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Amnesty International Report 2017/18 - The State of the World's Human Rights - Bosnia and Herzegovina

Minorities continued to face widespread discrimination. Threats and attacks against journalists and media freedom persisted. Access to justice and reparations for civilian victims of war remained limited.

Discrimination

Social exclusion and discrimination – in particular of Roma; lesbian, gay, bisexual, transgender and intersex (LGBTI) people; and of people with disabilities – remained widespread, despite the adoption of a progressive Law on Prevention of Discrimination in 2016.

Efforts continued to reduce the number of Roma without identity documents and to increase the number of Roma children enrolled in primary schools. However, Roma continued to face systemic barriers to education, housing, health services and employment. In July, the Council of Ministers adopted a new three-year Action Plan for Roma Integration specifically aimed at improving employment opportunities and easing access to housing and health services. The Plan's implementation was hampered after the Council of Ministers removed a portion of its funding for the second consecutive year.

Police failures to thoroughly investigate acts of violence and discrimination against LGBTI people continued. No indictments were issued against those suspected of criminal responsibility for the 2014 attack on the organizers of the Merlinka Queer Film Festival, or the 2016 incident in Sarajevo, the capital, in which a group of young men harassed and physically threatened visitors of a café and cinema popular with the LGBTI community. In May, a planned public gathering to mark the International Day against Homophobia and Transphobia could not take place as Sarajevo Canton Ministry of Traffic failed to provide the necessary permits in time, although it received a formal application in advance.

People with disabilities, in particular women and children, continued to face systemic social exclusion, including severely limited access to health services and mainstream education. According to legislation, people with disabilities whose impairment was not a consequence of war were treated differently and received lower allowances and social benefits than war veterans and civilian victims of war.

The 2009 judgment of the European Court of Human Rights in *Sejdić-Finci v. Bosnia and Herzegovina* which found the power-sharing arrangements set out in the Constitution to be discriminatory, remained unimplemented. Under the arrangements, citizens who would not declare themselves as belonging to one of the three main constituent peoples of the country (Bosniaks, Croats and Serbs) were still excluded from running for legislative and executive office.

Freedom of expression

The pattern of threats, political pressure and attacks against journalists continued. In July and August, Dragan Bursać, a journalist with Al Jazeera Balkans, received a series of death threats after publishing a piece in which he condemned public gatherings in Banja Luka city in support of a charged war criminal. Local journalist associations documented nearly 40 cases of direct pressure, verbal threats and physical attacks against journalists by the end of the year.

Crimes under international law

In November, the International Criminal Tribunal for the former Yugoslavia (ICTY) issued the first-instance verdict in the case of former Bosnian Serb leader, General Ratko Mladić. The ICTY found him guilty of genocide, war crimes, and crimes against humanity committed during the 1992-1995 conflict and sentenced him to life imprisonment.

Also in November, the ICTY confirmed earlier sentences against six former Bosnian Croat political and military leaders. This was the final verdict passed by the tribunal prior to permanently shutting down in December, after 23 years of operation.

The domestic prosecution of war crimes remained slow, with a backlog of several hundred cases pending before various courts at the end of the year. Despite recent progress, the prosecutions continued to suffer from lack of capacity and resources, ineffective case-management and persistent political obstruction. A revision of the 2008 National War Crimes Strategy to address key institutional deficiencies and to establish new deadlines for the completion of cases was under way at the end of the year.

Some progress was made in harmonizing entity laws regulating the rights of civilian victims of war, including victims of wartime sexual violence. However, public aid for victims of wartime sexual violence remained fragmented and dependent on residency; victims residing in Republika Srpska (RS) were excluded from the system of social

benefits for civilian victims of war. The Draft Law on Protection of Victims of Wartime Torture in RS, intended to recognize victims’ rights, was adopted by the government in December, but it included provisions which could potentially discriminate against non-Serb victims. There was no progress in the adoption of the Law on Protection of Victims of Torture at the state level by the end of the year. The Law would guarantee a specific set of rights and entitlement for victims of war on the whole territory of Bosnia and Herzegovina.

Criminal courts continued the recent practice of granting financial compensation to victims of wartime rape, bringing the number of final judgments awarding financial reparation for war crimes in criminal proceedings to four. However, the compensations had not been paid by the end of the year. The convicted perpetrators lacked funds and there was no alternative mechanism to compensate survivors of criminal acts in cases where convicted perpetrators were not able to pay damages.

Most victims continued to be required to pursue compensation claims in separate civil proceedings, where they had to reveal their identity and incur additional costs. The 2016 Constitutional Court ruling that the statute of limitations applied to reparation claims directed against the perpetrators and not the state – even in war crimes cases – resulted in widespread dismissal of claims in 2017, further limiting victims’ ability to claim compensation and leaving them liable for high court fees.

Although over 75% of missing persons from the war had been exhumed and identified, there were still 8,000 people missing in connection with the conflict. The process of exhumations continued to encounter significant challenges, including reduced funding and limited expertise. The Law on Missing Persons remained unimplemented, with the Fund for Families of the Missing still awaiting dedicated resources.

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