



## **Public announcement regarding the conclusion of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina on banning employees and clients in the judiciary from wearing religious symbols in judicial institutions**

Center for Education and Research "Nahla" from Sarajevo, as an NGO advocating empowerment of women and protection of their rights, regardless of their political views, religious or ethnic affiliation, in the light of recent attempts to deny Muslim women their rights in judicial institutions, exclude Muslim women from public life and prevent them from engaging in professional activities, sends out a reminder that:

- in a plural democratic society, all citizens must be allowed to freely make their own choices. They must be guaranteed the right of choice, the right of affiliation, the right to work, the right to freedom of thought, conscience and religion, without compromising the rights of others.
- Operative laws of Bosnia and Herzegovina prohibit all forms of discrimination regarding the right to work and employment. Bosnia and Herzegovina has signed numerous conventions on work, and recently enacted laws are for the most part in accordance with international conventions.
- Muslim women who wear the hijab consider covering their heads an integral part of their religion, without which their rituals are incomplete. The primary role of Muslim head covering is not to symbolize Islam and as such it is not primarily a matter of regulations regarding religious and national symbols, but is first and foremost the right to religion and affiliation.
- Practicing religion is defined by Universal Declaration of Human Rights of the United Nations, International Covenant on Civil and Political rights, and European Convention for the Protection of Human Rights and Fundamental Freedoms (Articles 9 and 18). According to these regulations, the freedom to practice religion can only be limited by law (not by decisions, rulebooks, etc.) and only in cases when such limitations are necessary in democratic society, which must be proven. According to General Comments of the Human Rights Committee, which oversees the implementation of this Covenant, "the observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings."
- [The Constitution of Bosnia and Herzegovina](#) (as well as constitutions of entities and cantons) includes basic provisions guaranteeing human rights and fundamental freedoms, guaranteeing those rights and the protection of personal freedoms, human integrity, dignity, and other rights and freedoms within the scope of human rights:
  - Article 2, paragraph 1: „Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms.“
  - Article 2, paragraph 4: (Non-discrimination): „The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.“
- [Law on Prohibition of Discrimination](#) in Bosnia and Herzegovina defines discrimination as “**every different treatment including every exclusion, limitation or preference** based on real or assumed features towards any person or group of persons **on grounds of** their race, skin color, language, **religion**, ethnic affiliation, national or social origin, connection to a national minority, political or any other persuasion, property, membership in trade union or any other association, education, social status and sex, sexual expression or sexual orientation, and every other circumstance with a purpose or a consequence to disable or endanger recognition, enjoyment or realization, of rights and freedoms in all areas of public life...This Law shall apply to actions of all public bodies at the level of the state, entity,

canton and Brcko District of BiH, municipal institutions and bodies, and legal persons with public authorities, as well as to the action of all legal and natural persons."

- Muslim women significantly contribute to processes of social change and development and all societies must change their perceptions and views regarding their role in public life. Instead of being offended, isolated from society and prejudiced against, they must be allowed to enjoy the same rights as all other citizens. It is therefore necessary to initiate institutional and social processes which would enable Muslim women to freely participate in all spheres of public life, health care system, education and business.

**We call upon all institutions and individuals who make decisions on this issue to be persistent in respecting the principle of equality and freedom of religion and to prevent the discrimination of Muslim women in a legal and institutionalized way, and thus prove they are trustworthy and acting in the best interest of all citizens.**