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2011 Country Reports on Human Rights Practices - Bosnia and Herzegovina

EXECUTIVE SUMMARY

Bosnia and Herzegovina consists of two entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The 1995 General Framework Agreement for Peace (the Dayton Accords) provides for a democratic republic with a bicameral parliament but assigns many governmental functions to the two entities. The Dayton Accords also provide for a high representative who has the authority to impose legislation and remove officials. In October 2010 the country held general elections that international observers deemed free and fair. As of year's end the country had not formed a government, although leaders reached an agreement to do so early in 2012. Security forces reported to civilian authorities.

Deep-seated ethnic divisions continued to foster 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. Other significant problems affecting the country included poor conditions and overcrowding in prisons, and harassment and intimidation of journalists and civil society.

Other human rights problems in the country included deaths from landmines; mistreatment of prisoners; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; government corruption; 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. Domestic courts and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to adjudicate cases arising from killings during the 1992-95 conflict. The BiH Court War Crimes Chamber and entity courts continued conducting war-crimes trials during the year. By December, there were 17 convictions against 22 individuals at the BiH Court, with prison sentences totaling 182 years. There were also 12 appellate verdicts against 20 individuals with prison sentences totaling 252.5 years. Other courts in BiH completed 15 war crimes cases involving 20 individuals. During the year Ratko Mladic and Goran Hadzic, the last two major Bosnian Serb war crimes indictees wanted by the ICTY, were captured in Serbia and transferred to The Hague for trial.

In October a state-level court sentenced wartime RS Army Battalion Commander Momir Pelemis and Assistant Battalion Commander Slavko Peric to 16 years and 19 years in prison, respectively, for genocide for their roles in the massacre of an estimated 1,500 prisoners in Srebrenica in 1995.

Despite local and international efforts to prosecute war crimes, many lower-level 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 are missing and presumed to have been killed during the 1992-95 war. Implementation of the National Strategy for Processing War Crimes cases was slow, given 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.

During the year 14 landmine accidents killed nine persons and injured 13. Two of the nine persons killed were deminers. For a second consecutive year, state-level lawmakers failed to allocate any money for demining as required under the country's 2009-19 Demining Strategy and 2010 Revised Annex VII (internally displaced persons [IDP] and refugee) strategy. According to the country's Mine Action Center, by year's end there were still some 11,000 active mine fields (an estimated 220,000 devices) endangering more than 900,000 residents throughout the country. In many cases the presence of landmines slowed return of IDPs and 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 March the CPT published a report of its 2009 ad hoc visit to several prisons that it identified in 2007 as having problems. While the CPT identified some improvements since 2007, it found that fundamental measures required to improve the situation in prisons and other detention facilities had not been taken and repeated many of the criticisms in the report on its 2007 visit.

The CPT delegation documented a significant number of credible allegations of serious physical mistreatment of prisoners by the police and other law-enforcement officials, including kicking, punching, and blows with batons and baseball bats. The majority of reported incidents allegedly occurred during police questioning, sometimes for prolonged periods, prior to placement in holding cells or transfer to the prosecutor's offices. According to the CPT, there were several allegations that mistreatment aimed at forcing confessions is a frequent practice by crime inspectors at the Banja Luka Central Police Station. One person detained at that station

claimed to have been handcuffed to a radiator for several hours and subjected to several charges from a hand-held electro-shock device. Many persons interviewed by the CPT delegation 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.

The Council of Ministers maintained an independent commission to monitor conditions at prisons and other facilities for incarcerating persons, including psychiatric centers. During the year the commission visited the psychiatric facility in Sokolac. It determined that conditions were extremely poor and the clinic was understaffed, especially lacking medical doctors. Among other problems, commission members observed a patient bound to his bed because he was being "aggressive." Other patients alleged that he was drugged, as he wanted to speak with commission members about mistreatment he had experienced at the facility.

Prison and Detention Center Conditions

The CPT and other credible authorities reported that unsanitary and unhygienic conditions in the country's prison and detention centers posed significant threats to the health of detainees. There were also significant problems with prisoner-on-prisoner violence or intimidation at Zenica and Foca prisons, and medical care was inadequate. For example, prisoners at the Sarajevo prison sometimes lacked on-call health services because prison administrators failed to replace the retired general practitioner during the previous year. During the year there were no reported deaths in the country's prisons and detention centers. Poor hygiene and antiquated facilities remained serious problems. Prisoners had access to adequate potable water.

During the year the Council of Ministers' commission monitoring conditions in prisons visited prisons in Zenica, Dobo, Tuzla, and Bihac. In its report, the commission documented substandard conditions and overcrowding in Zenica prison. The commission also received numerous complaints regarding poor health care in Zenica prison and recommended that the Federation Ministry of Justice allocate additional funding to improve the hygienic conditions in the prison's kitchen and ensure greater work opportunities for the prisoners. During prison visits from September through December, the country's human rights ombudsman witnessed several instances of unsanitary food preparation, including the presence of cockroaches in food served to prisoners at the Zenica prison.

Reporting on its 2009 visit, the CPT noted some progress at Zenica Prison since its 2007 visit. For example, there were no reports of mistreatment of prisoners by prison staff. However, in the Banja Luka Prison, prisoners alleged frequent mistreatment by prison officers. The CPT also noted improvement with regard to intimidation among prisoners and violence in Zenica Prison. During the year several ethnic Serb-minority prisoners were offered separate accommodations by the Zenica prison administration after several reported incidents of verbal abuse by other prisoners, but reportedly declined because they would lose work opportunities. There were also a number of allegations of intimidation among prisoners in Foca Prison. The ombudsman reported that verbal abuse of prisoners and visiting family members had generally become more of a problem than physical abuse in both entities' prisons.

As of December 31, there were 2,873 persons incarcerated in the country (1,819 in the Federation and 1,054 in the RS). The government estimated the total capacity of Federation and RS prisons at 2,942 persons. During the year construction of the first state-level prison for some 350 inmates began in East Ilidza. Meanwhile, prisoners convicted of state-level crimes remained incarcerated in entity prisons.

The ombudsman noted that both entities had decreased overall overcrowding during the year by expanding facilities in Tuzla and Foca to add capacity for some 200 inmates. However, the ombudsman observed that overcrowding remained a serious problem at the Sarajevo prison, where the ombudsman noted up to 26 prisoners held in two small rooms. By year's end prison

authorities did not act on the ombudsman's recommendation to transfer all prisoners from the Sarajevo prison to the Igman correctional facility and to use the Sarajevo facility only as a short-term detention center. The CPT reported that in some cases juveniles were held separately in the same facility as adult offenders. There were no reports that women were incarcerated under conditions that were less favorable than for men.

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 that were previously used as prison cells. 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.

Prisoners and detainees generally had access to visitors and were permitted religious observance. However, the Council of Ministers commission noted cases during the year where female inmates were not permitted family visitation, including a mother who was not permitted to visit with her two-year-old daughter. In a few instances prison administrators in the RS reported not having enough guards to escort Muslim prisoners to prayer rooms five times per day, as is customary under Islamic tradition.

During the year there were reports of delays by law enforcement agencies in keeping records of arrests prior to transfer of an arrested person 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 prisoner.

The law also 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. In contrast to previous years, there were no reports that prison authorities failed to forward requests from inmates to the ombudsman. The law provides for the right of prisoners to communicate, file complaints, and expect expeditious resolution of violations. The ombudsman can also 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.

During prison visits in the RS in 2009, the CPT found that inmates could lodge complaints with prison staff, including the director, and also address 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, the prisoners on remand had to hand over all correspondence to prison staff unsealed.

The CPT noted that, as of 2009, there appeared to be no comprehensive strategic approach for reforming the country's prison system to cope with the expected increase in the number of inmates and the more challenging profile of prisoners. The CPT also noted that each entity operates its prisons autonomously, while the State Ministry of Justice is responsible for the pretrial detention unit of the State Court.

The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. On April 15, a CPT delegation traveled to Bosnia and Herzegovina for the fifth time,

visiting all major police stations, immigration detention centers, prison facilities, prosecutor's offices, psychiatric institutions, and social care homes; a report on the visit had not been released by year's end. 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.

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, to each entity, and to 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. NATO offices in Sarajevo continued to assist the country's authorities in the implementation of defense reform, counterterrorism, and cooperation with the ICTY. The EU Police Mission remained in the country to monitor the local police.

Civilian authorities maintained effective control over the security forces, and 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.

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.

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 detainee should remain in pretrial custody. There is a functioning bail system. The law allows detainees to request a lawyer of their own choosing; however, during the year, there were reports that the government did not always respect detained persons' right to prompt access to an attorney.

The RS government and five cantons in the Federation pay for an attorney if the defendant is indigent. Lacking laws on free legal assistance, indigent defendants in state-level courts and in six Federation cantons had to seek representation from nongovernmental organizations (NGOs) providing free legal services. The RS and five Federation cantons provided attorneys employed by their justice ministries, which also employed the prosecutors trying the cases. Civil liberties groups criticized this conflict of interest. There were no reports that suspects were detained incommunicado, or held under house arrest. The law provides for the right to a speedy trial. The law generally limits pretrial detention to one year.

No cases of arbitrary arrest or detention were reported during the year.

The law provides for strict limitations on the duration of custody during both the

pre-indictment phase and after confirmation of the indictment. In order for custody to be continued, the court must review the case at regularly prescribed intervals. The defendant has 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 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 nearly two million unresolved civil cases, more than one-half involving 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 State Constitutional Court had not been 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.

Trial Procedures

The laws of the Federation and the RS provide that defendants enjoy a presumption of innocence, but the law does not provide for trial by jury. The law provides for the right to counsel at public expense, if charged with a serious crime. However, courts did not always appoint defense attorneys where the maximum sentence was less than five years. 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, and these rights were generally respected in practice.

The BiH Prosecutor's Office continued to use plea agreements in some cases. 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). The country complied with ECHR judgments requiring individual measures either through actual remedies or by submitting action plans for compliance to 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.

Civil Judicial Procedures and Remedies

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

Property Restitution

The country's four traditional religious communities had extensive claims for restitution of property that was nationalized after World War II. In the absence of state legislation specifically governing restitution of nationalized properties, return of former religious properties continued on a case-by-case basis at the discretion of municipal officials; these officials rarely completed such restitution and usually did so in favor of the majority group in their particular municipality.

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 June 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.

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

Status of 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: At times, the RS government used fines to dissuade political expression. In October, Banja Luka city authorities fined the NGO "Ostra nula" 1,400 convertible marks (\$926) because the organization placed a banner stating "I Just Do Not Want to Leave This Place" at Banja Luka's central square. "Ostra nula" placed the banner to protest the fact that BiH did not have a new state-level government a year after general elections.

The Federation's criminal code prohibits hate speech. The RS criminal code 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 a tendency by politicians and other leaders to label unwanted criticism as hate speech. By year's end, the country's Communications Regulatory Agency (CRA) had not registered any cases of hate speech for the year.

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 ethnic lines.

The CRA is charged with regulating all aspects of the country's electronic media (television and radio). Political pressures on the CRA continued, with politicians often alleging that the CRA lacked impartiality. The CRA's independence and effectiveness were further undermined by the failure of the Council of Ministers to confirm the appointment of a new CRA general manager and other legal hurdles. While the state-level public broadcaster, Bosnia and Herzegovina Radio and Television (BHRT), continued to have limited viewership, it ostensibly maintained an objective, nonpartisan editorial policy. In contrast, the two entities' public broadcasters, the most viewed television broadcasters in the country, continued to reflect views of the ruling parties in the respective entities. The steering boards of all three public broadcasters failed to establish a single steering board to oversee a unified public broadcasting system, as required by the law.

Pressures against the BHRT continued. On December 14, the president of the RS said it should be abolished, claiming that a state-level broadcaster was not in the interest of RS citizens and they should not be required to finance the BHRT.

On April 26, the Steering Board of the BHRT, whose members are approved by parliament, amended its charter to extend its supervisory function to include full editorial and managerial control over the BHRT. The Vienna-based representative of the Organization for Security and Cooperation in Europe (OSCE) on media freedom sent a letter to the BiH parliament warning that the changes undermined the broadcaster's editorial independence. Free Media Help Line noted in its end of year report that the new statute was being implemented since November.

In October the Steering Board replaced the BHRT's general manager for the third time despite numerous court rulings that this action was unlawful. The general manager pressed charges against the BHRT before the state-level court, asking for a temporary decision ordering his return to work. On December 15, the court rejected the general manager's demands for reinstatement. The case was under appeal at year's end.

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 on-line media from May to October.

For the third 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 that the money was available to all, those outlets that received financial support were far more likely to take a progovernment line and report less on and even ignore opposition activities.

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. The Free Media Help Line (a part of the Bosnia and Herzegovina Journalists Association) registered 52 cases involving violations of journalists' rights and freedoms or pressure from government and law enforcement officials, and there were 16 cases of pressure on and threats against journalists, including one death threat and four physical attacks. Other cases involved denial of access to information and violation of employees' rights. Several incidents reported during the year involved violence against journalists or possible attempts to intimidate the media. In some cases, these pressures resulted in self-censorship by media.

As of year's end, FTV's former news director, Duska Jurisic, who was fired in January 2010, reached a settlement with the public broadcaster that had not complied with several court orders to reinstate her. Many media analysts asserted her firing was a response to her independent reporting on a variety of political and social topics in recent years. Jurisic moved to a different media outlet, and FTV agreed to pay her back pay in accordance with earlier court rulings.

Censorship or Content Restrictions: Some political parties, through public companies they control, used advertising and other mechanisms to pressure media outlets that published items counter to their interests, indirectly censoring the media and influencing the editorial policies of some media outlets. As a result, some media outlets practiced self-censorship.

In some instances media sources reported officials threatened media outlets with loss of advertising or limited their access to official information. Politicians and government officials also accused media outlets of opposing a given ethnic group or betraying their own ethnic group.

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

During the year, the Press Council considered 96 complaints related to print and online media, accepting 29 as valid and rejecting 28 as unfounded. In 32 cases, media outlets published a refutation or a retraction, in accordance with the council's policy of self-regulation and mediation. In five cases, the Press Council gave instructions for further complaint procedures, and two cases were still ongoing. Most of the complaints accepted by the council involved allegations that print media outlets denied persons the right to respond to reports and articles that they considered false or defamatory. One lawsuit for defamation was dismissed through the Press Council's mediation. According to local media analysts, the level of pressure against the Press Council remained unchanged during the year.

In August RS President Milorad Dodik won defamation court cases against three FTV employees in the Banja Luka Basic Court. The court ordered the employees to pay Dodik compensation of 5,000 convertible marks (\$3,310) for mental anguish and damage to his reputation from a story broadcast on FTV's show *60 Minutes* in 2008.

In May the Association of BiH Journalists, the Free Media Help Line, and the BHRT's editorial board strongly condemned alleged efforts by BHRT Steering Board Chairman Ahmed Zilic to pressure Benjamin Butkovic, acting editor of BHRT News Programs, to influence Butkovic's story on changes to the BHRT's Charter demanding that only his statements and position on the issue be presented in the story. Zilic denied the claims.

In October the Sarajevo Cantonal Minister of the Interior ordered a criminal investigation against the Sarajevo-based magazine *Slobodna Bosna* following the magazine's reporting on the minister's alleged involvement in questionable businesses. In his written instructions to the police, the minister justified the investigation by citing "the need to protect the reputation of the ministry and the legality of its work." After the Association of BiH Journalists publicly protested the investigation as a misuse of the criminal code, the minister claimed that he had initiated the criminal investigation against himself and not the magazine.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, ethnic favoritism and politicization of faculty appointments constrained academic freedom. 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. The University of Mostar remained divided into two separate universities, reflecting the continued ethnic divide in the city. Parochial interests influenced the remaining five public universities in Bosniak-majority areas.

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.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice, although some NGOs reported difficulty in 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 [2010 International Religious Freedom Report](#).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, some limits remained in practice. 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 113,365 registered displaced persons were in the country at the end of 2010. Most sought return to their prewar places of residence from which they were displaced by the 1991-95 wars in the former Yugoslavia. According to the UNHCR, during the first six months of the year, 323 displaced persons returned to places of origin in which their ethnic group constitutes a minority. Government officials and some NGOs, however, believed that the total 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.

The high unemployment rate, lack of access to social benefits, lack of available housing, and high municipal administration taxes on documents that were necessary for accessing reconstruction assistance for return continued to inhibit returns. Minority returnees often faced discrimination in all areas of daily life including access to health care, pensions, public sector employment, and other forms of social protection.

The RS, the Ministry for Refugees and Displaced Persons, and the Federation Ministry for Refugees provided support to returnees, such as limited reconstruction assistance. These ministries also committed part of their budgets towards joint projects determined by the State Commission for Refugees. In some cases the entity ministries cooperated closely with each other and contributed matching funds for improving living conditions of ethnic minority returnees, such as a joint agricultural-assistance project for Bosniak returnees in the RS city of Visegrad and ethnic Serbs in the Federation city of Mostar.

Minority returnees often faced intimidation and complained of discrimination in hiring, and obstructions in their access to education, health care, and pension benefits, as well as poor infrastructure.

A trend of attacks directed against religious sites and objects of minority groups continued to affect returns. Many returnees cited the authorities' failure to apprehend war criminals as a disincentive to return. Many displaced persons created permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

There were no legal restrictions for IDPs to access humanitarian organizations and assistance, but the procedures to apply were complicated, and some IDPs often could not afford to pay for

all the costs associated with an application for assistance. There were also widespread corruption and clearly established divisions along ethnic lines in the criteria for selection of beneficiaries.

The country's constitution and laws guarantee the voluntary return or resettlement of IDPs, consistent with the UN Guiding Principles on Internal Displacement. Throughout the year the entity governments together spent an estimated 27 million convertible marks (\$17.9 million) to facilitate the return or local integration of IDPs and refugees from the 1991-95 war in former Yugoslavia. Both entity ministries for refugees and IDPs provided matching money to and cooperated closely with the international community in constructing social housing and providing small agricultural assistance to support the sustainable return or local integration of approximately 100 IDP families during the year. However, by year's end the state-level government had failed to allocate any funds, mainly due to the failure to form a state-level government more than a year after the country's 2010 general elections.

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, may remain in asylum centers until the Ministry of Security adjudicates their claims, a process which 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 and within eight days in urgent procedure. In cases handled by urgent procedure, the court is required to render a decision within 30 days.

Nonrefoulement: The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion. The Law on Movement and Stay of Aliens and Asylum 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/her. However, the Council of Ministers has not issued a decision on the "safe countries of origin."

During the year, 13 Afghans and two Sudanese who illegally crossed into the country from Serbia were detained in the country's immigration center and then returned to Serbia. According to government sources, none of them sought asylum, though it is unclear if they were informed of their rights under the country's asylum procedures. There were reports that asylum seekers from Kosovo were routinely denied, exposing persons who were entitled to international protection to a risk of refoulement.

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

Durable Solutions: On November 7, the country signed a UNHCR-facilitated Regional Refugee Agreement (along with Serbia, Croatia, and Montenegro) in which the government agreed to find durable solutions for up to 6,000 refugees from other former Yugoslav countries. By year's end the country's law still lacked conditions for facilitated naturalization of refugees and stateless persons. All refugees had health insurance, and all those staying outside the Reception Center received social welfare assistance. However, a systematic local integration program had yet to be developed.

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 Bosnian citizens does not gain citizenship unless both parents are stateless persons.

According to the UNHCR, 3,000 to 5,000 persons, the large majority of them Roma, were at risk of statelessness at the end of the year. 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). According to the country's Ministry of Civil Affairs, during the year 170 individual naturalization decisions were reviewed; 40 of them resulted in de-naturalization. There were no reported instances of statelessness among this group during the year.

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.

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 October 2010 general election largely was 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, tended to favor certain candidates. Smaller parties complained about systematic underexposure in the media. On December 28, political leaders reached a deal to form a new Council of Ministers, but work on implementing that decision would continue into 2012. At year's end, political leaders failed to form a new government in one canton, leaving officials whose party had lost representation in office on a "technical mandate."

Nationalist rhetoric from leaders of all ethnic groups dominated political exchanges. In particular Serb politicians regularly called into question the validity and existence of the state of Bosnia and Herzegovina and threatened to call a referendum in the RS to secede from the state.

Participation of Women and Minorities: The law requires that at least 30 percent of political party candidates be women. Eight of 42 members of the state-level House of Representatives were women. There were no women in the nine-member Council of Ministers, although there were two female deputy ministers. At the entity level, women held three of 23 leadership positions in the Federation, including one ministerial position, one speaker position, and one deputy speaker position in parliament. Following the 2010 elections, 19 women were elected to the Federation House of Representatives and 14 to the Federation House of Peoples. In the RS two of 16 ministers and one deputy speaker in parliament were women. As of August women comprised 31 percent of the delegates in the RS National Assembly, 30 percent of RS government ministers, and 5 percent of RS mayors.

The law provides that Serbs, Croats, Bosniaks, 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. In addition to 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 parliament and only one member in the Council of Ministers.

Section 4. Official Corruption and Government Transparency

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

Candidates for certain public offices, 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 these laws.

On June 27, the Cantonal Court in Mostar acquitted a former member of the country's tripartite presidency, Dragan Covic, and six others of corruption charges in connection with the privatization in 2005 of Eronet, the cellular-service subsidiary of the country's third-largest telecommunications company (HT Mostar). Covic, then-Federation minister of finance and chairman of the HT Mostar Steering Board, and six board members had been charged with illegally transferring Eronet shares. In a separate case dating to 2000, Covic was indicted on June 29 for using his position as then Federation minister of finance to remove customs duties on the import of raw meat to boost profits of the Lijanovici food company.

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.

During the year NGO advocacy activities became more diverse, using methods such as policy papers, public announcements, and street actions. NGO participation in decision-making processes was case by case. Both the government and the NGO sector lack sufficient knowledge about the existing mechanisms for NGO participation. The Council of Ministers has the right to return any legislative draft which did not go through the NGO consultation process, but to date has not used this mechanism. NGOs largely were excluded from decisions of greater political importance or sensitivity. NGOs continued to establish greater cooperation with the government at lower levels. In addition to the existing Agreement on Cooperation signed by the Council of Ministers, more than 80 municipalities and three cantons 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 overall, as the more nonpolitical organizations not seen as threats to governing parties received support from local governments. Registration and the procedure to change an organizational statute took significantly longer than prescribed by legislation due to official inefficiency.

UN and Other International Bodies: The government generally cooperated with the ICTY,

complying with investigations and handing over indicted suspects. The two remaining ICTY fugitives, Ratko Mladic and Goran Hadzic, were both captured during the year in Serbia, and their ICTY proceedings began.

The state-level government cooperated fully with international organizations, such as the Office of the High Representative, which has special powers over the government, as well as other international organizations, such as the ICRC, the International Commission on Missing Persons, and the OSCE. However, the RS government was less responsive and cooperative than were the state-level and Federation governments.

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 were underdeveloped. Instead of following set guidelines and criteria, government commissions that allocated public-benefit funds seemed to base many of their decisions on political interest and allocated large percentages of funds to predetermined beneficiaries such as religious communities, sports organizations, and veterans associations. The methods of allocation remain nontransparent and subject to corruption.

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

The law prohibits discrimination based on race, gender, disability, language, 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 reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness.

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. Both entities have laws that 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 have discretion to prosecute domestic violence as either a felony or misdemeanor. Experts estimated that only 10 percent of victims of domestic violence 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. Two hotlines operating throughout the country provided assistance to victims. There were several shelters throughout the country for victims of domestic violence, many of who received financial and other material support from the government during the year. Many of these shelters doubled as shelters for trafficking victims.

Sexual Harassment: The law prohibits sexual harassment, but it was a serious problem. Many NGOs reported that women experienced sexual harassment, but 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 had 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. However, insurance costs for self-employed women were often prohibitive, and the actual amount of benefits provided to unemployed mothers often varied according to canton or municipality.

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 in all parts of the country had problems with nonpayment of maternity leave allowances 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 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 the country does not gain citizenship unless both parents are stateless persons.

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 required by law. The NGO Vasa Prava estimated there were approximately 2,000 unregistered children in the country. Unregistered children experienced significant obstacles in accessing social, educational, and health benefits.

Education: While education is free and compulsory through the age of 15, schools required parents to pay for books, lunches, and transportation, causing some children to drop out. A lack of reliable monitoring hindered efforts to ensure that children receive an education. The law requires children with special needs to attend regular classes, but schools were often unable to accommodate them.

During the year students in areas where they were in the minority frequently faced a hostile environment, and in some areas local officials and parents sought to establish complete physical segregation based on ethnicity. Obstruction by nationalist politicians and government officials slowed efforts to abolish school segregation and enact other reforms. The country's Romani council estimated that less than 30 percent of Romani children attended school regularly.

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

Child Marriage: In certain Romani communities, girls married between the ages of 12 and 14. The government did not have any programs aimed specifically at reducing the incidence of child marriage. According to UNICEF statistics, 6 percent of women were married or in union before they were 18 years of age.

Sexual Exploitation of Children: 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 14 to 17 years old 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.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information, see the Department of State's annual report on compliance at

http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html

Anti-Semitism

There were no reports of anti-Semitic violence against members of the Jewish community, which is estimated to be less than 1,000 persons. The Jewish community reported that some anti-Semitic language critical of Israel has been occasionally posted on various Internet forums. The community described those comments as more anti-Israeli rather than anti-Jewish. During the year the government lacked a framework for stopping such comments.

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 asserted 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?" 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.

The country's Jewish community and Inter-Religious Council registered no desecrations of Jewish sites.

Trafficking in Persons

See the Department of State's *2011 Trafficking in Persons Report*.

Persons with Disabilities

The law in both entities prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. However, there was discrimination against persons with disabilities in all these areas.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1992-95 conflict were given a privileged status above civilian war victims and persons who were born with disabilities.

The Federation's law mandates that all public buildings must be retrofitted to provide access to persons with disabilities and new buildings must also be accessible by mid-2011. However, buildings were rarely accessible to persons with disabilities in practice. Several government buildings, including the Federation government and parliament buildings, were not in compliance with the law. The RS had comparable laws for public access, but few older public buildings were accessible.

At year's end an estimated 1,900 persons with varying degrees of intellectual disabilities were

institutionalized, although a growing number of programs for children with disabilities were available in schools. During the year an estimated 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. The Federation government also continued a pilot program during the year for assisted living in Tuzla, which included 20 persons with intellectual disabilities. As of year's end no such programs existed in the RS.

During the year there was little progress in improving conditions for persons with disabilities. Experts noted that throughout the country entitlement to benefits for disabled persons is not based on needs. Consequently, certain categories of persons with disabilities did not receive adequate financial benefits. Federation authorities adopted the Strategy for Persons, while the RS, implemented its own strategy.

In the Federation the Institute for Medical Disability Status Classification, staffed by medical professionals and overseen by five relevant Federation ministries in cooperation with an advisory NGO, determined the severity of each person's specific disability and level of assistance needed. In the RS, the government social workers in the Center for Social Welfare under the entity Ministry of Health and Social Welfare evaluated persons for disabilities and assistance.

National/Racial/Ethnic Minorities

Ethnic differences remained a powerful destructive force in society, although mixed communities existed peacefully in some areas.

Harassment and discrimination against minorities, often related to property disputes, continued throughout the country. These problems 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.

By November the country's Inter-Religious Council documented 56 acts of vandalism against religious sites over the previous year, 30 in the RS, and 26 in the Federation. Most attacks occurred in places where the targeted community was in the minority. There were 28 attacks against Islamic sites, the overwhelming number of which occurred in the RS. There were 17 recorded attacks against Serb Orthodox sites in the Federation, and nine reported attacks against Catholic sites, which were more frequent in the Federation. The Council's report noted that police apprehended perpetrators in 30 of the 56 cases. The Council documented one religiously motivated physical assault against an imam in Gacko in the Federation, and verbal harassment of an Orthodox priest in Gračanica in the Federation and an imam in Dubica in the RS.

During the year some RS politicians expressed support for indicted war criminal Ratko Mladic following Mladic's arrest in May. Kalinovik mayor Mileva Komlenovic publicly criticized "burdening" Mladic, whom she lauded for his "moral, human, and professional qualities." Vinko Radovanovic, the mayor of East Sarajevo, told reporters that Mladic was no more guilty than any other wartime general from any army. Democratic People's Alliance president Marko Pavic decried the arrest of his former commander. Mladen Bosic, president of the Serb Democratic Party, attended a rally in Banja Luka on May 31 in protest of Mladic's arrest.

Ethnic discrimination in employment and education remained key problems. In most cases employers did not reverse the widespread firing of members of ethnic minorities during and after the 1992-95 conflict, and employers often hired members of the local ethnic majority over minorities. 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.

An estimated 80,000 to 100,000 Roma were in the country. Some Romani leaders reported an increase in Romani emigration from the country and asylum-seeking abroad during the year due to discrimination in access to social benefits. Roma experienced serious difficulties in enjoying the full range of fundamental human rights provided to them under the law. The Roma Information Council estimated that only 1 percent of the working-age Romani population were employed and indicated that employers usually downsized Roma first during a reduction in force. Many Roma lacked birth certificates, identification cards, or a registered residence, preventing them from accessing health care and public education services or registering to vote. Many human-rights NGOs criticized law enforcement authorities for widespread indifference toward victims of domestic violence and human trafficking in the Romani community.

In April, "Kali Sari," a Roma Decade watchdog NGO, released a report that noted substantial progress in improving the status of the country's Roma population. The report noted the government's programs for improving Romani employment, housing, and health care, as well as for completing a census of Roma, creating a database documenting the needs of Roma, and adopting a new Romani education action plan. However, the report criticized the government for excluding Roma from the decision-making process for allocating assistance to the Romani population. Romani human-rights leaders complained about the lack of transparency in awarding government contracts and allegations of corruption in implementing Roma Decade programs. By year's end the government failed to appoint a national coordinator for Roma Decade implementation.

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.

Gays and lesbians faced frequent harassment and discrimination, including termination from employment. In some cases dismissal letters explicitly stating that sexual orientation was the cause of termination made finding another job extremely difficult. The EU Commission Progress Report during the year found that physical attacks and harassment of LGBT persons continued and that no government official condemned such acts.

During the year LGBT activists faced threats, harassment, and other hate speech by media and politicians. On November 17, a talk show on Sarajevo-based PINK BIH TV ran a segment called "Change of Gender – Body as a Trap" on a talk show that highlighted text messages from viewers calling for discrimination and violence against transgender and transsexual persons. PINK BIH TV did not distance itself from the messages' content, causing several human rights NGOs to file a complaint to CRA for violation of the broadcasting code. By year's end, the CRA took no action in response.

On November 22, daily *Fokus* based in Banja Luka published a commentary by RS Vice President Emil Vlajki titled "Film 'Parade': Prostituted Ideological Manipulation," in which Vlajki criticized a movie on gay rights and characterized the LGBT community as "garbage" and LGBT culture as "vulgarization of one's own private life."

Other Societal Violence or Discrimination

There was significant social stigma and employment discrimination against persons with HIV/AIDS, and a general lack of awareness of HIV/AIDS. The government lacked properly trained counselors and a systematic method of referring those with HIV/AIDS to outside counseling and often relied on periodic, informal requests from the NGO Apoha to relay the contact information to those who had been recently diagnosed with HIV/AIDS. During the year

the Inter-Religious Council, composed of all four of the country's major religious communities, carried out a public campaign against prejudice against persons with HIV/AIDS.

Promotion of Acts of Discrimination

On February 8, the European Commission against Racism and Intolerance published its report on Bosnia and Herzegovina. The report also noted several areas for improvement in the country including a continued fostering of and manipulation of ethnic divisions in the country by political actors and parties in the country. Police are often reluctant to investigate crimes against minorities. The report noted several improvements in the country, including education reforms making democracy and human rights compulsory subjects in the country's schools and tougher laws regarding hate crimes. The report also noted a significant effort by authorities to register Roma and foster inclusion.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers in both entities (including migrant workers, but excluding members of the military) to form and join independent unions without previous authorization or excessive requirements. 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. In the Federation 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, then the strike can be declared illegal. This effectively allows employers to prevent legitimate strikes. The law provides for the right to bargain collectively and to conduct union activities without interference. Antiunion discrimination is prohibited.

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

In both entities general collective agreements, wherein the minimum wage and other conditions of work are fixed, were negotiated by the respective governments and representative organizations of employers and workers. 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 gave legal protections to 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 have 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 there are no legal or technical barriers preventing 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.

The International Labor Organization criticized the government for not allowing the Trade Union of Bosnia and Herzegovina, representing approximately 260,000 workers primarily from Federation government-owned enterprises, to register as a union at the state level since 2002. Lack of formal recognition blocked the union from engaging in social dialogue on problems

pertaining to state-level competencies with partners. Moreover, authorities did not impose sanctions against employers who obstructed workers from organizing. Worker rights violations 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 have in some cases fired union leaders for their activities.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children; however, 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.

Also see the Department of State's *2011 Trafficking in Persons Report*.

c. Prohibition of Child Labor and Minimum Age for Employment

Trafficking in children for labor and begging was sometimes a problem. Organized begging rings exploited Romani children in particular, of whom more than half of the entire community were under the age of 14 and did not attend school. Children also sometimes assisted their families with farm work and odd jobs or worked in small family-owned shops.

The minimum age for employment of children in the Federation and the RS 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. Both entities and the Brcko District enforced child labor laws 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, and authorities investigated violations of child labor laws as part of a general labor inspection. Both entities' labor inspectorates reported that they had not found 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 *2010 Findings on the Worst Forms of Child Labor*.

d. Acceptable Conditions of Work

The monthly minimum wage in the Federation was 343 convertible marks (\$227). In the RS, the monthly minimum wage was 370 convertible marks (\$245) except in the textiles and footwear sectors where it was 320 convertible marks (\$212). The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of whichever entity to which its workers decided to direct their pension funds.

The legal workweek in both entities and the Brcko District is 40 hours; however, seasonal workers may work up to 60 hours per week. The law limits overtime to 10 hours per week in both entities; 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. An employee in the RS may volunteer for an additional 10 hours in exceptional circumstances. Federation and RS laws require a minimum rest period of 30 minutes during the workday. 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. Entity labor laws prescribe a maximum overtime of 10 hours per week and prohibit excessive compulsory overtime. The law also sets mandatory

occupational health and safety standards, especially for those industry sectors where there are hazardous working conditions for workers. Employers in each entity and the Brcko District must provide a minimum of nine paid annual holidays. People can choose which holidays to observe depending on ethnic or religious affiliation.

The Federation Market Inspectorate, RS Inspectorate, and the Brcko District Inspectorate are in charge of enforcement related to work conditions. There were 79 market inspectors in the Federation, 41 in the RS is 41, and 11 in Brcko. Authorities in both entities and the Brcko District did not adequately enforce regulations related to acceptable 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. Workers' rights extended to all official, that is, registered, workers including migrant and temporary workers. According to informal estimates, approximately 40 percent of the total work force was unregistered.

Workers in certain industries often worked in hazardous conditions, particularly those in metal- and steel-processing plants and coalmines. The entity labor ministries do not maintain official statistics on workplace fatalities and injuries. During the year one major industrial accident occurred. On September 29, multiple explosions at the "Igman" ammunition factory in Konjic killed one person and injured several others. Built over 50 years ago, "Igman" is a privately owned munitions factory that produces ammunition for high-caliber small arms and where much of the production is still done by hand.
