

## Annual Gathering of BiH Civil Law Judges

Wednesday, 24 October 2018  
Hotel Termag, Jahorina

Opening remarks for Mr. Fermin Cordoba, Head of Human Dimension Department, OSCE  
Mission to Bosnia and Herzegovina

- Dear President of the RS Association of Judges, dear representatives of the judiciary, judicial and prosecutorial training centres and guests.
- On behalf of the OSCE Mission to Bosnia and Herzegovina, I would like to thank you for the invitation to participate in and support the XIII Annual Gathering of BiH Civil Law Judges. I am truly impressed with the number of judges and legal professionals gathered here and am certain that the exchange of ideas that will take place here will serve to the benefit of the entire legal community in BiH.
- The OSCE Mission to BiH has enjoyed long cooperation with the BiH judiciary in many legal areas, such as war crimes processing, corruption, trafficking in human beings and discrimination. Today, I would like to talk to you about the Mission's work on anti-discrimination, and our findings concerning the work of the BiH courts in combatting discrimination.
- The legal anti-discrimination framework in BiH is largely complete. The BiH Law on Prohibition of Discrimination is fully in line with European standards, and I am pleased that the Mission played a crucial role in supporting the BiH authorities in adopting it. However, in order for anti-discrimination to exist in practice as well as on paper, its legislation needs to be understood and implemented. Human rights are still frequently being abused throughout the world and Bosnia and Herzegovina is not an exception to this. According to the Mission's findings, discriminatory practices still exist in various spheres of life throughout BiH, including the right to participate in elections, the right to employment and the right to education. The BiH anti-discrimination legal framework is still not fully implemented and BiH remains in need of more inclusive and secure communities, free from hate and discrimination.
- With that in mind, I would like to present you a comprehensive Analysis of Judicial Response to Discrimination Challenges in BiH. This is an OSCE publication which you ought to have already received in your materials. This Analysis is the result of our assessment of 148 judgments of various BiH courts in cases concerning discrimination. The Analysis is a unique document and contains detailed statistical data on discrimination prevalence, areas of life where it occurs, the forms it takes and the outcomes of court decisions. This data was collected through our partnership with the High Judicial and Prosecutorial Council who regularly provides the Mission with the data on discrimination cases. I would like to use this opportunity to thank the HJPC for their continued cooperation with the Mission.

- In addition, the Analysis presents a number of important court decisions concerning discrimination and our assessment of how the Law on Prohibition of Discrimination and international human rights standards have been implemented. The most important parts and reasonings of court decision have been cited in our publication in order to provide the opportunity for judges and other legal professionals to use the BiH jurisprudence in their future work.
- Furthermore, the Analysis provides a theoretical elaboration of the most important aspects of the Law which proved to be the most difficult for legal professionals. Therefore, it is an excellent tool for further education of judges on proper implementation of the Law and we intend to use it as a source material for our future trainings. In the past 8 years, the OSCE Mission to Bosnia and Herzegovina has supported the judiciary in Bosnia and Herzegovina by training over 800 BiH judges on the Law. Indeed, many of you have already participated in of our trainings, and I encourage you to apply and actively participate in our future trainings, especially as you will now have the opportunity to analyze domestic jurisprudence in the area of discrimination.
- With that in mind, I would like to thank the directors of the Judicial and Prosecutorial Training Centers of both Entities for their continued cooperation in facilitating our trainings on anti-discrimination. We hope that this publication will prove to be useful learning material for the future. While some of you have not yet had the chance to apply the Law in practice, we hope that when you do, you will find some of the answers to your questions and uncertainties in this Analysis.
- Finally, I would like to thank you, BiH judges, for your work in combatting discrimination and invite you to participate in today's panel on discrimination where legal experts from the Supreme Court of FBiH, the BiH Constitutional Court, the FBiH Judicial and Prosecutorial Training Centers and the Mission will present the findings of the Analysis in detail and where you will have the opportunity to discuss your work on antidiscrimination with them and your colleagues.
- On that note I'd like to thank you again for your co-operation, and would like to wish you a most productive and successful event.