



# LAW ON PROHIBITION OF DISCRIMINATION

*(Unofficial Consolidated Version)*



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## (Unofficial Consolidated Version)

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<sup>1</sup> This is the unofficial consolidated version of the Law on Prohibition of Discrimination, which includes the provisions of the Law on Prohibition of Discrimination (Official Gazette of BiH No 59/09) and the provisions of the Law on Amendments to the Law on Prohibition of Discrimination (Official Gazette of BiH No 66/16).

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## **CHAPTER I: GENERAL PROVISIONS**

### Article 1

#### (Subject of the Law)

- (1) This Law shall provide a framework for implementation of equal rights and opportunities to all persons in BiH and shall define a system of protection from discrimination.
- (2) In compliance with the BiH Constitution and international standards related to human rights and fundamental freedoms, this Law defines responsibilities and obligations of legislative, judicial and executive authorities in BiH and legal persons and individuals with public authorities in BiH, (hereinafter "competent authorities in BiH") to act to ensure protection, promotion and creation of conditions for equal treatment.

### Article 2

#### (Discrimination)

- (1) Discrimination, in terms of this Law, shall be any different treatment including any exclusion, limitation or preference based on real or perceived grounds towards any person or group of persons, their relatives, or persons otherwise associated with them, on the grounds of their race, skin colour, language, religion, ethnic affiliation, disability, age, national or social background, connection to a national minority, political or other persuasion, property, membership in trade union or any other association, education, social status and sex, sexual orientation, gender identity, sexual characteristics, as well as any other circumstance serving the purpose of or resulting in prevention or restriction of any individual from enjoyment or realization, on equal footing, of rights and freedoms in all areas of life.
- (2) Prohibition of discrimination shall apply to all public bodies, all natural and legal persons, in public and private sector, in all spheres, especially: employment, membership in professional organisations, education, training, housing, healthcare, social protection, goods and services designated for the public and public places, and conducting of economic activities and public services.

## **CHAPTER II: FORMS OF DISCRIMINATION**

### Article 3

#### (Forms of Discrimination)

- (1) Direct discrimination is any different treatment on the grounds defined in Article 2 of this Law, specifically, any action or failure to act when a person or a group of persons is put, has been or could be put into less favourable position in comparison to any other person or group of persons facing similar situation.
- (2) Indirect discrimination occurs in any situation, in which, an apparently neutral provision, criteria or practice has had or could have the effect of putting a person or group of persons, in the context of grounds specified under the provisions of Article 2, Paragraph (1) of this Law, into unfavourable or less favourable position comparing to other persons.

### Article 4

#### (Other Forms of Discrimination)

- (1) Harassment shall be considered to be any unwelcome behaviour motivated by some of the grounds specified in Article 2, Paragraph (1) of this Law, which aims at, or represents violation of person's dignity and creation of intimidating, hostile, degrading, demeaning or offensive environment.
- (2) Sexual harassment shall be considered to be any form of unwelcome verbal, non-verbal or physical behaviour of sexual nature which aims at or results in violation of person's dignity, especially when it creates intimidating, hostile, degrading, humiliating or offensive environment.
- (3) Mobbing shall be considered to be any form of non-physical harassment at a workplace, manifested in repetitive actions that have humiliating effect on the victim and aim at or result in degradation of employee's working conditions or professional status.
- (4) Segregation shall be considered to be an act by which a (natural or legal) person separates other persons on the basis of one of the grounds specified in Article 2 of this Law, in line with the definition of discrimination, as provided under Article 2 of this Law.
- (5) Instructing others to discriminate, assisting others in discrimination, as well as incitement to discrimination shall also be considered forms of discrimination.

(6) Any discrimination against certain individual based on multiple grounds specified under the provisions of Article 2, Paragraph (1) of this Law (multiple discrimination), discrimination occurring multiple times (repeated discrimination) and discrimination occurring over an extended period of time (extended discrimination) shall be considered to represent aggravated form of discrimination.

## Article 5

### (Exceptions from Principle of Equal Treatment)

Legal measures and actions shall not be considered discriminatory when reduced to unfavourable distinction or different treatment, if based on objective and reasonable justification. Following measures shall not be considered discriminatory if they realize a legitimate goal and if there is a reasonable proportionality between means used and goals to be achieved and when:

- a) They result from implementation or adoption of temporary special measures designed to prevent or compensate for damages that persons suffer on the grounds specified in Article 2 of this Law, which particularly applies to members of vulnerable groups, such as persons with disabilities, members of national minorities, women, pregnant women, children, youth, elders and other socially excluded persons, civilian victims of war, victims in criminal proceedings, displaced persons, refugees and asylum seekers; to enable their full participation in all spheres of life;
- b) They are based on features related to grounds specified in Article 2 of this Law, when under limited circumstances, due to the nature of concrete professional activities or context in which these are implemented, such feature represents real and defining condition in terms of choice of occupation. This exception shall be a subject to occasional review;
- c) They are based on distinction, exclusion or advantage in relation to employment as a staff member of an institution that is done in compliance with doctrines, basic presumptions, dogmas, beliefs or learning of actual confession or religion, having in mind that every distinction, exclusion or advantage is done consciously, in order not to hurt religious feelings of members of that confession or religion;

- d) They define maximum age as the most appropriate for termination of employment and determine age as a condition for retirement;
- e) They are based on citizenship requirements, as mandated under the law;
- f) They are based on realization of reasonable accommodation aiming to ensure the principle of equal treatment in relation to persons with disabilities. Employers shall, based on needs in a concrete case, take appropriate measures, in order to enable a person with disabilities to access workplace, participate in work, make career advancement and participate in training, provided that such measures do not represent disproportionate burden to the employer;
- g) They put a person into less favourable position in defining family-specific rights and responsibilities, when defined so under the law, in particular with the view of protecting rights and interests of children, which has to be justified by a legitimate aim, protection of public morality, as well as favouring marriage, in line with the provisions of the family law.
- h) They imply inclusion into membership upon commencement of employment, and taking actions that are in compliance with preaching and operating of registered churches and religious communities in BiH, and other public or private organisations working in accordance with the Constitution and laws, if so required by religious doctrines, beliefs or goals.

### **CHAPTER III: PROTECTED RIGHTS**

#### Article 6

##### (Scope of Application)

This Law shall apply to actions of all public bodies at the level of the state, entity, canton and Brčko District of BiH, municipal institutions and bodies, and legal persons with public authorities, as well as to actions of all legal and natural persons, in all spheres of life, but especially in the following fields:

- a) Employment, work and working conditions, including access to employment, occupation and self-employment, working conditions, remuneration, promotions and dismissals;
- b) Education, science and sports. Access to education should not depend on immigration status of children or their parents;



- c) Social protection, including social insurance, social benefits, social assistance (housing allowances, allowances for youth, etc.) and ways of treating social protection beneficiaries;
- d) Health protection including access to care and treatment, in terms of ways of providing care and treatment to patients;
- e) Training, including orientation and ongoing professional development, all types and levels of professional orientation, advanced professional training and development, additional qualifications and requalification, including gaining practical working experience;
- f) Judiciary and administration, including activities of police and other law enforcement officers, border control officers, military and prison staff, with the view of ensuring that all persons are equal before courts and tribunals;
- g) Housing, including access to housing, housing conditions and termination of lease agreements;
- h) Public information and the media;
- i) Membership in professional organizations, including membership in organizations of employers or employees or any other organization whose members are engaged in a certain profession; involvement in such organizations and benefits provided by these organizations;
- j) Goods and services designated to public and public places, including, e.g. when purchasing goods in a shop, submitting an application for a loan in a bank and in relation to access to discotheques, coffee shops and restaurants;
- k) Performance of commercial activities, including competitive market law, relations between companies and relations between companies and the state;
- l) Participation in creative activities in the area of culture and art;
- m) Equal participation of all citizens in public life;
- n) Families, where marital partners shall enjoy full equality in terms of their rights and responsibilities in relation to marital community, for the duration of marital community and during and after divorce proceedings, including rights and responsibilities in raising children, in accordance with the provisions of the family law;
- o) Rights of children, including measures of protection needed resulting from their status of minors, to be undertaken on the part of their families, society and the state.

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## **CHAPTER IV: COMPETENT INSTITUTIONS FOR PROTECTION FROM DISCRIMINATION**

### Article 7

(Central Institution for Protection from Discrimination)

- (1) Central institution competent for protection from discrimination is the Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter: BiH Ombudsman Institution).
- (2) BiH Ombudsman Institution shall act in accordance with this Law and the Law on Human Rights Ombudsman for BiH, by undertaking the following activities within the scope of its competence:
  - a) Receive individual and group complaints related to discrimination;
  - b) Provide needed information to natural and legal persons who filed a complaint for discrimination, about their rights and obligations and possibilities of judicial and other forms of protection;
  - c) The BiH Ombudsman Institution may decide not to accept a complaint or to initiate an investigative procedure, in line with special regulations;
  - d) Propose initiation of process of mediation in compliance with provisions of the Law on Mediation;
  - e) Collect and analyse statistical data on discrimination cases;
  - f) Deliver annual and if necessary extraordinary reports on instances of discrimination to the Parliamentary Assembly of BiH, FBiH Parliament, RS National Assembly and Brčko District Assembly;
  - g) Inform the public of instances of discrimination;
  - h) Conduct surveys in the field of discrimination at its own initiative;
  - i) Issue opinions and recommendations aiming to prevent and combat discrimination, and suggest appropriate legal and other solutions to the competent Institutions in BiH;
  - j) Have the right to initiate and participate in proceedings for protection from discrimination, for misdemeanours specified under this Law;
  - k) Monitor legislation and provide guidance to legislative and executive bodies;

- l) Work to promote this Law, inform the public, raise awareness, implement campaigns and otherwise actively promote fight against discrimination with the view of prevention of discrimination;
  - m) Improve policies and practices aimed at ensuring equal treatment.
- (3) When developing regular reports, opinions and recommendations on instances of discrimination, the BiH Ombudsman Institution shall cooperate with civil society organizations dealing with protection and promotion of human rights and organizations dealing with protection of groups at high risk of discrimination.
- (4) The BiH Ombudsman Institution shall provide assistance to persons or groups of persons addressing international bodies for protection from discrimination, providing them with guidelines, advice, and consultations during the course of the procedure, in addition to making proposals and recommendations.
- (5) In order to exercise its competences, the BiH Ombudsman Institution shall establish a special department that would solely focus on the cases of alleged discrimination resulting from actions of public bodies at the level of the state, its entities, cantons and Brčko District of BiH, municipal institutions and bodies, and legal persons with public authorities, as well as actions of all legal and natural persons, in all spheres of life.
- The budget of the BiH Ombudsman Institution shall include a special budget line designated for functioning of special department(s) for combating discrimination.
- (6) All state, entity, cantonal, and Brčko District institutions and bodies, municipal institutions and legal persons with public authorities and all other legal and natural persons, shall be required to submit, upon the request from the BiH Ombudsman Institution, any data and documents requested, within 30 days of the date of receipt of such request.
- (7) Competent institutions in BiH shall be required to cooperate with the BiH Ombudsman Institution and present their responses and notifications in writing, within the deadline set forth by the BiH Ombudsman Institution, as well as report on the effect of recommendations made with the view of eliminating discrimination.

## Article 8

### (Recordkeeping and Coordination among Competent Institutions)

- (1) Competent institutions in BiH shall be required to regularly keep records of all reported cases of discrimination and to present the data collected to the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.
- (2) In line with its competences defined under the law, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina shall be required to present reports on the subject of discrimination to the Council of Ministers of BiH, based on collected data on instances and magnitude of discrimination, at least once a year, in addition to presenting special reports, as and when needed, with suggested measures for prevention and suppression of discrimination in Bosnia and Herzegovina.
- (3) The Ministry of Human Rights and Refugees of Bosnia and Herzegovina shall be required to report on the subject of discrimination to the BiH Parliamentary Assembly, through the Council of Ministers, and propose specific legislative or other measures.
- (4) In line with the provisions of this Article, special records shall be established in legislative, executive and judicial bodies for the purpose of registration of cases of discrimination as determined in criminal, civil, non-contentious and enforcement proceedings.
- (5) The central database of acts of discrimination shall be established within the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.
- (6) The Ministry of Human Rights and Refugees of Bosnia and Herzegovina shall issue a Rulebook on the method of collection of data on cases of discrimination in Bosnia and Herzegovina, within 90 days of entry of this Law into force. The Rulebook shall define the content and the layout of the questionnaire for collection of data on discrimination cases as well as regulate other issues of relevance to the procedure of data collection.

## Article 9

### (Monitoring of Implementation of the Law)

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina shall monitor implementation of this Law.

## Article 10

### (Cooperation with Civil Society Organisations)

In the process of development of reports, laws, strategies and other plans related to situation in the area of human rights and discrimination, all competent authorities shall be required to cooperate with civil society organizations dealing with protection and promotion of human rights, and protection of rights of persons and groups of persons exposed to high risk of discrimination.

## **CHAPTER V: PROCEEDINGS FOR PROTECTION FROM DISCRIMINATION**

## Article 11

### (Protection in Existing Proceedings)

- (1) Any person or group of persons who consider to have been discriminated against shall be able to seek protection of their rights through existing judicial and administrative proceedings.
- (2) In cases in which violation of right to equal treatment resulted from an administrative decision, appeal in administration proceedings and possible initiation of an administrative dispute with the view of protection from discrimination requesting annulment of such administrative decision shall not preclude a person referred to in Paragraph 1 of this Article from initiating judicial proceedings for protection from discrimination.
- (3) All concrete claims as laid out in Article 12 of this Law, individual or collective, may be required in order to submit a lawsuit in civil proceedings.
- (4) Court and other bodies shall apply the principle of urgency in all proceedings which concern examination of claims of discrimination.
- (5) In line with general rules of procedure, courts and other bodies shall be required to take necessary action to ensure that proceedings which concern examination of claims of discrimination are conducted as a matter of urgency and completed within the shortest time possible.

## Article 12

### (Special Lawsuits for Protection from Discrimination)

- (1) In line with the provisions of this Law, a person or a group of persons exposed to any form of discrimination shall have the right to initiate a lawsuit and claim the following:

- a) Determining that the respondent violated the plaintiff's right to equal treatment i.e. that the action s/he took or failed to take could directly result in violation of the right to equal treatment (lawsuit for determining discrimination);
  - b) Prohibition from undertaking actions that violate or could violate the plaintiff's right to equal treatment, or performance of actions to eliminate discrimination or its consequences (lawsuit for prohibiting or ending discrimination);
  - c) Compensation of pecuniary and non-pecuniary damages caused by violation of rights protected under this Law (lawsuit for compensation);
  - d) Publication of the decision which found violation of the right to equal treatment in the media, at the expense of the respondent.
- (2) Claims listed in Paragraph (1) of this Article could be added to claims for protection of other rights which are subject to civil proceedings, under the condition the correlation exists between them, regardless of whether those claims are to be addressed in regular or special civil proceedings, with exception of trespassing related disputes. In those cases, relevant rules applicable to the particular dispute shall apply, unless stipulated otherwise under the provisions of this Law.
- (3) Claims listed in Paragraph (1) of this Article shall be decided upon by the relevant court, in line with the provisions of the law on civil procedure in effect in Bosnia and Herzegovina, unless stipulated otherwise under the provisions of this Law.
- (4) Claim for publication of decision referred to in Paragraph (1) Item d) of this Article shall be accepted by the court if the court finds the following:
- a) That the violation of right to equal treatment occurred via the media, or
  - b) That the information on action that resulted in violation of the right to equal treatment was published in the media and publication of the decision is needed for the purpose of full reparation of damage sustained or protection from unequal treatment in the future.
- (5) If claim for publication of decision is approved by the court, the court shall issue the instruction that the full text of the decision be published. As an exception, the court may stipulate that the decision be published partially, or that certain personal information be redacted from the text of the decision, if required for the purpose of protection of privacy of parties to the proceedings and other individuals, without undermining the purpose of legal protection provided.

- (6) The decision issued by the court instructing publication in the media shall be legally binding for the publisher of the media in which the decision is to be published, regardless of whether the publisher was party to the proceedings.

### Article 13

#### (Competence, Deadlines and Execution)

- (1) Unless stipulated otherwise under the provisions of this Law, and in compliance with the provisions of laws on courts in effect in both entities and Brčko District of BiH, disputes in first and second instance proceedings referred to under the provisions of Article 12 of this Law shall be handled by a court having general territorial jurisdiction, a court located in the place where the plaintiff has temporary or permanent residence, or a court with the seat at the location where damage was sustained or discriminatory action was taken.
- (2) Revision shall be always allowed in the proceedings referred to under the provisions of Article 12 of this Law.
- (3) In dealing with claims referred to under the provisions of Article 12, paragraphs b) and d) of this Law, the competent court may decide that appeal shall not delay the enforcement or determine shorter deadline for taking action ordered to the respondent.
- (4) Deadline for submission of the lawsuit referred to in Article 12 of this Law is three years after the discovering of the violation of the right and no more than five years of the day violation was committed. In the event of continued discrimination, the applicable deadline applies to the latest action that resulted in violation. Deadlines do not apply to cases of systemic discrimination. Deadline for submission of request for revision is 3 months of receipt of second-instance judgement.

### Article 14

#### (Security Measures)

- (1) Prior to commencement or during the course of the proceedings on the basis of claim referred to in Article 12, Paragraph (1), the court may, upon the proposal of the proponent, instruct security measures or temporary security measures to be taken, as mandated under the laws on civil proceedings in effect in Bosnia and Herzegovina.
- (2) Security measures may be directed by the court if:
- a) The proponent makes it probable that right to equal treatment has been violated,
  - b) Security measures are necessary to eliminate the risk of grave violation to equal treatment, irreparable damage or to prevent violence.

## Article 15 (Burden of Proof)

- (1) In cases when a person or group of persons provide facts in all proceedings specified under this Law, based on the evidence available to them, making it probable that discrimination has occurred, the burden of proof that discrimination has not occurred shall lie with the opposing side.
- (2) In cases when a person considers that s/he suffered consequences of discrimination, it shall be allowed to use statistical data or databases as an evidence for realization of the right from Paragraph (1) of this Article.
- (3) In cases when a person considers that s/he suffered consequences of discrimination due to failure of reasonable accommodation, burden of proof shall lie with the opposing side.
- (4) The person who intentionally exposed him/herself to discrimination with the intent of direct assessment of application of the rules on prohibition of discrimination, may appear as witness in the proceedings for protection from discrimination.
- (5) The person referred to in Paragraph (4) of this Article shall be required to notify the BiH Ombudsman Institution of his/her intent, unless the circumstances restrict him/her from doing so, in addition to informing the BiH Ombudsman Institution in writing of any action taken.
- (6) The person referred to in Paragraph (4) of this Article may testify in Court as a witness.
- (7) The person referred to in Paragraph (4) may file a claim referred to in Article 12, Paragraph (1) items a), b) and d) of this Law in a concrete case.
- (8) The provisions of Paragraph (1) of this Article shall not apply to misdemeanour and criminal proceedings.
- (9) In cases when court reviews the case in which the BiH Ombudsman Institution already issued a recommendation, which is used by a party to the proceedings as evidence, the court shall be required to look into the recommendation made by the BiH Ombudsman Institution, in accordance with the rules of procedure.

## Article 16 (Participation of Third Parties)

- (1) In the proceedings initiated in line with Article 12 of this Law, in accordance with the rules of procedure, an intervener may be introduced on the side of a person or group of persons claiming to have been discriminated against, including body, organisation,



association or a different party dealing, within its scope of work, with protection from discrimination of individuals or groups whose rights are the subject of the proceedings.

- (2) The court shall allow participation of an intervener only upon agreement of the plaintiff.
- (3) The intervener shall participate in and take action in the proceedings, until the plaintiff expressly recalls the agreement previously given.
- (4) Regardless of the outcome of the proceedings, the intervener shall bear the cost of its participation in the proceedings.

### Article 17

- (1) Associations or other organisations established in accordance with the law, dealing with protection of human rights or rights of a specific group of individuals, may file a lawsuit against the person who violated the right to equal treatment of large group of individuals who predominantly belong to a group whose right the plaintiff is protecting.
- (2) The lawsuit referred to in Paragraph (1) of this Article may include the claim:
  - a) To determine that the respondent violated the right to equal treatment of members of a group whose rights the plaintiff is protecting,
  - b) To prohibit any action that violates or that may violate the right to equal treatment, or to take action to eliminate discrimination or its consequences suffered by members of the group,
  - c) To publish the decision that found violation of the right to equal treatment in the media, at the expense of the respondent.
- (3) Procedural provisions of this Law shall appropriately apply to the lawsuit referred to in Paragraph (1) of this Article.

### Article 18

(Protection of Persons Reporting Discrimination or Participating in Proceedings)

Victimization as a form of discrimination is prohibited. It represents any form of unfavourable treatment of persons who reported or who intend to report discrimination in good faith, who were present or who witnessed discrimination, who refused the instruction to discriminate or otherwise took part in the proceedings for protection from discrimination, provided or intend to provide information or documents needed in the proceedings of protection from discrimination or informed the public of discrimination.

## **CHAPTER VI: PENAL (MISDEMEANOUR) PROVISIONS**

### Article 19

(Violation of Article 2, Paragraph (2) of this Law)

- (1) The legal person that puts a person or a group of persons into less favourable position on the grounds given in Article 2 (Discrimination), Paragraph (1), in a way described in Article 3 (Forms of Discrimination) and Article 4 (Other Forms of Discrimination) of this Law, shall be fined for misdemeanour with 1,500 to 5,000 KM.
- (2) Responsible person in state, entity and cantonal institution, Brčko District body, municipal institution, legal person with public authorities and other legal person shall be also fined for misemeanour from Paragraph (1) of this Article in the amount of 700 to 1,500 KM.
- (3) Natural person shall be fined with 550 to 1,500 KM for a misdemanour specified under Paragraph (1) of this Article.
- (4) If misdemanour from Paragraph (1) of this Article resulted from failure to act upon recommendation of the BiH Ombudsman Institution, legal person shall be fined for such offence with 2,500 to 6,500 KM, and responsible person in the legal person or a natural person shall be fined with 1,000 to 3,000 KM for such offence.
- (5) If misdemanour from Paragraph (1) of this Article resulted from failure to act upon a instruction by a court, legal person shall be fined with 3,500 to 10,000 KM and responsible person in the legal person or natural person shall be fined with 2,000 to 5,000 KM for such offence.

### Article 20

(Violation of Article 7, Paragraph (6) and (7) of this Law)

- (1) Legal person shall be fined with 1,000 to 5,000 KM for misdemeanour, resulting from:
  - a) failure to deliver data or documents upon the request of the BiH Ombudsman Institution, specifically, failure to deliver them within the prescribed deadline, or failure to allow access, in violation of Article 7 (Central Body for Protection from Discrimination), Paragraph (6) of this Law;
  - b) failure to cooperate with the BiH Ombudsman Institution and failure to provide response or notifications in writing, or failure to provide information on the effect of recommendations given in order to end discrimination, in violation of Article 7, Paragraph (7) of this Law.

- (2) Responsible person in state, entity and cantonal institution, Brčko District body, municipal institution, legal person with public authorities and in another legal person, shall be fined with 500 to 1,500 KM for misdemeanour from Paragraph (1) of this Article.
- (3) Natural person shall also be fined with 450 to 1,000 KM for misdemeanour from Paragraph (1) of this Article

## Article 21

### (Violation of Article 18 of this Law)

- (1) The legal person that puts into less favourable position the person who has reported discrimination in good faith or the person who has participated in the proceedings for protection from discrimination in any capacity, for the reason of reporting discrimination or participation in the proceedings, in violation of Article 18 (Protection of persons who report discrimination or participate in the proceedings) of this Law, shall be fined for misdemeanour with 1,000 to 10,000 KM.
- (2) Responsible person in state, entity and cantonal institution, Brčko District body, municipal institution, legal person with public authority and other legal person, shall be fined for misdemeanour from Paragraph (1) of this Article with 1,000 to 3,500 KM.
- (3) Natural person shall also be fined for misdemeanour from Paragraph (1) of this Article with 700 to 2,000 KM.
- (4) The responsible person in legal person who intentionally commits misdemeanour from Paragraph (1) of this Article shall be fined with 2,000 to 7,000 KM, and if natural person intentionally commits the same misdemeanour, such natural person shall be fined with 1,500 to 4,000 KM.

## Article 22

### (Measures of Protection)

- (1) For misdemeanour specified under this Law, measures of protection may be taken resulting in seizure of goods and prohibition of a certain professional activity, business activity or duty.
- (2) Protective measures of seizure of goods shall be mandatory if misdemeanour is committed through the use of these goods, specifically when the goods were used with the intent to commit minor offence or created as a result of the misdemeanour committed.

### Article 23

#### (Publication of Decision on Misdemeanour)

Decision in misdemeanour proceedings specified under this Law shall be published in public media available on the entire territory of Bosnia and Herzegovina.

## **CHAPTER VII: TRANSITIONAL AND FINAL PROVISIONS**

### Article 24

#### (Harmonisation of Other Regulations with this Law)

- (1) The provisions of this Law shall apply in the proceedings conducted based on this Law in cases when other laws are not harmonised with this Law.
- (2) All laws and general regulations shall be harmonized with the provisions of this Law within a year of entry of this Law into force.
- (3) This Law does not preclude the provisions and conditions determined in international treaties and agreements with religious communities, which do not interfere with their working, normative and organizational autonomy and the principle to fully exercise the right to religious freedom and expression.
- (4) All public bodies and other legal persons shall be required to regulate principles of equal treatment in their general legal acts or special legal acts, in addition to being required to ensure that efficient internal procedures are in place to protect from discrimination.

### Article 25.<sup>1</sup>

#### (Entry into Force)

This law shall enter into force on the eight day of its publication in the Official Gazette of BiH.

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<sup>1</sup> In line with the Law on Prohibition of Discrimination, "Official Gazette of BiH", No: 59/09

Article 25.<sup>2</sup>

(Entry into Force)

- (1) Proceedings in cases that are still ongoing pending first instance decision at the moment of entry of this Law into force, shall be conducted in line with the provisions of this Law.
- (2) Proceedings in cases in which first instance decision has been made prior to the moment of entry of this Law into force, shall be conducted in line with the provisions of this Law previously in effect.
- (3) This law shall enter into force on the eight day of its publication in the Official Gazette of BiH.

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<sup>2</sup> In line with the Law on Amendments to the Law on Prohibition of Discrimination, "Official Gazette of BiH" No: 66/16





