

2023 Country Report on Human Rights Practices: Bosnia and Herzegovina

EXECUTIVE SUMMARY

Authorities in the majority Serb Republika Srpska – which along with the Bosniak-Croat Federation and Brcko District comprise Bosnia and Herzegovina – undertook sustained actions that undercut national institutions, increased interethnic tensions, and limited the freedoms of assembly and expression. Escalating verbal and legal attacks by Republika Srpska President Milorad Dodik undermined the federation's constitutional order, and divisive and inflammatory rhetoric from Republika Srpska leaders contributed to increased political and ethnic tensions throughout the country. On April 28, a federation government was formed after four years of institutional blockage.

Significant human rights issues included credible reports of torture or cruel, inhuman, or degrading treatment or punishment of detainees by police; harsh and life-threatening prison conditions; serious problems with the independence of the judiciary; serious restrictions on free expression and media freedom, including violence and threats of violence against journalists, and adoption of the law criminalizing defamation; substantial interference with the freedom of peaceful assembly and freedom of association; serious and unreasonable restrictions on political participation for minority candidates; serious government corruption; extensive gender-based violence, including domestic and sexual violence, violence against children, and early and forced marriage in the Roma population; crimes involving violence or threats of violence targeting members of ethnic groups; religiously motivated crimes, including attacks, harassment, and intimidation targeting various religious groups; crimes motivated by antisemitism; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons. The government did not take credible steps to identify and punish officials who may have committed human rights abuses.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

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

Impunity for some crimes committed during the 1992-1995 war remained a serious problem, especially for those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 7,600 other individuals who remained missing and presumed killed. Authorities also continued to fail to prosecute most of the more than 20,000 instances of alleged sexual violence from the war. The likelihood of victims of atrocity crimes receiving justice continued to diminish due to the death and illness of suspects, defendants, witnesses, and victims; the deteriorating quality of evidence; a lack of resources stemming from insufficient funding and personnel; and poor regional cooperation.

During the year national authorities made only limited progress processing war crimes because of long-lasting organizational problems and financial shortfalls. In March the country's Council of Ministers appointed the long-delayed supervisory body for the *Revised National War Crimes Strategy* it adopted in 2020. The strategy includes measures to enhance judicial and police capacities to process war crime cases and updates the measures for protection of witnesses and victims.

In April 2022 a court sentenced Sakib Mahmuljin, a commander in the former Army of the Republic of BiH, to eight years of imprisonment for conviction of war crimes committed by foreign volunteers in Vozuca and Zavidovici under his command. Mahmuljin was reportedly in Turkey receiving medical treatment. The Court of Bosnia and Herzegovina (BiH) issued an international arrest warrant following Mahmuljin's failure to surrender to authorities and subsequently sent a letter rogatory to Turkey requesting his extradition. Bosnian media reported Mahmuljin was allegedly staying in a villa owned by Bosniak ethnonationalist Party of Democratic Action (SDA) leader Bakir Izetbegovic, fueling Bosnian Serb accusations that only alleged Bosnian Serb war criminals were being prosecuted.

In July the appeals chamber of the Court of BiH upheld the verdict acquitting wartime leader Djordje Ristanic. He was acquitted of committing crimes against humanity as part of a widespread and systematic attack targeting the Bosniak and Croat populations in the Brcko area. In June the appeals chamber of the Court of BiH reduced by two years the 20-year sentence of Momcilo Tescic for his participation in the shooting of 17 men from the Srebrenica area in 1995.

Instances of historical revisionism; genocide denial; and the glorification of individuals convicted of genocide, crimes against humanity, and war crimes continued. The BiH Prosecutor's Office filed no indictments during the year through October for genocide denial or war criminal glorification under the 2021 amendments to the BiH Criminal Code. The chief prosecutor stated the office reached 30 decisions not to initiate investigations based on the complaints received, all of which came from citizens and nongovernmental organizations.

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, AND OTHER RELATED ABUSES

The law prohibited such practices. There were no credible reports government officials employed such measures. Nevertheless, as reported by the Council of Europe's Committee for the Prevention of Torture (CPT), there were no indications security forces ended the practice of severely mistreating detainees and prisoners reported in previous years.

In May CPT released findings from its 2021 ad hoc visit to the country noting a continued lack of effective action implementing recommendations from its 2019 visit, especially as regards ill-treatment by police officers. The 2021 CPT delegation also received numerous allegations of ill-treatment of detainees by Sarajevo Canton Police and the Gendarmerie, including slaps, punches, kicks, and blows with batons and the butts of service weapons. In several instances persons who met with CPT delegation members alleged they had to spend hours handcuffed to furniture and were denied water or food. Detainees also alleged the same police officers who inflicted their injuries often escorted them to see a doctor, resulting in medical records attributing injuries to vague circumstances. Several detainees alleged psychological mistreatment by crime inspectors to elicit confessions. The CPT delegation noted 18 suspects' files containing information by Sarajevo emergency medical centers recorded injuries present at the time of transfer to the judicial police. Impunity was a significant problem in the security forces, with the CPT noting a lack of investigation into allegations of mistreatment of detainees. Impunity was a significant problem in

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On August 30, the country's Parliament adopted a law establishing the Human Rights Ombudsman Institution as a national mechanism for the prevention of torture and mistreatment of detainees and prisoners in accordance with the Optional Protocol to the UN Convention against Torture. In 2022 the institution received 77 complaints by prisoners primarily regarding health care, use of parole, conditions of prison and detention facilities, denial of out-of-prison benefits, and transfer to other institutions. Impunity was a significant problem in the security forces, with the CPT report noting a lack of investigation into allegations of mistreatment of prisoners and detainees.

Police throughout the country had internal units for professional standards that were under the direct supervision of district, cantonal, or other local police units, to which citizens could report cases of mistreatment or abuse of persons deprived of liberty. Only a few reported allegations of police brutality were processed by the internal police units.

Prison and Detention Center Conditions

Physical and sanitary conditions were harsh in some of the country's prisons and detention facilities; however, the CPT reported good conditions in the State Prison, as well as in prisons in Bihac, Mostar, Sarajevo, and Zenica.

Abusive Physical Conditions: In its report, the CPT noted unacceptable conditions in police detention facilities in Mostar Centar and several Zenica police stations, including a lack of daylight, ventilation, and cleanliness. Prisoners complained of the lack of health care, particularly diagnostics or specialist services. The CPT found the State, Zenica, and Sarajevo prisons had generally adequate medical staff. Mostar and Bihac prisons had general practitioners, psychiatrists, and dentists visiting twice and once a week, respectively. Each had two full-time nurses. Only the State Prison offered suitable facilities for prisoners with physical disabilities. In some instances, prisoners did not receive required medical services that were more complex and costly. The CPT report found there was no testing for transmissible diseases at any of the prisons its representatives visited.

Administration: CPT reported investigations by authorities into allegations of police mistreatment as ineffective (see section 1.c.). The country's prison system was neither fully coordinated, nor in full compliance with European standards. Differing legal regulations governing the same area occasionally resulted in unequal treatment of convicts.

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 Ombudsman Institution, and nongovernmental organizations (NGOs) continued to have access to prison and detention facilities under the jurisdiction of the Ministry of Justice.

D. ARBITRARY ARREST OR DETENTION

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

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 required authorities to inform detainees of the charges against them immediately upon arrest and obliged police to bring suspects before a prosecutor within 24 hours (72 hours for terrorism charges). During that period police could detain individuals for

investigative purposes and processing. The prosecutor had an additional 24 hours to release the person or to request a court order extending pretrial detention. The court had a subsequent 24 hours to decide which option to pursue.

Court police were separate from other police agencies. After 24 or 48 hours of detention by court police, the law required a magistrate to decide whether the suspect should remain in custody or be released. Suspects who remained in custody were remanded to prison staff.

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

The law allowed detainees to request a lawyer of their own choosing; if they were unable to afford a lawyer, authorities provided one. The law also required the presence of a lawyer during pretrial and trial hearings.

E. DENIAL OF FAIR PUBLIC TRIAL

The State constitution provided for the right to a fair hearing in civil and criminal matters while the Federation (FBiH) and Republika Srpska (RS) constitutions provided for an independent judiciary. Nevertheless, political parties and organized crime figures sometimes influenced the judiciary in politically sensitive cases, especially those related to corruption. According to independent media sources, authorities at times failed to enforce court decisions, especially Constitutional Court decisions.

Trial Procedures

The law provided for the right to a fair and public trial, although the judiciary did not always enforce this right, especially the right to timely trial. For example, on July 5, the Constitutional Court ruled Sarajevo Canton violated the right of Boris Cilic to a fair trial in a civil proceeding. The court ruled the delay of proceedings against Cilic, which lasted seven and a half years, was unjustified and ordered the Sarajevo Cantonal Court to pay KM 300 (\$164) in compensation.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

The law on freedom of religion provided religious communities with the right to restitution of expropriated religious properties. The country's government did not enact enforcement legislation. The four "traditional" religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish) maintained extensive claims for restitution of property nationalized during and after World War II. Nevertheless, in the absence of a standalone 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, or gave religious communities only a temporary right to use them. The government had no laws or

mechanisms in place for resolution of Holocaust-era claims, and NGOs and advocacy groups reported the government made no progress on these claims, including on behalf of foreign citizens.

In the past, the absence of enforcement legislation resulted in the return of religious property on an ad hoc basis subject to the discretion of local authorities, often in favor of the local majority religious group. While the four religious communities unanimously supported adoption of a law on restitution, political disagreement regarding whether the state or entity level governments should be responsible for enforcement blocked progress. Advocacy groups and legal experts highlighted the need for at least a framework legislation at the state level to prevent discriminatory practices in the implementation of the law.

The Jewish community had restitution claims involving at least 54 properties seized by communist authorities through nationalization, expropriation, liquidation, or illegal gifts. For example, the Sarajevo Cantonal Ministry of Interior was in a Jewish community building in the center of Sarajevo, formerly owned by the Jewish charity La Benevolencija.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* Report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

In September 2022, the Constitutional Court ruled a February 2022 law adopted by the RS National Assembly asserting ownership of immovable state property was unconstitutional. The law was the latest in a series of attempts by RS officials to undermine the state, the constitution, and the Dayton Peace Agreement by laying claim to assets of the former Yugoslavia that had passed to BiH.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

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

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The law provided for freedom of expression, including for the press, although government respect for this right remained poor. Attempts to erode this legally protected right continued during the year. On August 26, amendments to the RS Criminal Code recriminalizing defamation went into effect. The amendments criminalized defamation, which was defined in vague terms, as well as the unauthorized publication of documents and images. Conviction of both was punishable by fines; the latter also carried prison sentences. Civil society representatives argued the provisions would threaten journalists and other independent expression, likely reinforcing self-censorship, and have a chilling effect on critical media coverage of the RS government as well as investigative reporting on corruption and rule of law. On August 30, the country's Parliament adopted the Freedom of Access to Information Act. Civil society activists criticized provisions of the law that created exceptions to the requirement to provide information and that gave the authority to decide appeals against institutional decisions to the Appeals Council under the Council of Ministers, which proposed the amendments.

Intimidation, harassment, political pressure, and threats, including death threats, against journalists and media outlets increased during the year according to the BH Journalists Association, a professional association that also noted fewer cases were resolved in favor of journalists who claimed their rights were violated. The High Judicial and Prosecutorial Council (HJPC) adopted a recommendation that all prosecutors' offices should appoint someone to facilitate communication between prosecutors and other judicial authorities and journalist associations. Six cantons in the Federation, including Sarajevo, did so. Ethnonationalist rhetoric and political bias continued to increase in some media. The absence of transparency in media ownership remained a problem. Ownership of online media remained opaque in many instances. For many broadcast and print outlets, only information concerning nominal ownership was available.

Freedom of Expression: The country's law prohibited expression that provoked racial, ethnic, or other forms of intolerance, including "hate speech," but authorities only occasionally enforced these restrictions and never in relation to online media. The Communications Regulatory Agency received three complaints related to hate speech but did not determine any had merit.

During the year through October 17, no persons were indicted or prosecuted for genocide denial; the glorification of war crimes; or the incitement of racial, religious, or ethnic hatred. According to the Srebrenica Memorial Center, genocide denial by elected representatives and media sources had become more prevalent, which the Center identified as a concerning trend. In March the BiH state prosecutor opened a case against RS President Milorad Dodik for genocide denial.

Violence and Harassment: Intimidation, violence, politically motivated litigation, and threats against journalists were recorded during the year. As of July, the Free Media Help Line recorded 53 cases of alleged violations of journalists' rights and freedoms, including one death threat and one physical assault. Most of the cases involved threats, political pressure, online harassment, and hate speech. The most common offenders were politicians or government officials. The BH Journalists Association research indicated an increase in political and institutional abuses of rights of journalists, while politicians or individuals associated with political parties were most responsible for online threats to journalists.

Members of advocacy groups and media suffered several physical and verbal attacks during the year. In January the editorial teams of Oslobodjenje (newspaper) and television channel O Kanal TV from Sarajevo received numerous threats and insults on social media after O Kanal TV news editor, Kenan Cosic, interviewed Boris Malagurski, the author of a documentary "Republika Srpska – Struggle for Freedom," whose work was often seen as part of a Serb nationalistic agenda. Cosic and his family received death threats. In March Banja Luka independent journalists Aleksandar Trifunovic and Nikola Moraca reported to police the vandalization of their vehicles. Both had participated in journalists' protests opposing the RS government's decision to recriminalize defamation.

Media investigations focused on corruption and accountability continued to provoke threats. In July burglars broke into the apartment of Zurnal.info web portal investigative journalists Eldin Karic and Zana Gauk Karic and stole two laptops. The BH Journalists Association and the Free Media Help Line described the incident as an act of intimidation.

Reacting in March to criticism from journalists regarding plans to re-criminalize defamation, RS President Milorad Dodik insulted journalists, specifically targeting the leader of the Banja Luka Club of Journalists, Sinisa Vukelic, calling him and others "scumbags who have been lying here for years, tampering, imposing on people, racketeering." The BH Journalists Association and the Safe Journalist Network stated the behavior represented open political pressure on media and restricted freedom of expression.

During an August 12 press conference in Banja Luka, Dodik again verbally attacked a group of journalists, calling them "enemies of the Serb people and destroyers of Republika Srpska," further claiming they received foreign assistance. The BH Journalists Association and Safe Journalist Network called on the District Public Prosecutor's Office in Banja Luka to investigate. The Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the

Media Teresa Ribeiro and Head of the OSCE Mission to Bosnia and Herzegovina Brian Aggeler expressed alarm regarding Dodik's threats and accusations.

The BH Journalists Association noted gender-based attacks and pressure against women reporters continued during the year. According to the Free Media Help Line, the number of threats against women journalists grew rapidly. In March "Al Jazeera Balkans" journalist Dalija Hasanbegovic-Konakovic shared on her Twitter account misogynistic and nationalistic insults and threats she received on multiple social media platforms after she announced she was expecting a child. Some of the messages included death threats to her and her family. Some of the threats came from Jasmin Mulahusic, a known cyber radical operating from abroad, who was under investigation by the country's Prosecutor's Office for inciting national, racial, and religious hatred.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Political and financial pressure on media outlets to influence editorial policies and content continued. Some media claimed tax authorities used unjustified audits to punish them. Activists assumed these authorities were acting under the direction of ruling political parties to use audits and allegations of tax evasion to intimidate and censor outlets. A broader economic downturn continued to erode the financial stability of media, making them more vulnerable to outside pressure.

There were also instances of public officials obstructing the work of journalists. In February during a special session of the Prijedor Assembly, public officials prevented several outlets from covering government meetings at which discussion of a controversial statement by a local imam (Islamic religious leader) directed against the Orthodox Church was on the agenda. Security officers removed local reporters, claiming the session was closed to the public. In March the Zenica City Council banned media from covering a session without providing an explanation. The practice of pressuring journalists to censor their reporting, particularly investigative stories, continued during the year. In February the Banja Luka Police Department interrogated Nikola Moraca, a journalist from the Euro Blic daily, following his report on the sexual assault of a woman, age 18. Police officers, in the presence of a prosecutor, demanded Moraca's sources and threatened to detain him. The officers forced him to surrender his cellphone for their investigation, according to media accounts. The BH Journalists Association and the Free Media Help Line threatened legal action for abuse of power. Authorities returned the cellphone to Moraca three months later.

Public broadcasters, including BHRT and RTV FBiH, continued to operate without stable and sustainable income that would help enable an independent editorial policy. Broadcasters remained exposed to political influence. Independent analysts stated it was necessary to limit the legislative prerogative in appointing steering boards of public broadcasters to preserve their editorial independence.

RTV FBiH continued to demonstrate a selective and biased approach to news coverage. The RS government continued to exert direct control over RTRS, which openly engaged in propaganda, amplifying the positions and narratives of the ruling coalition. Failure to implement the state-level Law on Public Broadcasting and to collect subscription fees kept state-level public broadcaster BHRT on the brink of bankruptcy, forcing it to shrink operations. The law enabled public broadcasters in the RS and FBiH to collect subscription fees, but they failed to do so. Authorities failed to establish a public broadcasting service corporation to oversee the operations of all three public broadcasters in the country as envisioned by the law.

The Communications Regulatory Agency (CRA), which regulated the audiovisual media market, lacked full financial and political independence, and local analysts continued to warn that its general manager operated under political influence. During the year the agency fined *commercial television channel* FACE TV KM 15,000 (\$8,197), citing "noncompliance with generally accepted standards of decency in program content" in alleging obscene language was used during a news program. FACE TV appealed the decision, and the BH Journalists Association described the fine as draconian, saying it was an attempt to censor and silence an outlet that criticized the decisions of the CRA and its general manager.

Multiple political parties and government institutions attempted to influence editorial policies and media content through legal and financial measures, as well as through political pressure. As a result, some media outlets practiced self-censorship. Government institutions restricted access to information concerning corruption cases that alleged improper use of public funds and foreign investments. For example, Transparency International BiH filed a case with a district court against the RS Ministry of Traffic in 2021 for restricting access to details regarding a contract related to the Banja Luka-Prijedor highway. In July the court ruled in favor of Transparency International BiH for a second time after the ministry failed to comply with the first court order. Cases of allowing only selected media representatives to cover events continued during the year. Public companies, most of which were under the control of political parties, remained key advertisers. Outlets critical of ruling parties claimed they faced difficulty getting business from some of those advertisers.

Libel/Slander Laws: While the country decriminalized defamation two decades ago, the ruling coalition in the RS recriminalized it, undercutting press freedom. On August 26, amendments to the RS Criminal Code went into effect making defamation a criminal act subject to large fines and introducing prison sentences for the publication of video, photos, or documents without consent. The Office of the UN High Commissioner for Human Rights (UNHCR) stated criminalization of defamation would be a major setback to the right to freedom of expression, not only in the RS but throughout the country. Professional associations stated investigating crime and corruption, calling for accountability, and documenting stories would become impossible under the law.

Public figures, politicians, judicial officials, and directors of public companies across the country continued to file civil defamation complaints against journalists, often resulting in fines. Defamation cases continued to be used to exert both financial and political pressure on media and journalists. Data from the Free Media Help Line and the Press Council indicated the number of civil defamation cases against journalists and editors was growing. Courts continued to fail to differentiate between news and commentary, while long court procedures undermined the financial viability of journalists and media outlets. Data available from Free Media Help Line indicated 80 percent of defamation cases were initiated by government officials or politicians. Professional organizations noted courts imposed large damages with increasing frequency. During the year the BH Journalists Association cited a number of cases where individuals and institutions sent letters through their lawyers to media outlets demanding they remove and delete content they published. In most cases the content was related to reporting on crime and corruption. *Capital.ba*, *Zurnal*, and *Bljesak.info* news portals, all known for their investigative work, received such demands.

Internet Freedom

The government did not restrict or disrupt access to the Internet or censor online content, and there were no credible reports it monitored private online communications without appropriate legal authority.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The laws provided for the freedoms of peaceful assembly and association, but the government limited those freedoms.

Freedom of Peaceful Assembly

The law provided for freedom of peaceful assembly, and the government generally respected this right, albeit within limits. There were 12 laws governing the right to free assembly in different parts of the country, many of which human rights NGOs and OSCE assessed were overly restrictive. Examples included the prohibition of assembly in front of numerous public institutions in the RS, while some cantonal laws in the Federation (e.g., in Central Bosnia Canton) prescribed criminal liability for failing to fulfill administrative procedures for holding a peaceful assembly. Lesbian,

gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons also had problems with freedom of assembly (discussed further in section 6). The only law that was entirely in conformity with applicable international human rights standards was the Brcko District Law on Public Assembly. During the year authorities made no efforts to change any of the other 11 laws to bring them into conformity with European standards. The absence of proper legislation gave authorities the ability to arbitrarily shut down freedom of assembly requests.

On March 18, the Police Administration of Banja Luka notified BiH Pride March organizers that although municipal authorities previously approved a permit to gather, authorities would prohibit the Banja Luka Pride march. Police cited “the negative reaction of the population and citizen associations that openly opposed the planned event” and vowed to use force to stop the event if necessary.

Freedom of Association

The law provided for freedom of association, and the government generally respected this right. Independent NGOs complained the government distributed funding only to groups that were either founded by, completely controlled by, or connected to ruling political parties, and which implemented activities in support of the government.

In the RS, organizations and individuals publicly critical of Russia’s invasion of Ukraine often received threats of harm and were openly criticized by administration officials for their work and criticism of the RS government’s pro-Russia policy. An NGO leader from a Bijeljina-based organization reported such hostility resulted in lost funding and the subsequent shuttering of some smaller NGOs, reducing opportunities for activists to organize and gather. RS authorities did not investigate or prosecute such cases, sanction perpetrators, or condemn the practices.

C. FREEDOM OF RELIGION

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

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

In-country Movement: Restrictions on entry and exit only continued at the Borici temporary reception center for migrants, where residents could exit during the day but had to return by 4 p.m. RS authorities continued to restrict the movement of migrants and asylum seekers within its territory, and in some cases provided transport to the Inter-Entity Boundary Line at Rudenice/Kljuc, where migrants were sometimes referred to the International Organization for Migration for transportation to a Temporary Reception Center or continued making their way to Una-Sana Canton on foot.

E. PROTECTION OF REFUGEES

The government cooperated with the UNHCR Office and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status. Asylum seekers with pending applications were entitled to accommodation until the Ministry of Security ruled on their cases. Asylum seekers had the right to legally live in the country until the ministry made a final decision on their applications. They had the right to work, access to primary health care, education, free legal aid, and other basic needs. On some occasions, migrants and asylum seekers reported animosity from the local population.

Durable Solutions: In most cases the government chose to grant subsidiary protection in the country that provided much more limited rights than refugee status. It neither included a pathway to permanent residency and ultimate naturalization nor did it allow migrants to obtain a travel document or pursue family reunification. The law provided a program for integration and return of refugees and displaced persons from the 1992-1995 war. The country was party to a regional housing program funded by international donors 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 internally displaced persons (IDPs) from BiH. By the end of 2022, contractors had only delivered nearly 2,700 housing units. At least 168 vulnerable Bosniak families in the program remained without a solution for their housing situations.

Temporary Protection: For refugees fleeing Ukraine, national authorities failed to establish a temporary protection plan in line with the European Union and non-EU neighboring countries despite UNHCR's continuous advocacy. Instead, most Ukrainians applied for a temporary stay on humanitarian grounds, which did not afford them any rights, including employment, health care, or education. While the official asylum system was open to Ukrainians, the extremely lengthy processing times of up to one year rendered the procedure inappropriate for Ukrainians requiring immediate international protection. Consequently, of the 191 Ukrainians who arrived in the country after February 2022, only 17 were granted subsidiary protection as of October, and most of the rest applied for temporary residence on humanitarian grounds that allowed them to stay for up to six months without any rights besides residency.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS

As of September, the Ministry of Human Rights and Refugees stated 96,305 individuals still held IDP status following the 1992-1995 war. Access to free legal aid for IDPs and returnees remained inconsistent due to under-resourced cantonal legal aid offices and legislative gaps. UNHCR continued to support a limited number of vulnerable IDPs in accessing their rights. According to UNHCR, 35 collective-type accommodations throughout the country remained occupied by IDPs awaiting permanent housing. While the accommodations were meant to be temporary, some IDPs had been living in temporary quarters for more than 20 years.

The country's constitution and laws provided for the voluntary return or local integration of IDPs consistent with the *UN Guiding Principles on Internal Displacement*. The government actively promoted the safe return of refugees and IDPs or the local integration of persons in their place of displacement, depending on their specific situations. 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, and there were no major developments regarding improved access to rights and services – particularly the right to education in their language – for vulnerable IDPs and returnees.

For further information regarding IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org/>.

G. STATELESS PERSONS

As of August, UNHCR was aware of 32 persons who were stateless or at risk of statelessness. They included Roma, former refugees from Croatia residing in the RS, children born to undocumented migrants and asylum seekers, persons born abroad without birth registration, and persons lacking birth certificates and citizenship registration. UNHCR continued to aid authorities to facilitate birth

and citizenship registrations and advocated for the closure of legal gaps to lower the number of persons at risk of statelessness.

Section 3.

Freedom to Participate in the Political Process

The constitution and the law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Observers noted several shortcomings, however.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: National elections were widely reported to be unfair and not free of abuses and irregularities. In May the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) presented its final report on the October 2022 general elections to authorities. These elections were for the country's presidency and House of Representatives, the Bosniak-Croat Federation (FBiH) House of Representatives, the RS Assembly, the RS president and two vice presidents, FBiH cantonal assemblies, and the Brcko District Assembly. Notably, following these elections, on April 28, the FBiH formed its first government in four years after a prolonged period of institutional blockage. The government worked to pass long-overdue legislation to benefit citizens, including energy laws and a law that grants special rights to children born through acts of sexual violence during wartime. The FBiH government also prioritized implementing the 2014 Law on Suppression of Corruption and Organized Crime.

ODIHR's report stated the elections were well organized and competitive, but it also recognized prior failed reform efforts, widespread mistrust in public institutions, and ethnically divisive rhetoric hurt the election environment. ODIHR further reported fundamental freedoms were respected during the election campaign, but the lack of public debate, the use of divisive rhetoric, and the limited and biased media coverage reduced voters' opportunity to make informed choices.

ODIHR reported election day was overall orderly, but observers noted compromises to the secrecy of the vote due to the layout of polling stations and inconsistent application of procedural safeguards, mainly during vote tabulation. The observed control count was conducted in an open and transparent manner. Observers, including Pod Lupom, a coalition of election integrity NGOs, reported misuse of public resources during the election campaign. Most reports alleged misuse of public resources on behalf of the Alliance of Independent Social Democrats (SNSD), SDA, the Croatian Democratic Union (HDZ BiH), the Social Democratic Party (SDP), and the Party for BiH (SBiH). Pod Lupom also reported ruling parties in the Federation and the RS (SDA, HDZ BiH, and SNSD) provided one-time assistance to potential voters immediately before the elections, such as financial assistance to pensioners, persons with disabilities, civilian war victims, and veterans. These parties also sometimes used public resources to purchase and distribute packages of basic foodstuffs prior to the election.

Political parties continued to manipulate the electoral process through the registration of fictitious political entities to pack polling station staff with loyalists. July 2022 reforms to the BiH Election Law by High Representative Christian Schmidt, whose office oversees implementation of the civilian aspects of the Dayton Peace Agreement, curbed some of this behavior by sharpening definitions for electoral violations and increasing penalties.

Political parties, civil society, and the international community observed numerous irregularities during election day. International observers reported organized fraud was particularly severe and possibly determinative in the race for the RS President. Additionally, polling station staff were not consistently following accountability measures, and there was evidence political parties were improperly influencing voters. The Central Election Commission conducted a recount of ballots in

that presidential race and discovered that at several polling stations in the RS, election staff reported a significantly larger number of votes for the winner, Milorad Dodik, than reflected in the ballots.

Political Parties and Political Participation: Some leaders of smaller political parties complained 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 Members of Marginalized or Vulnerable Groups: Although no laws limited the participation of women or members of minority groups in the political process, the country's patriarchal culture tended to restrict their participation in political affairs. While the law required at least 40 percent of a political party's candidates be women, women held only 21 percent of delegate seats in the House of Representatives and the House of Peoples in the state-level parliament.

Representation of women in the judiciary was much higher than in the executive and legislative branches. Women held more than 60 percent of positions in local courts and in the High Judicial and Prosecutorial Council, including 40 percent of the most senior positions.

The law provided that Serbs, Croats, and Bosniaks – defined in the constitution as the “constituent peoples” of the country – as well as undefined others be adequately represented at all levels. The government did not respect this requirement. The country's 17 recognized national minority groups remained significantly underrepresented in government. There were no minority members in the state-level parliament. The government made no effort to implement the European Court of Human Rights' multiple rulings that found the country's constitution discriminated against “others,” such as Jews and Roma, by preventing them from running for the presidency and seats in the parliament's upper house, the House of Peoples.

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively nor prioritize public corruption as a serious problem.

Corruption: In April the High Representative, who oversees implementation of the civilian aspects of the Dayton Peace Agreement, enacted amendments to the country's, FBiH, and RS criminal codes expanding the definition of bribery of public officials and instituting penalties for conviction of fines, imprisonment of up to 10 years, and bans on holding public office. On September 7, the country's Parliament adopted amendments to the Law on the HJPC. The amended law regulated matters of integrity of HJPC members and judicial officials, including provisions on conflict of interest, and collection of asset declarations and their verification.

Corruption remained prevalent in public procurement processes, local governance, and public administration employment procedures. Observers considered police impunity widespread, and there were continued reports of corruption within security forces of all levels. During the year mostly with international assistance, the government provided training to police and security forces to combat abuse and corruption, and to promote respect for human rights. The field training manuals for police officers also included ethics and anticorruption training components. State, entity (Federation and RS), cantonal, and municipal administrations, each with the power to establish laws and regulations affecting business, created systems that lacked transparency. Corrupt officials at all levels had ample opportunities to demand “service fees,” especially in local government institutions.

Analysts considered the legal framework for prosecuting corruption to be satisfactory across almost all levels of government and attributed the absence of high-profile prosecutions to political pressure

and a lack of political will. State-level institutions tasked with fighting corruption had limited authority, no executive powers, and remained under resourced.

In August 2022, the Sarajevo Canton adopted the Law on Prevention of Corruption that included measures to prevent conflict of interest and protect whistleblowers. During the year through October, the Sarajevo Canton's anticorruption office initiated 71 conflict of interest cases, resulting in 48 officials resigning. The office also granted five persons protected whistleblower status. The office successfully verified asset declarations of public officials, providing an important boost to efforts to detect unexplained wealth and promote the integrity of public officials.

In 2022 the Conflict of Interest Commission for the Brcko District Anticorruption Office handled 36 conflict of interest cases and found violations in 15 of them. In four cases the Commission imposed fines, and in 11 cases, it issued reprimands.

The country's State Prosecutor's Office obtained two convictions in a COVID-19 pandemic-related corruption scheme in the Federation. In 2020 former Prime Minister Fadil Novalic, former Minister of Finance Jelka Milicevic, and former Director of Civil Protection Fahrudin Solak were charged with corruption after procuring unusable respirators from China worth \$6 million. Following conviction, in April Novalic was sentenced to four years in prison and Solak to six years. Milicevic was acquitted of all charges.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were seldom cooperative and responsive to their views, and the Council of Ministers largely excluded NGOs from politically important or sensitive decisions or consultations on proposed legislation.

International monitoring groups and NGOs reported Republika Srpska National Assembly legislative efforts to require RS-registered NGOs receiving assistance from foreign sources to meet additional, onerous bureaucratic requirements, caused many of them to preemptively close down or suspend operations. NGO representatives noted some civil society representatives working on highly sensitive matters, such as conflict-related crimes and combating corruption, were subjected to threats and verbal assaults. Such threats often came via social media or as graffiti on NGOs' offices. NGOs operating in the RS reported organizations critical of the government had limited chances of receiving government funding and experienced political pressure, blackmail, and intimidation. Authorities seldom successfully investigated such threats. NGOs could be dissolved if found in violation of the law. NGOs in the RS also reported they frequently had difficulty accessing international funding as some donors required NGOs to secure matching funding for projects from local authorities. Several NGOs in the RS reported local authorities refused to work with them. Civil society organizations reported numerous organizations had to cease their operations due to lack of funding and complained the government primarily funded politically aligned organizations.

The United Nations or Other International Bodies: In contrast to the Brcko District government, the entity governments were generally unresponsive in dealing with the Office of the High Representative, which oversees implementation of the civilian aspects of the Dayton Peace Agreement. RS officials repeatedly declared High Representative Christian Schmidt was "illegitimate." In July the RS implemented legislation preventing the publication of the High Representative's decisions in the RS Official Gazette, a violation of the Dayton Peace Agreement and the BiH Criminal Code.

RS officials at the highest levels continued to glorify war criminals with impunity. On July 25, the country's Srebrenica Memorial Center, consisting of a memorial-cemetery complex to honor the victims of the 1995 Srebrenica massacre, issued its 2023 Srebrenica Genocide Denial Report based

on monitoring and analysis of the instances of genocide denial. The report recorded 90 cases of denial in the period from May 2022 to May, a significant decrease from the previous year (693 cases). The report found the number of cases of glorifying war crimes also decreased, but its authors cautioned that even so there were concerning political trends of genocide denial and glorification of war criminals. The Center named RS President Milorad Dodik “the biggest denier of the genocide,” with 11 recorded incidents.

Following the report’s release, several of its authors were subjected to threats on social media and in RS-based media. On August 5, Srebrenica Memorial Center director Emir Suljagic reported “an alarming rise in threats” against a key report contributor, Edin Ikanovic. Suljagic highlighted the amplification of these threats by Branimir Kojic and several genocide-denying, right-wing media sites. The EU Mission in BiH called for an investigation into the threats.

Government Human Rights Bodies: The state-level Ombudsman Institution had authority to investigate alleged violations of the country’s human rights laws on behalf of individual citizens and to submit nonbinding recommendations to the government for remedy. The institution, led by a Bosniak, a Croat, and a Serb, reported it lacked the resources to function effectively. On August 30, the BiH Parliament adopted changes and amendments to the Ombudsmen Law, which made the institution the country’s National Preventive Mechanism to stop torture and other cruel, inhuman, or degrading treatment in prisons and detentions. The amendments also strengthened the institution’s capacity and its financial independence.

The state-level parliament had a Joint Commission for Human Rights that took part in activities with governmental and nongovernmental organizations. As of September, the commission had held four working sessions but failed to address meaningfully substantive human rights matters. The BiH Council of Ministers had an advisory body for cooperation with NGOs. During the year the advisory body provided support to the BiH Ministry of Justice in planning the strategy for civil society development. It proposed and advocated for wide-ranging consultations with civil society organizations, input by experts, strong government involvement, and successful implementation.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law criminalized rape, regardless of gender, including spousal rape, and domestic and intimate partner violence. The maximum penalty for conviction of rape, including spousal rape, was 15 years in prison. The failure of police to treat spousal rape as a serious offense inhibited the effective enforcement of the law. Women survivors of rape did not have regular access to free social support or assistance as mandated by the law, and continued to encounter prejudice, stigma, and discrimination in their communities and from representatives of public institutions.

While laws in both entities empowered authorities to remove the perpetrator of domestic violence from the home, officials rarely did so.

In November 2022 the Group of Independent Experts on Action against Violence against Women and Domestic Violence of the Council of Europe (GREVIO) published its first report assessing the measures national authorities had taken to implement the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence. The report highlighted positive legal and policy measures BiH authorities introduced to combat violence against women and domestic violence, and concluded all necessary policies were in place. The report criticized authorities, however, arguing all strategies and activities were focused on domestic violence and failed to address other forms of violence against women, including rape and sexual violence, sexual

harassment, female genital mutilation, forced marriage, forced abortion, forced sterilization, and stalking. GREVIO noted no clear referral mechanism for survivors of sexual violence and stated trauma care and psychological counselling were insufficient.

NGOs reported authorities often returned offenders to their homes less than 24 hours after a violent event, reportedly concerned regarding where the perpetrator would live. In the two entities, authorities prosecuted domestic violence as a felony, while in Brcko District, it could be reported as a felony or a misdemeanor. Even when domestic violence resulted in prosecution and conviction, offenders were often given suspended sentences, including repeat offenders. To avoid prolonged court proceedings, judges both in the Federation and the RS rarely applied domestic violence law but instead applied other laws with lesser penalties. NGOs highlighted that in more than 80 percent of cases, judges imposed suspended sentences. GREVIO also warned that judges often issued lenient sentences in cases of domestic violence and other forms of violence against women. The Gender Equality Agency reported one of every two girls and women older than age 15 experienced some type of domestic violence (psychological, economic, or physical) and that the problem was underreported because most survivors did not trust the support system (police, social welfare centers, or the judiciary). According to 2020 OSCE data (the most recent data available), 48 percent of girls and women older than 15 suffered some form of gender-based violence, including harassment. The same research showed 84 percent of women who suffered violence did not report it to police because they considered the violence not to be severe enough or because they believed it to be a “family matter.”

On August 11, a man in Gradacac live-streamed killing his former spouse and two other persons. On August 1, a hotel owner in Jablanica assaulted a woman employee, causing serious injuries after she requested payment of her salary. These two high-profile cases resulted in significant public outcry and protests. Activists, including “Lara” Foundation Director Radmila Zigic, called for changes to the Criminal Code to define femicide as a hate crime with severe punishments. According to NGOs, 2,219 cases of domestic violence were reported in 2022, of which 1,494 involved women and girl survivors.

On July 31, the FBiH House of Peoples adopted the Law on the Protection of Civilian Victims of War that granted special rights to children born through acts of wartime sexual violence. The law sought to redress decades of marginalization of these children, many who had become young adults, by providing access to education, social protection, psychological support, and jobs. Local NGOs welcomed the law, with one NGO representative saying, “The fight against social stigma and discrimination becomes easier and more effective.” In July 2022 Brcko District passed a similar law leaving Republika Srpska as the sole entity without such legislation.

Discrimination: The law provided for the same legal status and rights for women as for men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. Authorities generally treated women equally. The law did not explicitly require equal pay for equal work but forbids gender discrimination. Women and men generally received equal pay for equal work at government-owned enterprises but not at all private businesses. A Kolektiv consulting company salary survey conducted by Plata.ba salary stated men earned 16.4 percent more than women for comparable work.

As evaluated by the Gender Equality Agency in the *2018-2022 Gender Action Plan*, women in the country faced multiple obstacles in the labor market, such as longer waiting periods than men for their first jobs, unequal possibility for promotion, and long employment disruptions due to maternity leave or elder care problems. Most but not all discrimination against women occurred in processing industries and trade. Middle-aged women (40 to 55) reported challenges successfully reentering the labor market due to market shifts and discontinuation of some types of work. NGOs also reported that during hiring interviews, potential employers routinely asked women if they were planning to have a family soon, sometimes illegally requesting women sign a written agreement stipulating they did not plan to become pregnant within three years.

Federation and RS labor laws stipulated an employer could not terminate a full-time employee due to pregnancy or use of maternity leave. The law also allowed for half-time work after the expiration

of maternity leave; half-time work until a dependent child was three years of age (if a competent health institution determined the child required enhanced care); and paid time for breastfeeding. Implementation was inconsistent, and women were often denied these rights. Employers continued to terminate pregnant women and new mothers despite the existence of legal protections. Social compensation during maternity leave varied. The RS government paid a monthly KM 405 (\$221) maternity allowance to unemployed new mothers for one year or for 18 months for twins and following the birth of every third and subsequent child. Employed mothers were entitled to one year of paid maternity leave. The Federation allowed each of its 10 cantons to regulate maternity leave compensation within a framework. For example, Sarajevo Canton paid 996 KM (\$544) per month for one year, while Western Herzegovina Canton paid 80 percent of the last earned salary of the employee for the first six months and a fixed amount for the remaining six months.

The law did not protect part-time or temporary workers for being terminated due to pregnancy. Some women exposed to pressure, discrimination, or denial of their rights during maternity leave either did not report the denials or filed anonymous complaints.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization by government authorities. There were no comprehensive sexual education programs, and education on reproductive health and related topics was not standardized. Members of marginalized communities, in particular Romani women, experienced disparities in access to health-care information and services, including for reproductive health. For example, many such women were not enrolled in the public insurance system because of their inability to meet residency documentation requirements. Registration requirements, poverty, and social marginalization also prevented them from accessing health care. The physical relocation of Roma women within the country without the ability to register with local authorities often invalidated health services registration. Both the Federation and the RS as well as the Brcko District had laws that provided survivors of sexual violence with access to sexual and reproductive health services. Emergency contraception was not available in hospitals, which was an obstacle for survivors of sexual violence to get such medication. Women with disabilities in BiH continued to face obstacles in accessing sexual and reproductive health care. For example, health-care facilities lacked both staff trained to work with women with disabilities and gynecological examination tables adjustable for women with certain disabilities.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

Harassment and discrimination against members of minorities continued throughout the country and increased from previous years, particularly against Bosniak minority returnees in the RS. The Interreligious Council of BiH reported 15 attacks against religious buildings during 2022. Members of minority groups also continued to experience discrimination in employment and education in both the government and private sectors. While the law prohibited discrimination, human rights activists noted authorities did not adequately enforce them. In 2022, 181 potential bias-motivated incidents were reported to police or prosecutors' offices nationwide with the most common bias based on ethnicity, which was linked to religion. The most frequent incidents included damage to property, desecration of religious facilities, and verbal assault in person and online. Some incidents involved firearms, knives, and batons, and there were mass fights among members of soccer fan clubs of different ethnicities.

Bosniak returnees in Rabrani village, Neum municipality, claimed local authorities from the Croatian Democratic Union of BiH infringed on their right to practice their religion by blocking permits for the renovation of the only mosque in the municipality for several years. After residents defied orders not to use the mosque, authorities launched a criminal investigation on August 31 for "dismantling or destroying an official seal" that the Bosniak returnees claimed was a form of political pressure.

Violence and acts of intimidation against ethnic minorities at times focused on symbols and buildings of their predominant religion. 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 continued. For more information, see the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

There was widespread public discourse designed to portray members of ethnic groups in negative terms, usually in connection with the 1992-95 conflict, to deflect responsibility for wartime brutality or to send inflammatory political messages. War criminals convicted by the International Criminal Tribunal for the Former Yugoslavia faced no restrictions from holding office unless the tribunal transferred those cases to the country's judiciary.

In 2021 outgoing High Representative Valentin Inzko imposed amendments to the country's criminal code criminalizing genocide denial; glorification of war crimes; and incitement of racial, religious, and ethnic hatred, and violence. In response to the criminal code amendments, the RS National Assembly enacted a law preventing their implementation. The assembly also adopted amendments to the entity's Criminal Code criminalizing disparagement of the RS or "its peoples" as "aggressors" or "genocidal," with penalties for conviction ranging from six months to 15 years in prison. The country's Prosecutor's Office reported no indictments for genocide denial since the imposition of the criminal code amendments, despite confirming 50 criminal reports of genocide denial filed with it since July 2021. The Prosecutor's Office also claimed public hate speech and genocide denial decreased since the law was enacted.

During the year RS President Milorad Dodik, as well as senior officials in his SNSD political party and other RS officials and leaders, continued to deny Serb forces committed genocide in Srebrenica in 1995, despite the findings of multiple local and international courts. The Srebrenica Memorial Center's annual report on genocide denial issued in August listed Dodik as the country's most prolific denier of genocide.

Authorities frequently discriminated against the Roma community, especially against women, who experienced discrimination in access to housing, health care, education, and employment opportunities. Nearly 80 percent of Roma remained unemployed. A significant percentage of Roma were homeless or without water or electricity. Many Roma-occupied dwellings were overcrowded, and residents lacked proof of property ownership, which made it difficult for them to obtain identity documents needed for accessing education and health care. Community NGO representatives reported Roma were often disadvantaged at preschool ages, with obstacles in the school registration process, including a disproportionately high number of Roma children profiled as "special needs," leading to very low enrollment numbers in regular schools. Roma representatives identified the lack of goodwill within institutions to address the problem of Roma inclusion more seriously; the limited allocation of funds for Roma needs; and the lack of implementation of the country's Roma Action Plans as key problems. On July 25, the Council of Ministers approved a grant of 1.38 million KM (\$754,000) for housing, employment, health care, and education of Roma across the country. The grant was criticized by several Roma NGOs as being too small.

Roma activists reported a minimum of 40,000 Roma lived in the country, a datum aligned with Council of Europe estimates, of which approximately three-fourths were in openly segregated neighborhoods with poor infrastructure.

CHILDREN

Birth Registration: By law, a child born to at least one citizen parent was a citizen regardless of place of birth. A child born in the country to parents whose citizenships were unknown or who were stateless was entitled to citizenship. Birth registration was provided on a nondiscriminatory basis. As of September, the NGO Vasa Prava was working on seven pending cases related to birth and citizenship registration of persons under 18 years of age.

Education: The law prescribed that education be free through the secondary level and compulsory for children between ages six and 15. The Framework Law for Preschool Education prescribed preschool education mandatory in the year prior to school entry. Not all education authorities complied with the Framework Law. Enrollment in mandatory preschool education (starting at age

five) increased to 44 percent of eligible children in 2022, according to UNICEF. Nevertheless, only 25 percent of children in the country (ages three to six years) had access to preschool, and there were significant inequalities in access related to socioeconomic status and place of residence. Children from households where one or both parents or caregivers were unemployed, or those from rural areas, found it harder to gain access. Roma children and children from poorer or more vulnerable backgrounds were less likely to gain access to educational and developmental services. Only 1.5 percent of Roma children and 2 percent of the country's poorest children had access to preschool.

While overall elementary and high school attendance was high (98 percent and 92 percent of eligible children respectively), the school attendance rate and completion rates for Roma students were significantly lower. Only 69 percent of Roma children attended elementary school and 23 percent high school. Those rates were even lower for Roma girls, of whom 67 percent attended elementary school and 18 percent high school. Students with disabilities continued to struggle to access quality inclusive education. The "two schools under one roof" practice, in which 56 schools across the Federation remained segregated by ethnicity and religion, was particularly discriminatory. Although introduced as an interim measure to bring together returnee communities separated by the 1992-1995 conflict, the system calcified under the divisive and prejudicial administration of the leading political parties. There was a continued lack of adherence to judicial decisions that found the practice of "two schools under one roof" discriminatory.

Returnee students (those belonging to a minority ethnic group returning to their homes after being displaced by the war) continued to face barriers in exercising their language rights. For the tenth consecutive year, parents of Bosniak children in returnee communities throughout the RS continued to boycott public schools in favor of sending their children to alternative schools financed and organized by the Federation's Ministry of Education with support from the governments of the Sarajevo and Zenica-Doboj cantons and the Islamic Community. The boycott was based on the refusal of the RS Ministry of Education and Culture to approve a group of specific courses to which Bosniak, Serb, and Croat students were entitled and taught in their mother tongues. Bosniak parents from Liplje (Zvornik, RS) were among those boycotting the local school, demanding an end to the discriminatory practice of refusing to recognize the Bosnian language, and they submitted a lawsuit before the Basic Court in Zvornik. On June 19, the court ruled the plaintiffs were discriminated against on ethnic and language grounds. Bosniak parents in Janja (RS) similarly submitted a lawsuit at the Bijeljina Court demanding education of their children in the Bosnian language.

In the Federation Serb students likewise were denied language rights as provided for in the Federation constitution. Parents continued to demand the introduction of Serbian language in a Glamoc elementary school where Bosniak and Croat children received instruction in their mother tongues. Human rights activists noted changes in the history curriculum and textbooks reinforced stereotypes of ethnic groups and that other materials missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma.

In May OSCE's analysis of primary schools' history teaching materials related to the 1992-1995 war found the materials were ethnically biased, ethnic-centered, and contained mutually exclusive narratives, thus further hindering reconciliation. Authorities in different localities used school education to reinforce the sense of belonging and identity of the dominant ethnic group. The starkest example of segregation in education were 56 "two schools under one roof" in 28 different municipalities in Central Bosnia, Zenica-Doboj, and Herzegovina-Neretva cantons in the Federation, where children of Bosniak and Croat ethnicities attended classes separately. Children used different textbooks, with differing versions of the country's history. Schools in the RS heavily aligned their curricula with those of Serbia, while schools in Croat majority areas partly used textbook materials from Croatia. The perspectives and beliefs of students outside of the dominant ethnic group were generally not given equal weight in curricula, textbooks, school names, symbols, and other programming.

Child Abuse: There were laws against child abuse, but violence against children remained a problem. Corporal punishment was banned in the RS but was still permitted by law in the FBiH and Brcko District. Data on child abuse at the state and entity levels remained limited. The most recent available data from the BiH Agency of Statistics (2021) revealed 3,097 "socially neglected and

maladjusted children” across the country (1,933 boys and 1,164 girls) benefitted from social welfare services. The agency also reported parents molested or neglected 2,317 children (1,178 boys and 1,139 girls) in 2021. Child migrants, refugees, and asylum seekers were at a heightened risk of violence. In 2022 at least 152 children (131 boys and 21 girls), most often while transiting BiH to the EU, experienced violence and received protective services through the Centers for Social Welfare, World Vision, and UNICEF, according to UNICEF and partner organization data. The data likely underestimated the problem as many cases were believed unreported. Other vulnerable groups, including Roma and children with disabilities, were disproportionately affected by child abuse, according to Roma NGOs.

BiH authorities introduced special protection measures for child victims and witnesses, including psychosocial support, although the availability varied across the country. More than 1,000 children were victims or witnesses of serious crimes. In most cases they did not receive any psychosocial support after the judicial proceedings and remained exposed to stigma and exclusion.

Police investigated and prosecuted individual cases of child abuse, but few cases were brought before courts. The country’s Agency for Gender Equality estimated one in five families experienced domestic violence. In many cases children were indirect victims of family violence. Municipal centers for social welfare were responsible for protecting children’s rights but lacked resources and capacity to provide preventative services and struggled to provide response services when violence occurred.

Children were separated in some cases from their families due to violence, abuse, exploitation, or neglect. Placement options included large-scale residential care facilities, foster care, and kinship care. Children with disabilities and Roma were disproportionately represented in residential care. Development partners reported an increase in the number of children in residential care, in part due to the COVID-19 pandemic and the domestic violence it spawned. The most recent data from 2021 listed 929 children in residential care across the country.

Child, Early, and Forced Marriage: The legal minimum age of marriage was 18 or as young as 16 with parental consent. In certain Roma communities, girls were married between ages 12 and 14, and Roma human rights activists reported early marriages were on the rise. Children’s rights and antitrafficking activists noted prosecutors were often reluctant to investigate and prosecute forced marriages involving Roma minors, attributing it to Roma custom.

Sexual Exploitation of Children: The Federation, the RS, and the Brcko District had laws criminalizing sex trafficking and forced labor. The state-level penalty for conviction of sexual exploitation of children was imprisonment for up to 20 years under certain aggravating circumstances. In the Federation and the RS, penalties ranged from three to 15 years’ imprisonment. Under the entities’ criminal codes, conviction of the abuse of a child or juvenile for pornography carried a sentence of one to five years in prison. Authorities generally enforced these laws. The law prohibited sexual acts with a child younger than 15.

Girls were subjected to commercial sexual exploitation, and there were reports Roma girls as young as age 12 were subject to early and forced marriage and domestic servitude.

ANTISEMITISM

The Jewish community in the country reported fewer than 900 members. It reported an unknown perpetrator on June 1, drew a swastika over the Israeli flag on a poster promoting the Chamber of Commerce of the state of Israel in Sarajevo. Unknown perpetrators in Sarajevo desecrated billboards and posters displaying the Israeli flag. On May 28, the Croatian People’s Assembly, an organization of several Croat political parties, organized a commemoration for the victims of the so-called Bleiburg forced repatriations of 1945 in Stolac. Its members and Croatian Democratic Union of BiH (HDZ BiH) President Dragan Covic and Croatian Foreign Minister Gordan Grlic-Radman were among the attendees. This event remained highly controversial because it

commemorated thousands of not only civilian victims but also Croat and Croatian troops who collaborated with the Nazis.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: No laws criminalize consensual same-sex sexual conduct between adults, cross dressing, or other sexual or gender characteristic-related behavior. No laws were disproportionately applied to LGBTQI+ persons.

Violence and Harassment: Violence against LGBTQI+ individuals continued to be widespread. Prosecution of assault and other crimes committed against LGBTQI+ individuals generally remained delayed and inadequate. In its *2023 Pink Report*, the Sarajevo Open Centre (SOC) reported every third LGBTQI+ person in BiH experienced discrimination, but the number was likely much higher since a small percentage of LGBTQI+ persons self-identify as LGBTQI+ to a wider circle of population. On March 18, two LGBTQI+ activists and one journalist were attacked while attempting to join a meeting of the BH Pride March organizing committee in Banja Luka. Activists and journalists reported RSS police refused to intervene as 20 to 30 individuals attacked. Subsequently, police sheltered the activists at a police station; however, activists reported police did not detain the culprits. At the same time, RS President Milorad Dodik intensified his verbal attacks on the community, announcing his intent to introduce legislation to restrict LGBTQI+ activists from entering educational institutions, calling for the elimination of LGBTQI+ influence in society, and saying the community should be isolated on an island. SOC also reported transgender persons continued to be the most vulnerable LGBTQI+ persons, with approximately two-thirds of transgender persons having experienced some form of discrimination. During the year through September, SOC documented one case of domestic violence against a transgender woman. The survivor did not report the assault to police because the perpetrator was the survivor's father.

Discrimination: Hate speech and discrimination against LGBTQI+ individuals were widespread. While the law at the state level prohibited discrimination based on sexual orientation, it was not fully enforced. The Federation, the RS, and the Brcko District had laws that criminalize any form of hate crime committed based on gender, sexual orientation, or gender identity. The laws all lacked equal rights for same-sex partnerships. The Institute for Transfusion Medicine of the RS banned blood donations from persons engaged in what it called highly risky sexual behavior, such as homosexuality, bisexuality, promiscuity, anonymous sex, commercial sex, chronic alcoholism, and drug addiction.

In 2022 the Council of Ministers adopted the *Action Plan to Improve the State of Human Rights of LGBTI People* in the country, the first public policy adopted at the state level. The plan aimed to systematically and comprehensively respond to the various challenges LGBTQI+ persons faced, and to give clear instructions to and impose obligations at all levels of government. During the year implementation included education and training at various levels of government. With SOC's assistance, the Federation government adopted guidelines for LGBTQI+ persons who were seeking asylum.

In April 2022 the Municipal Court in Sarajevo issued a groundbreaking first instance judgment finding discrimination against LGBTQI+ persons for the first time in the country. The judgment ruled as hate speech a Facebook post by Samra Cosovic Hajdarević, a former member of the Sarajevo Canton Assembly, who wrote on her profile LGBTQI+ persons should be "isolated" and

“removed” from “our children and society.” The case was sent to Sarajevo Canton Court, which had yet to rule by year’s end. Such judicial slowness as well as executive bodies’ lack of proactivity in combating discrimination against LGBTQI+ persons, resulted in distrust in government institutions to support human rights by an overwhelming proportion of LGBTQI+ persons that in turn contributed to the small number of reported cases of discrimination, according to the Sarajevo Open Center.

The Sarajevo Open Center reported the judiciary made modest progress in protecting LGBTQI+ rights. In 2022 the SOC documented 10 discrimination cases based on sexual orientation and gender identity. Three cases claimed discrimination in the workplace, three in the provision of services, one in a public space, one against a student at school, and the remaining two harassment within a family. SOC documented 13 cases of hate crimes, including three of domestic violence, two of peer violence, four of threats against LGBTQI+ individuals, and four not specified. The SOC believed the actual number of LGBTQI+ persons who experienced discrimination was far higher but underreported due to fear.

Availability of Legal Gender Recognition: Transgender persons were required to provide medical records to prove they underwent a complete medical transition (change of sex and a surgical genital change) to change the gender listed on an identification document. The SOC reported the medical needs of transgender persons were generally still not recognized by the health-care system, and the administrative procedure for changing gender markers in documents was vague, long, and complicated. The SOC also reported intersex persons remained marginalized, and health professionals or government officials did little to either assist intersex individuals or alleviate the excessive administrative burdens they faced.

In January RS National Assembly amendments to the RS Mandatory Health Insurance Law took effect that included an article stipulating “persons who have basic health insurance are not eligible for the following services: diagnosis and treatment of sexual dysfunction or sexual inadequacy, including impotence, health services, drugs, and medical devices related to gender reassignment or reversal of previous voluntary surgical sterilization.” SOC noted the legislation violated the health-care rights of transgender persons by placing additional and disproportionate burdens on them.

Involuntary or Coercive Medical or Psychological Practices: According to SOC, there were no cases of surgeries performed on nonconsenting adult intersex persons or minors. Nevertheless, SOC reported on cases in Tescanj and Travnik where family members tried to cure their LGBTQI+ children with the “assistance” of local imams, psychiatrists, or psychologists. The SOC reported regular instances of psychologists, psychotherapists, psychiatrists, and religious officials providing “conversion therapy” to LGBTQI+ individuals, aimed at changing a person’s sexual orientation, gender identity, or gender expression. The SOC reported LGBTQI+ individuals were often coerced by their families to participate. There were no efforts by the BiH government or medical associations to condemn conversion therapy.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: LGBTQI+ persons experienced problems with freedom of assembly in RS, and RS authorities did not allow a Pride March to occur in Banja Luka. On June 24, the fourth BiH Pride March in Sarajevo took place without incident with approximately 1,000 participants.

PERSONS WITH DISABILITIES

Persons with disabilities remained a highly marginalized group due to inadequate laws governing their rights and their exclusion from decision-making processes. Women and children with disabilities were particularly at risk. Federation and RS laws required increased accessibility in buildings, health services, education, and transportation for persons with disabilities, but enforcement varied. Sarajevo Canton, with the support of the United Nations Development Program, completed alterations of 14 of 44 planned public buildings to remove architectural barriers for persons with disabilities. According to SUMERO, an NGO that promoted the rights of persons with intellectual disabilities, tactile paths and audio signalization to assist the visually impaired were partially available in bigger cities but were virtually nonexistent in smaller towns.

Laws in the Federation and the RS and at the state level prohibited 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. The most frequent forms of discrimination against persons with disabilities included mobility-related limitations on access to public and private facilities, including schools; delayed payments of disability allowances; lack of employment opportunities; inadequate social and health safety nets; and limited access to education. Support to persons with disabilities depended on the origin of the disability. Persons with disabilities from the 1992-1995 war, whether soldiers or civilians, had priority and greater allowances than other persons with disabilities.

On July 5, the Council of Ministers appointed a new, expanded Council of Persons with Disabilities of BiH, an advisory body responsible for monitoring and promoting the rights of persons with disabilities. Ministries regularly allocated, within budget limitations, financial resources to support organizations of persons with disabilities through grants and lottery profits. During the year through October, the ministry allocated KM 66,000 (\$36,000) to NGOs working on disability rights. Advocacy organizations argued these funds were symbolic and insufficient. Some local administrations allocated additional funds, resulting in large disparities in benefits provided by local communities.

Both the Federation and the RS adopted strategies in support of persons with disabilities. In January the body monitoring the implementation of the Federation strategy reported the basic preconditions for success had not been met, and that only the Ministry of Labor and Social Welfare had budgeted for strategy implementation. Federation and RS governments also provided funds for the operation of vocational rehabilitation and retraining funds. Work on implementing inclusive education continued. In the Brcko District, the law provided expanded rights of persons with disabilities, but Brcko had no separate strategy for implementing the law.

Human rights NGOs noted the continued construction of public buildings without access for persons with disabilities. The law provided for children with disabilities to attend mainstream schools with common curricula “when feasible.” Students with disabilities, however, struggled to access quality and inclusive education due to physical barriers in schools; the lack of accommodation for children with audio, visual, or mental disabilities; and the absence of in-school assistants and trained teachers. UNICEF reported less than 2 percent of children with disabilities went to school and received special accommodation or assistance. It assessed many others attended school but did not receive such help, while others drop out. In most administrative units, educational evaluation committees issued recommendations for special or inclusive education. Estimates relied on the medical model of disability only and were not consistent with the social model advocated by the International Classification of Functioning, Disability, and Health.

Children with severe disabilities were not included in the educational system at all and depended entirely on their parents or NGOs for education. Parents of children with significant disabilities reported receiving limited to no financial support from the government, notwithstanding many of those parents were unable to seek employment because of the around-the-clock child care they provided.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

The country registered approximately 48,323 persons with HIV or AIDS (30,9272 in the Federation and 17,351 in the RS). Public health institutes reported 5,941 persons were registered during 2021. Authorities attribute the increase to the consequences of the COVID-19 pandemic lockdown. The actual number of cases was believed to be higher since many persons avoided testing due to stigma and discrimination. The country had no permanent or organized programs of psychosocial support.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

Federation and RS labor laws provided 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, and public sector unions were generally stronger and achieved better outcomes. The law prohibited antiunion discrimination but did not adequately enforce these protections. The labor inspectorates and courts did not deal effectively with employees' complaints of antiunion discrimination. Union members complained their own leaders had been co-opted by companies and politicians, and that their leaders mostly protected their own privileges. The law prescribed reinstatement of dismissed workers in cases where there was evidence of discrimination, whether for union activity or other reasons. Entity-level laws in the Federation and the RS prohibited the firing of union leaders without prior approval of their respective labor ministries.

The laws in both entities and in the Brcko District provided for the right to strike. The law in the Federation contained burdensome requirements for workers who wished to strike. For example, trade unions were not allowed to announce a strike without first reaching an agreement with the employer on which "essential" personnel would remain at work.

The government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. Authorities did not impose sanctions against employers who prevented workers from organizing. Inspections related to worker rights were limited. Inspectors gave low priority to violations of workers' rights and focused instead on bolstering revenues by cracking down on unregistered employees, working students, and employers who did not pay taxes. Some unions reported 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 of worker rights were not commensurate with those for similar violations of civil rights. Penalties were rarely applied against those who violated worker rights. Judicial procedures were subject to lengthy delays and appeals. The lack of workers' rights was more pronounced in the private sector largely due to weaker unions.

During the year several labor unions organized sporadic strikes in both entities regarding unpaid wages and wage contributions that resulted in collective agreements with the government. Nevertheless, the law did not permit employees to strike before the conclusion of the legally required conciliation procedure. This, and other complicated legal provisions governing how to organize and carry out a strike, effectively allowed employers to prevent strikes. A longstanding leadership dispute at the Confederation of Independent Trade Unions in the Federation halted dialogue between labor unions and entity authorities.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: Although the monthly minimum wage in both entities was above the official poverty income level, more than 30 percent of the population was exposed to the risk of poverty. The Brcko District did not have its own 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. In January the Federation government increased the monthly minimum wage by 98 percent to a net amount of 596 KM (\$326) for the period from January 1 to December 31. In addition to the monthly salary, most workers in the Federation also had a right to nontaxable monthly benefits such as meals, transportation, and holiday pay, which averaged 226 KM (\$123).

In January the RS government increased the minimum wage in the RS to a net amount of KM 700 (\$483). As in the Federation, most workers in the RS had a right to nontaxable monthly benefits such as meals, transportation, and holiday pay, which averaged 197 KM (\$108).

The legal workweek in both entities and the Brcko District was 40 hours, although seasonal workers could work up to 60 hours. The law limits overtime to 10 hours per week in both entities. The RS allowed workers to volunteer for an additional 10 hours of overtime in exceptional circumstances. Workers in both entities were entitled to overtime pay. The Federation had no provision for premium pay, while the RS required a 30 percent premium. Laws in both entities required a minimum rest period of 30 minutes during the workday. Employees could choose which holidays to observe depending on ethnic or religious affiliation. The entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave.

In 2021 work was suspended in seven publicly owned coal mines in the Federation, resulting in a collective agreement under which monthly salaries of mine workers increased by 20 percent from 1,158 KM (\$633) to 1,388 KM (\$758), in an arrangement renewed during the year through December.

Occupational Safety and Health: The Federation and the RS set mandatory occupational safety and health (OSH) standards, especially for those industry sectors where working conditions were hazardous. These rights extended to all official (i.e., registered) workers, including migrant and temporary workers. Employees in certain industries, particularly metal and steel processing, coal mining, and construction, often worked in hazardous conditions. According to an official inspectorates' report, the most frequent deficiencies identified in these sectors included the implementation of occupational safety and preventive measures, training of workers for a safe work environment, and regular testing of equipment and tools.

Governments in both entities were obliged, through relevant inspectorates, to respond to workers' OSH complaints, but this did not always happen. Entity governments made only limited and inadequate efforts to improve occupational safety and health at government-owned coal mines. There were no official social protections for workers in the informal economy unless they were registered at unemployment bureaus and were receiving related benefits (such as health-care coverage).

Workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. Authorities provided no protection to employees in this situation. The inspectorates as of September in both entities identified 316 violations of occupational safety, including several industrial accidents that led to death or serious injury. For example, a construction worker was killed in an accident in Sarajevo, and an age 19 construction worker fell from 30 feet and suffered serious injuries in Banja Luka.

Wage, Hour, and OSH Enforcement: Inspectorates in the entities, the Brcko District, and cantons were responsible for the enforcement of labor laws in the formal economy, while there were separate inspectorates for government employees and registered associations. Tax authorities were responsible for enforcing wage, hour, and OSH laws. Authorities were incentivized to conduct

unannounced inspections in both privately and government-owned companies to find unregistered workers and issue fines to bolster government-owned pension and health funds. Authorities did not effectively enforce minimum wage, overtime, or OSH laws. Penalties for violations were commensurate with those of similar crimes and were only sometimes applied against violators. The number of inspectors was insufficient to enforce compliance, according to the inspectorates. According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy, although that percentage could be lower due to outflow of the workforce to the EU. Workers in the informal sector were not covered under wage, hour, and occupational safety and health laws.