

BOSNIEN - HERZEGOVINA (79)

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Bosnia and Herzegovina Country Report on Human Rights Practices for

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BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords), signed after 3 years of war, provided for the continuity of Bosnia-Herzegovina, originally one of the constituent republics of Yugoslavia, as a single state, Bosnia and Herzegovina. The Agreement also provided for two constituent entities within the state: the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation, which incorporates the areas with a Bosniak (Muslim) and Croat majority, occupies 51 per cent of the territory; the RS, populated mostly by Bosnian Serbs, occupies 49 per cent. The Dayton Accords established a constitution for Bosnia and Herzegovina that includes a central government with a bicameral legislature, a three-member presidency comprised of a representative of each major ethnic group, a council of ministers, a constitutional court, and a central bank. The Accord also provided for a High Representative (OHR) to oversee implementation of its civilian provisions. Defense remains under the control of the respective entities. In 1997 the three members of the joint presidency agreed on legislation establishing a number of key common institutions, including laws on the central bank, the budget, and customs. The main political parties continue to exercise significant political power at all levels. These were the Party of Democratic Action (SDA) in predominantly Bosniak areas, the Serb Democratic Party (SDS) in the RS, and the Croatian Democratic Union of Bosnia and Herzegovina (HDZ) in Croat areas. Although the judiciary is formally independent in all entities, it remains subject to influence by ruling political parties and by the executive branches of government.

Municipal elections, originally slated to take place concurrently with the 1996 national and provincial elections, were postponed until September 1997 because of widespread fraud in registering Serb voters. There were few reports of political harassment or violence during the 1997 campaign period compared with the preelectoral period in 1996. During the voter registration period, the Organization for Security and Cooperation in Europe (OSCE) enforced sanctions against parties that attempted to register voters fraudulently. Despite threats of a boycott by the Croat and Serb nationalist parties, elections took place on September 13 and 14, and well over 70 percent of the population took part. Most of those voting cast their ballots for municipalities where they had lived prior to the war. For this reason, election results proved difficult to implement in some areas, as majority groups attempted to prevent minority representatives from assuming their municipal government seats.

One of the two entities that make up Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, was established in March 1994 and transformed the internal structure of the Bosnian territories under Bosni-

ak and Croat control. It is a mixed system with a president and a parliament that must approve the president's choice of prime minister. Federation structures have been implemented only gradually. Major steps were the creation of provincial structures in the form of cantons, the unification of Sarajevo under Federation control, and September 1996 elections to a Federation parliament. The obstacles to establishing a new, unified city administration in the ethnically bifurcated city of Mostar illustrate the difficulty of melding Bosniak and Croat institutions.

The Republika Srpska of Bosnia and Herzegovina is the other entity. Its administrative and political system is split, with Banja Luka as the seat of the RS president, and a powerful group around former Serb leader Radovan Karadzic located in Pale near Sarajevo. A president and two vice presidents are directly elected for 4-year terms. The legislative branch, the National Assembly, is elected on the basis of proportional representation. The dominant political party, the SDS, headquartered in Pale, however, exercised real control. Until the summer, the party ensured conformity among local authorities in many areas of the RS and used its authority to ensure adherence to nationalistic positions.

In September 1996, then-acting RS President Biljana Plavsic was elected President for a full term. However, former RS President Radovan Karadzic continued to wield important influence behind the scenes. Starting in June, Plavsic publicly criticized SDS leaders for corruption, and when she attempted to dissolve the RS assembly and call new elections for October, the SDS leadership contested her authority to do so in the RS Constitutional Court. Under heavy political pressure and physical intimidation—including the severe beating of one judge by Bosnian thugs at the instigation of Serb political leaders—the Court ruled against Plavsic, despite her constitutional authority to dissolve the assembly. The decision did not end the political controversy and lacked legitimacy, since the justices were intimidated. In September RS President Plavsic and Serb member of the Bosnian Presidency Krajisnik agreed to hold early elections for the RS Assembly. The elections were held on November 22 and 23. Due to intense OSCE efforts, voting to fill the 83-seat assembly was carried out with few difficulties, and voter turnout was approximately 70 percent. The hard-line nationalist Serb parties lost their parliamentary majority. Subsequently, a Government strongly supportive of the Dayton Accords, led by a member of the Independent Social Democratic Party, was formed with the votes of moderate Serb parties as well as Bosniak and Croat representatives.

The Constitution of Bosnia and Herzegovina (Annex 4 of the Dayton Accords) made the Federation and the RS responsible for maintaining civilian law enforcement agencies that operate in accordance with internationally recognized standards. Under the auspices of the International Police Task Force (IPTF) established by the United Nations (U.N.) pursuant to Annex 11 of the Dayton Accords, police in both entities is undergoing restructuring and training on proper police procedure and human rights. This process is expected to be completed by mid-1998. Law enforcement bodies of both entities have on many occasions violated international standards, giving preferential treatment on the basis of political, ethnic, and religious criteria. Another problem was the existence of special or secret police in all three ethnic areas, a throwback to the Communist heritage. These forces are not in the normal police chain of command but respond directly to the senior political leadership. In addition to locally recruited police forces, each entity also maintains an army. Police throughout the country committed human rights abuses.

The Stabilization Force (SFOR) led by the North Atlantic Treaty Organization continued its mission to implement the military aspects of the Dayton Accords and create a more secure environment for implementation of the nonmilitary aspects of the settlement, such as civilian reconstruction, the return of refugees and displaced persons, elections, and freedom of movement of the civilian population.

Since the Dayton Accords, signs of economic revival are evident, particularly in the Federation. In BiH real gross domestic product (GDP) almost doubled since 1995, and GDP growth in 1997 was expected to be 30 percent. Unemployment dropped from 90 to 50 percent, and wages more than quadrupled in the Federation, up to \$145 (260 DM) per month. Bosnia-Herzegovina remains heavily dependent on international reconstruction assistance, and the anticipated return of refugees from abroad is expected to compound the problem of creating sufficient jobs. International assistance, which is conditioned upon compliance with the Dayton

address the special needs of the disabled. There are no legal provisions mandating that buildings be made accessible for the physically challenged.

Religious Minorities

Several Roman Catholic churches were vandalized or damaged by explosives in February, apparently in retaliation for the attack against Muslims in a West Mostar graveyard in which Bosnian Croat police participated (see Section 1.a.). Another was bombed in Sarajevo in October. None of the mosques in the RS destroyed during the war have been rebuilt or repaired.

During his April visit to Sarajevo, the Pope stressed the importance of reconciliation among religious and ethnic groups. About 45,000 Croat Catholics traveled to Sarajevo for the visit, despite some Bosnian Serbs' threats to block passage across RS territory or to charge transit fees. In advance of the Pope's arrival, Federation police found explosive devices placed along the route from the airport.

In Herzegovina, Muslims felt pressure not to practice their religion in public. Several incidents of vandalism occurred against Muslim religious objects in general, as well as two attacks on the Tomislavgrad mosque.

Throughout the country, religious minorities felt pressure by the ethnic/religious majority. On the positive side, after 2 days of talks in Vienna in early June, the country's main religious leaders created an Interfaith Council composed of the four religious communities:

Muslim, Serbian Orthodox, Roman Catholic, and Jewish. The agreement contained specific short-term and long-term objectives, including encouraging freedom of movement, facilitating the return of refugees, and investigating human rights violations. The OSCE and the OHR facilitated many interfaith meetings at the local level as well.

National/Racial/Ethnic Minorities

Ethnic differences—based on religious differences—were at the heart of the war in Bosnia and Herzegovina. After family ties, ethnic identity remains the most powerful social force in the country. Some leaders of both the SDS and HDZ parties have expressed support for the concepts of a "Greater Serbia" and a "Greater Croatia", even after having agreed in the Dayton Accords framework to abandon them. These parties, and to a lesser extent the primarily Bosniak SDA as well, have sought to manipulate the movement of people and the access to housing and social services they control to ensure that the ethnic groups with which they are associated consolidate their position in their respective geographic regions.

In certain areas, such as Sarajevo and Tuzla, mixed communities exist peacefully, but frequent instances of harassment and discrimination against minorities continue throughout the country. There include desecration of graves, damage to houses of worship, tossing of grenades into residential areas, harassment, threats, and assaults.

Incidents of ethnic discrimination often center on property disputes. An RS law on abandoned property permits the return of such property to the original owner only if any subsequent occupant willingly departs. This is unlikely given the lack of adequate alternative dwellings. In a number of areas, local authorities refused to accept returning ethnic minorities until members of their own group had been permitted to return to their homes outside the region, in effect blocking the return of refugees to all of the areas involved. Bosnian Serb and Croat political leaders discouraged displaced persons within their groups from returning to areas where they would be in the minority, and encouraged people to migrate to areas where they would be in the majority. In contrast, Bosniak authorities appear tacitly to support some resettlement efforts in "strategic" areas of the Federation, including by persons new to those areas.

In some cases, opponents of refugee returns employed violence, including sporadic house burnings and orchestrated demonstrations. In July a group of women displaced from Srebrenica attacked a Serb visiting a grave in the Visoko area and beat him to death (see Section 1.a.); on August 1, a crowd of about 50 to 100

women mobbed the municipal building in the Sarajevo suburb of Vogosca, terrorizing a small group of Serbs visiting to discuss their return. Both the Serbs and Bosniak officials had to be evacuated under heavy police protection. The latter incident, like the house burnings, appeared to be orchestrated by extremist political elements.

In Bosnian Croat areas, the homes of intending returnees were burned in Drvar and Jajce; one Bosniak man was found dead after the violence in Jajce(see Section 1.a.).

According to Federation ombudsmen, human rights violations based on ethnic origin, which occurred early in the year, were facilitated by the continued existence of two ethnically pure police forces. By year's end, 6 of the 10 Federation cantons had integrated their police force with officers from the various ethnic groups and were conducting multiethnic patrols (there are currently insufficient numbers of police of some ethnic groups in some cantons, but their slots in the forces are being left open until police of the appropriate ethnic group can be recruited to fill them).

Section 6 Worker Rights

a. The Right of Association

The Federation Constitution provides for the right of workers to form and join labor unions. The largest union is the Confederation of Independent Trade Unions of Bosnia and Herzegovina, the heir of the old Yugoslav Communist Trade Union Confederation. Unions have the right to strike, but there were few strikes during the year because of the economic devastation and joblessness caused by the war throughout much of the Federation.

More than 5,000 coal miners from Breza, Kakanj, Zenica, and Bila went on strike briefly in early August to demand more prompt payments by local power stations for delivered coal.

Unions may affiliate internationally.

b. The Right to Organize and Bargain Collectively

The practice of collective bargaining in labor-management negotiations was used only in a limited way in 1997.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits servitude or forced labor, including that performed by children, and despite rumors that work camps exist in isolated areas, investigations have not turned up any corroborating evidence. There were no credible reports of child labor in either entity.

d. Status of Child Labor Practices and Minimum Age for

Employment

The minimum age for employment of children in the Federation was 16 years. Children sometimes assisted their families with farm work and odd jobs. The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The minimum monthly wage is \$60 (100 DM) and the minimum pension is \$46 (80 DM) per month. In principle this wage level is ensured, but it often is not reached in reality because the economy is only beginning to recover from the war. Many workers still have claims outstanding for salaries earned during the war but are being paid in full only for current work. Similarly, many pensioners have outstanding claims.

Occupational safety and health regulations were generally ignored because of the demands and constraints imposed by an economy devastated by war.

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