

Bosnia and Herzegovina



A journalist union member in the Bosnian town of Banja Luka breaks pencils outside the Republika Srpska entity parliament to protest controversial amendments to the entity's criminal code that made defamation a crime punishable with stiff fines, Tuesday, March 14, 2023.

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A European Court of Human Rights (ECtHR) judgment in August 2023 against territorial and ethnic voting restrictions underscored Bosnia and Herzegovina (BiH) authorities' lack of progress in addressing the country's discriminatory electoral system. Lesbian, gay, bisexual, and transgender (LGBT) people faced restrictions on assembly and official hostility in some parts of the country. The country lacks effective systems to protect victims of gender-based violence. New laws in Republika Srpska criminalize defamation and restrict foreign funding for civil society.

In its November 2023 enlargement report, the European Commission noted that BiH needs to make further efforts toward fulfilling the 14 integration reform priorities. It recommended opening accession negotiations with BiH once the necessary degree of compliance is achieved.

Discrimination and Intolerance

Controversial changes to the election law by the Office of the High Representative (OHR) hours after polls closed on election day in October 2022 resulted in people voting under one system but their votes being tabulated under another, leading to widespread [international](#) and domestic [criticism](#). The electoral reform failed to address political discrimination against Roma, Jews, and others barred under the constitution from standing for the presidency.

In August, the ECtHR [found](#) that territorial and ethnic voting restrictions in Bosnian election law violated human rights by preventing citizens from voting for the candidates of their choice in 2022 legislative and presidential elections. This was the sixth ECtHR ruling on BiH's discriminatory electoral system since a landmark 2009 judgment on the residency.

The [Organization for Security and Co-operation in Europe \(OSCE\)](#) recorded 88 hate motivated crimes between January and August 2023, most of which were based on ethnicity and religion. At time of writing, 15 hate crime trials were ongoing, but no one had been convicted.

With [several](#) attacks on formerly war-displaced returnees in Republika Srpska in 2023 and poor investigation efforts by authorities, [victims associations](#) called on the European Union peacekeeping force in Bosnia and Herzegovina (EUFOR Operation Althea) in September to protect returnees. Also in September, the OHR [called](#) on BiH authorities to ensure safety in all parts of the country.

In July, the European Parliament [urged](#) BiH authorities to improve human rights protections, including measures to tackle inequality and ensure social protection of Roma people.

Disability Rights

The longstanding failure of BiH authorities to ensure the rights of people with disabilities and end institutionalization was highlighted in August, when a video emerged showing a staff member at a state-run institution [abusing](#) a man with a disability. It followed previous incidents of abuse at the same institution, including of children. Rather than address the root cause of the abuse by committing to ensure people with disabilities are moved out of institutions and into the community, the Minister of Labour and Social Policy of the Federation BiH (FBiH) threatened criminal charges against those who filmed the video and shared it with the media.

Accountability for War Crimes

Progress toward accountability for war crimes remains slow, with investigations, prosecutions, and court proceedings taking years. Authorities failed to meet the 2023 [deadline](#) to implement the Revised National War Crime Strategy. In March, the Council of Ministers [formed](#) a body to monitor its implementation.

Problematic [laws](#) that allow war crime sentences of up to a year to be replaced with a fine remain a concern. According to the OSCE, in the last five years, eight people convicted for war crimes have used this loophole to avoid jail time, including two men [convicted](#) of rape and attempted rape of girls. A proposal to [abolish](#) this practice did not pass the BiH Parliamentary Assembly.

According to the OSCE, 232 war crime cases against 516 defendants were pending before courts in BiH at the end of September. In the first nine months of 2023, courts in BiH rendered first instance judgments in 15 cases against 36 defendants, finding 16 guilty and acquitting 20. In the same period, 17 cases involving 20 defendants ended with final judgments; 12 were found guilty.

In August 2023, there were 55 pending cases, against 122 defendants, involving allegations of conflict-related sexual violence (CRSV). At time of writing, the courts had reached only two first instance judgments against four defendants and two final judgments against two defendants in CRSV cases.

In August, following years of advocacy by civil society and victims' groups, FBiH adopted a law [recognizing](#) children born of wartime rape as a special category of civilian victims of war with equal rights in society. Most survivors of CRSV have yet to receive [reparations](#).

Asylum Seekers and Migrants

Between January and August 2023, the Service for Foreigners' Affairs registered 18,995 people expressing an intention to seek asylum, up from 11,881 in the same period in 2022. [The UN Refugee Agency \(UNHCR\)](#) reported improvements in asylum processing times.

[Reports](#) of Croatian police [pushing](#) refugees, asylum seekers, and migrants, including children, back into BiH and abusing them at the border continued.

Gender-Based Violence, Including Domestic Violence

High profile cases during the year highlighted the lack of adequate protections from gender-based violence.

In August, a man killed his ex-wife and livestreamed the [murder](#). Before her death, the woman had reported threats and violence by her ex-husband to the authorities, but despite a police request to the municipal court to issue a restraining order against the man, the court refused the request for lack of evidence. In a separate [case](#), Eldin Hodzic was sentenced to 35 years in prison for the murder of his wife in 2021. She reported him to the police for domestic violence 150 times before he killed her in front of their daughter.

Ten years after ratifying the Istanbul Convention, BiH authorities have yet to [adopt](#) legislative measures to prevent, investigate, and punish acts of gender-based violence. In August, Bosnian officials [pledged](#) to improve police and judicial responses and to strengthen legislation, including through the promulgation of a law on domestic violence.

In 2022, the Federation BiH House of Peoples adopted a law aiming to harmonize national legislation with the Istanbul Convention, but its implementation has been [delayed](#) by lack of consensus at the local level.

Sexual Orientation and Gender Identity

The 2023 [Sarajevo Pride](#) march went without registered incidents, but a March [attack](#) in Banja Luka on activists organizing a film screening underscored the precarious situation for LGBT rights in the country.

Prior to the attack, the film screening was banned by police following calls by Bosnian Serb [President](#) Milorad Dodik and the [mayor](#) of Banja Luka to do so two days earlier. Following the event's cancellation, the police told organizers to leave the city because the police could not guarantee their safety. According to activists [present](#), the police stood aside while a group of men physically attacked activists. The Council of Europe Commissioner for Human Rights [called](#) on the authorities to sanction those responsible and investigate police failure to protect the activists.

Days later, Dodik [announced](#) a plan to ban LGBT content from school textbooks and LGBT activists from entering schools.

Freedom of Media

The national public radio and TV broadcaster BHRT remains in financial paralysis and under [threat](#) of closure due to an unresolved dispute with its counterpart station in Republika Srpska.

In July, Republika Srpska authorities [adopted](#) a law that criminalizes defamation and risks stifling free speech. The [EU](#) expressed concern about the law's disproportionate restrictions on independent civil society.

In September, Republika Srpska authorities [adopted](#) a draft "foreign agent" law regulating independent organizations that receive overseas funding. The EU [found](#) that the law violates EU principles and Republika Srpska's EU commitments.

The Council of Europe's Venice Commission and the OSCE jointly [warned](#) in June that the law threatens association and expression rights for civil society and media organizations.

Air Pollution and Human Rights

The burning of coal and wood in industries and homes continues to produce [high levels of air pollution in BiH](#) that negatively impacts residents' right to health and contributes to climate change. The transition from coal to renewable energy for heating and power production is slow.

In July, the Federation BiH [adopted](#) energy laws on electricity production and use of renewables and confirmed a previous ban on construction of new small hydropower plants. Republika Srpska has yet to adopt a similar ban.