

Authorities must end shameful and severe violation of the principle of equality



On 22 December 2009, the Grand Chamber of European Court of Human Rights (ECtHR) in the landmark case of *Sejdić and Finci vs Bosnia and Herzegovina* ruled that BiH's Constitution and electoral laws are discriminatory, insofar as they prevent citizens who do not belong to the category of "constituent peoples" from standing for election to the BiH Presidency and the BiH House of Peoples.

The ECtHR ruling followed the Stabilisation and Association Agreement in 2008 between BiH and the European Union. With this agreement, BiH committed itself to address the European Partnership priorities, one of which was to change the electoral framework regarding members of the BiH Presidency and delegates of the BiH House of Peoples to ensure full compliance with the European Convention on Human Rights and the Council of Europe post-accession commitments".

The essence of the 10-year-old ECtHR ruling is clear: All citizens in BiH should have equal rights. This is not a radical idea; it is the way normal democracies work. Discrimination on the basis of a person's ethnic origin is a form of racial discrimination, and particularly egregious. In its decision, the ECtHR held that difference in treatment exclusively on the basis of or to a decisive extent on a person's ethnic origin cannot be objectively justified in a

contemporary democratic society built on the principles of pluralism and respect for different cultures. With the ECtHR ruling, BiH authorities were ordered to take necessary steps to uphold the rights of citizens and effectively end discrimination based on racial and ethnic grounds. However, 10 years after the ECtHR ruling the discrimination continues, as the ruling has not been implemented.

“Dayton Agreement in its Annex 4 which is Constitution of this country says that Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and that the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina and have priority over all other law. Having this in mind, it is high time to offer equal treatment to every citizen of BiH as also provided under the UN Universal Declaration of Human Rights” said High Representative Inzko.

The Sejdić-Finci ruling is not the only ECtHR ruling that BiH authorities continue to disregard; the authorities must also take the steps ordered by the ECtHR in the Zornic, Pilav and Slaku cases, which would end discrimination based on ethnicity or residence.

“The goal is always the same – to end discrimination,” said the High Representative Valentin Inzko. “This is a central element in making Bosnia and Herzegovina a real home for all its citizens, regardless of their ethnic affiliations. Elected leaders of this country should be ashamed for failing to comply with the ECtHR ruling in the Sejdić-Finci case for an entire decade, thus maintaining the discrimination.”

As the High Representative noted after the last PIC SB session, the authorities in BiH “treat some citizens as less equal than others” and stressed that all the citizens of BiH are penalized under the present unjust system, which he described as “not tolerable”.