

The State of the World's Human Rights; Bosnia and Herzegovina 2023

Background

Bosnia and Herzegovina (BiH) remained embroiled in political crises. The Republika Srpska (RS) authorities passed laws that threatened the constitutional order of BiH, including one that suspended the rulings of the BiH Constitutional Court in the RS and another that suspended publication of the High Representative's decisions in the Official Gazette, thereby preventing them from entering into force. The EU warned that the laws had no legal basis and undermined BiH's accession process.

Freedom of expression and association

The BiH Journalists' Association recorded an increase in attacks on journalists, with over 70 cases recorded in 2023, of which fewer than 25% were investigated.

In July, the RS National Assembly passed amendments to the Criminal Code to classify defamation as a criminal offence, punishable by a fine of up to BAM 3,000 (EUR 1,500). The UN, Council of Europe and EU condemned the move, saying it breached BiH's international human rights commitments. The Media Freedom Rapid Response project said the law posed an "existential threat" to independent journalism. In September, Journalist Club Banja Luka filed a petition to formally challenge the law before the RS Constitutional Court.

In September, the RS National Assembly adopted in its first reading the Law on Special Registry and Publicity of the Work of NGOs, establishing a registry of foreign-funded NGOs, classified as "agents of foreign influence", and requiring extensive reporting requirements and heavy penalties for non-compliance. The Council of Europe's human rights commissioner warned that the law would further restrict the rights of NGOs and human rights defenders, and the EU called for its withdrawal.

Refugees' and migrants' rights

The authorities recorded close to 35,000 arrivals in 2023, the majority from Afghanistan, Morocco and Syria. More than 2,500 refugees and migrants were stranded in BiH at the end of the year, most of them in Una-Sana Canton.

In June, the authorities stopped the construction of an EU-funded detention unit within the Lipa reception facility near Bihac, intended to accommodate people whose asylum claims had been rejected in an EU member state. The authorities denied any knowledge of the plan, and the BiH minister of human rights and refugees described the unit as a "a classic prison" unsuited to being within a reception facility that also houses women and children.

Although the speed of processing asylum claims improved considerably, the asylum system remained largely ineffective. An overly restrictive approach to assessing claims led to only four people being granted refugee status by November.

Discrimination

In August, the European Court of Human Rights ruled in the case of *Kovačević v. BiH* that the country's constitutional system, in particular its electoral rules, discriminated against people who did not identify as one of the constituent peoples (Bosniak, Croat or Serb) and denied them adequate representation in legislative and executive offices. BiH failed to implement five previous European Court of Human Rights rulings that the power-sharing arrangements in the country were discriminatory.

LGBTI people's rights

A Gallup World Poll of 123 countries ranked BiH as one of the most hostile places in the world for LGBTI people.

In March, RS police banned a film screening organized by LGBTI groups in Banja Luka, citing threats from violent groups. The organizers, who sought shelter in another venue, were then attacked by a group of men. Activists said that police officers who were nearby failed to protect them. The Council of Europe's human rights commissioner said the authorities had an obligation to protect LGBTI people's right to freedom of peaceful assembly.

In a separate incident, participants in the 8 March women's rights protest were physically and verbally attacked because one participant was carrying a rainbow flag. The Council of Europe's human rights commissioner condemned the violence and urged police to investigate.

In the month leading up to the annual Pride march in Sarajevo in June, LGBTI activists faced widespread discriminatory speech on social media platforms, including from public officials.

Violence against women and girls

In August, in the days following the murder of a woman by her partner who live-streamed the killing on social media, thousands of people across the country held demonstrations against domestic violence. They demanded criminalization of femicide, harsher penalties for domestic violence and more shelters for victims.

The authorities did not keep an official record of cases of femicide.

Right to truth, justice and reparation

The pace of prosecutions for war crimes remained slow. In November, the Council of Ministers extended the original December 2023 deadline for processing the remaining complex war crimes cases until 2025.

In May, the International Residual Mechanism for Criminal Tribunals confirmed the original guilty verdicts for former Serbian state security officials Jovica Stanišić and Franko Simatović, increasing their prison sentences from 12 to 15 years for war crimes and crimes against humanity in six municipalities in BiH.¹ More than 7,500 people remained missing as a result of the armed conflict.

Right to a healthy environment

Heavy reliance on the burning of coal and wood resulted in alarmingly high air pollution, with some cities among the most polluted in the world during the winter months.

Despite commitments made under the 2020 Sofia Declaration on the Green Agenda for the Western Balkans, the authorities made limited progress on reducing carbon emissions.
