

Press Release

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Bosnia and Herzegovina : "High time to overcome ethnic divisions and establish equality", says Commissioner Hammarberg

Strasbourg, 01.12.2010 - "Authorities in Bosnia and Herzegovina should end discrimination towards members of national minorities by bringing law and practice fully into line with human rights standards including the case-law of the European Court of Human Rights. The right to equality should be ensured for members of *all* ethnic groups", said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, concluding his three-day visit to the country.

Whilst commending the adoption in 2009 of the Anti-discrimination Law and the establishment of a single Ombudsmen office, the Commissioner noted with serious concern a persisting polarisation between the different ethnic groups. He encouraged the authorities to step up their efforts to ensure the effective implementation of anti-discrimination legislation and to raise public awareness of this law. The recommendations of the Ombudsmen aimed at fighting discrimination, especially on grounds relating to ethnic origin and disabilities, should be implemented immediately.

During his discussions with the authorities at State and Entity levels Commissioner Hammarberg noted the need to end school segregation, mainly found in the Federation of Bosnia and Herzegovina. "The policy of separating ethnic Bosniak and Croat children in schools only reinforces prejudices and intolerance and perpetuates ethnic isolation. Measures to unify the educational system are long overdue. Ethnically-based and divided education systems are not consistent with Council of Europe standards and remain an obstacle to sustainable returns of displaced persons after the 1992-1995 war".

The Commissioner expressed concern regarding the conditions of persons with disabilities, including mentally ill persons and children, who remain particularly vulnerable to social exclusion. Although a number of programmes for children with disabilities are now available in schools, many individuals live in institutions that do not provide adequate protection and services and are not properly supervised by the competent authorities

Commissioner Hammarberg noted with satisfaction the efforts made so far by the authorities to improve the situation of Roma. Nonetheless he stressed the need for more systematic work to improve Roma access to quality education and employment, two sectors in which Roma remain dramatically disadvantaged. "Particular attention should be paid to the Roma who have been forcibly displaced from Kosovo(*) and who have lived for many years with their families in Bosnia and Herzegovina. Return is not a real option for these people who are still in need of international protection".

The Commissioner also visited the collective centre for displaced persons in Lukavica, near Sarajevo, and was gravely concerned by the substandard living conditions there. "It is not acceptable that fifteen years after the end of the war more than seven thousand

(*) "All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo."

people, many of them elderly and in ill health continue live in housing that may not be considered as humane in today's Europe. The human rights standards of the European Social Charter are fully applicable to these persons”.

The Commissioner highlighted the need to continue with determination the efforts aimed at identifying the 10 000 pending cases of missing persons due to the war. “Missing persons’ families have a right, under the European Convention on Human Rights, to know the truth and the fate of their missing loved ones. Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance would be an additional step in the right direction”.

Lastly, he noted with satisfaction the interest shown during the meetings by leading politicians at State and Entity levels in the 220 pending cases concerning police officers barred from police service following the vetting process of the UN International Police Task Force in the late 1990s. “Every person dismissed having been accused of war-related crimes has the right to basic procedural safeguards and to an effective remedy to challenge such a decision. This was not the case of the decertified police officers. I trust that following the discussions I had the competent authorities will take another look at these cases of flagrant injustice and provide reparation”.

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