH: "We have a situation where a lady, who is the editor-in-chief in one of our public broadcasters, is not a Bosniak [Bosnian Muslim], and is doing this job."

18. An important step forward has been made in resolving Roma housing issues. Construction of the total of 103 housing objects is in progress for as many families. It is expected that construction of more housing, designated for Roma, will start this year.
19. In terms of employment, a total of 100 Roma have been employed with funds allocated for implementation of the Action Plans over the past year. It is expected that as many Roma will be employed this year. However the fact that not a single Roma is employed within the state administration, at the levels of cantons, entities and BiH, is a matter of concern.

Organizations and activists signers:

Human Rights House of Sarajevo; Helsinki Committee for Human Rights in Bosnia and Herzegovina; Serbian Civic Council, Movement for Equality – SGV; Croatian People’s Council – HNV; Youth Initiative for Human Rights in BiH – YIHR; European Law Students’ Association – ELSA; Dervo Sejdic, Roma activist and Boris Kozemjakin, president of Jewish Municipality of Sarajevo, with the support of the Human Rights House Foundation.

CAT REPORT

REPORT ON IMPLEMENTATION OF CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT AND PUNISHMENT (CAT) IN BOSNIA AND HERZEGOVINA (BiH)

October 2010

Jointly prepared by Helsinki Committee for Human Rights in BiH and Human Rights House of Sarajevo

1. In this report, the Helsinki Committee for Human Rights in BiH and the Human Rights House in Sarajevo, as non-governmental organizations dealing with protection of human rights, wish to highlight some issues concerning implementation of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.
2. Since the very entry into force of CAT, non-governmental organizations have noted an increasing interest in its application and a considerable number of non-governmental organizations have demonstrated will to contribute to its implementation. Non-governmental organizations have monitored implementation of CAT, reported on the implementation and initiated necessary legal and other changes in order for the Convention to be fully implemented and adhered to.
3. We welcome the fact that a number of important laws stemming from international obligations have been adopted. However, despite some positive moves, political will for some solutions for the whole Bosnia and Herzegovina is still lacking, thus preventing overcoming of some serious issues. Most powers related to justice, judiciary and execution of sanctions lie with the two entities. The divisions between the entities are strong and agreements on harmonization of legislation, more rational use of prison capacities, joint approach to prisoners who require psychiatric treatment and similar issues, are hard to reach.
4. Bosnia and Herzegovina has not ensured conditions for execution of sentences by men, women and juveniles in separate facilities. Some institutions accommodate long-term prisoners, juveniles and women. A number of penal institutions have detention units, where persons under investigation are placed, which is contrary to international standards.
5. Despite numerous warnings that prisoners must be ensured access to independent doctors and lawyers, this right has not always been granted. There are no genuine independent mechanisms for provision of legal aid and consideration of prisoners' complaints. Access of prisoners to independent doctors is not guaranteed, which makes verification of torture allegations in prisons very difficult. However, independent lawyers and doctors are not prohibited from entering penal institutions, but there is no established procedure that would guarantee this.
6. Database on alleged torture and inhumane treatment cases has not been established, or on negative court opinions or rejections of allegations as unfounded. Furthermore, there are no exact data on cases of compensation and reparation for victims of torture and inhuman treatment.
7. Persons who require psychiatric supervision and psychiatric treatment, and who had committed criminal acts, are currently accommodated in Zenica Prison and Sokolac Psychiatric Clinic, which is absolutely inadequate and constitutes breach of international standards. This situation was supposed to be tempo-

rary, but continues until the present day despite the fact that there is a plan to reconstruct a part of Sokolac Psychiatric Clinic and specialize it for admission of convicts with psychiatric problems.

8. Bosnia and Herzegovina has deported a number of persons to countries where they can face threat of death penalty, torture or inhuman and degrading treatment, which constitutes violation of obligations from international conventions.

A number of foreign nationals are still held in the immigration and asylum centre and are facing deportation to Kosovo, despite threat of prohibited treatment.

9. Needs assessment concerning establishment of a National Mechanism for Prevention of Torture in Bosnia and Herzegovina, as part of implementation of the Optional Protocol to the Convention against Torture, is still on-going. The Helsinki Committee and Human Rights House warn of the fact that most authorities have not demonstrated understanding of the concept and the need for such a mechanism to be independent in order to be fit for purpose
10. Non-governmental organizations expect from the authorities to remove all obstacles to consistent implementation of the Convention against Treatment in the next reporting period. Non-governmental organizations express readiness to work with the authorities in this field and participate in monitoring bodies and independent bodies for independent medical and legal assistance to prisoners and persons in psychiatric institutions.
11. Although this Report treated only some of the issues related to CAT, our organizations fully support the TRIAL report, which refers to the agonizing issue of missing persons, their families and issues related to rape victims.

We also support the Amnesty International report and views expressed therein.

PUBLIC STATEMENTS AND PRESS RELEASES

SPEECH BEFORE THE EU POLITICAL AND SECURITY COMMITTEE

Public Statement of Vera Jovanovic

Any improvements of the state of human rights in Bosnia and Herzegovina should aim at the satisfaction of interests and rights of citizens. Surely the citizens interests are related to economic prosperity, higher living standards, but they also aspire towards strengthening of democracy and improvement of the state of human rights. What has been the practice in the field of human rights so far?

- Fifteen years after adoption of a discriminatory constitution, there has been no agreement on constitution change, which is a reflection of politicians' treatment of human rights;
- A delay in respect for human rights, establishment of the rule of law has been observed over the reporting period;
- Bosnia and Herzegovina is not constitutionally defined as a social state, while the social legislation is diverse at the entity level. These laws, like many others, have not been mutually harmonized or aligned with international standards. Social funds are not allocated in line with real needs, but in line with political views and efforts to buy political elites and social peace, particularly on the eve of elections. For this reason, over 300,000 citizens are in social need, they have no or insufficient social support. During 2010, around 80,000 workers were fired in BiH, which has been attributed to global recession. A vast, inefficient and incompetent administrative apparatus in the executive government, but also the public sector, has served to employ political cadres that have not found positions elsewhere and for family members, which directly adds to discriminatory practices and violations of human rights. The legislation that should prevent corruption, nepotism, etc. (the Law on Conflict of Interest, Public Procurement Law, Law on Government, Ministry and Other Appointments, Law on Freedom of Access to Information) have not been applied sufficiently well, or at all, while the decisions on vital issues are usually made in extra-institutional centres of power, instead of the parliaments;
- Discrimination of all citizens, but particularly national minorities, has been evident in the whole of BiH, in the fields of employment in public offices, in education, health care and social welfare, particularly when it comes to the rights of returnees, pensioners and persons with disabilities, and in the domains of housing, sexual and gender minorities, etc. One of the reasons for this is the Constitution of BiH itself, which has given advantage to collective rights at the expense of rights of individuals, thus ensuring legitimacy of national parties and their exploitation of national and religious issues instead of application of the European Convention on Protection of Human Rights and work on building and functioning of the rule of law and not the politicians standing on the other side of the law and human rights;
- By abolition of the Human Rights Chamber, the entity Ombudsmen and the Property Rights Commission, the citizens have been reduced the space for seeking protection of human rights. At the same time, the Law on Free Legal Aid has not been endorsed due to political obstruction, although it was supposed to ensure that justice is available to poor citizens who constitute a great majority in the BiH society. On the other hand, after abolition of institutions that had been largely independent, their powers were

transferred to local staff, but the staff that has been selected as political favourites who are not prepared to publicly oppose the political establishment;

- Discrimination is still present in application of human rights through courts;
- Unfortunately, there are four legal systems in BiH, which practically means four criminal codes and as many criminal procedure codes. Criminal sanctions are not harmonized among the jurisdictions, nor is the penal policy. This leads to an unequal treatment of citizens, as their status before the judiciary is determined by their place of residence. This could be avoided by harmonization of criminal legislation at all levels, which also assumes establishment of a BiH Supreme Court. The work of this court would contribute to harmonization of court practice and legal interpretation on merits.
- After changes of legislation as part of the judicial reform, justice has become practically unavailable for poor citizens (the material truth principle was replaced by burden of proof, regardless of the parties' financial status). Mechanisms for equal access to justice for all have not been established.
- The lack of confidence of citizens in judiciary remains great, even after the reform. Courts are inefficient as the procedures last a long time and exceed the legally prescribed deadlines; court decisions are not enforced (or are even banned by certain legislation); politics can still affect outcomes of cases. Prosecution service has failed to charge members of the government who were involved in corruption, and even organized crime, or they end up being charged with minor offences only. This indicates that courts and prosecution are staffed with insufficiently competent staff who are not courageous enough to address serious crime.

Such an atmosphere represents the worst possible set-up for the citizens of Bosnia and Herzegovina and exercising of their human rights and freedoms, as no protection mechanism is actually operational, so people can only resort to the Legal Aid Office of the Helsinki Committee for Human Rights in Bosnia and Herzegovina in seeking protection of their rights.

Br: 08-05/2010
Sarajevo, May 21, 2010



Helsinkiški komitet za ljudska prava
u Bosni i Hercegovini
Helsinki Committee for Human Rights
in Bosnia and Herzegovina

PRESS RELEASE

Helsinki Committee for Human Rights in Bosnia and Herzegovina received numerous complaints of citizens who were illegally exposed to financial costs of realizing their rights in the area of pension and health insurance. They had to pay the service of medical expertise done by the Institute of Medical Expertise for Health Condition whose findings, assessments or opinions determine whether specific right will be realized for certain person or not. It is the group of citizens who, by large, belong to socially vulnerable categories.

Law on the Establishment of Institute of Medical Expertise for Health Condition in Article 8 stipulates that the Institute performs medical expertise in the field of pension and disability insurance, welfare, child and disability protection, protection of civilian war victims and veterans-disability welfare. The same law, in Article 11 specifies that the costs of medical expertise in the first instance, is borne by the competent cantonal ministries, and in the second instance, the Federal Ministry. Citizen or customer of the Institute, is nowhere listed as a payer of the services. It is not even mentioned in the laws in the field of pension and disability insurance.

Type of service, the terms of assessment and payment, as provided by law, should be regulated by contract between the Bureau and Ministries. That contract however, was never signed.

HCHR's standpoint is that non-existence of contractual obligations between the Federal Bureau for Pension and Disability Insurance, and the Institute for Medical Expertise in Sarajevo, should not be to the detriment of a consumer, because it is an illegal act.

In order to protect the rights of these categories of BH citizens, HCHR has sent a recommendation to the Government of Federation of BiH to urgently take action in order to eliminate detected violations and encourage the signature of contract between the Federal Bureau for Pension and Disability Insurance and the Institute for Medical Expertise of Health Condition in Sarajevo.

Muhamed Džemidžić,
Executive Director of the HCHR in BiH



Br: 09-05/2010
Sarajevo, May 26, 2010

Mr. Zoran Pusić
President
Civic Committee of Human Rights in the Republic of Croatia

Dear Mr. Pusić,

I address You in behalf of the Helsinki Committee for Human Rights in Bosnia and Herzegovina - HCHR, with a proposal.

Last week, within the project "Fact-finding Mission", representatives of the Helsinki Committee for Human Rights in BiH visited Trebinje and the local municipal government and talked about the respect of human rights in local community. On this occasion we had a meeting with the Mayor, Mr. Ćuka, and I was especially interested in the relationship between Trebinje and Dubrovnik. It is simply non-existent. To my direct question, would you accept some kind of mediation of HCHR with some NGO in the Republic of Croatia in approaching these two cities, the Mayor gave a positive answer. He even said: We will be grateful of that.

So here, because of that idea, I address You with suggestion that the Civic Committee for Human Rights in the Republic of Croatia, together with HCHR in BiH, make an effort that will have as a result bringing closer these two neighboring towns. At this point I have no idea about how to reach the desired goal, but I think that each of our organizations could address the letter to "their" mayors (we to Trebinje and You to Dubrovnik) and introduce them to our initiative in the form of a survey, asking for their opinion and request an answers on two simple questions:

1. Are You ready to have a meeting of the two mayors ?
2. Is the meeting place important to you, and if it so, what do You propose ?

Here there are, just a few hints. In addition to letters sent separately, just in order to be sure, I think that the two of us together should have a talk with both mayors, in order to assess the depth of the gap that must be overcome. I think it is worth to make the effort in order to remove the antagonism between these two neighboring towns, caused by the recent war happenings, and open new areas of cooperation. Firstly, because of the young generation who is, for almost two decades, growing up next to each other captured by the recent past.

I hope that Your response will be positive and, perhaps, have a concrete suggestions on how to go further in this process.

Sincerely,

Sinan Alic, acting President
of the Helsinki Committee for Human Rights in Bosnia and Herzegovina



Br: 04-06/2010
Sarajevo, June 24, 2010

Mr. Zoran Pusić
President
Civic Committee of Human Rights in the Republic of Croatia

PRESS RELEASE

The United Nations Human Rights Council discussed about BiH - Selective approach towards human rights -

UN Human Rights Council, which considers the human rights situation in each member country of the UN every four years, discussed last week on the implementation of UN conventions on human rights in our country. After extensive discussion, in which it addressed even 125 recommendations to BH authorities, our official delegation has accepted only 30 recommendations for improving the human rights situation in our country. The same number, 30 of the recommendations, were rejected, while others were "partially accepted".

The Helsinki Committee for Human Rights in BiH - HCHR, which actively participated together with a large number of NGOs, in formulating recommendations to the authorities, assesses positive the fact that BH authorities pledged to abolish segregation in schools, committed to introduce a multi-ethnic education, and are to adopt legislation that prohibits activities of fascist organizations in BiH. HCHR also finds positive the determination of BH authorities to punish all war criminals, in order to provide adequate support and compensation to war victims. BH authorities have reiterated a willingness to modify those parts of the Constitution that were also ordered by the European Court of Human Rights in Strasbourg, which requires the amendments of discriminatory provisions that deny the right of election to national minorities, and members of constituent peoples who live in the entity where they are not the majority. Finally, they accepted some recommendations in relation to reducing poverty.

However, on the other side, on behalf of the Council of Ministers, the recommendation to condemn and prosecute hate speech and chauvinist rhetoric fanning ethnic and religiously motivated hatred and violence, was rejected. One who knows the situation in Bosnia and Herzegovina, is aware how malignant this phenomenon is and how it profoundly affects the rights of the individual, thus this decision of BH government is simply incomprehensible and reflects a substantial misunderstanding of what human rights are and how they are protected. Rejected was also the suggestion that the Institution of Ombudsman in Bosnia and Herzegovina should have truly independent status, through the amendment of the ways of its financing, since current way of financing illustrates public authorities' desire to influence the work and activities of this institution for the protection of human rights. Also, there is a lack of willingness of BH authorities to accept the fact that the protectors of human rights, NGO activists and journalists, among others, are often the target of pressure, threats and even physical assaults, and recommendation that the human rights defenders should have legal and practical protection from these unacceptable phenomenon, was consequently rejected.

Rejected was also a proposal to change laws that discriminate lesbian, gay, transsexual and bisexual persons in BiH. In the end, the duty to influence the suppression of prejudice against Roma as the most vulnerable category of population, was too, rejected with the excuse that the implementation of programs related to the Decade of Roma are sufficient to change the status of Roma and the public attitude towards them.

BH authorities have once again shown to have a selective approach towards human rights and that they relate to human rights without recognizing their universality. Because of this, the tasks of NGOs and the Institution of Ombudsman in BiH is to continue to insist on the protection of human rights and demand from the authorities to finally embrace human rights without politicizing and without any discrimination.

Sinan Alić

Acting president of the HCHR

Br: 04-08/2010
Sarajevo, August 17, 2010



Helsinški komitet za ljudska prava
u Bosni i Hercegovini
Helsinki Committee for Human Rights
in Bosnia and Herzegovina

PRESS RELEASE

Extreme nationalism is racism also

The Committee on the Elimination of Racial Discrimination (CERD) will review on Wednesday, August 18, the situation in Bosnia and Herzegovina. In its previous reports, the Committee especially expressed that BH Constitution contains provisions that are certainly not in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, i.e. those that relate to election of the members of the BH Presidency, which was also recognized by the European Court of Human Rights in Strasbourg. The Committee is also worried by the fact that the term "racism" is narrowly seen, since it stands for all forms of intolerance and hatred based on nationality and religion. Within this framework, the Committee has requested all data on court proceedings related to cases of violence and hatred based on nationality and religion in BiH.

The Committee shall, in addition to official government reports about what is being done to eliminate racism and intolerance in Bosnia and Herzegovina, consider also the shadow report which was conducted by non-governmental organizations gathered around the Helsinki Committee for Human Rights in BiH, along with the Human Rights House in Sarajevo, Serb Civic Council - Movement for Equality, the Croatian National Council, the Youth Initiative for Human Rights – YIHR and the European Law Students Association in BiH - ELSA. The Report of BH NGO activists will be presented by the human rights and minority rights activist, Dervo Sejdić.

Sinan Alić
Acting president of the HCHR in BiH

Br: 02-10/2010
Sarajevo, October 25, 2010



Helsinkiški komitet za ljudska prava
u Bosni i Hercegovini
Helsinki Committee for Human Rights
in Bosnia and Herzegovina

H.E. Ban Ki-moon
Secretary-General
United Nations
New York, NY 10017
USA

Dear Mr. Secretary-General,

I am pleased to confirm that the Helsinki Committee for Human Rights in Bosnia and Herzegovina supports the ten principles of the Global Compact with respect to human rights, labour, environment and anti-corruption. With this communication, we express our intent to advance those principles within our sphere of influence. We are committed to making the Global Compact and its principles part of the strategy, culture and day-to-day operations of our company, and to engaging in collaborative projects which advance the broader development goals of the United Nations, particularly the Millennium Development Goals. Helsinki Committee for Human Rights in Bosnia and Herzegovina will make a clear statement of this commitment to our stakeholders and the general public.

We recognize that a key requirement for participation in the Global Compact is the annual submission of a Communication on Progress (COP) that describes our company's efforts to implement the ten principles. We support public accountability and transparency, and therefore commit to report on progress within one year of joining the Global Compact, and annually thereafter according to the Global Compact COP policy.

Sincerely yours,

Mr Sinan Alic
President of the Helsinki Committee
for Human Rights in Bosnia and Herzegovina

Br: 04-11/2010
Sarajevo, November 23, 2010



Helsinkiški komitet za ljudska prava
u Bosni i Hercegovini
Helsinki Committee for Human Rights
in Bosnia and Herzegovina

PRESS RELEASE

To respect the bill on appointment

The Helsinki Committee for Human Rights in Bosnia and Herzegovina expresses its concern about the unacceptable practice of consultations among political parties with the aim to make an agreement on appointments of new and dismissal of old personnel in public institutions and enterprises.

The practice on consultations between the political parties, that will eventually participate in the government, to bring already conducted list with the names of candidates and to agree among each other that the parties concerned will not interfere with one another regarding those lists, is fundamentally incompatible with the principles of the law under which the appointment is to be implemented in management structures of public enterprises and institutions.

Helsinki Committee therefore, warns all future participants in the government that all the possible dismissal of the existing management structures whose mandate is not terminated, and the appointment of new personnel, must only be made in accordance with the provisions of the Law on Ministerial, Governmental and other appointments that exist since year 2003 at the level of BiH and both entities.

In fact, compliance with laws relating to the dismissal of all personnel means that the procedure for dismissal must be legitimate, i.e. that there are legal grounds for dismissal and that it must be implemented within the framework of a fair and due process.

Helsinki Committee reminds the public and government, that the consistent implementation of the principles of the Law on Ministerial, Governmental and Other Appointments provides quality personnel which includes the competence and experience for a specific function and their independence. The law also requires the openness and transparency in appointments.

Further ignoring of these laws, will be the message to citizens that the authorities in the formation do not want, or are not ready yet, to fight corruption and nepotism phenomena in BiH.

Vera Jovanovic,
President of the Helsinki Committee for Human Rights in BiH

Br: 02-12/2010
Sarajevo, December 9, 2010



Helsinkiški komitet za ljudska prava
u Bosni i Hercegovini
Helsinki Committee for Human Rights
in Bosnia and Herzegovina

PRESS RELEASE
for Human Rights Day
HCHR Appeal

This year's International Human Rights Day the citizens of Bosnia and Herzegovina greet again, with the Constitution that contains discriminatory provisions.

Neither the judgments of the European Court for Human Rights enacted on December 12 in 2009, did help the BH authorities to finally make the necessary changes to the Constitution so that citizens of this country achieve equality and so that the European Convention finally acquires citizenship of Bosnia and Herzegovina.

The Helsinki Committee for Human Rights in Bosnia and Herzegovina reminds that obligations to respect rights and freedoms guaranteed by the Convention and its protocols in Bosnia and Herzegovina, have come into force along with the Constitution of Bosnia and Herzegovina, and that by ratifying the Convention, BiH made a commitment to apply any ruling of the European Court for Human Rights in Strasbourg.

The Helsinki Committee therefore urges the authorities to react without delay, and implement the verdict of the European Court. Fulfillment of this obligation of government would send a message to citizens that they are ready for other reform changes that are necessary for Bosnia and Herzegovina to move decisively towards Euro-Atlantic integration.

Helsinki Committee believes that the accelerated implementation of the verdict would raise the debate and other necessary constitutional amendments and initiate numerous activities in the way of establishing the rule of law and equitable society.

Helsinki Committee warns of the possible consequences of failure to implement the verdict, which also more and more frequently, suggests the international community itself. One of the possible options for non-implementation of the decisions is the suspension of the Stabilization and Association Agreement with the EU. Also, according to unofficial announcements, in the case of ignoring the above, and further blocking the reforms, there might be questioning the legitimacy of delegates to the BiH Council of Europe, as well, including the delay in the decision to liberalize the visa regime for BiH citizens.

Vera Jovanovic
President of the Helsinki Committee for Human Rights in BiH

Ante Fijamenga 14 b, Sarajevo, Bosna i Hercegovina
tel: (+387 33) 660 809, 660 811; fax: (+387 33) 661 853, www.bh-hchr.org; E-mail: office@bh-hchr.org