



BOSNIA AND HERZEGOVINA
Permanent Mission to the United Nations
New York

No. 201-32-05-1-56-1/16

The Permanent Mission of Bosnia and Herzegovina to the United Nations presents its compliments to the Office of the High Commissioner for Human Rights and, in reference to resolution 30/15 of the Human Rights Council, has the honour to hereby forward a response from Bosnia and Herzegovina, as requested.

The Permanent Mission of Bosnia and Herzegovina to the United Nations avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration. *WLL*



New York, 22nd March 2016

**Office of the High Commissioner
for Human Rights**
New York

INFORMATION PAPER ON THE IMPLEMENTATION OF UN RESOLUTION 30/15
Human rights and preventing and countering violent extremism

The Constitution of Bosnia and Herzegovina, Article IV 4.a) provides that the Parliamentary Assembly of Bosnia and Herzegovina shall pass laws in order to fulfil the obligations of Bosnia and Herzegovina related to Article II 1 of the Constitution of Bosnia and Herzegovina - Human Rights and Fundamental Freedoms and Article 2 - International Standards, in conjunction with Article II 3. The list of rights which stipulates that all persons in Bosnia and Herzegovina are equal in enjoyment of human rights and fundamental freedoms, starting from the fundamental human right to life through the rights of individuals to liberty and security, and includes the prohibition of torture, inhuman treatment and punishment, keeping in captivity or subordination, to the rights to freedom of thought, conscience and religion, which includes the freedom of expression, peaceful gathering and selection of residence.

The European Convention on Human Rights and Fundamental Freedoms (1950) is an integral part of the Constitution of Bosnia and Herzegovina and as such is self-executing in Bosnia and Herzegovina jurisdiction (so-called the doctrine of supremacy) and thereby Article 14 of the Convention, which prohibits any form of discrimination, is directly applicable in the legal system of Bosnia and Herzegovina and so is Protocol 12 thereto, which contains general prohibition of discrimination.

Further, other international instruments for protection of human rights are based on the principle of prohibition of discrimination (e.g. the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and, above all, the Convention against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment).

The Charter of the United Nations has established the concept of equality of all human beings which became the foundation of the spirit of international and European instruments for the protection of human rights and fundamental freedoms.

Pursuant to the international multilateral treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) Bosnia and Herzegovina has been taking the necessary, effective measures to end the practice of movements that contribute to the outbreak of racism, racial discrimination, xenophobia and all forms of intolerance including the extreme intolerance of political parties, movements and groups such as Neo-Nazis and skinhead groups.

Criminal legislation, both at the State and the Entities levels, as a criminal offense provided kindling of racial, national and religious hatred and intolerance in order to combat all forms of intolerance and in order to develop a democratic society.

The Law on Associations and Foundations, both at the level of Bosnia and Herzegovina and the entities, provided that the program and activities of the association or foundation cannot be in contrary to the Constitution of Bosnia and Herzegovina, or directed towards violent destruction and undermining of it, and that the program of the association or foundation cannot stir up national, racial or religious hatred and intolerance. Thus, based on the applicable laws, no organization, association or foundation which contributes to the escalation of modern forms of discrimination cannot be registered in Bosnia and Herzegovina.

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

Bearing in mind the fact that the Bosnian-Herzegovinian jurisprudence is largely based on both European and UN documents for protection of human rights (such as conventions, charters and covenants that Bosnia and Herzegovina has signed, ratified or took over by succession), and Directives of the European Union and the Council of Europe, which prohibit discrimination, victimization, mobbing, harassment or incitement to commit discriminatory acts, can be concluded that the adoption of the Law on Prohibition of All Fascist and Neo-Fascist Organizations in Bosnia and Herzegovina, is not only in contrary to the aforementioned instruments for the protection of human rights, but also largely contribute to the strengthening and implementing it in the legal system of Bosnia and Herzegovina.

Following the example of European countries that support the adoption of a comprehensive anti-discrimination legislation (pursuant to Article 14 of the European Convention on Human Rights and Protocol 12 within it), in order to achieve a higher level of protection of human rights and its involvement in the European integration processes, Bosnia and Herzegovina adopted the Law on the Prevention of All Forms of Discrimination (Antidiscrimination Law), the Rulebook on the Implementation, which provides for the establishment of a unified database on any registered cases of discrimination.

Further, as an example of good practice, we point out that, on the basis of the program of marking the important dates on human rights, which was adopted by the Council of Ministers of Bosnia and Herzegovina. Bosnia and Herzegovina regularly celebrates 9 May - Victory Day over Fascism.

INFORMATION ABOUT ETHNIC-BIAS-MOTIVATED-CRIMES IN BOSNIA AND HERZEGOVINA

Statistics on ethnic-bias-motivated-crimes are based on the criminal legislation that is enforced at the State and Entity levels of government in BiH (Criminal Code of BiH, Criminal Procedure Code of BiH, Criminal Code of FBiH, Criminal Procedure Code of FBiH, Criminal Code of RS, Criminal Procedure Code of RS, Law on the Execution of Criminal Sanctions of FBiH, Law on the Execution of Criminal Sanctions of RS, Law on Misdemeanours of BiH, Law on Misdemeanours of FBiH, Law on Misdemeanours of RS-a, Law on Mutual Legal Assistance of BiH, Law on the Protection of Vulnerable Witnesses and Witnesses under Threat).

Although the criminal laws are not harmonized in terms of prescribing the same criminal penalties to the offenders for the same offence, with regard to the provisions of criminal offences related to the so-called ethnic-bias-motivated-crimes, they are essentially the same and protect the same object of protection.

Ethnic-bias-motivated crimes involve the essence of the following criminal offences:

- Violation of the equality of individuals and citizens
- Preventing the return of refugees and displaced persons
- Genocide
- Organizing a group of people for incitement to commit genocide, crimes against humanity and war crimes
- Destruction of cultural, historical and religious monuments
- Service in the enemy army

- Espionage
- Unauthorised research and appropriation of cultural monuments.

Generally, it can be concluded that individuals or groups have been abusing their own tradition by encouraging the incitement of national or religious hatred and intolerance through different forms and intensity of intolerant, racist, provoking and aggressive attitudes and behaviour (violation of public peace and order), and under the guise of nurturing, strengthening, protecting and glorifying their national, religious, cultural and even political point of view.

In the last period, acts of violence against religious buildings, monuments / memorials, symbols, property of religious communities and religious officials of all confessions were registered throughout Bosnia and Herzegovina.

The foregoing violence was manifested through desecration and destruction of religious buildings, tombstones, religious property, physical attacks against and intimidation of religious officials, vandalising of national, religious and cultural symbols, planting and activating of explosive devices, provocative shooting on various occasions, writing of offensive and threatening graffiti, posting of offensive stickers and posters, sending of threatening messages and extreme and radical positions through the Internet and mobile telecommunications.

During this period there was a large number of property crimes against returnees (damage and destruction of residential buildings, vehicles, food and beverage establishments and service establishments), theft of returnees' property, destruction or damage of basic infrastructure (roads, electricity, water, telephone and similar installations), placing obstacles on local roads. These activities largely had characteristics of individual incidents without major security consequences. However, a small number of perpetrators was detected; in general, neither a perpetrator or a motive of the crime was detected, but we should bear in mind that the method, venue and consequences of execution bring us to a conclusion that some of them were aimed at destabilizing the security situation and creating insecurity among the returnees.

These manifestations that are inevitably reflected in the level of protection of human rights in Bosnia and Herzegovina come as a result of broader social trends and reflect the economic, social and political conditions in the country, warning of the importance of overall public understanding and a need for better attention so that the country as a whole can adequately respond to the manifestations of ethnically motivated extremism.

Achievements and progress made

An analysis of ethnic-bias-motivated-crimes involving attacks at places of worship and religious officials generally reveals that in this reporting period, a decrease in criminal acts ethnically motivated against returnees is evident.

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

The police take measures to prevent incidents and perform regular patrols in returnee areas. Please note that the sustainable return of refugees and displaced persons from the aspect of security is given a special priority.

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

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

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

Counter-terrorism

The Strategy for Preventing and Combating Terrorism is endorsed to pursue combating terrorism and terrorism-related phenomena in Bosnia and Herzegovina, as well as in order to meet the commitments undertaken by Bosnia and Herzegovina internationally, in particular those arising from the Stabilisation and Association Agreement. The Strategy is an expression of continuity and readiness of Bosnia and Herzegovina to further strengthen national capacities in the areas of prevention and counter-terrorism, but also to combat all other terrorism-related phenomena. This document is a clear demonstration of the preparedness of Bosnia and Herzegovina to continue the activities started back in 2001, when BiH became a member of the Antiterrorist Coalition. In this context, the Counter-Terrorism Strategy follows and promotes the principles set in the 2006 BiH Security Policy and two previous strategies adopted in 2006 and 2010. The Strategy also takes into account the recommendations of the Report of the Supervisory Body on the Implementation of the Previous Strategic Document, the findings under the Situation Assessment prepared by the Intelligence and Security Agency of BiH, as well as the findings of the academia in the context of new terrorist challenges in particular foreign terrorist fighters.

It is important to emphasise that the Strategy is adopted at the time of intensifying security challenges on a global scale, including, among other, foreign terrorist fighters, violent extremism and crime and hate speech, abuse of the Internet for terrorist purposes. Therefore, the following sections give a special emphasis on challenges of the new dynamics of terrorism and terrorism related phenomena. Furthermore, it is important to stress that the Strategy was made in consultation with representatives of non-governmental sector, especially academia, citizens' associations dealing with security issues, and representatives of religious communities in BiH and international organisations present in Bosnia and Herzegovina. Such methodology facilitates the principles of transparency and openness, general social acceptance of the document and full future inclusion of all relevant segments of society in the implementation of strategic measures.

In the context of the current security situation, both at the national and international level, it should be stressed that the Strategy developed at the times of increasingly frequent and potentially more dangerous terrorist and violent extremist threat to Bosnia and Herzegovina and its security interests. The dynamics of these threats and their unpredictability, as well as dispersion, both in terms of its sources and selection of possible terrorist targets, all come as challenges primarily from the perspective of the security sector of Bosnia and Herzegovina, but also our entire community. A special challenge in itself is the early detection of future terrorist activities, including those aimed at promoting terrorism, whether by individuals or violent extremist groups. In the global context, the greatest threat to safety and security interests of Bosnia and Herzegovina, at present, comes from the following terrorist organisations, or individuals and groups inspired by their ideologies: Al Qaeda, ISIL and Al-Nusra Front. Thus, Bosnia and Herzegovina is essentially facing and is to counter the very same global terrorist threats as all other member states in the Anti-Terrorist and Anti-ISIL Coalition. In parallel to countering challenges of violent extremism that can lead to terrorism, another significant security challenge is the presence of large quantities of weapons remaining from the last war, especially small arms and light weapons, as well as mines and explosive

devices, coupled with relatively easy availability of improvised explosive devices. In addition to these challenges, the Strategy addresses the inter-relation between terrorism and other criminal phenomena, in particular, the financing of terrorist activities and money laundering, organised crime, corruption and abuse of narcotics, and illegal migration. This document outlines the principles, vision, mission, and objectives established in accordance with the relevant documents of the United Nations, NATO and the European Union. Similarly, the future strategic program to achieve the goals is based on the principles of prevention and combating terrorism established under the Global UN Anti-Terrorist Strategy, the European Union's Strategy for Combating Terrorism and Combating Radicalization and Recruitment for Terrorism, as well as other relevant international instruments, taking into account the most recent, such as the Conclusions and Recommendations on Combating Violent Extremism, the White House Summit (February 2015), Joint Declaration of the Eastern Partnership Summit (Riga, January 2015), Joint Statement of Belgrade (April 2015), Joint Statement of St. Polten (May 2015), and a number of other documents. The objectives are to be met by implementing the measures as set out in the Strategic Programme.

We note that Article 201 of the Criminal Code of Bosnia and Herzegovina defines the criminal offense of terrorism which carries a punishment of at least three and no more than five years unless the perpetrator committed a terrorist act with intent and killed an individual, when the sentence to be imposed is ten years in prison.

Further, Article 202 of the Law criminalizes funding of terrorist activities.

So, Bosnia and Herzegovina, as a full member of the United Nations, is strongly committed to the elimination of extremism in society, development of democracy, promotion of human rights and actions to combat terrorism.