

# **BOSNIA AND HERZEGOVINA 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bosnia and Herzegovina (BiH) is a democratic republic with a bicameral parliament. Many governmental functions are the responsibility of two entities within the state, the Federation and the Republika Srpska (RS), as well as the Brcko District, an autonomous administrative unit under BiH sovereignty. The 1995 General Framework Agreement for Peace (the Dayton Accords), which ended the 1992-95 Bosnian war, provides the constitutional framework for governmental structures, while other parts of the agreement specify the government's obligations to protect human rights, such as the right of wartime refugees and displaced persons to return to their prewar homes. The country held general elections in October. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) noted that elections were held in a competitive environment, but were characterized by continuing segmentation along ethnic lines. While candidates were able to campaign freely, ODIHR noted that "instances of pressure and undue influence on voters were not effectively addressed," citing long-standing deficiencies in the legal framework. OSCE/ODIHR further noted that elections were administered efficiently, but widespread credible allegations of electoral contestants manipulating the composition of polling station commissions reduced voter confidence in the integrity of the process.

While civilian authorities maintained effective control and coordination over law enforcement agencies and security forces, a lack of clear division of jurisdiction and responsibilities between the country's 16 law enforcement agencies resulted in occasional confusion and overlapping responsibilities.

Human rights issues included harsh prison conditions; restrictions of freedom of assembly and expression, and the press; widespread government corruption; crimes involving violence against minorities and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Units in both entities and the Brcko District investigated allegations of police abuse, meted out administrative penalties, and referred cases of criminal misconduct to prosecutors. These units generally operated effectively, and there were no reports of impunity during the first nine months of the year.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

**a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

While national authorities made significant progress prior to 2017 in the investigation and prosecution of war crimes committed during the 1992-95 conflict, many problems remained, including insufficient funding, lack of personnel, political obstacles, the unavailability of witnesses and suspects, and the closure of cases due to lack of evidence. While the BiH Prosecutor's Office and Court retained the lead in processing the most serious war crimes, authorities worked to revise criteria for the referral of cases to the entity-level judiciaries in order to reduce processing times. Data from August indicates that the Prosecutor's Office had 562 unresolved cases involving 4,914 individuals. It was noted, however, that the BiH Prosecutor's Office continued to focus on less complex cases, and thus the backlog of complex cases remained.

**b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices. While there were no reports during the first nine months of the year that government officials employed such tactics, there were no concrete indications that security forces had ended the practice of severely mistreating detainees and prisoners reported in previous years.

In 2016 the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its 2015 visit to detention facilities, prisons, and psychiatric establishments in the country. The report cited a considerable number of allegations of widespread police abuse of detainees in Sarajevo, Trebinje, Banja Luka, Turski Lukavac, and Bijeljina. The reported abuse of detainees included slaps, punches, truncheon blows, prolonged handcuffing in stress positions, mock executions, and the use of a hand-held electroshock device. The report stated that the CPT delegation gained the impression from multiple detainee interviews in Bijeljina and Sarajevo that mistreatment (kicks, punches, and slaps) was a routine

occurrence and almost considered “normal” practice. In some instances, authorities allegedly abused detainees in order to extort confessions. The CPT found that prosecutors and judges routinely failed to take action regarding allegations of mistreatment.

The CPT also noted that it received several credible allegations of inmate physical mistreatment (slaps, kicks, and punches) by staff at Mostar Prison. In one case, an inmate alleged that, in response to his repeated banging on his cell door, prison officials handcuffed him behind his back with his wrists hyperextended, ankle-cuffed him with a walking chain, and placed him in an empty cell for two days without food or the opportunity to use sanitary facilities. The CPT reported that the findings observed by its delegation’s doctor were compatible with the inmate’s allegation.

In response to the CPT report, both the Federation and RS Ministries of Interior stated they had improved their complaints systems against unlawful actions of police officers and that they now maintain medical files of detainees in a systematic manner. Acting upon CPT recommendations, the Federation Prosecutor’s Office issued a note to all cantonal prosecutors to respect mandatory instructions on the prevention of abuse, torture, and inhumane treatment of detainees. In addition, the RS chief public prosecutor issued similar instructions to all district courts in the RS.

### **Prison and Detention Center Conditions**

Physical and sanitary conditions in the country’s prisons and detention facilities varied depending on location but were generally considered substandard.

Physical Conditions: Conditions in Sarajevo Prison were poor due to dilapidated facilities and overcrowding, with as many as four prisoners living in eight square meters (86 square feet) of common living space. Following a 2016 inspection, the human rights ombudsman described Sarajevo Prison’s conditions as the worst in the country and counted 126 detainees in the facility, which has an optimal capacity of 88. Ombudsmen reported that neither prison management nor Federation authorities had addressed their claims to date.

Prison and detention facilities provided adequate basic medical care and routine arrangements for more complex medical interventions as needed. Ventilation and lighting, however, were lacking in many facilities, particularly Sarajevo Prison. There were no prison facilities suitable for prisoners with physical disabilities.

In its 2016 report, the CPT stated that material conditions in most police holding facilities visited by its delegation were unfit due to a lack of natural light, poor ventilation, deplorable hygienic conditions, and an absence of mattresses and bedding. The CPT found that remanded prisoners spent 22 hours or more per day confined to their cells and were offered no purposeful activities. The condition and number of holding facilities at most police agencies generally were well below EU standards.

To address CPT recommendations, the Sarajevo Canton Ministry of Interior renovated the premises of the Department for Detention of Persons Deprived of Their Liberty of Sarajevo. The renovations included new plastering, beds, mattresses and pillows; and improved lighting.

Administration: According to the 2016 CPT report, authorities throughout the country generally failed to investigate allegations of abuse and mistreatment of detainees and prisoners, particularly those reported to have occurred while in police custody. The human rights ombudsman reported that the most common types of violence among prisoners took the form of extortion, physical and psychological harassment, and intimidation on ethnic and religious grounds.

Due to the complicated system of police education in the country and the fact that court police and prison guards are not part of the 17 formally recognized BiH police agencies, their training was limited and insufficient. Prison guards only received one week of orientation training, and court police received three weeks of training at police academies.

Independent Monitoring: The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The International Committee of the Red Cross, the CPT, the BiH ombudsmen, and other nongovernmental organizations (NGOs) continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

## **Role of the Police and Security Apparatus**

By law state-level police agencies include the State Investigation and Protection Agency (SIPA), the Border Police, the Foreigners Affairs Service (FAS) (partial police competencies), and the Directorate for Police Bodies Coordination (DPBC). Police agencies in the two entities (the RS Ministry of Interior and the Federation Police Directorate), the Brcko District, and 10 cantonal interior ministries also exercise police powers. SIPA investigates cases of organized crime, human trafficking, war crimes, financial crimes, and international terrorism and also provides protection to witnesses before the BiH State Court. The Border Police are responsible for monitoring the borders and detaining illegal migrants until FAS takes custody. The Border Police also investigate other crimes related to the border in accordance with the state criminal code, with the exception of corruption cases. FAS is responsible for tracking and monitoring legal and illegal migration. The DPBC provides physical security for government and diplomatic buildings and personal protection for state-level officials and visiting dignitaries. The DPBC also has an office for coordination with Interpol for state-level police agencies. The Federation Police Directorate investigates cases of intercantonal crimes, domestic terrorism in the Federation, and narcotics smuggling. The RS Ministry of Interior investigates domestic terrorism and all other general crimes in the RS. Brcko police and cantonal police agencies investigate general crimes and are responsible for public peace and order. The laws outlining the mandates of respective law enforcement agencies of the state, entity, cantonal, and district governments contain significant similarities but do not overlap. The competencies of each police agency are established by law. The BiH Presidency may call upon the armed forces to provide assistance to civilian bodies in case of natural or other disasters. The intelligence service is under the authority of the BiH Council of Ministers. There were no reports of impunity involving security forces during the year.

An EU military force continued to support the country's government in maintaining a safe and secure environment for the population.

Civilian authorities maintained effective control over security forces, but their complex structure at times resulted in a lack of effective coordination and no clear practical division of jurisdictions and responsibilities.

Impunity for war crimes continued to be a problem. Many lower-ranking perpetrators of crimes committed during the 1992-95 conflict remained

unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 8,000 other persons who remained missing and presumed killed during the conflict. Authorities also failed to prosecute more than a very small fraction of the more than 20,000 instances of sexual violence alleged to have occurred during the conflict.

In the course of its 2015 visit to prisons and remand detention centers, the CPT reported interviewing many persons who stated they had complained about mistreatment by law enforcement officials to the prosecutor or to the judge before whom they appeared. Such complaints met no response. The CPT noted that, even when detainees displayed visible injuries or made a statement alleging mistreatment, there was usually no apparent follow-up by the prosecutor or judge other than, at times, to order a medical examination that often took place in the presence of the law enforcement officer whom the detainee had accused of mistreatment.

There were reports of police corruption (see section 4). The government has mechanisms to investigate and punish abuse and corruption, but political pressure often prevented the application of these mechanisms. Observers considered police impunity widespread, and there were continued reports of corruption within the state and entity security services. There are internal affairs investigative units within all police agencies. Throughout the year, mostly with assistance from the international community, the government provided training to police and security forces designed to combat abuse and corruption and promote respect for human rights. The field training manuals for police officers also include ethics and anticorruption training components.

### **Arrest Procedures and Treatment of Detainees**

Police generally arrested persons based on court orders and sufficient evidence or in conformity with rules prescribed by law. The law requires authorities to inform detainees of the charges against them immediately upon their arrest and obliges police to bring suspects before a prosecutor within 24 hours of detention (48 hours for terrorism charges). During this period, police may detain individuals for investigative purposes and processing. The prosecutor has an additional 24 hours to release the person or to request a court order extending pretrial detention by court police. The court has a subsequent 24 hours to make a decision.

The court police are separate from other police agencies and fall under the Ministry of Justice; their holding facilities are within the courts. After 24 or 48 hours of

detention by court police, an individual must be presented to a magistrate who decides whether the suspect shall remain in custody or be released. Suspects who remain in custody are turned over to prison staff.

The law limits the duration of interrogations to a maximum of six hours. The law also limits pretrial detention to 12 months and trial detention up to three years. There is a functioning bail system and restrictions, such as the confiscation of travel documents or house arrest, which were ordered regularly to ensure defendants appear in court.

The law allows detainees to request a lawyer of their own choosing, and if they are unable to afford a lawyer, the authorities should provide one. The law also requires the presence of a lawyer during the pretrial and trial hearings. Detainees are free to select their lawyer from a list of registered lawyers. In its 2016 report, the CPT noted that, in the vast majority of cases, authorities did not grant detainees access to a lawyer at the outset of their detention. Instead, such access occurred only when the detainee was brought before a prosecutor to give a statement or at the hearing before a judge. It was usually not possible for a detainee to consult with his or her lawyer in private prior to appearing before a prosecutor or judge. Juveniles met by the CPT also alleged they were interviewed without a lawyer or person of trust present.

#### **e. Denial of Fair Public Trial**

The state constitution provides the right to a fair hearing in civil and criminal matters while entity constitutions provide for an independent judiciary. Nevertheless, political parties and organized crime figures sometimes influenced the judiciary at both the state and entity levels in politically sensitive cases, especially those related to corruption. Authorities at times failed to enforce court decisions.

#### **Trial Procedures**

The law provides that defendants enjoy a presumption of innocence; the right to be informed promptly and in detail of the charges against them, with free interpretation if necessary; and the right to a fair and public trial without undue delay. The law provides for the right to counsel at public expense if the prosecutor charges the defendant with a serious crime. Courts are obliged to appoint a defense attorney if the defendant is deaf or mute or detained or accused of a crime for which a long-term imprisonment may be pronounced. Authorities generally

gave defense attorneys adequate time and facilities to prepare their clients' defense. The law provides defendants the right to confront witnesses, to a court-appointed interpreter and written translation of all pertinent court documents into a language understood by the defendant, to present witnesses and evidence on their own behalf, and to appeal verdicts. Authorities generally respected most of these rights, which extend to all defendants.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The law provides for individuals and organizations to seek civil remedies for human rights violations and provides for the appeal of decisions to the European Court of Human Rights (ECHR). The government failed to comply with many decisions pertaining to human rights by the country's courts. The court system suffered from large backlogs of cases and the lack of an effective mechanism to enforce court orders. Inefficiency in the courts undermined the rule of law by making recourse to civil judgments less effective. The government's failure to comply with court decisions led plaintiffs to bring cases before the ECHR.

### **Property Restitution**

The four "traditional" religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish) had extensive claims for restitution of property nationalized during and after World War II. In the absence of a state restitution law governing the return of nationalized properties, many government officials used such properties as tools for ethnic and political manipulation. In a few cases, government officials refused to return properties legally recognized as belonging to religious institutions.

The country has no law that covers immovable communal or private property confiscated during the Holocaust era and no law for the restitution of confiscated, heirless property. The absence of legislation has resulted in the return of religious property on an ad hoc basis, subject to the discretion of local authorities. Since 1995 the Jewish community has not received a single confiscated communal property. In 2005 the Council of Ministers established the Commission for Restitution on Bosnia and Herzegovina that led to draft legislation on restitution; no significant progress on that legislation has been made.



Government officials expressed support for a working group but had concerns about the process, details on specific issues, how past efforts to address this issue might affect future discussions, how the working group would be initiated, and factors of history. While the minister of civil affairs, assistant minister of human rights and refugees, and the minister of justice agreed to participate in the working group, the government made no progress during the year in establishing the group.

Roma displaced during the 1992-95 conflict had difficulty repossessing their property due to discrimination and because they lacked documents proving ownership or had never registered their property with local authorities.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but governmental respect for this right remained poor during the year. Intimidation, harassment, and threats against journalists and media outlets increased in the period leading up to the October general elections, while the majority of media coverage was dominated by nationalist rhetoric and ethnic and political bias, often encouraging intolerance and sometimes hatred. The absence of transparency in media ownership remained a problem.

Freedom of Expression: The country's laws provide for a high level of freedom of expression, but the irregular and in some instances incorrect implementation and application of the laws seriously undermined press freedoms. The law prohibits expression that provokes racial, ethnic, or other forms of intolerance, including "hate speech," but authorities did not enforce these restrictions.

According to data from the BiH Journalists Association (BiH Journalists) covering the period from 2006 to 2018, authorities prosecuted approximately 30 percent of reported criminal acts committed against journalists and investigated more than one-third of all cases alleging violation of journalists' rights.

Political and financial pressure on media outlets continued. Some media outlets noted that allegations of tax evasion and elaborate financial controls continued to be powerful tools in attempts to silence outlets. A number of physical attacks against journalists occurred during the year. The trend of politicians and other leaders accusing the media of treason in response to criticism intensified. In June, RS President Milorad Dodik accused pro-opposition BNTV journalists Suzana Radjen Todoric and Zeljko Raljic of working against the RS. Using the fact that they went to London to attend a media course and linking this to his earlier conspiracy theory about British spies planning a coup in the RS, Dodik asserted that the journalists received special training in the UK, adding that it was understood what purpose this “training” would serve. The Banja Luka Journalists Club, BiH Journalists, and the British Embassy strongly condemned the allegations, noting they jeopardized the work of the free press and the physical safety of the two journalists.

Professional media organizations also noted that gender-based attacks against female journalists increased during the year. A representative case occurred in late 2017 when the deputy secretary of the BiH Presidency harshly insulted two female journalists on his Facebook page, commenting on their television appearance and using discriminatory language. BiH Journalists called the comments a misogynistic act and demanded that the institution punish the behavior. As of mid-September, the BiH Presidency had not taken action regarding the incident.

Reporting on war crimes continued to provoke strong negative reactions, as was the case in late 2017 with journalists Sanel Kajan from al-Jazeera, Stefica Galic from the tacno.net portal, Arijana Saracevic Helac from RTV FBiH, and Lejla Turcilo from the Faculty of Political Sciences Sarajevo. These journalists received numerous threats, including death threats, due to their positions and reporting on the verdict of the International Criminal Tribunal for the former Yugoslavia on the war crimes case against six wartime military and political Croat officials.

In 2017 the Communications Regulatory Agency (CRA) won more institutional and organizational independence and was subjected to less direct government control after it was exempted from the Law on Ministries and other administrative agencies. The CRA’s financial independence continued to be of concern, however, since it was still subject to the Law on Budget and Salaries.

As of July the CRA had received 13 complaints alleging hate speech. Twelve complaints were related to the program *Cyrillic*, which was produced in Serbia but

also aired live on ATV, a private station based in Banja Luka. All the cases were under review.

As of October the self-regulated BiH Press Council had received 198 complaints, 33 of which were related to hate speech. Two of the 33 cases were determined to be examples of incitement and the spreading of hate speech, while 18 were under review. Almost all reported cases of hate speech occurred in online media and in the comments section of online publications. The BiH Press Council noted that nearly all hate speech cases related to ethnic issues and concluded that online groups were involved in initiating intolerant speech. In the second half of the year, the Press Council has noticed an increase in hate speech towards women and journalists.

Press and Media Freedom: The law prohibiting expression that provokes racial, ethnic, or other forms of intolerance applies to print and broadcast media, the publication of books, and online newspapers and journals. It has yet to be enforced. In addition, the BiH constitution, the constitutions of the entities, and the Statute of the Brcko District guarantee freedom of expression. Implementation and enforcement of these legal protections, however, remained sporadic.

Data from the Free Media Help Line (FMHL) indicated that courts continued to fail to differentiate between different media genres (in particular, between news and commentary), while long court procedures and legal and financial battles were financially exhausting to journalists and outlets. The FMHL concluded that years of incorrectly implementing the law had caused direct pressure against journalists and media and that such pressure jeopardized journalists' right to freedom of expression. While numerous outlets continued to express a wide variety of views, coverage diverged along political and ethnic lines, and media outlets remained subject to excessive influence from government, political parties, and private interest groups.

Authorities increased pressure on media outlets to discourage some forms of expression, and party and governmental control over the major information outlets narrowed the range of opinions represented in both entities. Public broadcasters remained under strong pressure from government and political forces due to a lack of long-term financial stability and their dependence on politically controlled funding sources. These factors limited their independence and resulted in news that was consistently subjective and politically biased.

The Public Broadcasting System consists of three broadcasters: nationwide radio and television (BHRT) and the entity radio and television broadcasters RTRS and RTV FBiH. Public broadcasters continued to be in a difficult financial situation, primarily due to the lack of an efficient and stable system of financing.

The institutional instability of the governing structures of RTV FBiH was further illustrated by its continued failure to elect a steering board and organizational management, leaving it open to political influence. As a result, RTV FBiH continued to demonstrate political bias and a selective approach to news.

The RS government continued to control directly the RTRS, which campaigned for the ruling political parties in the RS and attacked their political opponents. Coverage of conspiracy theories and so-called “analysis” that directly supported the ruling narrative increased in the election year. The BHRT, which had a reputation of being balanced and nonbiased, in a few instances caved to increased political pressure and censored its own reporting. In March, BiH Journalists called on the management and the steering board to put an end to pressure and censorship directed at BHRT journalists. Authorities remained subject to competing political interests and failed to establish a public broadcasting service corporation to oversee the operations of all public broadcasters in the country as provided by law.

Violence and Harassment: Intimidation and threats against journalists increased during the year in connection with the approaching October elections. Cases of violence against journalists were recorded as well. Intimidation and politically motivated litigation against journalists for their unfavorable reporting on government leaders and authorities also continued. As of September the Free Media Help Line recorded 42 cases involving violations of journalists’ rights and freedoms or death threats and physical assaults.

A series of physical attacks against journalists, included incidents involving a group of veterans assaulting journalists from the *Klix.ba* web portal and *al-Jazeera Balkans* during protests in Sarajevo and verbal attacks against a BHRT film crew covering separate protests in Tuzla, culminated in two masked assailants violently attacking a journalist from the pro-opposition BNTV, which was based in the RS. Vladimir Kovacevic, a BNTV journalist based in Banja Luka, was severely beaten as he came home after covering a protest. He sustained severe injuries and was hospitalized. The attack was condemned by journalists, government officials, and media organizations, including a number of journalists who protested in front of the RS president’s office in Banja Luka to demand that officials stop fostering a hostile press environment. Peaceful protests by journalists followed in major cities

throughout BiH. The Banja Luka district prosecutor treated the assault as an attempted murder. Numerous outlets criticized the police investigation, stressing that it was actually Kovacevic's father, not the police, who found the first piece of evidence. RS police arrested the first suspected attacker on September 10. Although police officials emphasized that the suspect remained silent and did not cooperate, the RS minister of interior, Dragan Lukac, immediately asserted that the government was not behind the attack, but that other political forces could be. Members of the press saw these as biased actions. The police have identified the second suspect in the attack and issued a warrant for his arrest, but he remains at large.

Censorship or Content Restrictions: Multiple political parties and entity-level institutions attempted to influence editorial policies and media content through legal and financial measures. As a result, some media outlets practiced self-censorship.

In some instances, media sources reported that officials threatened outlets with loss of advertising or limited their access to official information. Prevailing practices reflected close connections between major advertisers and political circles and allowed for biased distribution of advertising time. Public companies, most of which were under the control of political parties, remained the key advertisers. Outlets critical of ruling parties claimed they faced difficulties in obtaining advertising.

Libel/Slander Laws: While the country has decriminalized defamation, a large number of complaints continued to be brought against journalists, often resulting in extremely high monetary fines. Noteworthy court decisions against journalists included temporary bans on the posting or publication of certain information, as well as very high compensatory payments citing "mental anguish."

In May, RS minister of the interior Lukac, spoke at an RS National Assembly special session on the unsolved murder of 21-year-old David Dragicevic. Minister Lukac repeatedly accused blogger Slobodan Vaskovic of manipulating the mourning father, Davor Dragicevic, with the goal of undermining and discrediting the RS and its police. Minister Lukac accused Vaskovic of alleged anti-RS activities, claiming that a foreign embassy in the country protected the blogger. The minister stated he would file a slander complaint against Davor Dragicevic after Vaskovic claimed in his blog that the minister was protecting the perpetrators of the murder, an accusation that Davor Dragicevic repeated. RS opposition politicians, intellectuals, and journalists condemned Minister Lukac's speech.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that it monitored private online communications without appropriate legal authority. The law prohibits expression of racial, ethnic, or other intolerance, which includes hate speech. Authorities, however, did not enforce these prohibitions for online media.

While access to the internet is not explicitly listed as a legal right, constitutional and legal protections have been interpreted to also apply to the internet. In the RS, the law declares that internet-based social networks are part of the public domain and provides fines for “insulting or disturbing” content, although not clearly defined, published on the internet. Independent analysts considered this provision to be an attempt to control online activism and social media, noting that the law broadens police authority. RS authorities have not implemented the law, having initially met strong negative reaction from journalists, NGOs, opposition political parties, and the international community.

Many news portals were not registered officially and did not list contact information, making it difficult to reach them. The vast majority of registered hate speech cases in the country occurred online.

According to International Telecommunications Union statistics, 69.5 percent of individuals in the country used the internet in 2017.

## **Academic Freedom and Cultural Events**

The cantons of Tuzla and Sarajevo have laws that could restrict the independence and academic freedom of universities within their jurisdiction by allowing elected municipal authorities to hire and fire university personnel, including academics, at their discretion. Under the pretext that it is mandated by the law, Sarajevo University in June drafted a “code of conduct and dress” that stirred intense debate among students, academics, and members of the public, all of whom asserted the proposed dress code would be open to abuse and would violate the students’ and professors’ right to freedom of expression, which is guaranteed in the constitution.

The country’s eight public universities remained segregated along ethnic lines, including their curricula, diplomas, and relevant school activities. Professors reportedly on occasion used prejudicial language in their lectures, while the

selection of textbooks and school materials reinforced discrimination and prejudice.

## **b. Freedoms of Peaceful Assembly and Association**

### **Freedom of Peaceful Assembly**

The law provides for freedom of peaceful assembly, and the government generally respected this right. In December, however, the RS Ministry of Interior banned a group of citizens from holding peaceful protests in Banja Luka. Prior to the ban, the “Justice for David” movement had been seeking justice in the case of 21 year-old David Dragicevic, whose murder has yet to be solved. Dragicevic’s family has mobilized thousands of citizens in support of their search for the truth and their efforts to demand justice for all. The RS government justified its decision to ban all public gatherings of the group, including protests, with claims the movement failed to fully respect the law during previous rallies. The RS police interrupted a December 25 gathering, in the process arresting 20 supporters of Justice for David, including two members of the Party for Democratic Progress (PDP) - President Borislav Borenovic and delegate in the RS National Assembly Drasko Stanivukovic. Some journalists and protestors have alleged that during the arrests police used excessive force on protesters, and have produced photographs that appear to support their claims. There are 10 laws governing this right in different parts of the country, all of which were generally assessed to be overly restrictive. Examples include the prohibition of public assembly in front of numerous public institutions in the RS, while some cantonal laws in the Federation (e.g., in Central Bosnia Canton) prescribe criminal liability for failing to fulfill administrative procedures for holding a peaceful assembly. Human rights NGOs reported that authorities manipulated and controlled the process of granting the right to assembly to civil society groups in both entities on several occasions in 2017.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. Under the law, NGOs can register at the state, entity, and cantonal levels in a generally streamlined and simple administrative process. Cooperation between the government and civil society organizations at the state and entity levels, however, remained weak, while government support for civil society organizations remained nontransparent, particularly regarding the allocation of funds.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, but some restrictions remained.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance for internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Internally Displaced Persons (IDPs)**

Ministry of Human Rights and Refugees statistics indicated that 96,830 persons still held IDP status resulting from the 1992-95 conflict. The majority of Bosniaks and Croats fled the RS, while Serbs fled the Federation. At the beginning of the year, UNHCR was directly providing protection, or assistance, or both to 10,484 IDPs. According to UNHCR, an estimated 7,000 persons, including IDPs, continued to live in collective accommodations throughout the country. While the accommodations were meant to be temporary, some have been living in the accommodations for 20 or more years. A substantial number of IDPs and returnees lived in substandard conditions that affected their livelihoods.

The country's constitution and laws provide for the voluntary return or local integration of IDPs consistent with the UN Guiding Principles on Internal Displacement. The government has actively promoted the safe return and resettlement or local integration of refugees and IDPs, depending on their choice. The government allocated funding for returns and participated in internationally funded programs for return. Isolated attacks against minority returnees continued but were generally not investigated or prosecuted adequately. Minority returnees continued to face obstacles in exercising their rights in places of return.

#### **Protection of Refugees**



Access to Asylum: The law provides for the granting of asylum (refugee or subsidiary protection status), and the government has established a system for providing protection to refugees. Asylum seekers with pending claims have a right to accommodation at the asylum center until the Ministry of Security makes a final and binding decision on their claims. Provision of adequate accommodation was one of the biggest challenges in the first half of the year due to increased arrivals of asylum seekers. It was common practice for some migrants to apply for asylum in order to gain access to temporary benefits and services, even if they had no plans to remain in BiH. The increase of arrivals delayed registration procedures and access to rights and services, including legal, medical, and basic needs such as food and basic hygiene facilities and items, which were tied directly to the accommodation facilities. In official centers, international organizations, NGOs, volunteers, or local actors provided services on an ad hoc basis. On May 18, an additional facility, the Salakovac Refugee Reception Center, was opened for the accommodation of asylum seekers. Asylum seekers have the right to appeal a negative decision once their cases reach the court. The system for providing protection to refugees seeking asylum continued to suffer from a lack of transparency.

Authorities appeared to have stopped their previous practice of placing foreigners with irregular status or without documentation in immigration detention centers and issuing expulsion orders without giving asylum seekers the ability to present applications. The change came with the increase of new arrivals during the year. In the past, the Service for Foreigners' Affairs held asylum seekers for 90 days, the maximum initial holding period prescribed by law. Detention decisions were issued in the Bosnian/Croatian/Serbian languages while, according to the Service for Foreigners' Affairs, individuals were informed of the content of the decision orally with the assistance of an interpreter. A foreigner may appeal a decision on detention within three days from the date it is issued. Many asylum seekers did not receive legal aid within this timeframe, and they subsequently told UNHCR that they were not informed of this possible remedy.

UNHCR paid ad hoc visits to the Immigration Center of the Service for Foreigners' Affairs, where foreigners were detained. The center accommodated 60-80 irregular migrants per day and had an area to accommodate families. UNHCR's main concern with regard to the center was the difficulty experienced by legal aid NGOs that wanted to access it on a regular basis and the fact that authorities detained children there.

According to UNHCR, authorities held 57 individuals seeking asylum at the Immigration Center during the first eight months of the year. Information on the right to seek asylum was not readily available to potential asylum seekers in the center. UNHCR expressed concern that foreigners in detention may not have access to asylum procedures and that authorities may prematurely return some potential asylum seekers under readmission agreements before they have been afforded due opportunity to file a claim for asylum. UNHCR reported that applicants for refugee status did not have sufficient legal assistance; that there were no clear standards of proof or methods of assessing the credibility of claims, including country of origin; and that guidelines for determining whether there was a risk of persecution were unduly strict.

Safe Country of Origin/Transit: The law provides for the application of the concept of “safe country of origin or safe third country.” Under this provision, authorities may deny asylum to applicants who cannot prove they were unable to return to their country of origin or to any country of transit without risking refoulement.

Durable Solutions: The laws provide a program for integration and return of refugees and displaced persons. The country was party to a regional housing program funded by international donors and facilitated in part by UNHCR and the OSCE to provide durable solutions for up to 74,000 refugees and displaced persons from four countries in the region, including 14,000 of the most vulnerable refugees, returnees, and IDPs from the country. The process of selecting program beneficiaries was protracted due to capacity and management problems that resulted in extended delays in the reconstruction of homes. Fragmented institutional arrangements added administrative delays to the process, as did the political imperative to select beneficiaries proportionally from among the country’s constituent peoples.

Temporary Protection: The government provided subsidiary protection status to individuals who may not qualify as refugees. In the first seven months of the year, authorities provided subsidiary protection to 11 individuals and extended existing subsidiary protection to 18 others.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and the law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on

universal and equal suffrage. Citizens generally exercised this right, but observers noted a number of shortcomings.

### **Elections and Political Participation**

Recent Elections: General elections held in October were competitive with candidates and political parties freely campaigning and presenting their programs. There were, however, credible reports of voter intimidation and vote buying in the pre-election period. According to ODIHR, the Central Election Commission (CEC) administered most of its electoral tasks efficiently, but stakeholders lacked trust in all levels of the election administration. The elections were overshadowed by mass resignations of polling station committee members over the course of 48 hours before polls opened on election day.

On Election Day, international observers reported numerous incidents of political parties manipulating the makeup of the polling station committees, which endangered the integrity of the election process. There were also reports of irregularities and other problems during the ballot counting process--some deliberate and some due to inadequate knowledge of appropriate procedures among polling station committee members. According to ODIHR, the campaign finance regulatory system was not adequate to assure the transparency and accountability of campaign finances. Several political parties requested recounts. ODIHR pointed to the large presence of citizen observers as contributing to the overall transparency of the process.

There have been no municipal elections in the city of Mostar since 2008 because of the failure of leading Bosniak and Croat politicians to agree on the implementation of a 2010 Constitutional Court decision requiring reform of the election law.

Political Parties and Political Participation: Some leaders of smaller political parties complained that the larger parties enjoyed a virtual monopoly over government ministries, public services, and media outlets, where membership in a dominant party was a prerequisite for advancement.

Participation of Women and Minorities: Although no laws limit the participation of women in the political process, the country's patriarchal culture tended to restrict their participation in political affairs. While the law requires that at least 40 percent of a political party's candidates be women, women held only 19 percent (11 of 57 delegate seats) in the House of Representatives and House of Peoples in the state-level parliament. Women held only two of the nine ministerial positions

in the Council of Ministers, while no women held deputy ministerial seats. In the Federation, women held four out of 16 ministerial seats. In the RS, the prime minister was a woman, and women held three out of 16 ministerial seats.

The law provides that Serbs, Croats, and Bosniaks, whom the constitution considers the “constituent peoples” of the country, as well as undefined “others” must be adequately represented at all levels. The government did not respect this requirement. Apart from the three constituent peoples, the country’s 16 recognized national minority groups remained significantly underrepresented in government. There were no members of a minority group in the state-level parliament. The government made no effort to implement changes required by ECHR rulings dating back to 2009 that the country’s constitution discriminates against “others,” such as Jews and Roma, by preventing them from running for the presidency and seats in the parliament’s upper house.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively nor prioritize public corruption as a serious problem. Officials frequently engaged in corrupt practices with impunity, and corruption remained prevalent in many political and economic institutions. Corruption was especially prevalent in the health and education sectors, public procurement processes, local governance, and in public administration employment procedures.

Corruption: While the public viewed corruption as endemic in the public sphere, there was little public demand for the prosecution of corrupt officials. The multitude of state, entity, cantonal, and municipal administrations, each with the power to establish laws and regulations affecting business, created a system that lacked transparency and provided opportunities for corruption. The multilevel government structure gave corrupt officials multiple opportunities to demand “service fees,” especially in the local government institutions.

Analysts considered the legal framework for prevention of corruption to be satisfactory across almost all levels of government and attributed the absence of high-profile prosecutions to a lack of political will. Many state-level institutions tasked with fighting corruption, such as the Agency for Prevention and Fight against Corruption, had limited authority and remained underresourced. Prosecutions also were considered generally ineffective and subject to political manipulation, often resulting in suspended sentences or prison sentences below

mandatory minimum sentences. Indictments were sometimes poorly drafted, and judicial decisions were based on unclear or insufficient reasoning. Authorities reported that, in the previous five years, 84 indictments were filed against high-ranking public officials, of whom 38 were found guilty. Public procurement abuses generally were not investigated.

Gathering evidence to prove corruption has been seriously impeded as of 2017, when the Constitutional Court ruled unconstitutional certain provisions in the BiH state law that governs special investigative measures. Although the provisions remain in force, authorities have failed so far to adopt new legislation. Judicial officials are reluctant to apply these measures until new legislation is adopted for fear judicial decisions will later be appealed.

According to professors and students, corruption continued at all levels of the higher education system. Professors at a number of universities reported that bribery was common and that they experienced pressure from colleagues and superiors to give higher grades to students with family or political connections. There were credible allegations of corruption in public procurement, public employment, and health-care services.

Financial Disclosure: Candidates for high-level public office, including for parliament at the state and entity levels and for the Council of Ministers and entity government positions, are subject to financial disclosure laws, although observers noted the laws fell short of standards established by the Organization for Economic Cooperation and Development and other international organizations. The CEC is responsible for overseeing compliance with the laws, while the Conflict of Interest Commission receives financial reports and retains records on public officials. Both institutions, however, lacked authority to verify the accuracy of declarations, and it was believed that public officials and their relatives often declared only a fraction of their total assets and liabilities. Authorities generally failed to make financial disclosure declarations public, using as an excuse the conflicts between the laws on financial disclosure and protection of personal information.

Failure to comply with financial disclosure requirements is subject to administrative sanctions. During the year the Conflict of Interest Commission initiated 14 proceedings and pronounced sanctions in 10 cases.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials in both the Federation and the RS attempted at times to limit NGO activities, particularly in the RS. Several NGOs in the RS reported being pressured by local authorities while subject to protracted tax inspections, sometimes lasting up to six months. NGOs can only be involuntarily dissolved if found in violation of the law.

NGOs reported weak institutionalized cooperation with the government. While the Council of Ministers officially adopted a cooperation agreement with NGOs to increase civil society participation and influence on the legislative process, both sides rarely used it. The Council of Ministers still largely excluded NGOs from politically important or sensitive decisions. NGOs nevertheless continued to expand cooperation with the government at lower levels.

The most difficult problem for civil society organizations was the lack of adequate funding. Most were dependent on either governmental or international assistance. Local governments generally extended support to NGOs, provided the governing parties did not consider them threats.

The United Nations or Other International Bodies: The RS government was less responsive and cooperative than the state and Federation governments in dealing with the Office of the High Representative created by the Dayton Accords and given special executive powers in the country.

Government Human Rights Bodies: A state-level ombudsman has authority to investigate violations of the country's human rights laws on behalf of individual citizens and to submit legally nonbinding recommendations to the government for remedy. Members of the international community noted that the ombudsman lacked the resources to function effectively and had to contend with disagreements between representatives of the country's three constituent peoples over what constitutes a human rights violation. A Bosniak, a Croat, and a Serb shared leadership of the ombudsman institution.

The state-level parliament has a Joint Commission for Human Rights that participated in human rights-related activities with governmental and nongovernmental organizations.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

## Women

Rape and Domestic Violence: The maximum penalty for rape, regardless of gender, including spousal rape, is 15 years in prison. The failure of police to treat spousal rape as a serious offense inhibited the effective enforcement of the law. Women victims of rape did not have regular access to free social support or assistance and continued to confront prejudice and discrimination in their communities and from representatives of public institutions.

While laws in both entities empower authorities to remove the perpetrator from the home, officials rarely, if ever, made use of these provisions. Law enforcement officials were frequently under the mistaken impression that they needed to concern themselves with where the perpetrator would live. As a result, women in danger were compelled to go to safe houses. In one example, an NGO reported a case of a mother with three children who suffered psychological and physical violence from her husband for 12 years. She was unemployed and economically dependent on him. She eventually reached out for help and accepted assistance and accommodation in a safe house.

NGOs reported that authorities often returned offenders to their family homes less than 24 hours after a violent event. In the Federation, authorities prosecuted domestic violence as a felony, while in the RS it can be reported as a felony or a misdemeanor. Even when domestic violence resulted in prosecution and conviction, offenders were regularly fined or given suspended sentences, even for repeat offenders.

Gender based violence was recognized as one of the most important challenges for gender equality. NGOs reported that one of every two women experienced some type of domestic violence and that this problem was underreported, because the majority of victims did not trust the support system (police, social welfare centers, or the judiciary). The country implemented a 2013-17 state gender action plan. The country still lacked a data collection system on domestic violence cases. The state-level Gender Equality Agency worked on the establishment of a local level coordination mechanism of support for victims. The agency had a memorandum of understanding with the country's eight NGO-run safe houses, which could collectively accommodate up to 250 victims, roughly half the capacity needed. In the RS, 70 percent of financing for safe houses came from the RS budget, while 30 percent came from the budgets of local communities. While the RS government and local communities generally met their funding obligations, the Federation had no adequate bylaw that would regulate the financing of the safe houses, and

payments depended on each canton or local community, some of which often failed to honor their obligations.

Although police received specialized training in handling cases of domestic violence, NGOs reported widespread reluctance among officers in both entities to break up families by arresting offenders.

Sexual Harassment: The law prohibits sexual harassment, but it was a serious problem. NGOs reported that those who experienced sexual harassment almost never filed complaints with authorities.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men, and authorities generally treated women equally. The law does not explicitly require equal pay for equal work, but it forbids gender discrimination. Women and men generally received equal pay for equal work at government-owned enterprises but not at all private businesses. NGOs reported little real progress in advancing equality between men and women in the labor market, noting instead widespread discrimination against women in the workplace, including the regular unwarranted dismissal of women because they were pregnant or new mothers. There is no official legal mechanism for the protection of women during maternity leave, and social compensation during leave was unequally regulated in different parts of the country. Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for employment of female applicants. Women remained underrepresented in law enforcement agencies.

Gender-biased Sex Selection: The boy-to-girl birth ratio for the country was 107 boys per 100 girls. There were no reports the government took steps to address the imbalance.

## **Children**

Birth Registration: By law, a child born to at least one citizen parent is a citizen regardless of the child's place of birth. A child born in the territory of the country to parents who were unknown or stateless is entitled to citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community. The NGO Vasa Prava



estimated there were fewer than 49 unregistered children in the country, mainly Roma. UNHCR, with the legal assistance of a domestic NGO, registered the births of children whose parents failed to register them.

Education: Education was free through the secondary level but compulsory only for children of the ages of six through 15. Students with special needs continued to struggle for access to a quality, inclusive education due to physical barriers and the lack of in-school assistants and trained teachers to meet their needs.

More than 50 schools across the Federation remained segregated by ethnicity and religion. Although a “two schools under one roof” system was instituted following the 1992-95 conflict as a way to bring together returnee communities violently separated by conflict, the system calcified under the divisive and prejudicial administration of leading political parties. These parties controlled school administration through the country’s 13 different ministries of education and often enforced education policies based upon patronage and ethnic exclusion. Where students, parents, and teachers choose to resist segregation, they were met frequently with political indifference and sometimes intimidation.

Returnee students throughout the country continued to face barriers in exercising their language rights. For the fifth year in a row, parents of more than 500 Bosniak children in returnee communities throughout the RS continued to boycott public schools in favor of sending their children to alternative schooling financed and organized by the Federation Ministry of Education, with support from the Sarajevo Canton municipal government and the Islamic community. The boycott was based on the refusal of the RS Ministry of Education to approve a group of national subjects (specific courses to which Bosniak, Serb, and Croat students are entitled and taught in their constituent language according to their ethnicity) and its insistence on formally calling the language that children learn in their public schools the “language of the Bosniak people” instead of the “Bosnian language,” as described in the country’s constitution. In the Federation, Serb students likewise were denied language rights as provided in the Federation constitution, particularly in Canton 10, where authorities prevented the use of the Serbian language and textbooks in the areas of return of Serb students. Human rights activists noted that many textbooks reinforced stereotypes of the country’s ethnic groups other than their own, and others missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State and entity officials generally did not act to prevent such discrimination.

Human Rights Watch asserted that ethnic quotas used by the Federation and the RS to allocate civil service jobs disproportionately excluded Roma and other minorities. The quotas were based on the 1991 census, which undercounted these minorities.

Child Abuse: Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. In July the Federation Supreme Court sentenced a stepfather, mother, and grandmother from Sarajevo to a total of 97 years of imprisonment for the mistreatment and murder of a three-and-a-half-year-old son or grandson, who died from physical abuse in 2014. The country's Agency for Gender Equality estimated that one in five families experienced domestic violence. Municipal centers for social work are responsible for protecting children's rights but lacked resources and the ability to provide housing for children who fled abuse or who required removal from abusive homes.

Early and Forced Marriage: The legal minimum age for marriage is 18 but may be as young as 16 with parental consent. In certain Romani communities, girls married between the ages of 12 and 14. Children's rights and antitrafficking activists noted that prosecutors were reluctant to investigate and prosecute forced marriages involving Romani minors. The government did not have programs specifically designed to reduce the incidence of child marriage.

Sexual Exploitation of Children: The Federation, the RS, and the Brcko District have laws criminalizing sex trafficking, forced labor, and organized human trafficking. The state-level penalty for sexual exploitation of children is imprisonment for up to 20 years under certain aggravating circumstances. At the entity level, penalties range from three to 15 years' imprisonment. Under entity criminal codes, the abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years in prison. Authorities generally enforced these laws. The law prohibits sexual acts with a person younger than 18.

Girls were subjected to commercial sexual exploitation, and there were reports that Romani girls as young as age 12 endured early and forced marriage and domestic servitude. Children were used in the production of pornography.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

The Jewish community in the country reported that it had fewer than 1,000 members.

There were no reports of anti-Semitic violence against members of the Jewish community, but anti-Semitic graffiti appeared in July, almost simultaneously, inside the hallways of apartment buildings where members of the Jewish community resided in Tuzla and Sarajevo. Authorities harshly condemned the incidents. No perpetrators were identified.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law in both entities and at the state level prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. Nevertheless, discrimination in these areas continued. The government lacked a uniform legal definition of disabilities, which complicated access to benefits for those that would readily qualify, and normally prioritized support for war veterans. The most frequent forms of discrimination against persons with disabilities included obstacles in realization of individual rights, delayed payments of disability allowances, employment, and social and health protection.

The laws of both entities require increased accessibility to buildings for persons with disabilities, but authorities rarely enforced the requirement. Human rights NGOs complained that the construction of public buildings without access for persons with disabilities continued. Both entities have a strategy for advancing the rights of people with disabilities in the areas of health, education, accessibility, professional rehabilitation and employment, social welfare, and culture and sports. NGOs complained that the government did not effectively implement laws and programs to help persons with disabilities.

The law provides for children with disabilities to attend regular classes when feasible. Due to a lack of financial and physical resources, schools often reported they were unable to accommodate them. Children with disabilities either attended

classes using regular curricula in regular schools or attended special schools. Parents of children with significant disabilities reported receiving limited to no financial support from the government, notwithstanding that many of them were unemployed because of the round-the-clock care required for their dependents.

### **National/Racial/Ethnic Minorities**

Members of minorities continued to experience discrimination in employment and education in both the government and private sectors. While the law prohibits discrimination, human rights activists frequently complained that authorities did not adequately enforce the law.

Harassment and discrimination against minorities continued throughout the country, although not as frequently as in previous years. The Interreligious Council of BiH reported, for example, that the number of attacks against religious objects continued to decrease during the year.

Violence and acts of intimidation against ethnic minorities at times focused on symbols and buildings of that minority's predominant religion. For more information, see the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

Roma continued to be the country's most vulnerable and discriminated group. They experienced discrimination in access to housing, health care, education, and employment opportunities, and nearly 99 percent of them remained unemployed. A significant percentage of them were homeless or without water or electricity in their homes. Many dwellings were overcrowded, and residents lacked proof of property ownership. Approximately three-fourths lived in openly segregated neighborhoods.

Authorities frequently discriminated against Roma, which contributed to their exclusion by society. Many human rights NGOs criticized law enforcement and government authorities for the failure and unwillingness to identify Romani victims of domestic violence and human trafficking, even though the majority of registered trafficking victims in recent years were Roma.

The country has an established legal framework for the protection of minorities. State and entity-level parliaments had national minority councils that met on a regular basis but generally lacked resources and political influence on decision-

making processes. The Roma Council continued to operate as a consultative body to the Council of Ministers, but with very limited influence.

The government continued to work on the implementation of a 2017-20 action plan to improve employment, housing, and health care for the Romani population. The plan included approximately 24.2 million convertible marks (\$14.8 million) in total budgetary allocations. In December 2017 the Ministry of Human Rights and Refugees signed memoranda on the allocation of grant funds worth 1.1 million convertible marks (\$650,000) to address employment and health care protection for Roma.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

While the law at the state level prohibits discrimination based on sexual orientation, authorities did not fully enforce it. Both entities and the Brcko District have laws that criminalize any form of hate crime committed on the basis of gender, sexual orientation, or gender identity.

Hate speech, discrimination, and violence against LGBTI individuals were widespread. The NGO Sarajevo Open Center (SOC) reported that transgender persons were the most vulnerable LGBTI group.

The prosecution of assault and other crimes committed against LGBTI individuals remained delayed and generally inadequate. In 2017 SOC registered 11 cases of domestic violence perpetrated by immediate family members as well as threats, blackmail, physical assaults, and forced medical treatment. Local advocacy NGOs reported increasing levels of documented domestic and peer violence committed against LGBTI individuals during 2017. SOC registered eight cases of homophobic and transphobic peer violence. The government had no institutional plan to combat peer violence.

LGBTI persons faced frequent harassment and discrimination, including termination of employment. NGOs also reported that schools were increasingly hostile environments, where LGBTI persons regularly experienced harassment and violence. In some cases, dismissal letters from work explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for those dismissed to find another job. In the face of such risks, LGBTI persons rarely reported discrimination to police.

In March the BBI Shopping Center and National Theater in Sarajevo refused to allow SOC to organize a performance to commemorate the International Transgender Day of Visibility, citing security concerns.

### **HIV and AIDS Social Stigma**

Significant social stigma and employment discrimination against persons with HIV/AIDS remained among members of the public as well as health workers. A Sarajevo-based NGO reported that infected persons experienced the greatest stigma and discrimination when seeking dental treatment. The country had no permanent or organized programs of psychosocial support for these persons.

### **Other Societal Violence or Discrimination**

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places symbolic of those minorities, including religious buildings. According to the Interreligious Council, an NGO that promotes dialogue among the four “traditional” religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish), attacks against religious symbols, clerics, and property significantly decreased in the first eight months of 2017, compared with the same period in 2016.

### **Promotion of Acts of Discrimination**

There were widespread instances of media coverage and public discourse designed to portray members of other ethnic groups in negative terms, usually in connection with the 1992-1995 conflict. During the year then RS president Dodik and senior officials in his political party (the SBS) as well as other officials and leaders in the RS repeatedly denied that Serb forces committed genocide at Srebrenica in 1995, despite the findings of multiple local and international courts. On August 18, the RS National Assembly rejected the Commission for Srebrenica’s 2004 report on the events concerning the Srebrenica genocide, asked the RS government to annul it. The National Assembly also called for the establishment of a new international commission to determine the extent of the suffering of Serbs in the Srebrenica area as well as in Sarajevo in the 1991-1995 period.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Federation and RS labor laws provide for the right of workers in both entities to form and join independent unions, bargain collectively, and conduct legal strikes. Employers in the private sector did not always respect these rights. The law prohibits antiunion discrimination but does not provide adequately for enforcement of these protections. The labor inspectorates and courts did not deal effectively with employees' complaints of antiunion discrimination. The law prescribes reinstatement of dismissed workers in cases where there is evidence of discrimination, whether for union activity or other reasons. Entity-level laws in the Federation and the RS prohibit the firing of union leaders without prior approval of their respective labor ministries.

The law in both entities and in the Brcko District provides for the right to strike. The law in the Federation contains burdensome requirements for workers who wish to conduct a strike. Trade unions may not officially announce a strike without first reaching an agreement with the employer on which "essential" personnel would remain at work. Authorities may declare the strike illegal if no agreement is reached. This provision effectively allowed employers to prevent strikes. Laws governing the registration of unions give the minister of justice powers to accept or reject trade union registration on ambiguous grounds. According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy.

No progress has been made on resolving structural problems associated with the nonimplementation of workers' rights by employers in the private sector due largely to the broad and pronounced weakness of the rule of law.

The government did not effectively enforce all applicable laws. Authorities did not impose sanctions against employers who prevented workers from organizing. Inspections related to worker rights were limited. Ministry inspectors gave low priority to violations of worker rights; state officials focused instead on bolstering revenues by cracking down on unregistered employees and employers who did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union and in some cases fired union leaders for their activities. Entity-level penalties for violations included monetary fines that were not sufficient to deter violations. Judicial procedures were subject to lengthy delays and appeals.

Authorities and employers generally respect freedom of association and the right to collective bargaining. The governments and organizations of employers and workers in both entities negotiated general collective agreements establishing

conditions of work, including in particular private employers. It was not confirmed that all employers recognized these agreements. Trade union representatives alleged that antiunion discrimination was widespread in all districts.

### **b. Prohibition of Forced or Compulsory Labor**

Adequate legislation exists at the state level and in the RS and the Brcko District criminalizing forced or compulsory labor. Federation laws, however, do not criminalize all forced labor activities. The government did not enforce these laws effectively, but there was little verified evidence that forced labor occurred in the country. Penalties for violations were generally sufficient to deter violations.

The prosecution of 13 BiH nationals for collusion in forced labor involving 672 victims of forced labor in Azerbaijan in 2015 continued in BiH court. The government failed to prosecute organized crime syndicates that forced Romani children to beg on the streets, alleging that it was Romani custom to beg. There were reports that individuals and organized crime syndicates trafficked men, women, and children for begging and forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. RS and Brcko District laws penalize employers for hiring persons younger than age 15. The labor codes of the Federation, the RS, and the Brcko District also prohibit minors between the ages of 15 and 18 from working at night or performing hazardous labor, although forced begging is not considered a hazardous task for all entities. Entity governments are responsible for enforcing child labor laws, and both entities and the Brcko District enforced them. Boys and girls were subjected to forced begging and involuntary domestic servitude in forced marriages. Sometimes forced begging was linked to other forms of human trafficking. In the case of Romani children, family members or organized criminal groups were responsible for subjecting girls and boys to forced begging and domestic servitude in forced marriages. Several of the worst forms of child labor occurring in the country included the use of children for illicit activities, commercial sexual



exploitation of children, and the use of children for the production of pornography (see section 6, Children).

During the year the government did not receive reports of child labor at places of employment. Neither entity had inspectors dedicated to child labor inspections; authorities investigated violations of child labor laws as part of a general labor inspection. Labor inspectors trained to recognize child labor believed they did not discover any child labor cases. The labor inspectorates of both entities reported that they found no violations of child labor laws, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor because there were no reported cases. The general perception among officials and civil society was that the exploitation of child labor was rare. RS law imposes fines for employing children younger than 16, but the law does not specify the exact monetary amount. Penalties were usually sufficient to deter violations.

NGOs running day centers in Banja Luka, Tuzla, Mostar, Bijeljina, Bihac, and Sarajevo in cooperation with the country's antitrafficking coordinator continued to provide services to at-risk children, many of whom were involved in forced begging on the streets.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations related to employment or occupation prohibit discrimination based on race, ethnicity, sex, gender, age, disability, language, sexual orientation or gender identity, HIV-positive status, other communicable diseases, social status (including refugee status), religion, and national origin. The government generally enforced these laws and regulations effectively.

Discrimination in employment and occupation occurred with respect to race, gender, disability, language, ethnicity, sexual orientation and gender identity, HIV-positive status, and social status (see section 6).

#### **e. Acceptable Conditions of Work**

The monthly minimum wage in the Federation is less than the official poverty income level. In the RS, the monthly minimum wage is also less than the official

poverty income level. The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds.

The legal workweek in both entities and the Brcko District is 40 hours, although seasonal workers may work up to 60 hours. The law limits overtime to 10 hours per week in both entities. An employee in the RS may legally volunteer for an additional 10 hours of overtime in exceptional circumstances. The Federation has no provision for premium pay, while the RS requires a 30-percent premium. Laws in both entities require a minimum rest period of 30 minutes during the workday.

Employees may choose which holidays to observe depending on ethnic or religious affiliation. Entity labor laws prohibit excessive compulsory overtime. The entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave.

The Federation Market Inspectorate, the RS Inspectorate, and the Brcko District Inspectorate are responsible for the enforcement of labor laws in the formal economy. Authorities in the two entities and the Brcko District did not adequately enforce labor regulations. The penalties for wage and safety violations were generally sufficient to deter violations.

The Federation and the RS set mandatory occupational health and safety standards, especially for those industry sectors where working conditions were hazardous. Worker rights extended to all official (i.e., registered) workers, including migrant and temporary workers.

Governments in both entities made only limited efforts to improve occupational safety and health at government-owned coal mines; such efforts were inadequate for the safety and security of workers. Workers in certain industries, particularly metal and steel processing and coal mining, often worked in hazardous conditions. There were no official social protections for workers in the informal economy.

Workers could not remove themselves from situations that endanger their health or safety without jeopardizing their employment. Authorities provided no protection to employees in this situation.