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## 1. Introduction

Significant human rights issues included credible reports of: serious problems with the independence of the judiciary; serious restrictions on free expression and media, including violence and threats of violence against journalists; substantial interference with the freedom of peaceful assembly and freedom of association; mapping of interested parties - civil society organizations restrictive policies; hate speech, intimidation; emergency measures and restrictions due to the COVID-19 pandemic that have disproportionately affected civil actors; pressure on education and towards education; crimes involving violence or threats of violence targeting members of ethnic minority groups.

The organization works to advance understanding of and respect for human rights. It works with an extensive network of counterparts, including public officials at all levels of government in Bosnia and Herzegovina (BiH), on a range of human rights topics relevant to BiH's international human rights commitments. Activities are focused on the promotion of fundamental freedoms – freedom of assembly, media, and religion or belief, the right to non-discrimination, economic and social rights, and rights of Roma and other minorities, persons and groups in situations of vulnerability.

The organization supports legislative reforms and works with representatives of the judiciary, law enforcement, civil society, religious communities, media, and human rights defenders to ensure the protection of fundamental rights especially with regards to the freedoms of peaceful assembly, media, and religion or belief. In this area, the organization facilitates regular capacity building activities and engages in thorough monitoring of any related incidents, making the most of its unique field presence across the country.

The Mission focuses on strengthening the capacities of BiH judiciary and human rights mechanisms to tackle widespread discrimination and works to enhance advocacy to address the negative stereotypes. These include persistent discrimination and deeply-rooted negative stereotypes against Roma, individuals and groups who are numerical ethnic minorities in their communities, such as returnees, religious minorities, and migrants, corruptions, freedom of peaceful assembly and freedom of association; serious problems with the independence of the judiciary; serious restrictions on free expression and media.

## 2. Problem description

- reduction of hate speech among ethnic, religious and national minorities; reduction of all forms of violence, both verbal and physical; reduction of corrupt forms of politics, primarily in judicial institutions; greater freedom of the population through participation in CSOs and promotion and support of CSOs;

- the improvement and advancement of freedoms, with a focus on freedom of association, freedom of speech, freedom of assembly and freedom of the media

- a review of the extraordinary measures caused by the COVID-19 pandemic that affected society and affected their basic freedoms in order to familiarize them with their human rights and the impact of each individual on their own rights,

- reducing the pressure on education, by improving the conditions for education itself through scholarships, internships, educations, textbooks and school supplies.

### **Report of the situation of human rights in 2022-23**

In 2022-23, the protection of human rights was not a priority of the authorities in Bosnia and Herzegovina (BiH) - it was assessed in the world report on the state of human rights in the world in 2022, in the part related to BiH, published by Human Rights Watch. It is stated that discrimination against minorities remains a serious problem. Harassment and discrimination against members of minorities continued throughout the country, although not as frequently as in previous years. The Interreligious Council of BiH reported 17 attacks against religious buildings during 2020. Members of minority groups also continued to experience discrimination in employment and education in both the government and private sectors. While the law prohibits discrimination, human rights activists noted that authorities did not adequately enforce the law. The law provides for the freedom of peaceful assembly, however this is not implemented and we have direct examples of this. Unfortunately, it becomes just another piece of paper that guarantees what should be fulfilled and exercised, but it is not done and not implemented. Many gatherings that were initiated in BiH were suppressed by the state and authorities.

A question related to freedom of association, there law provides for freedom of association, and the government generally respected this right. Under the law NGOs can register at the state, entity, and cantonal levels in a generally streamlined and simple administrative process. Cooperation between the government and civil society organizations at the state and entity levels remained weak, while government support for civil society organizations remained nontransparent, particularly regarding the allocation of funds. Independent NGOs complained that government distributed funding to NGOs connected to ruling political parties.

An issue that often arises as a very problematic issue is the issue of pressure on education. It can be concluded that education in Bosnia and Herzegovina is not equally and in the same capacity available to every child, and that even within these frameworks we have an almost class-based division of access to education. Children from more affluent families, regardless of the overall picture in the country, have many more opportunities for their own development through education, while on the other hand, a whole range of young people whose parents have lower incomes or are socially disadvantaged, are deprived of quality and adequate education and accessibility necessary supporting contents that complete the education itself

When it comes to discrimination and intolerance, in the period from January to June, the Organization for Security and Cooperation in Europe (OSCE) recorded 91 hate crimes based on nationality or religion, four of which involved physical violence. 13 proceedings for hate crimes were conducted before the courts, and one person was convicted in 2022. After her visit to Bosnia and Herzegovina in June, Michelle Bachelet, the United Nations High Commissioner for Human Rights, highlighted the problem of discrimination based on nationality, gender and sexual orientation, and expressed concern about access to education, social protection and the rights of Roma and people with disabilities. The report states that the Office of the High Representative (OHR) proposed controversial changes to the Election Law in July, including reducing the number of delegates from the three main national groups in the House of Peoples of the Federation of BiH Parliament if the group has less than 3 percent of the

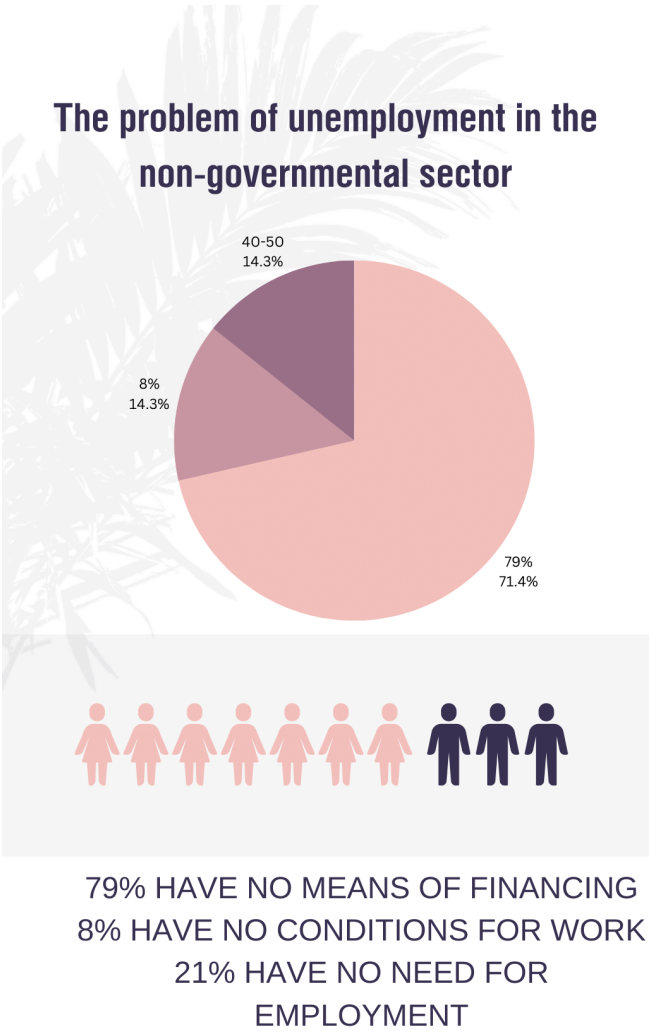
population in a certain area. This measure was revoked after protests, while other measures remained in place. After the polls closed on election day, October 2, the OHR imposed additional electoral changes that drew a lot of criticism, including the timing of those changes. These measures do not solve the long-term political discrimination against Jews, Roma and other minorities who cannot run for the Presidency, regardless of the modest increase in the number of seats for these minorities in the House of Peoples of the Parliament of the Federation.

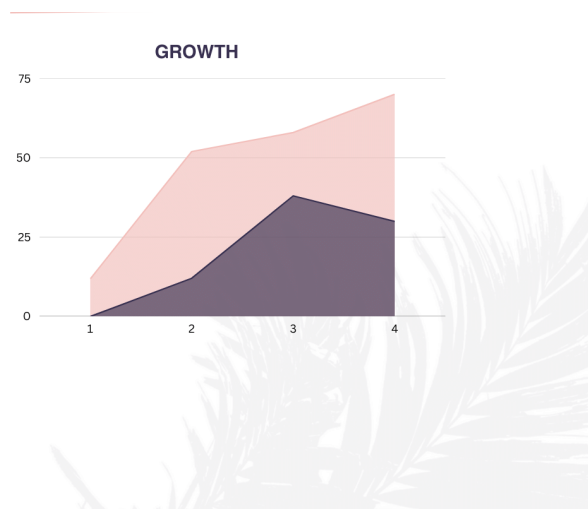
### 3. Evaluation of policy options

The importance of civil society organizations can be seen through their main activities. The most important activities are promoting non-violence, reducing poverty and promoting environmental protection. Civil society has a great influence in many areas, especially in the area of social policy. Thus, through their various actions, civil society organizations improve social policy, i.e. people's living standards, then increase care for the sick and infirm, i.e. for all marginalized groups, try to reduce unemployment, influence the increase of human rights and the like. The mission of civil society organizations is to "participate equally in the construction of a democratic, open, inclusive, rich and socially just, sustainable and ecologically aware society, to be a corrective to the government and a link between citizens and the public sector." Human resources are extremely important because they represent the ability of employees, which is the most important factor in an organization. The greatest importance is seen in the fact that an organization simply could not function without people since people are the foundation of the organization. Human resources create new values in the organization because of the knowledge they possess, but also because of the way people use their knowledge. Every segment of an organization can be copied, every asset, except people and employees who are unique within an organization, therefore people within the organization are one of the key factors of competitiveness. The importance of human resources can be seen in the examples of many successful and large organizations where special functions are introduced within the organization to manage human resources in order to better adapt the organization to its human resources and vice versa. Also, many psychologists and sociologists are educated in the field of human resources, and more and more organizations are hiring such people within their organizations for the purpose of better candidate selection. The importance of people and their knowledge and the opportunities that can be realized in the organization precisely because of them are being recognized more and more. Human resources do not necessarily guarantee the success of the organization, but the management, development, control and motivation of human resources, which is achieved through the special function of human resources management, is an essential element in achieving that success.

It is believed that the problem of the sustainability of human resources in such organizations is actually the lack of a national policy that would promote employment in these sectors. The problem of weak financial sustainability within the sector makes it difficult to employ, especially experts and educated young people. Due to unstable funding, young experts will not be quite ready to build a career in these organizations, and they will continue to be a space for supplementary work and for the employment of those who are partly socially excluded, for example eternal students. One of the important aspects of achieving sustainability in the development of human resources is capacity building through human resources training. The biggest problem, which can be seen from the results in graph, is that associations that do not have employees (25 of them) do not have the means to pay employees (79%). From these answers, it can be concluded that associations have a great need for

workers, but due to certain financial limitations they are unable to hire workers. 8% of associations cannot hire employees because they do not have the conditions for the work of employees. Given the extremely small percentage, it can be concluded that most associations have all the necessary conditions for work and that this does not represent a significant problem when recruiting new staff. 13% of associations stated that there is no need for employment. Given that this percentage is relatively low, it can be concluded that a large number of associations want to employ additional labor. Not a single association stated any other reason for the impossibility of hiring employees, so the three most common reasons are listed. Civil society organizations can be financed through their own sources, which include income from membership fees, income from property, donations and the like, and through the state or local budget. The most common ways of financing through the state or local budget are participation in projects and programs. There is a noticeable problem of continuous, stable and somewhat secure financing of civil society organizations, and thus also of human resource management within these organizations, and when a series of bureaucratic complications, political changes and influences are added to the whole story, it is clear that civil society organizations companies encounter many difficulties and problems in their work. The high motivation and enthusiasm of employees and volunteers in such conditions is an extremely valuable factor that ensures their survival in uncertain and unstable business conditions. Association representatives consider their workforce and human resources to be the most important basis of their activities, but they think that they would work much better and more efficiently and achieve their goals if they could dispose of and manage human resources on the basis of planned plans.





The work of civil society organizations could contribute a lot, above all in the tendencies that exist here in Bosnia and Herzegovina. Restrictive policies, hate speech, harassment, legal restrictions, etc. are just some of the many issues that require the detailed involvement of CSOs. The canton governments, i.e. the cantonal headquarters of the Ministries of Health, were ordered to introduce more restrictive measures against the assessment of the epidemiological situation in the canton, i.e. the municipality, with regular notification of the Crisis Staff of the Federal Ministry of Health (FMZ)," the statement of the Government of FBiH states.

In the context of actions aimed at controlling and suppressing the corona virus, the FBiH Government, as part of the conclusions, also adopted a document related to the criteria for adapting public health and social measures to COVID-19.

Intimidation, harassment and threats, many even of death to journalists, continued in Bosnia and Herzegovina, without a systematic response from the authorities, it was stated in the State Department's report on human rights in the world, in the section on Bosnia and Herzegovina. The report states that restrictive measures introduced to combat the corona virus pandemic were in some cases misused to limit access to information and "on several occasions public officials obstructed the work of journalists". A group of journalists reported to the Helpline for Journalists that the Press Service of the Clinical Center of the University of Sarajevo did not communicate with the media, and that the General Director of KCUS Sebija Izetbegović shared information only with selected media. Sarajevo Canton, they made decisions banning some journalists from attending press conferences, claiming that it was a health protection measure in the fight against the pandemic. The State Department also states that on the 16th, after the introduction of a state of emergency due to the pandemic, the Republika Srpska passed a "decree prohibiting the spread of panic and disorder" for individuals and companies that, as stated, "spread panic and fake news through the media and social networks." . The Minister of Internal Affairs of the Federation of Bosnia and Herzegovina, Aljoša Čampara, proposed the urgent adoption of a similar provision on March 22, but this initiative was not supported, according to the American report. The Association of BiH Journalists warned that the Ministry of Interior of the Federation of BiH and cybercrime units have started monitoring information on social networks and that five criminal proceedings have been initiated due to the alleged spread of

false information and panic. Many local organizations have expressed concern that these actions are an additional step in the suppression freedom of expression.

The Council of Europe passed a decision extending the framework of restrictive measures in Bosnia and Herzegovina until March 31, 2024.

As stated, the decision was made due to the situation in BiH and the European Union will "retain its ability to impose targeted restrictive measures on individuals or entities that violate the sovereignty, territorial integrity, constitutional order and international identity of Bosnia and Herzegovina".

- Restrictive measures can also be introduced against those who seriously threaten the security situation in the country or undermine the Dayton General Framework Agreement for Peace.

The framework of restrictive measures foresees a ban on travel to the EU for natural persons and the freezing of assets for natural and legal persons. In addition, EU persons are prohibited from making funds available to those listed. For now, no individual or entity is subject to restrictive measures under this framework.

The Council reiterates its unequivocal commitment to the EU perspective of Bosnia and Herzegovina as a single, united and sovereign country.

The Council deeply regrets the prolonged political crisis in the country, calls for a full return to state institutions and calls on the country's leaders to refocus on the implementation of reforms necessary for progress on the road to the EU, including constitutional and electoral reform and in the area of the rule of law - the Council emphasized of Europe.

Promoting hatred towards others and others is extremely dangerous, and can represent the first step towards violence, and in post-conflict societies such as Bosnia and Herzegovina, an introduction to conflicts, which is why peace activists and experts seek the urgent introduction of mechanisms that would reduce hate speech in that country. in which, two and a half decades earlier, the biggest war crimes on European soil after the Second World War were committed.

Hundreds of experts and activists collected and analyzed the contents of several media portals in BiH in the past months, as well as accounts on social networks Facebook and Twitter for portals that do not have forums for commenting, detecting hate speech in newspaper articles as well as comments on them.

More than 3,000 people participated directly in the project as interviewees, interlocutors, collaborators and activists.

The research included three segments: research on hate speech in the media, data collection from judicial institutions in Bosnia and Herzegovina, and a public survey among citizens.

Who are victims of hate speech?

The research showed that the victims of hate speech in BiH are different groups: ethnic and religious groups, the LGBT population, migrants and others.

"Hate speech is mostly (about 90 percent) spread by unknown commentators, and that hate speech usually produces a counter-reaction and leads to new examples of hate speech," says Mušić.



According to the Criminal Code of Bosnia and Herzegovina, "Whoever publicly provokes or incites national, racial or religious hatred, discord or intolerance among constituent peoples and others, as well as others who live or stay in Bosnia and Herzegovina", can be punished with a prison sentence of three months to three years. And whoever commits this criminal offense by abuse of official position or authority, the penalties are even more severe, up to ten years in prison.

But, despite the worrying data that hate speech is constantly increasing in BiH, only 13 convictions for hate speech were recorded in that country, of which only two were prison sentences, and the rest were suspended sentences, for the observed period from 2015 to 2020. . years

Various prohibitions that affect the smooth and normal life of the citizens of Bosnia and Herzegovina are constantly increasing. The law provides for freedom of peaceful assembly, and the government generally respected this right. Leaders of the informal group Justice for David, however, reported harassment by RS police in Banja Luka. Justice for David gatherings in Banja Luka have taken place without major incidents, but in one instance RS police tried to use COVID-19 mitigation measures as a pretext to block a rally. Members of the group were sometimes detained and charged with crimes, but the charges were eventually dropped, or the members were acquitted. The Justice for David movement emerged in response to the 2018 killing of 21- year-old David Dragicevic, which had not been solved by year's end. Dragicevic's family mobilized thousands of citizens in support of their search for the facts of the killing and demand for justice. The RS entity government justified its decision to ban all public gatherings of the group, including protests, claiming the movement failed to fully respect the law during previous rallies. Some journalists and protesters alleged that during the arrests police used excessive force on Justice for David protesters and produced photographs that appeared to support their claims. The lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community organized a third pride event on August 14 in Sarajevo with approximately 900 participants. The event passed peacefully and with no incidents, but it required heavy police security given multiple threats against organizers and participants. Because members of the Pride Organizing Committee were exposed to hate speech and threats before, during, and after the event, many members felt compelled to go into hiding to prevent possible attacks after the event. Laws governing the right to free assembly in different parts of the country were generally assessed to be overly restrictive. Examples include the prohibition of public assembly in front of numerous public institutions in the RS entity, while some cantonal laws in the Federation (e.g., in Central Bosnia Canton) prescribe criminal liability for failing to fulfill administrative procedures for holding a peaceful assembly. These are all freedoms that require protection and that must be legally framed, and before the legal framework, the action of civil society organizations through the active participation of citizens is necessary, because citizens are actors of protection and as such carry their own powers and initiatives. The constant pressures that must find their own way of regulation can be seen and are very pronounced in education. Textbook prices, depending on the age of the child, as some parents who are currently educating their children told us, vary in Bosnia and Herzegovina from 90 to 250 KM for one year. If we add to that the costs for accompanying school equipment, expenses for other curricular and extracurricular activities, then transportation costs (which on average amount to 50 to 100 KM per month), and children's snacks and clothes, it is clear that in the final calculation we have a serious disproportion between needs and possibilities of parents in the process of educating their children. If we are talking about parents with two or more children who are studying at the same time, then the issue of this disproportion is even more pronounced and parents with a larger number of students in the household are under much greater pressure to cope with the expenses necessary for their children's education. All this, as the situation on the ground shows, affects the quality and smooth education of children. Also, the general social impoverishment and the

impossibility of schooling cause the number of children enrolled in preschool, primary and secondary schools to decrease year by year. For example, according to data from the organization Save the Children, the enrollment rate of children in preschool institutions in BiH is still around 17 percent and is far from the European goal of 95 percent by 2020. The Department for Monitoring Children's Rights at the Institution of the Ombudsman of Bosnia and Herzegovina told us that this institution does not have direct data on the influence of parents' social status on the quality of children's education, but that among the 150 cases that are received in the form of complaints about the violation of children's rights within a year, they also find those related to this type of problem. The Institution of the Ombudsman of BiH also points out that the needs of children are almost not taken into account in the process of state planning strategies, and that there is a lack of sensibility for what the real needs of children are at the level of BiH society. Speaking about which are the most vulnerable categories of children, and which children are most deprived of education, he points out that in addition to Roma children, who are unfortunately the most vulnerable category in Bosnia and Herzegovina, it is extremely difficult for children with disabilities as well. On the other hand, according to the data of the BiH Statistics Agency (ASBH), in BiH almost a third (30.6%) of children aged 5 to 15 are poor, according to the absolute poverty line measured by consumption of 238 KM per capita. This data undoubtedly proves that the overall economic picture in BiH and the social status of parents is directly related to the quality and opportunities of education, since most of the costs of education in BiH are borne by the parents themselves.

In the UNICEF report, which was submitted to us for the purposes of this text, entitled "Child Poverty and Deprivation in Bosnia and Herzegovina: Analysis of the Household Consumption Survey" by Zlata Bruckauf, it is stated that according to all measures of poverty, poor education, unemployment and the inactivity of the bearers or adult members of the household are the most consistent and solid reasons for the emergence of the risk of child poverty in the country. "These factors cannot be viewed separately from each other, because their mutual dependence often paves the way for a long-term and multiple disadvantage. A high risk of the occurrence of a more severe form of poverty, absolute poverty, is also strongly related to the size of the household, especially when there is a high proportion of those household members who depend on others (number of children in the household). Although they belong to a smaller group of children in Bosnia and Herzegovina, children who live in households with a single parent not only have the largest poverty gap, but are also exposed to the greatest risk of deprivation according to the composite index of child deprivation," the report states. So it can be concluded that education in Bosnia and Herzegovina is not equally and in terms of capacity available to every child, and that even within these frameworks we have an almost class-based division of access to education.

### [3.1 Outline of the possible policy alternatives, related framework of analysis, and evaluation of the policy alternatives](#)

The framework of the stated situation in BiH requires action that would be thorough, adequate and possible to implement. And based on that, the ideas of concrete implementation would primarily relate to strengthening civil society organizations for concrete action and answering the questions that are put before them. Strengthening would be focused on strengthening the organization from within, that is, through human resources, as the basic driver of the organization, concretized with salaries and working conditions of employees, which would have to and should rise to a higher level.

Which is not a big obstacle, given that through working on projects, applying, dedication and loyalty to the organization, employees can to a certain extent provide themselves with the conditions that are necessary. While on the other hand, from the management of the organization, regulations for the operation of organizations for which there is a tendency to change in BiH are quite limiting and can be difficult from that aspect. The target group in this segment was human resources, on which the focus is placed due to the importance of a good foundation of organizational activity.

Increasingly, physical violence stems from verbal violence, hate speech that ultimately ends in physical violence. In our multi-ethnic environment, there are numerous examples of bad practice that is often repeated in relation to freedom of association, assembly, hate speech, intimidation, harassment, etc. The first thing they would undertake as an organization would be a free education of people, in which a legal team would participate, which would point out to all the participants their opportunities that are guaranteed to them by the law, the Constitution and other regulations, instruct which legal means they can use, and finally give encouragement if have had unpleasant experiences, taught by law to report them. We had examples of ill-informed citizens and taking advantage of such a situation during the duration of the COVID-19 pandemic, where fundamental human rights were violated. The target group in this segment would include a large number of users, which would mean all citizens of Bosnia and Herzegovina, because the right to information and protection of their own rights through familiarity and knowledge of information applies to everyone.

Media propaganda is one of the important factors in the fight for information and the expansion of citizens' horizons, which can contribute to the creation of a stronger society, which is aware of its rights and opportunities. As a form of public reaction to the constant pressures of citizens, molding them into passive participation in their own rights, elections and propagating all possible forms of violence instead of a message of peace. What could be an obstacle in this type of solution is the willingness of a large number of media houses to respond to such an open dialogue and present the problem in a direct way, confronting the government and the leaders of the government. However, taught by the experience we have through many years of work, we believe that we will find a response and the possibility of cooperation on this plan.

We also find barriers on the way to education, many aggravating factors have been put before the citizens of Bosnia and Herzegovina since elementary education. The increasingly unfavorable economic situation dictates the education system, so we come to the point that only those who have enough money to buy textbooks, professional literature, school supplies and everything else that is the basic need of a student are educated. The big problem lies in such pressure and approach to young people who suffer such carelessness. Something that civil society organizations see as progress and a possible solution to the problem is in writing a petition to each local community individually by parents for equal opportunities and the opportunity for all children to have textbooks provided by the school and paid travel expenses if they travel. Which would also apply to university students who have decided to stay and study in their own country. Writing a petition is only the beginning of such a demanding activity, it would require a lot of public appearances with the given problem, organization of public panels and discussions with representatives of local communities about the possibility of financing and providing the mentioned funds. The real feasibility of these activities would depend to a large extent on the availability of local authorities to respond to this request as well as the financial part that permeates all proposed activities. The target group in this segment represents regular students from the first grade of elementary school up to university students, with the aim of facilitating the education and advancement of young and professional staff.

## 4. Conclusions and policy recommendations

The recommendations that this policy paper should contain are based on previous research on the given topics that have been previously covered. They were created in the belief that their implementation will be possible and expedient.

1. Show progress towards establishing results in prevention and suppression violence at a high level; improve cooperation between the police and the prosecution

offices.

2. Investigate alleged violations of the country's human rights laws on behalf of individual citizens and make non-binding recommendations to the government for a remedy.

3. The ombudsman institution has the authority to investigate alleged violations of the country's human rights laws on behalf of individual citizens and to make non-binding recommendations to the government for a remedy.

4. More frequent organization of peaceful gatherings for the acceptance of freedom of assembly.

5. Media report on the prohibitions of free expression and restrictions imposed on the media and the publication of that report.

6. Open dialogue with young people about frequent violence and public speaking on the subject.

7. Work with young people to reduce the pressures on the education system in the form of proposing funding for basic school needs.

8. Strengthening CSOs and HRD so that it can effectively and in full capacity achieve what it is intended for, through financial support and recognition in its work.

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**The positions expressed in the Policy Paper are the responsibility of the Helsinki Committee for Human Rights and do not necessarily reflect opinions, findings and conclusions of Komiteti Shqiptar i Helsinkit, KRCT - Kosova Rehabilitation Centre for Torture Victims, Хелсиншки комитет за човекови права, Helsinški odbor za ljudska prava u Srbiji, with the support of Austausch e.V. and Civic Solidarity Platform.**



