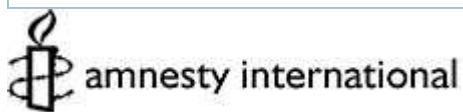


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Amnesty International Report 2016/17 - The State of the World's Human Rights - Bosnia and Herzegovina

Despite the adoption of progressive new anti-discrimination legislation, vulnerable minorities faced widespread discrimination. Threats and attacks against journalists and media freedom continued. The International Criminal Tribunal for the former Yugoslavia (ICTY) issued verdicts in relation to crimes committed during the 1992-1995 conflict; at the domestic level, access to justice and reparations for civilian victims of war remained limited.

Background

In February, Bosnia and Herzegovina (BiH) submitted an application for membership to the EU, which was accepted by the EU in September.

The authorities of Republika Srpska (RS) – one of the two entities of BiH – refused to implement a decision of the BiH Constitutional Court, which had found the RS Law on Holidays (making 9 January the Day of Republika Srpska) unconstitutional and discriminatory against non-Serbs living in the entity.

Nationwide municipal elections held in October were marked by growing nationalist rhetoric. The results of the first post-war census conducted in 2013 were released in June, although RS challenged the collection methodology and the census results.

Discrimination

The Council of Ministers adopted its first Action Plan on Prevention of Discrimination in April and, in June, the Parliamentary Assembly of BiH adopted amendments to the Law on Prevention of Discrimination. Widely welcomed by civil society, the amended law listed specific grounds for discrimination, including sexual orientation, and significantly broadened the prohibited grounds of inciting discrimination beyond the original racial, religious and nationality grounds.

The Parliament of the Federation of Bosnia and Herzegovina – the other entity of BiH – adopted amendments to the entity criminal code to include hate crimes as a criminal offence. The definition of hate crime included a wide array of prohibited grounds, although the penalties prescribed for the offence of incitement to hatred, hate speech and violence remained limited to national, ethnic and religious grounds and excluded hate speech directed against other marginalized groups.

Social exclusion and discrimination, in particular of Roma and lesbian, gay, bisexual, transgender and intersex (LGBTI) people, remained widespread. Although the number of Roma without identity documents reduced and their access to housing slightly improved, Roma continued to face systemic barriers to education, health services and employment. The National Strategy on Roma Integration and the accompanying Action Plan

ended in 2016, without meeting many of its targets. The Council of Ministers re-purposed a portion of the funds originally designated to support the Plan's implementation.

LGBTI people faced ongoing discrimination and intimidation. Civil society groups documented cases of verbal and physical attacks and discrimination, the majority of which were not thoroughly investigated. In March, a group of young men entered a café and cinema popular with the LGBTI community in the capital, Sarajevo, and attacked and threatened the customers. Several people suffered physical injuries, but the police classified the incident as a minor offence. Similarly, the perpetrators of the 2014 attack against the organizers of the Merlinka Queer Film Festival were never criminally charged. The 2016 festival took place under heavy police protection.

The 2009 judgment of the European Court of Human Rights in *Sejdić-Finci v BiH*, which found the power-sharing arrangements set out in the Constitution to be discriminatory, remained unimplemented. Under the arrangements, citizens who would not declare themselves as belonging to one of the three constituent peoples of the country (Bosniaks, Croats and Serbs) were excluded from running for legislative and executive office.

Freedom of expression

A pattern of threats, political pressure and attacks against journalists continued in 2016. The Association of Journalists documented repeated attacks against journalists, attacks on freedom of expression and on the integrity of media outlets.

Crimes under international law

The ICTY issued first-instance verdicts in cases of former high-ranking officials in relation to crimes committed during the 1992-1995 conflict. In March, the ICTY found Radovan Karadžić, the wartime President of RS, guilty of genocide, war crimes and crimes against humanity and sentenced him to 40 years' imprisonment. Also in March, the ICTY found Vojislav Seselj, the Serb Radical Party leader, not guilty on any counts of crimes against humanity and war crimes.

Lack of capacity and resources, along with ineffective case management and persistent political obstruction, continued to slow down the progress of prosecution and access to redress before domestic courts. In July, an independent analysis commissioned by the OSCE showed that the National War Crimes Strategy had failed to meet its targets, with a backlog of over 350 complex cases still pending before the State Court and Prosecutor's Office.

Despite earlier commitments by the authorities, no progress was made on the adoption of the Law on Protection of Victims of Torture and the harmonization of entity laws regulating the rights of civilian victims of war to enable their effective access to services, free legal aid and effective reparation.

In October, a local court in Doboj city granted financial compensation to a victim of wartime rape and sentenced the perpetrator to five years' imprisonment. This was the second case of financial reparations for war crimes awarded within a criminal proceeding. However, many victims continued to be forced to pursue compensation claims in civil proceedings, where they had to reveal their identity and incurred additional costs. In April, the Constitutional Court declared that the statute of limitations applied to reparation claims for non-material damage and that claims could be directed only against the perpetrators, not the state, further limiting the ability of victims to claim and obtain compensation.

Although more than 75% of the missing persons from the war had been exhumed and identified, there were still 8,000 people missing in connection with the conflict. The process of exhumations encountered significant challenges, including reduced funding for the Missing Persons Institute and limited expertise domestically. The Law on Missing Persons remained unimplemented, with the Fund for the families of missing persons still awaiting establishment.

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