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BOSNIA AND HERZEGOVINA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bosnia and Herzegovina is a democratic republic with a bicameral parliament but assigns many governmental functions to the two entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS); the Brcko District has an unsettled relationship to the two entities. The 1995 General Framework Agreement for Peace (the Dayton Accords), which ended the 1992-95 Bosnian war, provides the constitutional framework for governmental structures while other parts of the agreement specify the government's obligations to ensure human rights, such as guaranteeing the right of persons displaced by the war to return to their prewar homes. The Dayton Accords also provide for a high representative who has the authority to impose legislation and remove officials. In 2010 the country held general elections that international observers deemed free and fair. An agreement reached late in 2011 to form a government based on the 2010 election results was implemented in February, but by the end of May a series of attempts to remove various parties from the ruling coalition paralyzed the government. Security forces reported to civilian authorities.

Political leaders continued to intensify and manipulate deep-seated ethnic divisions that fostered widespread discrimination in most aspects of daily life, undermined the rule of law, distorted public discourse in the media, and obstructed the return of persons who were displaced during the 1992-95 conflict. Government corruption remained one of the country's most serious problems and exacerbated the effects of those divisions. Harassment and intimidation of journalists and civil society limited the public's access to accurate information and accountability of political leaders.

Other human rights problems included deaths from land mines; harsh conditions in prisons and detention centers, such as overcrowding and physical abuse of prisoners and detainees; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; failures to return properties to religious communities; discrimination and violence against women and sexual and religious minorities; discrimination against persons with disabilities; trafficking in persons; and limits on employment rights.

Both entities and the Brcko District maintained units that investigated allegations of police abuses, meted out administrative penalties, and referred cases of criminal

misconduct to prosecutors. These units generally operated effectively, and there were no reports of impunity during the year.

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

a. Arbitrary or Unlawful Deprivation of Life

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

Despite local and international efforts to prosecute war crimes, many lower-ranking perpetrators remained unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and those responsible for approximately 10,000 other persons who were missing and presumed to have been killed during the 1992-95 war. Implementation of the National Strategy for Processing War Crimes cases was slow, in view of the complexity of cases and the dearth of budget and personnel support extended to the state, entity, district, and cantonal courts and prosecutor's offices.

The country has a national strategy for the prosecution of war crimes that foresees the prosecution of the most complex war crimes cases by 2016 and all other war crimes cases by 2024. The International Criminal Tribunal for the former Yugoslavia (ICTY) continued to adjudicate cases arising from killings during the 1992-95 conflict. The Bosnia and Herzegovina Court War Crimes Chamber and entity courts also continued war crimes trials during the year, albeit at a very slow pace because of delays associated with identifying and preparing witnesses for testimony, availability of courtrooms, and a lack of capacity within prosecutors' offices at the entity level. Nevertheless, the country made progress in implementing the national war crimes strategy following the deferrals of many cases from the national to entity-level courts. By year's end courts at the state, entity, and Brcko District levels rendered 36 first-instance verdicts, including 28 guilty verdicts and eight acquittals, and 21 second-instance verdicts of closed cases, including 16 guilty verdicts, four acquittals, and one death of a defendant. In the closed cases 25 individuals were sentenced to a total of 203 years' imprisonment. The ICTY no longer sought any persons at large.

During the year eight land mine accidents injured three persons and killed eight, including a six-year-old boy who was killed while gathering wood in August near Olovo. The country has a demining strategy, but it remained largely unfunded. According to the country's Mine Action Center, there were still more than 10,000

active minefields (with an estimated 200,000 devices) endangering an estimated 900,000 residents throughout the country at year's end. In many cases the presence of land mines slowed the return of internally displaced persons and the exhumation of mass graves.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices. However, the Council of Europe's Committee for the Prevention of Torture (CPT), as well as other institutions, reported that police physically mistreated individuals at the time of their arrest and during detention, and that detention facility staff at times physically abused prisoners.

In July 2011, the CPT published a report of its April 2011 ad hoc visit to police facilities, immigration detention centers, prisons, prosecutors' offices, psychiatric institutions, and social care homes. The CPT delegation reported numerous credible allegations that the police and other law enforcement officials were responsible for serious physical mistreatment of prisoners--including kicking, punching, blows with batons and baseball bats, handcuffing in stress positions for hours on end, placing plastic bags over the heads of suspects, and inflicting electric shocks. Several persons stated that officers inserted the barrel of a pistol in their mouths or pointed it at their temples during questioning. According to the CPT, there were several allegations that mistreatment aimed at forcing confessions was a frequent practice of crime inspectors at the Banja Luka Central Police Station. Prisoners made several similar allegations in the four RS prisons that the CPT visited. In its response to the CPT report, the government described these allegations as not credible, based on what it called an independent examination by a team of medical experts formed by the RS Special Prosecutor's Office.

Many persons interviewed by the CPT alleged that the right of notification of custody had been granted to them and that they were permitted to contact relatives only after police questioning rather than immediately following arrest.

Prison and Detention Center Conditions

Conditions in the country's prisons and detention centers were harsh and, on occasion, life threatening. In particular, police frequently physically abused suspects. Prisons had wholly inadequate sanitation and medical care.

Physical Conditions: At year's end there were 2,963 persons incarcerated in the country (1,901 in the Federation and 1,062 in the RS). The government estimated the total capacity of Federation and RS prisons at 3,217 persons. Meanwhile, prisoners convicted of state-level crimes remained incarcerated in entity prisons. There were no reports that women were incarcerated under conditions less favorable than for men. The CPT reported that in some cases juveniles were housed separately in the same facility as adult offenders. During the year the government's department for monitoring children's rights, in cooperation with the nongovernmental organization (NGO) Save the Children, prepared a report that found the accommodation of minors and children in the correctional institutions to be in conflict with the law. The report found instances in which juveniles still were housed with adult offenders.

During the year there were no reported deaths in the country's prisons and detention centers. Prisoners had access to adequate potable water. Poor hygiene and antiquated facilities remained serious problems. Prisoners in the Banja Luka Prison alleged frequent mistreatment by prison officers.

During prison visits throughout the year, the country's human rights ombudsman noted a lack of medical professionals to advise prison administrators on nutrition and sanitation. In many cases, budgetary considerations appeared to outweigh concern for prisoner hygiene. At Orasje prison, as a cost-saving measure, the prison administration prohibited the use of laundry machines and required prisoners to wash their own clothes by hand. The ombudsman was particularly concerned with sanitation in the kitchen and toilets of the Kozlovac unit of Tuzla prison, reporting an "unbearable odor" spreading throughout the prison and noting that the administration had not documented any consultation with medical or sanitation experts about the cause of the odor.

In 2011 the Council of Ministers' commission criticized conditions in the correctional facility for minors in Tuzla, particularly for failing to meet minimum education standards. The commission reported that children spent most of their time in locked rooms. The commission urged the government to relocate this facility as soon as possible.

In the women's prison, the commission described the attitude of the prison management toward the prisoners as "totally unacceptable" and called on competent authorities to hold the prison director responsible. The commission observed that prison authorities did not adequately monitor the well-being of female inmates, permit them opportunities to discuss conditions with prison administrators, or provide them with opportunities to work.

During the year the human rights ombudsman confirmed that there had been no efforts to improve care related to the needs of female prisoners.

Administration: During the year there were reports of delays by law enforcement agencies in keeping records of arrests prior to the transfer of arrested persons to a prosecutor's office. There were also reports that medical staff in the prisons neither documented the injuries of prisoners in detail nor stated whether the injuries observed were consistent with any allegations of mistreatment made by the prisoners. The country's human rights ombudsman noted limited progress in some segments of the system, especially regarding better cooperation between the various ministries of justice and the prisons. Authorities took some steps to improve recordkeeping, particularly when recording offenders' complaints. Authorities in Central Bosnia Canton (municipality of Busovaca) started applying alternative sentences for nonviolent offenders by using electronic bracelets and financial compensation instead of one-year sentences. Authorities also used parole, in accordance with existing legislation.

The law allows detainees and prisoners to send their requests or complaints to the country's ombudsman, who has authority to advocate for the rights of prisoners, including juveniles, regarding status and circumstances of confinement, bail, overcrowding, and other conditions. The ombudsman also can advocate on behalf of prisoners to improve pretrial conditions and recordkeeping, to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. The ombudsman lacked authority to advocate for alternatives to incarceration for nonviolent offenders to alleviate overcrowding. There were no reports that prison authorities failed to forward requests from inmates to the ombudsman.

During the year the country's human rights ombudsman published a special report on prison conditions that described an overall worsening of conditions in the Tuzla prison, which the ombudsman attributed in part to the lack of a prison director for more than a year. The report noted an overall decrease in the misuse of parole by prison authorities and in incidents of prisoner mistreatment by correctional officers. However, Banja Luka prison remained problematic, since the

ombudsman received numerous prisoner complaints of excessive use of force by prison staff in areas of the prison not under video surveillance. The ombudsman continued to report no improvement in the Dobož and Tuzla prisons and described conditions in Sarajevo prison as the worst among all prisons in the country. Prison authorities did not act by year's end on the ombudsman's recommendation to transfer all prisoners from the Sarajevo prison to the Igman correctional facility and use the Sarajevo facility only as a short-term detention center.

Prisoners and detainees generally had access to visitors and were permitted religious observance. However, the Council of Ministers commission noted cases during the year in which female inmates were not permitted family visitation, including a mother who was not permitted to visit with her two-year-old daughter.

The law provides for the right of prisoners to communicate, file complaints, and expect expeditious resolution of violations, and authorities investigated credible allegations of inhuman conditions.

During prison visits in the RS in April 2011, the CPT found that inmates could lodge complaints with prison staff, including the director, and also with the ombudsman's office. However, the CPT observed that there was no policy providing for the confidentiality of such correspondence. For example, in Banja Luka prison, prisoners on remand had to hand over all correspondence to prison staff.

Monitoring: The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. In April 2011 a CPT delegation visited all major police stations, immigration detention centers, prison facilities, prosecutor's offices, psychiatric institutions, and social care homes.

The International Committee of the Red Cross (ICRC) continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

Improvements: The ombudsman's report noted some improvements in some aspects of the country's prison system, particularly cooperation between prison administrators and the ministries of justice. The report noted that the entity-level justice ministries had begun paying greater attention to security inside prisons. It found that both entities tried to decrease overcrowding during the year by increasing the capacities of some prisons, although the ombudsman reported that

the quality of work on those facilities was poor. The ombudsman also noted some efforts by some prison administrators to improve the quality of prison cells in accordance with EU standards.

Reporting on its 2011 visit, the CPT reported some progress at Zenica prison since its 2009 visit. For example, there were no reports of mistreatment of prisoners by prison staff. While the CPT also noted improvement with regard to intimidation and violence between prisoners in Zenica prison during the year, the prison's administration offered several ethnic Serb minority prisoners separate accommodations after several reported incidents of verbal abuse by other prisoners. However, the Serb prisoners reportedly declined the offer because they did not want to lose work opportunities.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The law extends significant overlapping law enforcement competencies to the state-level government, each entity, and the Brcko District, each of which has its own police force. An EU military force continued to support the country's government in maintaining a safe and secure environment for the country's population. A NATO headquarters in Sarajevo continued to assist the country's authorities in the implementation of defense reform and counterterrorism. The EU police mission, which had monitored and mentored the local police, ceased operations on June 30.

Civilian authorities maintained effective control over security forces. By law the two entities, Brcko District, and 10 cantonal interior ministries exercise police powers. The State Investigation and Protection Agency *inter alia* facilitates interentity and regional cooperation in combating organized crime, human trafficking, and international terrorism. The State Border Police is responsible for monitoring the borders and for the detention of irregular migrants. The Department for Police Coordination provides security for government and diplomatic buildings and protection for state-level officials and visiting dignitaries.

The government has effective mechanisms to investigate and punish abuse and corruption. While there were no reports of impunity during the year, there were

continued reports of corruption within the entity- and state-level security services. Professional standards units are the internal affairs investigative units in each entity's interior ministry and in the Brcko District. Throughout the year, mostly with assistance from the international community, the government provided training to police and security forces designed to combat abuse and corruption and to promote respect for human rights.

Arrest Procedures and Treatment While in Detention

Police generally arrested persons openly with warrants based on sufficient evidence. The law provides that authorities inform detainees of the charges against them immediately upon first questioning, and authorities generally respected this right in practice. The law requires police to bring suspects before a prosecutor within 24 hours of detention. During this period, police may detain individuals for up to six hours at the scene of a crime for investigative purposes. The prosecutor has an additional 24 hours to release the person or to bring the person before a judge who decides whether the person should remain in pretrial custody. There is a functioning bail system. The law allows detainees to request a lawyer of their own choosing. There were no reports that suspects were detained incommunicado or improperly held under house arrest. The law provides for the right to a speedy trial.

In practice authorities sometimes denied detainees prompt access to an attorney, and indigent defendants did not always have access to an attorney; at times, the government provided attorneys to indigent defendants. During its 2011 visit, the CPT found that detainees' access to an attorney had "not evolved" since previous CPT visits and this right was not provided effectively at the time of arrest. A majority of those interviewed by the CPT claimed that they had not been permitted to contact a lawyer or been informed of their rights until after the preliminary police investigation and court hearing. Many persons complained that lawyers provided by authorities remained silent throughout the initial court proceedings.

Pretrial Detention: The law generally limits pretrial detention to one year. It sets strict limitations to the duration of custody during both the preindictment phase and after confirmation of the indictment. In order for custody to be continued, the court must review the case at regularly prescribed intervals. Defendants have the right to appeal custody. These rights were respected in practice.

e. Denial of Fair Public Trial

The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. Political parties and organized crime figures sometimes influenced the judiciary at both the state and entity levels in politically sensitive cases.

The country's criminal code criminalizes failure to enforce decisions of the country's Constitutional Court, the Court of Bosnia and Herzegovina, and the European Court of Human Rights (ECHR), and in most cases court orders were honored. However, there were some instances in which legislative and executive authorities at the national or entity level did not fully implement the Constitutional Court's decisions. While the state prosecutor's office opened a few investigations to enforce court decisions, investigations usually were delayed because of a lack of cooperation from the government's political institutions.

Trial Procedures

The laws of the Federation and the RS provide that defendants enjoy a presumption of innocence, the right to be informed promptly and in detail of the charges with free interpretation as necessary, and the right to a fair and public trial without undue delay. The law does not provide for trial by jury. The law provides for the right to counsel at public expense, if the defendant is charged with a serious crime. However, courts did not always appoint defense attorneys where the maximum sentence was less than five years. Defense teams generally were given adequate time and facilities to prepare their clients' defenses. The law provides defendants the right to confront witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their case, and to appeal verdicts. Authorities generally respected most of these rights in practice.

The country's prosecutor's office continued to use plea agreements in some cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for individuals and organizations to seek civil remedies for human rights violations and provides for the appeal of decisions to the ECHR. The government generally complied with domestic and regional court decisions pertaining to human rights.

The court system suffered from large backlogs of cases and a lack of an effective mechanism to enforce court orders. Inefficiency in the courts undermined the rule of law by making recourse to civil judgments less effective. There was a backlog of an estimated two million unresolved civil cases, more than one-half involving unpaid utility bills. Authorities estimated that 10 percent of the cases involved criminal matters. According to the 2008 report of the Center for Human Rights of Sarajevo University, more than 20 percent of decisions of the country's Constitutional Court had not been fully implemented; the majority of the cases pertained to so-called systematic failures of government, such as problems concerning missing persons, old currency savings, and compensation for war damages.

Regional Human Rights Court Decisions

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the ECHR. The country complied with ECHR judgments requiring individual measures either through actual remedies or by submitting action plans for compliance to the ECHR. However, it remained noncompliant with the ECHR's 2009 Sejdic-Finci judgment that the country's constitutional provisions on ethnic minorities' running for certain elected offices violated the European Convention on Human Rights.

Property Restitution

The country's four traditional religious communities had extensive claims for restitution of property nationalized after World War II. Many officials used property restitution cases to provide political patronage. In a few cases government officials refused to return properties legally recognized as belonging to religious institutions. During the year the governments did not undertake any activities to fulfill the 2010 agreement to return the building that housed the University of Sarajevo's economic faculty to the Serb Orthodox Church, whose ownership of the building had been legally recognized before the 1992-95 conflict. Authorities in Sarajevo, including the economic faculty's former dean, repeatedly rebuffed requests by the international community, church officials, and the country's Inter-Religious Council to begin a gradual transfer of the building, or to at least allow the St. Basil Ostrog Theological School, a Serb Orthodox college affiliated with the public University of East Sarajevo, to use a classroom within the building for academic purposes to demonstrate their good faith intent to comply with the 2010 agreement. At year's end the economic faculty continued to occupy

the Serb Orthodox Church's building, including a space that the economic faculty used as a cafe-bar.

Roma displaced during the 1992-95 conflict had difficulty repossessing their property as a result of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and 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. Government respect for freedom of speech and the press did not improve during the year.

Freedom of Speech: The RS government continued to discourage political expression. In June during a several month-long protest of citizens in Banja Luka who were not satisfied with a decision by Banja Luka and RS authorities to allow a development project in a public park, there were incidents of physical contact between RS Police and demonstrators, intimidating police interviews, and denial of access to the Banja Luka Administration Building to citizens who wanted to submit protest letters. Although RS authorities found legal justification for most police actions, human rights activists regarded the authorities' behavior as an example of efforts to discourage even peaceful demonstrations. These demonstrations steadily lost their energy during summer holidays and completely stopped after the country's local elections in the fall.

Federation law prohibits hate speech. RS law does not specifically proscribe hate speech, although the law prohibits causing ethnic, racial, or religious hatred. In practice many media outlets used with impunity incendiary language, often nationalistic, on matters related to ethnicity, religion, and political affiliation. Independent analysts noted the continuing tendency of politicians and other leaders to label unwanted criticism as hate speech. The country's Communications

Regulatory Agency (CRA) registered one case of hate speech by year's end. During a program shown on TV Pink in June, hate speech was found in a text message from an audience member that was broadcast on the show; the station was fined 2,000 convertible marks (\$1,350). The Press Council of Bosnia and Herzegovina registered 20 cases of incitement and spreading of hate speech from January to November.

Freedom of Press: The independent media were active and expressed a wide variety of views but were subject to undue influence from government, political parties, and private interest groups. Media reporting continued to be divided along political and ethnic lines. Public broadcasters at the state and entity levels faced strong political pressure that sometimes resulted in a lack of objectivity and impartiality.

Many privately owned newspapers were available and expressed a wide variety of views. A number of independent print media outlets continued to encounter financial problems that endangered their operation. The Press Council of Bosnia and Herzegovina, the organization responsible for self-regulation of online and print media content, registered eight cases of hate speech in print media and online media from May to October.

For the fourth consecutive year, the RS government provided direct budgetary support to a select group of media outlets by funding special projects without public tenders or defined criteria. While the RS government claimed the money was available to all, the outlets receiving financial support were far more likely to take a progovernment line and report less on--and even ignore--opposition activities.

Private media outlets in the RS received funding for individual projects, while funding for public media outlets was directed to the entity news agency, Radio and Television of the Republika Srpska (RTRS), which was regularly financed from the RS budget and during the year received approximately 130,000 convertible marks (\$87,700) a month from the government budget. The RTRS continued to reflect the views of the dominant party in the RS.

Two daily newspapers based in Banja Luka received approximately 207,340 convertible marks (\$140,000) each for individual projects, while a private television station was awarded approximately 148,100 convertible marks (\$100,000).

Both the Federation and RS governments financially supported the news agencies in their respective entities, the Federation News Agency and the Republika Srpska News Agency.

The CRA is charged with regulating all aspects of the country's electronic media (television and radio). Political pressures on the CRA continued. The failure of the Council of Ministers to confirm the appointment of a new CRA general manager and other legal hurdles continued to undermine the CRA's independence and effectiveness. A December 2011 agreement among the six political parties to form a state-level coalition stated that the position of CRA general manager should belong to a specific ethnic group. It was widely acknowledged that a specific political party should make the selection, which observers believed directly undercut the selection process defined in law, as well as the independence of the position and the agency should the selection go forward. Proceedings to select the new general manager did not begin by year's end.

Efforts continued that apparently were aimed at influencing the content of the Federation public broadcaster via political pressure. In June the Federation parliament made temporary appointments to Federation Radio and Television's (FTV) steering board contrary to existing legislation, which contains no provisions for a temporary steering board and prescribes that only one member of the steering board can be appointed in any given calendar year.

After numerous negative reactions from professional organizations and international organizations, and a ruling by the Federation Constitutional Court that the parliamentary session was not properly organized, this decision on the appointment of the temporary steering board was not implemented. However, the Federation parliament later issued a public advertisement for all three vacancies on the steering board. This decision did not follow the requirements of the law on the FTV for issuing such an advertisement and again ignored the law's requirement that only one member of the steering board can be appointed in any one calendar year. The advertisement was published in October despite the fact that the decision was not signed by the president of the Federation or published in the official gazette. Throughout this period, the BiH Journalists Association and the Helsinki Committee for Human Rights sent several letters to the Federation parliament warning of the many irregularities in this process.

On July 5, Dunja Mijatovic, the representative on freedom of the media of the Organization of Security and Cooperation in Europe (OSCE), called on the Federation parliament to "ensure full transparency, respect for rule of law

principles, and adherence to international standards when appointing members to public institutions, including the public service broadcasters.” She repeated this call in September.

The steering boards of all three public broadcasters again failed to establish a single steering board to oversee a unified public broadcasting system, as required by a 2005 law.

Violence and Harassment: During the year there were credible reports of intimidation of and politically motivated litigation against journalists for unfavorable reporting on government leaders and authorities. The Free Media Help Line (a part of the BiH Journalists Association) registered 47 cases involving violations of journalists’ rights and freedoms or pressure from government and law enforcement officials, and there were 17 cases of pressure on and threats against journalists, including one death threat and five physical attacks. Other cases involved denial of access to information.

During the year several incidents involving violence against journalists or possible attempts to intimidate the media based on ethnic positions were reported. In some cases these pressures resulted in self-censorship by the media.

On July 18, two days after a local screening of a documentary film about Nedjeljko Galic, a man who had aided his Muslim neighbors during the war, a group of men and a woman angrily berated Galic’s widow, Stefica Galic, alleging that Nedjeljko Galic had collaborated with Muslims, and then accosted her. Galic and the woman eventually came to blows. International observers, including the OSCE, criticized the incident and subsequent threats against Stefica Galic as a violation of her freedom of expression and called on authorities to secure her safety, investigate the incident, and prosecute those responsible. The police originally described the attack as a minor offense against the peace. After requests by the international community, including the OSCE and the BiH Association of Journalists, the police invited Galic to give a new statement about the incident. The investigation remained open but did not yield any results by year’s end. A month after the incident, and with the assistance of the BiH Association of Journalists, Galic filed criminal charges for assault related to the incident and a lawsuit for libel against several Web portals.

Censorship or Content Restrictions: Some political parties, through the companies they controlled, indirectly censored the media and influenced the editorial policies of some media outlets that published items contrary to their interests through

advertising and other mechanisms. As a result some media outlets practiced self-censorship.

In some instances media sources reported that officials threatened outlets with loss of advertising or limited their access to official information. At least three times during the year, RS President Milorad Dodik criticized reporters at press conferences and refused to take their questions. In one instance he attempted to have a journalist from the Beta news agency who he claimed was biased removed from a briefing and threatened to bar her from RS government buildings. Later in the year authorities denied the same journalist a press accreditation. In September Dodik verbally attacked and insulted *Oslobodjenje* journalist Gordana Katana during a press conference devoted to the code of behavior for political parties during the election campaign. He accused Katana of political bias and called her a liar. The BiH Journalists Association criticized the verbal attack.

Libel Laws/National Security: Defamation laws exist at the entity level. However, the government, including the courts, did not fully implement the laws in practice.

During the year the Press Council considered 176 complaints alleging inaccurate or libelous reporting by print and online media (103 for print and 73 for online media), accepting 35 as valid and rejecting 19 as unfounded. In 75 cases media outlets published a refutation or a retraction, in accordance with the council's policy of self-regulation and mediation. Several complaints alleged violations of the law regarding editorial responsibility and privacy rights. A number of complaints accused media outlets of denying persons the right to respond to reports considered false or defamatory.

In March key Web portals posted a video clip showing the foreign minister, who was also president of the Social Democratic Party, the largest party in the Federation government, instructing a journalist from the FTV on how to report a press conference he had held with another foreign minister. Following the video's release media outlets noted that the journalist reported the story exactly as the minister had demanded.

In October Mile Radisic, a Banja Luka businessman and close friend of RS President Dodik, threatened ATV journalist Sinisa Vukelic, who asked Radisic over the telephone to comment on the fact that the RS Supreme Court reversed Radisic's acquittal in an illegal privatization case in the Banja Luka District Court. Instead of commenting, Radisic allegedly verbally attacked Vukelic and threatened to kill him. Vukelic reported the incident to RS police, who interviewed Radisic.

During the interview Radisic confirmed that he had a telephone call with the journalist, but he rejected the allegations. The BiH Journalists Association and the RS Association of Journalists strongly criticized the incident. RS National Assembly Speaker Igor Radojicic also reacted, saying that journalists in the RS should enjoy freedom of expression and that no threats were allowed.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. According to the 2011 Annual Communications Regulatory Agency report published in April, an estimated 55 percent of the population used the Internet in 2011.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

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 and the University of East Sarajevo continued to limit faculty appointments almost exclusively to Serbs, although some colleges expanded cooperation and exchanges of faculty members with their Federation counterparts during the year.

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. However, authorities in some localities at times limited its exercise in cases of politically sensitive issues. RS police filed misdemeanor charges against Sabahudin Garibovic, the Bosniak head of the Association of Kozarac War Camp Prisoners, during a protest walk held in Prijedor on August 5 to mark the 20th anniversary of the closing of a notorious concentration camp outside the town. Police charged Garibovic with failing to arrange for an ambulance to be present at the event. Many human rights advocates asserted that police arrested Garibovic because protesters laid out school bags carried during the march to spell out “genocide?”--which Prijedor Mayor Marko Pavic and many local ethnic Serbs found objectionable.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice, although some NGOs reported difficulty registering. While the law allows NGOs to register freely, some NGOs and NGO associations experienced long delays and inconsistent application of the law. Some NGOs, frustrated by delays at the state level, chose instead to register their organizations at the entity level.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

While the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government mostly respected these rights, some limits remained in practice. The RS Ministry for Refugees and Displaced Persons and the Federation Ministry for Refugees worked independently and in collaboration with each other and the State Commission for Refugees to provide support to returnees, such as limited reconstruction assistance. 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.

Internally Displaced Persons (IDPs)

According to the UNHCR, an estimated 8,500 persons, mostly IDPs, continued to live in collective accommodations, meant to be temporary, 20 years after the conflict. Many of them were so-called difficult cases, mentally disabled, old, or chronically ill and in urgent need of assistance.

The Dayton Peace Accords provide for the right of return to their homes of persons displaced in the war. The country's constitution and laws provide for the voluntary return or resettlement of IDPs consistent with the UN Guiding Principles on Internal Displacement. There were no legal restrictions on IDP access to humanitarian organizations and assistance, but application procedures were

complicated, and some IDPs often could not afford to pay the costs associated with an application for assistance.

According to the UNHCR, there were an estimated 112,802 registered displaced persons in the country at the end of June. Most sought return to their places of residence from which they were displaced by the 1991-95 wars in the former Yugoslavia. According to the UNHCR, 536 members of minorities returned during the first nine months of the year. Government officials and some NGOs believed that the actual number of persons who returned to their prewar communities after the war was significantly lower, since the UNHCR determined returns based on property restitution rather than physical presence.

High rates of unemployment, lack of access to social benefits, lack of housing, and high municipal administration taxes on documents necessary to apply for reconstruction assistance continued to inhibit the return of IDPs. Minority returnees often faced intimidation, discrimination in hiring, and obstructions in their access to education, health care, and pension benefits, as well as poor infrastructure. There were also reports of attacks on minority religious sites, as well as reports that the RS government deregistered the residences of potential Bosniak returnees to the RS, effectively inhibiting or preventing their return and/or political participation upon their return.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Asylum seekers with pending claims, regardless of national origin, could remain in asylum centers until the Ministry of Security adjudicated their claims, a process that normally took three months, although in some cases longer. In urgent cases concerning manifestly unfounded claims, the process took 15 days. Asylum seekers have the right to appeal a negative decision within 60 days in regular procedure cases and within eight days in urgent cases. In urgent cases the court is required to render a decision within 30 days.

Safe Country of Origin/Transit: The law provides for the application of the concept of "safe country of origin," and claims of asylum seekers coming from a "safe country of origin" are considered to be unfounded. Under the law an asylum applicant must prove that the country is not safe for him or her.

Refugee Abuse: In February the ECHR ruled that the state violated the rights of two refugees who had remained in detention for more than three years on national security grounds. By year's end one appeared to have left the country after he was ordered released from the detention center in Lukavica and placed under house arrest in April 2011 (before the ECHR decisions). The other remained in detention in Lukavica while the government sought a country that would accept him.

Employment: Asylum seekers do not have the right to employment until the government grants them asylum.

Durable Solutions: Along with Serbia, Croatia, and Montenegro, the country is party to a regional refugee agreement facilitated by the UNHCR to find durable solutions for up to 6,000 refugees from other former Yugoslav countries. In April the country hosted an international donors' conference that raised approximately \$50 million to assist those refugees, but did not implement the assistance program by year's end.

Temporary Protection: During the year the government did not grant temporary protection to any individuals not considered to qualify as refugees. The government extended subsidiary protection to three individuals from Kosovo for another year.

Stateless Persons

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

According to the UNHCR, more than 3,000 persons, the large majority of them Roma, were at risk of statelessness at year's end. This figure included persons lacking birth registration, as well as persons at risk of denaturalization (largely those who were naturalized during the country's 1992-95 conflict). During the year the Ministry of Civil Affairs reviewed a number of individual naturalization decisions and denaturalized five citizens. There were no reports that denaturalization resulted in any of the affected persons being rendered stateless.

While the law provides no special provisions to expedite naturalization for stateless persons, it provides stateless persons opportunities to gain nationality on a

nondiscriminatory basis. Stateless persons apply for naturalization through the same procedures as other foreigners.

During the year persons in need of documentation--those “at risk of statelessness,”--faced the obstacles of birth and civil registration bureaucratic requirements, as well as inefficient procedures. The UNHCR and human rights NGOs continued to call on the government to implement recommendations in the October 2011 Zagreb Declaration for improving its civil registration process, particularly through public awareness campaigns.

While there were no reports of discrimination against persons at risk of statelessness, those at risk overwhelmingly were members of the Romani minority and faced discrimination based on their ethnicity.

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

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

Elections and Political Participation

Recent Elections: Observers from the OSCE concluded that the 2010 general election was largely conducted in line with international standards but noted problems, including deficiencies in the registration process, group voting, and irregularities in the counting process. The OSCE observation mission noted that private media, particularly print media, tended to favor certain candidates. Smaller parties complained of systematic underexposure in the media.

During the year Bosniaks organized a drive to encourage persons eligible to vote in Srebrenica to register there, even if they did not live there all the time, thereby facilitating their participation in the October 7 local election. Local activists charged that RS authorities used a variety of tactics to stifle registration, including asking for documents not required by law to prove residence. RS authorities refused to allow international monitors to observe the residence registration process, claiming it was distinct from the voter registration process. Local activists were able to facilitate the registration of 2,400 persons in Srebrenica, and only a handful actually were denied registration. However, RS authorities attempted to deregister hundreds of Bosniaks who registered during the registration drive,

alleging that they did not reside primarily in Srebrenica. No similar effort was made to deregister Serbs who were known to live across the border in Serbia but vote in Srebrenica.

Bosniak and Croat political parties in Mostar failed to agree on a method to implement the country's Constitutional Court ruling that elements of the city's unique electoral system were unconstitutional. Mostar did not hold local elections by year's end. On November 3, the members of the Mostar city council elected in 2008 voted to extend their own terms in office until elections could be held or a legal body told them they were no longer officeholders. Despite serious questions about this decision raised by the High Representative and other international officials, various competent state authorities did not rule by year's end on whether the councilors elected in 2008 remained in office.

Political Parties: The law does not restrict the formation of or participation in political parties. However, some leaders of smaller political parties complained about the virtual monopoly over government ministries, public services, and media outlets enjoyed by larger political parties. During the year ethnic Bosniaks seeking to return to their prewar community of Srebrenica complained that RS authorities attempted to prevent them from registering to vote by insisting that the returnees provide additional documents beyond those required by election law, and at additional expense to the returnees. Following the October 7 local elections, RS authorities questioned the organizers of the Bosniak registration drive about their activities. The organizers viewed this as harassment and an attempt to stifle political participation.

Participation of Women and Minorities: The law requires that at least 30 percent of political party candidates be women. Nine of 42 members of the state-level House of Representatives were women. There were no women in the 10-member Council of Ministers, although there were six female deputy ministers. At the entity level, one woman was a minister in the Federation Government and another one a deputy speaker in parliament. Following the 2010 elections, 22 women were elected to the Federation House of Representatives and 14 to the Federation House of Peoples. In the RS, five of 16 ministers and one deputy speaker in parliament were women. Women held 18 of 83 seats in the RS National Assembly. In the RS Council of Peoples, women held four seats out of 28.

The law provides that Serbs, Croats, and Bosniaks, whom the constitution considers the "constituent peoples" of the country, and "others" must be adequately represented in entity, cantonal, and municipal government institutions,

based on the 1991 census, until the returns process detailed by the Dayton Accords is completed. However, the government did not respect this law in practice. Separate from the three constituent peoples, there were 16 recognized national minority groups. Minorities not regarded as “constituent peoples” under the country’s constitution remained severely underrepresented in government. There were no members of a minority group in the state-level parliament and only one member in the Council of Ministers, the child of a mixed marriage who declined to identify with a specific ethnic group.

In 2009 the ECHR ruled in the “Sejdic-Finci” case that the country’s constitution discriminates against so-called others, such as Jews and Roma, because it prevents them from running for the presidency and parliament’s upper house. During the year the government failed to implement the ruling. The Interim Joint Commission, formed by both houses of parliament in October 2011, was supposed to produce a proposal for resolving the case. However, due partly to the reshuffling of the ruling coalition in parliament, the commission suspended its work in May without reaching any agreement.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials. However, the government did not implement the law effectively, and officials frequently engaged in corrupt actions with impunity.

The public viewed corruption as endemic in the public sphere, not only in government procurement, where corrupt practices were considered to be frequent, but also in the higher education and health-care sectors, where common services often required bribes or other irregular payments or gifts.

On August 15, police arrested Srdjan Ljubojevic, the general manager of the Republika Srpska Forests and high-ranking member of the Socialist Party, on suspicion that he took a bribe of 10,000 convertible marks (\$6,743). After one month of detention he was released. The investigation continued at year’s end.

In October Bosanski Brod Mayor Milan Cerek was sentenced to one year in prison for attempting to extort 40,000 convertible marks (\$27,000) from a private company called 2D Zivkovic for land permits.

In May a former member of the country’s tripartite presidency, Dragan Covic, was acquitted on charges that he used his former position as Federation minister of

finance to remove customs duties on the import of raw meat to boost the profits of the Lijanovici food company.

Professors and students reported that corruption at government institutions of secondary education was routine. The grading system, in which a professor (who may not be the instructor) assigns a grade and signs his or her name on the student's report card, was not transparent and often opened the door to corruption. Professors at a number of universities reported that bribery was common and that they experienced pressure from colleagues and superiors to give higher grades to students with family or political connections. In one case an English teacher was asked to approve the grades of students she had never met and was called into the dean's office when she refused. One professor who spoke to the police about a corruption case was harassed by university administration, physically attacked by a colleague, and eventually fired.

Candidates for high-level public office, including seats in parliament at the state and entity levels and members of the Council of Ministers and entity governments, are subject to financial disclosure laws. The Central Election Commission is responsible for ensuring compliance with the laws, which observers noted fell short of the Organization for Economic Cooperation and Development and other international standards. Financial disclosure laws did not provide adequate investigative authority and enforcement mechanisms. Consequently, public officials and their relatives often declared only a fraction of their total assets and liabilities.

During the year authorities generally failed to make financial disclosures public, ostensibly because of conflicts between the country's laws on financial disclosure and protection of personal information. There were criminal sanctions for noncompliance with financial disclosure laws, but authorities did not apply those sanctions during the year.

The country has an anticorruption commission, but the government did not adequately fund it or adopt the agency's regulations to allow it to commence work.

During the year the Bosnia and Herzegovina prosecutor's office referred several high-profile political corruption investigations of RS and Federation political leaders to entity prosecutors' offices, which dismissed the cases and ended the investigations for lack of evidence.

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

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

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

NGO participation in government decision-making processes varied from case to case. Neither the government nor the NGO sector had sufficient knowledge about the mechanisms by which NGOs could participate in such processes. While the Council of Ministers can return draft legislation that has not undergone consultation with NGOs, it has not employed this mechanism to date, and NGOs were largely excluded from politically important or sensitive decisions. However, NGOs continued to expand their cooperation with the government at lower levels. In addition to an agreement on cooperation signed by the Council of Ministers, more than 100 municipalities--approximately two-thirds of all municipalities in the country--and three cantons had drafted and signed agreements with local NGOs by year's end.

According to a survey supported by the EU Commission, 13,000 NGOs were registered in the country. Financial viability remained the most challenging obstacle to civil society, since the more nonpolitical organizations that were not seen as threats to governing parties mostly received support from local governments. Procedures to register or change an NGO's organizational statute took significantly longer than prescribed by law due to official inefficiency.

UN and Other International Bodies: The RS government was less responsive and cooperative than the state and Federation governments in dealing with the Office of the High Representative, which has special powers over the government under the Dayton Accords, and other international organizations, such as the ICRC, International Commission on Missing Persons, and OSCE.

Government Human Rights Bodies: The state-level ombudsman is a functional institution with authority to investigate violations of the country's human rights laws on behalf of individual citizens and to submit recommendations to the government for remedy. The ombudsman's recommendations are not legally binding.

The state parliament has a Joint Commission for Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum, and Ethics, consisting of members of both houses of parliament. The 11-member commission participated in human rights-related activities with governmental and nongovernmental organizations.

Public support mechanisms and regulations regarding NGOs were underdeveloped. Instead of following set guidelines and criteria, government commissions that allocated public funds appeared to base many of their decisions on political interests and allocated large percentages of funds to predetermined beneficiaries, such as religious communities, sports organizations, and veterans associations. The methods of allocation remained nontransparent and subject to corruption.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and Domestic Violence: Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame among rape victims and the failure of police to treat spousal rape as a serious offense inhibited the effective enforcement of the law. Consequently, rape, particularly spousal rape, often was unreported by victims and underreported by authorities. By year's end Tuzla Canton in the Federation reported 14 cases of rape and seven cases of "deprivation of liberty" in connection with those cases, while Sarajevo Canton reported four cases of each offense. Two reported cases of spousal rape resulted in two convictions, one by the Bijeljina Public Safety Center in the RS and one by Sarajevo Canton. During 2011 RS authorities reported 14 rape prosecutions, resulting in seven prison sentences and one protection measure, while municipal and cantonal courts in the Federation reported 12 rape prosecutions, which resulted in six prison sentences and four suspended sentences.

The country undertook several initiatives to combat and address rape and domestic violence, but the protection measures provided women under the law were not fully used because of a lack of knowledge and reluctance to use them. For example, while laws in both entities allow for the perpetrator to be removed from the home, this provision was rarely, if ever, enforced, since law enforcement officials were often under the mistaken impression that they needed to concern themselves with where the perpetrator would live. As a result women in danger were compelled to go to safe houses.

Violence against women, including domestic violence and sexual assault, remained widespread and underreported. According to NGO estimates, one-third of the women in the country were victims of domestic violence. Laws in both entities require police to remove an offender from the family home. However, NGOs reported that authorities, especially in the RS, where domestic violence is a misdemeanor, often returned offenders to their family homes less than 24 hours later. In the Federation authorities had discretion to prosecute domestic violence as either a felony or a misdemeanor. Experts estimated that only 10 percent of domestic violence victims reported the crime.

Although police received specialized training in handling cases of domestic violence, NGOs reported a widespread attitude among police in both entities against “breaking up families” by arresting offenders.

Social services agencies tended to be underfunded, understaffed, and not trained in helping victims effectively. Filling this void were a multitude of NGOs dedicated to assisting victims of domestic violence, eight of which formed a strong cooperative network called Safe Network. This network developed two hotlines, one for each entity, which women could call when they need services but were reluctant to contact police. Each year the hotlines took an estimated 6,000 calls. Eight safe houses throughout the country received financial and other material support from the government during the year. Many of these doubled as shelters for trafficking victims.

Sexual Harassment: The law prohibits sexual harassment, but it was a serious problem. Many NGOs reported that victims almost never filed complaints because they did not recognize their experiences as harassment and were not aware of their legal rights.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth. Most women had access to prenatal and postpartum care through employer or government insurance.

Discrimination: Women have equal legal status to men, and authorities treated women equally in practice. The government's Agency for Gender Equality worked to inform women of their rights. Women and men generally received equal pay for equal work at government-owned enterprises, but there were reports that the same was not true at private businesses. Women had problems with nonpayment of allowances for maternity leave 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. The state- and entity-level parliaments had committees for gender equality.

Children

Birth registration: By law a child born to at least one parent who is a citizen of the country is also a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are not citizens does not gain citizenship unless both parents are stateless persons, who then can apply for naturalization.

During the year the UNHCR, through a local legal aid NGO, registered the birth of children, mainly Roma, whose parents failed to register them as the law requires. The NGO Vasa Prava estimated there were more than 3,000 unregistered children in the country. Unregistered children experienced significant obstacles in accessing government social, educational, and health benefits.

Child Abuse: Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. The country's Agency for Gender Equality estimated that one family in five experienced domestic violence. Municipal centers for social work protected children's rights but lacked resources and housing for children fleeing abuse or for those whom they needed to remove from abusive homes.

Child Marriage: The legal minimum age for marriage is 16 with parental consent, 18 without. In certain Romani communities, girls married between the ages of 12 and 14. Children's rights and antitrafficking activists noted that prosecutors were reluctant to investigate and prosecute arranged marriages involving Romani minors on the grounds that such marriages were "their way." The government did not have any programs that were aimed specifically at reducing the incidence of child marriage. According to UNICEF statistics, 6 percent of women were married or in a union before they were 18 years of age.

Sexual Exploitation of Children: State-level penalties for sexual exploitation of children are up to 10 years in prison. Defendants may be sentenced to a total of 20 years under certain aggravating circumstances. At the entity level the penalties range from three to 15 years' imprisonment. Entity-level laws against "enticement to prostitution" permit police to treat minors 14 years and older as "juvenile prostitutes" instead of victims of rape or trafficking in persons. Women's and children's rights NGOs complained that the law allows police to subject children who are between the ages of 14 and 17 to interrogation and criminal proceedings, although no such prosecutions were documented during the year. Under entity criminal codes, abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years' imprisonment. Authorities generally enforced these laws.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no reports of anti-Semitic violence against members of the Jewish community, which was estimated to be fewer than 1,000 persons.

During the year many public and private schools continued using religious-education textbooks containing insensitive language that reinforced anti-Semitic attitudes. For example, the standard Serb Orthodox textbook (*Pravoslavna Vjeronauka*, Banja Luka, 2010) authorized by the RS Ministry of Education for sixth graders asserts that Jews "cursed themselves" by condemning Jesus and persecuting early Christians and that Jews were later persecuted as God's punishment. In the study questions, students are asked to explain why was "God's wrath leveled at the Jews?" During the year the Orthodox Church's commission on textbooks and the RS Ministry of Education began reviewing the book, but by year's end textbooks containing the insensitive language continued in use in

primary schools throughout the RS and in some schools in the Federation. Independent observers also criticized this textbook and those used by other communities in the Federation for inadequate treatment of Jewish history and the Holocaust and for missing other opportunities to combat anti-Semitism and ethnoreligious stereotypes.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law in both entities and at the state-level prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, air travel and other transportation, and the provision of other state services. In practice there was discrimination against persons with disabilities in all these areas.

In the Federation the law provides that all public buildings must be retrofitted to provide access to persons with disabilities and new buildings also must be accessible. In practice buildings were rarely accessible to persons with disabilities. The RS has comparable laws for public access, but few older public buildings were accessible. Human rights NGOs complained that many new public buildings continued to be built without access for persons with disabilities.

Human rights NGOs complained that the government ineffectively implemented laws and programs to ensure access to information.

The law requires children with special needs to attend regular classes, but schools were often unable to accommodate them. Children with special needs either attended classes using regular curricula in regular schools or attended schools for children with special needs. In practice parents of children with special needs, especially of those with greater disabilities, faced many obstacles and were left almost completely on their own to provide education for their children, although a growing number of programs for children with disabilities were available in schools.

National/Racial/Ethnic Minorities

The country's minorities experienced problems with discrimination in employment, occupation, and education by the government or private institutions. While the law bans discrimination, human rights activists frequently complained about a lack of enforcement.

Harassment and discrimination against minorities, often related to property disputes, continued throughout the country. Incidents most often included desecration of graves, graffiti, arson, vandalism of houses of worship and other religious sites, verbal harassment, dismissal from work, threats, and physical assaults.

Violence and acts of intimidation against ethnic minorities often were directed at symbols and buildings of that minority's predominant religion. For more information, see the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

On April 29, the municipal court in Mostar ruled that the elementary schools in Stolac and Capljina, which divided students based on their ethnicity (known as "two schools under one roof"), violated antidiscrimination laws. The court tasked the Herzegovina-Neretva Canton Ministry of Education with abolishing the practice by September 1. The ministry did not implement the ruling by year's end.

Human rights activists noted many textbooks that reinforced stereotypes about the country's ethnic groups and others that missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State- and entity-level officials generally did not act to prevent such discrimination.

The University of Mostar remained divided into two separate institutions, reflecting the continued ethnic divide in the city. Parochial interests influenced the remaining five public universities in various ethnic-majority areas. In 2010 the RS Ministry of Education prohibited the operation of the Srebrenica branch of the law faculty in Sarajevo. The ministry decided not to permit new enrollments, while the then-enrolled students were to be allowed to continue their studies until graduation. However, at the beginning of the 2012 academic year, the Sarajevo law faculty decided to close its Srebrenica branch and informed students that they could finish their studies in Sarajevo and Tuzla.

There were an estimated 80,000 to 100,000 Roma in the country. Some Romani leaders reported an increase in Romani emigration and asylum-seeking abroad

during the year due to discrimination in access to social benefits. Roma experienced discrimination in access to housing, health care, education, and employment opportunities. The Roma Information Council estimated that only 1 percent of the working-age Romani population was employed and indicated that employers usually fired Roma first during a reduction in force. Roma were underrepresented in public-sector employment, despite constitutional provisions for proportional representation in public institutions. This was partly the result of old census data that underreported the size of the Romani population.

The lack of birth certificates, identification cards, or a registered residence by many Roma prevented them from accessing health care and public education services or registering to vote. Many Roma, especially those displaced during the 1992-95 war, lived in informal settlements that often lacked access to basic services. School enrollment for Romani children was below the national average. There were credible reports that Romani students were represented disproportionately in “special schools” for children with intellectual disabilities.

Many human rights NGOs criticized law enforcement authorities for widespread indifference toward Romani victims of domestic violence and human trafficking.

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

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

LGBT persons faced frequent harassment and discrimination, including termination of 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. In its 2012 report on rights and freedoms of LGBT persons, the Sarajevo Open Center noted the widespread lack of information about the constitutional and legal protections of LGBT persons among police, prosecutors, and even LGBT persons themselves.

During the year the Open Center documented a case of authorities intimidating a group of students seeking information in response to a questionnaire for blood donors, which prohibited LGBT persons from donating blood. A technician accosted one student, and a college staff member threatened another student who declared herself openly as a lesbian. Although the activists reported the case to the

police and country's human rights ombudsman, there was no investigation underway by year's end. However, activists convinced Federation authorities to change the policy that rejected all LGBT persons as blood donors in favor of an approach based on risk assessment.

On December 23, several witnesses reported that two men beat another man and broke his hip outside a major shopping center in Mostar because of his alleged sexual orientation. Although the assault was reported to police and the prosecutor's office, no arrests were made, no information about the investigation was released, and the victim remained hospitalized at year's end. LGBT rights advocates highlighted the case as illustrating the need for hate-crimes legislation.

Other Societal Violence or Discrimination

There was significant social stigma and employment discrimination against persons with HIV/AIDS, as well as a low level of public understanding of the nature of the infection. The government lacked properly trained counselors and a systematic method of referring those with HIV/AIDS for outside counseling and often relied on periodic, informal requests from the NGO Apoha to relay the contact information to those who were diagnosed recently with HIV/AIDS. During the year the Inter-Religious Council, composed of all four of the country's major religious communities, continued its public campaign to reduce prejudice against persons with HIV/AIDS.

Promotion of Acts of Discrimination

There were widespread comments in media and public discourse that were designed to paint members of other ethnic groups in negative terms, usually in relation to the 1992-95 war. During the year the RS president and senior officials in his political party, as well as other officials and leaders in the RS, repeatedly denied that Serb forces had committed genocide at Srebrenica in July 1995, despite the findings of multiple local and international courts. In addition he accused the country's Islamic community of seeking to turn the country into an Islamic state. The Bosniak member of the country's presidency at one point issued a statement that the RS was a "genocidal creation." In Mostar the local imam said that those working toward a solution for the city's electoral system were traitors to their ethnicity and religion.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the rights of workers in both entities (including migrant workers, but excluding members of the military) to form and join independent unions and bargain collectively. In both entities and the Brcko District, the law provides for the right to strike. However, in the Federation the law has burdensome requirements for workers who wish to conduct a strike. Trade unions cannot officially announce a strike without first reaching an agreement with the employer on which “essential” personnel would remain at work. If no agreement is reached, the strike can be declared illegal. This provision effectively allowed employers to prevent legitimate strikes. The law provides for the right to bargain collectively and to conduct union activities without interference. The law prohibits antiunion discrimination, stating that “an employee may not be placed at a disadvantage because of a membership in a trade union or employers’ associations.”

In practice workers exercised their right to join a union and collectively bargain. Unions were generally independent from the government and political parties.

After 10 years before the state court, the Trade Union of Bosnia and Herzegovina won its case against the state minister of justice and registered in May. Since 2002 the government had not allowed the union, which represented approximately 260,000 workers, primarily from Federation government-owned enterprises, to register as a union at the state level. Lack of formal recognition had blocked the union from engaging in social dialogue on problems pertaining to state-level competencies with partners.

Authorities did not impose sanctions against employers who obstructed workers from organizing. Violations of worker rights continued to be a lower priority for ministry inspectors, as state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers that did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union and in some cases fired union leaders for their activities.

The respective governments and representative organizations of employers and workers in both entities negotiated general collective agreements in which the minimum wage and other conditions of work were fixed. A number of private employers refused to recognize these agreements. Workers’ and employers’ organizations were not skilled in collective bargaining. Labor authorities in the Federation noted that employers and workers often did not fully analyze whether such agreements were financially sustainable when they were signed.

The country's laws against discrimination give legal protections to members of ethnic minorities. In practice minorities--particularly Roma--faced discrimination in hiring and employment benefits.

Antiunion discrimination was widespread in both entities and the Brcko District. The labor inspectorates and courts did not deal effectively with complaints of antiunion discrimination by employers, although Federation and RS courts often ruled in favor of workers in union-related disputes. The government did not impose fines on employers who prevented workers from unionizing, a practice that was becoming more prevalent as private-sector businesses replaced former state-owned enterprises that had a traditional union culture. While no legal or technical barriers prevent an employee from bringing a complaint against an employer, high unemployment coupled with fear of losing one's job, a backlogged court system, and the lack of legal protection for the approximately 20 percent of the labor force working in the unregistered gray economy were disincentives to filing complaints.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced or compulsory labor, the government at times did not enforce these laws effectively. There were reports that individuals and organized crime syndicates sometimes trafficked women and children for begging and forced labor. During the year the Sarajevo cantonal and Banja Luka municipal governments expanded local "day centers" and, in cooperation with the country's antitrafficking coordinator, focused funds on sheltering children who were especially vulnerable to recruitment into forced begging. Moreover, several raids removed children from forced begging. In June authorities in Karavlas, Tuzla region, rescued 19-year-old Betina Siegner, who had been held in domestic servitude since she was 11 years old. A criminal prosecution was in progress by year's end.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. The law prohibits children from performing hazardous labor. In the Federation the law prohibits minors from "night work" except in exceptional circumstances.

Entity governments are responsible for enforcing child labor laws, and both entities and the Brcko District enforced them in practice. During the year the government neither received nor investigated any reports of child labor. Neither entity had inspectors dedicated 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 found no significant violations of child labor laws, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The monthly minimum wage in the Federation was 357 convertible marks (\$241). In the RS, the monthly minimum wage was 370 convertible marks (\$249), except in the textile and footwear sectors, where it was 320 convertible marks (\$216). The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds. The law requires equal pay for equal work. The World Bank estimated that approximately 48 percent of the population lived below the poverty line.

The legal workweek in both entities and the Brcko District is 40 hours, although seasonal workers may work up to 60 hours. The law limits overtime to 10 hours per week in both entities. An employee in the RS may legally volunteer for an additional 10 hours of overtime in exceptional circumstances. The Federation has no provision for premium pay, while the RS requires a 30 percent premium. A 2010 study found that employers routinely denied workers overtime and sick leave in the private commercial sector in both entities and the Brcko District, particularly those employed in large shopping malls. Laws in both entities require a minimum rest period of 30 minutes during the workday.

Entity labor laws prohibit excessive compulsory overtime. However, the entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave, and these protections were generally believed to be lacking. Employers in each entity and the Brcko District must provide a minimum of nine paid annual holidays. Employees can choose which holidays to observe depending on ethnic or religious affiliation.

The Federation Market Inspectorate, Republika Srpska Inspectorate, and Brcko District Inspectorate are in charge of enforcement related to work conditions. There were 79 market inspectors in the Federation, 41 in the RS, and 11 in Brcko. Authorities in both entities and the Brcko District did not adequately enforce regulations related to work conditions. While labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. RS law holds employers responsible for improving working conditions. Worker rights extended to all official (i.e., registered) workers, including migrant and temporary ones. According to informal estimates approximately 40 percent of the total work force was unregistered.

Entity labor laws set mandatory occupational health and safety standards, especially for those industry sectors in which there were hazardous working conditions for workers. Workers in certain industries, particularly metal/steel processing and coal mining, often worked in hazardous conditions. During the year governments in both entities made some limited efforts to improve working conditions at government-owned coal mines by purchasing newer equipment. The entity labor ministries did not maintain official statistics on workplace fatalities and injuries. During the year there were no major industrial accidents. There were no official social protections for workers in the informal economy.