

RIGHT TO A FAIR TRIAL

The UN Special Rapporteur on the Independence of Judges and Lawyers visited the country in February and concluded that authorities continue to interfere with the independence of the judiciary and access to justice remains difficult.

Authorities and officials of the former interim government were still facing charges including “terrorism”, “sedition” and “conspiracy”. After more than 21 months, former interim president Jeanine Áñez and other former state authorities were still in pre-trial detention. This also indicated structural problems in the administration of justice, resulting in an extremely high proportion of people awaiting trial being deprived of their liberty.

HUMAN RIGHTS DEFENDERS

Authorities failed to protect environmental human rights defenders, who, according to local organizations, were the targets of at least 200 attacks and threats during the year. Some attacks included kidnappings and the burning of community camps, where many environmental defenders were staying.

Human rights defenders, including Waldo and Franco Albarracín, continued to report threats against them and their families, as well as persistent stigmatization and harassment by the authorities. Waldo Albarracín also faced criminal proceedings that lacked due process guarantees.¹

FREEDOM OF EXPRESSION AND ASSEMBLY

Law enforcement officials violently repressed, and in some cases arbitrarily detained, coca leaf producers protesting against US-funded efforts to eradicate local production. Security forces used excessive force against some of the detainees.

ENVIRONMENTAL DEGRADATION AND INDIGENOUS PEOPLES' RIGHTS

Despite Bolivia's commitment to maintain its forest cover and combat illegal deforestation, over a million hectares of land were burned,

mostly to expand agricultural activities, during the year.

The contamination associated with the unregulated disposal of mercury waste in rivers, mostly due to small-scale gold mining, was linked to illness, especially in Indigenous fishing communities living in poverty. The government announced it would implement a plan to reduce the use of mercury, but did not disclose the plan's content.

WOMEN'S RIGHTS

Women survivors of gender-based violence seeking justice lacked effective protection from reprisals. Women and adolescents lacked free or affordable modern contraceptives, especially in rural areas.

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1. “Bolivia: Misuse of the justice system to persecute human rights defender must stop”, 7 April (Spanish only)

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina

Head of state: **Rotating presidency – Denis Bećirović, Željko Komšić and Željka Cvijanović**

Head of government: **Borjana Krišto, replaced Zoran Tegeltija in December**

Threats against journalists and human rights defenders persisted. Reception conditions for refugees and migrants improved but many were still sleeping rough. The Council of Ministers adopted action plans on Roma inclusion and LGBTI people's rights. Access to justice and reparations for civilian victims of war remained limited.

BACKGROUND

Bosnia and Herzegovina (BiH) remained in a state of political crisis. Political parties in Republika Srpska (RS) threatened to dismantle state-level institutions. Government in the Federation of BiH ended its full term in its caretaker capacity. In October, the High Representative imposed amendments to the

Federation of BiH Constitution and the BiH Elections Law aimed at “improving the functionality” of the Federation of BiH institutions. Critics warned that the changes would deepen ethnic divisions. In December, the European Union granted BiH formal candidate status for the EU.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Media outlets and journalists reporting corruption and war crimes continued to face political pressure, harassment and threats. Politicians engaged in smear campaigns against journalists, inciting further threats against them, both online and in person. In November, Federation Police Director Zoran Čegar was suspended after he threatened a journalist, saying he would “rip her throat out”.

In September, the Constitutional Court ruled that RS public broadcaster RTRS had slandered Vladimir Kovačević, a journalist who was attacked and seriously injured covering mass protests in Banja Luka in 2018, potentially because of the smear campaign.

BiH was downgraded from 58th to 67th place in the World Press Freedom Index.

Politicians and businesses used defamation lawsuits to intimidate journalists and human rights defenders. In April, a Belgian-based company sued and sought excessive damages against two local environmental activists who had raised concerns about the impact of the company's hydropower plants on the Kasindolska River.¹

Laws on peaceful assembly varied regionally and were generally not consistent with international standards. In May, the RS police banned a peaceful march to mark the 30th anniversary of the wartime persecution of Bosniaks and Croats in Prijedor. The Council of Europe's Human Rights Commissioner said the police decision violated people's right to peaceful assembly.

REFUGEES' AND MIGRANTS' RIGHTS

The authorities registered close to 27,000 arrivals during the year, an increase from

16,000 in 2021. Around 1,300 people, mostly from Afghanistan, remained in BiH at the end of the year.

Reception conditions generally improved, but key institutions responsible for migration remained under-resourced and struggled to manage reception centres without assistance from the International Organization for Migration. The authorities failed to share responsibility for hosting asylum seekers across the country, leaving most people stranded in Una-Sana Canton.

The unexpected increase in arrivals from August onwards and the high turnover in the reception centres further affected the delivery of adequate long-term support to residents.

While most refugees and migrants were accommodated in reception centres, several hundred people, including families with children, were sleeping rough near the border, mostly in Una-Sana Canton. They lacked access to essential services, including water, food, sanitation, heating and medical care. Activists said the authorities prevented them from delivering humanitarian assistance to people outside of reception centres.

The discriminatory measures imposed by Cantonal authorities in 2020 remained in place, including illegal prohibition of migrants' and refugees' freedom of movement, gathering in public places and using public transport.

The asylum system remained largely ineffective with applications taking an average of over 400 days to process. Recognition rates remained extremely low, with not a single refugee status granted by the end of the year.

In contrast, the applications of Ukrainians who sought protection in BiH were processed quickly. Ukrainians were granted subsidiary protection, rather than refugee status, limiting their access to essential rights, including family reunification and travel documents.

DISCRIMINATION

ROMA

In April, the country's Council of Ministers adopted an action plan for the social inclusion of Roma to address the existing

gaps in Roma people's access to housing, employment, education and healthcare.

The authorities failed to implement multiple rulings of the European Court of Human Rights and the BiH Constitutional Court, which found the power-sharing arrangements set out in the Constitution to be discriminatory, preventing people who did not belong to one of the so-called constituent peoples (Bosniak, Croat or Serb) from running for legislative and executive office.

LGBTI PEOPLE'S RIGHTS

In July, the Council of Ministers adopted the first action plan on the rights of LGBTI people, aimed at enhancing protection against discrimination.

A Sarajevo municipal court confirmed that a former deputy in the Sarajevo Cantonal Assembly was guilty of discriminating against LGBTI people, the first court ruling in BiH regarding discrimination on grounds of sexual orientation.

RIGHT TO TRUTH, JUSTICE AND REPARATION

Nearly 500 cases of crimes under international law committed during the 1992-1995 armed conflict, involving over 4,000 suspects, remained pending before courts. Lack of capacity, systemic deficiencies in the prosecutor's offices and inconsistent regional cooperation continued to cause major delays, diminishing many victims' hopes that they would see justice, truth and reparation in their lifetime.

Authorities failed to put in place a comprehensive countrywide reparations programme for civilian victims of war. Access to social support, including a disability allowance, depended on victims' residence and varied significantly across the country.

Authorities failed to implement a 2019 UN Committee against Torture decision, which urged BiH to ensure immediate and comprehensive redress to all survivors of wartime sexual violence.

In RS, victims of wartime rape who lost their claims for compensation in civil courts due to the application of statutes of limitation had to

pay excessive court fees and some faced seizure of property. The UN Human Rights Commissioner called for the practice to end urgently.

Over 7,500 people remained missing as a result of the armed conflict.

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1. "Bosnia and Herzegovina: Young environmental activists face baseless defamation charges from Belgian-owned hydropower company in Bosnia", 20 October

BOTSWANA

Republic of Botswana

Head of state and government: **Mogweetsi Masisi**

A presidential commission recommended constitutional amendments to improve the protection of certain rights, while undermining others. Migrants and asylum seekers including children were subjected to arbitrary detention. Murders attributed to gender-based violence constituted a large proportion of all murders between January and March. There was a documented rise in the number of people going missing. Indigenous peoples' rights were violated. Botswana continued to use the death penalty.

ARBITRARY DETENTION

In July, following a visit to Botswana, the UN Working Group on Arbitrary Detention said it found several instances where the country's laws and practices fell short of international standards. This included the use of automatic arbitrary detention of undocumented migrants as well as asylum seekers and their children, who had no access to education while detained.

DISCRIMINATION

GENDER-BASED VIOLENCE

Murder rates continued to rise and a large proportion of cases were a consequence of gender-based violence. In July the Botswana Police Force said they received 349 reports of murders between January and March; 164