2021 Country Report on Human Rights Practices: Bosnia and Herzegovina

EXECUTIVE SUMMARY

Bosnia and Herzegovina is a democratic republic with a bicameral parliament. Many governmental functions are the responsibility of two entities within the state, the Bosniak-Croat Federation (Federation) and the Republika Srpska, as well as the Brcko District, an autonomous administrative unit under Bosnia and Herzegovina sovereignty. The 1995 General Framework Agreement for Peace (the Dayton Accords), which ended the 1992-1995 conflict, provides the constitutional framework for governmental structures. The country held general elections in 2018 and local elections in 2020. As of November the results of the 2018 general elections were not fully implemented, because the Federation entity-level government and Herzegovina Neretva cantonal government were not yet formed.

State-level police agencies report to the Council of Ministers and include the State Investigation and Protection Agency, the Border Police, the Foreigners Affairs Service (partial police competencies), and the Directorate for Police Bodies Coordination. Police agencies in the two entities (the Republika Srpska Ministry of Interior and the Federation Police Directorate), the Brcko District, and 10 cantonal interior ministries also exercise police powers. The armed forces are under the oversight of the Bosnia and Herzegovina Presidency and provide assistance to civilian bodies in case of natural or other disasters. The intelligence service has responsibility for internal and external security and is under the authority of the Bosnia and Herzegovina Council of Ministers. A European Union peacekeeping force continues to support the country's government in maintaining security. While civilian authorities maintained effective control of law enforcement agencies and security forces, a lack of clear division of jurisdiction and responsibilities between the country's 17 law enforcement agencies resulted in occasional confusion and overlapping responsibilities. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment of detainees by the police; harsh prison conditions; serious problems with the independence of the judiciary; serious restrictions on free expression and media, including violence and threats of violence against journalists; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on peaceful assembly; serious and unreasonable restrictions on political participation where minority candidates are unable to run for the country's highest elected offices, including the Presidency or the House of Peoples; serious government corruption; lack of investigation of and accountability for gender-based violence including domestic and sexual violence and violence against children and early and forced marriage among the Roma population; crimes motivated by anti-Semitism; crimes involving violence or threats of violence targeting members of ethnic minority groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and the existence of the worst forms of child labor.

Units in both entities and the Brcko District investigated allegations of police abuse, meted out administrative penalties, and referred cases of criminal misconduct to prosecutors. Given the lack of follow-through on allegations against police abuses, observers considered police impunity widespread, and there were continued reports of corruption within the state and entity security services. Ineffective prosecution of war crimes committed during the 1992-1995 conflict continued to be a problem.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

Impunity for some crimes committed during the 1992-1995 conflict continued to be a problem, especially for those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 7,600 other individuals who remained missing and presumed killed during the conflict. Authorities also failed to prosecute most of the more than 20,000 instances of sexual violence alleged to have occurred during the conflict.

Lack of resources, including insufficient funding and personnel, political obstacles, poor regional cooperation, and challenges in pursuing old cases due to the lack of evidence and the unavailability of witnesses and suspects led to the closure of cases and difficulties in clearing the significant backlog.

During the year national authorities made limited progress in processing of war crimes due to long-lasting organizational and financial problems. In 2020 the Council of Ministers adopted a *Revised National War Crimes Strategy*, which defines new criteria for selection and prioritization of cases between the state and entities, provides measures to enhance judicial and police capacities to process war crime cases, and updates the measures for protection of witnesses and victims. The revised strategy provides for prioritizing category "A" cases, in which the evidence is "sufficient by international standards to provide reasonable grounds for the belief that the person may have committed the serious violation of international humanitarian law" and provides additional measures to enhance regional cooperation. The implementation of the revised strategy was delayed because the Council of Ministers failed to appoint a supervisory body, mainly due to the opposition of Bosniak victims' associations to the nomination of RS Center for Investigation of War and War Crimes Director Milorad Kojic as a member of the body. The Special Department for War Crimes within the Prosecutor's Office has 28 prosecutors and a total of 110 employees, including nonprosecutorial staff. Six regional teams were formed. The courts transferred less-complex cases from the state-level to entity-level or Brcko District courts. During the year the Prosecutor's Office transferred 13 cases with 27 persons charged to the entities and Brcko District judiciary. The Prosecutor's Office submitted criminal reports or ordered investigations on 351 cases and worked on 1,522 additional cases with unknown perpetrators or crime (meaning the prosecutor has not finalized a decision on how to qualify the crime). During the year, four guilty verdicts were brought against seven persons who were sentenced to 33 years' imprisonment in total. The Prosecutor's Office, through the Ministry of Justice, sent a legal assistance request to Croatia with a request to take over the criminal proceedings against 14 Croatian generals who had been reported by the RS police in 2007 for the commission of war crimes and crimes against humanity in Western Slavonia during the Flash military operation in 1995. Croatia has not responded to the request.

Some convictions were issued or confirmed over the past year. The Court of Bosnia and Herzegovina (BiH) rejected the appeal of the 20-year prison sentence handed down to Radomir Susnjar for participating in mass killings in Visegrad during the war. The appeals chamber of the Court of BiH upheld the verdict sentencing former soldiers Branko Cigoja, Zeljko Todic, and Sasa Boskic to 14 years in prison each for crimes against civilians in Oborci near Donji Vakuf in September 1995.

In January 2020 the Court of BiH sentenced in the first instance Sakib Mahmuljin, a commander in the former Army of the Republic of BiH to 10 years imprisonment for war crimes committed in the areas of Vozuca and Zavidovici. The verdict is subject to appeal. It prompted strong reactions from Bosniak ethno-nationalist leaders, and BiH Foreign Minister Bisera Turkovic called his conviction "a verdict to all who defended their country" and expressed pride in commanders of the BiH army, declaring that "we are all Sakib." On November 10, the Appellate Chamber of the Court of BiH revoked Mahmuljin's first-instance war crimes verdict. The Appellate Chamber of the Court of BiH will hold a new hearing in this case.

b. Disappearance

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices. While there were no internal reports that government officials employed such measures, there were no concrete indications that security forces had ended the practice of severely mistreating detainees and prisoners reported in previous years.

On September 14, the Council of Europe's Committee for the Prevention of Torture (CPT) released findings from its 2019 visit to the country in which it reported receiving numerous allegations of physical and psychological mistreatment, including of a severity which, in the CPT's view, amounted to torture. The reported mistreatment consisted of *falaka* (beating the soles of the feet), rape with a baton, and mock execution with a gun of detained persons by law enforcement officials. The CPT also received allegations of police officers inflicting kicks, punches, slaps, and blows with batons (as well as with nonstandard objects such as baseball bats, wooden tiles, and electrical cables) on detainees. The CPT stated the mistreatment was apparently inflicted by crime inspectors with the intention of coercing suspects to confess as well as by members of special intervention units at the time of the apprehension of criminal suspects. The CPT found the situation in the Republika Srpska

(RS) to have improved considerably since its visits in 2012 and 2015, although the CPT received a few allegations of physical and psychological mistreatment of criminal suspects by police officers, notably in rural areas. The CPT report stated that the high number of credible allegations of police mistreatment, particularly by members of the Sarajevo Cantonal Police, was a source of "deep concern" for the CPT.

The country has not designated an institution as its national mechanism for the prevention of torture and mistreatment of detainees and prisoners, in accordance with the Optional Protocol to the UN Convention against Torture. In 2019 the Institution of Human Rights Ombudsman in BiH (Ombudsman Institution) received 129 complaints by prisoners regarding prisoner treatment in detention and prison facilities. The number of complaints fell by 10 percent compared with 2018; most of the complaints concerned health care, denial of out-of-prison benefits, transfer to other institutions, use of parole, and conditions in prison and detention facilities. A smaller number of complaints referred to misconduct by staff or violence by other prisoners.

Impunity was a significant problem in the security forces. The September 14 CPT report stated that investigations into alleged police mistreatment "cannot be considered effective, as they are not carried out promptly or thoroughly and neither can they considered to be impartial and independent." The report was critical of the internal control unit of the Sarajevo Cantonal Police and of the role of prosecutors who, in several cases examined by the CPT, had delegated all investigative acts to police inspectors from the same unit as the alleged perpetrators of the mistreatment.

Prison and Detention Center Conditions

Physical and sanitary conditions in the country's prisons and detention facilities varied depending on location; some met the need for accommodation of prisoners and detainees, while others did not.

Physical Conditions: In its September 14 report, the CPT stated that conditions were acceptable in police detention facilities in Banja Luka and Sarajevo but unacceptable in Mostar (poor daylight and ventilation in cells, inadequate conditions for rest, and small beds for overnight stays). The CPT criticized RS police for holding detainees in the offices of police criminal inspectors, especially in Banja Luka. The CPT reported that conditions in Sarajevo prison had improved since the appointment of a new director in 2017 but that poor ventilation and sanitary installations continued to present a problem. In Mostar, the CPT reported some improvements, including painting the walls, installation of video surveillance, and installation of air conditioning in the cells. Maintenance of the prison and especially hygiene and ventilation in the prison were substandard. The report found that material and hygienic conditions generally improved in medical units of the Sarajevo prison detention unit and in Mostar prison.

Health care was one of the main complaints by prisoners. Not all prisons had comprehensive health-care facilities with full-time health-care providers. In such instances, the institutions contracted part-time practitioners who were obligated to regularly visit institutions and provide services. Prisons in Zenica, Tuzla, Sarajevo, East Sarajevo, Foca, and Banja Luka employed full time doctors. There were no prison facilities suitable for prisoners with physical disabilities. In some instances, prisoners in need of expensive and more complex medical services faced problems obtaining such services due to limited budgets of the institutions. The CPT report found there is no coherent approach to prisoners who were drug addicts. For example in Sarajevo, only prisoners who were already prescribed substitute therapy before entering the prison were able to continue with the therapy. In Mostar and RS prisons, such treatment would stop when inmates started serving their prison term.

Administration: In its September 14 report, the CPT stated that investigations by authorities into allegation of police mistreatment "cannot be considered effective… and neither can they [be] considered to be impartial and independent" (see Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, above, for details).

Units in both entities and the Brcko District had internal units for professional standards, which were under direct supervision of the district, cantonal, or entity police units to which citizens can report cases of mistreatment or abuse of persons deprived of liberty. Only a small number of reported allegations of police brutality were judged to be justified by police authorities and then processed. For example, only two of 20 allegations of police brutality in Sarajevo Canton in 2019 were deemed justified, and only one of the two was forwarded to a prosecutor for further investigation.

The country's prison system was not fully harmonized nor in full compliance with European standards. Jurisdiction for the execution of sanctions was divided between the state, entities, and Brcko District. Consequently, in some instances different legal regulations governed the same area, often resulting in unequal treatment of convicted persons, depending on the prison establishment or the entity in which they served their sentence.

Independent Monitoring: The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The International Committee of the Red Cross, the CPT, the Ombudsman

Institution, and other nongovernmental organizations (NGOs) continued to have access to prison and detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels. In 2019 the CPT visited prisons and detention facilities, including psychiatric institutions, and provided its findings to the BiH government.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police generally arrested persons based on court orders and sufficient evidence or in conformity with rules prescribed by law. The law requires authorities to inform detainees of the charges against them immediately upon their arrest and obliges police to bring suspects before a prosecutor within 24 hours of detention (72 hours for terrorism charges). During this period police may detain individuals for investigative purposes and processing. The prosecutor has an additional 24 hours to release the person or to request a court order extending pretrial detention by court police. The court has a subsequent 24 hours to decide.

Court police are separate from other police agencies and fall under the Ministry of Justice; their holding facilities are within the courts. After 24 or 48 hours of detention by court police, an individual must be presented to a magistrate who decides whether the suspect shall remain in custody or be released. Suspects who remain in custody are turned over to prison staff.

The law limits the duration of interrogations to a maximum of six hours. The law also limits pretrial detention to 12 months and trial detention to three years. There is a functioning bail system and restrictions, such as the confiscation of travel documents or house arrest, which were ordered regularly to ensure defendants appear in court.

The law allows detainees to request a lawyer of their own choosing, and if they are unable to afford a lawyer, the authorities should provide one. The law also requires the presence of a lawyer during the pretrial and trial hearings. Detainees are free to select their lawyer from a list of registered lawyers.

e. Denial of Fair Public Trial

The constitution provides for the right to a fair hearing in civil and criminal matters while entity constitutions provide for an independent judiciary. Nevertheless, political parties and organized crime figures sometimes influenced the judiciary at both the state and entity levels in politically sensitive cases, especially those related to corruption. Authorities at times failed to enforce court decisions.

Trial Procedures

The law provides the right to a fair and public trial, but the judiciary did not always enforce this right. Criminal defendants enjoy the right to a presumption of innocence; the right to be informed promptly and in detail of the charges against them, with free interpretation if necessary; the right to a fair and public trial without undue delay; and the right to be present at their trial. The law provides for the right to counsel at public expense if the prosecutor charges the defendant with a serious crime. Courts are obliged to appoint a defense attorney if the defendant is deaf or mute or detained or accused of a crime for which long-term imprisonment may be pronounced. Authorities generally gave defense attorneys adequate time and facilities to prepare their clients' defense. The law provides defendants the right to confront witnesses, to have a court-appointed interpreter and written translation of pertinent court documents into a language understood by the defendant, to present witnesses and evidence on their own behalf, to not be compelled to testify or confess guilt; and to appeal verdicts. Authorities generally respected most of these rights, which extend to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for individuals and organizations to seek civil remedies for alleged human rights violations through domestic courts and provides for the appeal of decisions to the European Court of Human Rights (ECHR). To date the government failed to comply with many previous decisions pertaining to human rights by the country's courts. The court system suffered from large backlogs of cases and the 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. In several cases the Constitutional Court found violations of the right to have proceedings finalized within a reasonable time. The government's failure to comply with court decisions led plaintiffs to bring cases before the

ECHR. The RS National Assembly and Brcko District Assembly adopted the Law on the Protection of the Right to a Trial within Reasonable Deadline, while the state level and Federation have not yet done so.

Property Seizure and Restitution

The four "traditional" religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish) had extensive claims for restitution of property nationalized during and after World War II. In the absence of a state restitution law governing the return of nationalized properties, many government officials used such properties as tools for ethnic and political manipulation. In a few cases, government officials refused to return properties, or gave religious communities a temporary right to use them, even in cases in which evidence existed that they belonged to religious institutions before confiscation.

The government has no laws or mechanisms in place for resolution of Holocaust-era claims, and NGOs and advocacy groups reported that the government had not made progress on these claims, including for foreign citizens.

In the past the absence of legislation resulted in the return of religious property on an ad hoc basis, subject to the discretion of local authorities, often in favor of the majority religious group in that local community. While the four traditional religious communities unanimously supported adoption of a law on restitution, political disagreement over whether the competencies for restitution lie with the state or the entities blocked progress on the law. While the RS asserted that the competency for restitution rests with the entities, the Federation maintained that it is a state competency. Advocacy groups and legal experts highlighted the need for at least a framework legislation at the state level to prevent discriminatory practices in the implementation of the law.

The Jewish Community had restitution claims involving at least 54 properties that were seized in different ways (through nationalization, expropriation, liquidation, or illegal gifts). For example, one Jewish Community building in the center of Sarajevo, formerly owned by the Jewish charity La Benevolencija, housed the Cantonal Ministry of Interior offices. In addition, the Stari Grad municipality in Sarajevo used the process of land "harmonization" to list itself as the owner of centrally located land owned by members of the Jewish community or their heirs and subsequently authorized construction of commercial real estate on that land. During the year the construction of an apartment and commercial building on the disputed land continued at a rapid pace. The BiH Jewish Community reported that the last living member of the community with claims to the property was compensated in September, thus ending the dispute over the property.

The Department of State's 2020 Justice for Uncompensated Survivors Today (JUST) Act report to Congress, which provides further details on the restitution of Holocaust-era communal, private and heirless property as well as a country's activities for Holocaust remembrance, education and archival access, is available on the Department's website at**:** https://www.state.gov/reports/just-act-report-to-congress/.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for the press, but governmental respect for this right remained poor during the year. Violence, intimidation, harassment, and threats, including death threats, against journalists and media outlets continued during the year. BH Journalists, a professional association, noted that passive attitudes of institutions, primarily the judiciary and the prosecutor's offices, left room for threats and pressure to continue and increase. Numerous restrictive measures introduced to deal with the COVID-19 pandemic continued to limit access to information. A considerable amount of media coverage was dominated by nationalist rhetoric and ethnic and political bias, often encouraging intolerance and sometimes hatred. The absence of transparency in media ownership remained a problem. Ownership of online media remained opaque in many instances. For many broadcast and print outlets, only information about nominal ownership was available.

Freedom of Expression:

The country's laws provide for a high level of freedom of expression, but the implementation and application of the law seriously undermined press freedoms. The law prohibits expression that provokes racial, ethnic, or other forms of intolerance, including "hate speech," but authorities enforced these restrictions only occasionally. In July the high representative for BiH amended the

criminal code of the country to sanction genocide denial, the glorification of war crimes, and the incitement of racial, religious, or ethnic hatred, and violence, but as of November no persons had been indicted or prosecuted for these acts.

Data from the Free Media Help Line (FMHL) indicated that courts continued to fail to differentiate between different media formats (in particular, between news and commentary), while long court procedures and legal and financial battles were financially exhausting to journalists and outlets. The FMHL concluded that the number of defamation cases against journalists and editors remained high, especially in instances where journalists were investigating crime and corruption. Available data indicated that 80 percent of defamation cases were initiated by government officials or politicians. Continued incorrect implementation of the defamation laws caused direct pressure against journalists and media that jeopardized journalists' right to freedom of expression. BH Journalists warned that the number of so-called SLAPP (strategic lawsuit against public participation) charges was increasing and that enormously high damage compensation claims were directed at undercutting the financial stability of media.

Freedom of Expression for Members of the Press and Other Media, Including Online Media:

Independent media were active and expressed a wide variety of views, but sometimes this resulted in pressure or threats against journalists. Officials confronted with criticism intensified the practice of calling journalists traitors or labeling them as members or affiliates of opposition political parties, using harsh insults to discredit them. BH Journalists noted that gender-based attacks and pressure against journalists had increased since 2019. The law prohibiting expression that provokes racial, ethnic, or other forms of intolerance applies to print and broadcast media, the publication of books, and online newspapers and journals but was seldom enforced.

The Communications Regulatory Agency (CRA) received 11 complaints related to hate speech but did not determine any cases as hate speech in the broadcast media. The Press Council, which operates as a self-regulatory membership-based body for both online and printed media outlets across the country, registered 297 complaints related to hate speech, all of which were related to online media, one to an article published by a news agency, and seven related to content published on social media. Of the complaints, 295 were related to comments from web portal visitors. As of September, 136 complaints had been resolved through self-regulation.

The web portals *Sejl.org* and *Bosnjaci.net* conducted a yearlong slander campaign against media professional and University of Sarajevo professor Lejla Turcilo, accusing her of "poisoning Bosniak children" and labeling her a "genocide denier." BH Journalists issued a statement condemning the attacks. As a result, BH Journalists general secretary Borka Rudic also became a target of similar attacks. Nationalist web portals accused both women of supporting war criminals and insulting the prophet Muhammed. Journalist and television presenter Nikola Vucic and N1 (a CNN affiliate) editor in chief Amir Zukic endured similar attacks due to efforts to address the smear campaign against Turcilo. Both were accused of supporting war criminals. Safe Journalists and the European Federation of Journalists strongly reacted to the campaign. Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media Teresa Ribeiro condemned this targeted online hate campaign against media professionals in BiH, urging authorities to take effective measures to investigate and prosecute the perpetrators.

Political and financial pressure on media outlets continued. The negative economic effects of the pandemic further eroded the financial stability of media across the country, often forcing them to scale back their operations and making them more vulnerable to outside pressure. Some media outlets noted that allegations of tax evasion and elaborate financial controls continued to be powerful tools in attempts to intimidate and control outlets.

The number of attacks against journalists increased during the year. Attacks on journalists' professional integrity and freedom of the press continued throughout the year. Public officials obstructed the work of journalists. This period was marked by attempts to restrict access to information in several areas. Restrictions imposed during the pandemic remained in place. They included government officials organizing press conferences broadcast by only one media outlet with no journalists present, making follow up questions impossible. Submission of questions remotely allowed officials to choose what questions they answered. Government release of pandemic-related data also varied, and some public hospitals shared information only with selected media outlets. Several instances of restricting the press while reporting on the migrant situation in the country were reported. In January a group of local and international correspondents were prevented from filming the Lipa migrant camp near Bihac. Although there were no signs prohibiting filming, inspectors from the Ministry of Security forced a group of journalists into their car, confiscated their documents, and required them to delete recorded materials. BH Journalists wrote to the Ministry of Security, urging it to respect freedom of access to information and freedom of movement. A television correspondent from O Kanal was prevented from filming outside a local refinery in Brod. After he refused to surrender recorded material to on-site security, police detained and threatened him with a lawsuit.

Due to a swift reaction from BH Journalists, charges were never filed. Mostar-based journalists filed a complaint with FMHL in February because the city administration of Mostar prevented them from reporting on the election of the mayor of the city.

The practice of pressuring journalists to censor their reporting continued during the year. Reaction to investigative stories focusing on the corruption of high-level judicial officials and their lack of accountability continued generating pressure on journalists. After web portal Istraga.ba published a report exploring the credibility of alleged attempts to threaten the security of the BiH chief prosecutor, the chief prosecutor issued a public refutation accusing the author of "anti-civilized and barbaric discrediting" of her personality, of instigating "national and religious hatred," and "paving the road for elimination of all those standing in the way of paramilitary circles." BH Journalists condemned the pressure on the reporter. Sarajevo-based Face TV continued to face pressure coming from the ruling Bosniak ethno-nationalist Party of Democratic Action (SDA) because of its reporting on instances of corruption linked to this political party. In one of its responses, the SDA stated the reporting of Senad Hadzifejzovic, Face TV's owner, was untruthful and motivated by "hurt vanity, anger, or some other motives." BH Journalists underscored that continued political pressure against Face TV represented unacceptable interference in the outlet's editorial policy and alleged that the objective was to label them as an "enemy, unpatriotic, and propaganda outlet." News portal *Bljesak.ba* was pressured after they reported the filing of criminal charges against the minister of interior in Herzegovina Neretva Canton. The minister, who declined to comment to the outlet, called the editors after the story was published, accusing them of doing a story "for their own interests." In a written reaction he labeled Bljesak.info unprofessional and irresponsible for publishing an "anonymous and untruthful pamphlet."

Authorities continued exerting pressure on media outlets to discourage some forms of expression, and party and governmental control over some news outlets narrowed the range of opinions represented in both entities. Public broadcasters at the state (BHRT) and entity level (RTV FBiH and RTRS) continued to operate without stable and sustainable income that would enable independent editorial policy. Public broadcasters therefore remained vulnerable to strong pressure from government and political forces. They remained exposed to political influence, especially through politically controlled steering boards, because existing legal solutions failed to provide mechanisms that protect editorial independence. Independent analysts stated that limiting the competencies of entity parliaments in the process of the appointment of the steering boards of public broadcasters remained crucial for their editorial independence.

The institutional instability of the governing structures of RTV FBiH continued, as the broadcaster failed to elect a steering board or appoint organizational management and remained open to political influence. As a result, RTV FBiH continued to demonstrate a selective approach to news. The RS government continued to increase its direct control of RTRS, which strongly amplified the positions and narratives of the ruling coalition in the RS entity. BHRT yielded to increased political pressure and continued to censor its own reporting. Authorities remained subject to competing political interests and failed to establish a public broadcasting service corporation to oversee the operations of all public broadcasters in the country as provided by law.

The CRA, which regulates the audiovisual media market, lacked full financial and political independence. The mandate of the CRA Council expired at the end of 2017, but the parliamentary commission for the appointment of the council had not decided on its mandate renewal by the end of the year. CRA repeatedly warned that a major delay in switching from analogue to digital broadcasting could have dangerous consequences on media plurality in the country. During the year, Croatia demanded that BiH switch off several public and commercial terrestrial transmitters. CRA ordered the shutdown of terrestrial signal transmitters for several channels in BiH to be completed by the end of 2021 in the RS entity, including for Bijeljina-based BN TV, a non-RS government aligned media outlet branded "anti-Serb" by the Serb member of the BiH Presidency and SNSD leader Milorad Dodik.

Violence and Harassment: Intimidation, violence, and threats against journalists were recorded during the year. Intimidation and politically motivated litigation against journalists for their unfavorable reporting on government leaders and authorities also continued.

As of July the FMHL recorded 62 cases involving alleged violations of journalists' rights and freedoms, including one death threat and two physical assaults. In one incident, bodyguards of the Serb member of BiH Presidency and SNSD party leader Milorad Dodik physically stopped a cameraman from the Insajder.in web portal and forced him to erase from his camera all footage of a gathering of the ruling SNSD party in Banja Luka in late September. In addition, a local SNSD official forced the cameraman to show his identification card, photographed it, and asked the cameraman for his home address. According to 2006 to 2020 data from BH Journalists, authorities prosecuted approximately 30 percent of criminal acts reported against journalists and investigated more than one-third of the alleged violations of journalists' rights, illustrating that inefficient investigations into attacks against journalists by police and prosecutors' offices continued.

In February a crew from Banja Luka-based Elta TV was prevented from doing an interview with a former RS Railroads company worker and was threatened by RS Railroads security guard Milenko Kicic. Kicic insulted his former colleague and threatened the television crew, saying he would smash their camera if they disobeyed his orders. Elta TV reported this incident to police, who filed a criminal complaint against Kicic. RS Railroad issued a statement that their worker Kicic was just doing his job, without threatening anyone, while the television crew was not authorized to make any recording of their company's facilities.

Verbal attacks against journalists continued during the year, some of them also gender based. Serb member of the BiH Presidency Milorad Dodik repeatedly insulted media representatives and analysts, calling them "traitors, mercenaries, and hostile media" when they presented facts or opinions with which he disagreed. On May 24, he insulted political analyst Tanja Topic, Banja Luka-based employee of Friedrich Ebert Stiftung, calling her an "agent of the German intelligence service" and "a proven quisling." Dodik also insulted her family members. BH Journalists and international community representatives condemned the attacks on Topic's personal and professional integrity. In addition, on several occasions Dodik attacked BNTV representatives, calling them traitors. During an August 10 primetime interview on RTRS, Dodik called BNTV and its owner, Vlado Trisic, traitors who work against the interests of Republika Srpska. On September 30, during a press conference in East Sarajevo, he said the station was part of an "organized criminal enterprise."

During the year several web portals experienced cyberattacks. In February web portals Zurnal.info and Buka.com were subjected to distributed denial-of-service (DDoS) cyberattacks, and on August 10, Nezavisne novine reported DDoS attacks against its website Nezavisne.com. Zurnal.info, an online media outlet focused on anticorruption and investigative journalism, was exposed to a four-day cyberattack that started February 18 and disabled access to the website. Zurnal's server host said it had never experienced such a complex, carefully planned and executed cyberattack. At the same time similar cyberattacks were conducted against online media outlets Buka.com and Nomad.ba. The cyberattacks against Nezavisne.com started on August 10 and recurred for several days. The cyberattacks were reported to police. BH Journalists reacted in February, noting they had sent letters to the cybercrime departments of the Federation Police Administration and the RS Ministry of Interior asking for an efficient and thorough investigation of these cases. On February 25, following the cyberattacks on media portals *Zurnal* and *Buka*, the OSCE Mission to BiH, the EU Delegation and EU special representative, the Embassy of the United Kingdom, and the Office of the High Representative issued a statement calling on BiH authorities to investigate all attacks on media websites because they represent a clear danger to media freedom. Following the most recent DDoS cyberattack in August, the BH Press and Online Media Council's Steering Board called on police and the prosecutor's offices for an urgent response, condemned the hacker attack, recalled other such attacks against online media, and noted that the cyberattacks, in addition to denying the right to free reporting, also inflicted economic damage on media outlets.

Censorship or Content Restrictions: Multiple political parties and entity-level institutions attempted to influence editorial policies and media content through legal and financial measures. As a result some media outlets practiced self-censorship. Government institutions restricted access to information in some instances related to the COVID-19 crisis, coverage of the migrant situation in the country, and access to information related to ongoing cases of corruption. Cases of allowing only selected media representatives to cover events were noted. In some instances, media sources reported that officials threatened outlets with loss of advertising or limited their access to official information. Prevailing practices reflected close connections between major advertisers and political circles and allowed for biased distribution of advertising time. Public companies, most of which were under the control of political parties, remained the key advertisers. Outlets critical of ruling parties claimed they faced difficulties in obtaining advertising. The 2020 lockdown and numerous restrictions related to the pandemic had a direct negative impact on the finances of media in the country, making them more vulnerable to economic and political pressure.

Libel/Slander Laws: While the country has decriminalized defamation, many complaints continued to be brought before courts against journalists, often resulting in extremely high fines. Noteworthy court decisions against journalists included temporary bans on the posting or publication of certain information as well as extremely high and disproportionate compensatory payments. In June and July, the Municipal Court of Sarajevo issued two verdicts ordering payment of unusually high fines and penalties in defamation cases against two media outlets. Following a court order, more than 212,000 convertible marks (KM) ($127,000) were seized from the bank account of the publishing house Avaz-roto Press, based on a 2009 defamation case and a related 2016-2019 case about publishing the court ruling. Avaz-roto Press was found guilty and had previously already paid KM 5,000 ($3,000) in damages and covered additional accompanying court costs. In July the online media outlet *Zurnal* was ordered to pay more than KM 170,000 ($102,000) based on a first-instance court ruling in a defamation case. The BH Journalists association expressed concern that such excessive fines and penalties could seriously jeopardize the work and business of media outlets, noting the need to find a balance between the economic power of the media, the public interest, and the right

to compensation. The Steering Board of the BiH Press and Online Media Council expressed concern, noting that such high fines and penalties are at odds with projecting journalistic integrity and endanger the work of the media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that it monitored private online communications without appropriate legal authority. The law prohibits expression of racial, ethnic, or other intolerance, including hate speech, but authorities did not enforce these prohibitions for online media.

Academic Freedom and Cultural Events

There were some government restrictions on academic freedom. The cantons of Tuzla and Sarajevo have laws that could restrict the independence and academic freedom of universities within their jurisdictions by allowing elected municipal authorities to hire and fire university personnel, including academics, at their discretion.

The country's eight public universities remained ethnically segregated, including their curricula, diplomas, and relevant school activities. Professors reportedly on occasion used prejudicial language in their lectures, while the selection of textbooks and school materials reinforced discrimination and prejudice.

b. Freedoms of Peaceful Assembly and Association

The laws provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Leaders of the informal group Justice for David, however, reported harassment by RS police in Banja Luka. Justice for David gatherings in Banja Luka have taken place without major incidents, but in one instance RS police tried to use COVID-19 mitigation measures as a pretext to block a rally. Members of the group were sometimes detained and charged with crimes, but the charges were eventually dropped, or the members were acquitted.

The Justice for David movement emerged in response to the 2018 killing of 21-year-old David Dragicevic, which had not been solved by year's end. Dragicevic's family mobilized thousands of citizens in support of their search for the facts of the killing and demand for justice. The RS entity government justified its decision to ban all public gatherings of the group, including protests, claiming the movement failed to fully respect the law during previous rallies. Some journalists and protesters alleged that during the arrests police used excessive force on Justice for David protesters and produced photographs that appeared to support their claims.

The lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community organized a third pride event on August 14 in Sarajevo with approximately 900 participants. The event passed peacefully and with no incidents, but it required heavy police security given multiple threats against organizers and participants. Because members of the Pride Organizing Committee were exposed to hate speech and threats before, during, and after the event, many members felt compelled to go into hiding to prevent possible attacks after the event.

Laws governing the right to free assembly in different parts of the country were generally assessed to be overly restrictive. Examples include the prohibition of public assembly in front of numerous public institutions in the RS entity, while some cantonal laws in the Federation (e.g., in Central Bosnia Canton) prescribe criminal liability for failing to fulfill administrative procedures for holding a peaceful assembly.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. Under the law NGOs can register at the state, entity, and cantonal levels in a generally streamlined and simple administrative process. Cooperation between the government and civil society organizations at the state and entity levels remained weak, while government support for civil society organizations remained nontransparent, particularly regarding the allocation of funds. Independent NGOs complained that government distributed funding to NGOs connected to ruling political parties.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, but some restrictions remained.

In-country Movement: Although the law on asylum provides for freedom of movement for asylum seekers, authorities of Una-Sana Canton imposed restrictions without a legal basis. This resulted in asylum seekers – including some who were duly registered with the asylum authorities – being forcibly removed from public transport at the entrance of the canton. Unlike in the past, there was no exception on the restriction of movement for vulnerable categories including unaccompanied children, pregnant women, and persons with medical conditions. Restrictions on entry to and exit from temporary reception centers (TRCs) were put in place, and new admittances of persons to the Miral TRC in Velika Kladusa were barred and strictly enforced by local police. All restrictions on transport and reception in TRCs remained in force under the guise of COVID-19 mitigation measures. In addition, authorities in the RS entity regularly restricted the movement of migrants and asylum seekers within its territory and in some cases provided transport to the Interentity Boundary Line at Rudenice/Kljuc where they were not permitted access to Una-Sana Canton by local police, leaving them stranded at the checkpoint.

e. Status and Treatment of Internally Displaced Persons

Ministry of Human Rights and Refugees statistics indicated that 96,305 individuals still held internally displaced person (IDP) status resulting from the 1992-95 conflict. The majority of Bosniaks and Croats fled the RS entity, while Serbs fled the Federation. At the beginning of the year, UNHCR was directly providing protection, assistance, or both to 479 IDPs. According to UNHCR an estimated 3,000 persons, including IDPs, continued to live in collective accommodations throughout the country. While the accommodations were meant to be temporary, some had been living in them for 20 or more years. A substantial number of IDPs and returnees lived in substandard conditions that affected their livelihoods.

The country's constitution and laws provide for the voluntary return or local integration of IDPs consistent with the *UN Guiding Principles on Internal Displacement*. The government actively promoted the safe return of refugees and IDPs or the local integration of persons in their place of displacement, depending on their specific situations. The government allocated funding for returns and participated in internationally funded programs for return. Isolated attacks against minority returnees continued but were generally not investigated or prosecuted adequately, and there were no major developments with regards to improved access to rights and services – particularly the right to education in their language – for vulnerable IDPs and returnees.

f. Protection of Refugees

The government cooperated with the Office of the High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum (refugee or subsidiary protection status), and the government has established a system for providing protection to refugees. Asylum seekers with pending claims have a right to accommodation at the asylum center until the Ministry of Security makes a final and binding decision on their claims, although in practice only asylum-seeking families were accommodated, resulting in single men and unaccompanied children being accommodated in a limited number of temporary reception centers, limiting their access to asylum. In addition, the two centers specifically designated to accommodate asylum seekers – Asylum Center (AC) Delijas and Refugee Reception Center (RRC) Salakovac – remained underutilized. Accommodation in either is not based on asylum status or intention but instead on the capacity of the Usivak TRC where referrals are made and approved by the Ministry for Security, resulting in most families staying for brief periods before pursuing onward movement.

The overwhelming majority of refugees and migrants arriving in the country were issued an attestation on expressed intention to seek asylum (94 percent of 80,000 arrivals since January 2018) although very few intended to apply for asylum in the country. Accommodation in any of the reception centers is contingent on possession of this attestation document. This created a severe backlog in the asylum system, which has no mechanisms for identifying and prioritizing those with protection needs and a willingness to pursue international protection in the country over those pursuing onward movement. As a result there were extreme delays for persons wishing to register an asylum claim. For asylum claims registered between January and July, the average wait time between issuance of an attestation and registration with the Sector for Asylum was 182 days, and this was only for those who managed to register. The processing times for those who were registered were also excessive, averaging 422 days between registration and the issuance of a decision during the year, meaning that on average the asylum process can take up to two years from initial issuance of an attestation to issuance of a decision.

To register a claim, individuals must be invited by the Sector for Asylum. Asylum authorities currently only regularly invite unaccompanied children and families accommodated in the Usivak TRC and persons in private accommodation to register asylum claims. Single men in other TRCs, persons in Una-Sana Canton, and those accommodated in government-run centers – AC Delijas and RRC Salakovac – were not invited to register claims and thus effectively had limited or no access to the asylum procedure. The highly restrictive access to the asylum procedure and the lengthy and inefficient procedure for those registered resulted in many abandoning the asylum process, and authorities suspending most cases prior to issuing an initial decision (546 suspensions compared to 85 decisions in 2020 or 86.5 percent of cases being suspended).

Authorities also maintained a restrictive approach to assessing asylum claims, granting refugee status in just three cases since the start of the mixed movement surge in 2018. They instead granted subsidiary protection in cases when refugee status would likely be more appropriate – such as cases involving Syrian citizens – while most cases were denied outright at the first instance, including 27 of the 31 or 87 percent of the decisions issued during the year. Asylum seekers have the right to appeal a negative decision before the Court of BiH, although the court lacked specific expertise on asylum and often upheld the initial decision issued by the asylum authorities, while only intervening on issues related to the process rather than the content or quality of the decision. When appeals were upheld, they were returned to the Sector for Asylum for reexamination, although often the second decision remained unchanged. Gaps remained regarding access to rights and services for asylum seekers and beneficiaries of international protection, including education, healthcare, free legal aid, employment, and basic social services.

In reception centers, international organizations, NGOs, and volunteers provided services which varied depending on the facility. There were two government-run centers (AC Delijas and RRC Salakovac) which remained underutilized, while most asylum seekers and migrants resided in five temporary reception centers operated by the International Organization for Migration in cooperation with the Service for Foreigners' Affairs in Sarajevo (Usivak and Blazuj) and Una-Sana Cantons (Borici, Miral, and Lipa). In response to a lack of accommodation for unaccompanied children, the Ministry of Security in cooperation with the IFS EMMAUS Center for Children and Youth in December 2020 began providing protection-sensitive accommodation in a center for migrant and asylum-seeking children. Due to the center's location in Doboj East, away from the larger concentrations of asylum seekers and migrants in Sarajevo and Una-Sana Cantons, most children opted instead to seek accommodation in TRCs, particularly those designated for single adult males, exposing them to exploitation and abuse risks. There remained an acute lack of protection-sensitive accommodation for other vulnerable categories or persons with specific needs, including those with physical and mental disabilities, families with children, survivors of gender-based or domestic violence, persons with diverse sexual orientations and gender identities, elderly persons, and victims of human trafficking.

The COVID-19 pandemic continued to impede the asylum claim registration process.

As a result of the mass influx from 2018, authorities largely stopped the previous practice of detaining irregular migrants in the Immigration Center in Lukavica, mainly due to its limited capacity. NGOs including free legal aid providers continued to have limited access to the immigration detention and asylum centers, on the grounds of COVID-19 mitigation measures. Access to information, free legal aid, and asylum remained a concern for those detained in the Immigration Center, especially given the risk of return and refoulement for those detained.

Certain provisions of the laws on extradition give authorities the possibility of extraditing a person who has expressed the intention to seek asylum if the request was made after the country had received an extradition request.

Safe Country of Origin/Transit: The law provides for the application of the concept of "safe country of origin or safe third country." Authorities may deny asylum to applicants who cannot prove they were unable to return to their country of origin or to any country of transit. The application of this concept would require that the BiH Council of Ministers make a list of safe third countries and countries of origin, which the Council of Ministers has not yet approved.

Durable Solutions: The legal framework provides a program for integration and return of refugees and displaced persons. The country was party to a regional housing program funded by international donors and facilitated in part by UNHCR and the OSCE to provide durable solutions for up to 74,000 refugees and displaced persons from four countries in the region, including 14,000 of the most vulnerable refugees, returnees, and IDPs from the country. The process of selecting program beneficiaries was protracted due to capacity and management problems that resulted in extended delays in the reconstruction of homes. Fragmented institutional arrangements added administrative delays to the process, as did the political imperative to select beneficiaries proportionally from among the country's constituent peoples. The BiH Ministry of Human Rights and Refugees drafted a bylaw on practical support for greater integration of refugees and persons granted subsidiary protection in society.

Temporary Protection:

The government provided subsidiary protection status to individuals who qualified as refugees. In the first seven months of the year, authorities provided subsidiary protection to four individuals, and by the end of July there were 50 persons with subsidiary protection status in the country. While subsidiary protection status affords individuals access to education, healthcare, labor, and social welfare, there remained problems accessing these rights in practice. Subsidiary protection status requires the annual review and confirmation of status by the authorities and does not include a pathway to permanent residency and ultimate naturalization, and beneficiaries of subsidiary protection are not issued travel documents and are not entitled to family reunification, therefore hindering local integration and achievement of durable solutions.

g. Stateless Persons

As of July UNHCR was aware of 69 persons, including Roma, children born to undocumented migrants and asylum seekers, persons born abroad without birth registration, and persons lacking birth certificates and citizenship registration at risk of statelessness. UNHCR continued to provide assistance to authorities to facilitate birth and citizenship registrations. From 2009 to August, UNHCR assisted 1,765 individuals in confirming their nationalities through its implementing partner, the NGO Vasa Prava BiH.

Section 3. Freedom to Participate in the Political Process

The constitution and the law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Observers noted several shortcomings, however.

Elections and Political Participation

Recent Elections: The country held general elections in 2018 and local elections in 2020. The results of the 2018 general elections were not fully implemented, as the Federation entity government and Herzegovina-Neretva Cantonal government were not yet formed. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights reported that the 2018 elections were held in a competitive environment but were characterized by continuing segmentation along ethnic lines. While candidates could campaign freely, the office noted that "instances of pressure and undue influence on voters were not effectively addressed," citing long-standing deficiencies in the legal framework. The office further noted that elections were administered efficiently, but widespread credible allegations of electoral contestants' manipulating the composition of polling station commissions reduced voter confidence in the integrity of the process. More than 60 complaints of alleged election irregularities were filed with the BiH Central Election Commission.

BiH municipal elections and separate elections in the city of Mostar were held in 2020. Amendments to the election law in 2020 paved the way for the city of Mostar to hold its first local elections in 12 years, bringing BiH into compliance with the ECHR decision in *Baralija v. BiH*. In 2019 the ECHR ruled in favor of Irma Baralija, a local politician from Mostar, who sued the state for preventing her from voting or running for office in elections in the city of Mostar, where local elections had not been held since 2008. The court found that a legal void had been created by authorities' failure to implement a 2010 Constitutional Court ruling on the arrangements for local elections in Mostar. In December 2020, Mostar city elections were held accordingly. Civil society and international community observers characterized the process as generally free and fair. The Mostar City Council met for the first time in a new convocation on February 5, and a new mayor was elected on February 15.

Political Parties and Political Participation:

Some leaders of smaller political parties complained that the larger parties enjoyed a virtual monopoly over government ministries, public services, and media outlets, where membership in a dominant party was a prerequisite for advancement.

Participation of Women and Members of Minority Groups:

Although no laws limit the participation of women or members of minority groups in the political process, and women make up more than 50 percent of the electorate, the country's patriarchal culture tended to restrict their participation in political affairs. While the law requires that at least 40 percent of a political party's candidates be women, women held only 24 percent of delegate seats (14 of 57 seats) in the House of Representatives and the House of Peoples in the state-level parliament, which was an increase from 19 percent in 2019. In the two houses of the Federation parliament, women held 24 percent of seats (38 of 156 seats), the same as in 2019. In the RS women held 17 (20 percent) of 83 delegate seats in the RS National Assembly, which was a slight increase from 18 percent in 2019. Women held six of 16 ministerial seats in the RS government, the same as in 2019. The RS president was also a woman. In the 2020 local elections, of 3,090 mandate holders that were elected to various positions in the municipal councils, city assemblies, and Brcko District Assembly,

2,483 were men (80.36 percent) and only 607 (19.64 percent) were women. Out of 425 mayoral candidates, only 29 were women. Out of 143 mayors in BiH, only five women (3.49 percent) were elected in the 2020 election. On April 8, Benjamina Karic was appointed as Sarajevo City mayor – the second female mayor in the city's history.

The law provides that Serbs, Croats, and Bosniaks, whom the constitution considers the "constituent peoples" of the country, as well as undefined "others" must be adequately represented at all levels. The government did not respect this requirement. The country's 17 recognized national minority groups remained significantly underrepresented in government. There were no members of a minority group in the state-level parliament. On August 2, Herzegovina-Neretva Canton adopted constitutional amendments declaring the Serb people a constituent ethnic group in the canton. The amendments also recognized the rights of this ethnic group, including the Serb language and Cyrillic alphabet. The government made no effort to implement changes required by ECHR rulings dating back to 2009 that the country's constitution discriminates against "others," such as Jews and Roma, by preventing them from running for the presidency and seats in the parliament's upper house.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively nor prioritize public corruption as a serious problem. There were numerous reports of government corruption during the year. Courts have not processed high-level corruption cases, and in most of the finalized cases, suspended sentences were pronounced. Officials frequently engaged in corrupt practices with impunity, and corruption remained prevalent in many political and economic institutions. Corruption was especially prevalent in the health and education sectors, public procurement processes, local governance, and public administration employment procedures.

The government has mechanisms to investigate and punish abuse and corruption, but political pressure often prevented the application of these mechanisms. Observers considered police impunity widespread, and there were continued reports of corruption within the state and entity security services. There are internal affairs investigative units within all police agencies. Throughout the year, mostly with assistance from the international community, the government provided training to police and security forces designed to combat abuse and corruption and promote respect for human rights. The field training manuals for police officers also include ethics and anticorruption training components.

Corruption: While the public viewed corruption as endemic in the public sphere, there was little public demand for the prosecution of corrupt officials. There were indications that the judiciary was under political influence and judiciary appointments were not merit based, and the accountability of judges and prosecutors was low. The multitude of state, entity, cantonal, and municipal administrations, each with the power to establish laws and regulations affecting business, created a system that lacked transparency and provided opportunities for corruption. The multilevel government structure gave corrupt officials ample opportunities to demand "service fees," especially in the local government institutions.

Analysts considered the legal framework for prevention of corruption to be satisfactory across almost all levels of government and attributed the absence of high-profile prosecutions to a lack of political will. Many state-level institutions tasked with fighting corruption, such as the Agency for Prevention and Fight against Corruption, had limited authority with no executive powers and remained under resourced. There were indications that the judiciary was under political influence, and the High Judicial and Prosecutorial Council (HJPC) was at the center of corruption scandals, which resulted in the resignation of the president of the council, Milan Tegeltija, due to his alleged involvement in corruption. As soon as he resigned, Tegeltija was appointed as an advisor to the Serb member of the BiH Presidency, Milorad Dodik. The accountability of judges and prosecutors was low, and appointments were often not merit based. Prosecutions also were considered generally ineffective and subject to political manipulation, often resulting in suspended sentences or prison sentences below mandatory minimum sentences. By the end of 2020, there were 50 high-level corruption cases in all prosecutor's offices. Investigation was ongoing in 20 cases; an order not to proceed with investigation was issued in three cases; and trial was ongoing in 27 cases. According to a Transparency International report, the number of corruption investigations decreased – especially in the Federation and RS entities – over the past five years. The report underlined that it is especially worrisome that more than half of criminal corruption charges end up with an order not to investigate. TI stated that this indicated inadequate cooperation between prosecutors' offices and law enforcement agencies.

The Court of BiH sentenced Kemal Causevic, former director of the Indirect Taxation Authority, to nine years' imprisonment for accepting bribes and money laundering.

According to professors and students, corruption continued at all levels of the higher education system. Professors at several universities reported that bribery was common and that they experienced pressure from colleagues and superiors to give higher grades to students with family or political connections. There were credible allegations of corruption in public procurement, public employment, and health-care services.

The COVID-19 pandemic was misused for different corrupt activities; one of the most significant cases concerned procurement of unusable respirators from China worth approximately six million dollars. In the Federation, Prime Minister Fadil Novalic, Minister of Finance Jelka Milicevic, and Director of Civil Protection Fahrudin Solak were charged by the Court of BiH for corruption. As of November the main trial in the case was still ongoing.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were seldom cooperative and responsive to their views, and the Council of Ministers largely excluded NGOs from politically important or sensitive decisions or consultations on legislation that was being proposed for adoption. At times the government attributed the failure to consult with NGOs to pandemic meeting restrictions. NGOs continued, however, to expand cooperation with the government at lower levels.

Government officials in both the Federation and the RS entities did not attempt to limit NGO activities. Observers noted that some civil society representatives working on highly sensitive issues such as conflict-related crimes and combating corruption were subjected to threats and verbal assaults. Such threats often came by individuals via social media or graffiti on NGOs' offices. Authorities would seldom successfully investigate such threats. NGOs can only be involuntarily dissolved if found in violation of the law.

Civil society organizations frequently lacked adequate funding, and most were dependent on either governmental or international assistance. Local governments generally extended support to NGOs, provided the governing parties did not consider them threats.

The United Nations or Other International Bodies:

In contrast to the Brcko District government, the Federation and especially RS entity governments were generally unresponsive in dealing with the Office of the High Representative, which was created under the Dayton Peace Agreement and is charged with overseeing implementation of the civilian aspects of the Dayton Peace Agreement. Following the imposition of criminal code amendments by former high representative Valentin Inzko criminalizing genocide denial, the glorification of war crimes, and the incitement of racial, religious, and ethnic hatred and violence, the RS National Assembly (RSNA) voted to prevent the implementation of the amendments in the RS. On October 12, RS entity president Zeljka Cvijanovic signed the law, which entered into force on October 13. The RS law states that the criminal code amendments will not apply in the RS and that RS authorities will not cooperate with BiH authorities in applying the law. RS officials also declared High Representative Christian Schmidt illegitimate.

On July 21, the RS entity government released a report by the so-called Independent International Commission of Inquiry on the Sufferings of All Peoples in the Srebrenica Region between 1992 and 1995, which was established by the RS entity government. The report disputed that genocide was committed in Srebrenica and accused the UN's International Criminal Tribunal for the Former Yugoslavia of wrongly classifying Srebrenica as genocide as well as staging what the report called "politically biased" trials of Bosnian Serbs.

On February 5, the Federation's Bosnia-Podrinje Canton Assembly dismissed the Assembly's speaker and deputy speaker and the Bosnia-Podrinje Canton minister of interior. The Office of the High Representative declared that decision unconstitutional, but the Assembly failed to change its decision and ignored the High Representative's Office.

Government Human Rights Bodies: The state-level Ombudsman Institution has authority to investigate alleged violations of the country's human rights laws on behalf of individual citizens and to submit legally nonbinding recommendations to the government for remedy. The Ombudsman Institution reported that it lacked the resources to function effectively. A Bosniak, a Croat, and a Serb shared leadership of the Ombudsman Institution.

The state-level parliament has a Joint Commission for Human Rights that participated in human rights-related activities with governmental and nongovernmental organizations. As of September, the commission had held 10 working sessions.

As of December 2020, the Council of Ministers had an advisory body for cooperation with NGOs. Its goals were to advance cooperation between the Council of Ministers and NGOs and to create a stimulating legal, institutional, and financial environment for the work of the NGO sector in the country in accordance with the agreement on cooperation between the Council of Ministers and NGOs.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape (including of men), including spousal rape, and domestic and intimate partner violence. The maximum penalty for rape, regardless of gender, including spousal rape, is 15 years in prison. The failure of police to treat spousal rape as a serious offense inhibited the effective enforcement of the law. Women victims of rape did not have regular access to free social support or assistance and continued to confront prejudice and discrimination in their communities and from representatives of public institutions.

While laws in both the Federation and the RS empower authorities to remove the perpetrator of domestic violence from the home, officials rarely, if ever, made use of these provisions.

NGOs reported that authorities often returned offenders to their homes less than 24 hours after a violent event, often reportedly out of a concern over where the perpetrator would live. In the Federation and in the RS, authorities prosecuted domestic violence as a felony, while in Brcko District it can be reported as a felony or a misdemeanor. In January the Federation amended its law on protection from domestic violence by introducing a “person of confidence,” who can assist victims during court proceedings. Even when domestic violence resulted in prosecution and conviction, offenders were often given suspended sentences, even repeat offenders. To avoid prolonged court proceedings, judges both in the Federation and in the RS rarely applied domestic violence law, which would prescribe greater sanctions for offenders, but instead applied only criminal code and other laws, resulting in lesser charges and sentences.

Domestic violence was recognized as one of the most important problems involving gender equality. The Gender Equality Agency (GEA) reported that one of every two girls or women older than 15 experienced some type of domestic violence (psychological, economic, or physical) and that the problem was underreported because most victims did not trust the support system (police, social welfare centers, or the judiciary). NGOs operated eight safe houses in the country (five in the Federation and three in the RS) with a total capacity of 181 beds. In the RS entity, safe houses were officially included in the system of government-supported institutions and received regular financial support from the government. In the Federation, the safe houses were not supported by the entity government and received no budgetary assistance, as no bylaw was adopted that would regulate financing of safe houses. The Federation provided support to safe houses through government grants. During the year the Federation government allocated KM 240,000 ($142,000) as a grant to safe houses. The Ministry of Human Rights and Refugees (through GEA) also provided KM 100,000 ($59,000) as support to operations of all eight safe houses. Additionally, as a response to the increase in gender-based violence during the COVID-19 pandemic, in 2020 the ministry (through GEA) gave an additional KM 160,000 ($94,600) to safe houses. According to NGOs running safe houses, 679 cases of domestic violence were registered during 2020, an increase of 50 percent from 2019. The country had a gender action plan for 2018-22. The Council of Ministers has a steering board for coordination and monitoring of implementation of the plan. The country lacked a system for collecting data on domestic violence cases. The GEA worked to establish a local-level mechanism to coordinate support for victims. In 2019 the agency performed an analysis of the data collection system on domestic violence cases that were processed by the judiciary and sent its recommendations for improving the system to the High Judicial and Prosecutorial Council. The GEA also continued developing a computerized data collection system on domestic violence in the Federation since the RS refused to participate in this internationally supported project, citing their perception of this initiative as a transfer of competencies from the entity to the state level.

The network of institutional mechanisms for gender equality in the country comprised GEA at the state level and gender centers at the entity levels. There was also the Gender Equality Commission of the BiH Parliamentary Assembly, the Gender Equality Commissions of the Federation House of Peoples and the House of Representatives, the Equal Opportunities Committee of the RS National Assembly, and the Commission for Gender Issues of the Brcko District Assembly. Gender equality commissions also were established at the cantonal level; at the local level, respective commissions operated within municipal councils.

Sexual Harassment: Combating violence against women and domestic violence is mainly the responsibility of the entities. BiH law defines and prohibits gender-based harassment, including sexual harassment, as a form of discrimination.

NGOs reported that sexual harassment was a serious problem but that women rarely reported it due to the expectation they would not receive systematic support from law enforcement institutions and that the perpetrators would go unpunished or receive light punishment, as evident by years of such practices by judicial authorities.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

There was no comprehensive sexual education program, and education, including on reproductive health and related topics, was not standardized through the country. Members of minorities, in particular Romani women, experienced disparities in access to health-care information and services, including for reproductive health. For example, many Romani women were not enrolled in the public insurance system because of their inability to meet local legal requirements due to the lack of official documentation of residency or registration, poverty, and social marginalization, which prevented them from accessing health care. Another problem for Romani women was that moving from one part of the country to another invalidates their registration and makes their access to health services subject to a different set of rules and requirements.

Both BiH entities (the Federation and Republika Srpska) as well as the Brcko District have laws that provide for survivors of sexual violence to access sexual and reproductive health services. Women with disabilities in BiH continued to face obstacles in accessing sexual and reproductive health. For example, health-care facilities lacked staff trained to work with women with disabilities and gynecological examination tables adjusted for women with certain disabilities.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property, and authorities generally treated women equally. The law does not explicitly require equal pay for equal work, but it forbids gender discrimination. Women and men generally received equal pay for equal work at government-owned enterprises but not at all private businesses. As evaluated by the Gender Equality Agency in the *2018-2022 Gender Action Plan*, women in the country faced multiple obstacles in the labor market, such as longer waiting periods for their first jobs, long employment disruptions due to maternity leave or elder care, and the inability of middle-aged women to successfully re-enter the labor market due to market shifts and discontinuation of some types of work. NGOs also reported that during hiring interviews, potential employers routinely asked women if they were planning to have a family soon, sometimes requesting that women sign a written agreement stipulating that they do not plan to become pregnant in the next three years.

Both Federation and RS labor laws stipulate that an employer must not terminate a woman's employment contract while she exercises her rights to be pregnant; use maternity leave; work half time after the expiration of maternity leave; work half time until a dependent child is three years of age if the child requires enhanced care according to the findings of a competent health institution; or use leave for breastfeeding. While the law provides for these rights, its implementation was inconsistent. In practice women were often unable to use maternity leave for the period of one year as provided by law, return to their work position after maternity leave, or take advantage of the right to work half time. Employers continued to terminate pregnant women and new mothers despite the existence of legal protections. The level of social compensation during maternity leave was regulated unequally in different parts of the country. The RS government paid a monthly KM 405 ($250) maternity allowance to unemployed new mothers for a period of one year or for a period of 18 months in cases of twins and following the birth of every third and subsequent child. Employed mothers were entitled to one year of paid maternity leave. In the Federation this compensation is regulated differently in each of its 10 cantons, while Federation labor law and law on social protection provide only a framework for compensation. For example, Sarajevo Canton pays 533 KM ($307) per month for one year, while Western Herzegovina Canton pays 80 percent of the last earned salary of the employee for the first six months and a fixed amount defined by the canton for the remaining six months. Women remained underrepresented in law enforcement agencies. According to a Center for Security Studies survey, women made up only 20 percent of police agencies in BiH and generally held low officer ranks, with no women in ranks of a general or chief inspector general of police forces. The survey found that women were generally underrepresented in managerial positions.

Gender-biased Sex Selection: The boy-to-girl birth ratio for the country was 107 boys per 100 girls in 2020.

Systemic Racial or Ethnic Violence and Discrimination

Harassment and discrimination against members of minorities continued throughout the country, although not as frequently as in previous years. The Interreligious Council of BiH reported 17 attacks against religious buildings during 2020. Members of minority groups also continued to experience discrimination in employment and education in both the government and private sectors. While the

law prohibits discrimination, human rights activists noted that authorities did not adequately enforce the law. For example in 2020, 119 potential bias-motivated incidents were reported to police in BiH with the most common bias based on ethnicity, which in the country is linked to religion. The most frequent incidents were damage to religious facilities, property damage, and verbal assault. One case was judged to be a hate crime because of the court's applying a mandatory aggravating circumstance for an ethnicity-based security threat, resulting in a suspended prison sentence in 2020.

Violence and acts of intimidation against ethnic minorities at times focused on symbols and buildings of that minority's predominant religion. For more information, see the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

Authorities frequently discriminated against Roma, especially against Romani women who continued to be the most vulnerable and experience the most discrimination of any group in the country. They experienced discrimination in access to housing, health care, education, and employment opportunities; nearly 95 percent remained unemployed. The COVID-19 pandemic exacerbated Romani community vulnerabilities. A significant percentage of Roma were homeless or without water or electricity in their homes. Many dwellings were overcrowded, and residents lacked proof of property ownership. Inability to prove property ownership made it difficult for Roma to obtain identity documents, which are basic precondition for accessing many other civil rights, such as education and healthcare. Approximately three-fourths of Roma lived in openly segregated neighborhoods with very poor basic infrastructure.

In the 2013 census, 12,583 persons registered as Roma, a number that observers believed significantly understated the actual number of Roma in the country. Romani activists reported that a minimum of 40,000 Roma lived in the country, which was like Council of Europe estimates. Observers believed the discrepancy in the census figure was the result of numerous manipulations that occurred with the Roma census registration in 2013. Romani activists reported that in many instances, Roma were told by census takers that they had to register as Bosniaks, had their census forms filled out for them, or were simply bypassed altogether.

Children

Birth Registration: By law a child born to at least one citizen parent is a citizen regardless of the child's place of birth. A child born in the country to parents whose citizenships were unknown or who were stateless is entitled to citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community. As of September the NGO Vasa Prava had been working on 43 pending cases related to birth/citizenship registration of persons under 18 years of age. New amendments to the Federation law on extrajudicial proceedings opened a potential legal path to resolve pending and difficult cases of civil registration in the Federation through court proceedings.

Education: The law prescribed that education be free through the secondary level but compulsory only for children between the ages of six and 15. In practice, parents needed to pay for books, supplies, and with the emergence of the COVID-19 pandemic, internet connection and telephones, tablets, or laptops. This left many disadvantaged children without access to regular schooling, especially in the Federation, where students attending grades five to nine had mostly online classes in the 2020-21 school year. Due to inadequate registration and persistent poverty and marginalization, only 35 percent of Romani children between the ages of six and 15 regularly attended school.

More than 50 schools across the Federation remained segregated by ethnicity and religion. Although a "two schools under one roof" system was instituted following the 1992-95 conflict to bring together returnee communities violently separated by conflict, the system calcified under the divisive and prejudicial administration of leading political parties. These parties controlled schools through the country's 13 ministries of education and often enforced education policies based upon patronage and ethnic exclusion. Where students, parents, and teachers chose to resist segregation, they were frequently met with political indifference and sometimes intimidation, which further hurt the quality of education children received. Funds were spent on perpetuating the "two schools under one roof" system rather than on improving school infrastructure, training teachers, improving teaching materials, or conducting extracurricular activities. The situation compounded inefficiencies in the country's education system, as evidenced by poor performance by 15-year-old students who participated in the 2018 international Program of International Student Assessment (PISA) study implemented by the Organization for Economic Cooperation and Development (OECD). The results of the study showed that the country's students were three years behind in schooling compared to the OECD average and that more than 50 percent of students did not possess functional knowledge in language, mathematics, and science. Results for disadvantaged students showed that they lagged five years behind the OECD average. Results were similar for 10-year-old students who participated in the 2019 international Trends in Mathematics and Social Sciences (TIMSS) assessment implemented by the International Education Agency. The results of the study showed that almost

one quarter of students did not reach the Low International Benchmark, which is a Student Development Goal. According to the study, "Rural and socio-disadvantaged students are falling behind and less than 20 percent of them have access to computers in school."

As demonstrated by the 2018 PISA testing results and confirmed by the results from TIMSS, the country faced a learning crisis. In December 2020 when the TIMSS results were published, the international community (the European Commission in BiH, the OSCE, and UNICEF) issued a joint press statement noting that "combined with the pandemic, BiH is facing a learning catastrophe that could undermine decades of progress and exacerbate entrenched inequalities."

Returnee students (those belonging to a minority ethnic group returning to their homes after being displaced by the war) continued to face barriers in exercising their language rights. For the eighth consecutive year, parents of Bosniak children in returnee communities throughout the RS continued to boycott public schools in favor of sending their children to alternative schools financed and organized by the Federation Ministry of Education with support from the governments of the Sarajevo and Zenica-Doboj Cantons and the Islamic community. The boycott was based on the refusal of the RS Ministry of Education and Culture to approve a group of national subjects (specific courses to which Bosniak, Serb, and Croat students are entitled and taught in their constituent language according to their ethnicity). Parents of children in one of these schools in Vrbanjci, Kotor Varos, won a court case in December 2019 when the RS Supreme Court ruled that their children were entitled to instruction on the national subjects in Bosnian. Although the RS Supreme Court decision was final, the RS Ministry of Education failed to implement the decision. As a result, 60 children continued learning in the Hanifici Islamic Center building, where teachers traveled from the Zenica-Doboj Canton, and in some cases from Sarajevo Canton. In 2020 lawyers representing Bosniak parents filed a request for execution of the decision at the Kotor Varos basic court, but the decision had not been implemented as of November.

In the Federation, Serb students likewise were denied language rights as provided in the Federation constitution, especially in schools with Croat language of instruction. One example was the Glamoc elementary school in Canton 10, where authorities prevented the use of the Serbian language and textbooks, despite the significant number of returnee Serb students. Human rights activists noted that changes in the history curriculum and in history and other textbooks reinforced stereotypes of the country's ethnic groups other than their own and that other materials missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State and entity officials generally did not act to prevent such discrimination. Human Rights Watch asserted that ethnic quotas used by the Federation and the RS to allocate civil service jobs disproportionately excluded Roma and other minorities. The quotas were based on the 1991 census, which undercounted these minorities and was never revised.

Child Abuse: There are laws against child abuse, but family violence against children was a problem. According to UNICEF, there was no recent data available on the overall level of violence against children in the country. While relevant institutions collect scattered data, there was no unified data collection system. Police investigated and prosecuted individual cases of child abuse. Only a small number of cases of violence against children were reported and, consequently, only a few cases were brought before courts. The country's Agency for Gender Equality estimated that one in five families experienced domestic violence. In many cases, children were indirect victims of family violence. The Sarajevo Canton Social Welfare Center reported that more than 100 children were victims of domestic violence during 2020, of which 13 children were direct victims. In the cases where children were direct victims, proceedings were launched, and the parents were sanctioned. The RS Ministry of Interior registered 843 cases of domestic violence from March to December of 2020, of which 80 victims were children. It also reported that the number of cases of domestic violence against children aged 14 to 16 increased by more than 100 percent during the COVID-19 pandemic.

Municipal centers for social work are responsible for protecting children's rights but lacked resources and the ability to provide housing for children who fled abuse or who required removal from abusive homes.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18 but may be as young as 16 with parental consent. In certain Romani communities, girls were married between the ages of 12 and 14, and Romani human rights activists reported that early marriages were on the rise. Children's rights and antitrafficking activists noted that prosecutors were often reluctant to investigate and prosecute forced marriages involving Romani minors, attributing it to Romani custom. Activists also warned authorities often returned children to their families even when their parents were the ones involved in their exploitation.

Sexual Exploitation of Children: The Federation, the RS, and the Brcko District have laws criminalizing sex trafficking, forced labor, and organized human trafficking. The state-level penalty for sexual exploitation of children is imprisonment for up to 20 years under certain aggravating circumstances. At the entity level, penalties range from three to 15 years' imprisonment. Under

entity criminal codes, the abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years in prison. Authorities generally enforced these laws. The law prohibits sexual acts with a person younger than 18.

Girls were subjected to commercial sexual exploitation, and there were reports that Romani girls as young as 12 were subject to early and forced marriage and domestic servitude. Children were used in the production of pornography.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html.

Anti-Semitism

The Jewish community in the country reported that it had fewer than 1,000 members.

The Jewish community reported a rise in anti-Semitic incidents. In March, an unknown perpetrator drew a swastika on an obituary of a prominent Jewish community member posted at the entrance to the city synagogue, which also serves as the Jewish Community headquarters. The Jewish community also reported a rise in internet-based anti-Semitism directed against the Jewish community. According to a 2018-21 tracking of anti-Semitic online speech by the Jewish organization La Benevolencija, the official website of the Sarajevo-based soccer club Zeljeznicar contained numerous anti-Semitic posts when Zeljeznicar played Israeli soccer clubs, including anti-Semitic slurs and various conspiracy theories.

Trafficking in Persons

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

Persons with Disabilities

Persons with disabilities remained a very marginalized group due to insufficient and inadequate laws that govern their rights and to their exclusion from decision-making processes. The laws of both entities require increased accessibility to buildings, health services, education, and transportation for persons with disabilities, but authorities rarely enforced the requirement. The laws in both entities and at the state level prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Nevertheless, discrimination in these areas continued. The government lacked a uniform legal definition of disabilities. The most frequent forms of discrimination against persons with disabilities included obstacles in realization of individual rights and delayed payments of disability allowances, employment, and social and health protection. Support to persons with disabilities was dependent on the origin of the disability. Persons who acquired their disability during the 1992-1995 conflict, whether they were war veterans or civilian victims of war, had priority and greater allowances than other persons with disabilities. BiH had a Council of Persons with Disabilities of BiH (the Council), which was an expert and advisory body to the Council of Ministers (CoM) with the responsibility to monitor the rights of persons with disabilities in BiH. Different organizations of persons with disabilities throughout the country participated in the work of the Council. The Ministry of Human Rights and Refugees, together with the Council, regularly marked December 3, the International Day of Persons with Disabilities. The competent ministries regularly allocated, in accordance with the budget possibilities, financial resources for the support of organizations of persons with disabilities through various grants and through lottery profits. Advocacy organizations argued that these funds are symbolic and insufficient for their adequate functioning. Also, certain funds were allocated at the level of individual local communities, resulting in large disparities between benefits provided by local communities.

The Federation had a strategy for the advancement of rights and status of persons with disabilities in the Federation for the period 2016-21, while the RS had a strategy for improving the social conditions of persons with disabilities in the RS for 2017-2026. The strategies were developed in accordance with the provisions of the Convention on the Rights of Persons with Disabilities. Both strategies had a monitoring system implemented through the establishment of coordination bodies. In addition, in the Federation, coordination bodies were established at the cantonal level as well. In the Brcko District, the law provided expanded rights of persons with disabilities, but Brcko had no separate strategy for implementing the law. Entity governments also provide funds within their budgets for the operation of vocational rehabilitation and retraining funds. Activities on the implementation of inclusive education continued in the education system.

Human rights NGOs complained that the construction of public buildings without access for persons with disabilities continued. Both entities have a strategy for advancing the rights of persons with disabilities in the areas of health, education, accessibility, professional rehabilitation and employment, social welfare, and culture and sports. NGOs complained that the government did not effectively implement laws and programs to support persons with disabilities. The law provides for

children with disabilities to attend mainstream schools with common curricula “when feasible.” In practice, students with disabilities continued to struggle for access to a quality, inclusive education due to physical barriers in schools; the lack of accommodation for children with audio, visual, or mental disabilities; and the absence of in-school assistants and trained teachers. Schools often reported a lack of financial and physical resources that prohibited them from accommodating these students. While some children with disabilities attended integrated schools, most children with disabilities were enrolled in segregated schools. Children with severe disabilities, however, were not included in the education process at all and depended entirely on their parents or NGOs for education. There were no provisions for assistance to students with disabilities who needed additional support to continue their education, which further exacerbated the problem. Parents of children with significant disabilities reported receiving limited to no financial support from the government, notwithstanding that many of them were unable to seek employment because of the round-the-clock care required for their dependents.

HIV and AIDS Social Stigma

The country registered approximately 382 persons with HIV or AIDS (249 in the Federation and 133 in the RS), with 20 to 30 new cases reported annually. It was believed, however, that the actual number of cases was higher and that due to stigma and discrimination, many persons avoided testing. Social stigma and employment discrimination against persons with HIV or AIDS remained among members of the public as well as health workers. Due to a lack of understanding of the disease and its subsequent stigmatization among the general population, many persons with HIV or AIDS feared revealing their illness, even to close family members. The country had no permanent or organized programs of psychosocial support for these persons.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

While the law at the state level prohibits discrimination based on sexual orientation, authorities did not fully enforce it. Both entities and the Brcko District have laws that criminalize any form of hate crime committed based on gender, sexual orientation, or gender identity.

Hate speech, discrimination, and violence against LGBTQI+ individuals were widespread. For example, all social media posts and online reports related to the marking of Pride month and the Pride march were followed by an avalanche of hate speech, threats, and calls to violence against LGBTQI+ persons. The NGO Sarajevo Open Center (SOC) reported that transgender persons continued to be the most vulnerable LGBTQI+ group, as their gender identities were more visible. In its 2021 *Pink Report*, the SOC reported that every third LGBTQI+ person in the country experienced some type of discrimination. The SOC believed the actual number of LGBTQI+ persons who experienced discrimination was much higher but underreported due to fear.

In 2020 the SOC documented five discrimination cases: two involved workplace discrimination; two involved access to services; and one was related to access to health services. Four of those five cases pertained to discrimination based on sexual orientation, and one to discrimination based on sex characteristics. In one of the five cases, which pertained to discrimination in the workplace, the perpetrator was sanctioned through the employer’s internal procedures and the victim reported that it resulted in improved conditions. None of the remaining four cases resulted in a lawsuit or a complaint against the institution. BiH courts had yet to issue a single final ruling on discrimination on the grounds of sexual orientation or gender identity.

During 2020 the SOC also documented two cases of hate speech and calling for violence and hatred and 14 cases of crimes and incidents motivated by sexual orientation and gender identity. Of the 14 cases, five took place in a public place or online, ranging from threats to violence and infliction of bodily injuries, while four cases were cases of domestic violence. The prosecution of assault and other crimes committed against LGBTQI+ individuals remained delayed and generally inadequate.

The SOC is currently pursuing two strategic court cases, which pertain to discrimination in access to goods and services in the market and enticement to discrimination. The first case was under appeal, after the first instance court ruled that there was no discrimination. The second case was at the municipal court, and the first hearing was pending as of November.

The Sarajevo Canton government adopted its first *Gender Action Plan* for 2019-2022 as a public document that contains a set of measures intended to improve gender equality in government institutions.

Other Societal Violence or Discrimination

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places symbolic of those minorities, including religious buildings. According to the Interreligious Council, an NGO that promotes dialogue among the four traditional religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish), attacks against religious symbols, clerics, and property continued. During the year the council registered 17 reported acts of

vandalism against religious sites but stated the actual number of incidents was likely much higher (see the Department of State's *International Religious Freedom Report* at https://www.state.gov/religiousfreedomreport/).

There were widespread instances of media coverage and public discourse designed to portray members of other ethnic groups in negative terms, usually in connection with the 1992-95 conflict, or to deflect responsibility for wartime brutality. For example on November 17, the Bosniak member of the BiH Presidency, Sefik Dzaferovic, said that wherever the Republic of BiH Army was in control during the 1992-1995 war, there were no mass graves or prisoners' camps. Associations of BiH Croat prisoners of war disputed the statement. On November 17, the Croatian Democratic Union (HDZ BiH) leader Dragan Covic and other BiH Croat political leaders celebrated the 30th anniversary of the founding of the self-declared administrative territory of Herceg Bosna in Mostar, which was abolished by the 1994 Washington Agreement. Some media strongly criticized the celebration, highlighting that six former high-ranking Herceg-Bosna officials were convicted of war crimes and crimes against humanity by the International Criminal Tribunal for the Former Yugoslavia (ICTY).

During the year the Serb member of the BiH Presidency, Milorad Dodik, as well as senior officials in his political party SNSD (the Alliance of Independent Social Democrats), and other RS officials and leaders continued to deny that Serb forces committed genocide in Srebrenica in 1995, despite the findings of multiple local and international courts. On July 21, the RS government released a report, prepared by the so called Independent International Commission of Inquiry on the Sufferings of All Peoples in the Srebrenica Region between 1992 and 1995, which was established by the RS entity government. The report disputed that genocide was committed in Srebrenica and sought to cast doubt on whether thousands of Bosniaks who were murdered by Bosnian Serb forces in July 1995 were innocent civilians. The report also accused the UN's International Criminal Tribunal for the Former Yugoslavia of staging politically biased trials of Bosnian Serb political and military leaders, and of wrongly classifying the Srebrenica massacres as genocide.

On July 23, outgoing BiH High Representative Valentin Inzko imposed amendments to the BiH criminal code, criminalizing genocide denial; glorification of war crimes; and incitement of racial, religious, and ethnic hatred, and violence. The amendments entered into force on July 28. The BiH Parliamentary Assembly has the right to debate and vote on the imposed amendments, although they remain in force even if parliament rejects or refuses to endorse them. In response to the criminal code amendments, the Republika Srpska National Assembly (RSNA) held a special session on July 30 and enacted a law preventing the implementation of the decision of the High Representative on the amendments to the BiH Criminal Code. The RSNA also adopted amendments to the RS Criminal Code criminalizing disparagement of the RS or "its peoples" as "aggressors" or "genocidal," prescribing a sentence of imprisonment between six months to 15 years, depending on whether the perpetrator was a government official or whether the statement was made with the intention of changing the RS constitutional order, its territorial integrity, or independence. On October 12, RS President Zeljka Cvijanovic signed the July legislation into law. The two laws entered into force on October 13.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Federation and RS labor laws provide for the right of workers in both entities to form and join independent unions, bargain collectively, and conduct legal strikes. Employers in the private sector did not always respect these rights, and public sector unions were generally stronger and achieved better outcomes. The law prohibits antiunion discrimination but does not adequately enforce these protections. The labor inspectorates and courts did not deal effectively with employees' complaints of antiunion discrimination. Unions themselves complained that their own union leaders had been coopted by the company and politicians and that they mostly protect their own privileges. For example, representatives of 16 branch unions at the Federation of Independent Trade Unions of Bosnia and Herzegovina (SSS BiH) claimed that Selvedin Satorovic, the president of the union, was illegally representing the union. A group of workers accused BiH Telecom Union president Fikret Alic of embezzlement, antistatutory actions, and arbitrariness in work, which Alic denied.

The law prescribes reinstatement of dismissed workers in cases where there is evidence of discrimination, whether for union activity or other reasons. Entity-level laws in the Federation and the RS prohibit the firing of union leaders without prior approval of their respective labor ministries.

The law in both entities and in the Brcko District provides for the right to strike. The law in the Federation contains burdensome requirements for workers who wish to conduct a strike. Trade unions may not officially announce a strike without first reaching an agreement with the employer on which "essential" personnel would remain at work.

In 2020 the Federation government prepared changes to the labor law to address the impact of the COVID-19 crisis. The government claimed the changes were needed to allow employers flexibility to preserve businesses and save jobs. As a result of the COVID-19 pandemic, many workers in the private sector lost their jobs, while public-sector workers were protected by general collective agreement and no cuts in their benefits were allowed. Despite public sector protections, there were strikes of health workers in 2020 related to the pandemic. Authorities may declare a strike illegal if no agreement is reached; this provision effectively allowed employers to prevent strikes.

Laws governing the registration of unions give the minister of justice powers to accept or reject trade union registration on ambiguous grounds. In addition, in the Federation there were two parallel leaderships of the unions, each alleging the other was illegal. Both groups represented themselves as the legal representatives of the unions, and it was unclear which should participate in social dialogue with the government. The government believed that it benefited from internal fighting within the trade unions and used opportunities to challenge "representation" of the factions of unions.

Although the UN Economic and Social Council (ECOSOC) prescribes discussion of legislation between three social partners – the government, employers, and unions – before it is sent to parliament, such dialogue was not scheduled regularly, and therefore input from the unions was often missing. The last example in the Federation was the adoption in July of the Federation Law on Bankruptcy, which was very important for employees in public companies.

The lack of workers' rights was more pronounced in the private sector largely due to weaker unions in the private sector and to the broad and pronounced weakness of the rule of law.

The government did not effectively enforce all applicable labor laws. Authorities did not impose sanctions against employers who prevented workers from organizing. Inspections related to worker rights were limited. Ministry inspectors gave low priority to violations of worker rights; state officials focused instead on bolstering revenues by cracking down on unregistered employees and employers who did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union, and in some cases fired union leaders for their activities. Entity-level penalties for violations were not commensurate with those for similar violations of civil rights. Judicial procedures were subject to lengthy delays and appeals.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor at the state level and in the RS and the Brcko District. Federation laws, however, do not criminalize all forced labor activities. The government did not enforce the law effectively, but there was little verified evidence that forced labor occurred in the country due to the limited number of inspections into forced labor allegations. Penalties for violations were commensurate with those of other serious crimes.

The prosecution of 13 BiH nationals for collusion in forced labor involving 672 victims of forced labor in Azerbaijan in 2015 ended in February with the Court acquitting all defendants and rejecting the appeal. On October 7, the European Court for Human Rights (ECHR) ruled in favor of 33 BiH citizens who sued Azerbaijan in 2012 for trafficking for the purpose of labor exploitation and ordered Azerbaijan to pay approximately 5,000 euros ($5,750) to each victim. According to the verdict, the applicants were recruited in BiH to travel to Azerbaijan as foreign construction workers. All spent six months or more in Azerbaijan working without contracts or working permits, had their documents seized, and did not receive salaries from May 2009. Other potential cases of forced labor were investigated during the year, but none resulted in an indictment to date. The government failed to prosecute organized crime syndicates that forced Romani children to beg on the streets, alleging that it was Romani custom to beg. There were reports that individuals and organized crime syndicates trafficked men, women, and children for begging and forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits and criminalizes the worst forms of child labor. The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. RS and Brcko District laws penalize employers for hiring persons younger than age 15. The labor codes of the Federation, the RS, and the Brcko District also prohibit minors between the ages of 15 and 18 from working at night or performing hazardous labor, although forced begging is not considered a hazardous task for all entities. Entity governments are responsible for enforcing child labor laws, and both entities and the Brcko District enforced them. Boys and girls were subjected to forced begging and involuntary domestic servitude in forced marriages. Sometimes forced begging was linked to other forms of human trafficking. In the case of Romani children, family members or organized criminal groups were usually responsible for subjecting girls and boys to forced begging and domestic servitude in forced marriages. Several of

the worst forms of child labor occurring in the country included the use of children for illicit activities, commercial sexual exploitation of children, and the use of children to produce pornography (see section 6, Children).

During the year the government did not receive reports of child labor at places of employment. Neither entity had inspectors dedicated to child labor inspections; authorities investigated violations of child labor laws as part of a general labor inspection. The labor inspectorates of both entities reported that they found no 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 because there were no reported cases. The general perception among officials and civil society was that the exploitation of child labor was rare. RS law imposes fines for employing children younger than 15 but does not specify the exact amount. The government did not effectively enforce the law, although penalties for violations were commensurate with those for similar serious crimes.

NGOs running day centers in Banja Luka, Tuzla, Mostar, Bijeljina, Bihac, and Sarajevo in cooperation with the country's antitrafficking coordinator continued to provide services to at-risk children, many of whom were involved in forced begging on the streets.

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

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations related to employment or occupation prohibit discrimination based on race, ethnicity, sex, gender, age, disability, language, sexual orientation or gender identity, HIV-positive status, other communicable diseases, social status (including refugee status), religion, and national origin. The government often failed to enforce these laws and regulations effectively. Penalties were commensurate with those for other violations of civil rights, but they were seldom applied.

Discrimination in employment and occupation occurred with respect to race, gender, disability, language, ethnicity, sexual orientation and gender identity, HIV-positive status, and social status. Labor laws and regulations are adequate to protect women's rights, but authorities did not effectively enforce them in all cases. For example, employed women are often exposed to different types of discrimination and harassment, including sexual harassment. Furthermore, there is a discrepancy in salaries between male and female employees, as well as unequal possibility for promotion. Most discrimination against women occurs in processing industries and trade. For example, women were unable to take maternity leave for the period of one year and were often unable to return to their work position after maternity leave or take advantage of the entitlement to work part time. Unsanctioned cases of employment termination for pregnant women and new mothers continued to occur.

e. Acceptable Conditions of Work

Wage and Hour Laws:

Although the monthly minimum wage in both entities is above the official poverty income level, more than 30 percent of the population was exposed to the risk of income poverty. The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds. The RS entity government increased the minimum wage during the COVID-19 pandemic under pressure from workers. It was reported that one-third of workers in the RS entity received a lower-than-average wage. There has been no increase of minimum wage in the Federation since 2016. Various unions requested higher wages, but these requests were not accepted by the employers. The government claimed that a recent increase of nontaxable allowances in the Federation entity resulted in a real increase in the minimum wage. The unions disagreed, noting that employers are not obliged to pay allowances to workers.

The legal workweek in both entities and the Brcko District is 40 hours, although seasonal workers may work up to 60 hours. The law limits overtime to 10 hours per week in both entities. An employee in the RS may legally volunteer for an additional 10 hours of overtime in exceptional circumstances. The Federation has no provision for premium pay, while the RS requires a 30 percent premium. Laws in both entities require a minimum rest period of 30 minutes during the workday.

Employees may choose which holidays to observe depending on ethnic or religious affiliation. Entity labor laws prohibit excessive compulsory overtime. The entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave.

The Federation Market Inspectorate, the RS Inspectorate, and the Brcko District Inspectorate are responsible for the enforcement of labor laws in the formal economy. Authorities in the two entities and the Brcko District did not effectively enforce labor regulations. The penalties for wage and hour

violations were commensurate with those of similar crimes. Inspectors were permitted to make unannounced inspections and initiate sanctions. The number of inspectors was insufficient to enforce compliance.

In addition to these concerns, during the year, coal miners protested delays in receiving their wages and advocated for improved wages.

Occupational Safety and Health: The Federation and the RS set mandatory occupational health and safety standards, especially for those industry sectors where working conditions were hazardous. Worker rights extended to all official (i.e., registered) workers, including migrant and temporary workers.

Governments in both entities made only limited efforts to improve occupational safety and health at government-owned coal mines; such efforts were inadequate for the safety and security of workers. Workers in certain industries, particularly metal and steel processing and coal mining, often worked in hazardous conditions. There were no official social protections for workers in the informal economy unless those workers are registered at unemployment bureaus and are receiving related benefits (such as health-care coverage).

The same agencies and inspectors were responsible for enforcing occupational safety and health laws. The inspectors had the same authorities as with wage and hour laws. Authorities did not effectively enforce occupational safety and health laws, although penalties for violations were commensurate with those of other similar crimes.

Workers could not remove themselves from situations that endanger their health or safety without jeopardizing their employment. Authorities provided no protection to employees in this situation. As of October there were no reports of industrial accidents that led to death or serious injury of workers.

Informal Sector: According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy, although that percentage may be lower due to significant outflow of the workforce to the EU. Worker shortages were commonly reported, and officials estimated that the BiH population was rapidly shrinking. Workers in the informal sector are not covered under wage, hour, and occupational safety and health laws.

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