

## **Answer**

### **of the Federal Government**

**to the Minor Interpellation tabled by the Members of the Bundestag Volker Beck, Luise Amtsberg, Manuel Sarrazin, further Members and the Alliance 90/The Greens parliamentary group  
– Printed paper 18/9391 –**

### **Human rights situation in Bosnia and Herzegovina**

#### Preliminary remarks of the questioners

On 20 July 2015, the deadline for implementing Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) expired. Article 37(2) of this Directive contains an obligation to regularly review the situation in third countries designated as “safe countries of origin” in national law. This is intended to ensure adherence to the substantive provisions of the law of the European Union in the designation of “safe countries of origin”.

Under Annex 1 of the Directive, a state can only be designated as a “safe country of origin”, “where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by: (a) the relevant laws and regulations of the country and the manner in which they are applied; (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention; (c) respect for the *non-refoulement* principle in accordance with the Geneva Convention; (d) provision for a system of effective remedies against violations of those rights and freedoms”.

With the Act classifying further countries as safe countries of origin and facilitating the access to the labour market of asylum applicants and foreigners whose deportation has been suspended, adopted on 31 October 2014 (Federal Law Gazette I p. 49), Bosnia and Herzegovina was designated as a safe country of origin.

The Act Introducing Expedited Asylum Procedures of 20 October 2015 (Federal Law Gazette I p. 1722), with which Albania, Kosovo and Montenegro were designated as safe countries of origin in autumn 2015, obliges the Federal Government for the first time to present a report every two years defining whether the conditions for the classification as a safe country of origin still apply (Section 29a paragraph 2a of the Asylum Act).

The Alliance 90/The Greens parliamentary group continues to believe the instrument of “safe countries of origin” is wrong. It restricts procedural rights, possible legal remedies and, since the Act Introducing Expedited Asylum Procedures came into force, the social and economic rights of asylum seekers from these countries. The parliamentary group tabling the question believes ongoing monitoring of the human rights situation in these countries is legally necessary and extremely important politically. This minor interpellation is intended to make a contribution in this respect.

#### Preliminary remarks of the Federal Government

The Federal Government has no knowledge of cases of political persecution, torture or inhuman or degrading punishment and treatment or threat by reason of indiscriminate violence in situations of international or internal armed conflict in Bosnia and Herzegovina. The institutions of Bosnia and Herzegovina are striving to implement their human rights obligations and international standards as a whole deriving from corresponding legal provisions more effectively. The Federal Government supports these efforts. It also supports the approximation of Bosnia and Herzegovina to the EU, inter alia in the framework of a German-British initiative designed to improve the socio-economic situation of the population and the economic power of the country, strengthen the rule of law and reform the public administration. This initiative was endorsed by the Foreign Affairs Council (FAC) on 15 December 2014 as a renewed EU approach.

The population of Bosnia and Herzegovina is made up of three constituent peoples: Bosniaks (predominantly Muslim), Serbs (predominantly Orthodox) and Croats (predominantly Catholic).

These population groups are distributed unevenly through the country: while mainly Serbs live in the entity of Republika Srpska, Bosniaks form the great majority in the other entity, the Federation of Bosnia and Herzegovina. Within the Federation there are in turn regions, for example West Herzegovina, populated predominantly by Croats. Depending on the region one population group represents the majority and the other two groups the minority. While the constitution and national anti-discrimination laws guarantee every individual freedom from discriminatory treatment, it is still impossible to rule out the existence of latent discrimination against minorities by the respective majority in Bosnia and Herzegovina. It is possible in this respect that discrimination on the basis of membership of an ethnic group can indirectly represent discrimination on the basis of religious affiliation since this may in part be regarded as fundamental to membership of an ethnic group.

1. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their “race” (cf Article 10(1) letter a of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control

the state or a significant part of the territory of the state, and how has this situation developed within the last year?

The Federal Government has no knowledge of any systematic use of physical or psychological violence by the state against particular individuals or groups of people in Bosnia and Herzegovina.

There are sporadic reports in the media and from NGOs of physical mistreatment during police interrogations and arrests or inside prisons. These relate in particular to members of the Roma or other minorities and fringe groups.

2. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their "race" (cf Article 10(1) letter a of the Qualification Directive) from the use of physical or psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Please refer to the answer to questions 1 and 46.

3. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their "race" (cf Article 10(1) letter a of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

In Bosnia and Herzegovina the normal democratic possibilities of participation in political life and free elections are fundamentally guaranteed. There are, however, two restrictions in relation to the right to stand for election: people who do not belong to one of the three constituent ethnic groups (Bosniaks, Serbs and Croats) cannot be elected to the State Presidium of Bosnia and Herzegovina or to the second chamber, the House of Peoples.

The ombudsperson for human rights in Bosnia and Herzegovina reported in 2015 on deficits in the public sector in the allocation of jobs in the political arena. According to this report some public institutions discriminate against minorities by not always respecting the legal requirement for the composition of staff to reflect the current population structure of Bosnia and Herzegovina.

With regard to occasional complaints by NGOs of a lack of engagement by law enforcement agencies in the investigation of criminal acts against Roma and with respect to human trafficking, the Federal Government has no reliable information.

4. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their "race" (cf Article 10(1) letter a of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
5. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their "race" (cf Article 10(1) letter a of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

Questions 4 and 5 are answered together.

Please refer to the preliminary remarks of the Federal Government. The Federal Government has no information available to it on incidents of this nature.

6. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their "race" (cf Article 10(1) letter a of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations

which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Systematic violations of human rights by state actors do not occur in Bosnia and Herzegovina. Please refer to the preliminary remarks of the Federal Government and to the answer to question 1.

With reference to reports of discrimination against minorities in the allocation of jobs in public institutions, please refer to the answer to question 3.

7. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their "race" (cf Article 10(1) letter a of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Despite efforts by the government to improve the economic and social situation of the Roma, the largest minority group in Bosnia and Herzegovina, they remain exposed to social discrimination. Please refer to the answer to question 45.

8. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Bosnia and Herzegovina is a secular state. Freedom of religion is guaranteed in the constitution of Bosnia and Herzegovina. All citizens enjoy positive and negative freedom of faith and conviction.

9. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, from non-state actors without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

The Federal Government is not aware of any cases of religiously motivated physical or psychological violence, including sexual violence, by non-state actors where the state or other actors has not been able or willing to provide protection. In other respects please refer to the answer to questions 72 to 75.

10. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Discrimination on religious grounds is seldom an important issue. In this respect please refer to the preliminary remarks and to the answer to question 3.

11. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
12. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

13. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties and organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
14. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their religion (cf Article 10(1) letter b of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 11 to 14 are answered together.

The Federal Government has no information available to it regarding incidents of this nature. For additional information, please refer to the preliminary remarks of the Federal Government and the answer to question 6.

15. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Protection of race, ethnic origin, political conviction, skin colour, religion, faith and gender is enshrined in the constitution. In this respect please refer to the preliminary remarks of the Federal Government and the answer to question 1. Nationality within Bosnia and Herzegovina is regularly equated with membership of one of the (three constituent) ethnic groups. Please refer therefore for more information to the answer to question 3.

16. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Please refer to the answer to question 2. The Federal Government is not aware of any cases of physical or psychological violence, including sexual violence, on the grounds of nationality perpetrated by non-state actors where the state was not able or willing to offer protection.

17. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Please refer to the answer to question 3.

18. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
19. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?

Questions 18 and 19 are answered together.

The Federal Government has no information available to it on incidents of this nature.

20. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Please refer to the answer to question 6 which applies accordingly.

21. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their nationality (cf Article 10(1) letter c of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state being able or willing to provide protection, and how has this situation developed within the last year?

The Federal Government has no information available to it on incidents of this nature.

22. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Please refer to the answer to question 1.

23. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Please refer to the answer to question 49.

24. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Police and regulatory law in the two entities of Republika Srpska and the Federation of Bosnia and Herzegovina can lead to discrimination against homosexuals. A general clause empowers the police to intervene in the event of a “threat to public morality” and to possible “violation of the patriotic, national, religious and moral feelings of citizens”. In Sarajevo the police’s dealings with sexual minorities have improved within the last year: according to reports from LGBTI organisations, more than 1000 police officers in the canton of Sarajevo have received training on dealing with offences against people on account of their sexual orientation. Moreover according to information from ILGA-Europe (the European section of the worldwide umbrella association for lesbian, gay, bisexual, transgender/transsexual and intersexual organisations), 161 police officers from all cantons of the Federation of Bosnia and Herzegovina have received appropriate training from the OSCE in cooperation with an NGO.

In May 2016 a further training course for judges and public prosecutors was held in cooperation with the Heinrich Böll Stiftung to tackle discrimination against minorities.

In July 2016 a new anti-discrimination law was adopted which is aligned to international human rights standards and EU law. The law expands the list of bans on discrimination to include age and disability, as well as sexual orientation, gender identity and gender characteristics and is also intended to improve the protection of lesbian, gay, bisexual, transgender/transsexual and intersexual people (LGBTI). The law also includes procedural changes in order to facilitate more efficient implementation of bans on discrimination and better protection for victims of discrimination.

25. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
26. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
27. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control a significant part of the territory of the state, and how has this situation developed within the last year?
28. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their membership of a particular social group (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 25 to 28 are answered together.

The Federal Government has no information available to it regarding incidents of this nature; in other respects please refer to the answer to question 6.

29. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?

Please refer to the answer to question 24.

30. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

With reference to attacks on lesbian, gay, bisexual, transgender/transsexual and intersexual people in Bosnia and Herzegovina, please refer to the answer to question 49.

Beyond this, the Federal Government has no information available to it on incidents of this nature.

31. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?

Please refer to the answer to question 24.

32. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
33. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
34. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control a significant part of the territory of the state, and how has this situation developed within the last year?
35. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their sexual orientation (cf Article 10(1) letter d of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 32 to 35 are answered together.

The Federal Government has no information available to it on incidents of this nature.

36. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from the use of physical or psychological violence, including sexual violence, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
37. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from the use of physical or the psychological violence, including sexual violence, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 36 and 37 are answered together.

The Federal Government has no information available to it on incidents of this nature.

38. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from legal, administrative, police or judicial measures which are discriminatory or which are applied in a discriminatory manner and how has this situation developed within the last year?



The Federal Government is aware of ongoing criminal proceedings against a number of politicians and of public speculation by those concerned that these proceedings have been brought because of or in the context of their political work.

Political convictions in Bosnia and Herzegovina are often closely associated with membership of an ethnic group. It is therefore impossible to rule out the possibility that, in the light of the uneven distribution of the different groups making up the population (see preliminary remarks), members of a minority may in certain cases be discriminated against because of their political convictions.

39. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive) from disproportionate or discriminatory criminal prosecution or punishment and how has this situation developed within the last year?
40. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from a denial of judicial protection and how has this situation developed within the last year?
41. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by the state or by parties or organisations which control the state or a significant part of the territory of the state, and how has this situation developed within the last year?
42. To the knowledge of the Federal Government, to what extent are people in Bosnia and Herzegovina at risk, on the grounds of their political conviction (cf Article 10(1) letter e of the Qualification Directive), from violations of other human rights, including economic, social and cultural rights, by non-state actors, without the state or other actors being able or willing to provide protection, and how has this situation developed within the last year?

Questions 39 to 42 are answered together.

The Federal Government has no further information on incidents of this nature. Please refer to the answer to question 38.

43. What is the Federal Government's assessment of the measures that the Bosnian authorities and, where appropriate, international organisations may, to its knowledge, be taking to offer protection to those affected by human rights violations in Bosnia and Herzegovina and to improve the human rights situation in Bosnia and Herzegovina?
44. What measures is the Federal Government taking to offer protection to those affected by human rights violations in Bosnia and Herzegovina and to improve the human rights situation in Bosnia and Herzegovina and to what extent will it continue or expand these measures in the future?

Because of their closely related content, questions 43 and 44 are answered together.

Bosnia and Herzegovina has ratified all relevant UN and other international conventions on the protection of human rights. Bosnia and Herzegovina is endeavouring to meet its reporting obligations arising from the human rights agreements and grants independent international organisations access to its territory and corresponding institutions to enable them to monitor the human rights situation. Bosnia and Herzegovina also cooperates with the International Criminal Tribunal for the former Yugoslavia.

The principles of the European Convention on Human Rights are incorporated in the constitution of Bosnia and Herzegovina. This guarantees the precedence of the European Convention on Human Rights over national legislation.

Bosnia and Herzegovina has the institution of the ombudsperson for human rights which can initiate measures to tackle human rights violations. Bosnia and Herzegovina also has anti-discrimination laws deriving from international standards. War crimes are prosecuted in accordance with the due process of law.

For 2015 and 2016 the High Judicial and Prosecutorial Council has adopted an action plan to strengthen the judicial system in order to increase the trust of the people in the system by improving the administration of justice and introducing measures to ensure integrity and accountability.

The Federal Government is of the view that the legal situation with respect to protecting against human rights violations complies in the main with international standards. It is, however, impossible to rule out deficits in the application of the law in particular cases.

In addition to EU measures in this area in which it is involved, the Federal Government also supports on a bilateral basis various projects run by civil society organisations to improve the human rights situation in Bosnia and Herzegovina. In particular it provides finance for youth encounter projects out of funds from the Stability Pact for South-eastern Europe (budget funds to “support international measures in the areas of crisis prevention, peacekeeping and conflict management), measures to treat war-traumatised people (particularly women) and to support those returning from war, as well as a project to help undocumented Roma from other West Balkan countries to obtain papers. The Federal Government also works with public bodies to raise the awareness of their staff of the risks of discrimination and to enhance their engagement for groups which can be particularly subject to discrimination (for example, Roma, the disabled).

The international community, too, runs a series of projects to improve the human rights situation, including an EU initiative to improve detention conditions in prisons in Bosnia and Herzegovina.

The Federal Government will continue to support the human rights work of state and civil-society actors.

45. Is the Federal Government aware of the situation of unregistered Roma in Bosnia and Herzegovina who are referred to as “invisible Roma” ([www.sarajewo.diplo.de/Vertretung/sarajewo/de/03/Menschenrechte/03-projekte/3-4-Roma\\_Integration\\_2013.html](http://www.sarajewo.diplo.de/Vertretung/sarajewo/de/03/Menschenrechte/03-projekte/3-4-Roma_Integration_2013.html)), and what is the Federal Government’s assessment of their situation from a human rights perspective?

The Federal Government is aware that there are unregistered Roma in Bosnia and Herzegovina and that they are exposed to various forms of discrimination, with respect to job seeking, social benefits and health insurance, initial and further training, questions of settlement and shelter, access to personal documents and questions of nationality.

The UN High Commission for Refugees (UNHCR) is working together with NGOs locally to register births retrospectively if parents have failed to register the birth of a child. According to the 2011/2012 UNICEF Multiple Indicator Cluster Survey, 96 per cent of births of Roma children under five years of age have already been registered. 20 per cent of them, however, were not issued with a birth certificate. This was partly on account of the fact that the parents failed to follow up on the matter out of a lack of knowledge or money. The desired full registration of Roma, particularly all children, would simplify their access to the education and health system and to the labour market.

- a) How many people does the Federal Government estimate are in this situation?

Roma constitute the largest minority in Bosnia and Herzegovina. The Federal Government considers estimates which put the number of Roma in Bosnia and Herzegovina at between 60,000 and 80,000 to be realistic. It does not have any information available to it, however, on the number of unregistered Roma.

- b) To the knowledge of the Federal Government, to what extent do members of this group have access to the registration system and the possibility of having a passport or other identification paper issued, and what is the Federal Government's assessment of this from a human rights perspective?

The access of unregistered Roma to the registration system is difficult. Please refer to the answer to question 45.

- c) To the knowledge of the Federal Government, are the members of this group Bosnian nationals or do they have the possibility of acquiring Bosnian nationality, and what is the Federal Government's assessment of this situation from the human rights perspective?

The Federal Government has no information available to it on the nationality of unregistered Roma.

- d) To the knowledge of the Federal Government, to what extent are members of this group at risk from violent attacks and to what extent are the Bosnian authorities willing and able to offer protection from such attacks?

aa) How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

bb) In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

Questions 45d to 45bb are answered together.

There are occasional reports by the media and NGOs of physical abuse suffered by Roma and other minorities and marginal groups during police interrogations and arrests or in prison. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has been investigating police stations, prisons and psychiatric facilities in Bosnia and Herzegovina since 2011 and has determined ongoing positive developments. The authorities of Bosnia and Herzegovina have agreed to the publication of all the Committee's reports; the reports are in the public domain. The Federal Government has no statistical data available to it on the number of attacks or criminal proceedings and convictions.

- e) To the knowledge of the Federal Government, to what extent do members of this group actually have access to health care

aa) for acute treatment and

bb) chronic illness?

cc) To what extent, to the knowledge of the Federal Government, is the health care provided to members of this group free of charge?

dd) To what extent, to the knowledge of the Federal Government, is doctor-patient confidentiality upheld when providing health care to members of this group?

Questions 45e to 45e dd are answered together.

In the health system Roma in principle receive the same treatment as other citizens. A law has been in force since 1 January 2009 which provides for all pre-school children, schoolchildren up to the age of 18, children from the age of 15 who are not in education or training, students up to the age of 26, recipients of social

welfare and the unemployed as well as persons over the age of 65 to be covered by medical insurance. The de facto assumption is, however, that large sections of the rural population in particular, including children, have no access to regular health care.

Members of the Roma community have less access to medical insurance compared with other groups since many Roma have no registered domicile, which is one of the conditions for medical insurance cover. A further disadvantage for the Roma community is that medical insurance is generally extended on the basis of employment or training.

Some cantons in the Federation have not yet implemented the recommendations made by the ombudsman for human rights in Bosnia and Herzegovina in 2012 and have not introduced an exemption from health care charges for children. This means that needy families – and hence also many Roma families – are illegally discriminated against in these cantons.

Vaccinations prescribed for children are free for all population groups in Bosnia and Herzegovina.

- f) To the knowledge of the Federal Government, how high is life expectancy among members of this group and in comparison with the population as a whole?

According to the World Bank, life expectancy for citizens of Bosnia and Herzegovina was 76 years in 2012. Life expectancy for members of the Roma community is estimated to be lower, but the Federal Government does not have any reliable figures in this respect.

- g) To the knowledge of the Federal Government, how high is infant mortality among members of this group and in comparison with the population as a whole?

The Federal Government has no information available to it in this respect.

- h) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

- aa) To the knowledge of the Federal Government, what percentage of members of this group live in slums and slum-like dwellings?

- bb) To the knowledge of the Federal Government, what percentage of members of this group live in state-subsidised housing?

According to the OSCE, 75 per cent of members of the Roma community lack adequate housing. The Helsinki Committee for Human Rights estimates that around 10,000 Roma have no adequate accommodation. Roma have access to refugee settlements but their living conditions there are frequently poor.

According to information from the government of Bosnia and Herzegovina, more than twelve million convertible marks (around 6 million euro) were spent under the Decade of Roma Inclusion on accommodation, employment, schooling and health care for members of the Roma community over the space of 10 years. More than 700 housing units were built or renovated with state funding and the municipal infrastructure for more than 1000 Roma families was improved.

The European Union has developed an EU framework for national Roma integration strategies up to 2020 (EU platform) which was adopted in 2011. This obliges Bosnia and Herzegovina to review its strategies to date and incorporate the aims of the framework.

- i) To the knowledge of the Federal Government, to what extent do members of this group actually have access to schools, universities and other educational and

training establishments and to what extent are they subject to compulsory education?

Access to educational establishments is more difficult for members of this group.

In other respects please refer to the answer to question 45.

- j) To the knowledge of the Federal Government, what percentage of children who belong to this group do not attend school despite the existence of compulsory schooling?

According to estimates by the Ministry for Human Rights and Refugees, one third of children from the Roma community subject to compulsory schooling do not attend school. Factors such as the distance of the parental home from school and failures to officially register births are as much of a factor here as social marginalisation and in some cases discrimination on the part of schools.

- k) To the knowledge of the Federal Government, what is the literacy rate among members of this group and in comparison with the population as a whole?

According to the 2013 census, the illiteracy rate for the population as a whole in Bosnia and Herzegovina was 2.82 per cent (age ten and above)

Comparative data from surveys by UNICEF in the region of South-eastern Europe reveal that in this region literacy rates are poorer across the board for members of the Roma community compared with other groups, regardless of age.

According to the UNICEF Multiple Indicator Cluster Survey for 2011/2012, the literacy rate in Bosnia and Herzegovina for young women from the Roma community aged between 15 and 24 years is 68.9 per cent, while for their male counterparts it is 90.4 per cent.

- l) To the knowledge of the Federal Government, to what extent do members of this group actually have access to social benefits and state-subsidised or state funded services?

If they are registered citizens of Bosnia and Herzegovina, members of the Roma community have the same entitlement to state social benefits in principle as all other registered citizens of Bosnia and Herzegovina. Access for unregistered Roma is therefore de facto more difficult. Please refer to the answer to question 45.

46. Is the Federal Government aware of the situation of internally displaced persons and refugees from parts of the former Yugoslavia which are now independent republics or belong to their territory ([www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2016-0441+0+DOC+XML+V0//DE](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2016-0441+0+DOC+XML+V0//DE)) in Bosnia and Herzegovina and what is the Federal Government's assessment of the situation of these people from a human rights perspective?

The return of refugees and persons displaced during the time of the war has not yet been completed. The fundamental legal conditions for their return are in place.

Their return is being made more difficult in part by administrative and social obstacles.

Internally displaced persons and refugees are exposed in some cases to discrimination and have problems finding jobs; this applies in particular when they do not belong to the ethnic majority of the region in question. In some cases a permanent return also fails because the displaced persons have made a new life for themselves elsewhere.

If refugees and internally displaced persons move from one entity to the other, they may in some circumstances see their pensions fall because their pension fund

changes when they relocate. In a judgment handed down by the independent Human Rights Chamber, which has since been abolished following the establishment of the Constitutional Court of Bosnia and Herzegovina, this practice was ruled to represent a breach of human rights.

- a) To the knowledge of the Federal Government, how many internally displaced persons and refugees from parts of the former Yugoslavia which are now independent republics or belong to their territory are currently living in Bosnia and Herzegovina?

According to the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, there are still around 100,000 refugees and internally displaced persons. The Federal Government has reason to believe, particularly from its involvement in the Regional Housing Programme, which aims to find a permanent solution with respect to housing war refugees (for more information, see letter g), that many of these people have now, 20 years after the Yugoslav wars, been integrated into the places to which they fled.

- b) To the knowledge of the Federal Government, how many of the people referred to under letter a are still living in camps or settlements for internally displaced persons and refugees?

According to government statistics, around 7,500 people are still living in collection centres which were originally intended to offer only interim protection.

- c) To the knowledge of the Federal Government, how many of the people referred to under letter a have Bosnian nationality?

The Federal Government has no statistical data on how many internally displaced persons and refugees from parts of the former Yugoslavia which are now independent republics or to whose territory they belong currently have citizenship of Bosnia and Herzegovina. In principle the amendment to the citizenship law of Bosnia and Herzegovina enacted in 2013 and adopted by the Republika Srpska in July 2015 gives refugees the right to citizenship after five years of residence.

- d) To the knowledge of the Federal Government, what residence status do the members of this group have (please give figures for every possible residence status)?

The Federal Government has no information available to it on residence status.

- e) To the knowledge of the Federal Government, to what extent are the people referred to under letter a at risk from violent attacks and to what extent are the Bosnian authorities willing and able to offer protection against such attacks?

aa) How many attacks has the Federal Government become aware of since 2011 (please break down by year)?

bb) To the knowledge of the Federal Government, in how many cases did they lead to criminal proceedings and convictions (please break down by year)?

Questions 46e to 46e bb are answered together.

The Federal Government has no information of its own on the number of attacks on this population group or on criminal proceedings and convictions.

In 2015 there were reports of two incidents in Republika Srpska, one in the municipality of Kotor Varos and one in the municipality of Bijeljina. There are also occasional attacks, however, in the Federation of Bosnia and Herzegovina. The victims come from all three constituent ethnic groups.

- f) To the knowledge of the Federal Government, do the people referred to under letter a actually have access to the regular health system for

aa) acute treatment and

bb) to treat chronic illness?

cc) To the knowledge of the Federal Government, to what extent is health care provided free of charge for members of this group?

dd) To the knowledge of the Federal Government, to what extent is doctor-patient confidentiality upheld when providing health care to members of this group?

Questions 46f to 46f dd are answered together.

In formal terms there are no restrictions in Bosnia and Herzegovina on access to the health system for internally displaced persons and refugees from parts of the former Yugoslavia which are now independent republics or to whose territory they belong. The share of costs to be paid by the recipient for many healthcare services in Bosnia and Herzegovina can limit the ability to access health services. The Federal Government has no information available to it on adherence to patient-doctor confidentiality.

g) To the knowledge of the Federal Government, to what extent do the people referred to under letter a have access to adequate housing?

Bosnia and Herzegovina, together with Croatia, Serbia and Montenegro, is involved in the Regional Housing Programme which is designed to find a permanent solution to the question of housing for refugees and those displaced by the Yugoslav Wars. Bosnia and Herzegovina originally reported that 5,400 households (around 14,000 people) were eligible for this regional programme, which is funded for the most part by the EU, the USA, Germany and other European donors. After considerable initial difficulties the programme has within the last year started to enjoy success. So far (status: mid 2016), with the cooperation of the OSCE and UNHCR, assessments have been completed on almost 1,000 households. From the information collected it is projected that at least a third of households identified as being eligible no longer meet the criteria for the programme since they already have adequate housing.

The first 25 housing units under the programme were completed in the middle of 2016. This figure is likely to rise to around 180 by the end of 2016. There are plans for around 1,160 units to be completed for 2017 although delays cannot be ruled out.

h) To the knowledge of the Federal Government, how many of the people referred to under letter a actually have access to schools, universities and other education and training establishments and to what extent are they subject to compulsory education?

Access to the educational establishments mentioned is guaranteed in all parts of the country.

There are in some cases limitations in terms of the subjects offered and teaching material in students' own language or content tailored to the particular ethnic group, particularly when the returnees belong to a minority locally.

The US government and the OSCE, for example, report conflicts between the (Bosnian Serb-dominated) education administration in Republik Srpska and Bosniak returnees. The parents of more than 500 Bosniak children boycotted public schools and sent their children to an alternative school organised by the Muslim community and financed by the Federation's Education Ministry. Part of the reason for this was the refusal of the Education Ministry in the Republika Srpska to allow the Bosniak side a series of national subjects. A further factor was the use of the

designation “language of the Bosniak people” employed in teaching in the Republika Srpska, instead of the designation “Bosnian language” laid down in the constitution of Bosnia and Herzegovina. The number of children participating in alternative schooling rose by 76 in the 2015/16 school year after the municipalities in the region of Zvornik joined the boycott. The boycott has also expanded to take in a primary school in Srebrenica.

According to media reports, the problem is set to continue with the beginning of the school year on 1 September 2016. In Vrbanjici near Kotor Varos, Republika Srpska, children are not attending the local school because of the language designation.

- i) To the knowledge of the Federal Government, what percentage of children who belong to this group do not attend school despite the existence of compulsory schooling?
- j) To the knowledge of the Federal Government, what is the literacy rate among members of this group and in comparison with the population as a whole?
- k) To the knowledge of the Federal Government, to what extent do members of this group actually have access to social benefits and state-subsidised or state-funded services?

Questions 46i to 46k are answered together because of their closely related content.

The Federal Government has no statistical data available to it on the percentage of children belonging to this group who do not attend school despite the existence of compulsory schooling and what the literacy rate is among the members of this group. For a comparison with the population as a whole, please refer to the answer to question 45k. The Federal Government also has no data on the actual access of this population group to social benefits and state-subsidised and state-funded services.

47. What is the Federal Government’s assessment of the situation of the German minority in Bosnia and Herzegovina?

The Federal Government has no information about the situation of a German minority in Bosnia and Herzegovina. It can be assumed that over and above local embassy staff and the staff of international organisations, there are only isolated cases of people with German roots living in Bosnia and Herzegovina, about whom no cases of discrimination are known.

48. To the knowledge of the Federal Government, how many public assemblies of or in support of lesbian, gay, bisexual, transgender/transsexual and intersexual people (LGBTI) have taken place in Bosnia and Herzegovina since 2011 and how many were banned or broken up by the state authorities?

Events and public assemblies in support of LGBTI people take place repeatedly, in some cases also under police protection. One example is the LGBTI Merlinka Festival which has taken place annually since 2013. The Federal Government has no knowledge that any such assemblies have been banned or broken up by the authorities of Bosnia and Herzegovina.

49. To the knowledge of the Federal Government, to what extent are LGBTI people exposed to violent attacks and to what extent are the Bosnian authorities willing and able to offer protection from such attacks?
  - a) How many attacks, to the knowledge of the Federal Government, have taken place since 2011 (please break down by year)?
  - b) In how many cases, to the knowledge of the Federal Government, did these lead to criminal proceedings and convictions (please break down by year)?



Questions 49 to 49b are answered together.

The Federal Government is not in possession of any statistical data on criminal offences, criminal proceedings or convictions for violent attacks on LGTBI people. There are occasional reports in the media and from NGOs of violent assaults on homosexuals. There have been repeated attacks on gatherings and meeting places of LGBTI people.

The most recent reported attack was at the Criterion Art Cinema on 4 March 2016. The 2015 LGBTI Merlinka Festival passed off with appropriate police protection without incident following attacks in 2014.

After the Sarajevo Queer Festival in September 2008 was marred by violent clashes with skinheads and Wahabis, no festivals were held for a time.

In September 2015 the Constitutional Court of Bosnia and Herzegovina ruled that the freedom of assembly of those attending the Sarajevo Queer Festival in October 2008 had been infringed when a dozen people attacked the gathering.

In July 2014 for the first time in the country's history a court in Sarajevo handed out prison sentences to two men for offences against LGBTI people.

Following attacks during the 2014 Merlinka Queer Film Festival, the public prosecutor initiated criminal proceedings which led to the indictment of the alleged perpetrators.

The Anti-discrimination Act adopted in July 2016 improves, inter alia, the protection of lesbian, gay, bisexual, transgender/transsexual and intersexual people. According to information from the Sarajevo Open Center, this makes Bosnia and Herzegovina the first country in South-eastern Europe to protect intersexual people from discrimination in all areas of life.

50. To the knowledge of the Federal Government, which media publications addressing LGBTI issues are publicly available in Bosnia and Herzegovina?

In general homosexuality is not a subject discussed in public. The weekly newsletter published by the Sarajevo Open Center provides information on LGBTI issues. Festivals provide a broad forum for LGBTI issues.

51. To what extent is the Federal Government aware of measures or laws suited to stopping or designed to stop such media being produced or sold?

The Federal Government is not aware of any legal provisions which prevent the production or sale of LGBTI content. In principle Bosnia and Herzegovina enjoys freedom of the press.

52. Is the Federal Government aware of obstacles to the work of non-governmental organisations in the form of laws or other measures?

In the entity of Republika Srpska there is a tendency to restrict in particular the work of NGOs which receive support from abroad. Many NGOs complain of bureaucratic obstacles with respect to the registration process, which is long-winded and complicated. Administrations and public institutions at municipal level in particular cooperate with NGOs.

53. Is the Federal Government aware of legislative proposals following the example of the Russian ban on "propaganda of non-traditional sexual relations among minors ([https://de.wikipedia.org/wiki/Homosexualit%C3%A4t\\_in\\_Russland#Gesetze\\_gegen\\_.E2.80.9Homosexuelle\\_Propaganda.E2.80.9C](https://de.wikipedia.org/wiki/Homosexualit%C3%A4t_in_Russland#Gesetze_gegen_.E2.80.9Homosexuelle_Propaganda.E2.80.9C)) and what is the Federal Government's assessment of this?

The Federal Government is not aware of any such legislative proposals. In other respects please refer to the answer to question 51.

54. To the knowledge of the Federal Government, to what extent do LGBTI people actually have access to health care (a) for acute treatment or (b) to treat a chronic illness?
- a) To what extent, to the knowledge of the Federal Government, is health care provided free of charge for members of this group?
  - b) To what extent, to the knowledge of the Federal Government, is patient-doctor confidentiality upheld when providing health care to members of this group?
  - c) To what extent, to the knowledge of the Federal Government, do members of this group have access to adequate housing?

Questions 54 to 54c are answered together because of their closely related content.

The Federal Government is not aware of any different treatment in the health system or access to housing for LGBTI persons compared with other population groups.

55. How many attacks (intimidation, threats, violent assaults) against journalists has the Federal Government become aware of since 2011 (please break down by year)?
- In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?
56. What measures limiting freedom of the press in Bosnia and Herzegovina is the Federal Government aware of and what is the Federal Government's assessment of this situation?

Questions 55 and 56 are answered together because of their closely related content.

The Federal Government has no statistical data available to it on attacks against journalists or criminal proceedings and convictions in this connection since 2011.

Independent organisations report repeated state interference and inadequate criminal prosecution. The Free Media Help Line, for example, recorded 55 cases of infringement of rights or pressure applied by state authorities since November 2015. According to information from the Association of BH Journalists, only 15 per cent of reported offences were followed up by the relevant authorities in the period from 2006 to 2015. The World Press Freedom Index published by Reporters without Borders puts Bosnia and Herzegovina in 68th place (out of 180) and hence in front of three EU Member States (Italy, Greece and Bulgaria).

The Federal Government has knowledge of an illegal search on a news portal in December 2014. The courts of Bosnia and Herzegovina determined there had been a breach of the European Convention on Human Rights and national law in this case.

In 2015 a law came into force in Republika Srpska which declared social networks to be in the public domain and provided for monetary fines for content that is "insulting or disturbs social order", without providing a more precise definition of the terms. After fierce reactions from journalists, NGOs, opposition parties and the international community, parliament amended the law to the extent that it at least no longer covers criticism of public institutions. Comments about individuals or political actors, however, continue to fall within the law. Two associations of journalists in Bosnia and Herzegovina have lodged a complaint against the law before the constitutional court of Republika Srpska.

The Federal Government regards the press council, which was set up on the German model, as an important institution to promote independent journalism and

also supports in this context its initial and continuing training programmes for journalists.

57. How many attacks (intimidation, threats, violent assaults) against opposition politicians has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

The Federal Government is not aware of any such cases.

58. How many attacks (intimidation, threats, violent assaults) against human rights activists has the Federal Government become aware of since 2011 (please break down by year)?

In how many cases, to the knowledge of the Federal Government, did they lead to criminal proceedings and convictions (please break down by year)?

There are occasional reports in the press of attempts at intimidation and violence against human rights activists. The Federal Government has no information on the number of criminal proceedings and convictions.

59. What cases is the Federal Government aware of in which people were subject to police or judicial measures because of their political work and what is the Federal Government's assessment of this situation?

Please refer to the answer to question 38.

60. What is the Federal Government's assessment of the situation of Serbian Orthodox Christians and their communities in Bosnia and Herzegovina?
61. Is the Federal Government aware of cases in which Serbian Orthodox Christians in Bosnia and Herzegovina have been prevented from building and/or renovating churches or other religious establishments and what is its assessment of this?
62. What is the Federal Government's assessment of the situation of Roman Catholic Christians and their communities in Bosnia and Herzegovina?
63. Is the Federal Government aware of cases in which Roman Catholic Christians in Bosnia and Herzegovina have been prevented from building and/or renovating churches or other religious establishments and what is its assessment of this?
64. What is the Federal Government's assessment of the situation of Christians of other denominations and their communities in Bosnia and Herzegovina?
65. Is the Federal Government aware of cases in which Christians of other denominations in Bosnia and Herzegovina have been prevented from building and/or renovating churches or other religious establishments and what is its assessment of this?
66. What is the Federal Government's assessment of the situation of Muslims in Bosnia and Herzegovina, in particular in Republika Srpska?
67. Is the Federal Government aware of cases in which Muslims in Bosnia and Herzegovina have been prevented from building and/or renovating mosques or other religious establishments and what is its assessment of this?
68. What is the Federal Government's assessment of the situation of Jews and their communities in Bosnia and Herzegovina?
69. Is the Federal Government aware of cases in which Jews in Bosnia and Herzegovina have been prevented from building and/or renovating synagogues or other religious establishments and what is its assessment of this?
70. What is the Federal Government's assessment of the situation of members of other religious communities in Bosnia and Herzegovina?

71. Is the Federal Government aware of cases in which members of other religious communities in Bosnia and Herzegovina have been prevented from building and/or renovating religious establishments and what is its assessment of this?

Questions 60 to 71 are answered together.

The constitution of Bosnia and Herzegovina guarantees positive and negative freedom to practice religion. There are no grounds to suspect that Christians or other religious groups are being persecuted or compromised by government agencies or authorities.

With regard to the fundamental relationship between ethnicity and religion, possible discrimination against minorities and the political participation of ethnic groups, please refer to the preliminary remarks of the Federal Government and the answers to questions 3, 6 and 24.

In areas where religious communities do not constitute the majority, in particular those of the three constituent peoples (Serbian Orthodox Bosnian Serbs, Roman Catholic Bosnian Croats and Muslim Bosniaks), they can as a minority be subject to social discrimination.

Only the Orthodox and the Catholic Church have regulated their relationship with the state in a concordat. The signing of a concordat with members of the Muslim faith community is in preparation. The concordat with the Catholic Church recognises, for example, its legal personality and extends a series of rights, including the establishment of educational and non-profit institutions and the official recognition of Catholic feast days.

The law in Bosnia and Herzegovina states that any group with more than 300 adult citizens as members may apply to the Ministry of Justice of Bosnia and Herzegovina to register a new religious community or church.

Every religious community is equal before the law and free to administer its religious affairs itself.

According to media information, there are occasional difficulties with building or rebuilding churches. In 2015 the University of Sarajevo and the government of the canton of Sarajevo ignored requests by the Serbian Orthodox Church to give back to the church a building in the centre of the city. There was a lack of support from the local authorities in connection with the building of a Catholic church in the district of Grbavica in Sarajevo, inter alia with connecting the water and sewage system. The restoration of the Ferhadija Mosque in Banja Luka was delayed for a long time but it was ceremonially reopened in spring of this year with the participation of the government of the entity. The building of a mosque in Brcko also initially faced administrative obstacles.

72. Is the Federal Government aware of cases in which churches or other Christian establishments in Bosnia and Herzegovina have been deliberately damaged (if so, please differentiate by denomination), and what is the Federal Government's assessment of the protection the Bosnian authorities are able and willing to provide against such attacks?
73. Is the Federal Government aware of cases in which mosques or other Muslim establishments in Bosnia and Herzegovina have been deliberately damaged, and what is the Federal Government's assessment of the protection the Bosnian authorities are able and willing to provide against such attacks?
74. Is the Federal Government aware of cases in which synagogues or other Jewish establishments in Bosnia and Herzegovina have been deliberately damaged, and what is the Federal Government's assessment of the protection the Bosnian authorities are able and willing to provide against such attacks?

75. Is the Federal Government aware of cases in which the establishments of other religious communities in Bosnia and Herzegovina have been deliberately damaged, and what is the Federal Government's assessment of the protection the Bosnian authorities are able and willing to provide against such attacks?

Questions 72 to 75 are answered together because of their closely related content.

As a whole, attacks on religious places are not a frequent occurrence. Such attacks are subject to prosecution. In general, deficits in the judicial apparatus mean that here, as with other categories of offence, not every case is rigorously pursued. There are reports, for example, that suggest the authorities have applied the provisions of the law regarding damage to property instead of prosecuting alleged perpetrators for the serious offence of inciting religious hatred.

The – overall - moderate number of religiously motivated attacks on churches, mosques, religious monuments and cemeteries has been rising slightly in recent years, according to reports by the three big religious communities.

According to information from the NGO Interreligious Council, which mediates between the religious communities, the number of other religiously motivated offences fell by almost 50 per cent in the first 11 months of 2015 compared with the previous year. The decline is attributed to continual monitoring, public condemnation of the attacks and increased engagement within the religious communities.

According to the Interreligious Council, there were five cases of damage to property against Orthodox establishments and four such cases against Catholic establishments, predominantly in the area of the Federation, in the period from January to October 2015. On 1 September 2015, for example, unknown perpetrators threw stones, breaking several windows in the Catholic Church of St Lucas in the Sarajevo area. This was the 17th attack on St Lucas Church since 2007.

There were ten cases of damage to Muslim institutions – predominantly in the territory of Republika Srpska – in the same period. On 25 January 2015, for example, unidentified perpetrators threw stones breaking six windows in the reconstructed Salihbegovic Mosque in Bijeljina. Following an attack on a mosque in the town of Omerovici on 15 August 2015, 10 suspected perpetrators were arrested and criminal proceedings were instituted against them.

According to the information of the US government, there were no anti-Semitic attacks in 2015 against members or institutions of the Jewish community, who are estimated by the authorities to number fewer than 1000 people. The Federal Government has no information on other notable religious communities. The Evangelical Church, for example, has only a limited presence in Bosnia and Herzegovina.

76. To the knowledge of the Federal Government, do people who do not belong to the Muslim faith or to the Serbian Orthodox or Roman Catholic Church have access in law and in fact to public office in Bosnia and Herzegovina, and if not, what is the Federal Government's assessment of this situation?
77. To the knowledge of the Federal Government, do people who do not belong to the Serbian Orthodox Church have access in law and in fact to all public offices in Republika Srpska, and if not, what is the Federal Government's assessment of this situation?
78. To the knowledge of the Federal Government, do people not of the Muslim faith have access in law and in fact to all public offices in all the cantons of the Federation of Bosnia and Herzegovina and if not, what is the Federal Government's assessment of this situation?

79. To the knowledge of the Federal Government, do people who do not belong to the Roman Catholic Church have access in law and in fact to all public offices in all the cantons of the Federation of Bosnia and Herzegovina and if not, what is the Federal Government's assessment of this situation?

Questions 76 to 79 are answered together because of their related subject matter.

Discrimination on the grounds of membership of a particular ethnic group can indirectly represent discrimination on the grounds of affiliation to a particular religion, since this is in part a constituent element of belonging to an ethnic group; however, discrimination on religious grounds is seldom or never in the foreground. In this respect please refer to the answers to questions 1 to 42.

Under the constitution (Annex 4 of the Dayton Peace Agreement of 1995), all persons are entitled equally to basic rights regardless of their ethnicity. Nevertheless, access to certain electoral offices at national level as well as in the two entities of Republika Srpska and the Federation of Bosnia and Herzegovina is reserved for members of the three constituent ethnic groups (Bosniaks, Bosnian Serbs, Bosnian Croats). In its decision on the right to stand for election to the Presidency and the Second People's Chamber, the European Court of Human Rights ruled there had been a breach of the European Convention on Human Rights (the so-called Sejdic-Finci judgment of December 2009, which resulted from an action brought by members of the Roma community and one member of the Jewish community).

Bosnia and Herzegovina has not yet managed to make the necessary amendment to the constitution of Bosnia and Herzegovina following the judgment of the ECHR despite numerous- also internationally mediated - reform efforts because of a lack of political consensus. The strongly polarised discussions on constitutional reform have actually brought about a standstill in reform efforts in Bosnia and Herzegovina which has persisted for many years.

Through a renewed EU approach (based on a German-British initiative of November 2014) which postpones implementation of the Sejdic-Finci judgment to a later stage in the EU approximation process, progress has been made in reviving the reform process aimed at improving the country's precarious economic and social situation. The reform agenda adopted by the government of Bosnia and Herzegovina in July 2015 (2015-2018) provides for structural reforms which are intended to create the basis for a later reform to the constitution with respect to the right to stand for election. The Federal Government is monitoring and supporting this process.

