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## 2010 Country Reports on Human Rights Practices - Bosnia and Herzegovina

Bureau of Democracy, Human Rights, and Labor  
April 8, 2011

Bosnia and Herzegovina consists of two entities within the state, the Federation of Bosnia and Herzegovina (the federation) and the Republika Srpska, and Brcko District, with an estimated population of four million. The federation has a Bosniak (Bosnian Muslim) and Croat majority, while the Republika Srpska has a Serb majority. The 1995 General Framework Agreement for Peace (the Dayton Accords) provides for a democratic republic with a bicameral parliament but assigns many governmental functions to the two entities. The Dayton Accords also provide for a high representative who has the authority to impose legislation and remove officials. The tripartite presidency consists of Bosnian Croat Zeljko Komsic, Bosnian Serb Nebojsa Radmanovic, and Bosniak Bakir Izetbegovic . During the year the country held general elections that international observers deemed free and fair but noted that the press was biased and that private media tended to favor particular candidates. Security forces reported to civilian authorities.

The following human rights problems were reported: deaths from landmines; mistreatment of prisoners; poor and overcrowded prison conditions with violence among prisoners; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; harassment and intimidation of journalists and civil society; obstruction of the return of internally displaced persons and refugees; government corruption; discrimination and violence against women and ethnic, sexual, and religious minorities; discrimination against persons with disabilities; trafficking in persons; and limits on employment rights. At year's end, Ratko Mladic, the Bosnian Serb war crimes indictee most wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), remained at large.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

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

Domestic courts and the ICTY continued to adjudicate cases arising from killings during the 1992-95 conflict.

During the year there were nine landmine accidents that killed six persons and injured eight. Two of the six persons killed were deminers.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

An estimated 12,000 persons remained missing from the 1992-95 war. During the year the International Committee of the Red Cross (ICRC) reported 22,464 requests to trace relatives missing from the 1992-95 conflict. By year's end, 12,062 persons had been accounted for, including 468 located alive.

The law provides for the state-level Missing Persons Institute (MPI) to account for persons missing from the 1992-95 conflict, but neither entity fully implemented the law in practice. During the year the Republika Srpska continued to support an entity-level Operational Team for the Search for Missing Persons with similar responsibilities to the MPI. Observers characterized the team as an effort to disrupt the MPI's work. Republika Srpska operational teams refused MPI personnel access to archives that were transferred to MPI's ownership in accordance with the law.

During the year both Republika Srpska and federation prosecutors did not cooperate fully in the MPI's exhumation and identification process because of disagreements over jurisdiction but worked with state-level authorities to reach some compromises. On August 25, the chief prosecutor decided that the State Prosecutor's Office would take over competence for exhumations after January 2011. The announcement reflected concern that a lack of reliable information on gravesite locations had resulted in a drop of the case-resolution rate during the year, as well as over disagreements between prosecutors' offices at various levels over which agencies should oversee exhumations. By the end of September, MPI carried out 109 exhumations resulting in the recovery of 280 bodies and 551 sets of partial remains. The majority of remains were recovered from 16 mass graves (15 of them related to the 1995 Srebrenica genocide).

From 2000 through the end of September, the International Commission on Missing Persons (ICMP) generated a total of 29,634 DNA matches relevant to 15,707 missing persons, of which 25,339 DNA matches represented 13,156 individuals related to the country. In all the ICMP collected more than 88,300 blood samples from persons related to 29,045 missing individuals, of which 69,532 blood samples related to 23,359 persons who were still missing.

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

The law prohibits such practices; however, there were credible allegations that police physically mistreated individuals at the time of their arrest and during detention.

On September 24, the Council of Ministers adopted the report of the Council of Europe's Committee for the Prevention of Torture (CPT) regarding its May 2009 visit to the country's prisons. The CPT report noted that authorities had made only limited attempts to address concerns raised in an earlier report on the CPT's 2007 visit as well as authorities' failure to address systematic deficiencies affecting the prison service. The CPT noted that it was obliged to repeat many of its recommendations from 2007 and warned the country that if future visits revealed continued noncompliance with the country's obligations under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, it would use its authority under the convention to make a public statement regarding the conditions.

According to the May 2009 CPT report, there were credible allegations that officers at the Sarajevo Remand Prison abused a group of recaptured escapees in March of that year. The escapees alleged that corrections officers kicked and punched them in a stairwell out of the view of surveillance cameras as punishment for their escape. At Zenica prison, the CPT reported that, although incidents of mistreatment decreased

since the 2007 visit, prisoners being transferred to the disciplinary unit reported that corrections officers abused them with kicks, punches, and blows with truncheons, apparently at night when the unit manager was not on duty. The report noted that the "vast majority of prisoners interviewed" made no allegations of ill treatment by prison staff.

In September 2009 parliament enacted a law forming an independent commission to monitor the conditions in prisons, treatment of prisoners, as well as respect for their basic human rights.

In June 2009 the federation Ministry of Justice reported that the management of Zenica prison installed video surveillance to prevent what the CPT characterized in its May 2009 report as the generalized problem of mistreatment of prisoners by prison staff. During the year prison management implemented a detailed plan developed last year to decrease violence between the prisoners including separating the prison's walking area into 10 separate areas, special accommodations for higher-risk prisoners, and hiring 50 additional guards, many of whom were interns who may be hired full-time at a later date.

The CPT delegation also reported meeting several patients at the Sokolac Psychiatric Hospital who alleged that police punched and hit them with batons when they were apprehended. The delegation noted that a doctor working at the hospital confirmed the allegations.

The CPT report also recorded the presence of baseball bats, replica pistols, and metal piping (with wrist straps) in interrogation rooms at a number of police stations and stated that there was no legitimate reason for such items to be present.

During the year the government began construction of a new criminal psychiatric facility at Sokolac, scheduled to be completed in April 2011, and temporarily transferred prisoners to a renovated psychiatric correctional facility in Tuzla. During the year the government began funding the independent commission established by last year's amendments to the correctional code to monitor future allegations of abuse and violations.

#### *Prison and Detention Center Conditions*

Prison and detention center conditions were below international standards in several areas. The government permitted independent human rights observers to perform monitoring visits, and such visits occurred during the year. Poor hygiene, and antiquated facilities remained serious problems.

By year's end, there were 2,749 persons incarcerated throughout the country, including 20 persons imprisoned by state-level authorities and 1,671 and 1,058 by the federation and Republika Srpska respectively. By the government's standards, the total capacity of federation and Republika Srpska prisons was 2,792 persons.

In its May 2009 report, the CPT noted that little had changed since its 2007 visit to address the fundamental weakness permitting interprisoner violence. Prisoners and staff felt that the culture of interprisoner violence and intimidation at Zenica prison threatened them. Fights among prisoners and violence between rival gangs organized around ethnic or regions of origin were common. The CPT reported that Zenica prison was not under the effective control of prison staff and reiterated its recommendation that the country draw up a comprehensive plan to address interprisoner violence that included staffing levels sufficient to control the prison population.

There were reports of corruption among prison officials. There were credible reports that some prisoners in the Sarajevo prison used connections to arrange transfer to the Igman correctional institution, where conditions and recreational facilities were considered better and security more lax.

Lenient rules allowing weekend furloughs for good behavior even to violent felons came under increasing public scrutiny following the disappearance of a high-profile prisoner. The law requires furloughs to be supervised for prisoners serving sentences of 10 years or more, alcoholics, drug addicts, and repeat offenders, and also permits authorities to supervise prisoners whose sentences are less than 10 years.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Facilities held male inmates between the ages of 16 to 18 years old with adult male inmates, while male inmates under the age of 16 years old were held separately.

The government permitted independent human rights observers to visit, and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The law provides for the right of prisoners to communicate, file complaints, and expect expeditious resolution of violations. Authorities generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigations of credible allegations of inhumane conditions, although the country's ombudsman documented a few violations of this law at the Sarajevo and Tuzla prisons during the year. The ombudsman also noted common complaints from prisoners that state-level authorities rarely interviewed inmates regarding prison conditions and other alleged violations, despite the creation of a state-level commission for such investigations under a 2009 law.

The law also allows detainees and prisoners to send their requests or complaints to the country's ombudsman, who has authority to advocate for the rights of prisoners, including juveniles, regarding status and circumstances of confinement, bail, overcrowding, and other conditions. However, the ombudsman often lacked sufficient staffing and resources to meet demand in these areas. During the year the ombudsman documented several cases in which prison authorities did not forward requests to the ombudsman, including a letter signed by 25 prisoners at the Sarajevo prison.

The ombudsman can also advocate on behalf of prisoners to improve pretrial conditions and recordkeeping to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. The ombudsman lacked authority to advocate for alternatives to incarceration for nonviolent offenders to alleviate overcrowding.

According to the ombudsman's report this year, detention facilities throughout the country lacked satisfactory sanitation, air and food quality, lighting, and climate control. The report observed that the windows in the jail in Doboj were covered with concrete blocks, preventing adequate ventilation. In Bihac prison, bathrooms lacked doors and stalls were separated by blankets. The report also noted numerous complaints, particularly in Sarajevo prison, that food and juices provided in prison cafeterias frequently passed their expiration dates. The ombudsman noted that prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prisons that previously lacked adequate spaces for religious observances, particularly Sarajevo prison, corrected these inadequacies during the year.

There were numerous reports, especially at Sarajevo and Zenica prisons, of those convicted of murder and criminal traffic violations incarcerated together. The ombudsman criticized prison administrations throughout the country for not taking "risk evaluation" into consideration when colocating prisoners.

The ombudsman's recommendations are not binding, and laws governing prison facilities do not differentiate between violent and nonviolent offenders.

During the year prison authorities did not always fulfill the recommendations of the September 2009 ombudsman's report on the country's prisons and correctional departments. The ombudsman's report for this year also noted several problems, including an inadequate legal framework, and found that mistreatment and violence remained common in prisons and often resulted from serious organizational problems. The report also noted the same concerns regarding Zenica and Sarajevo prisons where

little effort had been made to improve conditions.

During the year the ombudsman delegation carried out follow-up visits to its September 2009 visit to the country's prisons. The delegation noted that Foca prison had added 50 new beds and was preparing to add 38 new staff members. In addition the prison began providing employment opportunities for prisoners. The delegation reported that Tuzla prison hired 16 new staff members and formed two new women's sections of the prison. In Kozlovac the prison authorities started to reconstruct the old prison building, which was expected to increase the capacity of the prison by 64 persons. Female prisoners mainly complained about their inability to work and the lack of occupational therapy and other privileges.

The ICRC continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

##### *Role of the Police and Security Apparatus*

The law extends significant overlapping law enforcement competencies to the state-level government, to each entity, and to the Brcko District, each of which has its own police force. An EU military force continued to support the country's government in maintaining a safe and secure environment for the country's population. NATO offices in Sarajevo continued to assist the country's authorities in the implementation of defense reform, counterterrorism, and cooperation with the ICTY. The EU Police Mission remained in the country to monitor the local police.

The country made limited progress on state-level police reform, although authorities continued to postpone local-level police reform until after the completion of reform in this area. By year's end, the government formed a number of bodies including agencies for forensics, education, police support, direction for coordination, and foreigners that the law mandated, but some bodies often had insufficient staff. However, the agencies for forensics, police support and education had minimal staff and had not begun operations due to political interference and misunderstandings with entities on mechanisms and procedures for transferring staff, equipment, and competencies to the state level. Entities did not meet the target standards of ethnic representation on police forces that their respective constitutions mandated.

Professional standards units (PSUs) are the internal affairs investigative units in each entity's Interior Ministry and in the Brcko District. There were continued reports of corruption within the entity- and state-level security services.

During the year the Republika Srpska PSU received 543 conduct-related complaints and determined that 50 of these were well founded. During the year authorities pursued 107 disciplinary proceedings against 155 employees of the Ministry of Interior. As a result of proceedings, authorities suspended 22 employees, including three for corruption. The unit forwarded recommendations for disciplinary action to prosecutors in 22 cases that they considered major violations. In addition authorities filed 22 felony reports and misdemeanor reports against Republika Srpska Interior Ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations, indicating a significant decrease from the previous year. During the year the federation PSU investigated 68 cases and forwarded 13 complaints to prosecutors for disciplinary action. During the year the Brcko District PSU investigated 126 cases and concluded that 120 complaints were well founded. The PSU forwarded 13 cases deemed to be major violations of duty to prosecutors for disciplinary action.

##### *Arrest Procedures and Treatment While in Detention*

Police generally arrested persons openly with warrants based on sufficient evidence. The law provides that authorities promptly inform detainees of the charges against them, and there was a functioning bail system. The law requires police to bring suspects before a prosecutor within 24 hours of detention. During this period, police may detain individuals for up to six hours at the scene of a crime for investigative purposes. The prosecutor has an additional 24 hours to release the person or to bring the person before a judge who decides whether they should remain in pretrial custody. The law generally limits pretrial detention to one year. The law allows detainees to request a lawyer of their own choosing, requires authorities to inform detainees of the charges against them after an indictment, and provides for the right to a speedy trial. In practice authorities often denied detainees prompt access to an attorney. There were no cases of arbitrary arrest or detention reported during the year.

In its May 2009 report, the CPT delegation reported that the right to access an attorney only became effective some time after detained persons had been deprived of their liberty and that access to an attorney seemed to occur only after authorities brought the detainees before a judge to remand them into custody. Many of the persons interviewed by the delegation claimed that authorities did not permit them to contact an attorney or even inform them of their rights until after the crime police questioned them.

#### **e. Denial of Fair Public Trial**

The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. The State Court is the highest court in the country for certain criminal cases, including war crimes, organized crime, terrorism, economic crime, and corruption. The country also has a State Constitutional Court and State Prosecutor's Office. Each entity has its own Supreme Court and office of chief prosecutor. The state-level courts do not exercise judicial supremacy over the entity-level courts. Political parties sometimes influenced the judiciary at both the state and entity levels in politically sensitive cases. Judicial reforms reduced the level of intimidation by organized crime figures and political leaders, but intimidation continued.

The absence of extradition treaties with neighboring countries continued to be a major hurdle to bringing suspects to justice, particularly given the relatively small size of the country, the prevalence of dual citizenship, and the ease of movement across borders with former Yugoslav countries.

The state-level High Judicial and Prosecutorial Council (HJPC) acts independently and regulates many of the most important affairs of the judiciary with clear, transparent criteria for judicial and prosecutorial appointments and detailed disciplinary liability for judges and prosecutors.

Inefficiency in the courts undermined the rule of law by making recourse to civil judgments less effective. There was a backlog of nearly two million unresolved civil cases, more than one-half involving utility bills. Authorities estimated that only 10 percent of the cases involved criminal matters.

According to the 2008 report of the Center for Human Rights of Sarajevo University, more than 20 percent of decisions of the State Constitutional Court had not been implemented. The majority of the cases pertained to so-called "systematic failures" of government, such as problems concerning missing persons, old currency savings, and compensation for war damages.

#### *Trial Procedures*

The laws of the federation and Republika Srpska provide that defendants enjoy a presumption of innocence, public trials, and the right to counsel at public expense, if charged with a serious crime. However, courts did not always appoint defense attorneys where the maximum sentence was less than five years. The law provides defendants the right to confront witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their case, and to appeal verdicts. The

government observed these rights in practice.

The State Court continued to make progress adjudicating organized crime and war crimes cases and expanded the witness protection program. During the year the State Investigation and Protection Agency (SIPA) Witness Protection Department provided support to more than 140 individuals.

The State Court War Crimes Chamber and entity courts continued conducting war crimes trials during the year. By November the State Prosecutor's Office opened 18 new war crimes investigations involving 28 suspects and secured judgments in nine war crimes cases involving 13 alleged war criminals, 10 of whom were convicted and three acquitted.

The State Prosecutor's Office continued to use plea agreements in some cases. In 2008 the Council of Ministers adopted a national strategy for the prosecution of war crimes that foresaw the prosecution of the most serious war crimes by 2016 and all other war crimes by 2024.

On May 21 and June 23, respectively, the State Court sentenced Cerim Novalic to seven years in prison and confirmed an indictment for Zulfikar Alispago, former commander of the "Zulfikar" special purposes squad with the main headquarters of the country's army, for war crimes against civilians in Konjic.

During the year the country's courts sentenced four individuals to a total of 77 years in prison and confirmed indictments for eight others for war crimes in Srebrenica. An August 13 indictment charged that Franc Kos (also known as "Slovenac" and "Zuti"), Stanko Kojic, Vlastimir Golijan, and Zoran Goronja (known as "Zoka" ) with participating in the July 1995 killings of more than 800 men and boys at the Branjevo military farm in Pilica in the Zvornik municipality.

On August 27, Veselin "Batko" Vlahovic, suspected of committing war crimes in Sarajevo from 1992 to 1995, was extradited from Spain. He was arrested on his arrival at the Sarajevo airport on August 26 and taken to the detention unit of the State Court.

Elsewhere in the country during the year, courts sentenced eight individuals to a total of nearly 175 years in prison and indicted eight others for war crimes against civilians.

In December 2009 the State Court found Ratko Bundalo and Nedo Zeljaja guilty of crimes against humanity in the Kalinovik region. The court sentenced Bundalo and Zeljaja to 19 years and 15 years in prison, respectively. The court acquitted a third defendant, Dordislav Askraba, on all counts.

Despite local and international efforts to prosecute war crimes, many lower-level perpetrators remained unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and those responsible for approximately 13,000 to 15,000 other persons who are missing and presumed to have been killed during the 1992-95 war.

#### *Political Prisoners and Detainees*

There were no reports of political prisoners or detainees.

#### *Regional Human Rights Court Decisions*

During the year the European Court of Human Rights (ECHR) issued one judgment involving the country. On May 27, ECHR upheld the right of former Yugoslav military officer Branimir Djokic, who had a legally valid purchase contract, to repurchase his prewar apartment and to register his title. The government compensated Djokic in compliance with ECHR's decision. During the previous year, ECHR issued judgements that found 10 violations by the country of various provisions of the European Convention on



Human Rights, including one violation of the right to liberty and security, three violations of the right to a fair trial, one violation of the right to an effective remedy, and four violations involving protection of property.

During the year the country complied with ECHR judgments requiring individual measures either through actual remedies or by submitting action plans for compliance to ECHR. The country remained noncompliant with the ECHR's December 2009 Sejdic-Finci judgment that the country's constitutional provisions on ethnic minorities running for certain elected offices violated the European Convention on Human Rights.

#### *Civil Judicial Procedures and Remedies*

The law provides for an independent and impartial judiciary in civil matters, and citizens could file civil suits for human rights violations.

#### *Property Restitution*

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

Many officials used property restitution cases to provide political patronage. Other unresolved restitution claims were politically and legally complicated. On June 9, the federation government, Sarajevo Canton government, Sarajevo Stari Grad municipality, and the economic faculty in Sarajevo signed an agreement to return the building that housed the University of Sarajevo's economic faculty to the Serb Orthodox Church. According to the agreement, the construction of the new economic faculty building should begin in 2011; however, during the year the governments did not undertake any activities to fulfill the agreement.

The Jewish and Muslim communities also asserted historic claims to many commercial and residential properties in Sarajevo. The Catholic community maintained a large number of similar claims in Banja Luka.

Roma displaced during the 1992-95 conflict had difficulty repossessing their property as a result of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions in practice. However, some Republika Srpska-based journalists continued to complain of telephone tapping and increased government surveillance.

### **Section 2 Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The law provides for freedom of speech and of the press; however, the government did not always respect press freedom in practice. Laws delegated safeguarding freedom of the press to the cantons in the federation and to the entity-level authorities in the Republika Srpska. Defamation laws exist at the entity-level, and freedom of information legislation exists at both the entity- and state-levels. However, the government, including the courts, did not fully implement these laws in practice, and government respect for freedom of speech and the press did not improve during the year.

The federation criminal code prohibits hate speech. The Republika Srpska criminal code does not specifically proscribe hate speech, although the law prohibits causing ethnic, racial, or religious hatred. The broadcasting code of practice also regulates hate speech by broadcasters. The country's Communications Regulatory Agency (CRA) did not register any cases of hate speech during the year. However, independent analysts noted a tendency by politicians and other leaders to label unwanted criticism as hate speech. Many media outlets used language, often nationalistic, considered incendiary on matters related to ethnicity, religion, sexual orientation, and political affiliation. Both entities have defamation laws which are used in courts. The Press Council registered four cases of hate speech in print media.

Many privately owned newspapers were available and expressed a wide variety of views. A number of independent print media outlets continued to encounter financial problems that endangered their operation.

During the year the Press Council considered 110 complaints related to print media, accepting 36 as valid and rejecting 10 as unfounded. In some cases, the council instructed media outlets to publish a refutation or a retraction, or advised the same, resolving 41 cases in this way. In 26 cases, the council gave instructions for further complaint procedures, or for evaluating cases in court. Most of the complaints accepted by the council involved allegations that print media outlets denied persons the right to respond to reports and articles that they considered false or defamatory. The number of complaints due to breach of children's rights to privacy and protection from discrimination increased during the year. In four cases, the council registered hate speech in articles published in a daily newspaper. The Press Council continued to face pressures and difficulties in preserving its status as a single organization in charge of print self regulation for the entire country.

Political pressures on state-level media institutions continued. Political pressures on the CRA continued, with politicians often alleging a lack of impartiality. Public broadcasters remained vulnerable to political influence as well. Bosnia-Herzegovina Radio Television tried to maintain a neutral editorial policy, but its influence remained limited. Two public broadcasters, Federation Television (FTV) and Radio Television of Republika Srpska (RTRS), remained the largest television broadcasters in the country. RTRS reported predominantly pro-Republika Srpska ruling party views, while there were complaints that FTV continued supporting certain opposition parties.

The problems of the CRA and the undermining of the CRA's independence remained unresolved. Its authority was challenged on political grounds by the ruling political parties. The Council of Ministers failed, for a third year in a row, to appoint a CRA general manager and attempted to influence the selection of a candidate by making it part of a broader political package. In April 2009 the mandate of CRA council members expired. By year's end, the state parliament had not completed procedures for appointing new council members. In 2009, the CRA's status was reduced to that of an administrative body, but an October 19 decision excluded the CRA from the Law on Administrative Bodies. Public broadcasters remained fragmented due to the failure of the steering boards of the public broadcasters to establish a unified public broadcasting system. On September 23, the Organization for Security and Cooperation in Europe (OSCE) issued a report on the country's media which noted that this lack of progress to establish a public broadcasting system undermined the long-term viability of public broadcasting in general.

The few media outlets in the Republika Srpska that retained editorial independence continued to report government interference with their operations. A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country. Radio continued to provide a forum for diverse points of view. In many cases, news programs of independent broadcasters reflected opposition perspectives.

The majority of Republika Srpska media showed a distinct bias in favor of the Republika

Srpska government. On July 2, the Republika Srpska government, for the second consecutive year, decided to give five million convertible marks (\$3.4 million) to Republika Srpska-based media, stating that the assistance would be distributed to projects "of general social interest" that "improve access to information." Despite an official 90-day application submission deadline, the Republika Srpska government allocated funds to 14 selected media outlets well before that deadline. Media watchdog organizations and opposition groups described the program as a subsidy to organizations sympathetic to the ruling Republika Srpska party preceding the country's general elections during the year. There were also complaints that federation media outlets exhibited political bias demonstrating support for certain political parties or business interests.

While there were continued reports of threats against journalists, recent research by the Bosnia and Herzegovina Association of Journalists revealed widespread popular indifference toward such violence. During the year the Free Media Help Line (a part of the Bosnia and Herzegovina Journalists Association) registered 43 cases involving violations of journalists' rights and freedoms or pressure from government and law enforcement officials. During the year there were nine cases of pressure on and threats to journalists that included one death threat and five physical attacks. Other cases involved assault threats and denial of access to information.

In some instances, media sources reported officials threatened media outlets with loss of advertising or limited their access to official information. Politicians and government officials also accused media outlets of opposing a given ethnic group or betraying their own ethnic group. Some journalists complained of telephone tapping, increased government surveillance, actual or threatened lawsuits, and repeated visits from tax authorities.

There were several incidents reported during the year that involved violence against journalists or possible attempts to intimidate the media:

- In August Damir Kaletovic, a journalist with the popular FTV program *60 Minutes*, was charged with illegal taping and secret listening after broadcasting a threat made by Vitomir Popovic, the country's human rights ombudsman, against him and FTV news director Bakir Hadziomerovic. The threats were allegedly made after FTV criticized Popovic's reelection as ombudsman, accusing him of corruption and involvement in war crimes. Popovic was recorded as saying that Kaletovic and Hadziomerovic each "deserved a bullet to the head" for broadcasting the story. On September 20, following numerous requests from Kaletovic, the Banja Luka district prosecutor opened an investigation into the threats allegedly made by Popovic. Both the case against Kaletovic and the investigation of Popovic remained open at year's end.
- On September 22, a store owner in Stolac kicked and attempted to choke *Dnevni List* journalist Nevres Dedic after he took photos of a police raid involving the store. The store owner also damaged Dedic's camera. The attack reportedly occurred in front of five or six police officers, who warned but failed to stop the attacker. Dedic filed a complaint with the police. The Association of BiH Journalists strongly criticized the attack and police failure to protect the journalist. The association asked cantonal police to investigate the case and provide a public explanation why they failed to protect a journalist on duty. Dedic's attorney filed criminal charges against the attacker. Several individuals were arrested during the police operation called "Tax" aimed at breaking the tobacco smuggling chain. However, Dedic's attacker remains released on bail.

In May Ljiljana Kovacevic reported receiving official notification of legal charges filed against the BETA news agency in connection with a slander suit brought by Republika Srpska Prime Minister Dodik. In May 2009 the prime minister filed the suit against the agency and Kovacevic, its Banja Luka correspondent, for reporting that SIPA submitted a report on suspected criminal activity against him and other persons in connection with questionable construction tenders. Dodik asked the court for 15,000 convertible marks

(\$10,200) in damages. BETA accepted the notification but reportedly had not received any additional documents clarifying the case's status.

- On election day, October 3, the ruling Republika Srepska political party, Alliance of Independent Social Democrats (SNSD), faxed a letter to ATV Banja Luka prohibiting the station from reporting at its election headquarters. The country's journalists association condemned SNSD's action as discriminatory.
- By year's end, FTV had not complied with a court order directing FTV to reinstate former news director Duska Jurisic. On January 18, FTV fired Jurisic allegedly for "lacking adequate communication skills which damaged the FTV's reputation." In October labor inspection officials determined that FTV's replacement of Jurisic was illegal. On November 8, the municipal court of Sarajevo also ruled FTV's decision to replace Jurisic to be illegal. On December 15, after FTV appealed the court's ruling, the municipal court of Sarajevo ordered FTV to reinstate Jurisic as news director until the final ruling.

During the year the police did not follow up the reported June 2009 death threat made against Alija Behram, the director of RTV Mostar and host of a political television show. Behram received the threat after a broadcast concerning controversial political issues in Mostar that some believed were anti-Muslim.

### *Internet Freedom*

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for the year, approximately 38 percent of the country's inhabitants used the Internet.

### *Academic Freedom and Cultural Events*

There were no government restrictions on academic freedom or cultural events; however, ethnic favoritism and politicization of faculty appointments constrained academic freedom. In Sarajevo Serbs and Croats complained that Bosniaks received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka and the University of East Sarajevo continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into two separate universities, reflecting the continued ethnic divide in the city. Parochial interests influence the remaining five public universities in Bosniak-majority areas. It was widely believed that corruption is common in the university system.

## **b. Freedom of Peaceful Assembly and Association**

### *Freedom of Assembly*

The law provides for freedom of assembly, and the government generally respected this right in practice.

### *Freedom of Association*

The law provides for freedom of association, and the government, with certain exceptions, generally respected this right in practice. A wide range of social, cultural, and political organizations functioned without interference.

The law allows NGOs to register freely; however, some NGOs and NGO associations experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by delays at the state level, chose instead to register their organizations at the entity level.

### c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's [2010 International Religious Freedom Report](#).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, some limits remained in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

#### *Internally Displaced Persons*

The return of persons displaced by the 1991-95 wars in the former Yugoslavia continued to steadily decrease. According to the UNHCR, 358 persons (of whom, 340 were minorities) returned during the first six months of the year. Government officials and some NGOs, however, believed that the total number of returns was significantly lower, since the UNHCR determined returns based on property restitution rather than physical presence. According to the UNHCR, there were an estimated 113,465 registered displaced persons in the country at the end of 2009 seeking return to their prewar places of residence.

On June 24, the country's parliament adopted the Revised Return Strategy which deals with the issues of property and return of displaced persons and refugees. The strategy treats equally the right to return and the right to assistance for local integration of those who choose not to return. Some of the organizations working on return issues expressed concerns over the strategy, believing it would further slow the return process and encourage local integration.

The high unemployment rate, lack of access to social benefits, inability to transfer social benefits when returning from another entity, lack of available housing, and high municipal administration taxes on documents that were necessary for accessing reconstruction assistance for return continued to inhibit returns.

Minority returnees often faced intimidation and complained of discrimination in hiring. In returnee areas throughout the country, the percentage of minorities holding municipal employment was neither representative of current populations, nor consistent with legally mandated percentages based on the 1991 census, indicating local government failures to implement and enforce the provisions of the law. Minority returnees also faced obstructions in their access to education, health care, and pension benefits, as well as poor infrastructure.

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

In the Republika Srpska, the Ministry for Refugees and Displaced Persons provided support to Bosniaks and Croats returning to the entity and to Bosnian Serbs returning to the federation. The federation Ministry for Refugees assisted Croats and Serbs returning to the federation, and Bosniaks and Croats returning to the Republika Srpska. Both

entity-level refugee ministries provided limited reconstruction assistance to returnees and also committed part of their budgets towards joint projects that were determined by the State Commission for Refugees.

### *Protection of Refugees*

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

Asylum seekers with pending claims, regardless of national origin, may remain in asylum centers until the courts adjudicate their claims, a process which normally took three months, although in some cases longer. Asylum seekers have the right to appeal a negative decision, and the law requires the court to render a decision within two months.

Asylum seekers have the right to education and legal redress for human rights complaints. However, they do not have the right to employment unless the government grants them asylum. There were no reports of abuse of refugees, and adequate protection was provided to refugees in asylum centers.

During the year the government did not grant temporary protection to any individuals not considered to qualify as refugees.

### *Stateless Persons*

According to UNHCR, there were between 3,000 and 5,000 persons at risk of statelessness, the large majority of whom were Roma. This figure also includes those lacking birth registration and persons at risk of denaturalization (largely those naturalized during the country's 1992-95 conflict). According to UNHCR, by year's end, approximately 1,300 cases remained for review by the government. By year's end, more than 50 percent of the cases reviewed resulted in denaturalization, which may render some persons stateless. There were no reported cases during the year. In 2009 one person had been registered as legally stateless, but was subsequently naturalized on the basis of his origin (not on the basis of statelessness). The law provides that a child born to one or two parents who are citizens of the country is also a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are not Bosnian citizens does not gain citizenship unless both parents are stateless persons. While the law provides no special provisions to expedite naturalization for stateless persons, it provides stateless persons opportunities to gain nationality on a nondiscriminatory basis. Stateless persons apply for naturalization through the same procedures as other foreigners.

## **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic multiparty elections based on universal suffrage.

### *Elections and Political Participation*

Observers from the OSCE concluded that the general election was largely conducted in line with international standards but noted problems, including deficiencies in the registration process, group voting, and irregularities in the counting process. The OSCE identified some biased reporting and noted that private media, particularly print, tended to favor certain candidates. Smaller parties complained about systematic

underexposure in the media. Many Republika Srpska print media reported nationalistic parties' rhetoric advocating Republika Srpska's secession and implying connections between segments of the country's Muslim community and international terrorism. Some major outlets in the federation reported parties' use of 1992-95 wartime imagery to intensify ethno-political discord.

Political parties generally operated without restriction or outside influence. Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and run for election. The law provides that Serbs, Croats, Bosniaks, and "others" must be adequately represented in entity, cantonal, and municipal government institutions, based on the 1991 census, until the returns process detailed by the Dayton Accords is completed. However, the government did not respect this law in practice. Separate from the three constituent peoples, there were 16 recognized national minority groups.

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

The law requires that at least 30 percent of political party candidates be women. During the year the country held general elections. An estimated 37 percent of all candidates were women, while women accounted for 17 percent of those actually elected. A December study by the president of the country's Central Election Commission concluded that women were not appointed to the number of higher level government positions that the law's candidate quota system envisioned because of significant gender prejudice. At year's end, eight of 42 members of the state-level House of Representatives were women. There were no women in the nine-member Council of Ministers, although there was one female deputy minister. At the entity level, women held four of 23 leadership positions in the federation, including the president, one vice president, one minister, and one speaker in parliament. In the Republika Srpska, during most of the year, two of 16 ministers and one speaker in parliament were women. By year's end, following October's general elections, a record five women were appointed as ministers in the Republika Srpska.

Minorities remained severely underrepresented in government. There were no members of a minority group in the parliament and only one member of a minority in the Council of Ministers.

As of year's end, the government had not complied with the December 2009 ECHR judgment that the constitutional provision that precludes "others" (that is, persons outside the three constituent peoples – Serbs, Croats, and Bosniaks) from becoming president or delegates of the parliament's upper chamber violates the European Convention on Human Rights. The ECHR found that the country's constitution discriminates against minorities other than the "constituent peoples," and required the country to bring its constitution in compliance with the European Convention for Human Rights.

#### Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt actions with impunity. According to World Bank governance indicators for 2009, corruption remained a serious problem, although the country's rating improved slightly compared with the previous year.

On January 13, state prosecutors initiated two indictments against the former head of the Foreign Investment Promotion Agency (FIPA), Haris Basic, and a senior FIPA associate on charges of abuse of office, exceeding official authority, providing material gain to others, and incurring damages to the government in the amount of 54,000 convertible marks (\$36,720). The case was ongoing at year's end.

In February the state prosecutor ordered an investigation of charges of abuse of power by Damir Hadzic, mayor of the Novi Grad municipality in Sarajevo. The case was in the pretrial phase at year's end.

On April 28, the head of the border police's airport office, Fadil Jaganjac, was sentenced to five months in prison for allowing three persons to enter the country with forged passports.

On April 8, a state court acquitted Edhem Bicakcic and Dragan Covic, the president of the Croatian Democratic Union of Bosnia and Herzegovina party, of corruption charges for alleged offenses committed during the time they served as prime minister and deputy prime minister of the federation.

On July 16, the country's appellate court acquitted Mladen Ivanic, president of the Party for Democratic Progress and a House of Peoples delegate, of charges that he misused public funds when he was Republika Srpska prime minister from 2000-02.

As of year's end, state prosecutors had not filed any charges in connection with the SIPA criminal report, announced in February 2009 that alleged corruption by Republika Srpska officials, including Prime Minister Milorad Dodik, in connection with several illegal construction tenders. The head of SIPA's organized crime unit, Dragan Lukac, who led the investigation, was removed from his position in September 2009.

Candidates for certain public offices, including for seats in parliament at the state and entity levels, and members of the Council of Ministers and entity governments are subject to financial disclosure laws. The Central Election Commission is responsible for ensuring compliance with these laws.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. According to the law, the government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman's offices. In practice the government sometimes failed to provide the required explanation for denial of access unless citizens appealed to the ombudsman, the courts, or legal aid. Public awareness of the law remained low.

## **Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of human rights groups and NGOs generally operated without restriction, investigating and publishing their findings. However, government officials were often inefficient and slow to respond to their recommendations.

By year's end, the UN Development Program estimated the number of NGOs registered in the country to be more than 12,000. Financial viability remained the most challenging obstacle to overall civil society as only nonpolitically oriented organizations receive support from local governments. Registration and the procedure to change an organizational statute take significantly longer than prescribed by legislation due to registration authorities' inefficiency. Public support mechanisms and regulations were underdeveloped. Instead of following set guidelines and criteria, the government commissions that allocated public benefit funds seemed to base many of their decisions on political interest and allocated large percentages of funds to predetermined beneficiaries such as religious communities, sports organizations, and veterans associations. The methods of allocation remain nontransparent and subject to corruption. Additionally there were no monitoring and evaluation mechanisms.

During the year NGO advocacy activities became more diverse, using methods such as policy papers, public announcements, and street actions. NGO participation in decision-making processes was still insufficient and case by case. Both the government and the NGO sector lack sufficient knowledge about the existing mechanisms for NGO participation. The Council of Ministers has the right to return any legislative draft which



did not go through the NGO consultation process, but to date has not used this mechanism. Despite some successful advocacy initiatives during the year, NGOs were largely excluded from decisions of greater political importance or sensitivity. NGOs continued to establish greater cooperation with the government at lower levels. In addition to the existing Agreement on Cooperation signed by the Council of Ministers, more than 60 municipalities drafted and signed agreements with local NGOs by year's end.

Positive media coverage of NGOs continued to increase during the year. The media showed greater willingness to follow and support the work of the NGO community, although this willingness generally extended only to NGO work that did not threaten government interests. Some media covered more controversial issues, such as organized crime and corruption in the health, education, and public administration sectors and recognized NGOs' value as watchdogs and sources of information.

The state-level government cooperated fully with international organizations, such as the Office of the High Representative, which has special powers over the government, as well as other international organizations, such as the ICRC, ICMP, and the OSCE. However, the Republika Srpska government was less responsive and cooperative than were the state-level and federation governments with such organizations.

The entity-level ombudsmen ceased to exist during the year, as mandated by the law, and a single state-level ombudsman institution composed of three members representing the country's three constituent groups became fully functional with the headquarters in Banja Luka and branch offices in Sarajevo, Mostar, Brcko, and Livno. The state-level ombudsman is a functional institution with authority to investigate violations of the country's human rights laws on behalf of individual citizens and to submit recommendations to the government for remedy. However, the ombudsman's recommendations are not legally binding.

The state parliament has a Joint Commission for Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum, and Ethics, consisting of members of both houses of parliament. The 11-member commission regularly held hearings, proposed legislation, and participated in human rights-related activities with governmental and nongovernmental organizations.

The government generally cooperated with the International Criminal Tribunal for Former Yugoslavia (ICTY) by complying with investigations and handing over indicted suspects. During an October 18 visit to the country, ICTY Chief Prosecutor Serge Brammertz stated that time was running out and called on countries in the region to help arrest the two remaining ICTY fugitives, Ratko Mladic and Goran Hadzic. Brammertz described their arrest as becoming imperative, particularly because of the damaging effects that delay of justice has on victims. The ICTY trial of Radovan Karadzic, a fugitive for 13 years, for alleged crimes committed in the country was ongoing at year's end.

## **Section 6 Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or other social status; however, the government did not enforce these prohibitions effectively.

### *Women*

Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness. Violence against women, including domestic violence and sexual assault, remained widespread and underreported. According to NGO estimates, one-third of the women in the country were victims of domestic violence. Both entities have laws that require police to remove an offender from the family home. Experts estimated that only 10

percent of domestic violence victims reported the crime. Police received specialized training in handling cases of domestic violence, and there were two hotlines operating throughout the country that provided assistance to victims. During the year the Republika Srpska domestic violence hotline had received 1,516 reports of domestic violence while the federation hotline received 519. There were several shelters throughout the country for victims of domestic violence, many of which received financial and other material support from the government during the year. Many of these shelters doubled as shelters for victims of trafficking in persons.

Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of their children, and had the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth. Most women had access to prenatal and postpartum care through employer or government insurance. However, insurance costs for self-employed women were often prohibitive, and the actual amount of benefits provided to unemployed mothers often varied according to canton or municipality. According to estimates compiled by international organizations, there were approximately nine maternal deaths per 100,000 live births in the country in 2008. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

The law prohibits sexual harassment, but it was a serious problem. Many NGOs reported that women experienced sexual harassment, but victims almost never filed complaints because they did not recognize their experiences as harassment and were not aware of their legal rights. Women have equal legal status to men, and authorities treated women equally in practice. The government's Agency for Gender Equality worked to inform women of their rights. The state- and entity-level parliaments had committees for gender equality. Although few women held positions of substantial economic or political power, they were represented in most professions. However, results from a labor force survey released during the year showed that women had no larger share in employment than men in any formal economic sector. The survey indicated that over 62 percent of women of working age were inactive in formal labor markets, although many employers underreported employment to avoid mandatory social security contributions. An October report submitted by six prominent women's rights organizations to the U.N. Committee on the Elimination of Discrimination against Women concluded that the government had taken no affirmative action measures that would address gender inequality in employment, noting the absence of job-growth programs tailored specifically for women. According to the report, the state- and entity-level government employment strategies recognized the problem of gender-based inequalities in the labor market and structural stereotyping but were not seriously committed to increasing women's competitiveness in the labor market.

Authorities documented a small but increasing number of gender-related discrimination cases. Anecdotal accounts indicated that women and men generally received equal pay for equal work at government-owned enterprises but not always at private businesses. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for female applicants. Women remained underrepresented in law enforcement agencies, although there was continued progress.

### *Children*

By law a child born to one or two parents who are citizens of the country is also a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are not Bosnian citizens does not gain citizenship unless both parents are stateless persons.

During the year the UNHCR, through a local legal aid NGO, registered the birth of children, mainly Roma, whose parents failed to register them as they were required by the law. The NGO "Vasa Prava" estimated that there were 4,500 unregistered children in

the country. Unregistered children experienced significant obstacles in accessing social, educational, and health benefits.

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

During the year the country's Roma council estimated that less than 35 percent of Romani children attended school regularly. Poverty prevented many Romani children from attending school. Authorities provided textbooks, meal allowances, and transportation allowances for Romani children. Verbal harassment from other students and language problems also contributed to the exclusion of Roma from schools.

During the year students in areas where they are in the minority frequently faced a hostile environment. Obstruction by nationalist politicians and government officials slowed efforts to abolish school segregation and enact other reforms. During the year Stolac High School operated without accreditation because the Herzegovina Neretva Cantonal Ministry of Education found that the curriculum submitted by the Stolac Municipal Council discriminated against Bosniak students.

In some areas of the country, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Many schools effectively entrenched segregation and discrimination. The law provides for administrative and legal unification of the estimated 56 schools with separate classes for Bosnian Croats and Bosniaks; however, implementation of the law did not lead to integrated classrooms. Some of these schools shared extracurricular activities, school entrances, and recreation facilities.

In the Republika Srpska, non-Serbs made up less than 5 percent of the teaching staff in primary and secondary schools. In the federation, minority teachers made up between 5 and 8 percent of all teachers, depending on the canton. Children in primary and secondary schools studied what some NGOs described as "divergent, ethnically specific curricula."

On December 1, following three-days of discussion with state- and entity-level officials, the Council of Europe Commissioner for Human Rights publicly called for ending school segregation, particularly in the federation, because it "reinforces prejudices and intolerance and perpetuates ethnic isolation." The commissioner added that such ethnic-based and divided education systems are not consistent with Council of Europe standards and remain an obstacle to sustainable returns of persons displaced by the 1992-95 war.

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

In certain Romani communities, girls married between the ages of 12 and 14 years old. The government did not have any programs that were aimed specifically at reducing the incidence of child marriage.

Rape is a crime under entity criminal laws. The prescribed sentence for rape is from one to 10 years' imprisonment (if without aggravating circumstances). The minimum age for consensual sex is 18 years old. However, entity-level laws against "enticement to prostitution" permit police to treat minors 14 years and older as "juvenile prostitutes" instead of victims of rape or trafficking in persons. Women's and children's rights NGOs complained that the law allows police to subject children 14 to 17 years old to interrogation and criminal proceedings, although no such prosecutions were documented

during the year. Under entity criminal codes, abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years imprisonment.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### *Anti-Semitism*

There were no reports of anti-Semitic violence against members of the Jewish community, which is estimated to be less than 1,000 persons, and one report of violence against property. On November 18, the secretary of Jewish community in Doboj reported that the walls of the local synagogue were vandalized with Nazi graffiti, a swastika, and "Sieg Heil." Doboj police immediately came to the crime scene to start an investigation, which remained open at year's end.

On November 7, a Bosnian-Croat soccer fan held a Nazi flag during a match in Siroki Brijeg, Sarajevo. The police were said to have stood by and allowed display of the flag and repeated shouting of "Sieg Heil."

### *Trafficking in Persons*

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report*.

### *Persons with Disabilities*

The law in both entities prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities; however, there was discrimination against persons with disabilities in employment, education, and access to health care and other state services. Children with disabilities lacked sufficient medical care and educational opportunities. Policies toward persons with similar disabilities differed between entities in part due to structural differences between the entities' institutions. In the federation, the Institute for Medical Disability Status Classification, staffed by medical professionals and overseen by five relevant federation ministries in cooperation with an advisory NGO, determined the severity of each person's specific disability and level of assistance needed. In the Republika Srpska, the government social workers in the Center for Social Welfare under the entity Ministry of Health and Social Welfare evaluated persons for disabilities and assistance.

In the federation, the law mandates that all public buildings must be retrofitted to provide access to persons with disabilities, and new buildings must also be accessible by the end of the year. However, buildings were rarely accessible to persons with disabilities in practice. Several government buildings, including the federation government and parliament buildings, were not in compliance with the law. The Republika Srpska had comparable laws for public access, but few older public buildings were accessible.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1992-95 conflict were given a privileged status above civilian war victims and persons who were born with disabilities. The Republika Srpska government paid 40 convertible marks (\$27) monthly to upwards of 5,000 persons recognized by its Center for Social Welfare as disabled. In the federation, some 35,000 persons, using standards adopted by the government in 2009, were officially recognized as "90 percent" or "100 percent" disabled and received 440 convertible marks (\$372) in assistance each month. Veterans and civilian war victims with disabilities received an estimated 1,000 convertible marks (\$680).

Many individuals with disabilities lived in institutions, although a growing number of programs for children with disabilities were available in schools. During the year an estimated 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. At year's end, an estimated 1,900 persons with varying degrees of intellectual disabilities were institutionalized. During the year the federation government began a pilot program for assisted living in Tuzla which included 20 persons with intellectual disabilities. As of year's end, no such programs existed in the Republika Srpska.

#### *National/Racial/Ethnic Minorities*

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

Harassment and discrimination against minorities continued throughout the country, often related to property disputes. These problems most often included desecration of graves, graffiti, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults. Specific incidents reported during the year included the following:

- On January 23, unknown individuals threw stones at the building of Croat Cultural Center Petar Ajvazovic in Doboj, damaging the stone tablet with the name of the institution. Police investigated the incident but did not identify the perpetrators.
- On February 19, two minors from Sarajevo accosted Orthodox priest Milorad Milinkovic in Sarajevo's suburb of Reljevo. The next day the Sarajevo canton police identified the perpetrators, who confessed to verbally abusing the priest. The police filed an offense report against their parents for negligent parenting.
- On April 4, two persons spray-painted swastikas, crosses, and Ustasha insignias on 13 tombstones at a Muslim cemetery in Zepce. The local Muslim community and municipal leaders strongly condemned the act. The perpetrators were taken into custody. The prosecutor ordered them detained for 24 hours.

During the year the investigation continued in the August 2009 case in which a 20-year-old male fired two shots at the Serb Orthodox church building in Sarajevo's suburb of Reljevo.

There were no developments and none were expected in the November 2009 bombing attack at the home of the Serb Orthodox parish priest in Sanski Most (in the federation). Priest Slobodan Visekruna was standing near the explosion but was not injured. Police and the cantonal prosecutor investigated the attack, which was strongly criticized by local officials. The case remained unsolved at year's end.

There were no developments and none were expected in the August 2009 case of two young males who verbally assaulted Trebinje Imam Husein Effendi Hodzic in front of the Osman Pasina Mosque in central Trebinje. The case remained unsolved at year's end.

Ethnic discrimination in employment and education remained key problems. In most cases, employers did not reverse the widespread firing of members of ethnic minorities during and after the 1992-95 conflict, and employers often hired members of the local ethnic majority over minorities. Many smaller enterprises were owned by politically connected individuals, usually members of the majority group in their communities, and did not employ minorities. State- and entity-level officials generally did not act to prevent such discrimination.

There were an estimated 80,000 to 100,000 Roma in the country. Roma experienced serious difficulties in enjoying the full range of fundamental human rights provided to them under the law. The country's Helsinki Committee for Human Rights estimated that only 1 percent of the working-age Romani population were employed and indicated that

employers usually downsized Roma first during a reduction in force. Many Roma lacked birth certificates, identification cards, or a registered residence, preventing them from accessing health care and public education services or registering to vote.

In 2008 the country joined the 12-country Decade of Roma Inclusion initiative of central and southeast European countries to raise the socioeconomic status and encourage the social inclusion of Roma over 2005-15. As part of the initiative, the country adopted a national "decade action plan" that established goals and indicators in the initiative's four priority areas: education, employment, health, and housing. In coordination with Romani representatives, the government tasked the state Ministry of Human Rights and Refugees (MHRR) with overseeing implementation of the action plan. In 2009, the MMHRR began with annual allocation of three million convertible marks (\$2 million) for implementation. Romani representatives complained that the bureaucratic procedure significantly delayed the utilization of funds.

#### *Societal Abuses, Discrimination, Acts of Violence Based on Sexual Orientation and Gender Identity*

While the law prohibits discrimination on the basis of sexual orientation, it was not fully enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender (LGBT) persons.

Gays and lesbians faced frequent harassment and discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job. The European Commission Progress Report for the year found that physical attacks and harassment of LGBT persons continued and that no government official condemned such acts.

The Q Association, an umbrella organization for the country's LGBT population, operated semipublicly, and the employees of the organization did not openly display their address and contact information, as they were afraid of intimidation and threats. For the same reason, the association did not organize any high-profile public events to promote LGBT rights during the year. In 2008 the association's Queer Sarajevo Festival was harshly criticized by Muslim community leaders and was the scene of threats and physical violence against festival organizers and participants.

#### *Other Societal Violence or Discrimination*

According to government statistics, there were 167 officially registered cases of HIV/AIDS in the country at year's end, with slightly more than half registered in the federation. The NGO XY-Association for Sexual and Reproductive Health estimated that the actual number of cases throughout the country was at least 600. There was significant social stigma and employment discrimination against persons with HIV/AIDS, a general lack of awareness of HIV/AIDS, and extremely limited resources to identify and assist those affected.

During the year government-run testing facilities lacked properly trained counselors or a systematic method of referring those diagnosed with HIV/AIDS for outside counseling and often relied on periodic, informal requests from the NGO Apoha to relay the contact information to those who had been recently diagnosed with HIV/AIDS. Government-run clinics and hospitals often used separate silverware and dining facilities for patients with HIV/AIDS, and waiting room staff often ignored HIV/AIDS patients' rights to privacy and confidentiality. While the government provided HIV-suppressing drugs free of charge to persons diagnosed with HIV/AIDS, it did not fund the treatment of opportunistic infections associated with HIV/AIDS.

Although the entity and Brcko District governments did not directly sponsor HIV/AIDS awareness and antidiscrimination programs for school-age children, authorities permitted the XY-Association to conduct "peer education" training workshops in public schools during school hours in 17 cities throughout the country during the year.

## Section 7 Worker Rights

### a. The Right of Association

The law allows workers in both entities (including migrant workers, but excluding members of the military) to form and join independent unions without previous authorization or excessive requirements, and workers did so in practice. However, a cumbersome state-level government NGO registration system was a problem. For example, the International Labor Organization has criticized the government for not allowing the Trade Union of Bosnia and Herzegovina, representing approximately 260,000 workers primarily from federation government-owned enterprises, to register as a union at the state level since 2002. Lack of formal recognition blocked the union from engaging in social dialogue on problems pertaining to state-level competencies with partners.

The law provides for the right to conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed workers from organizing. Worker rights violations continued to be a lower priority for ministry inspectors, as state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers that did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union and have in some cases fired union leaders for their activities.

The law in both entities and the Brcko District provides for the right to strike, and workers exercised this right in practice. However, in the federation, the law has burdensome requirements for workers who wish to conduct a strike. For example, a trade union cannot officially announce a strike without first reaching an agreement with the employer on which "essential" personnel would remain at work. If no agreement is reached, then the strike can be declared illegal. This effectively enables the employer a means to prevent a legitimate strike.

In Republika Srpska, workers, including those in the health sector and public utilities, must provide a minimum level of service in the event of a strike.

### b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively in both entities and the Brcko District. In both entities, general collective agreements, wherein the minimum wage and other conditions of work are fixed, were negotiated by the respective governments and representative organizations of employers and workers. A number of private employers have refused to recognize these agreements. Workers' and employers' organizations were not skilled in collective bargaining. Labor authorities in the federation noted that employers and workers often did not fully analyze whether such agreements were financially sustainable when they were signed.

Antiunion discrimination is prohibited by law but was widespread in both entities and the Brcko District. The labor inspectorates and courts did not deal effectively with complaints of antiunion discrimination by employers although the courts in the federation have often ruled in favor of workers in union-related disputes. In practice the government did not impose fines on employers who prevented workers from unionizing, a practice that was becoming more prevalent as private sector businesses replaced former state-owned enterprises that had a traditional union culture. There are no legal or technical barriers preventing an employee from bringing a complaint against an employer. However, high unemployment coupled with fear of losing one's job, a backlogged court system, and the lack of legal protection for the approximately 20 percent of the labor force working in the unregistered gray economy, were disincentives to filing complaints.

There are no special laws or exemptions from regular labor laws in the country's four export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that individuals and organized crime syndicates trafficked women and children within and to the country for commercial sexual exploitation and sometimes for begging and forced labor.

Victims of sexual exploitation worked primarily out of private apartments and homes or were driven to clients and forced to perform sexual services. They reported working in conditions akin to slavery, with little or no financial support, where they were intimidated, verbally threatened, and subjected to physical and sexual assault to keep them in a condition of servitude.

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

### d. Prohibition of Child Labor and Minimum Age for Employment

Entity-level and Brcko District labor laws restrict child labor, and the entity governments enforced these laws in practice. The minimum age for employment of children in the federation and in Republika Srpska is 15 years old; minors between the ages of 15 to 18 years old must provide a valid health certificate to work. The law prohibits children from performing hazardous labor. In the federation, the law prohibits minors from "night work" except in exceptional circumstances. Although child labor was not generally a problem, children sometimes assisted their families with farm work and odd jobs. Reports indicated that children sometimes worked in small, family-owned shops.

Trafficking in children for sexual exploitation and sometimes for labor and begging was a problem. Organized begging rings exploited Romani children in particular, of which more than half were under the age of 14 and did not attend school.

Entity governments are responsible for enforcing child labor laws. Neither entity had inspectors dedicated to child labor inspections, and authorities investigated violations of child labor laws as part of a general labor inspection. Both entities' labor inspectorates reported that they had not found significant violations of child labor laws in the workplace, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor.

### e. Acceptable Conditions of Work

The monthly minimum wage in the federation was 343 convertible marks (\$233). In the Republika Srpska, the monthly minimum wage was 370 convertible marks (\$252) except in the textiles and footwear sectors where it was 320 convertible marks (\$218). The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of whichever entity its workers decided to direct their pension funds towards. None of these levels provided a decent standard of living for a worker and family. Labor inspection agencies at the entity level were responsible for enforcing the minimum wage. In the case of the federation, the entity agency was responsible for large state-owned enterprises, while cantonal inspection agencies were responsible for small, private businesses. The agencies were effective at enforcing the minimum wage, largely because it was low. Many employers did not report actual salaries in an effort to avoid payment of social contributions.

Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities and the Brcko District to make substantial mandatory contributions to pension and health care funds. To avoid paying high social welfare benefits, employers often did not officially register their employees, leaving employees without access to public health care and unable to officially transfer to another employer.



Many employers were behind, sometimes for years, in paying salaries or providing health and pension benefits to employees of public works and institutions.

The legal workweek in both entities and the Brcko District is 40 hours; however, seasonal workers may work up to 60 hours per week. The law limits overtime to 10 hours per week in both entities; the federation has no provision for premium pay, while the Republika Srpska requires a 30 percent premium. A recent study, funded by Norwegian trade unions, found that employers routinely denied workers overtime and sick leave in the private commercial sector in both entities and the Brcko District, particularly those employed in large shopping malls. An employee in the Republika Srpska may volunteer for an additional 10 hours in exceptional circumstances. Federation and Republika Srpska laws require a minimum rest period of 30 minutes during the workday. The entities and the Brcko District have little ability to enforce regulations on working hours, daily and weekly rest, or annual leave, and these protections were generally believed to be lacking.

Authorities in both entities and the Brcko District did not adequately enforce regulations related to acceptable work conditions. While labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. In the Republika Srpska, the courts were ineffective in providing adequate protections to workers. Union leaders have lobbied for the creation of special labor courts to handle the workload, but the proposal lacks the support of the state's High Judicial and Prosecutorial Council. Republika Srpska law holds employers responsible for improving working conditions.

The law provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment; however, this right was not effectively enforced in practice. Workers' rights extended to all official, that is, registered, workers including migrant and temporary workers. According to informal estimates, approximately 40 percent of the total work force was unregistered.

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