



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Bosnia and Herzegovina](#)

2009 Human Rights Report: Bosnia and Herzegovina

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Bosnia and Herzegovina (BiH) consists of two entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska, and Brcko District, with a total population of approximately four million. The Federation has a Bosniak (Bosnian Muslim) and Croat majority, while the Republika Srpska has a Serb majority. The 1995 General Framework Agreement for Peace (the Dayton Accords), provides for a democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities. The Dayton Accords also provide for a high representative with the authority to impose legislation and remove officials. The tripartite presidency consists of Bosnian Croat Zeljko Komsic, Bosnian Serb Nebojsa Radmanovic, and Bosniak Haris Silajdzic. In 2006, the country held general elections that international observers deemed free and fair. Civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported: reports of continued deaths from landmines, police abuses, poor and overcrowded prison conditions, inter-prisoner violence in prisons, police failure to inform detainees of the rights or allow effective access to legal counsel prior to questioning, harassment and intimidation of journalists and members of civil society, obstruction of refugee returns, government corruption, discrimination and violence against women and ethnic, sexual, and religious minorities, discrimination against persons with disabilities, trafficking in persons, and limits on employment rights. At year's end Ratko Mladic, the Bosnian Serb war crimes indictee most wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), remained at large.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

Domestic courts and the ICTY continued to adjudicate cases arising from killings during the 1992-95 conflict.

During the year there were 22 landmine accidents that killed nine persons and injured 19.

b. Disappearance

There were no reports of politically motivated disappearances.

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An estimated 12,000 persons remained missing from the 1992-95 war. During the year the International Committee of the Red Cross (ICRC) reported 22,451 requests to trace relatives missing from the 1992-95 conflict. By year's end a total of 11,399 persons had been accounted for, including 467 located alive.

The state-level Missing Persons Institute (MPI) continued to account for persons missing from the 1992-95 conflict. During the year the Republika Srpska continued to support an entity-level body with similar responsibilities to MPI. Observers characterized the team as an effort to disrupt the MPI's work. Republika Srpska operational teams refused MPI personnel access to archives that were transferred to MPI's ownership in accordance with the law. Republika Srpska prosecutors did not cooperate in MPI's exhumation and identification process. Since May there were no exhumations or identifications carried out by Republika Srpska prosecutors.

At year's end excavations coordinated by MPI resulted in the recovery of 218 bodies and 346 sets of partial remains. The majority of remains were recovered from 13 mass graves (four of them related to the 1995 Srebrenica genocide).

From 2000 through the end of the year, the International Commission on Missing Persons (ICMP) generated a total of 27,505 DNA matches relevant to 15,331 missing persons, of which 23,562 DNA matches related to the country. ICMP collected over 87,766 blood samples from persons related to 28,911 missing individuals, of which 69,532 blood samples related to 23,279 persons relevant to the country.

During the year the BiH State Prosecutor's Office and its War Crimes Department continued to investigate the events surrounding the Srebrenica genocide and the fate of individuals missing from those events.

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

The law prohibits such practices; however, there were allegations that police physically mistreated individuals at the time of their arrest and during detention.

On October 14, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on the 2007 visit by a CPT delegation to the country's detention centers, prisons, psychiatric establishments, and social care homes. With regard to treatment while in police custody, the delegation noted it received allegations from a number of persons of physical mistreatment by police, consisting mainly of kicks, punches, and blows with batons to various parts of the body. The CPT report cited several examples of police mistreatment, including allegations that police officers threatened and beat individual detainees in some cases. The CPT report noted that, despite the medical evidence in certain cases, prosecutors had failed to take further action.

With regard to treatment of persons who were imprisoned, the CPT reported receiving numerous allegations of mistreatment by prison staff at the Zenica prison that suggested that mistreatment was a general problem at the prison. The vast majority of prisoners interviewed at the Sarajevo, East Sarajevo, and Mostar prisons made no allegations of mistreatment.

The CPT delegation also reported meeting several patients at the Sokolac Psychiatric Hospital who alleged that police punched and hit them with batons at the time of their apprehension. The delegation noted that a doctor working at the hospital confirmed the allegations.

The CPT report also recorded the presence of baseball bats, replica pistols, and metal piping (with wrist straps) in interrogation rooms at a number of police stations and stated that there was no legitimate reason for such items to be present.

Following the earlier release of preliminary observations by the CPT delegation on its 2007 visit, various state and entity level ministries and state, entity, and cantonal law enforcement agencies took measures to address the problem of police abuse. The Federation minister of interior and the police director informed the ministries and police commissioners of each canton of the CPT findings, including a reminder that mistreatment of persons deprived of liberty is illegal, unprofessional, and would be punished. Cantonal ministries reported to the Federation government on actions they had taken to investigate and punish cases of mistreatment. In the Republika Srpska, Ministry of Interior officials responsible for oversight of individual organizational units were ordered to pay special attention to monitoring legality of treatment of persons deprived of liberty, and to undertake sanctions as regulated by the law in order to combat torture and inhuman and degrading treatment.

In 2008 the European Court of Human Rights (ECHR) issued a judgement that found one violation by the country with regard to the prohibition on inhuman or degrading treatment in Article 3 of the European Convention on Human Rights.

Prison and Detention Center Conditions

Prison and detention center conditions were below international standards in several areas. The government permitted monitoring visits by independent human rights observers and such visits occurred during the year.

Prison standards for hygiene and access to medical care met prisoners' basic needs, but overcrowding, poor hygiene, and antiquated facilities remained serious problems. There were no proper facilities for treating mentally ill or special needs prisoners. There were some reports of ethnically motivated violence among inmates, particularly the formation of prison gangs based on ethnicity or region of origin.

In its October 14 final report, the CPT delegation stated that it found a culture that was conducive to inter-prisoner violence at the Zenica prison and heard accounts of inter-prisoner violence and bullying in the Doboje, Foca, and Sarajevo prisons. At Zenica prison, the delegation reported that the information it gathered "clearly indicated that the establishment was not under the effective control of prison staff" and that violence and abuse among inmates appeared to be a feature of everyday life in the prison. The report stated that the prisons of Zenica, Doboje, and, to a lesser degree, Foca and Sarajevo could be considered unsafe for prisoners and staff alike. The CPT delegation noted that gang control of significant parts of Zenica and Doboje prisons, in particular, rendered life for other prisoners particularly dangerous and disagreeable.

There were reports of corruption among prison officials.

Lenient rules allowing weekend furloughs for good behavior to even violent felons came under increasing public scrutiny following the disappearance of a high-profile prisoner.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Facilities held male inmates aged 16 to 18 with adult male inmates, with male inmates under the age of 16 held separately. The correction facility for Republika Srpska juveniles aged 16 to 18 in the Banja Luka Prison was seriously overcrowded.

The government permitted visits by independent human rights observers and gave international community representatives widespread and unhindered access to detention facilities and prisoners.

On September 25, the Ombudsman Institution of Bosnia and Herzegovina published a report of its visit to all 12 prisons and three separate correctional departments in the country in which it noted several problems. The ombudsman found the legal framework to be inadequate and in disharmony with international standards, especially regarding EU standards. The

ombudsman found that mistreatment was common in prisons, often a result of serious organizational problems, such as putting together inmates serving sentences for violent crimes with inmates serving sentence for less serious offenses, such as traffic incidents. Violence among inmates was very frequent.

The report noted growing concern regarding Zenica prison, where little effort has been made to improve existing conditions, as well as for the poor condition of Sarajevo prison. The ombudsman noted that many of the country's prisons were located in very old buildings or located in city centers that made exercise periods difficult.

The ICRC continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

The ombudsman's report noted several improvements in prisons during the year, including the construction of new facilities, and improvements to existing ones including the new Republika Srpska juvenile department within Kula prison, and improvements in the conditions for accommodation of inmates at the psychiatric department of Zenica prison. As of May a new facility (within Zenica prison) for these inmates was operating, providing much better conditions for inmates with mental disorders. To address these concerns, the ombudsman established a department for the protection of the rights of detainees and prisoners within its own structure.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The law extends significant overlapping law enforcement competencies to the state-level government, to each entity, and the Brcko District, each of which has its own police force. A 2,000-person EU force continued to implement the military aspects of the Dayton Accords. The North Atlantic Treaty Organization oversees defense reform, counterterrorism, and cooperation with the ICTY. The EU Police Mission remained in the country, tasked with the mission to monitor aspects of the work of the local police.

The country made some limited progress on state-level police reform. Authorities postponed local-level police reform until after the completion of constitutional reform in this area. By year's end six of the seven bodies mandated by the law were formed, but often had only minimal staff and had not begun operations. Entities did not meet the target standards of ethnic representation on police forces that their respective constitutions mandated.

Police standards units (PSUs) are the internal affairs investigative units in each entity's Ministry of the Interior and in the Brcko District. There were continued reports of corruption within the entity- and state-level security services.

During the first nine months of the year, the Republika Srpska PSUs investigated 1,373 conduct-related complaints and determined that 80 were well-founded. The unit forwarded recommendations for disciplinary action to prosecutors in 41 cases that they considered major violations. In addition authorities filed 31 felony reports and three misdemeanor reports against eight Republika Srpska Interior Ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations, indicating a significant decrease from the previous year. During the year Federation PSUs investigated 1,109 cases and forwarded 69 complaints to prosecutors for disciplinary action. During the year the Brcko District PSU investigated 158 cases and concluded that 52 complaints were well-founded. The PSU forwarded 52 cases deemed to be major violations of duty to prosecutors for disciplinary action.

Arrest Procedures and Treatment While in Detention

Police generally arrested persons openly with warrants based on sufficient evidence. The law provides that authorities shall promptly inform detainees of the charges against them, and there was a functioning bail system. The law requires police to bring suspects before a prosecutor within 24 hours of detention. During this period, police may detain individuals for up to six hours at the scene of a crime for investigative purposes. The prosecutor has an additional 24 hours to release the person or to bring the person before a judge who decides whether they should remain in pretrial custody. The law generally limits pretrial detention to one year. The law allows detainees to request a lawyer of their own choosing, requires authorities to inform detainees of the charges against them after an indictment, and provides for the right to a speedy trial. In practice, detainees were often denied prompt access to an attorney. There were no cases of arbitrary arrest or detention reported during the year.

In its October 14 report, the CPT delegation reported that the right to access an attorney only became effective some time after detained persons had been deprived of their liberty and that access to an attorney seemed to occur only after detainees were brought before a judge to be remanded into custody. Many of the persons interviewed by the delegation claimed that they had not been permitted to contact an attorney or even informed of their rights until after being questioned by crime police.

In 2008 the ECHR issued a judgement that found one violation by the country of the right to liberty and security provided under Article 5 of the European Convention on Human Rights.

e. Denial of Fair Public Trial

The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. The State Court is the highest court in the country for certain criminal cases, including war crimes, organized crime, terrorism, economic crime, and corruption. The country also has a State Constitutional Court and State Prosecutor's Office. Each entity has its own supreme court and Chief Prosecutors' Offices. The state-level courts do not exercise judicial supremacy over the entity-level courts. Political parties sometimes influenced the judiciary in politically sensitive cases. Judicial reforms reduced the level of intimidation by organized crime figures and political leaders, but intimidation continued.

The absence of extradition treaties with neighboring countries continued to be a major hurdle to bringing suspects to justice, particularly given the relatively small size of the country, the prevalence of dual citizenship, and the ease of movement across borders with former-Yugoslav countries.

In September Republika Srpska Prime Minister Dodik publicly labeled the State Court and the State Prosecutor's Office "fake institutions" imposed by the Office of the High Representative. He also called for their abolition, and the Republika Srpska government subsequently filed a criminal report with the State Prosecutor's Office.

The state-level High Judicial and Prosecutorial Council (HJPC) acts independently and regulates many of the most important affairs of the judiciary with clear, transparent criteria for judicial and prosecutorial appointments and detailed disciplinary liability for judges and prosecutors.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of inefficiency. Despite efforts to streamline court procedures, there was a backlog of nearly two million unresolved cases, over one-half involving utility bills. It was estimated that only one-tenth of the cases involved criminal matters.

According to the 2008 Report of the Center for Human Rights of Sarajevo University, more than 20 percent of decisions of the State Constitutional Court had not been implemented. The majority of the cases pertained to so-called "systematic failures" of government, such as issues of missing persons, old currency savings, and payment of war damage compensation.

Trial Procedures

Under Federation and Republika Srpska laws, defendants enjoy a presumption of innocence, trials are public, and the defendant has the right to counsel at public expense, if charged with a serious crime. However, courts did not always appoint defense attorneys where the maximum sentence was less than five years. The law provides defendants the right to confront witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their case, and to appeal verdicts. The government observed these rights in practice.

In 2008 the ECHR issued a judgement that found one violation by the country of the right to a fair trial as provided under Article 6 of the European Convention on Human Rights.

The State Court continued to make progress adjudicating organized crime and war crimes cases and expanded the witness protection program. During the year the State Investigation and Protection Agency (SIPA) Witness Protection Department provided support to more than 120 individuals.

The State Court War Crimes Chamber and entity courts continued conducting war crimes trials during the year. The State Prosecutor's Office opened 33 new war crimes investigations involving 103 suspects and confirmed 18 new indictments involving 31 alleged war criminals.

The State Prosecutor's Office continued to use plea agreements in some cases. In December 2008 the Council of Ministers adopted a national strategy for the prosecution of war crimes that foresaw the prosecution of the most serious war crimes by 2016 and all other war crimes by 2024.

On October 16, a State Court first instance panel found Milorad Trbic guilty of genocide in Srebrenica in 1995 and sentenced him to 30 years in prison.

On February 16, a State Court appeals panel upheld the May 2008 conviction of Dusko Knizevic, Zejlko Mejakic, and Momcilo Gruban for crimes against humanity, including murder, rape, and physical and mental abuse, committed against Bosniaks and Croats at the Omarska and Keraterm detention camps in Prijedor in 1992. However, the court found that the State Prosecutor's Office had not proven that Mejakic and Gruban had command responsibility for the crimes, but found them guilty of joint criminal enterprise. The court confirmed the prison terms of 21 and 31 years respectively for Mejakic and Knizevic, but reduced Gruban's sentence from 11 to seven years, due to the testimony of several witnesses who said Gruban had provided assistance to some detainees.

On February 20, a State Court first instance panel found Marko Radic, Dragan Sunjic, Damir Brekalo, and Mirko Vracevic guilty of crimes against humanity, including inhuman treatment and rape, committed against Bosniaks in Heliodrom Camp between July 1993 and March 1994. The four men were members of the Second Brigade of the Croat Defense Council. The court sentenced Radic, Sunjic, Brekalo, and Vracevic to 25, 21, 20, and 14 years in prison, respectively.

On May 5, a State Court appeals panel upheld the conviction of Mirko Perez and Milorad Savic for crimes against humanity in connection with their participation in the killing of 23 Bosniaks from the villages of Ljoljici and Cerkazovici and the wounding of four others. Perez and Savic were former members of the reserve police in Jajce, and Perez was also formerly a member of the Army of Republika Srpska.

On February 26, the trial of Ratko Bundalo in a 1992 Kalinovik war crimes case began; the trial continued at year's end.

On September 9, a State Court appeals panel upheld the July 2008 conviction of six of the seven defendants found guilty of genocide in the killing of more than 1,000 Bosniak men and boys in Kravice, but reduced the sentences of the remaining six from 38 to 42 years to nine to 10 years each. The court granted a retrial to the seventh individual.

Despite local and international efforts to prosecute war crimes, many lower-level perpetrators remained unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and those responsible for approximately 13,000 to 15,000 other persons who are missing and presumed killed during the 1992-95 war.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and citizens could file civil suits for human rights violations. The country has three ombudsmen (one Bosniak, one Croat, and one Serb), each with six-year mandates. At year's end the entities still maintained ombudsmen despite the law requiring entities to eliminate these positions when state-level positions were created.

Property Restitution

The country's four traditional religious communities had extensive claims for restitution of property that the government of the former Yugoslavia nationalized after World War II. The law provides religious communities the right to restitution of expropriated property "in accordance with the law." In the absence of state legislation specifically governing restitution, return of former religious properties continued on an ad hoc basis at the discretion of municipal officials; these officials rarely completed such restitution, and usually did so in favor of the majority group in that particular municipality.

On April 2, the Islamic community in Zvornik regained the possession of land in Divic, from which the Serb Orthodox Church had removed an illegally constructed church building built on the foundations of a prewar mosque. The Islamic community paid for the relocation. According to the local imam, the reconstruction of the mosque was underway at year's end.

Many officials used property restitution cases as a tool of political patronage. Other unresolved restitution claims were politically and legally complicated. For example, the Serbian Orthodox Church continued to seek the return of the building that housed the University of Sarajevo's Faculty of Economic Sciences. The Jewish and Muslim communities also asserted historic claims to many commercial and residential properties in Sarajevo. The Catholic community maintained a large number of similar claims in Banja Luka.

Roma displaced during the 1992-95 conflict had difficulty repossessing their property as a result of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities. The lack of documentation also prevented them from applying for reconstruction assistance.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice. However, some Republika Srpska-based journalists continued to complain of telephone tapping and increased government surveillance.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government did not always respect press freedom in practice. Laws delegated safeguarding freedom of the press to the cantons in the Federation and to the entity-level authorities in the Republika Srpska. Defamation laws exist at the entity level, and freedom of information legislation exists

at both the entity and state levels. Government respect for freedom of speech and the press continued to decline during the year.

The Federation criminal code prohibits hate speech; the Republika Srpska criminal code does not. The broadcasting code of practice also regulates hate speech by broadcasters. The country's Communications Regulatory Agency (CRA) did not register any cases of hate speech during the year. However, independent analysts noted a tendency by politicians and other leaders to label unwanted criticism as hate speech. Many media outlets used language, often nationalistic, considered incendiary on matters related to ethnicity, religion, sexual orientation, and political affiliation. Both entities have defamation laws which were used in courts.

Many independent, privately owned newspapers were available and expressed a wide variety of views. A number of independent print media outlets continued to encounter financial problems that endangered their operation.

During the year the Press Council considered 116 complaints related to print media, accepting 32 as valid and rejecting 45 as unfounded. In some cases the council instructed media outlets to publish a refutation or a retraction, or advised the same, resolving 23 cases in this way. The council rejected 16 cases, as they were already in court procedures. Most of the complaints accepted by the council involved allegations that print media outlets denied persons the right to respond to reports and articles that they considered false or defamatory. The Press Council was faced with difficulty in preserving its status as an organization able to deal with media issues throughout the country.

Political pressures on state-level broadcast media continued. Both Bosnia-Herzegovina Radio Television (BHRT) and the CRA were exposed to political pressure, with politicians often alleging a lack of impartiality. In the case of the BHRT, observers believed the attacks were aimed at undermining the state-level public broadcasters and building support for transferring media competencies from the state to the entity level. Other public broadcasters remained vulnerable to political influence as well. Two public broadcasters, Federation Television (FTV) and Radio Television of Republika Srpska (RTRS), remained the largest television broadcasters in the country. RTRS reported predominantly pro-Republika Srpska ruling party views.

The status of the CRA remained shaky, and its authority was challenged on political grounds. The Council of Ministers failed, for a second year in a row, to appoint a CRA general manager and attempted to influence the selection of a candidate by making it part of broader political package. In April the mandate of CRA council members expired. At year's end, the state parliament had not completed procedures for appointing new council members.

The few media outlets in the Republika Srpska that retained editorial independence continued to report government interference with their operations. A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country. Radio continued to provide a forum for diverse points of view. In many cases, news programs of independent broadcasters reflected opposition perspectives.

The majority of Republika Srpska media showed a distinct pro- Republika Srpska government bias. On September 17, that government reached a decision to distribute five million convertible marks (\$3.6 million) to media outlets, including independent media, raising concerns about the impact of such financial support on editorial policies. On November 16, Republika Srpska media signed individual agreements with the government and received the first installment of these funds. Federation media outlets also exhibited political bias along ethnic lines, with some clearly taking positions in support of specific political or business interests.

There were continued reports of threats against journalists. During the year the Free Media Help Line (a part of the Bosnian Journalists Association) registered 40 cases involving violations of journalists' rights and freedoms or pressure

from government and law enforcement officials. During the year there were 13 cases of pressure on and threats to journalists that included six death threats, and four physical attacks. Other cases involved assault threats and denial of access to information.

In some instances, media sources reported officials threatened media outlets with loss of advertising or limited their access to official information. Politicians and government officials also accused media outlets of opposing a given ethnic group or betraying their own ethnic group. Some Republika Srpska-based journalists complained of telephone tapping, increased government surveillance, actual or threatened lawsuits, repeated visits from tax authorities, and revocation of credit or loans.

On February 8, residents of Gluha Bukovica attacked FTV journalists and held them for two hours while they were reporting on a local imam charged with pedophilia. The Islamic community accused several media outlets of "Islamophobia" for their reporting on the story. The Bosnia and Herzegovina Helsinki Committee for Human Rights (HCHR), the Office of the High Representative, and others strongly criticized the attacks.

In May Republika Srpska Prime Minister Dodik filed suit for slander against the BETA news agency and a Banja Luka correspondent, Ljiljana Kovacevic, for reporting that SIPA submitted a report on suspected criminal activity against him and other persons in connection with questionable construction tenders. Dodik asked the court for 15,000 convertible marks (\$11,000) in compensation for damages.

On June 7, an unknown person verbally threatened the general secretary of the Association of Bosnia and Herzegovina Journalists, Borka Rudic. The individual was waiting for Rudic in front of her apartment building and, implying that she encouraged "Islamophobia," said that she "would see what would happen to her in the future." The incident was reported to the police, and an investigation was underway at year's end.

On June 11, Alija Behram, the director of RTV Mostar and host of a political-themed television show, received a death threat by text message, which immediately followed the conclusion of a broadcast of his political show, during which he addressed several controversial political issues in Mostar. In the message, Behram was accused of working against Muslims and was told that "your end is near." He reported the threat to the cantonal Ministry of the Interior, which announced that it would open an investigation. According to Behram, the police responded seven days after he initially reported the incident. The Free Media Help Line sent a letter to the police demanding a detailed investigation and protection for Behram.

On June 27, convicted trafficker Tasim Kucevic was sentenced to an additional two years in prison for his April 21 assault on Safija Mahmutovic and verbal attack on FTV journalist Vildana Duran on the premises of the State Court. In the incident, Mahmutovic stopped Kucevic on his way into court and showed him a photo of her niece, one of his victims. Kucevic later verbally threatened Dzenana Karup-Drusko, a journalist for *Dani* magazine, and Avdo Avdic of "60 Minutes" for their reports on the incident. The media reported extensively on the attacks. The country's political leaders and representatives of judicial and executive branches, as well as nongovernmental organizations (NGOs) and associations of journalists, criticized the attack.

In July, following the escape of Karay Kamal bin Ali from Zenica prison, FTV reported the prisoner had received a gift from Reis Ceric. In a July 29 press release, the Islamic community asserted that FTV's reporting was "crucial evidence of the hatred that television spreads against the Islamic community." The press release claimed that FTV's coverage indicated "the possibility of a repetition of genocide against" Bosniaks. FTV noted and apologized for a factual error in its reporting of the gift exchange: Ceric had received a gift from Kamal bin Ali, rather than given a gift to him.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 35 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, ethnic favoritism and politicization of faculty appointments constrained academic freedom. In Sarajevo, Serbs and Croats complained that Bosniaks received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into two separate universities, reflecting the continued ethnic divide in the city. Parochial interests influence the remaining five universities in Bosniak-majority areas.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association

The law provides for freedom of association, and the government, with certain exceptions, generally respected this right in practice. A wide range of social, cultural, and political organizations functioned without interference.

The law allows NGOs to register freely; however, some NGOs and NGO associations experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by delays at the state level, chose instead to register their organizations at the entity level.

On March 18, Slobodan Vaskovic, a reporter for FTV, and his cameraman were verbally attacked in Trebinje while filming a Serb Orthodox congregation during a religious service. According to the reports, the bishop's driver tried to break the crew's camera and take their equipment. Vaskovic and his crew sought refuge in the office of a local NGO, and were later escorted by police out of Trebinje. Vaskovic claimed that his car was later stoned while driving through Ljubinje. There was widespread public criticism of the attack, although the Serb Orthodox Church criticized the reporters for allegedly having political motivations. A police investigation continued at year's end.

c. Freedom of Religion

The law provides for freedom of religion; however, societal abuses and discrimination based on religious belief restricted the ability of adherents of minority religions to worship as they pleased. The religions with the largest number of adherents in the country are Islam, Orthodoxy, and Catholicism. Bosniaks are predominantly Muslim, Serbs are predominantly Orthodox, and Croats are predominantly Catholic.

In some cases, entity and local governments allowed or encouraged an atmosphere in which abuses of religious freedom could take place. Minor attacks on religious objects and religious officials occurred frequently, but a systematic obstruction of religious freedom in several high-profile cases remained. The reluctance of police and prosecutors to investigate and prosecute crimes against religious minorities aggressively remained a major obstacle to safeguarding the rights of religious minorities.

The law requires religious communities to register with the Ministry of Justice; any religious group can register if it has at least 300 adult members who are citizens. Muslim, Serbian Orthodox, Jewish, and Catholic congregations registered, as did congregations of several smaller Christian denominations.

The law provides for the right to religious education. The law calls for a representative of the various religious communities to teach religious studies in all public and private schools. However, authorities did not always fully implement the law, particularly in segregated school systems or where there was political resistance at the municipal level. Schools often offered religious instruction only in the municipality's majority religion. Authorities sometimes pressured parents to consent to religious instruction for their children. In some cases, peers and teachers pressured and discriminated against children who chose not to attend religion classes.

Societal Abuses and Discrimination

Individuals reported ethnically-motivated religious violence in many municipalities. Perpetrators directed violence at ethnic symbols, clerics, and religious buildings. Civil society representatives noted that political leaders tended to criticize incidents primarily in cases where members of their own ethnic group were victims.

On January 30, a bomb was thrown at Hadzi Perviz Mosque in Banja Luka, causing minor damage. Police confirmed the attack and invited citizens to help them find the perpetrators. The Republika Srpska Minister of Interior Stanislav Cadj, publically criticized the attack.

On August 10, shots were fired at the Serb Orthodox Church building in the Sarajevo suburb of Reljevo. Sarajevo canton police arrested a 20-year-old man, who admitted firing the shots and claimed that he was drunk at the time. He was detained and a criminal procedure against him was opened.

On September 20, according to media reports, unidentified persons threw rocks at the Catholics while they were gathered at a mass at Londza cemetery near Donji Vakuf. One woman sustained light injuries. Police stated that they believed the attackers were minors whose identity would be determined in the course of the investigation. The case continued at year's end.

There were a number of highly politicized cases involving the illegal construction of religious buildings or monuments on private or government-owned land. In these cases the buildings or monuments were built to send a political message to religious minorities about the dominance of the majority group in that area.

There were no reports of anti-Semitic violence against members or properties of the Jewish community, which is estimated to be less than 1,000 people. In January unknown persons painted anti-Semitic graffiti in Mostar, Sarajevo, and Zenica, possibly in response to the conflict in the Gaza Strip. Also in January the Islamic youth magazine *SAFF* published an anti-Semitic article that used pejorative language in referring to Jewish victims of the Holocaust and the suffering of Jews in concentration camps during World War II.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, some limits remained in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing

protection and assistance to internally-displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

The return of persons displaced by the 1991-95 wars in the former Yugoslavia continued to steadily decrease. According to the UNHCR, 984 persons (of whom 956 were minority returnees) returned during the year. Government officials and some NGOs, however, believed that the total number of returns was lower, since the UNHCR determines returns based on property restitution rather than physical presence. According to UNHCR, there were an estimated 117,345 registered displaced persons in the country still seeking return to their prewar places of residence.

The difficult economic situation in the country remained a primary factor inhibiting returns, with many rural areas experiencing official unemployment rates above 40 percent. When jobs were available, minority returnees often complained of discrimination in hiring. In returnee areas throughout the country, the percentage of minorities holding municipal employment was neither representative of current populations, nor consistent with legally mandated percentages based on the 1991 census, indicating local government failures to implement and enforce the provisions of the law.

A hostile return environment remained a factor. During the year observers noted a trend of attacks directed against symbols of minority groups, rather than attacks against individuals. Many returnees cited authorities' failure to apprehend war criminals as a disincentive to return. Many displaced persons created permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

Other factors inhibiting returns were a lack of access to social benefits, a lack of available housing, and high municipal administration taxes on documents that were necessary for return, such as birth or land certificates. Minority returnees often faced intimidation, discrimination, and other obstructions in their access to education, health care, and pension benefits, as well as poor infrastructure.

At the end of July, Bosniak returnees to Dzivare village near Trebinje reported they were exposed to numerous provocations, robberies, and verbal insults. For example on July 26, a group of people taunted Bosniak returnee children, asking them whether "they would want some pork," singing Chetnik songs, and yelling "this is Serbia." Returnees reported the incidents to the police, who responded by providing increased patrol in the area where the incidents occurred.

In the Republika Srpska, the Ministry for Refugees and Displaced Persons provided support to Bosniaks and Croats returning to the entity and to Bosnian Serbs returning to the Federation. The Federation Ministry for Refugees assisted Croats and Serbs returning to the Federation, and Bosniaks and Croats returning to the Republika Srpska. Both entity-level refugee ministries provided limited reconstruction assistance to returnees and also committed part of their budgets towards joint projects that were determined by the State Commission for Refugees.

On June 18, a revised Return Strategy for Bosnia and Herzegovina was rejected by Republika Srpska delegates in the State House of Peoples, thus blocking the implementation of Annex VII of the Dayton Peace Accords (functionally, the country's constitution), which grants the right of refugees and displaced person to return to their prewar places of origin, or to be compensated for property that cannot be restored to them, and to freely choose their place of living.

On July 15, the Republika Srpska government reduced the budget for the Ministry of Refugees and Displaced Persons by 15 million convertible marks (\$11 million). Bosniak and Croat political representatives criticized the decision.

Protection of Refugees

The country is a party to 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

Asylum seekers with pending claims, regardless of national origin, may remain in asylum centers until their claims are adjudicated, which was normally three months, although in some cases longer. Asylum seekers have the right to appeal a negative decision, and the court is required to render a decision within two months.

Asylum seekers have the right to education and legal redress for human rights complaints. However, they do not have the right to employment unless they are granted asylum. There were no reports of abuse of refugees, and adequate protection was provided to refugees in asylum centers.

During the year the government did not grant temporary protection to any individuals not considered to qualify as refugees.

Stateless Persons

According to UNHCR statistics, there were approximately 10,000 stateless persons in the country at the end of the year. The law provides that a child born to one or two parents who are citizens of Bosnia and Herzegovina is also a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are not Bosnian citizens does not gain citizenship unless both parents are stateless persons. In practice, statelessness was often the result of complexities which arose from the breakup of the former Yugoslavia, and in some cases lack of registration for births or marriages.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic multiparty elections based on universal suffrage.

Elections and Political Participation

Observers from the Organization for Security and Cooperation in Europe (OSCE) concluded that the 2006 general election was largely conducted in line with international standards but noted problems, including problems with the registration process, group voting, irregularities in the counting process, and a few cases of voter intimidation.

In September 2008 Republika Srpska special police units in Doboj arrested the director of the Center for Social Welfare and 16 Serb Democratic Party (SDS) activists on suspicion of buying votes ahead of the October 5 local elections. A hearing was held on December 23. All those indicted pled not guilty. A next hearing in the continuing trial had not been scheduled at year's end.

Political parties generally operated without restriction or outside influence. Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and run for election. The law provides that Serbs, Croats, Bosniaks, and "others" must be adequately represented in entity, cantonal, and municipal government institutions, based on the 1991 census until the returns process (as described in Annex VII of the Dayton Accords) is completed. However,

this law was not respected in practice. Separate from the three constituent peoples, there were 16 recognized national minority groups.

Nationalist rhetoric from leaders of all ethnic groups dominated political exchanges. In particular, Serb politicians regularly called into question the validity and existence of the state of Bosnia and Herzegovina, and threatened to call a referendum in the Republika Srpska to secede from the state.

The law requires that at least 30 percent of political party candidates be women. At year's end seven of 57 members of the parliament were women. There were no women in the nine-member Council of Ministers, although there were two female deputy ministers. At the entity level, women held three of 22 leadership positions in the Federation and two of 22 leadership positions in the Republika Srpska.

Minorities remained severely underrepresented in government. There were no members of a minority group in the parliament and only one member of a minority in the Council of Ministers.

On December 22, the ECHR handed down a ruling in the January 2006 case brought by representatives of the Jewish and Romani communities claiming that the provision of the constitution that precludes "others" (i.e. those outside the three ethnic constituencies) from becoming president violates the European Convention on Human Rights. The ECHR found that the Bosnian constitution discriminates against minorities other than the "constituent peoples," and required Bosnia to bring its constitution in compliance with the European Convention for Human Rights. Separately, at year's end, the court had not rendered a judgment in response to the September 2007 application by a Bosniak from Srebrenica which sought redress with regard to a provision in the Republika Srpska constitution that precludes non-Serbs from running for president.

Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt actions with impunity. According to World Bank governance indicators for 2008, corruption was a serious problem.

While the law prohibits citizens from holding positions of public responsibility if they have pending criminal indictments against them, this prohibition was not observed in practice.

On February 19, SIPA announced that it filed a criminal report for corruption against Republika Srpska government officials, including Prime Minister Milorad Dodik, in connection with allegations that they were involved in several illegal construction tenders. Although the Republika Srpska government cooperated with investigators, RS officials said the entity government would "reassess" its relationship with state-level law enforcement bodies.

In March the media reported that the manager of the Federation Development Bank, Ramiz Dzaferovic, was under investigation for corruption by the Federation Financial Police. The investigation continued at year's end.

On September 9, the State Court began corruption trials against Edhem Bicakcic and Dragan Covic, president of the Croatian Democratic Union of Bosnia and Herzegovina party, for alleged offenses committed during the time they served as prime minister and deputy prime minister of the Federation, respectively. The trials continued at year's end.

During the year Transparency International maintained its allegation that Prime Minister Dodik misappropriated public funds and pocketed revenue from the privatization of several formerly state-owned enterprises. Dodik claimed in press interviews that the NGO was engaging in blackmail and racketeering. Transparency International charged that Dodik's allegations were attempts at retaliation and complained that state-level judicial institutions failed to investigate the case against him.

In June 2008 the State Court found Mladen Ivanic, president of the Party for Democratic Progress and a House of Peoples delegate, guilty of misuse of public funds when he was Republika Srpska prime minister from 2000-02. The court sentenced him to 18 months in prison. An appeal was pending at year's end, although Ivanic remained in office.

Candidates for certain public offices, including candidates for parliament at the state and entity levels, and members of the Council of Ministers and entity governments are subject to financial disclosure laws. The Central Election Commission is responsible for ensuring compliance with these laws.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. According to the law, the government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman's offices. In practice, the government sometimes failed to provide the required explanation for denial of access unless citizens appealed to the ombudsman, the courts, or legal aid. Public awareness of the law remained low.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups and NGOs generally operated without restriction, investigating and publishing their findings. However, government officials were often inefficient and slow to respond to their recommendations.

The state-level government cooperated fully with international organizations, such as the Office of the High Representative, which has special powers over the government, as well as other international organizations, such as the ICRC and the OSCE. However, the Republika Srpska government was less cooperative with such organizations.

Citizens' remedies for human rights violations included seeking assistance from the state ombudsman, whose recommendations were not binding. The law establishes a single state-level ombudsman institution composed of three members representing the country's three constituent groups that will eventually replace entity-level ombudsman institutions which had not been disbanded more than three years after passage of a law requiring such, though laws requiring this closure were passed by both Federation and Republika Srpska parliaments.

The country's state parliament has a Joint Commission for Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum, and Ethics, comprised of members of both the House of Peoples and House of Representatives. The Commission, comprised of 11 members, regularly holds hearings, proposes legislation, and participates in human rights-related activities with governmental and nongovernmental organizations.

The ICTY trial of Radovan Karadzic, a fugitive for 13 years, continued at year's end. One ICTY indictee wanted for crimes committed in the country, Ratko Mladic, remained at large. In a December 3 speech to the UN Security Council, ICTY Chief Prosecutor Serge Brammertz reported that the government continued to respond to all prosecution requests, but noted deep concern over the departure of international judges and prosecutors from the country. He noted that their departure could jeopardize continuing trial proceedings and war crimes investigations and that there could be serious repercussions for the ICTY's work.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or other social status; however, the government did not enforce these prohibitions effectively.

Women

Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness. Violence against women, including domestic violence and sexual assault, remained widespread and underreported. According to NGO estimates, one-third of the women in the country were victims of domestic violence. Both entities have laws that require police to remove an offender from the family home. Experts estimated that only one-tenth of domestic violence victims reported the crime. Police received specialized training in handling cases of domestic violence, and there were two hotlines operating throughout the country that provided assistance to victims. During the year, the Republika Srpska domestic violence hotline had received 688 reports of domestic violence. There were several shelters throughout the country for victims of domestic violence.

Prostitution is illegal. The law treats procuring as a major crime, but prostitution and solicitation are misdemeanors punishable by a fine only. Police raids on bars and brothels drove prostitution further underground. Single mothers, minorities, or other vulnerable women, particularly from economically depressed rural areas, were at higher risk of being recruited for exploitation.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

The law prohibits sexual harassment, but it was a serious problem. Many NGOs reported that women experienced sexual harassment, but victims almost never filed complaints because they did not recognize their experiences as harassment and were not aware of their legal rights. Women have equal legal status to men, and authorities treated women equally in practice. The government's Agency for Gender Equality worked to inform women of their rights. The state- and entity-level parliaments had committees for gender equality. Although few women held positions of substantial economic or political power, they were represented in most professions. Results from a 2006 Labor Force Survey indicated that almost 63 percent of women of working age are inactive in formal labor markets, though the problem of employers underreporting employment in order to avoid mandatory social security contributions is prevalent.

Authorities documented a small but increasing number of gender-related discrimination cases. Anecdotal accounts indicated that women and men generally received equal pay for equal work at government owned enterprises but not always at private businesses. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for female applicants. Women remained underrepresented in law enforcement agencies, although there was continued progress.

Children

Under the country's laws, a child born to one or two parents who are citizens of Bosnia and Herzegovina is also a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are not Bosnian citizens does not gain citizenship unless both parents are stateless persons.

The government failed to register the births of an estimated 1,000 children--mostly Roma--in the country. These children experienced significant obstacles in accessing social, educational, and health benefits.

While education is free and compulsory through age 15, schools required parents to pay for books, lunches, and transportation. These expenses caused some children to drop out of school. A lack of reliable monitoring hindered efforts

to ensure that children received an education. The law requires children with special needs to attend regular classes, but schools were often unable to accommodate them.

According to the country's Roma Council, less than 35 percent of Romani children attended school regularly. Poverty prevented many Romani children from attending school. Authorities provided textbooks, meal allowances, and transportation allowances for Romani children. Verbal harassment from other students and language problems also contributed to the exclusion of Roma from schools.

Students in minority areas frequently faced a hostile environment. Obstruction by nationalist politicians and government officials slowed efforts to abolish school segregation and enact other reforms. Federation cantonal governments and the Ministry of Education in the Republika Srpska pressured school directors at the primary and secondary level, and several schools were directed by hard-line political figures.

Laws that provided for administrative and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extracurricular activities, school entrances, and recreation facilities sometimes resulted. In some areas of the country, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Many schools effectively entrenched segregation and discrimination. In the Republika Srpska, non-Serbs made up less than 5 percent of the teaching staff in primary and secondary schools. In the Federation, minority teachers made up between 5 and 8 percent of all teachers, depending on the canton. Children in primary and secondary schools studied from what some NGOs described as "divergent, ethnically specific curricula."

Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. Some NGOs estimated that one in four families experienced domestic violence. Municipal centers for social work protected children's rights, but lacked resources and housing for children fleeing abuse or those whom they needed to remove from abusive homes.

Trafficking in children for sexual exploitation or begging in organized begging rings was a problem. Child begging was common among Romani communities, including infants (with adults). There were also cases in which Romani parents sent children as young as four out to beg on street corners, often begging 10 or more hours per day in all weather conditions.

In certain Romani communities, girls married between the ages of 12 and 14. The government did not have any programs that were aimed specifically at reducing the incidence of child marriage.

Rape is a crime under entity criminal laws. The prescribed sentence for rape is from one to 10 years' imprisonment (if without aggravating circumstances). The minimum age for consensual sex is 18. In entity criminal codes, the crime of "Abuse of a Child or Juvenile for Pornography" carried a sentence of one to five years' imprisonment.

Trafficking in Persons

The law prohibits trafficking in persons; however, individuals and organized crime syndicates trafficked women and children for sexual exploitation, and children and adults, particularly from the Romani community, for begging and labor. There were reports that public officials were involved in trafficking.

The country was primarily a country of origin for women and girls trafficked domestically for sexual exploitation and, to a lesser extent, a destination and transit point for foreign trafficking. Some victims from Serbia, Ukraine, Moldova, Romania, Iraq, and Russia were trafficked into the country through Serbia or Montenegro for commercial sexual exploitation. More than half of all documented trafficking victims were minors, and the number of victims trafficked within the country far

surpassed the number of foreign victims. During the year there were cases of Romani children trafficked to and within the country for forced labor or begging. There were reports that some girls, particularly Roma, were trafficked for the purpose of forced marriage.

The majority of women trafficked into the country came from Serbia or other East European countries. While no reliable estimates were available, individuals and organized crime syndicates may have trafficked a number on to Western Europe. Authorities also found Bosnian victims in other parts of Europe. During the year one victim was repatriated to the country through international referral mechanisms.

During the year the number of reported victims continued to decline. Police raids forced trafficking further underground, often in private apartments, motels, and gas stations. There were no reliable estimates on the number of victims trafficked during the year. The Ministry of Security registered five new foreign trafficking victims through its referral mechanism. The state Ministry of Human Rights and Refugees registered 20 domestic victims of trafficking. Out of a total of 25 victims, 11 were minors.

Under the law, trafficking is a state-level crime punished with up to 10 years in prison. During the year three trafficking cases were prosecuted at the state level, and a number at the entity and cantonal level. The Ministry of Security is responsible for coordinating antitrafficking law enforcement at all levels of government, but it was understaffed and lacked the capacity to comprehensively manage antitrafficking activities.

During the year the Ministry of Security changed the Office of the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration to the Department for Combating Trafficking in Human Beings. The change secured funding for planning, coordinating and monitoring human trafficking.

The state prosecutor has authority to decide which cases to prosecute at the state level. The Department for Combating Trafficking in Human Beings, which has a mandate that includes coordination of victim protection efforts among NGOs, police, and government institutions, is part of the Ministry of Security. The chief state prosecutor chaired a nationwide interagency investigative antitrafficking strike force that included prosecutors, police, and financial investigators.

Authorities did not prosecute persons identified as trafficking victims for immigration or prostitution violations. In most cases, authorities voluntarily repatriated foreign victims.

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. Victims' groups alleged that, because of strong local networks, local police often accepted bribes in exchange for ignoring trafficking. There were no documented cases of official involvement in trafficking during the year.

During the year authorities distributed antitrafficking manuals for use by government and civil society groups involved in the rehabilitation and reintegration of trafficking victims. Authorities also supported shelters and other services. The Department for Combating Trafficking in Human Beings, in cooperation with the International Center for Migration Policy Development, maintained databases that tracked victims and traffickers, including data on the prosecution of trafficking with comprehensive information on known offenders.

The law provides protection for domestic trafficking victims. In practice, competing state and entity laws concerning trafficking victims often led to confusion in their implementation. The government has a formal victim referral mechanism and memoranda of understanding with four NGOs that ran shelters for victims. NGOs operated safe houses throughout the country. At the shelters, victims received medical care, psychological counseling, legal assistance, repatriation assistance, and limited vocational training. Police protected the shelters effectively.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law in both entities prohibits discrimination against persons with disabilities; however, there was discrimination against persons with disabilities in employment, education, and access to health care and other state services. Children with disabilities lacked sufficient medical care and educational opportunities.

In the Federation, the law mandates that all public buildings be retrofitted to provide access to persons with disabilities and that new buildings must also be accessible. However, buildings were rarely accessible to persons with disabilities in practice. The Republika Srpska had comparable laws for public access, but few older public buildings were accessible.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1992-95 conflict were given a privileged status above civilian war victims and persons who were born with disabilities. Many individuals with disabilities lived in institutions, although a growing number of programs for children with disabilities were available in schools. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available.

National/Racial/Ethnic Minorities

Ethnic differences remained a powerful force, although mixed communities existed peacefully in some areas.

Harassment and discrimination against minorities continued throughout the country, often related to property disputes. These problems most often included desecration of graves, graffiti, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults.

On the night of August 11, a 20-year-old male fired two shots at the Serb Orthodox church building in Sarajevo's suburb of Reljevo. Sarajevo Canton Police arrested the perpetrator the next day, who immediately admitted to having committed the crime. He was detained and criminal proceedings were initiated. The case continued at year's end.

On November 20, a bomb was detonated on the doorstep of the Serb Orthodox parish priest's home in Sanski Most (in the Federation). Priest Slobodan Visekruna was standing near the door at the time of the explosion, but sustained no injuries. Police and the cantonal prosecutor immediately came to the site and carried out a crime site investigation. The investigation continued at year's end. All local officials strongly condemned the incident and called on law enforcement agencies to complete the criminal investigation as soon as possible.

On August 21, two young males verbally attacked Trebinje Imam Husein Effendi Hodzic in front of Osman Pasina Mosque in central Trebinje, and threatened to return. Hodzic promptly reported the incident to the police. The case remained unsolved at year's end.

Ethnic discrimination in employment and education remained key problems. In most cases, employers did not reverse the widespread firing of members of ethnic minorities during and after the 1992-95 conflict, and employers often hired members of the local ethnic majority over minorities. Many smaller enterprises were owned by politically connected individuals, usually members of the majority group in their communities, and did not employ minorities. State and entity-level officials generally did not act to prevent such discrimination.

The Roma population, estimated at 40,000 persons, experienced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. The BiH HCHR estimated that only 1 percent of the working-age Roma population was employed and indicated that employers usually downsized Roma first during a reduction in force. Many Roma lacked birth certificates, identification cards, or a registered residence, preventing them from accessing health care and public education services or registering to vote.

In September 2008 the country joined the 12-country Decade of Roma Inclusion initiative of central and southeast European countries to raise the socioeconomic status and encourage the social inclusion of Roma over the 2005 to 2015 period. As part of the initiative, the country adopted a national "decade action plan" that established goals and indicators in the initiative's four priority areas: education, employment, health, and housing. In coordination with Roma representatives, the state Ministry of Human Rights and Refugees was tasked with overseeing implementation of the action plan.

Societal Abuses, Discrimination, Acts of Violence Based on Sexual Orientation and Gender Identity

While the law prohibits discrimination on the basis of sexual orientation, it was not enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender persons.

Gays and lesbians faced frequent harassment and discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job.

During the year the Q Association conducted an awareness campaign to follow up on the September 2008 "Queer Sarajevo Festival," which drew harsh, often discriminatory commentary from Islamic community leaders, and was the scene of numerous threats and several acts of physical violence.

Other Societal Violence or Discrimination

According to government statistics, there were 156 officially registered cases of HIV/AIDS in the country at year's end. The NGO XY-Association for Sexual and Reproductive Health estimated that the actual number of cases was at least 600. There was significant social stigma against persons with HIV/AIDS, a general lack of awareness of HIV/AIDS, and extremely limited resources to identify and assist those affected.

Section 7 Worker Rights

a. The Right of Association

The law allows workers in both entities (including migrant workers, but excluding members of the military) to form and join independent unions, and workers did so in practice. An ineffective state-level government NGO registration system was a problem. For example, the International Labor Organization (ILO) has criticized the government for not allowing the Trade Union of BiH (SSBIH), representing approximately 260,000 workers, primarily from Federation government-owned enterprises, to register as a union at the state level since 2002. Lack of formal recognition blocked the union from engaging in social dialogue on issues pertaining to state-level competencies with partners, although the government alleged that SSBIH lacks leadership and cohesion.

The law provides for the right to conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed workers from organizing. Worker rights violations continued to be a lower priority for ministry inspectors, as state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers that did not pay taxes. Some unions reported that employers threatened employees of private companies with dismissal if they joined a union.

The law provides for the right to strike in both entities, and workers exercised this right in practice. In the Federation, the law has burdensome requirements for workers who wish to conduct a strike. For example, a trade union cannot officially announce a strike to the employer before an agreement on the activities, or an arbitration award on those activities, is reached between the parties. This allows the employer to avoid addressing a proposal from the trade union, thus preventing a strike.

In Republika Srpska, an overly-broad list of public service workers, including those in state radio and television and basic food production, must provide a minimum level of service in the event of a strike.

b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively in both entities. In both entities, general collective agreements, in which the minimum wage and other conditions of work are fixed, were negotiated by the respective governments and representative organizations of employers and workers. A number of private employers refused to recognize these agreements. Workers' and employers' organizations were not skilled in collective bargaining.

Antiunion discrimination is prohibited by law but was widespread in both entities. The labor inspectorates and courts did not deal effectively with the many complaints of antiunion discrimination against employers. In practice, the government did not impose fines on employers who prevented workers from unionizing, a practice that was becoming more prevalent as private sector businesses replaced former state-owned enterprises that had a traditional union culture. Barriers to employees bringing complaints against employers included high unemployment rates, a backlogged court system, and the large number of unregistered workers in the gray economy, which by some estimates represent more than 40 percent of the workforce.

There are no special laws or exemptions from regular labor laws in the country's four export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that individuals and organized crime syndicates trafficked women and children within and to the country for commercial sexual exploitation and sometimes for begging and forced labor.

Victims of sexual exploitation worked primarily out of private apartments and homes or were driven to clients and forced to perform sexual services. They reported working in conditions akin to slavery, with little or no financial support, where they were intimidated, verbally threatened, and subjected to physical and sexual assault to keep them in a condition of servitude

(see section 6 - Trafficking in Persons).

d. Prohibition of Child Labor and Minimum Age for Employment

Entity-level labor laws restrict child labor, and the entity governments enforced these laws in practice. The minimum age for employment of children in the Federation and in Republika Srpska is 15 years; minors between the ages of 15 to 18 must provide a valid health certificate in order to work. The law prohibits children from performing hazardous labor. In the Federation, minors are prohibited from "night work," except in exceptional circumstances. Although child labor was not generally a problem, children sometimes assisted their families with farm work and odd jobs. Reports also indicated that children worked on construction sites, in small, family owned shops, on the streets, and cleaned cars.

Trafficking in children for sexual exploitation and sometimes for labor and begging was a problem. Organized begging rings exploited Roma children in particular, of which more than half were under the age of 14 and did not attend school.

Entity governments are responsible for enforcing child labor laws. Neither entity had inspectors dedicated to child labor inspections, and authorities investigated violations of child labor laws as part of a general labor inspection. Both entities' labor inspectorates reported that they had not found significant violations of child labor laws in the workplace, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor.

e. Acceptable Conditions of Work

The monthly minimum wage in the Federation was 343 convertible marks (\$250). In the Republika Srpska, the monthly minimum wage was 320 convertible marks (\$234). Neither minimum wage provided a decent standard of living for a worker and family. In the Federation, the minimum wage was established by a joint commission that included representation of employers, workers, and the Federation government. The commission met annually to determine the minimum wage. Labor inspection agencies at the entity level were responsible for enforcing the minimum wage. In the case of the Federation, the entity agency was responsible for large state-owned enterprises, while cantonal inspection agencies were responsible for small, private businesses. The agencies were effective at enforcing the minimum wage, largely because the wage was low and a smaller problem in comparison to employers not reporting actual salaries in an effort to avoid payment of social contributions.

Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds. To avoid paying high social welfare benefits, employers often did not officially register their employees, leaving employees without access to public health care and unable to officially transfer to another employer. The employer obligation to the government for large social contributions led to an increase in black market employment, as employers preferred employees that were "off the books" to official salaried ones.

Many employers were behind, sometimes for years, in paying salaries or providing health and pension benefits to employees of public works and institutions.

The legal workweek in both entities is 40 hours; however, seasonal workers may work up to 60 hours per week. The law limits overtime to 10 hours per week in both entities; the Federation has no provision for premium pay, while the Republika Srpska requires a 30 percent premium. An employee in the Republika Srpska may volunteer for an additional 10 hours in exceptional circumstances. Federation and Republika Srpska laws require a minimum rest period of 30 minutes during the workday. In the very large informal economy, no working hours, daily and weekly rest, or annual leave protections could be enforced and were generally believed to be lacking.

Authorities did not adequately enforce regulations related to acceptable work conditions. While entity labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. Since the courts only served as recourse for complaints involving registered workers, the Republika Srpska labor inspectorate had to submit fines and penalties for court approval; due to court backlogs, this system was not effective, and many workers for practical purposes worked without protections. Republika Srpska law holds employers responsible for analyzing and improving working conditions.

The law provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment; however, this right was not effectively enforced in practice. Workers' rights extended to all official, i.e. registered, workers, including migrant and temporary workers. According to informal estimates, approximately 40 percent of the total work force was unregistered.