

ETHNIC MINORITIES IN BOSNIA AND HERZEGOVINA – CURRENT STATE, DISCRIMINATION AND SAFETY ISSUES

Velibor LALIĆ

PhD, European Defendology Center

Banja Luka, Republika Srpska, Bosnia and Herzegovina

E-mail: lalicvelibor@gmail.com

Vedran FRANCUZ

M.A. European Defendology Center

Banja Luka, Republika Srpska, Bosnia and Herzegovina

Abstract

Bosnia and Herzegovina is an ethnically heterogeneous country. In addition to the constituent peoples, Bosniaks, Serbs and Croats, other ethnic minorities also live in Bosnia and Herzegovina. Their legal status is defined by the Law on the Protection of National Minorities. However, in day-to-day life, they face numerous political, legal, economic, cultural, social, and security problems. The present paper seeks to address the position of ethnic minorities in Bosnia and Herzegovina. It focuses on three main study questions: a) the composition of ethnic minorities and their position in society; b) the issue of discrimination; and c) the issue of safety. The present research is based on secondary data analysis, comprising legislation, state institution reports, international and non-governmental organization reports, and media reports. The research findings revealed that ethnic minorities were discriminated against on several grounds. The position of the Romani people is particularly worrisome. In addition to various forms of discrimination, the occurrence of hate-motivated incidents is not uncommon. Law enforcement and prosecution agencies, and courts in Bosnia and Herzegovina do not take appropriate measures to identify hate motivation and treat these instances as hate crimes. Bosnia and Herzegovina has a long way ahead before it succeeds in ensuring respects for the rights of ethnic

minorities and creating conditions for their equal status in society.

Keywords: *ethnic minorities, Bosnia and Herzegovina, discrimination, safety.*

Introduction

Bosnia and Herzegovina was one of the six constituent federal units forming the Socialist Federative Republic of Yugoslavia (SFRY). The collapse of Yugoslavia led to the 1992-1995 war which was brought to an end after the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina in Paris on 14 December, 1995. Pursuant to the Peace Agreement, Bosnia and Herzegovina consists of two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska.¹ Bosnia and Herzegovina is a multinational state in which, besides the three constituent peoples, Bosniaks, Croats, and Serbs, other ethnic minorities live.² The status of the minorities is set forth by the Law on the Protection of National Minorities (Official Gazette of Bosnia and Herzegovina 12/03). Pursuant to the law, the citizens of Bosnia and Herzegovina who do not declare affiliation with any of the constituent peoples are considered ethnic minorities. Ethnic minorities comprise people of the same or similar ethnic origin, the same or similar tradition, customs, religion, language, culture and spirituality, close or related history, and other characteristics.

In recent years, the topic of ethnic minorities in Europe has attracted considerable interest among social scientists, in particular the issues related to Romani people as a very large ethnic minority. Published studies in this area primarily addressed the issues of discrimination (O'Nions, 2011; Erjavec,

¹In accordance with Annex 2, Article 5 of the General Framework Agreement for Peace in Bosnia and Herzegovina, the status of Brčko remained unresolved and was the subject of binding international arbitration. On 5 March 1999, the International Court of Justice issued the Final decision establishing a special district for the entire pre-war municipality of Brčko. According to the Statute of Brčko District, its territory belongs simultaneously to both entities, the Federation of Bosnia and Herzegovina and the Republika Srpska.

²In Bosnia and Herzegovina, certain people declare themselves as "Others." These are people who do not want to identify with any of the constituent peoples or ethnic minorities, for instance children from mixed marriages.

2001), identity (Kovats, 2003), political mobilization (Barany, 2002 Vermeersch & Ram, 2009, McGarry, 2010), and health protection of Romani people (Földes & Covaci, 2012). Generally speaking, minority group members, including minority ethnic groups, are often victimized by majority group members because of their group identity (Perry, 2011; Ignjatovic, 2005; Lalic, 2014). It is their “minority” status that makes them vulnerable to hate crimes.

There is an apparent lack of scientific research into the problems of minorities in Bosnia and Herzegovina. Previous work has been limited to the issues of inadequate constitutional arrangements and institutional discrimination against minorities (Smajić, 2013; Petričušić, 2014) and safety issues regarding the Roma population (Halilović et al., 2015). The data materials mostly consist of reports produced by international and non-governmental organizations, and state institutions of Bosnia and Herzegovina.

The present research analyzes three important segments that determine the position of ethnic minorities in Bosnia and Herzegovina: a) composition and social position, b) discrimination, and c) the safety of minorities. Consistent with the objective, we have set three basic study questions. The first study question concerns the demographic composition of ethnic minorities in Bosnia and Herzegovina, their constitutional and legal position, and social status. The second study question focuses on discrimination against ethnic minorities. The analysis examined following dimensions of the problem: discrimination in politics and public institutions, discrimination in employment, discrimination in the provision of health care services, and discrimination in education. The third study question focuses on the safety issues of minorities in Bosnia and Herzegovina. In regard to this, we have observed security threats that arise as a result of their minority status. These safety concerns primarily involve criminal acts and incidents committed out of ethnic hatred toward minority group members. This study is based on secondary data analysis, comprising legislation, reports issued by state institutions, international and non-governmental organizations. Also, we have used media sources to analyze news media coverage of ethnic issues, especially those of minorities.

Our research findings are somewhat limited because the majority of the existing material addresses only the issues regarding the Roma population, in particular discrimination and safety issues, and to a certain extent the issue of anti-Semitism. The data related to other minorities do not exist or are very scant, which represents the limiting factor in gaining a clearer picture of the position of the remaining ethnic minorities in Bosnia and Herzegovina.

Composition, Legal and Social Position of Ethnic Minorities in Bosnia and Herzegovina

Demographic composition of ethnic minorities in Bosnia and Herzegovina

The war in Bosnia and Herzegovina significantly changed the demographic composition of the population. However, almost twenty years after the 1992-1995 war, there are still no official data on the census. The last official data come from the 1991 population census. The new population census was conducted in 2013; however, even after three years, the political elite in Bosnia and Herzegovina have not been able to reach an agreement on publishing the census results.³

According to these estimates, the Roma population represents the largest ethnic minority in Bosnia and Herzegovina. The current data on the number of the Roma in Bosnia and Herzegovina are contradictory. According to the 1991 census, a range from 9000 to 100,000 is claimed by some representatives of the Roma associations (Helsinki Committee for Human Rights in Bosnia and Herzegovina, 2000).⁴ According to the data provided by the Human Rights Ombudsman of Bosnia and Herzegovina, there are approximately 50,000 Romani people (Human Rights Ombudsman of Bosnia and Herzegovina, 2012). According to the report on the human rights produced by the U.S. Department of State (2015), unofficial estimates of the Roma population, based on the 2013 census, range from 60,000 to 80,000. The number of ethnic minorities in Bosnia and Herzegovina, according to

³The 2013 census data were published by the Statistics Agency of Bosnia and Herzegovina in June, 2016. However, there is still no agreement on publishing the census results. The National Assembly of the Republika Srpska has so far refused to accept the results of the census. According to them, there were numerous substantive and procedural errors during data processing. The census results so far published do not contain data on ethnic minorities (Agency for Statistics of Bosnia and Herzegovina, 2016).

⁴ Arguments leading to conclusion that the number of people who identified themselves as Roma during the 1991 census was much higher than the official data show are the specificity of their way of life, their indifference to the very act of the census, as well as the very prominent feature of the Roma population to adapt to the actual state of the environment in which they live, including the acceptance of customs, religion and language, as well as national identification (Helsinki Committee for Human rights in Bosnia and Herzegovina, 2000).

unofficial estimates, can be divided into three categories (Parliamentary Assembly of Bosnia and Herzegovina, 2015, Agency for Statistics of Bosnia and Herzegovina, 2016): Minorities with less than 1,000 members (Czechs, Italians, Hungarians, Germans, Poles, Romanians, Russians, Rusyns, Slovaks, Turks, Ukrainians); Minorities from 1,000 to 10,000 members (Montenegrins, Jews, Macedonians, Slovenians); Minorities over 10,000 members (Roma, Albanians).

Table 1: Ethnic composition of the population of Bosnia and Herzegovina (Parliamentary Assembly of Bosnia and Herzegovina, 2015, Agency for Statistics of Bosnia and Herzegovina, 2016)

<i>Ethnic origin</i>	<i>Total</i> (the 1991 census)	<i>Percentage</i> (the 1991 census)	<i>Estimates by associations and preliminary results of the 2013 census</i>	<i>Percentage</i> (the 2013 census)	<i>Other</i> 130.054 (3.7 %) According to the 2013 census
Muslims /Bosniaks	1898963	43,3847	1.769.592	50,11	
Serbs	1365093	31,1876	1.086.733	30,78	
Croats	759906	17,3612	544.780	15,43	
Montenegrins	10048	0,2296	7150	/	
Roma	8864	0,2025	70 000 – 90 000	/	
Albanians	4922	0,1125	around 10 000	/	
Ukrainians	3929	0,0898	around 1000	/	
Slovenians	2190	0,0500	4000	/	
Macedonians	1596	0,0365	around 2000	/	
Hungarians	893	0,0204	700-900	/	
Italians	732	0,0167	900 -1500	/	
Czechs	590	0,0135	550-650	/	
Poles	526	0,0120	450-550	/	
Germans	470	0,0107	400-500	/	
Jews	426	0,0097	1089	/	
Russians	297	0,0068	around 300	/	
Slovaks	297	0,0068	250	/	
Turks	267	0,0061	500	/	

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Romanias	162	0,0037	around 150	/	
Bulgarians	142	0,0032	-	/	
Rusyns	133	0,0030	133	/	
Greeks	71	0,0016	-	/	
Austrians	66	0,0015	-	/	

Constitutional and Legal Status of Ethnic Minorities in Bosnia and Herzegovina

The General Peace Agreement for Bosnia and Herzegovina (Dayton Peace Accord), initialed on 21 November, 1995, in Dayton (USA) and signed in Paris on 14 December, 1995, contains eleven annexes, by which the basic principles of the various aspects of the legal and state system of Bosnia and Herzegovina were founded. An integral part of this agreement, as well as its Annex IV, is the Constitution of Bosnia and Herzegovina. Considering the circumstances under which it was enacted, the Constitution sets a precedent in the theory and practice of constitutional law. Among other things, the Constitution defines the issues related to human rights and fundamental freedoms. Article 2 of the Constitution provides that Bosnia and Herzegovina, including both entities, shall ensure the highest level of internationally recognized human rights and fundamental freedoms. Pursuant to the Constitution, the rights and freedoms set forth in the European Convention on Human Rights are directly applicable in Bosnia and Herzegovina and they take priority over all other law (Article 2, Paragraph 2). The Constitution enumerates a comprehensive list of rights set forth in the European Convention on Human Rights and Freedoms (Article 2, Paragraph 3). The provisions on non-discrimination contained in the Constitution prescribe the application of human rights and freedoms set forth in the Constitution and Annex I to the Constitution to all persons in Bosnia and Herzegovina without discrimination on the grounds of sex, race, color, language, religion, political or other opinion, national or social origin, association with ethnic minority, property, birth or other status (Article 2, Paragraph 4).

The constitutions of both Entities also contain provisions on the protection of human rights. The Constitution of the Federation of Bosnia and

Herzegovina (Chapter II, Article 2) provides that the Federation of Bosnia and Herzegovina shall ensure the implementation of the highest level of internationally recognized rights and freedoms, and prohibit discrimination on the grounds of race, color, sex, language, religion or belief, political or other beliefs, national or social origin (Official Gazette of the Federation of Bosnia and Herzegovina 1/94, 13/97, 22/02). Article 10 of the Constitution of the Republika Srpska provides for equality of its citizens regarding their freedoms, rights and duties, as well as equality before the law and enjoyment of the same legal protection regardless of race, sex, language, nationality, religion, social origin, birth, education, property status, political and other beliefs, social status or other personal characteristics (Official Gazette of the Republika Srpska, No. 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, and 30/02).

By ratifying the Framework Convention for the Protection of Ethnic Minorities of the Council of Europe in 2002, Bosnia and Herzegovina undertook to implement active politics, laws and other legal documents to ensure the realization of the principles set forth in the Convention (Ministry of Human Rights and Refugees of Bosnia and Herzegovina, 2012). The following year (2003), the Parliamentary Assembly of Bosnia and Herzegovina enacted the Law on the Protection of National Minorities (Official Gazette of Bosnia and Herzegovina 12/03). The Law provides that Bosnia and Herzegovina shall protect the position, equality and the rights of all 17 ethnic minorities living in Bosnia and Herzegovina: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Rusyns, Slovaks, Slovenians, Turks and Ukrainians, and others who meet all the conditions provided for in the law. The Law stipulates that, in addition to the rights enjoyed by all citizens of Bosnia and Herzegovina, the minorities enjoy additional protection and rights set forth in the Convention and the Law, especially in the areas of history, culture, customs, traditions, language, script, education and religious freedom. The Law provides for the establishment of the Council of Ethnic Minorities within the Parliamentary Assembly of Bosnia and Herzegovina, which was not established until 2008.

After the enactment of the law at the state level, the entity-level parliaments also enacted laws to protect the rights of ethnic minorities – the Republic Srpska, 2004 (Official Gazette of the Republika Srpska 2/04) and the Federation of Bosnia and Herzegovina, 2008 (Official Gazette of the Federation of Bosnia and Herzegovina 56/08). The parliament of the Republika Srpska established the Council of Ethnic Minorities in 2007, and the Parliament of the Federation of Bosnia and Herzegovina in 2009 (European Commission against Racism and Intolerance, 2011). It is essential

to note that the Parliamentary Assembly of Bosnia and Herzegovina enacted the Law on Prohibition of Discrimination in 2009 (Official Gazette of Bosnia and Herzegovina 59/09), which legally protects ethnic minorities from discrimination.

Social Status of Ethnic Minorities in Bosnia and Herzegovina

The report produced by the Council of Ethnic Minorities of Bosnia and Herzegovina on the position of ethnic minorities for 2010-2015 point out the lack of valid information, which forestalls the possibility to gain deeper insight into this issue (Bicaj et al., 2015). The formation of the Council of Ethnic Minorities in Parliaments at the state and entity levels made a significant step in exercising their rights. However, the problems of the Roma minority in comparison to other minorities living in Bosnia and Herzegovina are particularly emphasized. The Roma population faces problems that other minorities face to a much lesser extent, or do not face them at all. The problems faced by the Roma minority are related to education, health care, housing, employment, prejudice, and maintaining cultural heritage (Bicaj et al., 2015). It should be noted that in 2002 the Roma Advisory Board was established as an advisory body to the Council of Ministers of Bosnia and Herzegovina (European Commission against Racism and Intolerance, 2011).

In 2008, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in the context of European and regional initiatives, signed the Decade of Roma Inclusion declaration. By joining the 2005-2015 Decade project, Bosnia and Herzegovina undertook to annually secure funds required for the implementation of the Action Plan for addressing Roma issues in the fields of housing, employment, health care, and education. Bosnia and Herzegovina accepted the Decade declaration as a practical model for developing appropriate standards, methodologies, and cooperation amongst countries, international organizations and institutions to stop the exclusion of the Roma from mainstream society, end their poverty, and combat discrimination against them in the regional framework (Ministry of Human Rights and Refugees of Bosnia and Herzegovina, 2014). The Roma Advisory Board has the authority to monitor the implementation of the Decade project and propose activities to achieve efficient implementation of the project. However, Roma organizations indicate a number of problems in implementing these strategic documents, including a shortage of available land for buildings, migration of Roma families, unresolved property issues, problems with the legalization of the existing facilities, and substantial resistance from the local population. The majority of Romani people are not

familiar with their rights and the possibilities set forth in the strategic documents. A large number of the Roma people still lack personal identity documents required to invoke their human rights (Sarajevo Open Center, 2016). Finally, the overall implementation of the program of the Decade of Roma Inclusion in Bosnia and Herzegovina failed to achieve expected results.

The problems faced by other ethnic minorities have been identified in the field of language and cultural heritage preservation; however, the complex housing and employment issues faced by many Roma communities, which are also faced by many citizens of Bosnia and Herzegovina, have remained unresolved (Bicaj et al., 2015). Irregular funding at the state, entity, or local level represents a major problem for the associations of ethnic minorities. Many of them believe that irregular funding has nothing to do with poverty in the country, rather the issue is the unwillingness of governing bodies to solve the problem of sustainability of ethnic minority groups. The lack of competent personnel is a serious problem for many associations, such as Albanians, Czechs, Italians, Poles, and Slovaks, which prevents them from applying for projects that would enable them to address the problems they face (Bicaj et al., 2015). Countries of origin make important contributions to improving the position of their co-nationals in the countries of residence by providing financial support to their associations. A good example of such support in Bosnia and Herzegovina are associations of Hungarians, Slovenians, Turks, Slovaks, Czechs, and Poles, which receive financial assistance from their countries of origin (Bicaj et al., 2015).

Discrimination against Ethnic Minorities in Bosnia and Herzegovina

There is an apparent lack of comprehensive data the issue of discrimination. In Bosnia and Herzegovina, there are 17 recognized ethnic minorities; however, the existing reports mainly indicate problems of discrimination against the Roma population. During 2014, the Office of the Human Rights Ombudsman of Bosnia and Herzegovina registered a total of 230 complaints of which 22 complaints related to discrimination against members of ethnic minorities. As stated in the Ombudsman's report, this does not portray the real situation, because there are still unreported cases due to the citizens' distrust in public institutions and the fear of possible negative impact on the status of victims (The Human Rights Ombudsman of Bosnia and Herzegovina, 2015). According to the reports analyzed, the Roma minority faces high level of discrimination in employment, health care, and

education. The NGOs reports state that discrimination is omnipresent and no progress has been made in implementing the Law on Prohibition of Discrimination in the legal practice (Sarajevo Open Centre, 2016).

Discrimination in Politics and Public Institutions

Ethnic minorities in Bosnia and Herzegovina experience discrimination in politics and public institutions. The Constitution of Bosnia and Herzegovina, in political terms, regulates the relationships between the three constituent peoples in post-conflict Bosnian and Herzegovinian society. Although the Constitution encourages respect for and observance of human rights and fundamental freedoms of all citizens, de facto the Constitution significantly restricts the political rights of ethnic minorities. The Constitution guarantees government positions to the three constituent peoples, Bosniaks, Croats, and Serbs, and gives them power to veto any legislation they view as threatening to their vital interests. The constitutions of the Federation of Bosnia and Herzegovina and the Republika Srpska envisage quotas for employment in public institutions. These quotas, however, are still based on the 1991 census conducted prior to the Bosnian war (Human Rights Watch, 2012).

Another example of discrimination against ethnic minorities is the Law on the Institution of Ombudsman for Human Rights of Bosnia and Herzegovina. The Law stipulates that the three Ombudsmen are to be appointed from the ranks of the three constituent peoples, ruling out other ethnic minorities such as Roma or Jews. The Constitution and Electoral law stipulate that only members of the constituent peoples – ethnic Serbs, Croats and Bosniaks – are entitled to run for the House of Peoples (the second chamber of the State Parliament) and for the Presidency (the collective Head of State). Those who do not declare affiliation with any of the constituent peoples – defined as “Others” in the preamble to the Constitution – are ineligible to stand for election to these bodies (Human Rights Watch, 2012). In regard to the discriminatory position of ethnic minorities in Bosnia and Herzegovina and their inability to achieve political rights as other citizens, Jakob Finci (a Jew) and Dervo Sejdic (a Roma) filed a lawsuit before the European Court of Human Rights (ECtHR), charging Bosnia with systematically depriving them of citizenship rights. The plaintiffs claimed that some provisions of the Constitution prohibited them from running for the Presidency and the House of People on the grounds of their ethnicities. The plaintiffs invoked Articles 3, 13 and 14 (of the European Convention on Human Rights), Article 3 of Protocol No. 1 and Article 1 of Protocol No. 12.

In December 2009, the European Court of Human Rights found in its judgment in the case of *Sejdic and Finci v. Bosnia and Herzegovina* that the Constitution and the Electoral law of Bosnia and Herzegovina violated the European Convention on Human Rights and its protocols (European Court of Human Rights, 2009; Claridge, 2010). To date, the constitution has not been amended, to abolish discriminatory controversial provisions against ethnic minorities.

Discrimination in Employment

According to available data of all ethnic minorities in Bosnia and Herzegovina the Roma population faces the highest level of discrimination regarding employment opportunities. They are fully absent from the work force of many major sectors. According to some estimates, 95% of the working-age Roma population is unemployed, leading to higher emigration and an increase in applications of asylum seekers in other countries (U.S. Department of State, 2015). As the main barriers hindering the employment of the Roma people, Roma associations point out low competitiveness in the labor market due to the lack of general occupational skills, the negative attitudes of employers toward hiring Roma workers, nepotism, and the lack of government-sponsored incentives for starting up independent businesses, prejudices and stereotypes. As already stated, the Constitutions of the Republika Srpska and the Federation of Bosnia and Herzegovina specifically stipulate that employment in public institutions should be proportional, based on the established population in the 1991 census, which undercounted Roma in Bosnia (Human Rights Watch, 2012). However, the towns of Vitez, Zenica, and Prijedor are positive examples of Roma employment in Bosnia and Herzegovina (Human rights Ombudsman of Bosnia and Herzegovina, 2012).⁵

⁵ According to the report of the Human Rights Ombudsman of Bosnia and Herzegovina, a certain number of Romani people are employed in the public and private sector in these cities. Baring in mind high unemployment rates of Romani people, these examples demonstrate good practices for employment of a small number of Romani people rather than systemic solutions to their unemployment problems. According to the report, 14 members of the Roma minority group are employed in Vitez; seven of them are employed in public utility companies, one in the municipality of Vitez, one in (the Vitez Police Department) the Ministry of the Interior, four in private firms, and 2 are independent contractors. In Zenica, two members of the Roma minority group are employed in administrative bodies, and ten in the private sector. In Prijedor, four members of the Roma minority group are employed in state

Health Insurance Discrimination

According to the legislation governing healthcare protection, the citizens of Roma ethnicity enjoy the right to health care protection under the same conditions as other citizens. However, one must take into account the fact that access to health insurance in Bosnia and Herzegovina is closely linked with employment or educational attendance. Those who are unemployed or leave school are required to register with the local employment bureau in order to receive state health insurance. However, a large number of Roma still do not know they are required to register with the local employment bureau in order to receive state health insurance. As stated in the report produced by the Human Rights Ombudsman of Bosnia and Herzegovina, Roma associations believe that access to health services is constrained by a variety of factors, including administrative barriers, prejudice, and the fact that many Roma do not have financial resources to pay the participation fee for health services (Human Rights Ombudsman of Bosnia and Herzegovina, 2012).

Discrimination in Education

The Roma face discrimination and segregation in education. Human Rights Watch lists certain characteristic cases. Namely, in Mostar, Bosnia and Herzegovina, Roma children are sent to school for special education for children with special needs. As the report states, 20 of 80 students of this school are Roma, but none of these children lack the intellectual reduced capacity /intellectual disabilities. These children attend school under the curriculum for children with special needs, although they are physically and intellectually healthy. They are permitted to attend the school because of the so-called "social disabilities" (Human Rights Watch, 2012). However, it should be stated that discrimination against and segregation of Roma children in Bosnia and Herzegovina has been on the decline. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina states that there is a significant number of Romani children who finish primary and secondary education, which is the result of the implementation of the national strategy

institutions, three in public utility companies and one Romani woman works in the local health center.

for the integration of the Roma and the Decade Action Plan in Bosnia and Herzegovina (Knežiček et al., 2014).

The Safety of Ethnic Minorities in Bosnia and Herzegovina

A review of the literature and insight into available documents produced by state institutions, international and non-governmental organizations, shows that safety issues related to ethnic minorities have not been sufficiently addressed. After examining the contents of electronic media, we have found that the media in Bosnia and Herzegovina very rarely reported on violence against members of ethnic minorities, especially bias-motivated criminal offenses. For example, when it comes to hate incidents and when the target of attack are members of the constituent peoples, Bosnians, Serbs, Croats, their property, or religious objects, such events receive extensive media coverage. The media often sensationalize such events (Lalić, 2013), which leads to harsh nationalist rhetoric in the media, especially on social networks. However, when violent acts against members of ethnic minorities occur, these events are usually not highly publicized and often go unnoticed in the media. The existing data on violence against minorities are scant. The police in Bosnia and Herzegovina, unfortunately, do not keep separate records on specific crimes committed against ethnic minorities; therefore, it is not possible to gain insight into what the types of crime are committed against ethnic minorities or what problems ethnic minority communities face (Lalić, 2013).

It should be noted that the number of minority ethnic police officers in Bosnia and Herzegovina is minimal. The Republika Srpska police force employ 45 (or 0.66%) police officers who do not declare affiliation with any of the three constituent peoples of Bosnia and Herzegovina, Bosniaks, Serbs, and Croats, but declare themselves as "Others". In the Federation of Bosnia and Herzegovina, the police employ 268 minority police members or 2.63% of all police officers, while the police of Brčko District Bosnia and Herzegovina employ only 4 police minority officers (or 1.3%) (Mitrović & Pavlović, 2012). It is assumed that the "Others", in addition to ethnic minorities, represents people from mixed marriages of the constituent peoples, which means the percentage of persons belonging to ethnic minorities in the police structures of Bosnia and Herzegovina is lesser than cited. Based on the material analyzed, we have identified certain safety issues related to the Roma ethnic minority and the Jews.

Safety Concerns of Roma people

The existing data show numerous problems regarding the safety of Roma people. The Roma population is marginalized, unemployed and socially excluded, which should be taken as a contributing factor to their exposure to safety risks (Halilović et al., 2015). This is particularly relevant to living in poor housing conditions that often do not meet even the basic safety criteria and where the risk of fire or flood is much higher than in residential units that meet safety criteria. There are also other illegal activities in which Roma people are often forced to participate in order to survive, due mainly to their high unemployment rate. As result they are frequently exposed to verbal abuse and physical attacks. When their property is destroyed, perpetrators are never brought to justice. Violence against women in Bosnia and Herzegovina, particularly in the form of domestic violence, is a huge problem (Fransioli, 2013), as well as human trafficking for forced labor exploitation and the trafficking of children for labor exploitation by use of forced begging (National Coordinator for Combating Human Trafficking, 2016).

The Romani people do not trust the police and perceive them as a threat (Halilović et al. 2015). The representatives of the Roma community state that there are cases when the police do not respond to their calls, and they complain of unfair treatment by the police, in the sense that they are more frequently subjected to control when compared to other ethnic groups. They also say that the police, in some cases, have used disproportionate force against Romani individuals (OSCE, 2009). The research results of the Community Policing in the Canton Sarajevo study undertaken by Jarrett Blaustein (2016) show the presence of many stereotypes and prejudices against Roma by the police. With regard to the safety of Roma people, hate crimes represent a particular problem. The Roma people are a particularly vulnerable category. However, data on the actual extent of bias-motivated crimes and incidents against the Roma population are very scant. The only available information on this problem stems from the OSCE reports, which monitor bias-motivated incidents in Bosnia and Herzegovina and a small number of studies that have the issue of hate crimes and other safety issues related to the Roma population (Lalić, 2013; Halilović et al. 2015).

With regard to crimes committed out of hatred in general, not just in relation to Roma and other ethnic minorities, key issues relate to incompatible legislations in Bosnian entities, as well as inadequate monitoring mechanisms for these crimes. Additionally, police officers are untrained to recognize the hate motive during the commission of the crime and prosecutors do not have the legal qualification and therefore ignore the

motive in the commission of these crimes. One of the main reasons for such wrong practices is stereotypes towards Romani people (Lalić, 2013). Other possible reasons may be the Roma's distrust of the police (Halilović et al. 2015) and fear of secondary victimization as factors for not reporting the crimes, but these issues need further investigations. The Helsinki Committee for Human Rights in Bosnia and Herzegovina states that there have been more cases of harassment and threats to Roma returnees in the Federation of Bosnia and Herzegovina because they left Bosnia and Herzegovina during the war, rather than defend their homeland. For instance in the municipalities of Zavidovići, Travnik and Banovići there were cases of throwing bombs at Roma houses. Romani children who attend school often suffer insults and other forms of harassment, including physical attacks, which in many cases resulted in parents forbidding their children from going to school. Such cases have been observed in places such as Jablanica, Travnik, Bijeljina, Turbe and Kakanj (Helsinki Committee for Human Rights in Bosnia and Herzegovina, 2000). In 2014, the OSCE Mission to Bosnia and Herzegovina recorded only three incidents targeting the Roma as an ethnic minority, but the Mission is of the strong opinion that bias-motivated incidents against the Roma are highly underreported (OSCE, 2015). Other than this, there are no official data on ethnically motivated violence towards the Roma in Bosnia and Herzegovina. The police do not maintain separate records of crimes committed out of hatred towards the members of the Roma population. Also, there is an apparent lack of scientific research on the extent of hate crimes against the Roma and the responses by the police and judicial authorities. As an illustration of the current state, we have provided some examples that show the discriminatory attitude by the police and judicial authorities toward the Roma.

- In 2008, an attack on Romani people happened in Livno, the Federation of Bosnia and Herzegovina. An intoxicated Croatian national forcibly entered the house of his Roma neighbors and attacked a pregnant woman who was trying to hide under the table. Then he went into another room, where he physically assaulted another two women, including the 73-year-old owner of the apartment, cursing their "Gypsy mother". The 73-year-old woman had a heart condition and died later the same day. A local police spokesman said he did not believe the attack was ethnically motivated. The perpetrator was sentenced to six months imprisonment or two years' probation for violent behavior on the basis of a plea agreement (OSCE, 2009; Lalić, 2013).

- On 25 April, 2007, in Mostar, Bosnia and Herzegovina, a 55-year-old man, after a short argument with three Romani men, began making racist insults. Then he went to his car, took out his gun and pointed it at one of the Romani men. There was a struggle during which one of the Romani men was lightly wounded by firearm. A security guard at the bar took the gun from them and told the Romani men to leave the place. Neither the security guard nor the bar owner reported the case to the police. The incident was reported to the police by a local who happened to be on the spot. The perpetrator was convicted of attempted murder and sentenced to one year's imprisonment. During the criminal proceedings, the possibility of an ethnically motivated attack was not given consideration (OSCE, 2009; Lalić, 2013).

- In 2008, a 68-year-old man from Bijeljina, Republika Srpska, hit a fourteen-year-old Romani boy, his neighbor, on the back of the head with a metal bar. After two days, the boy succumbed to his injuries in hospital. The perpetrator was sentenced to seven years in prison for inflicting serious bodily injury. The fact that it was an act motivated by ethnic hatred was not taken into account during the proceeding. One of the mitigating circumstances on the perpetrator's part was a suspicion of provocation and theft by the boy, though it was not established that the boy was involved in this (OSCE, 2009; Lalić, 2013).

The above examples demonstrate that the Roma people are a risk group regarding hate crimes, and the formal social control authorities should examine ways of dealing with crimes committed against this ethnic minority.

Anti-Semitism

Based on the available reports, there are no registered cases of anti-Semitic violence against the members of the Jewish community, such as homicide, inflicting grievous bodily harm, causing a general danger, or other violent acts directed against persons or property, in Bosnia and Herzegovina. The European Commission against Racism and Intolerance (ECRI) report shows that anti-Semitic messages and acts of vandalism occur from time to time and are associated with events in the Middle East, or with conspiracy theories against Bosnian Muslims. Anti-Semitic publications can still be found in bookstores (European Commission against Racism and Intolerance, 2011). According to the Inter-Religious Council of Bosnia and Herzegovina

report (Interreligious Council in Bosnia and Herzegovina, 2010), in January, 2009, offensive and disturbing graffiti which call for the lynching and murder of the Jewish people appeared on some buildings in the cities of Mostar, Bugojno and Donji Vakuf. In January, 2009, the protests which were supposed to be an expression of the mood of the citizens of Sarajevo or the organizers of the protest rally against Israeli policy in Gaza were organized in Sarajevo. The report says that some protesters carried banners in which the Star of David and a swastika were represented as equal. During February in 2009, there appeared numerous anti-Semitic graffiti in Sarajevo, which showed the Star of David thrown into the waste basket. On 29 May, 2009, sprayed graffiti, declaring Death to the Jews, appeared on the facade of the synagogue and the Jewish Temple of Peace cultural center in Dobož. In the same place, there was an incident in November 2010, when Nazi graffiti, a swastika and the words Sieg Heil appeared on the walls of the synagogue (U.S. Department of State, 2011). The OSCE Mission to Bosnia and Herzegovina reported on incidents of anti-Semitic graffiti printed in Sarajevo and Banjaluka. On 16 February, 2009, anti-Semitic graffiti depicting the Star of David and a swastika next to each other appeared on the buildings in the center of Sarajevo. Also, on 11 March 2009, similar graffiti declaring "Death to Jews" appeared on a private house in Sarajevo. Similar offensive anti-Semitic graffiti appeared on the facade of a house in Banjaluka in 2009 (OSCE, 2009). However, according to the US government report on human rights for 2015, there were no reports of anti-Semitic violence against members of the Jewish community in Bosnia and Herzegovina (U.S. Department of State, 2015).

Jakob Finci, president of the Jewish community in Bosnia and Herzegovina, said that anti-Semitic incidents are rare in comparison with the anti-Semitic phenomena in Western Europe, America, and Canada (University of Tuzla, Faculty of Philosophy, 2014). However, an anti-Semitic incident that generated substantial public interest occurred during the 2016 UEFA European Championship (hosted by France) qualifying match between Bosnia and Herzegovina and Israel held in Zenica city, the Federation of Bosnia and Herzegovina, in June, 2015. Mobs of Bosnian supporters stepped on a replica Israeli flag before the match, and during the playing of Israeli national anthem they booed and hissed. During the match some extremists chanted anti-Jewish slogans such as "Juden Auf Wiedersehen", meaning "Goodbye, Jews" in German (Penalty levied against Bosnia and Herzegovina for incidents during the match against Israel, 2015).

Although serious offenses motivated by anti-Semitism have not been reported in Bosnia and Herzegovina, anti-Semitism is still present and, as shown, manifested by occasional anti-Semitic incidents and provocations.

Conclusion

Even twenty years after the end of the war, Bosnia and Herzegovina has still not become a stable democratic country. Bosnia and Herzegovina still faces a number of institutional weaknesses, which negatively affect the position of ethnic minorities. The Bosnian war significantly changed the demographic structure of the population. The last census was carried out in 2013, and the results were published in June 2016. The census results are an object of disputes among local political elites, since the Republika Srpska contests its validity. The Statistics Agency of Bosnia and Herzegovina published data on the ethnic structure of the constituent peoples, Bosniaks, Serbs, and Croats, and "Others", but no details about the specifics of ethnic minorities have been released yet. Discrimination against ethnic minorities in Bosnia and Herzegovina is deeply rooted. In the democratic world, Bosnia and Herzegovina is a unique case of political discrimination. The current Constitution of Bosnia and Herzegovina and the Electoral Law both restrict the rights of ethnic minority members to run for the Presidency of Bosnia and Herzegovina and the House of Peoples of the Parliamentary Assembly. Although in 2009 the European Court of Human Rights (ECtHR) found that the provisions of the Constitution and Electoral Law of Bosnia and Herzegovina were discriminatory, the government still has not implemented the decision by changing the discriminatory provisions. Discrimination is present in public institutions as well, since the Entity constitutions envisage ethnic quotas for employment in public institutions based on the 1991 census. The appointment of a Human Rights Ombudsman is an obvious example of the structural discrimination. Pursuant to the Law, an Ombudsman is to be appointed from the ranks of the three constituent peoples, excluding ethnic minorities. As per discrimination in employment, health care and education, the Roma population, according to reports analyzed, face the highest levels of discrimination. This certainly does not mean that other ethnic minorities do not face these problems too. This issue should be thoroughly investigated. The safety of minorities requires particular attention. Based on the available data, we cannot gain any insight into what kind of security threats and challenges ethnic minority group members face, particularly in regard to crimes motivated by ethnicity or religious bias. The reason is the lack of a uniform methodology for monitoring these crimes, as well as other crimes committed against ethnic minorities. Reports suggest that the Romani people are particularly vulnerable. Occasional anti-Semitic incidents, such as writing or painting offensive graffiti, have also been reported. Serious crimes motivated by anti-Semitism, which have consequences for persons, have not been reported.

Bosnia and Herzegovina must take systematic, legal, institutional, and broader measures to create better conditions in which ethnic minority rights can be exercised.

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