



# International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General  
30 August 2024

Original: English

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## Committee on the Elimination of Racial Discrimination 113th session

### Summary record of the 3089th meeting\*

Held at the Palais Wilson, Geneva, on Monday, 12 August 2024, at 3 p.m.

*Chair:* Mr. Balcerzak

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Combined fourteenth and fifteenth periodic reports of Bosnia and Herzegovina*

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\* No summary records were issued for the 3087<sup>th</sup> and 3088<sup>th</sup> meetings.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

*Combined fourteenth and fifteenth periodic reports of Bosnia and Herzegovina*  
([CERD/C/BIH/14-15](#); [CERD/C/BIH/Q/14-15](#))

1. *At the invitation of the Chair, the delegation of Bosnia and Herzegovina joined the meeting.*

2. **A representative of Bosnia and Herzegovina**, introducing his country's combined fourteenth and fifteenth periodic reports ([CERD/C/BIH/14-15](#)), said that discrimination as a form of human rights violation had been prohibited at all levels of government, including in the country's two entities – the Federation of Bosnia and Herzegovina and the Republika Srpska – and all of its cantons. The Constitution stipulated that the general principles of international law were an integral part of the legal order; where the prohibition of discrimination was concerned, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) took precedence. Meanwhile, a number of other international legal instruments listed in the Constitution formed the basis of legislation including the Law on the Prohibition of Discrimination, the Law on the Protection of Rights of Members of National Minorities, the Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina and the Law on Gender Equality.

3. In 2023, the Parliamentary Assembly had adopted amendments to the Law on the Ombudsman for Human Rights, establishing the Institution of Human Rights Ombudsmen of Bosnia and Herzegovina as the national preventive mechanism against torture and ill-treatment and ensuring its financial independence. The Institution's budget had been increased in each of the previous three years.

4. The country's second report on cases of discrimination had been issued in 2022, based on data collected using methods adopted by the Council of Ministers. Following a review of a large number of the country's laws, which indicated that very few were aligned with the Law on the Prohibition of Discrimination, the Government had adopted guidelines to be applied by all institutions when drawing up regulations. Civil servants at national and entity level had received training to prevent discrimination. The Government planned to draw up a medium-term programme to combat discrimination. It would include general principles to help guide the entities in the adoption of their own strategic documents.

5. The decision of the European Court of Human Rights on discriminatory provisions in the Constitution had not yet been implemented. The Ombudsman for Human Rights had produced a report on the follow-up to its own recommendations, including a proposal of concrete measures which had been adopted by the Parliamentary Assembly. However, as yet, the Ministry of Human Rights and Refugees had not met with the full support of other institutions, including the courts, for the comprehensive implementation of the country's anti-discrimination legislation. It would welcome the Committee's support in that respect.

6. In June 2022, the Communications Regulatory Agency, the Central Election Commission, the Gender Equality Agency and the Ombudsman for Human Rights had signed a joint statement expressing a commitment to jointly combat and condemn all forms of hate speech. The following year, the Communications Regulatory Agency had adopted a programme content code, amended the existing commercial communications code and adopted regulations governing video sharing platforms based on European standards. In November 2023, the Council of Ministers had adopted a road map for combating hate speech. The High Judicial and Prosecutorial Council had reported that the collection of data relating to hate crime had been improved. In 2023, police in Brcko District had opened several cases relating to hate crime. In 2024, Brcko District had passed a law defining hate crimes.

7. The Action Plan for the Social Inclusion of Roma 2021–2025 provided for funding in the areas of housing, employment, health care and education. Brcko District was currently working on an action plan to support the Roma community for the period 2024–2027. A

programme for improving the rights of members of the 17 recognized national minorities had been prepared and was awaiting adoption by the Council of Ministers.

8. Funding had been allocated and projects implemented to help support the safe and sustainable return of returnees and improve their integration. At present, returnees and displaced persons did not enjoy equal access to the labour market, including to positions in the police force. Nine attacks on returnees had been recorded in 2023; in response, the House of Representatives had asked all competent authorities to adopt measures to ensure the protection of members of that group. The Law on Aliens had been amended in order to harmonize it with two European Union directives.

9. The Migration and Asylum Strategy 2021–2025 had been adopted in 2022. The same year, the Council of Ministers had adopted a set of standards relevant to the work of asylum-seeker reception centres. There were currently four such centres in the country, for a total capacity of approximately 4,600 places.

10. Criminal legislation covering racially motivated crimes was not currently harmonized and little progress had been made in the area of transitional justice.

11. **Ms. Chung** (Country Rapporteur), while noting the progress made by the State party in implementing the Convention, said it was reported that ethno-religious tension remained and ethnic minorities still experienced marginalization. She would welcome information on any progress made by the working group established to bring the Criminal Code into line with articles 1 and 4 of the Convention, and on steps taken to include a provision in the Criminal Code to prohibit organizations that promoted racial discrimination and participation in their activities, as provided by article 4.

12. She would like to know whether the system set up to collect data on the implementation of the Law on the Prohibition of Discrimination had been finalized; how that law was being implemented, specifically in respect of racial discrimination; and what steps, in the form of training courses and public awareness campaigns, had been carried out to raise awareness of anti-discrimination legislation and the Convention in the State party.

13. In the light of the varying levels of protection and enjoyment of rights that had arisen as a result of the decentralized system of governance, she wondered what steps the State party had taken to harmonize its legislation and policies in order to ensure that everyone could enjoy equal rights, irrespective of ethnic identity and place of residence. It would be interesting to learn about any measures taken to resolve the issue of the election law adopted in the Republika Srpska in May 2024 but suspended by the Constitutional Court of Bosnia and Herzegovina. More generally, she wished to know how the State party responded when legislation was adopted by only one constituent part of the country, and she would like to receive information on the implementation of Constitutional Court decisions in recent years.

14. She wondered how the State party aimed to overcome the persistent obstacles to amending discriminatory legal provisions, including the constitutional stipulation that only members of the country's three constituent peoples could be elected to the House of Peoples and to the presidency, in order to ensure the equal enjoyment of the right to vote and to stand for election by citizens of any ethnicity. Had any concrete measures been taken to fully implement the decisions of the European Court of Human Rights, in particular *Sejdić and Finci v. Bosnia and Herzegovina* and *Kovačević v. Bosnia and Herzegovina*?

15. She would be interested to hear the delegation's views on the study conducted by a United Nations body in 2021 that showed that some 14 per cent of respondents had experienced hate speech and that more than one quarter of young respondents believed that expressing hate should be permissible. She wondered whether the State party had conducted and could provide results on its own research in that area, and she would welcome information on the number and content of cases involving racially motivated crimes, including verbal and physical attacks, as well as the investigations, prosecutions, convictions and sentences that had ensued. She would like to hear about the impact of the Action Plan on Human Rights Education of Journalists and Media Professionals in relation to hate speech and hate crimes. Given flare-ups of hate speech and disinformation that had occurred during previous electoral processes, it would be interesting to know how the State party planned to overcome tensions in society that were expected to rise with the approach of the next

municipal elections, scheduled in October 2024. She wished to know whether any measures had been taken to combat hate speech and hate crimes based on ethnicity and religion, including those of an anti-Roma and antisemitic nature.

16. It would be helpful to learn of any measures taken to prevent and combat racist hate speech and incitement to hatred, including in the media and on the Internet. She would like the delegation to provide more details on reports that the authorities had taken no meaningful action to support a female human rights defender in Velika Kladuša who had been the victim of months of vicious online hate speech in 2020; and on a report of an online forum making false and xenophobic claims that young Bosnian women were engaging in interracial relationships with African and Arab migrants. She wished to know whether the police had investigated the incidents and punished those responsible.

17. She would like to hear the delegation's views on the use by politicians of divisive rhetoric, including hate speech which was sometimes racist in nature, and the specific category of hate speech linked to the denial of genocide and war crimes committed during the war in Bosnia and Herzegovina in the 1990s, as identified by the European Commission against Racism and Intolerance. It would be useful to know whether the State party had specific measures in place to combat racist hate speech by public figures.

18. She wished to know what measures had been taken to facilitate access to justice and effective remedies for victims of racial discrimination and would welcome information about cases relating to racial discrimination, including the results of investigations, convictions, sanctions and reparation granted to victims. Lastly, she invited the delegation to provide information on any measures adopted to ensure that law enforcement officers did not engage in racial discrimination, including racially motivated violence and practices amounting to racial profiling.

19. **A representative of Bosnia and Herzegovina** said that the Criminal Code had not yet been harmonized with article 4 (a) of the Convention. The results of the working group had not yet been finalized, and no legislative amendments had been proposed to parliament.

20. **A representative of Bosnia and Herzegovina** said that legislation recently drafted in Brcko District had introduced fines and up to 3 years' imprisonment for any person engaging in hate speech or inciting hatred in public, whether online or offline, towards individuals or groups in relation to their national, ethnic or racial identity. Any person found guilty of damaging public monuments, graves or the like faced similar sanctions.

21. **A representative of Bosnia and Herzegovina** said that the Law on the Prohibition of Discrimination stipulated that competent institutions were obliged to keep records of all reported cases of discrimination and to submit related information to the Ministry of Human Rights and Refugees. To address the failure of certain institutions to establish the required records, which in turn made it possible for the Ministry to draw up an annual report on the subject, a meeting had been held with the High Judicial and Prosecutorial Council and a set of rules had been laid down in 2023, indicating what data to collect in cases involving discrimination. A report on incidents involving discrimination in 2023 was now being drawn up, and the Ministry received data from institutions including the High Judicial and Prosecutorial Council, the Ombudsman for Human Rights and the Constitutional Court.

22. **A representative of Bosnia and Herzegovina** said that a number of decisions by the Constitutional Court had been successfully implemented and, on several occasions, laws adopted at the entity level had been rendered ineffective pursuant to the Court's rulings. The decision of the European Court of Human Rights in the case of *Baraliija v. Bosnia and Herzegovina* had also been implemented and, as a result, fully democratic elections had been held in Mostar.

23. **A representative of Bosnia and Herzegovina** said it was hoped that the current Council of Ministers would demonstrate the political will to push through the reforms envisaged under the action plan of 2015 to implement the judgment of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina*. Furthermore, the High Representative had recently made two amendments to eliminate discrimination from the national electoral process. Although concerns had been raised about the new election law in the Republika Srpska, it should be noted that the authorities there were not permitted to

organize any referendums on issues that that ran counter to the Constitution of Bosnia and Herzegovina.

24. **A representative of Bosnia and Herzegovina** said that, in November 2023, the Council of Ministers had adopted a document comprising an overview of the situation concerning hate speech in the country and a mapping of responses to hate speech, the latter of which had been produced as a result of a coordinated approach involving several institutions at the national and entity level. The document also set out a series of proposed activities to raise awareness about hate speech and to facilitate related research.

25. **A representative of Bosnia and Herzegovina** said that, in accordance with article 4 of the code on audiovisual and radio services of the Communications Regulatory Agency, it was prohibited to broadcast content that humiliated, intimidated or incited hatred, violence or discrimination against a person or group on the grounds of sex, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation or social origin or on the basis of any other circumstance, which had the purpose or consequence of preventing or endangering any person's recognition, enjoyment or exercise on an equal basis of his or her rights and freedoms.

26. Discrimination and hatred spread in written form by the press and on the Internet were prohibited under the code of the regulatory body of the print media. The Ministry of Human Rights and Refugees and other institutions were also taking measures to strengthen freedom of expression and information under the Council of Europe Campaign for the Safety of Journalists. As part of those efforts, focal points had been appointed in prosecutors' offices and law enforcement agencies to ensure that all reports of attacks against journalists or other media professionals were thoroughly investigated and that those responsible were prosecuted.

27. **A representative of Bosnia and Herzegovina** said that, in 2021, the High Representative had added a provision on public denial or justification of genocide to article 145 of the Criminal Code of Bosnia and Herzegovina. Although various legal proceedings concerning offences under that provision had been initiated, the Government would not be able to provide further information on the outcomes of those cases until its following report to the Committee.

28. **A representative of Bosnia and Herzegovina** said that, in 2023, the training centre for judges and prosecutors in the Federation of Bosnia and Herzegovina had held 14 courses on discrimination, gender equality, human rights and issues facing lesbian, gay, bisexual and transgender persons and other vulnerable groups. In the same year, the equivalent institution in the Republika Srpska had carried out 11 training activities on the elimination of discrimination. Meanwhile, both entities' civil service agencies had organized their own training on anti-discrimination instruments and mechanisms for gender equality.

29. **Ms. Chung** said that she would welcome updated information about the status of the bill on "the special registry and publicity of the work on non-profit organizations" in the Republika Srpska, which was the subject of concerns raised by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, among others. She would also welcome further information on the extent to which the rights to freedom of peaceful assembly and of association were being upheld in the State party.

30. **Ms. Tebie** said that, given that the State party was still in the process of incorporating the Convention into its national laws, it would be interesting to know whether its provisions could be directly invoked before national courts.

31. **Mr. Diaby** said that he would like to know how many times the law on hate speech had been invoked before domestic courts and whether the Ombudsman for Human Rights had the power to represent victims in court.

32. **A representative of Bosnia and Herzegovina** said it was his understanding that the bill on the special registry and publicity of the work on non-profit organizations in the Republika Srpska had been withdrawn. The members of the delegation were grateful to the Committee for helping them to examine the challenges their country faced. However, those challenges required a coordinated response across all levels of authority in the country and,

unfortunately, not everyone was prepared to work together to ensure that they were addressed.

33. **A representative of Bosnia and Herzegovina** said that, between 2021 and 2024, the Communications Regulatory Agency had registered 17 cases concerning allegations of hate speech and a single case concerning journalists' freedom of speech. In seven of those cases, the Agency had ruled that there had been a violation of its code.

34. Provisional discussions had been held on the proposed formation of a working group to prepare a new law on transparency in media ownership. The Agency was committed to participating in that initiative, based on the fact that most acts of hate speech now took place online. Such legislation would enable the authorities to establish the identity of the owners and primary users of online platforms and, where appropriate, take measures against them.

35. **A representative of Bosnia and Herzegovina** said that, according to the statistics provided by the High Judicial and Prosecutorial Council, a total of nine cases exclusively concerning hate crime had been brought before courts. Those cases had been heard by courts in Sarajevo, Zenica, Banja Luka, Foča and Kozarska Dubica.

36. The Constitution of Bosnia and Herzegovina ensured protection of the rights and freedoms set out in all the international treaties and conventions to which the country was a signatory. Those international instruments could be invoked before domestic courts and their provisions took precedence over other laws. The Ombudsman for Human Rights had the power to participate in court cases concerning rights violations and to issue its own non-binding recommendations on them. The delegation would submit written replies to questions about the freedom of assembly in the Republika Srpska.

37. **Mr. Yeung Sik Yuen** said that he would welcome the delegation's comments on three troubling issues in the State party, namely the underreporting of hate crime and hate speech, the excessive administrative burden placed on refugees and the unresolved problems facing unaccompanied minors. He would also appreciate the delegation's response to reports suggesting that only half the recommendations issued by the Ombudsman for Human Rights had been successfully implemented.

38. **Mr. Diaby** said that, on a number of occasions, it had been reported that Bosnian sports fans had engaged in acts of racism and hate speech. For example, the country's football fans had been recorded singing antisemitic chants at a match against Austria in 2015. He would like to know whether that particular incident had been formally investigated and, more generally, whether the State party had considered taking specific legislative measures to combat acts of racism and hate speech at sporting events.

39. **A representative of Bosnia and Herzegovina** said that the delegation did not have any information concerning allegations of antisemitism by football fans or on any legislative measures taken at the national or entity levels to combat discrimination at sporting events. In general, although it appeared that very few cases of hate speech had been reported, the Committee should bear in mind that the delegation was not at liberty to discuss ongoing legal proceedings. A number of charges had been brought under article 145 of the Criminal Code since the legislative amendments of 2021; however, those cases remained confidential for the time being.

40. **A representative of Bosnia and Herzegovina** said that the vast majority of people who had been displaced during the armed conflict in the 1990s had returned to their home regions. Considerable progress had been made with the reconstruction of housing for displaced persons and returnees, and the State remained committed to strengthening infrastructure to improve the living conditions of returnees. In particular, it was focused on reducing the number of young people belonging to returnee families who left their home regions because they were unable to find work there. In that regard, a number of municipal authorities had signed agreements with the Government under which they were obliged to offer 12-month internships to university graduates from the local area. The municipal authorities were also working to offer longer-term employment solutions in local institutions for young people from returnee zones, regardless of their religion or ethnicity.

41. **A representative of Bosnia and Herzegovina** said that all migrants in his country, including unaccompanied minors, were protected under the European Convention on Human

Rights and domestic anti-discrimination legislation. The State had taken appropriate measures to implement the recommendations of the Ombudsman for Human Rights concerning the situation of migrants, and it continued to work in collaboration with international organizations to ensure that migrants could live in comfort and with dignity.

*The meeting was suspended at 4.20 p.m. and resumed at 4.30 p.m.*

42. **Mr. Guan** (Country Task Force) said that he would like to hear about measures taken by the State party to enhance the efficiency of activities carried out by the Ombudsman for Human Rights and to ensure that the relevant authorities followed up on that institution's decisions and recommendations. He would like to know more about how the Ombudsman worked with relevant bodies to carry out its mandate to address racial discrimination in the State party. He would appreciate detailed information regarding the outcomes of the implementation of its recommendations. He wondered whether the State party had long-term plans to ensure the timely disbursement of the Ombudsman's budget and whether the resources allocated to the office of the Ombudsman were sufficient to ensure its operational independence.

43. He would welcome information on the current situation of human rights defenders and civil society organizations working to combat racial discrimination in the State party. In particular, he wished to know how many people were working to combat racial discrimination as human rights defenders as well as details of the environment in which they were operating. He would also like to know how many civil society organizations focusing on protecting human rights were registered in the country, whether those organizations had various branches and, if so, how many of those branches were concerned with combating racial discrimination. It would also be helpful to hear how they were funded, whether they had all established cooperative relationships with the Ombudsman and whether domestic law contained sound provisions on the protection and management of such organizations.

44. He would be grateful to know whether, after the completion of a census, the State party undertook a review process regarding the data collected. Additional information on the methods used in census work and on the methodology of human rights reporting would be appreciated. The delegation might also wish to indicate when the next census would take place.

45. It would be useful to learn more about specific plans for the improvement of returnees' living conditions. He would welcome further information on the meeting concerning social protection for refugees and displaced persons that had been planned for 2020 and wondered whether meetings on that topic could be held on a regular basis in the future. It would also be useful to learn about measures taken by the State party to deal with racial hate speech and physical attacks perpetrated against returnees and to receive details on specific cases and outcomes achieved in that regard.

46. **A representative of Bosnia and Herzegovina** said that there were no specific definitions of human rights defenders in domestic law and they had not been granted special status. Legislation on free legal aid made reference to the many non-governmental organizations (NGOs) in the country that provided free legal aid through branches located at the municipal, city and canton levels. The Ministry for Human Rights and Refugees worked in close cooperation with those NGOs and referred to their analyses and case studies in its daily work. The Government would soon hold a meeting with those NGOs to ensure that experiences from their work on the ground would be incorporated in reports to be presented to the Council of Ministers and the Parliamentary Assembly. The provision of legal aid was administered by the Office for Providing Legal Aid, under the Ministry of Justice.

47. The Ministry for Human Rights and Refugees had worked with civil society organizations to develop a protocol, published in 2018, on the protection of human rights defenders, following which a working group comprising representatives of NGOs and relevant institutions had been established to draw up an action plan for its implementation. The working group had also developed criteria for the establishment of an advisory body on the protection of human rights defenders and, in 2020, had mapped challenges concerning women human rights defenders and discrimination. That work had laid the foundations for the development of guidelines and recommendations aimed at improving the activities of institutions tasked with protecting human rights and combating discrimination. Guidelines

on protecting women human rights defenders had also been developed. The relevant institutions were able to accept individual complaints.

48. **A representative of Bosnia and Herzegovina** said that the working group had already held four meetings in 2024 on the implementation of an action plan on women human rights defenders. The Ministry for Human Rights and Refugees and the Gender Equality Agency were working with other ministries, as well as with NGOs and representatives of the Republika Srpska, to carry out the action plan. The Ministry had held two training sessions with public officials from relevant institutions to raise their awareness of the Ministry's plans and ways of working, including by highlighting the importance of preventing workplace discrimination at State institutions and identifying mechanisms to strengthen prevention of such discrimination.

49. **A representative of Bosnia and Herzegovina** said that, on the recommendation of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, human rights promotion had been incorporated into the Ombudsman's mandate. Cooperation with civil society, academia and international organizations had been enhanced.

50. The Ombudsman's financial independence was assured as the Council of Ministers and the Presidency did not have the ability to reduce its draft budget, which was drawn up each year by the Ministry of Finance and Treasury on the basis of recommendations issued by the Ministry for Human Rights and Refugees and the Joint Committee on Human Rights of the Parliamentary Assembly. Its budget had been increased by nearly 50 per cent between 2020 and 2024. The Ombudsman had drafted a report on the unsatisfactory implementation of its recommendations by institutions to enable the Ministry for Human Rights and Refugees to initiate proceedings against non-compliant institutions, which could extend to criminal proceedings.

51. **A representative of Bosnia and Herzegovina** said that the Ministry for Human Rights and Refugees was not aware of the funding mechanisms of NGOs. Each year, following the approval of its budget, the Ministry invited human rights defenders and their organizations to bid for public funding for their activities through a public tender.

52. All State and cantonal institutions were required by law to cooperate with the Ombudsman. The Ombudsman's budget was drawn up on an annual basis as provided for in domestic legislation on State budgets and it was therefore not possible to engage in long-term budgetary planning. However, the Ombudsman did have the ability to plan for medium-term expenditure; for instance, it could make plans regarding activities to be carried out over a three-year period.

53. **A representative of Bosnia and Herzegovina** said that there were no obstacles to the return of returnees to the municipalities where they had lived prior to the war. No deadline had been set for the submission of applications for return to their former municipalities of residence, and all citizens in all municipalities were treated equally when applying to change their place of residence in the country.

54. Attacks on Bosniaks, Croats and Serbs had persisted throughout the country since the end of the war. The Minister for Human Rights and Refugees had travelled to areas where attacks had occurred, had visited victims of attacks and had engaged with relevant institutions in the Federation of Bosnia and Herzegovina and the Republika Srpska. The Government had no data on attacks, given that it received such information only if police on the ground had received complaints against perpetrators or had apprehended perpetrators, and had no information concerning proceedings initiated against perpetrators. Refugees requiring access to health-care services could be treated at the Tuzla public hospital, which served a large number of municipalities in the Republika Srpska.

55. **A representative of Bosnia and Herzegovina** said that great efforts had been made to ensure the safety of returnees and address any criminal acts perpetrated against them. In 2021, the High Judicial and Prosecutorial Council had ruled that the database of crimes perpetrated against refugees should be updated. Although no evidence of crimes committed against refugees had been brought before the courts, the Ministry for Human Rights and Refugees had received reports of attacks on refugees. In 2022, the House of Peoples had



launched an initiative requiring all authorities to introduce new measures for the protection of refugees, the implementation of which would be monitored by the Ministry.

56. Census takers were not permitted to explain the methodology behind census questions to respondents or to influence them in any way. Respondents were not obliged to provide details on their ethnicity or national identity, and census takers were required to write down the exact wording of answers provided. Questions concerning minors were answered by their parents or caregivers on their behalf.

57. **A representative of Bosnia and Herzegovina** said that, according to the 2013 census, there were 12,544 Roma living in the country, of whom 10,036 lived in the Federation of Bosnia and Herzegovina, 2,057 lived in the Republika Srpska and 490 lived in the Brcko District. However, a recent information request issued by the Ministry for Human Rights and Refugees, which had yielded responses from 50 of the 88 municipalities and cities with Roma communities, had revealed that there were many thousands more Roma families living in the country than had been recorded in the census. The Government planned to draft guidelines to improve the collection of data concerning the Roma population.

58. **A representative of Bosnia and Herzegovina** said that it was difficult to collect reliable data on the Roma population because data collection responsibilities were shared across many State institutions and local authorities and because many Roma families lived nomadic lifestyles. The Government was making every effort to integrate Roma families into the community, which would in turn facilitate data collection and reporting.

59. **Mr. Guan** said that he would be grateful to know why the census scheduled for 2023 had not taken place and when a new census would be carried out. He would welcome information on the main obstacles that prevented returnees from returning to the places where they had originally lived.

60. **Ms. Stavrinaki** said that she wished to know what was being done to make it easier for returnees to report acts of racial violence committed against them. She would appreciate more detailed information on other factors, aside from Roma people's nomadic lifestyle, that made it difficult to gather data relating to them.

61. **Ms. Chung** said that she would welcome information on any activities carried out jointly by law enforcement agencies, human rights organizations and civil society organizations in order to tackle racial discrimination. She would be grateful if the delegation could confirm that organizations receiving foreign funding were not eligible for support from government agencies. It would be interesting to hear the delegation's further comments on the status of the bill on the special registry and publicity of the work on non-profit organizations in the Republika Srpska, which, if enacted, would restrict the activities of NGOs receiving foreign funding. Specifically, the delegation might comment on reports that the authorities of the Republika Srpska had withdrawn the bill but planned to bring it back before the National Assembly once it had been brought into line with the standards of the European Union.

62. **Mr. Diaby** said that he wished to know whether the State party would consider drafting and adopting legislation that would guarantee the protection of human rights defenders. He would also like to know whether the complex structure of the office of the Ombudsman for Human Rights hindered its ability to make decisions, particularly in relation to sensitive cases, and how exactly the Ombudsman was empowered to support victims of racial discrimination who brought proceedings before a court.

63. **Ms. Chung** said that she wished to know whether Roma were able to legally occupy and live safely in unofficial Roma settlements and whether adequate alternative accommodation or compensation was provided to displaced Roma who had been evicted from their settlements or whose homes had been destroyed.

64. **A representative of Bosnia and Herzegovina** said that the Statistics Agency was currently developing the methodology that would be used to conduct the next national census. Once that methodology had been adopted, it would be possible for the census to proceed.

65. **A representative of Bosnia and Herzegovina** said that access to employment was the biggest challenge facing returnees in the Federation of Bosnia and Herzegovina and the

Republika Srpska. Many returnees were registered for employment-seeking purposes in the Federation of Bosnia and Herzegovina but were living with their families in their pre-war homes in the Republika Srpska. Furthermore, there were very few representatives of returnee communities in local authorities because returnees were unable to participate in local elections in their municipalities. The Council of Ministers continually urged local communities and the Ministries of the Interior in the Federation of Bosnia and Herzegovina and the Republika Srpska to take measures to prevent returnees from being attacked.

66. **A representative of Bosnia and Herzegovina** said that the Law on Prohibition of Discrimination established the forms of discrimination that were prohibited and set out measures for preventing them. The Government planned to raise awareness of the procedures for reporting discriminatory acts as very few victims of discrimination took legal action in response to it.

67. The nomadic lifestyle of the Roma population was not the only obstacle to the collection of data relating to them. The methods used to gather data on Roma communities differed from municipality to municipality. With the support of international bodies, those methods would be harmonized and a database of the Roma population would be established.

68. The Ombudsman worked closely with law enforcement agencies. That cooperation would be further enhanced once the amendments made to the law governing the office of the Ombudsman had been fully implemented.

69. **A representative of Bosnia and Herzegovina** said that, although human rights defenders were not accorded a special status in law, significant steps had been taken to protect them, including the development of a protocol on their protection and the establishment of a related working group. The Government made efforts to speak to women human rights defenders in local communities in order to learn about the issues that were most important for them, including women's full participation in society.

70. **A representative of Bosnia and Herzegovina** said that there were three Ombudsmen in Bosnia and Herzegovina and all decisions concerning the drafting and issuance of reports must be adopted by all three of them. The law provided that Roma refugees could return to their previous places of residence and, in recent years, a large number of them had been able to do so. Nevertheless, Roma returnees faced risks to their physical security and had difficulty entering the labour market and integrating into society.

71. **Ms. Chung** said that the Committee would welcome information on any investigations conducted into reports of hate speech.

72. **Mr. Guan** said that he would appreciate further information on the deadlines regarding the next census.

73. **Mr. Diaby** said that he wished to know whether any mechanism had been established to monitor online hate speech and how instigators of racial hatred on social networks were identified.

74. **A representative of Bosnia and Herzegovina** said that the census conducted in 2013 was a valid census recognized by the Statistical Office of the European Communities. The Government would continue to base its policies on that census until the results of the next census had been validated and made available.

75. **A representative of Bosnia and Herzegovina** said that the Communications Regulatory Agency was responsible for monitoring audiovisual services, including video platforms. The Agency was empowered to impose penalties and to suspend and revoke operating licenses. The body responsible for regulating print and online media was a self-regulatory body that, unlike the Communications Regulatory Agency, could not impose penalties. However, it had a code of professional standards to which online media outlets could adhere on a voluntary basis.

76. One of the main problems facing the authorities in tackling online hate speech was that it was not always possible to identify the owners of online portals. The lack of a law governing transparency in media ownership prevented the authorities from registering online media outlets and eliminating online hate speech. However, the existing legislation enabled the competent authorities, in cooperation with Internet service providers, to identify perpetrators of serious criminal offences such as terrorism and child pornography.

*The meeting rose at 5.50 p.m.*