

Better Protection Against Discrimination



The Office of the High Representative and EU Special Representative welcomes today's Decision by the BiH Council of Ministers to adopt the Draft Law Prohibiting Discrimination.

While protection against discrimination is embedded in BiH's constitution before this law there was no comprehensive body of civil and administrative legislation against discrimination on grounds such as race, colour, language, religion and national or ethnic origin; this law provides for it.

If passed in the current form by the Parliamentary Assembly, the Law will ensure equality and protection against discrimination in accordance with contemporary EU and International standards.

Key new elements of the Draft Law include:

- A comprehensive definition of what discrimination is, including forms of discriminations such as segregation, harassment, mobbing etc.
- Protection for individuals or group of individuals through civil law and administrative law
- Clear mechanisms to effectively fight against discrimination, including guidelines on how to bring a discrimination case and instructions on action to be taken by judicial, legislative and executive authorities in such cases.
- Recognition that discrimination may come from both natural and legal bodies, public or private.
- A shift in the burden of proof away from the victim; natural and legal bodies will have to show that there was no discrimination.
- The right of third parties to bring discrimination cases; you do not have

- to have been a victim to bring a case against discriminatory practice
- A single central institution, the BiH Ombudsman, is responsible for prevention of discrimination.

The new legislation provides better protection; the definition of what constitutes discrimination is wider, and the mechanisms for protection are stronger.

The Courts will have a comprehensive law regulating their work thoroughly, earlier they had to rely on abstract definitions that were open to interpretation.

This legislation is a key European Partnership priority and a requirement of the visa liberalization road map and should be forwarded to the BiH Parliament as soon as possible.

The Office of the High Representative and EU Special Representative calls on the Parliamentary Assembly of Bosnia and Herzegovina to adopt the proposed Law without delay.