HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA 25 YEARS AFTER “DAYTON”

(The Remedy for the Bloody Conflict as Today’s Ground for Human Rights)

Dejan Lučka
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The discrepancy between the de iure and the de facto state is constant in the attitude of B&H towards human rights.

From the behaviour in the last decade, it is clear that international community is ready to intervene only when it comes to ethnic problems and frictions that occur among the political representatives of the constituent peoples, but not when it comes to human rights violations not related to ethnic strife.
DEMOCRACY AND HUMAN RIGHTS

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FROM CONFLICT TO HUMAN RIGHTS

The General Framework Agreement for Peace in Bosnia and Herzegovina is a document that marked the end of the tragic conflict in Bosnia and Herzegovina (hereinafter: BiH). Annex IV of this Agreement defines the Constitution of BiH, while Annex VI provides the framework for the Agreement on Human Rights. In addition to military, technical and civilian issues, a very important part of the Dayton Package was to ensure respect for human rights in the future, through the Constitution itself, but also to ensure additional international agreements that should be applied in the reality of Bosnia and Herzegovina.

Today, 25 years after Dayton, human rights in BiH are guaranteed at the domestic level by the Constitution of BiH, the Constitution of Republika Srpska, the Constitution of the Federation of BiH, the Statute of Brčko District and the constitutions of cantons in the Federation of BiH. In addition to domestic legislation, international legal instruments related to human rights are also used in BiH. Some of these instruments are: the Convention for the Protection of Human Rights and Fundamental Freedoms, international covenants on civil and political, economic, social and cultural rights, the Convention on the Rights of Persons with Disabilities, the Convention and Protocol Relating to the Status of Refugees and many others.

Human rights in BiH are required to be protected by domestic authorities. This applies to all bodies within Republika Srpska (hereinafter: RS), the Federation of BiH (hereinafter: FBiH), the Brčko District (hereinafter: BD), cantons, municipalities and the state itself. Protection of rights can be sought before domestic courts, and individuals who believe that their rights have been violated have the right to appeal to the Constitutional Court. There is also the Institution of Human Rights Ombudsman of BiH, which deals with the protection of the rights of individuals and legal entities. When it comes to parliaments, there are commissions, committees and bodies at various levels that deal with human rights issues. At the level of BiH, the executive power lies with the Ministry of Human Rights and Refugees, which, among other things, monitors the implementation of international conventions and other documents in the field of human rights and protects human rights and freedoms. At the level of entities, the BD and cantons, there are various ministries and departments that implement the protection of human rights as a part of their activities. Also, there are special agencies and centres that are in charge of protecting and monitoring the observance of certain human rights, such as the Personal Data Protection Agency in BiH, Agency for Gender Equality of BiH or gender centres of RS and FBiH. In addition to these bodies, other bodies have been created in BiH at various levels, which in some way deal with human rights.

In general, there are numerous public bodies within the BiH system that have the authority to protect, monitor implementation or take care of human rights. However, the question is how purposeful their work is and whether they truly protect human rights. The large number of bodies dealing with rights does not automatically mean they protect them well, because these bodies are perceived as “trophies” of political parties, and not as a place where people who truly wish to fight for basic rights should work. It is often the case that those who violate the rights of others or support and encourage state violations of the fundamental rights of citizens work in such bodies.

In addition to the protection from domestic authorities, the human rights of BiH citizens are also protected at the international level. Thus, protection is provided by the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: the ECHR), which is prescribed by the Constitution of BiH to be directly applied in BiH, and has priority over all other law. However, when it comes to practice, it is often the case that public authorities do not apply the ECHR in the right way, guided solely by domestic law, outdated views or ignorance. That is why many cases end up before the Constitutional Court of BiH (hereinafter: CC BiH), and
later before the European Court of Human Rights (hereinafter: ECtHR). As of 2019, 11,558 applications were sent through the ECtHR, and 83 verdicts were passed in relation to B&H. They predominantly include violations of the right to property, the right to a fair trial and non-enforcement of decisions.

B&H has also acceded to many United Nations (hereinafter: UN) instruments, which protect human rights, some of which provide an opportunity to initiate proceedings before international bodies, such as the Human Rights Committee or the Committee against Torture. Within the protection of human rights, there is also the Human Rights Council (hereinafter: UNHRC) whose mission is to globally promote and protect human rights, and it is authorised to respond to massive and systematic human rights violations by initiating special procedures. There is also the Universal Periodic Review, a mechanism assigned to the UNHRC in order to monitor human rights in UN member states, and then there is the Office of the United Nations High Commissioner for Human Rights, which is the UN’s leading human rights entity. The United Nations has so far issued a number of recommendations to B&H in order to improve human rights. B&H has met certain requirements and recommendations and has certainly made progress in relation to the post-Dayton situation of 1995, but progress in respecting and promoting human rights has been in a practical status quo since the arrival of the new millennium.¹

II

HUMAN RIGHTS IN PRACTICE

1. RIGHT TO LIFE AND PROHIBITION OF TORTURE

With the end of the war, the right to life was once again present in everyday life. However, even after so many years, cases such as those related to the deaths of David Dragičević or Milan Vukelić show in practice that the competent authorities in B&H do not properly protect the right to life.

David Dragičević was a student from Banja Luka who was found dead in March 2018. His death occurred under unexplained circumstances. It was only stated that David was killed, and that the prosecution initiated an investigation against unidentified persons on suspicion that they committed David’s murder (after enormous public pressure). The public authorities first stated that David committed suicide after he committed theft. To date, the institutions have not yet revealed who the killer was, whether they had accessories, what were the motives for the murder, how the murder was committed, whether civil servants participated in his death, etc. Milan Vukelić was killed in November 2007 by a bomb planted under his car. Before the murder, Vukelić spoke publicly about state of crime and the “construction mafia”, as well as the threats he received. Although the police claim to have examined countless witnesses and processed a handful of evidence, the perpetrators of Vukelić’s murder are yet to be identified and prosecuted.

Although obliged to conduct an effective investigation and prosecute the murderer(s), B&H authorities working to resolve these and many other cases do not provide sufficient guarantees to fully protect this fundamental human right, while the families of the murdered are left to search for evidence themselves. In certain unsolved cases, there are indications that even civil servants were involved, which, along with a lack of proper investigation, casts serious doubt on the desire of public authorities to protect the right to life.

When it comes to the conduct of the police and the prohibition of torture, inhuman or degrading treatment or punishment, many complaints are precisely in regard to violation of this human right. An indicative example of the violation of this prohibition by police officers are the events from December 2018 in Banja Luka, when the police started beating the people gathered on Krajina Square, who gathered with the goal of solving the murder of David Dragičević. A very similar example is the police violence against women from the settlement of Kruščica near Vitez, who fought to prevent the construction of two small hydro power plants and the destruction of the river.

When it comes to conditions in detention centres and prisons in B&H, the treatment of the rights of persons deprived of their freedom is in some instances in opposition with human rights standards. There are allegations of maltreatment of prisoners by the staff, as well as violence among prisoners, which is a particular problem at the Zenica Penitentiary. An illustrative example of the conditions in which the prisoners live is the conversation that the Delegation of the European Committee for the Prevention of Torture and Inhuman Treatment or Punishment had with three young men in Banja Luka, who were arrested in September 2015. All three said police officers “beat them with their hands, feet and batons even though they did not resist” and that “inspectors repeatedly beat them and slapped them at the police station because they wanted them to confess to other crimes.” One young man claimed that they put a gun in his mouth, while another recounted how they “gave him several shocks with a hand-held electric shock device […] and handcuffed him to the radiator overnight.” Effective investigations into allegations of maltreatment are not conducted regularly and torture goes largely unpunished, even by human rights bodies. In addition to the situation regarding prisoners, violations of this right also occur in other state-run institutions. A shocking example comes from the Institute for the Care of Mentally Disabled Children
and Youth Pazaric, where children were tied to furniture and radiators, and many of them spent most of the day and night in such position.3

2. JUDICIARY, RIGHT TO FAIR TRIAL AND PROTECTION OF PROPERTY

The problems faced by the BSH judiciary, from controversial decisions to frequent scandals, create a public image of a system that is bad, inefficient and corrupt. According to the monitoring of the Organization for Security and Co-operation in Europe in BSH, the final index result for the response of the judiciary to corruption in BSH in 2019 is extremely poor and amounts to only 18.27 out of a possible 40 points.

Regarding the right to a fair trial, non-execution of final court judgments is one of the plagues of the system in BSH, which also violates the right to property. Authorities do not enforce many court rulings in the country, and the court system itself is burdened with a large number of pending cases. Also, the return of property nationalized during the Second World War and after its end, is very slow and there are no appropriate laws and mechanisms to return the confiscated property.

There are still glaring examples of violations of the right to a fair trial within a reasonable time in BSH. For example, in one recent case the criminal proceedings lasted longer than 17 years, in another case the compensation proceedings lasted 42 years, while in the third case the civil proceedings lasted 25 years. Even the CC BSH is of the opinion that “the violation of the right to a fair trial is part of the systemic shortcomings in the organisation of the judiciary.” From 2013 to 2018, the CC BSH received over 5,700 appeals concerning the issue of “reasonable time”, of which 85% of appeals established a violation of this right. Due to this problem, the CC BSH even denied citizens the right to appeal, and concluded that the authorities need to be given additional time for corrections, stating that they will not individually decide on appeals that raise the issue of lengthy court proceedings.

In a considerable number of cases, especially when it comes to domestic violence, prosecutors also conduct their investigations slowly and inefficiently, which deters many victims of violence from reporting.

When it comes to transitional justice, application of criminal regulations is inconsistent, which produces legal uncertainty. Punishments for committed crimes are often inadequate, and war crimes trials “are unable to establish the full truth about events during the period under review, due to a number of legal and procedural restrictions.” In these proceedings, the victims and their needs are in the background and they are perceived as “objects” or as witnesses, and not as someone who should receive justice for endured damage. Twenty-five years after the end of the war, there are numerous unsolved war crimes cases in BSH. Given the fact that more and more witnesses and perpetrators of crimes are passing away, the big question is whether justice will be served and perpetrators of crimes punished.4

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2 The very name of this institution is not in line with Convention on the Rights of Persons with Disabilities.


3. FREEDOM OF EXPRESSION, ASSEMBLY AND MOVEMENT, RIGHT TO PRIVACY AND FREEDOM OF MEDIA

**Freedom of expression** is generally respected in BiH. However, it is noticeable that certain groups, especially those coming from the ruling political parties, want to limit this right. Hence, during the initial period of the COVID-19 epidemic, an attempt was made to restrict freedom of expression. One of several cases in BiH in this regard happened in Prijedor, when the Prijedor Police Administration filed a misdemeanour case against cardiologist Maja Stojić Dragović for violating the *Decision on Punishing the Publication of False News and Spreading Panic*. The case against her was filed because of her statement that there were not enough ventilators, beds or intensive care services in RS, as well as for the claim that RS is not ready for the upcoming crisis. It was later established that her claims were true. Furthermore, certain persons suffered consequences at their jobs in public institutions due to the public expression of their views.

Although **hate speech** is not protected by freedom of expression, it is ever present in the BiH public. It is often used in speeches of politicians and public figures and it is widely used on social media. During the election campaign, it has become an unavoidable “prop” of many parties. More often than not, it either remains unpunished or there is a lack of real effort by the authorities to punish those who are known to use it. It is evident that the balance between hate speech and the right to freedom of expression has shifted in BiH in favour of freedom of expression. The video of the political party “Udanjena Srpska” could serve as an example. The video was released in September 2020, in which members of certain nations in BiH are portrayed in a stereotypical and insulting way, using hate speech. This party was initially banned from running in the elections due to this video, but the decision was annulled by the decision of the Court of BiH.

When it comes to **media freedoms**, journalists in BiH are under constant pressure, as well as intimidation. Verbal attacks have become commonplace, and cases of threats to the media, hacking of websites, political, institutional and economic pressure and defamation are often occurrences. An example of a serious attack on journalists is the assassination attempt on Vladimir Kovačević, a Banja Luka journalist, in August 2018. Five days later, certain pro-government media even described him as a pro-opposition journalist, and falsely alleged that he received $80,000 from USAID for the Internet portal. In the atmosphere that prevailed in those days in Banja Luka, a text with such content could only further outline the target at the head of journalist Kovačević. It is clear that the authorities have not provided sufficient protection for journalists and proper enforcement in response to cases of threats and attacks on journalists, and have not refrained from making statements that could create an environment unsuitable for freedom of expression.

The **right to privacy** is often violated by public authority or public institutions. There were several occasions when the public media published personal data of citizens and institutions asked for data that they should not ask for. There were even irregular censuses conducted in order to collect data, such as in Trebinje, justifying it by the need for social mapping. Examples of violations of the right to privacy are numerous, and some of the violations occurred in the early days of the COVID-19 pandemic. Thus, the authorities in Canton 10 began to regularly publish the personal data of persons in self-isolation, while the RS authorities published the names and surnames of citizens who violated the measure of self-isolation. Personal Data Protection Agency in BiH issued a decision ordering the removal of such lists, but it also expressed the opinion that it is not illegal to publish a minimum of data on persons who violate regulations.

The problem with public gatherings in BiH is that institutions view public gatherings primarily as a security issue rather than a basic human right, and that public bodies act to limit, prohibit or disrupt gatherings that criticise poor government performance, police repression or violations of law by civil servants. Due to arbitrary interpretation of regulations by public officials, non-compliance with international standards (e.g. lack of legal standards on spontaneous assembly), bureaucratisation of the registration process, shifting too much of the “burden” on the organisers, and lack of assistance to citizens whose rights are violated, **freedom of assembly** is limited in BiH. An example of preventing free assembly was evident during the protest of the residents of Kruščica in August 2017, when the members of the Support Unit of the Ministry of Internal Affairs of the Central Bosnia Canton used excessive force to disperse the protesters. Also, the situation with the members of the group “Justice for David” represents a unique example of a serious violation of the right to freedom of assembly. Namely, after the police intervention in December 2018, this group was repeatedly banned from gathering in Banja Luka, without real reasons based on human rights standards. When it comes to **freedom of movement**, this right was suspended in the first half of 2020 in BiH, by bans on
movement for a certain period of time. The authorities were fast to resort to the strictest measure of encroachment on fundamental rights, without reconsidering other more lenient options, and the CC BiH assessed in its decision that the authorities’ actions violated human rights due to disproportion in restricting rights.

In the fight against COVID-19, certain acts were not even passed by the competent authorities. An illustrative example is when the RS citizens were punished for violations related to non-compliance with curfew based on the Conclusion of the Republic Emergency Situations Headquarters, which was passed by a body that did not have jurisdiction. In addition to all of this, the measures were inadequately reasoned and reduced to repressive prescribing of proper conduct with the threat of punishment, while government officials were the first to disregard the prescribed measures, along with the members of their parties. An additional problem was the selectivity and discrimination in punishment for violating the measures, which led to great doubts about their justification.5

4. DISCRIMINATION

The problem of discrimination is one of the burning major issues in BiH, which is very often associated with other violations of certain rights. Discrimination is a regular occurrence, found even in the very Constitution of BiH, as well as in legal documents, and it can be seen at every step, from the day-to-day life to the highest instances of government. Representatives of different levels of government are often its patrons through direct engagement or tacit agreements.

Members of various vulnerable categories, such as members of the Roma population, persons with disabilities or members of the LGBTI+ population, often experience discrimination. Likewise, other citizens are affected by discriminatory behaviour on daily basis, especially in terms of discrimination in employment, work and working conditions, gender discrimination, and equal participation in public life. Mobbing appears as a very common type of unequal treatment, and women are regularly asked questions about possible pregnancies and family planning during job interviews, while some are even asked to sign a statement that they will not fall pregnant in the next two years.

A specific type of discrimination can be found in BiH, related to elections and the electoral process, which was established in the Dayton Agreement itself, and which systematically violates the human rights of virtually all citizens in the electoral process. BiH is a state that discriminates against all its citizens in the electoral process: constituent peoples, national minorities and those who do not declare their nationality, based on ethnicity and residence in matters related to the candidacy for the House of Peoples of the BiH Parliamentary Assembly and the BiH Presidency. The judgments of the ECHR ordered the elimination of discriminatory provisions, the abandonment of the ethnic model of election and the establishment of the principle that everyone has the right to be elected and to

vote, under equal conditions. This discrimination has not been removed from the BiH legal system.

The issue of the language also represent an issue that is often in the public spotlight. The RS Constitution stipulates that the official languages are the languages of the Serbian, Croat and Bosniak people, while the FBiH Constitution stipulates that languages are standardised as Croatian, Bosnian and Serbian, and in both constitutions, Cyrillic and Latin are official letters. In issuing documents in these three languages, there is an uneven practice in the country, and the language provisions are not properly respected. In FBiH, the use of Cyrillic and Serbian is rare, while in RS this is the case with Croatian and Bosnian, while the use of Latin letter is more or less standard. Although everyone in FBiH understands each other perfectly, the issue of language has become a major political problem, which has been unsuccessfully addressed through institutions and through legal mechanisms.6

5. SOCIAL JUSTICE AND QUALITY OF LIFE

Social differences in BiH have become so great that the gap between rich and poor is greater by the day. According to the World Bank, there is currently 16.9% of people living in poverty in BiH, and a large portion of the population lives in poor conditions and poverty and faces daily social exclusion, great insecurity and inequality. We cannot say that there is social justice in BiH, in its true and full meaning, but only its outlines and indications.

The idea of “social rights” is not taken very seriously by the ruling parties, and 25 years after Dayton political “elites” continuously create a society of social inequality in which they sometimes prescribe certain social rights, but do not endeavour to respect them in practice. At the same time, citizens have too many everyday problems in trying to survive and do not have the strength to protest. As a consequence, the social injustice is building a society where those at the very top gain absolute power, which rarely anyone can oppose.

**Unemployment** is high in the entire BiH. In August 2020, there were officially 427,593 registered persons in the records of unemployment services, and according to the BiH Statistics Agency, the number of employed persons in BiH in July 2020 was 803,326. The Misery Index for 2019 ranks BiH in a very high 7th place in the world, which shows how much unemployment and low standard affect the citizens of BiH.

A high level of corruption, nepotism and “rigging” of job vacancies represent a major problem in the public sector. There is also the problem of availability and efficiency of legal remedies in tender procedures. The most common violations that occur in connection with the right to work are violations of competitive procedures in employment, illegality related to termination of employment contracts, non-payment of pension and disability insurance contributions, and non-payment of salaries. Due to the helplessness in which the authorities in BiH put them, citizens, and often entire families, are forced to leave their homes and go to work in other countries.

The possibility of access to health services, as well as their quality are not the same throughout BiH. In the field, the enjoyment and use of rights is difficult for citizens living outside large medical centres such as Banja Luka, Sarajevo, Mostar and Tuzla. Some of the hospitals are in a rundown state, and the renovation of such institutions is mostly done for pre-election purposes, and not in order to truly fight to protect the right to health of citizens. The weaknesses of health services were particularly evident in 2020. Namely, the health care system, which was on very shaky grounds to begin with, was completely exhausted by several months of fighting the COVID-19 pandemic. The lack of professional staff and the lack of impatient capacity for isolation and hospital treatment of patients was obvious. In addition, there were many suspicious activities in public procurements in health care, and in the midst of the crisis, very expensive respirators were paid and imported from the People’s Republic of China, costing about BAM 10.5 million, through the company “Srebrna malina” whose main

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activity is growing raspberry [Sic], all with the mediation of the highest officials in the FBiH.

FBiH faces many problems when it comes to environment – from factories that pollute the environment by not applying appropriate procedures, methods and filters, to the use of non-renewable energy sources, and direct pollution from vehicles, burning coal and other solid fuels. Thusly, residents of Sarajevo, Tuzla and Zenica live in some of the most polluted cities in Europe. Although official measurements in Banja Luka show better air quality, the unofficial measurements carried out by environmental organisations show that the pollution is very similar to that in Sarajevo. This situation leads not only to citizens falling ill, but according to some estimates, as much as 9% of the total annual mortality in FBiH can be attributed to the consequences of pollution.

One good thing for FBiH and its citizens is that the rivers are still mostly clean and untouched. They represent one of the largest natural resources in FBiH. However, the construction of hydro power plants is planned on many rivers, which will harm the nature and local communities. Citizens are organising against such intentions of investors and the authorities, as in the example of activism of several local communities in Fojnica that protected the river Željeznica by protesting for 325 days until the investor gave up. As with other human rights, the authorities often do not understand the importance of a healthy environment, and civil servants are quick to find own interests in approving pollution and nature damage in FBiH, and to issue certain permits to polluters violating protocols and regulations.

Although the situation has improved compared to the previous period, education in FBiH is still fragmented and defined by “politics, lack of transparency, discrimination, segregation and assimilation.” As part of the “Two schools under one roof” system in FBiH, there is segregation of children in certain schools, so children of the same age, who attend the same or similar programs at the same location, are divided on the basis of ethnicity. In addition, in certain schools in the RS, Bosniak children are prevented from calling their mother tongue “Bosnian language”, so the name “language of the Bosniak people” is used instead. A similar situation is happening with students of Serbian nationality, who were denied the right to study their mother tongue in Glamoč in the Federation of FBiH.

Moreover, education in FBiH is not equal and equally available to every child, because there are certain class divisions in the educational framework, where those from wealthier families have much more opportunities for their own development. New issues related to the right to education have emerged during the 2020 emergency measures. Namely, as the classes took place by distance learning, a number of children who did not have technical devices or adequate access to Internet were completely excluded from the educational process. Authorities did not pay excessive attention to reducing the digital divide or enabling equality for children who do not have the necessary conditions. In addition, the syllabus and classes were significantly shortened, which affected learning and the level of knowledge that the students received.7

6. SPECIFIC AND MARGINALISED GROUPS

Women are generally marginalised and underrepresented in politics and public life. Specific and systemic affirmative actions are largely lacking, and women are still not sufficiently involved in politics and political processes. Legal provisions that enable equality are not effectively applied, and the implementation of laws related to the prevention and protection against gender-based violence is a major problem in FBiH. Violence against women is an everyday occurrence, which affects women of all ages, regardless of personal income or level of education, and occurs in all of the country. The number of “protective measures adopted is still low, and the overall system for responding and supporting victims needs to be improved.”

Cases of pregnant women who were fired from their jobs are also evident, and in certain cases women are not paid equally for the same work. There is insufficient access to free legal aid for women, especially for those from vulnerable groups and rural areas who want to complain about gender discrimination and violence. In addition, there is no comprehensive strategy to eliminate stereotypes that permeate sexist and misogynistic attitudes in the society.

Non-compliance with the rights of persons with disabilities (hereinafter: PWDS) is most visible in the area of the right to accessibility, equality and political participation. Further, the state Law on Prohibition of Discrimination provides de iure protection against discrimination, but PWDS often face discrimination in access to institutions, education, employment, courts, social protection, political processes and health services. In cities, but especially in more rural areas, there are a large number of architectural barriers, but also psychological and cultural ones. The environment very often limits PWDS in terms of inclusion in the community on an equal footing with others, especially in public and political arena. In addition, inclusive education does not exist in a great number of schools, and most teachers are not aware of the obligation of reasonable accommodation.

Relationships between same-sex partners are not regulated within the regulations in B&H. LGBTI+ persons are prevented from exercising their constitutionally guaranteed rights relating to private and family life, the establishment of a family or the protection of acquired property. When it comes to the respect for human rights and equality of all citizens, the organisers of gatherings aiming to put and emphasis on the unequal position and enjoyment of certain rights of LGBTI+ people encounter great problems. The authorities often act in a homophobic manner, sometimes through direct resistance to the right of assembly of LGBTI+ persons, and sometimes through attitudes that any violence that may occur is “caused” by LGBTI+ persons and their assembly, and not by those who commit violence. Certain institutions impose additional measures for LGBTI+ people gatherings, which often impose the need for substantial financial resources, thusly jeopardising the freedom of assembly.

People from the LGBTI+ community are often victims of homophobia, transphobia and other forms of intolerance and discrimination, as well as attacks on their physical integrity due to sexual orientation or gender identity. A constant problem is the lack of adequate sanctioning of cases of violence against LGBTI+ people. Even the very announcements and holding of the Pride March in Sarajevo resulted in a jump in hate speech towards LGBTI+ people and cases of violence in public space. A typical example of behaviour towards the LGBTI+ community is the actions of Samra Ćosović Hajdarević, a member of the Sarajevo Canton Assembly. After the announcement of Pride March in 2019, she made a public statement calling for direct discrimination against LGBTI+ people, saying that pride parades aim to ruin the state and the people, and that she wants such “people to isolate themselves and stay away from our children and society.” In addition to the interethnic hatred that exists among members of all nations in B&H, the strong animosity of the political leaders of the constituent peoples towards the members of the LGBTI+ community is also very noticeable.

National minorities in B&H face various types of discrimination (such as electoral discrimination) or offensive name-calling (such as the term “Others” used to refer to non-constituent peoples). Roma are the most numerous, most neglected and most endangered national minority in B&H, and in a good part Roma families are in “a situation of chronic multidimensional poverty.” The gap between some Roma groups and the rest of the population is so large that in many cases, affirmative action is needed. Roma children are exposed to “dangers of abuse, neglect, violence and exploitation”, and their families have fewer available means to offer them protection and support. The employment rate of Roma is very low, and discrimination often occurs during employment due to stereotypes and prejudices. In terms of education, there are key barriers to their access to quality education, such as extreme poverty and poor treatment, which is particularly evident in certain places in the FB&H. Nevertheless, the issue of Roma inclusion in society is a secondary topic for those with decision-making power.

Refugees and migrants regularly face inadequate and inhumane accommodation, disrespect for human dignity, restrictions and violations of rights, stigmatisation, police violence, racism and lack of empathy, while often being treated as commodity rather than people. Migrants and refugees are even linguistically negatively labelled in B&H, the
conceptual distinction between “refugees” and “migrants” is rarely made in public, and the phrase “illegal migrants” is often used.8

CONCLUSION

From today's perspective, the Dayton Peace Agreement has fulfilled its primary role. It stopped the war in BiH. In addition, it presented the citizens with a catalogue of human rights and international instruments for their protection. Thusly, 25 years after adoption, citizens in BiH have human rights protected in paper by constitutions, laws and international legal documents, but there is almost no human right that is not being violated.

The state bodies understand human rights only as an idea that is easily invoked when it goes in favour of their goals, but which is easily attacked and violated, when it does not suit certain interests. There is much talk about human rights in public, but mostly in political sense and in broad terms so that they have already become too general to even pay attention to. In practice, a big problem for the citizens of BiH is that they are not familiar with their basic rights, nor do they know before which institutions they can seek protection. There is also the fear of retaliation in case of complaints of human rights violations, as well as the inability to bear financial costs due to various actions.

Ratification of international human rights documents is carried out as a routine and guided by the principle of accepting as much of them as possible, while not considering the obligations that the state assumes with them. Such a frivolous approach leads to not actually applying many human rights provisions. Institutions often do not understand the way in which they must protect human rights. Politicians and government officials view human rights not as a legal but as a political construction, and officials are not sufficiently familiar with the very concept of human rights and the duties that arise from them. All this leads to a continuous violation of fundamental rights, both at the systemic and individual level. Also, the discrepancy between the de jure and the de facto state is constant in the attitude of BiH towards human rights.

When it comes to violations of rights, they are often interlinked. Thus, the rights to freedom of assembly and freedom of expression, the right to fair trial and the right to property, the right to non-discrimination and special rights of persons with disabilities, women or members of the LGBTI+ community, etc. are violated. Common to all actions in violation of several rights is that the state authorities do not stop when once they start violating them, and it is very easy to go from violating one or two rights, to violating several rights from the human rights catalogue.

BiH is built as a state, but it does not have a system that has the ability, wants and works to respect individuals, their human rights and the society as a whole. On the other hand, the international community, through its channels, but also through the High Representative continues to view BiH as a state under its tutelage. However, from the behaviour in the last decade, it is clear that it is ready to intervene only when it comes to ethnic problems and frictions that occur among the political representatives of the constituent peoples, but not when it comes to human rights violations not related to ethnic strife.

The Dayton Peace stopped the bloodshed and laid the foundations for the respect of human rights, but did not provide a solution to the complicated mechanisms that exist within BiH. These mechanisms are not only of a procedural nature, and they are not entirely the blame of the Constitution of the Agreement. The entire machinery in the country, from the setting of the institutions to the people who manage them, is arranged in such a way that building castles in the air is still put in the foreground, through various promises and never implemented projects, while the building a house on solid ground is on hold. The bricks that need to be built into that house are certainly the ones that should carry the beams of the rule of law, respect for human rights and equal opportunities for all. Dayton, with all its shortcomings, still provides the people in BiH with good binding material to build a house and enables them to live under its roof without inequality, discrimination and violation of rights. The only question is when will someone continue to build the house?
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