

2024 Country Reports on Human Rights Practices: Bosnia and Herzegovina

EXECUTIVE SUMMARY

Authorities in the Serb-majority Republika Srpska entity, which along with the Bosniak-Croat-majority Federation entity and Brcko District comprised Bosnia and Herzegovina, undertook sustained actions that significantly undercut national institutions, increased interethnic tensions, and limited the freedom of expression. Escalating verbal and legal attacks by Republika Srpska President Milorad Dodik undermined the country's constitutional order, and divisive and inflammatory rhetoric from Republika Srpska leaders contributed to increased political and ethnic tensions throughout the country.

Significant human rights issues included serious restrictions on freedom of expression and media freedom, including violence and threats of violence against journalists, and significant presence of any of the worst forms of child labor.

The government did not take credible steps to identify and punish officials who committed human rights abuses.

Section 1.

Life

a. Extrajudicial Killings

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

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization by government authorities.

c. War Crimes, Crimes against Humanity, and Evidence of Acts that May Constitute Genocide, or Conflict-Related Abuses

Impunity for some crimes committed during the 1992-1995 war remained a serious problem, especially for those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 7,600 other individuals who remained missing and presumed killed. Authorities also continued to fail to prosecute most of the more than 20,000 instances of alleged sexual violence from the war. The primary obstacles for adjudication of war crimes cases were the passage of time, failure to prioritize the more complex cases with the most responsible perpetrators, ineffective case management and distribution, and insufficient regional cooperation. Despite the legal mechanism for doing so, victims faced barriers to receiving compensation in criminal proceedings due to prosecutors' failure to obtain and present evidence on their behalf and the courts' reluctance to adjudicate those claims.

The Supervisory Body of the 2020 Revised National War Crimes Strategy continued to work with representatives of the International Residual Mechanism for Criminal Tribunals to seek justice for victims of wartime atrocities. Lack of access to defendants due to their presence outside of the country, particularly in Serbia and Croatia, hampered progress in approximately 40 percent of cases.

In June, the appeals chamber of the Court of Bosnia-Herzegovina (BiH) reduced by two years the 20-year sentence of Momcilo Tescic for his participation in the shooting of 17 men from the Srebrenica area in 1995.

In February, the Federation Supreme Court upheld the conviction of Hasan Delic for war crimes against a prisoner of war. Delic was convicted for sexually assaulting two detained Croatian Defense Council prisoners whom he forced to engage in sex acts with him in the Catholic Church in Donja Dreznica in 1993. The court increased Delic's sentence from the four-year sentence imposed by the first-instance court (the Criminal Court of Mostar) to five years and six months' imprisonment. The case was a rare example of a second-instance court using its authority to increase the sentence imposed by a first-instance court.

In July, the Appellate Panel of the Court of Bosnia and Herzegovina convicted Dusko Vujcic and Dusko Maskimovic of war crimes against civilians and sentenced them to six-year and one-and-a-half-year prison terms respectively. The court found Vujcic and Maskimovic guilty of inhuman treatment of non-Serb civilians in Kotor Varos, where they served as police officers between June and November 1992. The court acquitted a third defendant, Savo Tepic.

Section 2.

Liberty ✓

a. Freedom of the Press

The law provided for freedom of expression, including for members of the press, but government respect for this right was poor. During the year, citizens faced continued efforts to curtail freedom of expression and media. In Republika Srpska, journalists continued to protest amendments to an October 2023 law that criminalized defamation, and that nongovernmental organizations (NGOs) and journalists stated was not compliant with European and international standards of media freedom.

The law prohibited expression that provoked racial, ethnic, or other forms of intolerance, including "hate speech," but authorities only occasionally enforced these restrictions and never in relation to online media.

On April 29, the State Prosecutor's Office indicted the president of pro-Russian NGO Eastern Alternative, Vojin Pavlovic, for genocide denial, stating he "incited ethnic, racial, and religious hatred, discord and intolerance." The charges related to Pavlovic's public display of genocide-denying posters in Srebrenica and Bratunac during the annual Srebrenica genocide commemoration in July 2023. Pavlovic was previously indicted on January 30 for hate speech and the glorification of war criminals.

Physical Attacks, Imprisonment, and Pressure

Reports of intimidation, harassment, political pressure, and threats (including death threats) against journalists and media outlets increased compared to 2023, according to the Bosnia and Herzegovina Journalists Association (BHJA). The organization reported an increase in both political pressure and verbal assaults directed at journalists and media at large by politicians and public officials.

As of July, the Free Media Help Line recorded 53 cases of alleged violations of journalists' rights and freedoms, including one death threat. The BHJA stated police and the judiciary did not take sufficient action to protect freedom of expression and provide for the safety of journalists. The BHJA estimated only 25 percent of reported cases of threats against journalists were reported to the judiciary and police. Members of the judiciary also faced political pressure not to pursue those who threatened journalists; many of the individuals making threats were public officials and politicians, according to the BHJA.

In June, Republika Srpska President Milorad Dodik publicly accused Bijeljina-based television station BNTV of being "a traitorous media outlet" engaged in a propaganda campaign against him and his family for its reports claiming Dodik and his family extorted more than one billion convertible marks (\$540 million) from public funds. These statements drew widespread condemnation from international organizations and NGOs advocating for press freedom and journalists' rights.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

There were instances of public officials obstructing the work of journalists. Some outlets reported they faced financial and political pressure from politicians and political parties on media outlets' editorial decisions and content, and claimed tax authorities used unjustified audits to punish them for noncompliance. Activists assumed these authorities were acting under the direction of ruling political parties to use audits and allegations of tax evasion to intimidate and censor outlets. In February, the BHJA condemned comments made by BiH Minister of Foreign Affairs and leader of the People and Justice Party Elemedin Konakovic. Konakovic suggested during a press conference that the public broadcasters in BiH and the Federation, the FTV and Bosnian-Herzegovinian Radio Television (BHRT), could resolve their long-term financial problems if the broadcasters' management would "work according to the dictate" of governing coalition policies. NGOs monitoring media freedom characterized the statement as an admission of intent to politically influence the media environment. The Free Media Help Line registered this as a case of political pressure on the media.

The Communications Regulatory Agency (CRA), which regulated the audiovisual media market, lacked full financial and political independence. Local analysts continued to warn that the CRA director general operated under political influence. The mandate of the CRA's Council expired at the end of 2017, but nominations for a successor CRA Council remained pending at year's end. The CRA director general's term expired in July, and the position remained vacant at year's end. Media freedom NGOs warned that the CRA director general position was subject to substantial political pressure.

Multiple political parties and government institutions attempted to influence editorial policies and media content through legal and financial measures and through direct political pressure. As a result, some media outlets practiced self-censorship. Government institutions restricted access to information concerning corruption cases that alleged improper use of public funds and foreign investments. Authorities at all levels consistently refused to disclose information regarding concession contracts and agreements with foreign investors, especially companies with ties to, owned by, or controlled by the People's Republic of China. Transparency International BiH took legal action in several cases but reported authorities refused to fully disclose the content of certain contracts even when ordered to do so by a court.

Outlets critical of ruling parties claimed they faced difficulty getting some business contracts, particularly from advertisers.

According to NGOs focused on media freedom, the Freedom of Access to Information Act, adopted in August 2023, limited access to information of public interest because of the long list of exceptions public authorities could use to deny the release of data, adding new hurdles for journalists and undermining transparency. The new legislation did not provide for an independent

body to oversee the implementation of the law, weakening access to public information. The BHJA reported that the Ministry of Justice of BiH largely ignored comments and recommendations by the European Commission to create a new independent body to oversee supervision of the implementation of the law.

Efforts to Preserve the Independence of the Media

The High Judicial and Prosecutorial Council established approximately 30 “contact points” in prosecutors’ offices and police stations between November 2023 and May. These designated individuals were responsible for recording cases of threats against journalists, initiating urgent investigations, and maintaining records of attacks.

b. Worker Rights

Freedom of Association and Collective Bargaining

Federation, Republika Srpska, and Brcko District labor laws provided for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. Employers in the private sector did not always respect these rights, and public sector unions were generally stronger and achieved better outcomes. The law prohibited antiunion discrimination but did not adequately enforce these protections. The labor inspectorates and courts did not deal effectively with employees’ complaints of antiunion discrimination. Union members opined some labor leaders had been co-opted by companies and politicians and that their leaders mostly protected their own privileges. The law prescribed reinstatement of dismissed workers in cases where there was evidence of discrimination, whether for union activity or other reasons. Entity-level laws in the Federation and Republika Srpska prohibited firing union leaders without prior approval of their respective labor ministries, while Brcko District labor law prevented employers from firing union leaders without the prior consent of the union.

The law in both entities and Brcko District provided for the right to strike. The law in the Federation contained burdensome requirements for workers who wished to strike. For example, trade unions were not allowed to announce a strike without first reaching an agreement with the employer on which “essential” personnel would remain at work.

The government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. Authorities did not impose sanctions against employers who prevented workers from organizing. Inspectors gave low priority to violations of workers’ rights. Some unions reported employers threatened employees with dismissal if they joined a union, and in some cases fired union leaders for their activities. Penalties for violations of worker rights were less than those for similar violations of civil rights and were rarely applied. Judicial procedures were subject to lengthy delays and appeals. The lack of workers’ rights was more pronounced in the private sector, largely due to weaker unions.

During the year several labor unions organized sporadic strikes in both entities regarding unpaid wages and wage contributions that ultimately resulted in collective agreements with the government. Nevertheless, the law did not permit employees to strike before the conclusion of the legally required conciliation procedure. This, and other complicated legal provisions governing how to organize and carry out a strike, effectively allowed employers to prevent strikes. In August, a court ruling resolved a long-standing leadership dispute at the Confederation of Independent Trade Unions in the Federation, but as of November tripartite dialogue had not resumed.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

Entity-level laws provided for a minimum wage in all sectors and prevented collective agreements from establishing wages below the prescribed minimum; the minimum wage was above the official poverty level. The Brcko District did not have its own minimum wage.

The Federation had no provision for overtime pay. Employees could choose which holidays to observe depending on ethnic or religious affiliation.

In March, the Federation amended its Labor Law to allow students to legally work up to 180 days per year.

Occupational Safety and Health

The Federation and the Republika Srpska set mandatory occupational safety and health (OSH) standards that were appropriate for the main industries. These rights extended to all official (i.e., registered) workers, including migrant and temporary workers. Employees in certain industries, particularly metal and steel processing, coal mining, and construction, often worked in hazardous conditions. According to an official inspectorates' report, the most frequent deficiencies identified in these sectors included the implementation of occupational safety and preventive measures, training of workers for a safe work environment, and regular testing of equipment and tools.

Governments in both entities were obliged, through relevant inspectorates, to respond to workers' OSH complaints, but this did not always occur. Entity governments made only limited and inadequate efforts to improve occupational safety and health at government-owned coal mines.

The largest number of occupational injuries in 2023 occurred in construction and metal production. These injuries were generally the result of nonimplementation of prescribed occupational safety measures, insufficient worker training, failure to use personal protective equipment, and the failure to apply safety-related provisions of technical regulations. The inspectorates of both entities in 2023 reported 421 violations of occupational safety (345 in the Federation and 76 in Republika Srpska), including several industrial accidents that led to death or serious injury.

Wage, Hour, and OSH Enforcement

Authorities in both entities did not effectively enforce minimum wage, overtime, or OSH laws. Inspectorates in the entities, the Brcko District, and cantons were responsible for the enforcement of labor laws in the formal economy, while there were separate inspectorates for government employees and registered associations. Tax authorities were responsible for enforcing wage, hour, and OSH laws.

Penalties for violations were commensurate with those of similar crimes but were only sometimes applied against violators.

Government officials reported the number of labor inspectors was sufficient to enforce compliance. Inspectors had the authority to conduct unannounced inspections and initiate sanctions. Authorities did little to enforce regulations on working hours, daily and weekly rest, or annual leave.

According to informal estimates, approximately 40 percent of the workforce was unregistered and working in the informal economy. Workers in the informal sector were not covered under wage,

hour, or OSH laws. There were no official social protections for workers in the informal economy. These workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances by or on behalf of government authorities.

Prolonged Detention without Charges

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3.

Security of the Person ✓

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibited such practices. There were no credible reports of government officials employing such measures during the year.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> .

Child Marriage

The legal minimum age of marriage was 18 or as young as 16 with parental consent and court approval. In certain Romani communities, girls were married between ages 12 to 14. Romani human rights activists reported the number of child marriages was increasing each year. Children's

rights and antitrafficking activists noted prosecutors were often reluctant to investigate and prosecute forced marriages involving Romani minors, attributing it to Romani custom.

In January, the BiH Ombudsperson Institution issued a *Special Report on Underage Marriages* highlighting that despite legal frameworks, forced child marriages were a significant problem, often linked to human trafficking and exploitation, particularly affecting vulnerable groups such as the Romani community.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to refugees.

In August, the BiH Ministry of Security Service for Foreigners' Affairs assumed full operational control of the Temporary Reception Centers located in Lipa, near Bihac, and in Blazuj, Sarajevo Canton.

Provision of First Asylum

The law provided for the granting of asylum or refugee status.

Obstacles persisted in ensuring effective access to asylum. The BiH Ministry of Security Service for Foreigners' Affairs issued an Attestation of the Intention to Seek Asylum (AISA), the first step in the asylum procedure, to most persons arriving irregularly in the country regardless of whether they intended to seek asylum in BiH or travel onward. Asylum seekers were required to complete the AISA prior to registering their presence in BiH. Since the Sector for Asylum of the security ministry did not maintain a public-facing facility for reception and registration of asylum seekers, asylum seekers had to register their claims at their own initiative and had to await a formal invitation to do so. This created a backlog of cases waiting to be registered and interviewed. As of July, there were 162 asylum seekers with claims pending processing and final decision. Asylum seekers in limbo in BiH for lengthy periods of time but who remained ineligible for a work permit sometimes resorted to begging or illegal activities.

The average processing time from registration to first-instance decision exceeded the six-month maximum stipulated by the Law on Asylum. Nevertheless, the processing time dropped by almost a third compared to previous years. The BiH Ministry of Security Service for Foreigners' Affairs noted a dramatic increase in asylum claims during the year. As of July, the agency registered claims from 127 persons, 65 percent more than during the same period of 2023. Most new applications were from Syrian, Palestinian, and Turkish nationals.

As of July, there were 141 asylum seekers awaiting refugee status determination interviews, of whom more than 40 percent were waiting for more than six months.

UNHCR reported in March that while BiH improved its asylum process compared to previous years, BiH authorities remained heavily reliant on subsidiary protection rather than asylum or refugee status. As of July, BiH authorities granted refugee status to only two persons. All other persons, primarily from Russia and the Palestinian Territories, received subsidiary protection status.

The Court of BiH only reviewed asylum appeals via written procedures and offered no option for an in-person hearing. Additionally, the court did not use its competence as a court of appeals to assess the merits of asylum claims but rather ruled solely on procedural grounds. The BiH Court usually returned cases to the first instance court, which typically confirmed the initial decision.

In November 2023, the Council of Ministers adopted a decision to allow the entry to BiH of Palestinian evacuees from Gaza who could demonstrate they were relatives of BiH citizens. Following prioritized registrations and refugee status determination interviews in April, BiH

authorities began granting these evacuees subsidiary protection rather than refugee status. UNHCR expressed concern regarding this decision, citing the 1951 Refugee Convention to which BiH was a state party, which indicated these evacuees should have been eligible for refugee status.

The government's free legal aid system for asylum seekers was unable to respond fully to the needs of asylum seekers due to insufficient funding, staffing, and staff training. The Law on Asylum required the granting of asylum status before BiH asylum seekers were eligible for free legal assistance. The existing free legal aid framework, which comprised legislation at state, entity, and cantonal levels, did not include all vulnerable individuals as beneficiaries of free legal aid. NGOs registered for the provision of free legal aid were the only option for most asylum seekers. In March, Una-Sana Canton changed its Law on Free Legal Aid to enable asylum seekers, persons under international protection, stateless persons, and persons at risk of statelessness to benefit from free legal aid.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community in the country reported fewer than 900 members.

The Jewish community reported an antisemitic incident on June 6, when an unknown perpetrator drew a swastika on the wall next to the entrance door of an apartment where a Jewish family lived in Novo Sarajevo municipality. Police investigated the incident but had not identified a perpetrator as of October. The Jewish community also reported online, antisemitic harassment.

For further information on incidents of antisemitism in the country, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, see the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.