

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	217
Land:	Bosnien-Hercegovina
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices – 2008
Udgivet:	25. februar 2009
Optaget på baggrundsmaterialet:	24. marts 2009

Title	2008 Country Reports on Human Rights Practices - Bosnia and Herzegovina
Publisher	United States Department of State
Country	Bosnia and Herzegovina
Publication Date	25 February 2009
Cite as	United States Department of State, <i>2008 Country Reports on Human Rights Practices - Bosnia and Herzegovina</i> , 25 February 2009. Online. UNHCR Refworld, available at: http://www.unhcr.org/refworld/docid/49a8f1a4c.html [accessed 23 March 2009]

2008 Country Reports on Human Rights Practices - Bosnia and Herzegovina

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Bosnia and Herzegovina (BiH) consists of two entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), and Brcko District, with a total population of approximately four million. The Federation has a Bosniak (Muslim) and Croat (Catholic) majority, while the RS has a Bosnian Serb (Orthodox) majority. As stipulated in the 1995 peace agreement (the Dayton Accords), a state-level constitution provides for a democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities. The Dayton Accords also provide for the Office of the High Representative (OHR) with the authority to impose legislation and remove officials. The tripartite presidency consists of Bosnian Croat Zeljko Komsic, Bosnian Serb Nebojsa Radmanovic, and Bosniak Haris Silajdzic. In 2006, the country held general elections that international observers deemed free and fair. Municipal elections held during the year were similarly evaluated by independent local observers. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor. Although there were improvements in some areas, serious problems remained. There were reports of continued deaths from landmines, police abuses, poor and overcrowded prison conditions, increased harassment and intimidation of journalists and members of civil society, discrimination and violence against women and ethnic and religious minorities, discrimination against persons with disabilities and sexual minorities, obstruction of refugee return, trafficking in persons, and limits on employment rights. At year's end, Ratko Mladic, the war crimes suspect most wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), remained at large.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

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

Although the government supports an array of demining programs, outside observers questioned whether corruption undermined the integrity and safety of demining projects in the country. During the year there were 21 landmine accidents that killed 19 persons and injured 20.

b. Disappearance

There were no reports of politically motivated disappearances.

An estimated 11,989 persons remained missing from the 1992-95 war. The International Committee of the Red Cross (ICRC) reported that since 1995 it had received 22,411 requests from family members to trace relatives still missing from the war. By year's end a total of 10,422 persons had been accounted for, including 460 located alive. Political leaders often intentionally misrepresented actual numbers related to the number of missing or deceased persons in an effort to buttress claims of victimization of their respective ethnic groups. Such misrepresentation contributed to the country's unstable political environment.

RS leaders, particularly Prime Minister Dodik, hindered the state-level Missing Persons Institute's (MPI) work by attempting to reestablish an RS body with similar responsibilities. Throughout 2007, the staffs of both entity commissions were fully integrated into MPI, and joint exhumation teams took over functions previously split between the entities. MPI is responsible for continuing the search for missing persons in partnership with the International Commission on Missing Persons (ICMP). The institute's goal was to establish a single, central list of all missing persons from the 1992-95 war. However, when the RS formed its Operational Team for the Search for Missing Persons, some ethnic Serb staff from MPI left that institution to work on the RS team. Both international and state-level officials characterized the creation of the RS team as an attempt to disrupt MPI's work by creating a parallel institution at the entity level. Although RS officials denied the assertion, RS operational teams refused MPI personnel access to archives that were transferred to MPI's ownership in accordance with the 2004 Law on Missing Persons. The RS prosecutors did not cooperate in MPI's exhumation and identification process. Since May there were no exhumations or identifications carried out by RS prosecutors.

At year's end excavations coordinated by MPI had resulted in the recovery of 506 bodies and 1,524 sets of partial remains. The majority of mortal remains were recovered from 13 mass graves (seven of them related to the 1995 Srebrenica genocide) in the Podrinje area.

From 2000 through the end the year, the ICMP generated a total of 24,571 DNA matches relevant to 15,066 missing persons, of which 11,935 relate to the country, and collected over 86,759 blood samples from persons related to 28,694 missing individuals, of which 68,763 samples related to 23,168 persons were relevant to the country.

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

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

The law prohibits such practices; however, there were allegations that police physically mistreated individuals.

On July 2, the country's Helsinki Committee for Human Rights (HCHR) paid a visit to Zenica prison, noting some continuing issues unresolved since the Council of Europe's Committee for the Prevention of Torture (CPT) report on its March 2007 visit to the country's prison and detention facilities. The CPT reported several allegations of physical mistreatment by police, especially during questioning. The CPT recommended that police should immediately remove baseball bats, replica pistols, and metal piping

with wrist straps from premises where police may hold or question individuals.

Various state and entity level ministries and state, entity, and cantonal law enforcement agencies responded to preliminary observations of the CPT by the required deadline, laying out a series of measures they had undertaken to address reported concerns. The Federation minister of interior and the police director informed the ministries and police commissioners of each canton of the CPT findings, including a reminder that mistreatment of persons deprived of liberty is illegal and unprofessional and that it will be punished. The cantonal ministries each responded to the Federation government with reports on actions taken to investigate and process cases of mistreatment. In RS, Ministry of Interior authorities responsible for oversight of individual organizational units were ordered to pay special attention to monitoring legality of treatment of persons deprived of liberty, and to undertake sanctions as regulated by the law in order to combat torture and inhuman and degrading treatment.

On July 6, Sanel Jusic reported to Herzegovina-Neretva Canton police in Mostar that four officers assaulted him without cause. According to Jusic, while walking with two foreign citizens, a police car stopped in front of him and four officers got out and assaulted him without requesting identification. The spokesman for the canton police, Lejla Trivun, confirmed that Jusic reported the incident and stated that police forwarded the case to the Internal Control Unit.

Prison and Detention Center Conditions

Prison standards for hygiene and access to medical care met prisoners' basic needs, but overcrowding and antiquated facilities remained serious problems. Overcrowding, inadequate nutrition, and poor hygiene were chronic problems in police detention facilities, some of which were unsuitable for use. There were no proper facilities for treating mentally ill or special needs prisoners.

There were some reports of allegedly ethnically motivated violence among inmates, particularly the formation of prison gangs based on ethnicity or region of origin. Prison officials are able, to a degree, to isolate those who appear to be the source of threats to others, or those whom others targeted.

There were no specific reports of corruption among prison officials, but authorities presumed such corruption. In some cases, inadequate infrastructure, irregular staffing patterns and placement of prisoners in centers near their support networks facilitated prison escapes. Investigators alleged that corruption was a factor in the successful May 2007 escape of Radovan Stankovic from Foca Prison. At year's end Stankovic remained at large.

The government responded to the CPT request for information in the 2006 death of one prisoner who died in custody, reportedly of a drug overdose. The autopsy, which was performed in Zagreb, confirmed that the prisoner died of a drug overdose. During its March 2007 visit, the CPT found detention cells at the Foca police station to be "appalling" and requested the cells be taken out of service immediately. The cells were subsequently taken out of service, and renovation was in progress at year's end. The CPT also found a proposed cell area in Visegrad unsuitable and said it should not be brought into use. The area in question was not in use at year's end, at which time authorities were seeking funding for renovation.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Facilities held male inmates aged 16 to 18 with adult male inmates, with male inmates under the age of 16 held separately. Following its March 2007 visit, the CPT delegation noted that the practice of placing juveniles with older inmates in the admission ward of Foca Prison was contrary to the principle of separation of juveniles and adults and "totally unsafe." The correction facility for RS juveniles aged 16 to 18 in the Banja Luka Prison had a 35-bed capacity, well below the space needed. Zenica prison held one 17-year-old in its general prison population. It also held 33 people in a pretrial detention building separated from the rest of the prison. One woman was among

the 33 persons there, though each prisoner was held in a separate cell.

On May 28, the European Court for Human Rights (ECHR) established that the country had violated the European Convention on Human Rights with respect to persons who were held in Zenica correctional facility. The court ordered the country to pay the plaintiffs 18,500 euros (approximately \$26,000) in compensation and recommended that the state provide higher levels of protection in prisons and set up mechanisms for inspections of prisons.

The government permitted visits by independent human rights observers and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The BiH HCHR visited the Zenica Prison on July 2 to follow-up locally on the March 2007 CPT visit. The HCHR report cited problems with understaffed and overworked staff, serious overcrowding, and aged facilities as the source of serious human rights concerns. Describing penitentiary life, the HCHR noted that fights among prisoners were "everyday features" that often lead to "serious injuries." They noted a number of recent attacks on prison staff by inmates. The HCHR also noted the presence of illegal drugs among the prisoner population, and expressed concern about a lack of effective control.

The ICRC continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels; it mainly visited persons under investigation or sentenced for war crime offenses.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The law gives both entity- and state-level governments responsibility for law enforcement, but extends significant overlapping competencies to each entity and to the Brcko District, each of which has its own police force. The European Union Force continued to implement the military aspects of the Dayton Accords and provide a secure environment for implementation of the nonmilitary aspects of the settlement. The North Atlantic Treaty Organization headquarters in Sarajevo is responsible for overseeing defense reform, counterterrorism efforts, and cooperation with the ICTY. The European Union Police Mission monitored, mentored, inspected, and worked to raise the professional standards of the local police.

The country made some progress on state-level police reform. Authorities postponed local-level police reform until after the completion of constitutional reform. In accordance with the November 2007 Sarajevo Action Plan, the state parliament adopted two police reform laws in April mandating the creation of four new state-level police agencies and three state-level police oversight bodies. By year's end the seven bodies had not yet been fully formed or staffed. Entities did not meet the target standards of ethnic representation on police forces that their respective constitutions mandated.

The Police Standards Units (PSU) functioned as internal affairs investigative units in each entity's Ministry of the Interior and in the Brcko District. The presence of these units led to the creation of standardized procedures for processing complaints of police misconduct and for disciplining police. There were continued reports of corruption within the entity and state-level security services. The PSUs discovered crimes including bribery, inflicting serious injury, violating public law and order under the influence, assisting the escape of a prisoner during transport, forgery, and extortion. Authorities dismissed one individual for war crimes charges.

During the first nine months of the year, the RS PSUs investigated 680 conduct-related complaints and determined that 86 were well founded. The unit forwarded

recommendations for disciplinary action to prosecutors in 19 cases that they considered major violations. In addition, authorities filed nine felony reports and three misdemeanor reports against 13 RS Interior Ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations, indicating a significant decrease from the previous year. During the year Federation PSUs investigated 375 cases and forwarded 43 complaints to prosecutors for disciplinary action. During the year the Brcko District PSU investigated 52 cases and concluded that five complaints were well founded. The PSU forwarded two cases deemed to be major violations of duty to prosecutors for disciplinary action.

Arrest and Detention

Police generally arrested persons openly with warrants based on sufficient evidence. Authorities promptly informed detainees of the charges against them, and there was a functioning bail system. The law requires police to bring persons suspected of committing a crime before a prosecutor within 24 hours of detention. The law also authorizes police to detain individuals for up to six hours at the scene of a crime for investigative purposes; this period is included in the 24-hour detention period allowed prior to being charged. The prosecutor has an additional 24 hours either to determine whether police should release the person or to bring the person before a judge who decides whether they should remain in pretrial custody. The law generally limits pretrial detention to one year. The law allows detainees to request a lawyer of their own choosing, requires authorities to inform detainees of the charges against them after an indictment, and provides the right to a speedy trial. In practice, authorities generally observed these requirements. There were no cases of arbitrary arrest or detention reported during the year.

e. Denial of Fair Public Trial

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

In March, RS Prime Minister Dodik threatened to file charges against judges of the Trebinje Municipal Court for "attempted theft." The judges had ruled in favor of a family who sought compensation for their metal processing plant, which Trebinje Municipality confiscated in 1993 on the orders of the RS Ministry of Trade. Dodik's threat prompted OHR to issue a press release warning against intimidation of the judiciary. Branko Peric, then president of the High Judiciary and Prosecutorial Council, characterized Dodik's action as a direct threat to judicial independence.

On September 11, the RS government formally instructed its ministries and agencies not to cooperate with state-level law enforcement and judicial institutions conducting an investigation into alleged corruption involving RS government building contracts. The OHR publicly criticized the RS government's action as "explicit political interference with the independence of the judiciary and in operational policing." The RS government asserted that the State did not have jurisdiction in the matter, and insisted that certain conditions be met before it would comply with the State Prosecutor's Office and State Investigation and Protection Agency (SIPA).

On October 2, Dodik publicly threatened violence should state-level law enforcement officials seek to obtain documents from RS government buildings in the context of the investigation. He accused "part of OHR" of "conducting a personal war against the RS" and "Muslims of Sarajevo" of "abusing their power" with regard to the investigation. Dodik also said, "I want to send them a message that next time they (state-level law

enforcement officials) will not be allowed to enter such institutions without resistance by the RS police." On November 13, the State Court issued an order requested by the State Prosecutor allowing SIPA to seize needed documents from RS government buildings.

On November 26, the RS government submitted some of the requested documents to the State Court. The following day, it filed an appeal of the State Court's temporary seizure order with the State Court on the grounds that the court did not have jurisdiction in the matter, but its appeal was later rejected.

Also on November 27, the RS government filed a criminal complaint with the State Prosecutor's Office against Acting Chief Prosecutor Milorad Barasin, the OHR principal deputy high representative, and seven other individuals in connection with the state prosecutor's investigation of possible corruption in the RS. The move was condemned by OHR, which noted that "Milorad Dodik is clearly making use of Republika Srpska institutions and personnel to try to intimidate the international community." The State Prosecutor's Office investigation of RS corruption remained underway at year's end.

The state-level High Judicial and Prosecutorial Council (HJPC) acts independently and regulates many of the most important affairs of the judiciary with clear, transparent criteria for judicial and prosecutorial appointments and detailed disciplinary liability for judges and prosecutors. In November, the Federation government appointed a judge who was not vetted by the HJPC to the Federation's Constitutional Court. The HJPC and the Office of the High Representative voiced strong concern that this appointment was not in compliance with the law on the HJPC. A resolution of this issue was still pending at year's end.

On December 12, Dodik criticized the work of Muslim judges in the country, saying " ... it is unacceptable for the RS that Muslim judges try us and throw out complaints that are legally founded. And we think that it is only because they are Muslims, Bosniaks and that they have a negative orientation towards the RS, and we see the conspiracy that has been created." The OHR, the international community, and others widely condemned this statement.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of inefficiency. Despite efforts to streamline court procedures, there was a backlog of nearly two million unresolved cases, with over one-half utility bill cases, and only approximately one-tenth for criminal matters.

Authorities generally respected and implemented Constitutional Court decisions, although often with delays.

Trial Procedures

Under Federation and RS laws, defendants enjoy a presumption of innocence, trials are public, and the defendant has the right to counsel at public expense, if charged with a crime that is punishable by long-term imprisonment. However, courts did not always appoint defense attorneys for indigent defendants in cases where the maximum prison sentence was less than five years due to insufficient court budgets and high attorney fees. The law provides that defendants have the right to confront or question witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their cases, and the right to appeal. The government observed these rights in practice.

The State Court made significant progress adjudicating organized crime and war crimes cases and expanded the witness protection program. Since its inception, the SIPA Witness Protection Department provided support to more than 350 individuals. During the year the department provided support to 120 individuals.

On April 25, the RS Supreme Court affirmed the November 2007 Bijelina District Court convictions of two individuals in the February 2007 murder of RS HCHR cofounder Dusko

Kondor. The killer received a 20-year prison sentence, while his accomplice received a four-year sentence.

The State Court War Crimes Chamber and entity courts continued conducting war crimes trials during the year. Of the six cases transferred from ICTY to Bosnia and Herzegovina between 2005 and 2006, all but the case against Milorad Trbic had completed first instance trials, and there were final verdicts in two cases. The State Prosecutor's Office opened 49 new war crimes investigations involving 106 suspects and confirmed 22 new indictments involving 29 accused war criminals. This was the first year the State Prosecutor's Office used plea agreements in some cases. During the year the office also unveiled new case selection criteria based on a demographic analysis of all crimes committed nationwide. This tool allows the State Prosecutor's Office to focus on the most egregious war crimes. In December the Council of Ministers adopted a National War Crimes Strategy for war crimes prosecution. The strategy foresees the prosecution of the most serious war crimes by 2016 and all other war crimes by 2024.

The State Prosecutor's Office continued its investigations against RS police officers and other individuals whose names were included in the list of individuals suspected of participating in genocide committed in and around Srebrenica. Authorities stripped these individuals of their travel documents to prevent flight. At year's end one of the 35 police officers named by the commission had been indicted, and investigations against two others were discontinued.

On September 2, the state-level appellate court returned the case of Ranko Vukovic to the first instance panel of the State Court. That panel found Vukovic guilty of crimes against humanity and sentenced him to 12 years in prison February 4. Vukovic remains free while the panel hears his case again, though authorities seized his passport.

On February 22, the court sentenced Idhan Sipic, who pled guilty to charges of war crimes for killing a civilian while he was serving in the wartime Army of the Republic of Bosnia and Herzegovina, to eight years in prison. This was the first war crimes case in which a plea agreement was reached between the State Prosecutor's Office and a defendant.

On February 26, the trial of Ratko Bundalo in a 1992 Kalinovik war crimes case began and was ongoing at year's end. SIPA arrested Bundalo in August 2007 with several others as part of a larger investigation.

On February 28, a panel of the State Court convicted Mitar Rasevic and Savo Todovic on charges of crimes against humanity. Rasevic and Todovic were in charge of the Foca prison camp. The court sentenced Rasevic to eight years and six months in prison and Tadovic to twelve years and six months in prison.

On February 28, a first instance panel of the State Court convicted Veiz Bjelic of war crimes against civilians and prisoners of war and sentenced him to six years in prison. Bjelic, a former guard at Stala prison, pled guilty after reaching a plea agreement with the State Prosecutor's Office. The court accused him of raping a civilian and of allowing members of the Vlasenica Territorial Defense to enter the prison premises and physically and emotionally abuse Serb prisoners, resulting in the death of a prisoner.

On October 23, the appellate panel sentenced Marko Samardzija to seven years' imprisonment in the retrial of his 2006 conviction for crimes against humanity, including the killing of over 144 Bosniak men and boys from the villages of Brkic and Balagic Brdo in Kljuc Municipality in 1992.

On September 8, the RS Ministry of Justice allowed the head of Foca prison, Aleksandar Cicmil, whom the same ministry suspended after the May 2007 escape of convicted war criminal Radovan Stankovic, to return to work in another capacity. On September 13, the RS Ministry of Justice ordered the suspension of the seven prison guards who were on duty at the time of Stankovic's escape following confirmation of their indictment by a state-level court. Authorities had earlier reinstated the guards to their positions after a

July 9 decision by the Trebinje District Court. The OHR, in a press release one year after the escape, characterized the lack of disciplinary action against responsible officials as "an outrage."

The 2006 State Prosecutor's Office investigation into the activities of the former commander of the army's Fifth Corps, General Atif Dudakovic, and other unknown persons shown in a video killing an unknown number of individuals from the Bosnian Serb Army during the war, was ongoing at year's end.

One ICTY indictee wanted for crimes committed in the country, Ratko Mladic, remained at large. On July 18, Serbian police arrested Radovan Karadzic, a fugitive for 13 years, and transferred him to The Hague. Karadzic, along with Mladic, was one of the most wanted ICTY indictees.

Despite local and international efforts to prosecute war crimes, many of the lower-level perpetrators of killings and other abuses remained unpunished. These included those responsible for the approximately 8,000 persons killed in the genocide that took place after the fall of Srebrenica and those responsible for approximately 13,000 to 15,000 other persons who were missing and presumed killed.

In July, the State Court found seven of 11 defendants guilty of genocide in the killing of more than 1,000 Bosniak men and boys at the Kravice Farming Warehouse Cooperative. This was the first time that a domestic court had reached a genocide verdict.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and citizens could file civil suits seeking remedies for human rights violations. On December 4, the parliament completed the process of naming the members of the state-level Office of the Ombudsman. Jasminka Dzumhur (Bosniak), Ivo Bradvica (Croat), and Ljubomir Sandic (Serb), were appointed as ombudsmen with six-year mandates. With the completion of the appointment process, entity ombudsman institutions are required to entirely cease to exist within a month. However, at year's end, the State Ombudsman institution had still not been fully constituted, as the National Assembly of Republika Srpska had not yet adopted the Law on Cessation of Existence of the RS Ombudsman Institution and Transfer of Competencies to State Ombudsman. When the unified State Ombudsman is fully empowered individuals will be able to seek assistance from a single, national human rights ombudsman to hear and provide recommendations on cases of human rights violations. These recommendations, however, will not be binding.

Property Restitution

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

On August 1, the Mostar city council temporarily returned six buildings to the Serb Orthodox Church that the government confiscated after World War II.

On August 14, workers began removing the church bells from an Orthodox church in Divic near Zvornik and transferred them to a newly-constructed church in Mladjevac. Serb

Orthodox parishioners built the Divic church on the location of a mosque that was destroyed in 1992. The Islamic community and Serb Orthodox Church agreed to the transfer of the church.

Many officials used property restitution cases as a tool of political patronage, rendering religious leaders dependent on politicians to regain property taken from religious communities. Other unresolved restitution claims were politically and legally complicated. For example, the Serbian Orthodox Church continued to seek the return of the building that housed the University of Sarajevo's Faculty of Economic Sciences. The Jewish and Muslim communities also asserted historic claims to many commercial and residential properties in Sarajevo. The Catholic community maintained a large number of similar claims in Banja Luka. Interested parties complained of additional and at times politically motivated parliamentary delays in legal reforms to property restitution.

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

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. However, some RS-based journalists complained of telephone tapping and increased government surveillance.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

There are provisions against hate speech in the Federation criminal code, but not in the RS criminal code. The broadcasting code of practice also regulates hate speech by broadcasters. The Communications Regulatory Agency (CRA), charged with implementing the code, did not register any cases of hate speech during the year. However, independent analysts noted that hate speech is reemerging and many media outlets use language, often nationalistic, considered provocative or incendiary on matters related to ethnicity, religion, sexual orientation, and political affiliation. The Press Council received 63 complaints concerning print media, of which 13 complaints were rejected and 10 were accepted. In some cases the Press Council instructed media outlets to publish a refutation or a retraction; mediation or self-regulation resolved 17 cases. Most of the accepted complaints referred to the absence of the right to denial.

Government respect for freedom of speech and the press declined during the year; some prominent individuals who criticized the government were the target of government reprisals.

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

During the year the Council of Ministers continued to block the independent selection process of a general manager for the CRA for over a year and attempted to influence the selection of a candidate. The selection had not been made by year's end. Press freedom advocates also noted that pressures on the CRA included political challenges to the agency's scope of authority, as well as its financial independence.

Many independent, privately owned newspapers were available and expressed a wide variety of views. Several printing houses operated in the country. Dnevni Avaz, whose editorial policy strongly reflected Bosniak interests, remained the largest circulation daily, followed by Banja Luka based daily Nezavisne Novine, a paper reflecting the views of the RS ruling Alliance of Social Democrats party. A number of independent print media outlets continued to encounter financial problems that endangered their operation. The few remaining independent media outlets in the RS continued to report government interference with their operations.

A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country. Radio continued to provide a forum for diverse points of view. In many cases, news programs of independent broadcasters reflected opposition perspectives.

The vast majority of RS media outlets showed a distinct pro-RS government bias. Federation media outlets also exhibited political bias along ethnic lines, with some clearly taking positions in support of specific political parties.

The number of threats against journalists dramatically increased. During the year the Free Media Help Line (a part of the Bosnian Journalists Association) registered 54 cases involving violations of journalists' rights and freedoms and pressure from government and law enforcement officials. There were 17 cases of pressure on and threats to journalists, 13 physical assaults on journalists, and one case of denied access to information.

In some instances, officials subjected media outlets to overt pressure, such as threatening them with loss of advertising or placing limits on their access to official information. Politicians and government officials also pressured the media by accusing them of opposing the interests of a given ethnic group or betraying the interests of their own ethnic group. Some RS-based journalists complained of telephone tapping, increased government surveillance, actual or threatened lawsuits, repeated visits from tax authorities and revocation of credit or loans.

On February 26, an RS police officer physically attacked OBN television cameraman Ninoslav Danojlic while intervening during violent protests in Banja Luka following the proclamation of the Kosovo independence. The RS Association of Young Journalists immediately criticized the attack. RS Minister of Interior Stanislav Cado and RS Police Director Uros Pena met with the representatives of the RS Association of Young Journalists and publicly apologized for the incident. The police officer involved in the incident also apologized to the cameraman, who accepted his apology. No other disciplinary action was taken.

From December 2007 through August of this year, RS Prime Minister Dodik filed 16 lawsuits against FTV as a private citizen, most of which are against the editor-in-chief of FTV's political program "60 Minutes," Bakir Hadziomerovic, and FTV's Banja Luka correspondent, Slobodan Vaskovic because of Vaskovic's reports on "60 Minutes" accusing Dodik of crime and corruption. On July 14, one of the lawsuits was rejected by the Sarajevo Municipal Court on the grounds that Dodik was a high-ranking public official who should tolerate a higher level of public criticism than private citizens.

On March 5, the CRA rejected Dodik's complaint against FTV and "60 Minutes" alleging unprofessional and biased reporting.

On April 24, Dodik called for the initiation of a bankruptcy and liquidation procedure

against BHRT, because, according to Dodik, State spending on the station did not produce any results. The ombudsmen for media, journalist's associations, the Organization for Security and Cooperation in Europe (OSCE), the OHR, and other media freedom advocates criticized this pressure exerted against the independent media outlet. The BHRT continued to be vulnerable to political pressures, largely as a result of the failure to establish a public corporation for managing it as called for in the law that established the BHRT.

In October, a state-level court overturned the September 15 decision by the steering board for BHRT to remove Director-General Mehmed Agovic. The court issued a temporary decision advising that he be returned to work. In the meantime, the steering board appointed an acting general manager. Media freedom advocates expressed concern, claiming that the steering board decision was politically motivated, and noted procedural controversies. The country's ombudsman for human rights stated that the board violated Agovic's human rights and appealed to the BiH Ministry of Transportation and Communication to assess the situation at BHRT. On December 3, the court accepted the appeal of the steering board, returning the case to the starting point, at which point the steering board appointed a new general manager. However, the court issued a subsequent temporary decision December 26 overriding the appointment until the first instance court reached a decision on the legality of the replacement. The case remained unresolved at year's end.

On April 18, Party for Bosnia and Herzegovina (SBiH) delegate in the state parliament Sadik Bahtic physically attacked an FTV crew, preventing them from attending an SBiH press conference in Bihac. Although the television footage showed the incident, Bahtic denied there had been a physical attack, asserting that party officials had not allowed the FTV reporters to attend the conference because of their "ill-will directed towards that region and its development." The Public Broadcasting Service Syndicate and the other journalists present when the incident occurred, as well as the country's HCHR, Centers for Civic Initiatives and 'Front' NGOs, and the Association of Journalists, criticized the attack. SBiH stated Bahtic did not have the right to prevent any journalist from attending the conference and subsequently excluded Bahtic from the presidency body of SBiH, although he remained a party member and delegate in the state parliament.

On June 21, police attacked Vecernji List journalist Frano Matic and attempted to confiscate his camera while he took pictures of riots and the intervention of the special police forces after the Croatia-Turkey soccer match. The police slightly injured the journalist. The Association of Bosnia and Herzegovina Journalists, the Association of Croat Journalists in Bosnia and Herzegovina, and the ombudsman for media criticized the attack.

On August 24, RTRS journalist Danijela Dodos from Prijedor received an anonymous death threat by telephone. The caller told her to stop her reports and investigations about the sale of property of the Prijedor-based paper factory "Celpak." Dodos reported the threat to Prijedor police, who provided her protection and opened an investigation, which was ongoing at year's end.

On November 18, the head of the Islamic community of BiH, Reis Mustafa Cerić, publicly accused the editor-in-chief of independent daily *Oslobodjenje*, Vildana Selimbegović, of "Islamophobia" and anti-Islamic behavior. Cerić further stated that media criticisms and "efforts to behead" the leadership of the Islamic community "are nothing but a continuation of a genocidal policy, the aim of which is to wipe BiH Muslims off the face of the earth." The accusations came as part of the reaction by Cerić to an *Oslobodjenje* interview and op-ed that touched on projects undertaken by the Rijaset of the Islamic community of BiH, which criticized Cerić by name. The Islamic community issued a press release highly critical of *Oslobodjenje*, alleging anti-Islamic bias and psychological instability of the editor. The press release provoked very strong reactions from the Association of Bosnia and Herzegovina Journalists and was widely seen as an attempt by Cerić to exert pressure against any members of the media critical of his administration.

On December 4, two hand grenades were thrown at the Hayat television station building in Sarajevo. The BiH Association of Electronic Media expressed concern regarding the attack on a media outlet. The attack was condemned by the Sarajevo Canton Government, BiH Communications Regulatory Agency, as well as many BiH politicians. Results of the Sarajevo Canton Ministry of the Interior investigation were pending at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunications Union estimates that 27 percent of the population used the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

Freedom of Association

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

The law allows NGOs to register freely at the Ministry of Civil Affairs and Communications and therefore to operate anywhere in the country; however, some NGOs and NGO associations experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by bureaucratic delays at the state level, chose instead to register their organizations at the entity level in one or both entities. In April the Council of Ministers signed a formal agreement on cooperation with NGOs that defined joint principles and commitments of the Council of Ministers and the nongovernmental sector. The agreement outlined the independence of the nongovernmental sector, its financing, responsibilities, and means for mutual consultation. The agreement also foresaw the creation of a Council for Civil Society to oversee implementation of the agreement, promote consistency within the Council of Ministers department for NGOs, and facilitate communication between the Council of Ministers and the nongovernmental sector.

On February 23, Dragomir Babic, a human rights activist in the RS, sent an anonymous letter to the OHR detailing plans for a campaign by RS officials against Transparency International (TI). Babic came forward as the letter's author following the temporary closure in July of TI's Banja Luka office, and subsequently received anonymous death threats. On May 22, TI published a report accusing RS government officials of corruption in the handling of entity-level privatizations, which according to TI resulted in a loss of 500 million convertible marks (approximately \$385 million dollars) for the entity budget.

Following the report, Prime Minister Dodik began a media campaign against TI, and threatened to file suit against TI in State Court, but had not done so by year's end.

On July 23, an individual threatened Branko Todorovic, the president of the RS HCHR and a prominent human rights defender, and his family by telephone. The threat was one of several that Todorovic reportedly received during the year. Police opened an investigation and provided protection to Todorovic and his family.

c. Freedom of Religion

The law provides for freedom of religion; however, societal abuses and discrimination based on religious belief restricted the ability of adherents of minority religions to worship as they pleased.

In some cases, entity and local governments and police forces allowed or encouraged an atmosphere in which abuses of religious freedom could take place. As in 2007 minor attacks on religious objects and religious officials occurred frequently, but a systematic obstruction of religious freedom in several high-profile cases remained. The reluctance of police and prosecutors to investigate and prosecute crimes against religious minorities aggressively remained a major obstacle to safeguarding the rights of religious minorities.

The law requires religious communities to register with the Ministry of Justice; any religious group can register if it has at least 300 adult members who are citizens. Local congregations of the four major religious communities (Muslim, Serbian Orthodox, Jewish, and Catholic) registered, as did congregations of several smaller Christian denominations, including Baptist, evangelical Christian, and Jehovah's Witnesses, although some Baptist communities encountered problems with registration.

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

Some minority religious communities alleged discriminatory hiring practices for teachers of religion, with teachers from a religious majority in a given municipality getting salaried positions with benefits, while other religious teachers were paid a lower amount on an hourly basis only.

Societal Abuses and Discrimination

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

On March 30, according to press reports, unknown individuals wrote offensive anti-Muslim graffiti on Mostar's Bulevar buildings. The next day, citizens reported similar graffiti on Bosniak houses in the nearby returnees settlement of Podhum, and that unknown individuals drowned a pig in a local mosque. The Herzegovina-Neretva Canton's Ministry of Interior spokesman said they notified the police about the graffiti.

On June 23, unidentified persons reportedly wrote graffiti including the name of former Serb force commander and accused war criminal Ratko Mladic on the Salihbegovicova Mosque in Bijeljina, which was under construction.

On August 21, two Serb Orthodox priests from Sase, near Srebrenica, told RS press that Bosniak returnees attacked them. Father Metodije and Father Grigorije stated that the attackers cursed them and blamed them for deaths of Bosniaks. The priests reported the attack to Srebrenica police.

On September 7, unknown persons seriously damaged the Sefer Bey Mosque in Banja Luka. Local press reported broken windows and damage to the wall of the mosque. Authorities suspected that the same persons tore down the fence surrounding the Arnaudija Mosque. An investigation into the incident was ongoing at year's end. On December 7, the eve of the Islamic Holiday Eid al-Adha (or Kurban Bayram), fire destroyed a mosque in the village of Fazlagica Kula, in Gacko municipality. RS police based in Trebinje conducted an investigation, which concluded that the fire was caused by improper electrical wiring wrapped around wooden rafters. Separately, the country's Islamic Community conducted its own investigation, claiming arson was the cause of the blaze. Other experts noted that the Islamic community's investigator did not examine key pieces of forensic evidence (including the suspect wiring), and questioned the conclusion of arson. Both Serb and Bosniak politicians expressed regret regarding the fire, and the RS government promised to provide funding for the mosque's renovation. The investigation remained open at year's end.

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

There were no reports of anti-Semitic acts against the country's Jewish community, which is estimated to be less than 1,000 people.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

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

The law provides for freedom of movement within the country, foreign travel, emigration and repatriation, and the government generally respected these rights; however, some limits remained in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Internally Displaced Persons (IDPs)

The return of persons displaced by the 1991-95 wars remained stagnant during the year, continuing a steady decrease in annual returns. According to the UNHCR, 1,681 persons (of whom 1,564 were minority returnees) returned during the year. Government officials and some NGOs, however, believed that the total number of returns was lower, since the UNHCR determines returns based on property restitution rather than physical presence. According to the Ministry of Human Rights and Refugees, there were an estimated 124,593 registered displaced persons in the country still seeking return to their pre-war places of residence.

The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing official unemployment rates above 40 percent. When jobs were available, minority returnees often complained of discrimination in hiring. In returnee areas throughout the country, the percentage of minorities holding municipal employment was neither representative of current

populations, nor consistent with legally mandated percentages based on the 1991 census, indicating local government failures to implement and enforce the provisions of the Law on Self Administration.

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

Other factors inhibiting returns included a lack of access to social benefits, including healthcare, education, and pension benefits. A lack of available housing and high municipal administration taxes on documents that were necessary for return, such as birth or land certificates, also affected the number of returns. Minority returnees often faced intimidation, discrimination, obstructionism in their access to education, health care, and pension benefits, and poor infrastructure.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees.

In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

During the year, the government did not grant temporary protection to any persons considered not to qualify as refugees under the 1951 convention and the 1967 protocol.

Asylum seekers with pending claims, regardless of national origin, may remain in asylum centers until their claims are adjudicated, which is normally three months, though in some cases longer. If the decision is negative, the asylum seekers have the right to file a complaint, on which the court is required to render a final decision within two months. During this time an asylum seeker maintains the right to remain in the asylum center. Asylum seekers present in the country have the right to education and legal redress for human rights complaints. However, they do not have the right to employment. If their asylum application is approved, they then are eligible for employment.

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

The law provides citizens with the right to change their government peacefully.

Elections and Political Participation

OSCE observers concluded that the 2006 general elections had been conducted largely in line with international standards but noted problems, including the inability of numerous voters to find their names on voter registers, authorities directing voters to incorrect polling stations because of changes in the registration process, group voting, irregularities in the counting process, and a few cases of voter intimidation. International observers also declared that the 2006 RS special elections to replace RS President Milan Jelic, who died in office, were free and fair.

Authorities conducted the October 5 municipal elections in an orderly manner with local election commissions or independent observers reporting only minor irregularities at polling stations to the state-level Central Election Commission. Turnout was generally lower in larger cities and higher in a few hotly contested rural areas.

On September 29, RS special police units in Doboj arrested the Director of the Center for Social Welfare and 16 SDS activists on suspicion of buying votes ahead of the October 5 elections. The group was released pending trial. The case is currently before the Basic Court in Doboj.

Political parties generally operated without restriction or outside influence. While political parties did not compel individuals to become members, many viewed membership in the leading party of any given area as the surest way of obtaining and retaining jobs in government owned companies and especially positions on steering boards of profitable, public companies including the electric, telecom, and media industries. Nevertheless, the ruling party did not exclude opposition parties from participation in political life. Membership in large, well-funded parties conferred formal advantages, as party members often excluded nonparty members from appointment to many key government positions.

Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and run for election. Under a 2000 ruling by the country's Constitutional Court, constituent people (Serbs, Croats, and Bosniaks) and "others" must be adequately represented in entity, cantonal, and municipal government institutions. This representation was to be based on the 1991 census until the returns process (as described in Annex Seven of the Dayton Accords) is completed. However, this decision has not been respected in practice. Separate from the three constituent peoples, there were 16 recognized national minority groups.

Nationalist rhetoric dominated political exchanges. Bosniak nationalist politicians called for the abolition of the RS and the removal of Srebrenica from the RS. Serb politicians threatened to call a referendum in the RS to secede from the state, and regularly made statements, often deliberately inaccurate, designed to delegitimize and undermine the state. Croat politicians called for the establishment of a third majority-Croat entity.

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

Minorities remained severely underrepresented in government. There were no members of a minority group in the Parliamentary Assembly and one minority member in the Council of Ministers. Representatives of the Jewish and Romani communities filed lawsuits before the ECHR because of a provision in the constitution that precludes "others" (i.e. those outside the three ethnic constituencies) from becoming president. A Bosniak from Srebrenica also filed a lawsuit at the ECHR because the RS constitution precludes non-Serbs from running for RS president.

Government Corruption and Transparency

The law provides for criminal penalties for official corruption, however, the government did not implement the law effectively, and officials frequently engaged in corrupt actions with impunity. There is no government agency with a mandate to combat government corruption.

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

On June 3, the appellate division of the State Court returned the retrial of Dragan Covic to a cantonal court for processing. The State Court convicted Covic in 2006 of one count of abuse of office and sentenced him to five years in prison in connection with a bribery case involving former president Mato Tadic.

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

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

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

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

4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups and NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. For example, the BiH HCHR and the RS HCHR continued to actively report on a wide range of human rights abuses. However, government officials were often inefficient and slow to respond to their recommendations.

The government cooperated fully with international organizations such as OHR, which has special powers over the government, as well as other international organizations, such as the ICRC and the OSCE.

Citizens' remedies for human rights violations included filing civil suits or seeking assistance from the Office of the Ombudsman. However, the ombudsman's recommendations were not binding. The law establishes a single state-level ombudsman institution composed of three members representing the country's three constituent groups. Political appointments to the new ombudsman institution were confirmed on December 4, having been significantly delayed by political maneuvering.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or other social status; however, the government did not enforce the law effectively. Discrimination against minorities, women, sexual minorities, persons with disabilities, and others was pervasive.

Women

Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years'

imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness.

Violence against women, including domestic violence and sexual assault, remained a widespread and underreported problem. According to general NGO estimates, one out of every three Bosnian women was a victim of domestic violence. Both the Federation and RS have adopted laws on domestic violence that require police to remove the offender from the family home. Experts estimated that only one in 10 victims of domestic violence reported the crime to police. As of October, the RS domestic violence hotline received 668 reports of domestic violence.

Police received specialized training in handling cases of domestic violence, and there were four hotlines operating in the Federation and the RS that provided assistance and counseling to domestic violence victims. There were shelters in Mostar, Tuzla, Banja Luka, Sarajevo, Bihac, Zenica, and Modrica to assist victims of domestic violence.

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

The law prohibits sexual harassment, but it was a serious problem that was poorly understood by the general population. Many women surveyed by NGOs reported experiencing sexual harassment in their workplaces. Pornography in the workplace was common. Victims almost never filed complaints, largely because they did not recognize their experiences as harassment and were not aware of their legal rights.

The law prohibits gender-based discrimination. Women have equal legal status to men in family law and property law, and authorities treated women equally in practice throughout the judicial system. The government's Agency for Gender Equality worked to inform women of their legal rights. The Federation, RS, and state-level parliaments had committees for gender equality.

Women served as judges, doctors, and professors, although few women held positions of substantial economic or political power. Authorities documented a small but increasing number of gender-related discrimination cases. Anecdotal accounts indicated that women and men generally received equal pay for equal work at government owned enterprises but not always at private businesses. The differential in unemployment rates within the Federation (the only available data) was 23.1 percent for men and 28.3 percent for women. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for female applicants. Women remained underrepresented in law enforcement agencies, although there was continued progress.

Children

The governments of both entities were generally committed to the rights and welfare of children; however, social services for children were extremely limited. The Ministry of Human Rights and Refugees had a role in enforcing children's rights. Children with disabilities lacked sufficient medical care and educational opportunities.

According to some estimates, the government failed to register the births of approximately 6,000 children in the country, most of whom were believed to be Roma. This results in significant obstacles for these children to access government services, in particular social, educational, and health benefits.

While education is free and compulsory through age 15, schools required parents to pay for textbooks, lunches, and transportation, which some families could not afford, causing some children to drop out of school. A lack of reliable monitoring and statistics on enrollment and dropout rates hindered efforts to ensure that school-age children received an education. The law requires children with special needs to attend regular classes, but schools were often unable to accommodate them.

According to the country's Roma Council, less than 35 percent of Romani children attended school regularly. Many Romani children were unable to attend school because of extremely poor living conditions, lack of proper clothing, and the inability or unwillingness of families to pay school-related expenses. Authorities provided textbooks, meal allowances, and transportation allowances for Romani children. Verbal harassment from other students, language problems, and registration costs and requirements also contributed to the exclusion of Roma from schools, despite the desire of many parents to enroll their children. Authorities failed to provide textbooks that included topics related to Romani culture and history.

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

Laws which provided for administrative and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extracurricular activities, school entrances and recreation facilities sometimes resulted. In some areas of the country, notably Vitez in central Bosnia and Prozor-Rama and Stolac in Herzegovina, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Many schools effectively entrenched segregation and discrimination. In the RS, non-Serbs made up less than 5 percent of the teaching staff in primary and secondary schools. In the Federation, minority teachers made up between 5 and 8 percent of all teachers, depending on the canton. Children in primary and secondary schools studied from what some NGOs described as "divergent, ethnically-specific curricula," including ethnically homogenous classes and books on geography and history that offered alternate explanations of ethnicity, religion, and national borders.

In the Stolac secondary school, the director refused to sign 160 diplomas for Bosniak graduates of the school, claiming the Bosniak section of the school was not administratively part of the school, despite his having signed several previous years' diplomas for Bosniaks. This action hindered the onward enrollment of the Bosniak students and required intervention at the highest political levels in the country to resolve.

Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. While there were no statistics available on the extent of the problem, some NGOs estimated that one in four families experienced some form of domestic violence. Municipal centers for social work were responsible for protecting children's rights, but often lacked resources and alternative housing for children who ran away from home to escape abuse or those children whom they needed to remove from abusive homes.

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

In certain Romani communities, girls married between the ages of 12 and 14. Apart from efforts to increase Romani participation in education, there were no programs aimed specifically at reducing the incidence of child marriage.

Trafficking in Persons

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

The country was primarily a country of origin for women and girls trafficked domestically for sexual exploitation, and, to a lesser extent, a destination and transit point for foreign trafficking. More than half of all documented trafficking victims were minors. Authorities observed a continuing trend of victims primarily being trafficked domestically during the year, far surpassing the number of foreign victims. During the year there were cases of Romani children trafficked to and within the country for forced labor or begging.

During the year trafficking modalities continued to change. Due to effective legal mechanisms and vigorous actions to combat trafficking, the number of identified victims continued to decline, according to NGO and state-level contacts. Trafficking remained underground, often in private apartments, motels, and gas stations. There were no reliable estimates on the number of victims trafficked during the year; police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. During the year the Office of the State Anti-trafficking Coordinator registered 29 new trafficking victims through its referral mechanism.

The majority of women trafficked to the country came from Serbia or other East European countries. While no reliable estimates were available, individuals and organized crime syndicates may have trafficked a number on to Western Europe. Most trafficked women entered the country through Serbia or Montenegro. Those who transited the country generally continued on via Croatia. Authorities also found Bosnian victims in other parts of Europe. During the year four trafficking victims were repatriated to the country through international referral mechanisms. Traffickers came from a variety of backgrounds, including freelance operators and local organized crime networks.

Traffickers coerced victims to remain in these situations through intimidation, verbal threats, seizure of passports, withholding of food and medical care, and physical and sexual assault.

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

The state prosecutor's office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state level. The state anti-trafficking coordinator, whose mandate included coordination of victim protection efforts among NGOs, police, and government institutions, as well as law enforcement, reported directly to the Ministry of Security. The chief state prosecutor chaired a nationwide interagency investigative anti-trafficking strike force that included prosecutors, police, and financial investigators.

If screening established that a person was a trafficking victim, authorities did not prosecute that person for immigration or prostitution violations. In most cases, authorities voluntarily repatriated foreign victims. Authorities often deported and occasionally prosecuted for immigration and other violations persons that law enforcement determined were not trafficking victims.

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. Victims' groups alleged that, because of strong local

networks, local police often willfully ignored or actively protected consumers or perpetrators of trafficking activity, often accepting bribes in return. To date there have been only a few documented cases of official involvement in trafficking, and no official indictments have been made.

On May 28, the Center for Public Security in Banja Luka arrested five persons in Banja Luka, Srbac, and Laktasi for trafficking, prostitution, and sexual violence of a juvenile female. The police turned the individuals over to the district prosecutor's office in Banja Luka. The main defendant was charged with the criminal act of human trafficking, while the remaining four were charged with sexual abuse of a minor. A Banja Luka court issued a first instance verdict to the main defendant, sentencing him to 18 months of imprisonment; the second defendant received 12 months, the third and fourth received six months, and the fifth defendant received three months of imprisonment.

In an unrelated case, on June 12, the Banja Luka Center for Public Security arrested four persons for trafficking for prostitution and sexual abuse of a minor. The main defendant in this case is charged with the criminal act of human trafficking, while three remaining defendants were charged for sexual abuse of a minor. The trial was ongoing at year's end.

The trial of the nine individuals that authorities arrested in December 2007 for trafficking three juvenile girls in the RS municipality of Derventa was ongoing at year's end.

During the year authorities distributed an antitrafficking manual to teachers for use in the curriculum of all the country's schools. Authorities also continued their efforts to assist victims by working with local NGOs to support shelters and other services and by conducting extensive training for police, prosecutors, judges, teachers, and social workers.

The country has a set of rules that provide a binding standard of protection for domestic trafficking victims and standard operating procedures for the prevention, identification, protection, and assistance of victims and witnesses who are citizens. In practice, variation in laws related to trafficking victims at different levels of government often caused complications and lack of clarity in the implementation of these rules.

The government has a formal victim referral mechanism and memoranda of understanding with six NGOs that ran shelters for trafficking victims. NGOs operated safe houses in Sarajevo, Zenica, Mostar, Doboj, Modrica, Bihac, and Bijeljina. At the shelters, victims received medical care, psychological counseling, legal assistance, repatriation assistance, and limited vocational training. Police effectively provided protection for the shelters.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

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

In the Federation, the law mandates that all existing public buildings be retrofitted to provide access to persons with disabilities by November 2007 and that new buildings must also be accessible. This deadline passed without full implementation, and buildings were rarely accessible to persons with disabilities. The RS had comparable laws for public access, and progress on retrofitting older public buildings remained slow.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1991-95 wars were given a privileged status above

civilian war victims and persons who were born with disabilities. Many individuals with disabilities lived in institutions, although a growing number of programs for children with disabilities were available in schools. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available.

National/Racial/Ethnic Minorities

Ethnic differences remained a powerful force in the country, although mixed communities existed peacefully in a number of areas.

Attacks on ethnic and religious objects continued during the year. Police conducted investigations and sometimes charged perpetrators of ethnically motivated hate crimes, but often blamed the attacks on radicals, intoxicated or mentally unstable individuals, or rowdy youth without additional investigation. Harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems most often included desecration of graves, graffiti, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults.

Ethnic discrimination in employment and education remained key problems. Employers did not reverse widespread firing of ethnic minorities during and after the war in most cases, and employers often hired members of the local ethnic majority over minorities. Widespread ethnic discrimination in employment and failure on the part of state-level and entity-level officials to prevent such discrimination continued. Many smaller enterprises were sold to politically connected individuals, usually members of the majority group in their communities. These enterprises generally did not employ minorities.

The Roma population, estimated at 40,000 to 80,000, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. Access to employment, education, and government services were particular problems. The BiH HCHR estimated that only 1 percent of the working-age Romani population was employed and indicated that employers usually downsized Roma first during a reduction in force. Mainstream society often excluded many Roma from public life because they lacked birth certificates, identification cards, or a registered residence, which also prevented them from access to health care, education or registering to vote. Only a small number of adult Roma were officially employed, and Roma lacked social support.

On September 4, the country signed the "Decade of Roma Inclusion 2005-2015," a regional program meant to generate funding from both the European Union and the national government for the improvement of Romani education, employment, health, and housing. The government previously adopted and enacted action plans for participation in the "decade" through 2007-08.

Other Societal Abuses and Discrimination

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

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

On September 24-26, the Q Association organized the first "Queer Sarajevo Festival" in Bosnia and Herzegovina. Announcement of the festival met with harsh, often discriminatory commentary by Islamic community leaders and some political party leaders. The NGO received numerous threats; press coverage was generally negative and, in some cases, discriminatory. Some organizations and businesses withdrew their

support of the festival, reportedly due to intimidation by religious groups. On September 24, the night of the festival's opening, a group of approximately 50 young men marched past the opening, chanting obscenities and threats against festival participants. Immediately following the opening of the festival, a group of several dozen youths attacked and injured at least eight persons, including two journalists and one police officer.

Government statistics put the number of officially-registered cases of HIV/AIDS in the country at less than 200. The NGO XY-Association for Sexual and Reproductive Health estimated that the actual number of cases was approximately 600, while the UN Program on HIV/AIDS estimated the number at less than 1,000. There was a significant stigma against persons with HIV/AIDS, a general lack of awareness of HIV/AIDS, and extremely limited resources to identify and assist those affected.

6. Worker Rights

a. The Right of Association

The law allows workers in both entities (except members of the military) to form and join independent unions of their choice, which are registered in that entity, without previous authorization or excessive requirements, and workers did so in practice. The state-level government has yet to finalize the registration of the Confederation of Independent Trade Unions of Bosnia and Herzegovina, an umbrella organization of entity-level unions at the state level. The problem, which has been ongoing since 2001, lies both with the ineffective state-level government NGO registration system and with the Federation branch of the Confederation Union, which has demanded retroactive registration to recognize its 100-year history, something no other union has received (or requested) when filing for registration.

The law provides for the right to conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed worker organizing and activity. In the prevailing atmosphere of high unemployment, many believed that worker rights violations were considered a lower priority for ministry inspectors, as state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers that did not pay taxes. Some unions reported that employers threatened employees of private companies with dismissal if they joined a union. There was at least one report of a dismissal of a trade union leader following privatization of his employer.

The law provides for the right to strike, and workers exercised this right in practice. The Law on Strikes, separate from the Labor Law, establishes the regulations related to the right to strike, in both entities. In the Federation, the current Law on Strikes is fairly restrictive, with burdensome requirements the workers must fulfill in order to conduct a strike. The new RS Law on Strikes, adopted November 5 by the RS Parliament, eliminates some bureaucratic hurdles necessary to carry out a strike.

b. The Right to Organize and Bargain Collectively

The right to bargain collectively is provided by law in the RS and in a general collective agreement in the Federation. However, collective bargaining in both entities did not involve voluntary direct negotiation between a union and individual employers, but rather work agreements between the government and workers in the public sector. In the Federation, there were no collective bargaining agreements between private employers and unions. In the RS, the general collective bargaining agreement applied to all workers and was negotiated between unions, the government, and employers. This general agreement applied to private companies, regardless of whether their workers were union members, and generally covered issues of work hours, social contributions and the minimum wage.

In the Federation, the law stipulates that if the court finds that the employer's cancellation of the employment contract is unlawful, the court can order reinstatement

of the employee. Since union activity discrimination is unlawful, this would result in reinstatement of the employee.

The law prohibits discrimination by employers against union members and organizers; however, means of protection against retaliation for union activity were not strong and discrimination continued. In practice, the government does not impose fines on employers who prevent workers from unionizing, a practice that was becoming more prevalent as private sector businesses replace ex-Yugoslav state owned enterprises that had a traditional union culture. Barriers to employees bringing complaints against employers included high unemployment, a backlogged court system, and the large number of unregistered workers in the gray economy.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that individuals and organized crime syndicates trafficked women and children for commercial sexual exploitation and sometimes for begging and labor. Victims reported working in conditions akin to slavery, with little or no financial support. In some cases, traffickers provided victims with some funds, despite the otherwise-coercive environment victims found themselves in.

d. Prohibition of Child Labor and Minimum Age for Employment

Entity-level labor laws restrict child labor, and the entity governments implemented these laws in practice. The minimum age for employment of children in the Federation and in the RS is 15 years; minors between the ages of 15 to 18 must provide a valid health certificate in order to work. The law prohibits children from performing hazardous labor. In the Federation, minors are prohibited from "night work," except in exceptional circumstances. Although child labor was not generally a problem, children sometimes assisted their families with farm work and odd jobs.

Trafficking in children for sexual exploitation and sometimes for labor and begging was a problem.

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

e. Acceptable Conditions of Work

The hourly minimum wage in the Federation was 1.75 convertible marks (approximately \$1.10) and in the RS the monthly minimum wage was 250 convertible marks (\$165); however, neither provided a decent standard of living for a worker and family. In early December the RS National Assembly approved an increase of the minimum wage to 320 convertible marks (\$212) effective January 1, 2009, although this still does not provide an adequate standard of living for a family. In the Federation, the minimum wage was established by a joint commission that included representation of employers, workers, and the Federation government. The commission meets annually to determine the minimum wage, and increased the wage by 12 percent in September.

Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds; as a result, to avoid paying high social welfare benefits, employers often did not officially register their employees, leaving employees without

access to public health care and unable to officially transfer to another employer. The employer obligation to the government for large social contributions led to an increase in black market employment, as employers preferred employees that were "off the books" to official salaried employees.

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

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

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

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