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Country Report on Human Rights Practices 2019 - Bosnia and Herzegovina

Executive Summary

Bosnia and Herzegovina (BiH) is a democratic republic with a bicameral parliament. Many governmental functions are the responsibility of two entities within the state, the Federation and the Republika Srpska (RS), as well as the Brcko District, an autonomous administrative unit under BiH sovereignty. The 1995 General Framework Agreement for Peace (the Dayton Accords), which ended the 1992-95 Bosnian war, provides the constitutional framework for governmental structures, while other parts of the agreement specify the government's obligations to protect human rights and enable the right of wartime refugees and displaced persons to return to their prewar homes or be compensated for properties that cannot be restored to them. The country held general elections in October 2018. As of December, however, the election results had not been fully implemented, as the state-level government and two cantonal governments had not yet been formed. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) reported that elections were held in a competitive environment but were characterized by continuing segmentation along ethnic lines. While candidates could campaign freely, ODIHR noted that “instances of pressure and undue influence on voters were not effectively addressed,” citing long-standing deficiencies in the legal framework. ODIHR further noted that elections were administered efficiently, but widespread credible allegations of electoral contestants manipulating the composition of polling station commissions reduced voter confidence in the integrity of the process. More than 60 complaints of alleged election irregularities were filed with the Central Election Commission.

State-level police agencies include the State Investigation and Protection Agency, the Border Police, the Foreigners Affairs Service (partial police competencies), and the Directorate for Police Bodies Coordination. Police agencies in the two entities (the RS Ministry of Interior and the Federation Police Directorate), the Brcko District, and 10 cantonal interior ministries also exercise police powers. The armed forces provide assistance to civilian bodies in case of natural or other disasters. The intelligence service is under the authority of the BiH Council of Ministers. An EU military force continued to support the country's government in maintaining a safe and secure environment for the population. While civilian authorities maintained effective control of law enforcement agencies and security forces, a lack of clear division of jurisdiction and responsibilities between the country's 16 law enforcement agencies resulted in occasional confusion and overlapping responsibilities.

Significant human rights issues included: significant problems with the independence of the judiciary; restrictions of free expression, the press, and the internet, including violence and threats of violence against journalists; significant government corruption; trafficking in persons; and crimes involving violence or threats of violence against members of national/ethnic/racial minorities and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Units in both entities and the Brcko District investigated allegations of police abuse, meted out administrative penalties, and referred cases of criminal misconduct to prosecutors. Observers considered police impunity widespread, and there were continued reports of corruption within the state and entity security services. Ineffective prosecution of war crimes committed during the 1992-95 conflict continued to be a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

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

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

While national authorities made significant progress prior to 2018 in the investigation and prosecution of war crimes committed during the 1992-95 conflict, many problems remained. Insufficient funding, poor regional cooperation, lack of personnel, political obstacles, lack of evidence, and the unavailability of witnesses and suspects led to the closure of cases and a significant backlog. Authorities also lacked adequate criteria to evaluate which cases should be transferred from state to entity-level courts. Data from August indicated that the BiH Prosecutor's Office had 464 unresolved cases involving 4,273 individuals. According to the OSCE, the Prosecutor's Office continued to focus on less complex war crimes cases during this period, misusing resources and failing to act in accordance with the current war crimes strategy. The Prosecutor's Office also processed the cases at a very slow rate. The conviction rate has declined significantly, down to 39 percent in 2018.

Some convictions were issued or confirmed during the year. For example, the Appeals Chamber of the Court of BiH confirmed a verdict by which Minet Akeljic, Saban Haskic, Senad Bilal, and Hazim Patkovic were sentenced to prison for crimes committed against civilians imprisoned in Kruscica prison near Vitez in 1993. Akeljic and Haskic were sentenced to seven years of prison, Bilal to eight years, and Patkovic to five years of prison. In a separate case, on September 30, the court found Enver Buza guilty of the criminal offense of war crimes against civilians under the criminal code of the Socialist Federative Republic of Yugoslavia. Buza, the former commander of the Army of BiH battalion, was sentenced to 12 years in prison for failing to discipline his subordinates for killing 27 Croat civilians in the village of Uzdol in 1993.

Impunity for some war crimes nevertheless continued to be a problem, especially for persons responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 8,000 other persons who remained missing and presumed killed during the conflict. Authorities also failed to prosecute more than a very small fraction of the more than 20,000 instances of sexual violence alleged to have occurred during the conflict.

b. Disappearance

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

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

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

The country has not designated an institution as its national mechanism for the prevention of torture and mistreatment of detainees and prisoners, in accordance with the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In 2018 the Institution of Human Rights Ombudsman in BiH (Ombudsman) received 144 complaints of security force abuses against prisoners, some of which referred to prisoner treatment in detention and prison facilities. Observers noted that while mistreatment of suspects and prisoners in police stations and detention centers generally decreased, it remained a matter of concern. Prosecution of such cases remained slow and inconsistent.

Prison and Detention Center Conditions

Physical and sanitary conditions in the country's prisons and detention facilities varied depending on location but were generally considered substandard.

Physical Conditions: The Ombudsman's annual report for 2018 indicated that prison overcrowding in Sarajevo continued, with 96 inmates housed in a facility with a maximum capacity of 88.

Not all prisons had comprehensive health-care facilities with full-time health-care providers. In such instances, these institutions contracted part-time practitioners. There were no prison facilities suitable for prisoners with physical disabilities.

In a special report on the situation in police holding facilities released during the year, the Ombudsman reported that the biggest problems in all police administrations were the lack of holding facilities and the limited capacity of existing ones. Several police stations in the same police administrative district had to use the same facilities. A lack of space also made it difficult for police to separate male, female, and minor detainees in

cases where a large number of detainees were accommodated. Some police stations' detention facilities lacked natural light and had poor ventilation. The material conditions of most police detention facilities were generally below EU standards.

Administration: Units in both entities and the Brcko District did not always conduct investigations into credible allegations of prisoner or detainee mistreatment.

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

Independent Monitoring: The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The International Committee of the Red Cross, the Council of Europe's Committee for the Prevention of Torture (CPT), the Ombudsman, and other nongovernmental organizations (NGOs) continued to have access to prison and detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels. In June the CPT visited prisons and detention facilities in the country for the eighth time; as of September, the CPT had not released its report on the visit.

Improvements: On August 1, the government opened the long-awaited State Prison with the capacity to hold 400 prisoners. The prison will not begin accommodating its first prisoners before mid-2020, upon completion of staff hiring and administrative procedures.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

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

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

The law allows detainees to request a lawyer of their own choosing, and if they are unable to afford a lawyer, the authorities should provide one. The law also requires the presence of a lawyer during the pretrial and trial hearings. Detainees are free to select their lawyer from a list of registered lawyers. In a 2016 report, the CPT noted that, in the vast majority of cases, authorities did not grant detainees access to a lawyer at the outset of their detention. Instead, such access occurred only when the detainee was brought before a prosecutor to give a statement or at the hearing before a judge. It was usually not possible for a detainee to consult with his or her lawyer in private prior to appearing before a prosecutor or judge. The report also noted that juveniles met by the CPT also alleged they were interviewed without a lawyer or person of trust present.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides that defendants enjoy a presumption of innocence; the right to be informed promptly and in detail of the charges against them, with free interpretation if necessary; the right to a fair and public trial without undue delay; and the right to be present at their trial. The law provides for the right to counsel at public expense if the prosecutor charges the defendant with a serious crime. Courts are obliged to appoint a defense attorney if the defendant is deaf or mute or detained or accused of a crime for which a long-term imprisonment may be pronounced. Authorities generally gave defense attorneys adequate time and facilities to prepare their clients' defense. The law provides defendants the right to confront witnesses, to have a court-appointed interpreter and written translation of pertinent court documents into a language understood by the defendant, to present witnesses and evidence on their own behalf, and to appeal verdicts. Authorities generally respected most of these rights, which extend to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for individuals and organizations to seek civil remedies for human rights violations through domestic courts and provides for the appeal of decisions to the European Court of Human Rights (ECHR). The government failed to comply with many decisions pertaining to human rights by the country's courts. The court system suffered from large backlogs of cases and the lack of an effective mechanism to enforce court orders. Inefficiency in the courts undermined the rule of law by making recourse to civil judgments less effective. In several cases, the Constitutional Court found violations of the right to have proceedings finalized within a reasonable period of time. The government's failure to comply with court decisions led plaintiffs to bring cases before the ECHR.

Property Restitution

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

The government has no laws or mechanisms in place, and NGOs and advocacy groups reported that the government has not made progress on resolution of Holocaust-era claims, including for foreign citizens. The absence of legislation has resulted in the return of religious property on an ad hoc basis, subject to the discretion of local authorities. Since 1995 the Jewish community has not received a confiscated communal property. Due to the failure of political leaders to form a government following the 2018 general elections, there was no progress or discussion on the adoption of restitution legislation during the year.

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, but governmental respect for this right remained poor during the year. Intimidation, harassment, and threats, including an increased number of death threats, against journalists and media outlets continued during the year, while the majority of media coverage was dominated by nationalist rhetoric and ethnic and political bias, often encouraging intolerance and sometimes hatred. The absence of transparency in media ownership remained a problem.

Freedom of Expression: The country’s laws provide for a high level of freedom of expression, but the irregular and, in some instances, incorrect implementation and application of the law seriously undermined press freedoms. The law prohibits expression that provokes racial, ethnic, or other forms of intolerance, including “hate speech,” but authorities did not enforce these restrictions.

Data from the Free Media Help Line (FMHL) indicated that courts continued to fail to differentiate between different media genres (in particular, between news and commentary), while long court procedures and legal and financial battles were financially exhausting to journalists and outlets. The FMHL concluded that years of incorrectly implementing the law had caused direct pressure against journalists and media and that such pressure jeopardized journalists’ right to freedom of expression.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction, but sometimes this resulted in pressure or threats against journalists. The law prohibiting expression that provokes racial, ethnic, or other forms of intolerance applies to print and broadcast media, the publication of books, and online newspapers and journals but was not enforced.

Political and financial pressure on media outlets continued. Some media outlets noted that allegations of tax evasion and elaborate financial controls continued to be powerful tools in attempts to intimidate and control outlets. The number of physical attacks against journalists increased during the year.

Attacks on journalists’ professional integrity and freedom of the press continued to grow throughout the year. On a number of occasions, public officials obstructed the work of journalists. During one weekend in February, for example, the FMHL registered three such incidents. In one of the incidents in Banja Luka, police stopped journalists from *E-Trafika* and *Dnevni Avaz*, who were clearly displaying press credentials, from reporting on the “Justice for David” protests there.

The practice of pressuring journalists to censor their reporting continued during the year as well. Investigative stories on corruption in the country’s judicial sector focusing on high-level officials resulted in additional pressure on journalists. In June, for example, the BiH Prosecutor’s Office issued a threatening press release announcing that it was opening a case to investigate the motives of persons disseminating negative reports in the media about their work. The BiH Journalists Association (BH Journalists) strongly

criticized the statement. In April the country’s chief prosecutor, Gordana Tadic, told investigative journalists that they were to run their stories, accompanied by supporting evidence, by prosecutors or police offices before publishing them. This “advice” came after prosecutors questioned journalists who wrote high-profile investigative stories about fake university diplomas and alleged Croatian intelligence activities in the country.

Authorities continued exerting pressure on media outlets to discourage some forms of expression, and party and governmental control over a number of information outlets narrowed the range of opinions represented in both entities. Public broadcasters remained under strong pressure from government and political forces due to a lack of long-term financial stability. Public broadcasters remained exposed to political influence, especially through politically controlled steering boards. These factors limited their independence and resulted in news that was consistently subjective and politically biased.

The Public Broadcasting System consists of three broadcasters: nationwide radio and television (BHRT) and the entity radio and television broadcasters RTRS and RTV FBiH. The law on the public broadcasting system is only partially implemented and entity laws are not in line with state level law. Public broadcasters continued to be in a difficult financial situation, primarily due to the lack of an efficient, unified, and stable system of financing.

The institutional instability of the governing structures of RTV FBiH continued, as the broadcaster failed to elect a steering board or appoint organizational management and remained open to political influence. As a result, RTV FBiH continued to demonstrate political bias and a selective approach to news.

The RS government continued directly to control RTRS, which demonstrated strong support for the ruling political parties in the RS. The BHRT, which previously had a reputation for being balanced and nonbiased, caved to increased political pressure and censored its own reporting. Authorities remained subject to competing political interests and failed to establish a public broadcasting Service Corporation to oversee the operations of all public broadcasters in the country as provided by law.

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

As of August the FMHL recorded 37 cases involving violations of journalists’ rights and freedoms, five death threats, and six physical assaults. According to data from BH Journalists covering the period from 2006 to 2019, authorities prosecuted approximately 30 percent of criminal acts reported against journalists and investigated more than one-third of alleged violations of journalists’ rights.

On March 28, for example, Huso Cesir, the head of the municipal council of Novi Grad in Sarajevo, shoved and verbally harassed Adi Kebo, a cameraman at the online news magazine *Zurnal*, while he was filming the entrance to Cesir’s company as part of an investigation into the politician’s business dealings. Cesir’s son joined his father and also harassed Kebo, briefly taking Kebo’s camera. Kebo sustained light injuries and his camera was damaged during this attack. BH Journalists reacted and strongly condemned the attack, while Party for Democratic Action (SDA) leaders made light of it, stating that Cesir attacked the camera, not the cameraman. Sarajevo Canton police filed a case with the canton prosecutor.

Early in the year, journalists at TV Sarajevo, the public television service of Sarajevo Canton, complained they were frequently censored and harassed by their SDA-allied management and reported the case to the FMHL. In February a former TV Sarajevo employee set fire to the car of the then director of the station. The director, Edina Fazlagic, blamed false accusations about the station’s employment policies for triggering the attack. The SDA condemned the attack, calling it political pressure against press freedom. In March, BH Journalists issued a press release condemning political pressures against TV Sarajevo. The FMHL contacted the Ombudsman and cantonal labor inspector concerning the alleged violation of TV Sarajevo’s employees’ rights, which the labor inspector ultimately confirmed. Following a political reshuffle, the Sarajevo Canton government—now formed without the SDA—made Kristina Ljevak the acting director of the station in May. The SDA strongly criticized her decisions, and right-oriented web portals took issue with her ethnic background and questioned her suitability for the position, as she had spent the war in the RS. An SDA member of the Sarajevo Canton Assembly, Samra Cosovic Hajdarevic, referring to Ljevak’s appointment, commented on Facebook that Muslim names in important positions were being replaced with other ones. The comment sparked strong reactions from media professionals, who condemned it as discriminatory, while the multiethnic Social Democratic Party and Democratic Front party condemned it as hate speech.

On July 12, the Banja Luka District Court convicted Marko Colic, one of the attackers in the 2018 attack on journalist Vladimir Kovacevic. Kovacevic, a BNTV journalist based in Banja Luka, was severely beaten as he came home after covering a protest. Colic was sentenced to four years in prison. The second attacker, identified as Nedeljko Dukic, was never apprehended. Journalist associations continued to assert that this unresolved case had a chilling effect on press freedom in the country.

Censorship or Content Restrictions: Multiple political parties and entity-level institutions attempted to influence editorial policies and media content through legal and financial measures. As a result, some media outlets practiced self-censorship.

In some instances, media sources reported that officials threatened outlets with loss of advertising or limited their access to official information. Prevailing practices reflected close connections between major advertisers and political circles and allowed for biased distribution of advertising time. Public companies, most of which were under the control of political parties, remained the key advertisers. Outlets critical of ruling parties claimed they faced difficulties in obtaining advertising.

Libel/Slander Laws: While the country has decriminalized defamation, a large number of complaints continued to be brought against journalists, often resulting in extremely high monetary fines. Noteworthy court decisions against journalists included temporary bans on the posting or publication of certain information as well as very high compensatory payments for causing “mental anguish.”

Internet Freedom

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

Academic Freedom and Cultural Events

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

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. During the year, however, the RS Ministry of Interior banned a group of citizens from holding peaceful protests as part of the “Justice for David” movement in Banja Luka in at least four instances. On June 7, Banja Luka police informed citizens that they could no longer assemble in front of the Christ the Savior Orthodox Church in Banja Luka, where they had been gathering every night and lighting candles. Police told protesters that the request to ban the protests came from the Banja Luka Orthodox Church Eparchy, which complained it was unable to hold their regular activities due to the protests. A gathering planned for July 21 was also banned, even though the protesters announced they would have no sound system, no banners, and that the number of participants would not exceed 50. On June 20, police used excessive force and briefly detained and interrogated a male Swedish citizen for attempting to speak to an acquaintance who was part of the Justice for David group in front of the church. Police asked the man for identification; when he refused and asked for the legal reason for the police request, police attacked him, handcuffed him, and took him to the police station. The man sustained light injuries and left Banja Luka the next morning.

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

In December 2018 the Constitutional Court of BiH confirmed that public authorities of Sarajevo Canton had violated the right to freedom of assembly of LGBTI persons by failing to ensure the safety of participants at the 2014 Merlinka Festival, which was disrupted by masked attackers. The Constitutional Court also confirmed that public authorities failed to conduct a thorough investigation and sanction the perpetrators of the violence, which the court found amounted to a violation of the prohibition against torture or inhuman or degrading treatment and enabled homophobic and transphobic violence to occur at the festival. The court ordered the governments of the Federation of BiH and Sarajevo Canton to pay a total of 8,000 convertible marks (\$4,500) within three months to the appellants in compensation for the violence, fear, and stress they experienced.

On September 8, an estimated 3,000 persons participated in the first LGBTI Pride March in BiH. More than 1,100 police officers from several law enforcement agencies in BiH provided security for the event, which was conducted peacefully and without incident. Sarajevo Canton authorities coordinated closely with march organizers but did require the organizers to pay for 150 private security contractors and physical barriers along the march route. The requirement to pay for the security contractors and barriers could have been an administrative barrier against the march; similar security requirements have been waived for other large, non-LGBTI events.

There are 10 laws governing the right to free assembly in different parts of the country, all of which were generally assessed to be overly restrictive. Examples include the prohibition of public assembly in front of numerous public institutions in the RS, while some cantonal laws in the Federation (e.g., in Central Bosnia Canton) prescribe criminal liability for failing to fulfill administrative procedures for holding a peaceful assembly.

Freedom of Association

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

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, but some restrictions remained. Although the legislation on asylum provides for freedom of movement for asylum seekers, authorities of Una-Sana Canton imposed restrictions without a due legal basis. This resulted in asylum seekers—including some who were duly registered—being forcibly disembarked from public transports at the entrance of the canton territory and being prevented from using buses and taxis within the canton. Groups of asylum-seekers and migrants were regularly marched involuntarily from Bihac to a location several kilometers away, where their movements were limited. The location itself offers very poor humanitarian and safety conditions. UNHCR's legal aid partner legally challenged these restrictions.

e. Internally Displaced Persons (IDPs)

Ministry of Human Rights and Refugees statistics indicated that 96,830 persons still held IDP status resulting from the 1992-95 conflict. The majority of Bosniaks and Croats fled the RS, while Serbs fled the Federation. At the beginning of the year, UNHCR was directly providing protection, or assistance, or both to 10,484 IDPs. According to UNHCR, an estimated 3,555 persons, including IDPs, continued to live in collective accommodations throughout the country. While the accommodations were meant to be temporary, some have been living in them for 20 or more years. A substantial number of IDPs and returnees lived in substandard conditions that affected their livelihoods.

The country's constitution and laws provide for the voluntary return or local integration of IDPs consistent with the UN Guiding Principles on Internal Displacement. The government has actively promoted the safe return and resettlement or local integration of refugees and IDPs, depending on their choice. The government allocated funding for returns and participated in internationally funded programs for return. Isolated attacks against minority returnees continued but were generally not investigated or prosecuted adequately. Minority returnees continued to face obstacles in exercising their rights in places of return.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum (refugee or subsidiary protection status), and the government has established a system for providing protection to refugees. Asylum seekers with pending claims have a right to accommodation at the asylum center until the Ministry of Security makes a final and binding decision on their claims. Provision of adequate accommodation remained one of the biggest challenges since the beginning of 2018 due to increased arrivals of asylum seekers. It was common practice for some migrants to apply for asylum in order

to gain access to temporary benefits and services, even if they had no plans to remain in the country. The increase of arrivals delayed registration procedures and access to rights and services, including legal, medical, and basic needs such as food and basic hygiene facilities and items, which were tied directly to the accommodation facilities.

According to an AP press service report, on October 24, the International Red Cross issued a statement warning of an imminent “humanitarian catastrophe” at one particular site, overcrowded makeshift migrant camp near the country’s border with Croatia. According to the statement, migrants in the Vucjak camp had no running water, no electricity, no usable toilets, and leaking overcrowded tents for the 700 persons there. The statement noted there were persons living in the camp with untreated broken limbs, and 70 percent of the population had scabies. The camp had only 80 tents and five volunteers from the country’s Red Cross Society. According to the report, local authorities restricted the camp’s water supplies in an effort to pressure the BiH government to relocate the migrants.

In official migrant centers, international organizations, NGOs, volunteers, or local actors provided services on an ad hoc basis. In May 2018 an additional facility, the Salakovac Refugee Reception Center, was opened for the accommodation of asylum seekers. Five temporary reception centers for refugees, asylum-seekers, and migrants were opened and managed by the International Organization for Migration in cooperation with the Service for Foreigners’ Affairs (four in Una-Sana Canton and one near Sarajevo). Nevertheless, adequate shelter capacity was still lacking, in particular for families, unaccompanied and separated minors, and other vulnerable categories. The swift processing of asylum claims was another area of concern, as there were many obstacles to registering an asylum claim, including the obligation for asylum seekers not accommodated in an official government-run center to register their address. While the situation improved over the course of the year, the Sector for Asylum still lacked resources to ensure that applicants had full and timely access to asylum procedures. In addition, asylum authorities lacked sufficient personnel, making the asylum process very lengthy and discouraging refugees from seeking asylum in the country.

Asylum seekers have the right to appeal a negative decision before the Court of BiH. The system for providing protection to refugees seeking asylum continued to suffer from a lack of transparency.

Authorities appeared to have stopped their previous practice of placing foreigners with irregular status or without documentation in immigration detention centers and issuing expulsion orders without giving asylum seekers the ability to present applications. The change came with the increase of new arrivals in 2018 and 2019. In the past, the Service for Foreigners’ Affairs held asylum seekers for 90 days, the maximum initial holding period prescribed by law. Detention decisions were issued in the Bosnian/Croatian/Serbian languages while, according to the Service for Foreigners’ Affairs, individuals were informed of the content of the decision orally with the assistance of an interpreter. A foreigner may appeal a decision on detention within three days from the date it is issued. Many asylum seekers did not receive legal aid within this timeframe and subsequently told the Office of the UN High Commissioner for Refugees (UNHCR) that they were not informed of this possible remedy.

UNHCR paid ad hoc visits to the Immigration Center of the Service for Foreigners' Affairs, where foreigners were detained. UNHCR's main concern with regard to the center was the difficulty experienced by legal aid NGOs that wanted to access it on a regular basis and the fact that authorities occasionally detained families with children there, pending their voluntary readmission to countries of origin.

According to UNHCR, authorities held several individuals seeking asylum at the Immigration Center during the first eight months of the year. Information on the right to seek asylum was not readily available to potential asylum seekers in the center. UNHCR expressed concern that foreigners in detention might not have access to asylum procedures and that authorities might prematurely return some potential asylum seekers under readmission agreements before they had been afforded an opportunity to file a claim for asylum. In addition, some provisions of the BiH legislation on extradition gives authorities the possibility of extraditing a person who has expressed the intention to seek asylum if the request was made after the country had received an extradition request. In addition, UNHCR reported that applicants for refugee status did not have sufficient legal assistance; that there were no clear standards of proof or methods of assessing the credibility of claims, including country of origin; and that guidelines for determining whether there was a risk of persecution were unduly strict.

Safe Country of Origin/Transit: The law provides for the application of the concept of “safe country of origin or safe third country.” Under this provision, authorities may deny asylum to applicants who cannot prove they were unable to return to their country of origin or to any country of transit. The application of this concept would require a list of safe third countries and countries of origin to be made by the BiH Council of Ministers.

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

Temporary Protection: The government provided subsidiary protection status to individuals who may not qualify as refugees. In the first seven months of the year, authorities provided subsidiary protection to 17 individuals and extended existing subsidiary protection to four others.

g. Stateless Persons

UNHCR reported approximately 90 persons, mostly Roma, who were at risk of statelessness. This figure included persons lacking birth certificates and citizenship registration. UNHCR continued to support free legal aid and capacity building assistance to BiH authorities to facilitate birth and citizenship registrations. From 2009 to 2017,

UNHCR assisted 1,686 individuals through its implementing partner, the NGO Vasa Prava, to confirm their nationalities. UNHCR also continued to work with BiH authorities to simplify the process for birth and citizenship registrations, particularly for those at risk of statelessness. During the year the BiH Ministry of Civil Affairs did not denaturalize any individuals and confirmed the citizenship of 25 individuals.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: While general elections held in October 2018 were competitive with candidates and political parties freely campaigning and presenting their programs, there were credible reports of voter intimidation and vote buying in the pre-election period. According to ODIHR, the Central Election Commission administered most of its electoral tasks efficiently, but stakeholders lacked trust in all levels of the election administration. The elections were overshadowed by mass resignations of polling station committee members over the course of 48 hours before polls opened on election day.

On election day international observers reported numerous incidents of political parties manipulating the makeup of the polling station committees, which endangered the integrity of the election process. There were also reports of irregularities and other problems during the ballot counting process—some deliberate and some due to inadequate knowledge of appropriate procedures among polling station committee members. According to ODIHR, the campaign finance regulatory system was not adequate to assure the transparency and accountability of campaign finances. Several political parties requested recounts. ODIHR pointed to the large presence of citizen observers as contributing to the overall transparency of the process.

There have been no municipal elections in the city of Mostar since 2008 because of the failure of leading Bosniak and Croat politicians to agree on the implementation of a 2010 Constitutional Court decision requiring reform of the election law.

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

Participation of Women and Minorities: Although no laws limit the participation of women in the political process, the country's patriarchal culture tended to restrict their participation in political affairs. While the law requires that at least 40 percent of a political party's candidates be women, women held only 19 percent of delegate seats (11 of 57 seats) in the House of Representatives and House of Peoples in the state-level

parliament. In two houses of the Federation parliament, women held 24 percent of seats (38 of 156 seats). In the RS, out of 83 delegate seats in the RS National Assembly, women held 18 (23 percent). Women held six out of 16 ministerial seats in the RS government. The president of the RS was also a woman.

The law provides that Serbs, Croats, and Bosniaks, whom the constitution considers the “constituent peoples” of the country, as well as undefined “others” must be adequately represented at all levels. The government did not respect this requirement. Apart from the three constituent peoples, the country’s 16 recognized national minority groups remained significantly underrepresented in government. There were no members of a minority group in the state-level parliament. The government made no effort to implement changes required by ECHR rulings dating back to 2009 that the country’s constitution discriminates against “others,” such as Jews and Roma, by preventing them from running for the presidency and seats in the parliament’s upper house.

Section 4. Corruption and Lack of Transparency in Government

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

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

Corruption: While the public viewed corruption as endemic in the public sphere, there was little public demand for the prosecution of corrupt officials. The multitude of state, entity, cantonal, and municipal administrations, each with the power to establish laws and regulations affecting business, created a system that lacked transparency and provided opportunities for corruption. The multilevel government structure gave corrupt officials multiple opportunities to demand “service fees,” especially in the local government institutions.

Analysts considered the legal framework for prevention of corruption to be satisfactory across almost all levels of government and attributed the absence of high-profile prosecutions to a lack of political will. Many state-level institutions tasked with fighting

corruption, such as the Agency for Prevention and Fight against Corruption, had limited authority and remained under resourced. There were indications that the judiciary was under political influence, and the High Judicial and Prosecutorial Council was at the center of corruption scandals, including allegations that the president of the council accepted a bribe in exchange for interfering in a case. The accountability of judges and prosecutors was low, and appointments were often not merit based. Prosecutions also were considered generally ineffective and subject to political manipulation, often resulting in suspended sentences or prison sentences below mandatory minimum sentences. Authorities reported that, in the previous five years, 84 indictments were filed against high-ranking public officials, of whom 38 were found guilty.

Gathering evidence to prove corruption has been seriously impeded as of 2018, when the Constitutional Court ruled unconstitutional certain provisions in the BiH state law that governs special investigative measures. The BiH parliament adopted amendments to Criminal Procedure Code that define the crimes for which special investigative measures may be applied and regulate the granting of immunity to witnesses and the duration of investigations in line with the ruling of the Constitutional Court. The RS also amended part of the Criminal Procedure Code to define the crimes for which special investigative measures may be ordered.

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

Financial Disclosure: Candidates for high-level public office, including for parliament at the state and entity levels and for the Council of Ministers and entity government positions, are subject to financial (assets/liabilities and income) disclosure laws, although observers noted the laws fell short of standards established by the Organization for Economic Cooperation and Development and other international organizations. The Central Election Commission received financial reports of elected officials, while the Conflict of Interest Commission within the BiH parliament receives financial reports and retains records on public officials. Both institutions lacked authority to verify the accuracy of declarations, and it was believed that public officials and their relatives often declared only a fraction of their total assets and liabilities. Authorities generally failed to make financial disclosure declarations public, using as an excuse the conflicts between the laws on financial disclosure and protection of personal information.

Failure to comply with financial disclosure requirements is subject to administrative sanctions. During the year the Conflict of Interest Commission had no cases as the mandate of parliamentary members expired, and new members were not appointed. A new government in Sarajevo Canton made positive steps in the fight against corruption by adopting legislation on the verification of assets of public officials. The government also adopted a decree on public procurement, which introduces anticorruption measures to regulate these processes.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were seldom cooperative and responsive to their views, and the Council of Ministers still largely excluded NGOs from politically important or sensitive decisions. NGOs continued, however, to expand cooperation with the government at lower levels.

Government officials in both the Federation and the RS attempted at times to limit NGO activities. Observers noted that some civil society representatives working on highly sensitive issues such as war crimes and combatting corruption have been subjected to threats and verbal assaults. Several NGOs in the RS reported being pressured by local authorities while subject to protracted tax inspections, sometimes lasting up to six months. NGOs can only be involuntarily dissolved if found in violation of the law.

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

The United Nations or Other International Bodies: In contrast to Federation and Brcko District governments, the RS government was noncooperative and unresponsive in dealing with the Office of the High Representative created by the Dayton Accords and given special executive powers in the country.

Government Human Rights Bodies: The state-level Ombudsman has authority to investigate alleged violations of the country's human rights laws on behalf of individual citizens and to submit legally nonbinding recommendations to the government for remedy. Members of the international community noted that the Ombudsman lacked the resources to function effectively and had to contend with disagreements between representatives of the country's three constituent peoples over what constitutes a human rights violation, which sometimes caused disagreements within the institution. A Bosniak, a Croat, and a Serb shared leadership of the Ombudsman Institution.

The state-level parliament has a Joint Commission for Human Rights that participated in human rights-related activities with governmental and nongovernmental organizations. Due to delays in government formation at the state level, the commission had not been formed during the year.

In January the government began implementing a 2017 cooperation agreement between the Council of Ministers and NGOs by adopting a decision to establish an advisory body for cooperation with NGOs. The decision foresees the appointment of five members by the Council of Ministers at the proposal of the Ministry of Justice.

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

Women

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

While laws in both entities empower authorities to remove the perpetrator from the home, officials rarely, if ever, made use of these provisions. Law enforcement officials were frequently under the mistaken impression that they needed to concern themselves with where the perpetrator would live.

NGOs reported that authorities often returned offenders to their family homes less than 24 hours after a violent event. In the Federation, authorities prosecuted domestic violence as a felony, while in the RS it can be reported as a felony or a misdemeanor. Even when domestic violence resulted in prosecution and conviction, offenders were regularly fined or given suspended sentences, even for repeat offenders.

Gender-based violence was recognized as one of the most important problems involving gender equality. NGOs reported that one of every two women experienced some type of domestic violence and that the problem was underreported because the majority of victims did not trust the support system (police, social welfare centers, or the judiciary). On September 10, Dorđe Neskovic from Dobož attacked his wife with a knife, causing severe physical injuries, because she had left their home two months earlier, being unable to endure years of his abuse and went to live with their son. Authorities arrested Neskovic and charged him with attempted murder.

In 2018 the country adopted a gender action plan for 2018-22. The plan contains measures for the creation, implementation, and monitoring of programs to advance gender equality in government institutions and foresees building and strengthening systems, mechanisms, and instruments for gender equality as well as strengthening partnership and cooperation between organizations. The plan identifies preventing and combatting of gender-based violence and trafficking, promoting employment and access to economic resources, and strengthening cooperation at the regional and international level as priorities.

The country lacked a system for collecting data on domestic violence cases. The state-level Gender Equality Agency worked to establish a local-level mechanism to coordinate support for victims. The agency had a memorandum of understanding with the country's nine NGO-run safe houses, which could collectively accommodate up to 178 victims, or less than half the capacity needed. In the RS, 70 percent of financing for safe houses came from the RS budget, while 30 percent came from the budgets of local communities. While the RS government and local communities generally met their funding obligations, the Federation had no adequate bylaw that would regulate the financing of the safe houses, and payments depended on each canton or local community, some of which often failed to honor their obligations.

Although police received specialized training in handling cases of domestic violence, NGOs reported widespread reluctance among officers in both entities to break up families by arresting offenders.

Sexual Harassment: Combatting violence against women and domestic violence is mainly the responsibility of the entities. The 2010 Law on Gender Equality of BiH, which applies to all of BiH, defines and prohibits gender-based harassment, including sexual harassment, as a form of discrimination.

NGOs reported that sexual harassment is a serious problem, but that women who are exposed to harassment rarely report it due to the expectation that they would not receive systematic support of the institutions and that the perpetrators would go unpunished or receive light punishment, as evident by years of such practice by judicial institutions.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men, and authorities generally treated women equally. The law does not explicitly require equal pay for equal work, but it forbids gender discrimination. Women and men generally received equal pay for equal work at government-owned enterprises but not at all private businesses. In 2018 research by the Helsinki Citizens Assembly of Banja Luka indicated that gender-based discrimination existed in all areas of employment, including job vacancy announcements (requiring women to be young and attractive), job interviews (asking questions about marital status and pregnancy plans), unequal pay, dismissals due to pregnancy, and greater difficulty getting promoted. There is no official legal mechanism to protect women during maternity leave, and social compensation during leave was unequally regulated in different parts of the country. As of January the RS government began paying a 405 convertible marks (\$230) maternity allowance to unemployed new mothers for a period of one year and for a period of 18 months in cases of twins and every third and subsequent child. Employed mothers were entitled to one year of paid maternity leave. Women remained underrepresented in law enforcement agencies.

Gender-biased Sex Selection: The boy-to-girl birth ratio for the country was 106.79 boys per 100 girls in 2018. There were no reports the government took steps to address the imbalance.

Children

Birth Registration: By law a child born to at least one citizen parent is a citizen regardless of the child's place of birth. A child born in the territory of the country to parents who were unknown or stateless is entitled to citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community. The NGO Vasa Prava identified 82 unregistered children in the country, mainly Roma. UNHCR, with the legal assistance of a domestic NGO, registered the births of children whose parents failed to register them.

Education: Education was free through the secondary level but compulsory only for children between the ages of six and 15. Students with special needs continued to struggle for access to a quality, inclusive education due to physical barriers in schools and the lack of in-school assistants and trained teachers to meet their needs.

A teenager with Asperger syndrome, Slavko Mrsic from Rudo, was excluded from high school by the RS Ministry of Education because of complications related to his condition. In April he was allowed to return to school for the first time in three years after countrywide protests by many human rights activists. The case highlighted the wider and deeper issue of exclusion of students with disabilities, who face numerous human rights violations in education systems in all parts of the country. Parents of students with disabilities protested in front of the Sarajevo Canton government in July, requesting that their children to be granted access to quality education and a chance to develop their full potential within the country's education system.

More than 50 schools across the Federation remained segregated by ethnicity and religion. Although a “two schools under one roof” system was instituted following the 1992-95 conflict as a way to bring together returnee communities violently separated by conflict, the system calcified under the divisive and prejudicial administration of leading political parties. These parties controlled school administration through the country's 13 different ministries of education and often enforced education policies based upon patronage and ethnic exclusion. Where students, parents, and teachers choose to resist segregation, they were met frequently with political indifference and sometimes intimidation.

Returnee students throughout the country continued to face barriers in exercising their language rights. For the sixth year in a row, parents of more than 500 Bosniak children in returnee communities throughout the RS continued to boycott public schools in favor of sending their children to alternative schooling financed and organized by the Federation Ministry of Education, with support from the Sarajevo Canton municipal government and the Islamic community. The boycott was based on the refusal of the RS Ministry of Education to approve a group of national subjects (specific courses to which Bosniak, Serb, and Croat students are entitled and taught in their constituent language according to their ethnicity) and its insistence on formally calling the language that children learn in their public schools the “language of the Bosniak people” instead of the “Bosnian language,” as described in the country's constitution. In the Federation, Serb students likewise were denied language rights as provided in the Federation constitution, particularly in Canton 10, where authorities prevented the use of the Serbian language and textbooks, even in the areas with a significant number of returnee Serb students. Human rights activists noted that changes in the history curriculum and in history and other textbooks reinforced stereotypes of the country's ethnic groups other than their own, and others missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State and entity officials generally did not act to prevent such discrimination. Human Rights Watch asserted that ethnic quotas used by the Federation and the RS to allocate civil service jobs disproportionately excluded Roma and other minorities. The quotas were based on the 1991 census, which undercounted these minorities.

Child Abuse: Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. Only a small number of cases of violence against children were reported and, as a consequence, only a few cases were brought before courts. The country's Agency for Gender Equality estimated that one in five families experienced domestic violence. In many cases, children were indirect victims of family violence. The Sarajevo Canton Social Welfare Center estimated that up to 700 children annually were indirect victims of domestic violence.

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

Early and Forced Marriage: The legal minimum age for marriage is 18 but may be as young as 16 with parental consent. In certain Romani communities, girls married between the ages of 12 and 14, and Romani human right activists reported that early marriages were on the rise. Children's rights and antitrafficking activists noted that prosecutors were reluctant to investigate and prosecute forced marriages involving Romani minors, attributing it to Romani custom. The government did not have programs specifically designed to reduce the incidence of child marriage.

Sexual Exploitation of Children: The Federation, the RS, and the Brcko District have laws criminalizing sex trafficking, forced labor, and organized human trafficking. The state-level penalty for sexual exploitation of children is imprisonment for up to 20 years under certain aggravating circumstances. At the entity level, penalties range from three to 15 years' imprisonment. Under entity criminal codes, the abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years in prison. Authorities generally enforced these laws. The law prohibits sexual acts with a person younger than 18.

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

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

Anti-Semitism

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

There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law in both entities and at the state level prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. Nevertheless, discrimination in these areas continued. The government lacked a uniform legal definition of disabilities, which complicated access to benefits for those that would readily qualify, and normally prioritized support for war veterans. The most frequent forms of discrimination against persons with disabilities included obstacles in realization of individual rights, delayed payments of disability allowances, employment, and social and health protection. Support to persons with disabilities was dependent on the origin of the disability. Persons whose disability was the result of the 1992-95 conflict, whether they are war veterans or civilian victims of war, have priority and greater allowances than other persons with disabilities.

The laws of both entities require increased accessibility to buildings for persons with disabilities, but authorities rarely enforced the requirement. Human rights NGOs complained that the construction of public buildings without access for persons with disabilities continued. Both entities have a strategy for advancing the rights of persons with disabilities in the areas of health, education, accessibility, professional rehabilitation and employment, social welfare, and culture and sports. NGOs complained that the government did not effectively implement laws and programs to help persons with disabilities.

The law provides for children with disabilities to attend regular classes when feasible. Due to a lack of financial and physical resources, schools often reported they were unable to accommodate them. Children with disabilities either attended classes using regular curricula in regular schools or attended special schools. Parents of children with significant disabilities reported receiving limited to no financial support from the government, notwithstanding that many of them were unemployed because of the round-the-clock care required for their dependents.

National/Racial/Ethnic Minorities

Harassment and discrimination against members of minorities continued throughout the country, although not as frequently as in previous years. The Interreligious Council of BiH reported, for example, that the number of attacks against religious buildings continued to decrease, as they recorded only six cases during 2018. Members of minority groups also continued to experience discrimination in employment and education in both the government and private sectors. While the law prohibits discrimination, human rights activists frequently complained that authorities did not adequately enforce the law. For example, in 2018, 121 hate crimes were recorded in the country, but only two resulted in convictions. On April 9, unknown perpetrators sprayed

painted Nazi and Serb nationalist symbols on Arnaudija mosque in Banja Luka. No perpetrators were identified, but the incident was widely condemned by government authorities in the RS.

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

Roma, and especially Romani women, continued to be the country's most vulnerable and discriminated group. They experienced discrimination in access to housing, health care, education, and employment opportunities, and nearly 95 percent of them remained unemployed. A significant percentage of Roma were homeless or without water or electricity in their homes. Many dwellings were overcrowded, and residents lacked proof of property ownership. Approximately three-fourths lived in openly segregated neighborhoods.

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

Authorities frequently discriminated against Roma, which contributed to their exclusion by society. Many human rights NGOs criticized law enforcement and government authorities for the failure and unwillingness to identify Roma as victims of domestic violence and human trafficking, even though the majority of registered trafficking victims in recent years were Roma. Consequently, many trafficking cases ended up as cases of family negligence, which are not criminally prosecuted.

The country has an established legal framework for the protection of minorities. State and entity-level parliaments had national minority councils that met on a regular basis but generally lacked resources and political influence on decision-making processes. The Roma Committee continued to operate as a consultative body to the Council of Ministers, but with very limited influence.

The country does not have a comprehensive strategy on national minorities. The Ministry of Human Rights and Refugees is in charge of implementing a law on national minorities, for which it annually allocates 150,000 convertible marks (\$84,000). The country has a Council of National Minorities, which is an advisory body to the Council of Ministers and is composed of one representative from each recognized national minority group. The country lacked human rights and antidiscrimination strategies, and the government does not have an effective system of collecting discrimination cases.

The government continued to implement a 2017-20 Roma action plan to improve employment, housing, and health care and a separate 2018-22 action plan on Romani educational needs. In 2018 the government allocated two million markas (\$1.1 million) for employment, healthcare, and housing of Roma. At lower levels of government, these funds are regularly matched by additional funds from governmental and donor funds. Eleven local communities had local community plans to assist Roma.

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

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

Hate speech, discrimination, and violence against LGBTI individuals were widespread. The NGO Sarajevo Open Center (SOC) reported that transgender persons were the most vulnerable LGBTI group. In its 2019 *Pink Report*, SOC reported that every third LGBTI person in the country experienced some type of discrimination. SOC believed the actual number of LGBTI persons who experienced some type of discrimination was much higher but that people were afraid to report it. In 2018 SOC documented five discrimination cases, three of which involved workplace discrimination and two that involved discrimination in access to public services and goods. During 2018 SOC also documented 39 cases of hate speech and calling for violence and hatred and 33 cases of crimes and incidents motivated by sexual orientation and gender identity. Of the 33 cases, nine involved domestic violence. The cases varied from illegal deprivation of freedom and movement to violence and forced medical treatments. The perpetrators in all cases were parents and siblings. A SOC survey in 2017 showed that two-thirds of transgender persons experienced some type of discrimination. The prosecution of assault and other crimes committed against LGBTI individuals remained delayed and generally inadequate. SOC reported that, to date, the courts have never issued a final judgment that found discrimination had occurred on the basis of sexual orientation and gender-based identity.

LGBTI persons faced frequent harassment and discrimination, including termination of employment. NGOs also reported that schools were increasingly hostile environments, where LGBTI persons regularly experienced harassment and violence. In some cases, dismissal letters from work explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for those dismissed to find another job. In the face of such risks, LGBTI persons rarely reported discrimination to police.

Prior to BiH's first LGBTI Pride March on September 8, numerous social media posts were directed against a foreign embassy and ambassador for supporting the right of the organizers to hold the march. Referring to LGBTI persons, a Party for Democratic Action representative in the Sarajevo Canton Assembly, Samra Cosovic-Hajdarovic, posted on Facebook: “I want these people isolated and moved as far as possible from our children and society.” A Salafist NGO called Iskorak (A Step Forward), led by theologian Sanin Musa, organized a counter demonstration that took place two hours

before the start of the Pride March. The stated goal was to demonstrate against the public expression of sexual orientation, which they deemed to be incompatible with Bosniak Muslim tradition. Participants carried banners with offensive messages against the LGBTI population but disbanded peacefully. The day prior to the Pride March, approximately 500 individuals, including many brought in from other areas of the country, participated in a separate “day of the traditional family” march. Spokesperson Ahmed Kulanic stated organizers wished to draw attention to what it called “traditional families.”

HIV and AIDS Social Stigma

Significant social stigma and employment discrimination against persons with HIV/AIDS remained among members of the public as well as health workers. A Sarajevo-based NGO reported that infected persons experienced the greatest stigma and discrimination when seeking medical assistance. Due to a lack of awareness among the general population, many persons with HIV/AIDS feared revealing their illness, even to close family members. The country had no permanent or organized programs of psychosocial support for these persons.

Other Societal Violence or Discrimination

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places symbolic of those minorities, including religious buildings. According to the Interreligious Council, an NGO that promotes dialogue among the four “traditional” religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish), attacks against religious symbols, clerics, and property significantly decreased in the first eight months of 2018, compared with the same period in 2017 with only six registered attacks.

Promotion of Acts of Discrimination

There were widespread instances of media coverage and public discourse designed to portray members of other ethnic groups in negative terms, usually in connection with the 1992-95 conflict. In August 2018 the RS National Assembly voted to annul a 2004 report on the Srebrenica massacres that acknowledged that Bosnian Serb forces executed thousands of Bosniaks in violation of international humanitarian law. During the year the then chairman of the BiH Presidency, Milorad Dodik, senior officials in his political party (the Alliance of Independent Social Democrats), as well as other officials and leaders from the RS, repeatedly denied that Serb forces committed genocide in Srebrenica in 1995, despite the findings of multiple local and international courts. In April Dodik called the Srebrenica genocide a myth. In February the RS government, following a proposal from the RS Academy of Science and Arts and various associations, appointed two international commissions to purportedly re-examine the war of the 1990s: a Srebrenica Commission to investigate the suffering of all persons in and around Srebrenica between 1992 and 1995 and a Sarajevo Commission to investigate the suffering of Serbs in Sarajevo during the war.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Federation and RS labor laws provide for the right of workers in both entities to form and join independent unions, bargain collectively, and conduct legal strikes. Employers in the private sector did not always respect these rights. The law prohibits antiunion discrimination but does not provide adequately for enforcement of these protections. The labor inspectorates and courts did not deal effectively with employees' complaints of antiunion discrimination. Unions themselves have complained that their own union leaders have been co-opted by the company and politicians, and that they mostly protect their own privileges. The law prescribes reinstatement of dismissed workers in cases where there is evidence of discrimination, whether for union activity or other reasons. Entity-level laws in the Federation and the RS prohibit the firing of union leaders without prior approval of their respective labor ministries.

The law in both entities and in the Brcko District provides for the right to strike. The law in the Federation contains burdensome requirements for workers who wish to conduct a strike. Trade unions may not officially announce a strike without first reaching an agreement with the employer on which “essential” personnel would remain at work. Authorities may declare the strike illegal if no agreement is reached. This provision effectively allowed employers to prevent strikes. Laws governing the registration of unions give the minister of justice powers to accept or reject trade union registration on ambiguous grounds. According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy.

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

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

Authorities and employers generally respected freedom of association and the right to collective bargaining. The governments and organizations of employers and workers in both entities negotiated general collective agreements establishing conditions of work, including in particular private employers. It was not confirmed that all employers recognized these agreements. Trade union representatives alleged that antiunion discrimination was widespread in all districts.

b. Prohibition of Forced or Compulsory Labor

Adequate legislation exists at the state level and in the RS and the Brcko District criminalizing forced or compulsory labor while Federation laws do not criminalize all forced labor activities. The government did not enforce the law effectively, but there was little verified evidence that forced labor occurred in the country due to the limited number of inspections into forced labor allegations. Penalties for violations were generally sufficient to deter violations.

The prosecution of 13 BiH nationals for collusion in forced labor involving 672 victims of forced labor in Azerbaijan in 2015 continued in BiH court. The government failed to prosecute organized crime syndicates that forced Romani children to beg on the streets, alleging that it was Romani custom to beg. There were reports that individuals and organized crime syndicates trafficked men, women, and children for begging and forced labor (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. RS and Brcko District laws penalize employers for hiring persons younger than age 15. The labor codes of the Federation, the RS, and the Brcko District also prohibit minors between the ages of 15 and 18 from working at night or performing hazardous labor, although forced begging is not considered a hazardous task for all entities. The law prohibits the worst forms of child labor. Entity governments are responsible for enforcing child labor laws, and both entities and the Brcko District enforced them. Boys and girls were subjected to forced begging and involuntary domestic servitude in forced marriages. Sometimes forced begging was linked to other forms of human trafficking. In the case of Romani children, family members or organized criminal groups were usually responsible for subjecting girls and boys to forced begging and domestic servitude in forced marriages. Several of the worst forms of child labor occurring in the country included the use of children for illicit activities, commercial sexual exploitation of children, and the use of children for the production of pornography (see section 6, Children).

During the year the government did not receive reports of child labor at places of employment. Neither entity had inspectors dedicated to child labor inspections; authorities investigated violations of child labor laws as part of a general labor inspection. The labor inspectorates of both entities reported that they found no violations of child labor laws, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor because there were no reported cases. The general perception among officials and civil society was that the

exploitation of child labor was rare. RS law imposes fines for employing children younger than 16, but the law does not specify the exact monetary amount. Penalties were usually sufficient to deter violations.

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

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

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations related to employment or occupation prohibit discrimination based on race, ethnicity, sex, gender, age, disability, language, sexual orientation or gender identity, HIV-positive status, other communicable diseases, social status (including refugee status), religion, and national origin. The government generally enforced these laws and regulations effectively. Penalties were sufficient to deter violations.

Discrimination in employment and occupation occurred with respect to race, gender, disability, language, ethnicity, sexual orientation and gender identity, HIV-positive status, and social status (see section 6).

e. Acceptable Conditions of Work

Although the monthly minimum wage in both entities is above the official poverty income level, more than 30 percent of the population was exposed to the risk of income poverty. The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds.

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

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

The Federation Market Inspectorate, the RS Inspectorate, and the Brcko District Inspectorate are responsible for the enforcement of labor laws in the formal economy. Authorities in the two entities and the Brcko District did not effectively enforce labor regulations. The penalties for wage and safety violations were generally sufficient to deter violations. The number of inspectors was insufficient to deter violations.

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

Governments in both entities made only limited efforts to improve occupational safety and health at government-owned coal mines; such efforts were inadequate for the safety and security of workers. Workers in certain industries, particularly metal and steel processing and coal mining, often worked in hazardous conditions. There were no official social protections for workers in the informal economy.

Workers could not remove themselves from situations that endanger their health or safety without jeopardizing their employment. Authorities provided no protection to employees in this situation.

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