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Bosnia and Herzegovina

Country Reports on Human Rights Practices - [2006](#)

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The independent state of Bosnia and Herzegovina (BiH) consists of two multiethnic constituent entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), along with the Brcko District. The country has a population of approximately 4.5 million; the Federation has a Bosniak (Bosnian Muslim) and Croat majority, while the RS has a Bosnian Serb majority. As stipulated in the 1995 peace agreement (the Dayton Accords), a state-level constitution provides for a federal democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities, which have their own governments. The Dayton Accords also provide for an Office of the High Representative (OHR) with authority to impose legislation and remove officials. The government is headed by a tripartite presidency that for most of the year consisted of Bosnian Croat Ivo Miro Jovic, Bosnian Serb Borislav Paravac, and Bosniak Sulejman Tihic. On October 1, BiH held general elections that were generally free and fair. On November 6, presidents-elect Bosnian Croat Zeljko Komsic, Bosnian Serb Nebojsa Radmanovic, and Bosniak Haris Silajdzic took office. In the Federation, an indirectly-elected president nominates and the House of Representatives approves the Federation prime minister. In the RS, a directly-elected president nominates and the RS National Assembly confirms the RS prime minister. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, although there were improvements in some areas. Serious problems that remained included: death from landmines; physical abuse by police; overcrowding and poor prison conditions; improper influence on the judiciary; harassment and intimidation of journalists; restrictions on religious minorities and attacks on religious structures; obstructionism toward minority returnees; government corruption; societal discrimination against women, ethnic minorities, sexual minorities, and persons with disabilities; ethnically-motivated violence; trafficking in persons; and limits on employment rights. Two of the war crimes suspects most wanted by the International Criminal Tribunal for the former Yugoslavia's (ICTY), Ratko Mladic and Radovan Karadzic, also 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.

There were no developments during the year in the 2004 killing by unknown persons of Hrustan Suljic, president of the local Bosniak returnee community near the town of Teslic. Although local police highlighted the case on the television show Unsolved Cases on December 28, 2005, the investigation produced no new results.

Domestic courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991-95 conflicts (see sections 1.e. and 4).

During the year there were 34 landmine accidents that killed 17 persons and injured 17.

b. Disappearance

There were no reports of politically motivated disappearances.

An estimated 13,000 persons remained missing from the wars in 1991-95. The International Committee of the Red Cross (ICRC) reported that, since 1995, it had received 22,326 requests from family members to trace relatives still missing from the war. By year's end, a total of 7,972 persons had been accounted for, including 448 located alive.

The missing persons case of Colonel Avdo Palic, commander of Bosnian government forces defending the

UN-protected enclave of Zepa, received a great deal of publicity during the year. Mr. Palic went missing in 1995 from the UN Protection Force (UNPROFOR) compound in Zepa. The BiH Human Rights Commission issued a final ruling on January 16, which stated that RS authorities failed to provide adequate details regarding Palic's disappearance. OHR then ordered the RS to form a commission to investigate the Palic case. Although the commission issued a report in April, OHR banned publication of the report due to the pending criminal investigation by the BiH prosecutor's office. At year's end there were no updates on Palic's whereabouts.

The national Missing Persons Institute, a state-level authority established in 2004, was responsible for absorbing the entity-level missing persons commissions and continuing the search for missing persons in partnership with the International Commission on Missing Persons (ICMP). The institute's goal was to establish a single, central list of all those who went missing during the war. The institute, which was supposed to take over competencies from the entities during the year, was not fully operational at year's end. In March the institute appointed a board of directors composed of one Bosniak, one Croat, and one Serb.

During the year entity-level commissions carried out 435 exhumations of mass or illicit gravesites in 205 locations with the forensic support of the ICMP. These efforts recovered 801 complete and 1,397 incomplete sets of human remains. The majority of these came from five mass graves found during the year in Kamenica near Zvornik, which contained the remains of more than 1,000 victims of the Srebrenica massacre.

To date the ICMP has generated 13,495 DNA matches relevant to 8,928 missing individuals and has collected more than 65,472 blood samples representing 22,482 missing individuals.

During the year the BiH prosecutor's office and its War Crimes Department conducted an ongoing investigation based on statements from the RS Srebrenica Commission, a body active from 2003-05 that investigated the events surrounding the Srebrenica massacre and the fate of missing individuals from those events. The investigation followed up on information provided in the commission's final report of October 2005.

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

The law prohibits such practices and the government generally respected these provisions in practice; however, physical mistreatment of individuals by police occurred.

The Office of the Ombudsman and the RS and Federation police did not provide information on the number of complaints against police officers received or investigated during the year. In September one man was beaten by police in front of television cameras, after he and four others threw paint at the BiH Presidency building and injured two guards. The nongovernmental organization Dosta! (Enough!) issued a press release protesting the excessive use of force.

Prison and Detention Center Conditions

Overcrowding, inadequate nutrition, and poor hygiene were chronic problems in police detention facilities. Prison standards for hygiene and access to medical care met prisoners' basic needs, but overcrowding and antiquated facilities remained serious problems. There were no proper facilities for treating mentally ill or special needs prisoners. There were some reports of allegedly ethnically-motivated violence among inmates. In June four Bosnian Serbs convicted of war crimes claimed they were attacked by Bosniak inmates in Zenica prison after photos from the Srebrenica massacre were broadcast on television. The Federation justice minister denied their request to be transferred to Kula prison in the RS. There were no reports of specific incidents of corruption among prison officials, but such activities were considered to occur in some instances.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Male inmates aged 16 to 18 were held with adult male inmates, while male inmates under the age of 16 were held separately. In October the first correction facility for juveniles aged 16 to 18 opened in the Banja Luka prison, with a 35-bed capacity. Pending agreement with the Federation Ministry of Justice, the facility will accommodate juveniles from both entities.

The government permitted visits by independent human rights observers. International community representatives were given widespread and unhindered access to detention facilities and prisoners. The ICRC continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels and mainly visited persons under investigation or sentenced for war crime offenses.

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 gives the state-level government primary responsibility for law enforcement, but extends significant overlapping competencies to each entity and to the Brcko District, each of which has its own police force. The European Union Force (EUFOR) continued to implement the military aspects of the Dayton Accords and provide a secure environment for implementation of the nonmilitary aspects of the settlement. The North Atlantic Treaty Organization headquarters in Sarajevo is responsible for overseeing defense reform, counterterrorism efforts, and cooperation with the ICTY. A European Union (EU) police mission monitored, mentored, inspected, and worked to raise professional standards of the local police.

There are three primary levels of law enforcement in the country: the state-level Ministry of Security, which does not have a police force but is supported by the State Investigation and Protection Agency (SIPA), the State Border Service (SBS), and the Foreigners Affairs Service; the Federation Ministry of Interior; and the RS Ministry of Interior. The RS interior ministry is centralized with five public safety centers. The Federation interior ministry is decentralized; each of the 10 cantons has its own cantonal interior ministry that functions autonomously. While neither the Federation nor the RS interior ministries reports to the Ministry of Security, they must work in tandem with SIPA on cases involving specific offenses, such as terrorism, organized crime, and trafficking. Although they shared information, these structures for the most part functioned independently. During the year a technical expert group finalized a police reform plan. At year's end, it was unclear when the plan would be sent to the entity national parliaments for review.

Police in the RS generally did not meet target standards of ethnic representation, as mandated by various agreements.

The EU police mission acted in an advisory capacity to entity police forces, with a limited mandate. Police Standards Units (PSUs) functioned as internal affairs investigative units in each entity's interior ministry and in the Brcko District. The presence of these units led to the creation of standardized procedures for processing complaints of police misconduct and for disciplining police in accordance with standard procedures.

As of October the RS PSUs investigated 780 conduct-related complaints and determined that 37 citizen complaints and 89 internal complaints were well founded. The unit forwarded recommendations for disciplinary action to prosecutors in 113 cases considered to be major violations. During the year 19 felony reports and 25 misdemeanor reports were filed against 44 interior ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations.

By October the Federation PSUs investigated 54 cases and concluded that 18 complaints were well-founded. The 18 cases deemed to be major violations of duty were forwarded to prosecutors for disciplinary action.

There were continued reports of corruption within the entity and national security services.

Arrest and Detention

The law requires persons suspected of committing a crime to be brought before a prosecutor within 24 hours of detention. Police are also authorized to detain individuals for up to six hours at the scene of a crime for investigative purposes; this period is included in the 24-hour detention period allowed prior to being charged. The prosecutor has an additional 24 hours either to determine whether the person should be released or brought before a judge to decide whether they should remain in pretrial custody. Detainees are allowed to request a lawyer of their own choosing and to inform family members of their detention.

In practice, these requirements were generally observed. Persons were generally arrested openly with warrants based on sufficient evidence and issued by a judge. Detainees were promptly informed of the charges against them and there was a functioning bail system. There were no reported cases of arbitrary arrest or detention during the year.

The law generally limits pretrial detention to one year; however, in cases involving war crimes, organized crime, economic crime, and corruption, detention can be extended for an additional year. Persons in pretrial detention have the right to be informed of all charges against them once an indictment has been handed down. Under the law, a trial must be undertaken in a speedy manner. In practice detainees were usually not held in pretrial detention for more than six months except in cases involving war crimes.

e. Denial of Fair Public Trial

The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. There were indications, however, that political parties influenced the judiciary in certain politically sensitive cases. Judicial reforms have reduced the level of intimidation by organized crime figures and political leaders, although such interference continued to occur.

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, whose judges are selected by the Federation's House of Representatives, the RS National Assembly, and the president of the European

Court of Human Rights in consultation with the presidency. Each entity has its own supreme court and chief prosecutors' offices. There are cantonal courts in the Federation, district courts in the RS, and municipal courts in both entities and the Brcko District.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of organizational inefficiency. Despite efforts to streamline court procedures, large backlogs of unresolved cases, mostly in noncriminal matters, remained a problem in many jurisdictions. Authorities generally respected and implemented constitutional court decisions.

Trial Procedures

Under Federation and RS laws, trials are public and the defendant has the right to counsel, at public expense, if charged with a crime that is punishable by long-term imprisonment. However, courts did not always appoint defense attorneys for indigent defendants in cases where the maximum prison sentence was less than five years. The law provides that defendants have the right to confront or question witnesses, to present witnesses and evidence on their own behalf, and to appeal. The government observed these rights in practice.

The BiH State Court made significant progress on adjudicating organized crime and war crimes cases and expanded the witness protection program. In the first eight months of the year there were 13 final verdicts, up from four for 2005. From January to September, the Witness Protection Department provided assistance to 68 individuals, as compared with 32 the previous year.

The State Court War Crimes Chamber and entity courts continued conducting war crimes trials during the year. The ICTY transferred five new cases involving nine defendants to the State Court. Ten trials were underway based on BiH indictments reviewed by the ICTY at year's end. Two additional trials began at the State Court based on local indictments not reviewed by the ICTY, involving 12 defendants. The BiH State Prosecutor's office opened 126 new war crimes investigations, involving 334 suspects, and confirmed 18 new indictments, involving 32 accused. The BiH State Prosecutor referred more than 90 ICTY-reviewed indictments to lower courts, involving more than 250 individuals. There was some contention between victims and the BiH State Prosecutor's office concerning case referrals because of the disparity between maximum sentences for war crimes at the state level (45 years) and the entity level (20 years).

In April the State Court appellate panel confirmed a five-year sentence for Abdulahim Maktouf, an Iraqi national residing in the country, for participating in the kidnapping of three Croat civilians, one of whom was beheaded. Also in April, the court sentenced Nedo Samardzic to 13 years' imprisonment for multiple acts of enslavement, rape, torture, and killing of non-Serb civilians in the Foca region in 1992-93.

In July the War Crimes Chamber sentenced Boban Simsic to five years in prison for war crimes against Bosniak civilians in Visegrad in 1992. The case was on appeal at year's end. In October the State Court appellate panel upheld the guilty verdict for Dragoje Paunovic, who was sentenced to 20 years for crimes against humanity in connection with the forced deportation of Muslim civilians from the eastern RS in 1992.

Three war crimes trials concluded in November. Radovan Stankovic, the first person indicted for war crimes to be transferred from the ICTY, was sentenced to 16 years in jail for committing multiple acts of enslavement, rape, torture, and murder against the non-Serb population in the Foca region. The court sentenced Marko Samardzija to 26 years' imprisonment for murdering over 144 Bosniak men and boys from the villages of Brkic and Balagic Brdo in 1992. The Court also sentenced Nikola Kovacovic to 12 years in prison for committing atrocities against the Croat and Bosniak populations in the Greater Bosanska Karjina area in 1992. The three cases were on appeal at year's end.

In June the BiH State Prosecutor came under public criticism for refusing to release the names of 892 persons the Srebrenica Commission suspected might be connected to the mass killings, but who were still employed in municipal, entity, and state institutions. Many of these names were later leaked to the media in the weeks prior to the October national elections.

On the entity level, the Federation prosecutor initiated 44 new war crimes cases, involving 443 accused during the year. During the year the RS prosecutor initiated 10 cases involving 13 individuals accused of war crimes.

The first war crimes trial in the RS concluded early in the year when the RS Supreme Court confirmed the 2005 Banja Luka district court acquittal of 11 former Prijedor police officers accused of murdering Catholic priest Tomislav Matanovic and his parents, who disappeared from Prijedor in 1995.

The justice process regarding the eight Bosnian Serbs arrested by the RS in 2004 for war crimes against Muslims and transferred that year to the Sarajevo cantonal court was still underway. In 2005 four cases were returned to the RS prosecutor's office, and four remained in Sarajevo cantonal court. The cases of defendants Svetko Novakovic, Jovan Skobo, Zeljko Mitrovic, Momir Skakavac, and Dragoje Radanovic remained ongoing for the second consecutive year.

In September 2005 the Sarajevo cantonal court acquitted Momir Glisic of committing war crimes against civilians in the Grbavica settlement near Sarajevo. The Federation prosecutor appealed the decision to the Federation Supreme Court and on September 18, the Federation Supreme Court sentenced Glisic to two years and six months in prison.

During the year, the BiH State Prosecutor's office initiated an investigation into the activities of ex-commander of the Fifth Corps of the BiH army, General Atif Dudakovic, and other unknown persons portrayed on a recently-released video killing an unknown number of individuals from the Bosnian Serb Army during the war. The video, which shows events occurring during "Operation Storm" received a wide distribution on Bosnian, Croatian, and Serbian media outlets. The investigation was ongoing at the end of the year.

At the international level, the ICTY continued to prosecute war crimes cases during the year. In June the ICTY sentenced Naser Oric, commander of the Bosnian army in the Srebrenica area, to two years' imprisonment. He was then released for time served. In September the tribunal sentenced Momcilo Krajisnik, wartime president of the RS Assembly, to 27 years in prison. By the end of the year, the ICTY concluded proceedings against 100 of the 161 persons who have been charged by the tribunal. Six ICTY indictees remained at-large, including Radovan Karadzic, Ratko Mladic, and Stojan Zupljanin.

Despite local and international level efforts to prosecute war crimes, many of the lower-level perpetrators of killings and other abuses committed in previous years remained unpunished, including those responsible for the approximately 8,000 persons killed after the fall of Srebrenica, and those responsible for approximately 15,000 to 20,000 other persons who were missing and presumed killed as a result of "ethnic cleansing."

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and citizens could file civil suits seeking remedies for human rights violations. Individuals could also seek assistance from an ombudsman institution to hear and provide recommendations on cases of human rights violations, though these recommendations were not binding (see section 4).

Property Restitution

The Domestic Commission on Real Property Claims (DCRPC) processed claims for property wrongfully taken during the 1992-95 war that were not adjudicated by the former Commission for Real Property Claims (CRPC) or by municipal housing authorities. During the year the DCRPC resolved 344 cases. Due to funding limitations and other bureaucratic obstacles during the year, the DCRPC received an extension of its mandate until 2007 to resolve the remaining 24 backlog cases and 100 appeals. By year's end, all municipalities had implemented already adjudicated CRPC and DCRPC property claims relating to socially owned apartments that had been illegally occupied during the 1992-95 war.

In 2004 the Constitutional Court upheld a Federation law prohibiting ownership of property in the Federation by anyone who served in the Yugoslav military after May 1992. The ruling affected former Yugoslav officers, mostly Serbs, who claimed 4,000 apartments they had abandoned during the war. The court also ruled that the Federation could apply a Yugoslav legal principle that prevents a citizen from claiming tenancy rights to more than one apartment at a time; this adversely affected the officers' claims, since most had apartments elsewhere, primarily in Serbia. Even with the court ruling, the DCRPC must still render official legal decisions in all these cases.

During the year the Constitutional Court received 2,757 cases related to property restitution, war damage, old currency savings, and missing persons, and it resolved 1,997 of them. During the year the court also resolved a backlog of cases from 2004. The court found constitutional violations in 52 cases and, by September 1, authorities had implemented 14 decisions; one was not implemented. In five cases, authorities concluded that there was a constitutional violation, but no deadline was given for implementation. Overall implementation rates were 28 percent. During the year the court concentrated on resolving issues related to systematic failures at the state and entity levels to resolve holdover issues, including old currency savings, issues of public debt, war damages, and missing persons.

Roma displaced during the war had difficulty repossessing their property as a result of discrimination and because they lacked information on procedures (see section 5). In many cases, Romani families lacked documents proving ownership or had never registered their property with local authorities. The lack of documentation also prevented them from applying for reconstruction assistance.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

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 safeguarding freedom of the press were delegated to the cantons in the Federation and to the central authorities in the RS. There are provisions against hate speech in the Federation Criminal Code, but not in the RS Criminal Code. The Broadcasting Code of Practice also regulates hate speech by broadcasters. The Communications Regulatory Agency, charged with implementing the code, did not register any cases of hate speech during the year. The print media is self-regulated and governed by the Press Code which also regulates hate speech, among other issues. During the year, the Press Council of BiH did not receive any complaints about hate speech, and monitoring reports conducted during the year indicated that the level of hate speech decreased. There were, however, a number of cases of gender discrimination noted in the media, as well as cases of discrimination based on sexual orientation. An increased number of cases of violation of rights of minors were noted in the media.

The government generally respected freedom of speech in practice; individuals could criticize the government without fear of reprisal and frequently did so.

Many independent, privately owned newspapers were available and expressed a wide variety of views. Several printing houses operated in the country. Dnevni Avaz, whose editorial policy strongly reflects Bosniak interests, remained the largest circulation daily, followed by Banja Luka-based daily Nezavisne Novine. A number of independent print media outlets encountered financial problems that endangered their continued operation.

Two public broadcasters, Federation Television (FTV) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS, remained the largest television broadcasters in the country. BHT 1, a nationwide public broadcaster, gradually increased its audience and outreach. While these broadcasters provided relatively balanced coverage, remaining public broadcasters in cantons and municipalities in the Federation and RS remained vulnerable to political influence. 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.

A number of RS media outlets showed a distinct pro-RS government bias. Federation media outlets also exhibited political bias, although not in support of any one political party.

Journalists continued to face threats in the course of their professional work. In the first six months of the year, the Free Media Help Line (a part of the Bosnian Journalists Association) registered 41 cases involving violations of journalist rights and freedoms and pressure from government and law enforcement officials. There were 13 cases of pressure on journalists, twelve threats, seven labor disputes, three cases of harassment, one physical attack, and one violation of the Press Code.

Violations of the employment rights of journalists continued during the year. Private media owners and management were the most frequent perpetrators of violations of employee rights. In a number of cases, journalists worked without an employment agreement or social and health benefits, items mandated by law.

In some instances, officials subjected media outlets to overt pressure, such as threatening them with loss of advertising or placing limits on their access to official information. Politicians and government officials also pressured the media by accusing them of opposing the interests of a given ethnic group or betraying the interests of their ethnic group.

In February several journalists from different media outlets received a threatening note from an unknown organization named Sandzacka Ruka Pravde (Sandzak's Arm of Justice). The note was directly addressed to Zvonko Maric, a journalist with Federation Television, but mentioned several other media outlets. The note threatened that Maric and his family would be executed because of his alleged anti-Bosniak views. The state-level association of journalists, BH Novinari, the BiH Press Council, and the BiH Helsinki Committee for Human Rights criticized the threats and called on law enforcement to investigate them. There was no information available to the public on whether an investigation had been initiated.

In March a military colonel, Veljko Brojic, physically attacked a journalist from the print daily Fokus, Cvjetko Udovicic, in the newspaper's Doboj office. The attack was allegedly in response to Udovicic's story about possible irregularities in the decision of Doboj's authorities to give the colonel an apartment. Doboj's police filed a criminal complaint against the colonel because of his violent behavior. By year's end Udovicic decided of his own volition and without explanation to drop the charges.

In March privately-owned Nezavisne Novine reported that certain individuals from the RS Police and SDS were under investigation by the Prosecutor's Office for possible involvement in organized crime and support of persons indicted by the Hague Tribunal. The reports provoked reactions from the RS and from then SDS president, Dragan Cavic, who publicly accused Nezavisne Novine of being an instrument of the newly-appointed RS Minister of Interior who, according to Cavic, wanted to remove political opponents from the police. Cavic also criticized RS Radio and Television, asserting that it took sides in the issue by carrying unconfirmed information and fabrications previously published in Nezavisne Novine. Although Nezavisne Novine carried reactions of the police officers whose names were mentioned as well as that of President Cavic, Cavic sued Nezavisne Novine for defamation. The court case had not yet opened by year's end.

In May during a Radio Zos report from Dobojski Istok on the investigation of a pedophile case in the city of Tesanj, two police officers from the Tesanj police station entered the station and attempted to terminate the broadcast. The police explained that they were trying to protect the identity of minor children. Radio Zos continued its broadcast. BH Novinari, Free Media Help Line, and the state-level Regulatory Communications Agency criticized Tesanj police for their interference.

In June, while addressing graduates of the Islamic Pedagogical Faculty in Zenica, the head of the Islamic Community in BiH, Reis Mustafa effendi Cerić, accused Federation Television, and in particular the editor of FTV's 60 Minutes political magazine, Bakir Hadziomerović, of attacking Islam and Muslims.

In July a previously unknown group named Kaznena Ekspedicija (Retribution Expedition) faxed a letter to Sarajevo's weekly Slobodna Bosna with the names of 20 politicians and journalists who, according to the group, should be killed by November 1. The letter was written on the memorandum of the Prst newspaper, a tabloid financed by a Bosnian Serb extremist nationalist party. The RS police investigated the case but had not released the results by year's end.

In November the Vienna-based South East Europe Media Organization reported and expressed concern over death threats and intimidating phone calls made to Mubarek Asani, a journalist for BHT 1 television station. The threats appeared in response to Asani's report in early November on the Javna Tajna show, which discussed details of an illegal prostitution ring involving unnamed politicians and other public figures. As a consequence, the Sarajevo Prosecutor's Office opened an investigation of the allegations.

The law prohibits criminal cases against journalists for defamation, although they may be sued in civil court. Courts, however, did not always have sufficient experience and training to accurately interpret this area of law. The print media engaged in self-regulation, although this did not eliminate the possibility of reprisals or charges being brought against journalists for the content of their reports.

From the adoption in 2001 of the Law on Defamation 'until the end of the year, approximately 400 defamation cases have been tried in cantonal and district courts in the Federation and RS; approximately 350 charges were brought in Federation courts. Public figures, particularly politicians, tended to initiate defamation cases, although journalists frequently brought charges against colleagues. Jurisdiction for defamation cases has been in the municipal courts since September 2005. While country-wide data was not available by year's end, the 172 defamation cases filed in the Sarajevo municipal court from September 2005 to date indicated a significant increase.

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 electronic mail. Rates of Internet usage by the Bosnian population remained very low, with estimates below 20 percent.

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 members of the Bosniak Party of Democratic Action (SDA) and Bosniaks in general received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka 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.

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 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 at the Ministry of Civil Affairs and Communications and therefore to operate anywhere in the country; however, some NGOs and NGO associations experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by bureaucratic delays at the state level, chose instead to register their organizations at the entity level in one or both entities.

c. Freedom of Religion

The law provides for freedom of religion; however, societal violence and the threat of violence restricted the ability of adherents of minority religions in heterogeneous areas to worship as they pleased. On October 16, the Ministry of Human Rights and Refugees issued instructions for implementation of the Law on Religious Freedom, which provides for freedom of religion, ensures legal positions of churches and religious communities, and prohibits any form of discrimination against any religious community. The law also provides the basis for the establishment of relations between the state and religious communities. In practice, respect for religious freedom declined during the year.

Entity and local governments and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place. Compared to 2005 attacks on religious objects and religious officials increased significantly during the year, particularly in the campaign months before the national elections, during which nationalist rhetoric employed by certain political parties heightened religious and ethnic tensions in the country. In some cases, however, police and local government officials acted to protect religious freedom by providing security for major religious events and for religious buildings. The reluctance of police and prosecutors to aggressively investigate and prosecute crimes against religious minorities remained a major obstacle to safeguarding the rights of religious minorities.

In the RS, administrative and financial obstacles impeded the rebuilding of religious structures damaged in the 1992-95 war, limiting the ability of minorities to worship and interfering with their return in many areas.

The law requires religious communities to register with the Ministry of Justice; any religious group can register if it has at least 300 adult members who are citizens. Local congregations of the four major religious communities (Muslim, Serbian Orthodox, Jewish, and Catholic) were registered, as were congregations of several smaller Christian denominations, including Baptist, evangelical Christian, and Jehovah's Witnesses.

Religious education is mandatory for Serb children in RS public schools and optional for children in other parts of the country. In practice classes were generally offered only for students of the majority religion in a given area. Authorities sometimes pressured parents to consent to religious instruction for their children. In some cases, children who chose not to attend religion classes were subject to pressure and discrimination from peers and teachers.

Societal Abuses and Discrimination

Ethnically-motivated religious violence was often directed at ethnic symbols, clerics, and religious buildings, particularly in the months surrounding the October 1 national elections. Such acts of violence were reported in several municipalities in the country. Local police generally did not conduct serious investigations into such incidents. For example, in Trebinje municipality in July, unknown perpetrators sprayed gunfire into a Muslim cemetery, damaging several tombstones. In the same month, unknown persons threw an explosive device at the home of a Bosniak returnee in Trebinje. When police concluded that the attacks were the pranks of local youngsters, the local Islamic Community called for the dismissal of the police chief, who they asserted did not perform a full investigation into the matter.

There were a number of acts of violence and vandalism against Islamic religious targets during the year. For example, in March unknown persons destroyed 23 400-year-old tombstones in the graveyard next to the destroyed Arnaudija Mosque in Banja Luka. There were also several reports of anti-Muslim graffiti on the walls of mosques in Trebinje, Banja Luka, and on two mosques under construction in Brcko District. In August unknown assailants detonated an explosive device at the grave of former president Alija Izetbegovic, destroying his tombstone and leaving a large crater at the grave. The Carsijska Mosque in Bosanska Dubica was also the site of several vandalism attacks in September. In October a missile attack destroyed a large portion of the Jasenica Mosque near Mostar; this was the most severe attack since the end of the war. The Jasenica Mosque became a source of controversy when local Croats objected to its reconstruction on the grounds that its new design violated a law that allows reconstruction only in the same style as the original prewar building. City officials ordered removal of the mosque, but the order had not been carried out before the attack.

There was also vandalism against Serbian Orthodox religious targets. In January unknown persons stoned the Serb Orthodox Church and its annex buildings in Puracic, breaking the glass in six different windows. There were also reports of the destruction of a wooden cross in July. In August unknown persons wrote threatening, anti-Serb graffiti on the Serb Orthodox Church in Petrovo. Also in August unknown perpetrators damaged several tombstones and

broke a large number of vases at the Orthodox cemetery in Ljubinici and broke windows and damaged the entrance door of the Orthodox Church in Gracanica. In September individuals threw a hand grenade at the door of the Orthodox Church in the Bosniak returnee settlement of Divic.

Catholic religious objects were also the targets of vandalism. In September unknown persons broke the glass on the entrance door to a Catholic Church in the Sarajevo neighborhood of Grbavica. This church was the subject of controversy because the Catholic community had requested a permit to build a new church which local authorities had yet to approve. Also in September in the Orasje neighborhood near Tuzla, persons damaged the metal doors and windows of the cemetery chapel and moved religious statues.

There were a number of controversial cases involving construction of religious objects or monuments. An illegally constructed Serbian Orthodox church remained on the land of a Bosniak returnee in the town of Konjevic Polje in the eastern RS, despite the absence of local Serb residents and the RS Ministry of Urban Planning's 2004 decision that the church should be removed. On September 11, for the second consecutive year, the local Orthodox priest celebrated mass in the church, which was attended by a large number of nationalist antagonists. Local police were present, and there was no violence.

In the Bosniak returnee village of Divic, near Zvornik, a Serbian Orthodox Church remained on the site of the village's destroyed mosque. Although Serbian Orthodox religious leaders agreed to relocate the church in September, reports in October indicated that they were only willing to relocate the church to an area immediately adjacent to a Muslim cemetery, which angered the Islamic community and stalled relocation negotiations.

In 2004 Federation authorities ordered the removal of crosses that had been illegally constructed on public land in Stolac; however, the removal was delayed pending the outcome of a 2004 lawsuit on the legality of the Federation government's decision. In September the Federation Constitutional Court upheld the constitutionality of the law, and the Federation Ministry of Spatial Planning was able again to launch an initiative for removal of the crosses. While the Federation Ministry of Spatial Planning had the legal authority to undertake such an initiative, the ministry was reluctant to do so out of concern that it would increase inter-ethnic tensions during the election year.

The Jewish community had approximately 1,000 believers and was recognized as one of four established religions in the country.

In May graffiti containing anti-Semitic slogans appeared on a wall in the Sarajevo settlement of Ilidza. The Bosnian Jewish community criticized the act, stressing that such signs gave a negative image of Bosnia. During the year Jewish leaders noted a tendency to mix anti-Israeli sentiment with anti-Semitism, as the general public and the media often failed to distinguish between criticism of Israeli policy and anti-Semitic rhetoric.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights; however, some limits remained in practice.

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

Internally Displaced Persons (IDPs)

The overall return process for persons displaced by the 1991-95 wars slowed during the year, indicating a sharp decrease in returns from years past. According to the Office of the UN High Commissioner on Refugees (UNHCR), between the end of the war in 1995 and year's end, 1,017,433 persons who left the country had returned. Of these, 458,816 were returnees to areas where they were an ethnic minority. The UNHCR registered 5,603 returns through December, of which 4,596 were minority returnees. These numbers continued to decline, particularly for returnees to areas where they would be an ethnic minority. Government officials and some NGOs, however, believed that the total number of returns was inflated, since the UNHCR determines returns based on property restitution rather than physical presence. Some properties, therefore, could have been returned to the original owners without those individuals actually returning to live in the locale.

The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing official unemployment rates above 40 percent. When jobs were available, minority returnees often 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 legally mandated percentages based on the 1991 census, indicating local government failures to implement and enforce the provisions of the Law on Self Administration. Funds for reconstruction assistance continued to decline, although the Ministry of Human Rights and Refugees continued to implement projects from the joint return fund.

The security situation for returnees improved during the year, although isolated incidents of violence were reported and a hostile atmosphere still existed in many areas. During the year, there was a substantial shift towards attacks against symbols of a minority group as a whole and away from attacks against individuals. 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.

Other factors inhibiting returns included a lack of access to social benefits including healthcare, education and pension benefits. A lack of available housing and high municipal administration taxes on documents that are necessary for return, such as birth or land certificates, also affected the number of returns. Minority returnees often faced intimidation, discrimination, obstructionism in their access to health care and pension benefits, poor infrastructure, and denial of utility services such as electricity, gas, and telephone by publicly owned utility companies. While problems decreased from previous years, they persisted in hard-line areas. Authorities in some areas of Croat-controlled Herzegovina and some towns in the eastern RS continued to resist minority returns, obstructing returnees' access to local services, including municipal power and water, education, issuance of important civil documents, and health care.

In the RS, the Ministry for Refugees and Displaced Persons provided support to Bosniaks and Croats returning to the RS and to Bosnian Serbs returning to the Federation. The Federation Ministry for Refugees assisted Croats and Serbs returning to the Federation and Bosniaks returning to the RS. Both entity-level refugee ministries provided limited reconstruction assistance to returnees and also committed part of their budgets toward joint projects to be determined by the State Commission for Refugees. All levels of government budgeted funding for returns, but it was unclear how much of this funding was actually used.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The Law on Movement and Stay of Aliens and Asylum is undergoing revision to expedite the time between application and final adjudication. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution.

During the year the government did not grant temporary protection to any persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

The government generally cooperated with the UNHCR, the International Organization for Migration (IOM), and other humanitarian organizations to assist refugees and asylum seekers. Refugees with pending asylum applications, regardless of national origin, may remain in collective centers until their cases can be decided. As a result of the 1999 conflict in the former Federal Republic of Yugoslavia (FRY), approximately 6,000 persons, half of them from Kosovo, fled the FRY and came to the country. According to UNHCR statistics from June, 521 refugees from Serbia and Montenegro, including refugees from Kosovo, remained in collective centers. An additional 3,098 refugees from Serbia and Montenegro were also living in communities throughout the country. By October the government had not accepted any of these refugees for local integration or permanent status in the country. During the year the government extended the "temporarily admitted persons" status to approximately 3,000 Kosovars, a status that neither precludes nor facilitates asylum, residency, or naturalization under the 1951 convention and the 1967 protocol.

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; however, the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation.

Elections and Political Participation

Observers from the Organization for Security and Cooperation Europe (OSCE) concluded that the general elections held during the year had been conducted largely in line with international standards but noted problems, including the inability of numerous voters to find their names on voter registers, voters being directed to incorrect polling stations because of changes in the registration process, group voting, irregularities in the counting process, and a few cases of voter intimidation.

A new passive registration system, linked to the issuance of national identification cards, registered 400,000 new voters prior to the national elections held during the year. Some voters complained, however, that the registration process discriminated against voters who physically live in one location but continue to receive government benefits in another because they could only vote in their place of legal, and not actual, residence.

While political parties did not compel individuals to become members, many viewed membership in the leading party of any given area as the surest way of obtaining, regaining, or keeping pension and health benefits, housing, and jobs

in government-owned companies. There were also reports that political parties paid individuals to campaign on their behalf or to run for office to increase the number of representatives present in electoral polling stations.

Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and stand for election. Nationalist rhetoric dominated the pre-election campaign, with Bosniak nationalist politicians calling for the abolition of the RS and Serb politicians threatening to call a referendum in the RS to secede from the state. Nevertheless, opposition parties were not excluded from participation in political life. Membership in large, well-funded parties conferred formal advantages, as nonparty members were often excluded from appointment to many key government positions.

During the pre-election period, the civic movement GROZD produced a 12-point, issue-specific platform and asked all political parties to incorporate these issues into their own political platform. More than 500,000 Bosnians (notable as more than the number of votes any one party received in the 2002 elections) signed a petition in support of the GROZD platform, as did several less powerful political parties.

The election law requires that at least 30 percent of political party candidates be women. At year's end, six of 42 delegates in the BiH House of Representatives were women. Out of 82 delegates in the RS National Assembly, 19 were women. Although national elections took place October 1, the new Federation and State parliamentary assemblies had not been constituted by year's end. In the previous mandate of parliament, there were seven women in the directly elected 42-seat BiH House of Representatives (lower house) and no women in the 15-seat BiH House of Peoples (upper house), whose members were appointed by entity legislatures. There were 23 women in the 98-seat Federation House of Representatives. There was one woman in the nine-member Council of Ministers, but at year's end the new Council of Members had not been established.

There were no members of a minority in either the BiH House of Representatives or the nine-member Council of Ministers. Under the state-level constitution members of the ethnic Serb, Croat, and Bosniak groups must be appointed to government positions on a proportional basis, based on the 1991 census. Separate from those groups, there are 16 recognized national minority groups. While other minorities may hold these offices, they remained underrepresented.

Government Corruption and Transparency

There were reports of official corruption during the year. The country received a score of 2.9 on Transparency International's 10 point index of the degree to which corruption is perceived to exist among a country's politicians and public officials, indicating a perception that the country has a serious corruption problem.

The law bars citizens from holding positions of public responsibility if they have pending criminal indictments against them, but this prohibition was not always observed in practice. For example, the court did not remove or suspend Mato Tadic, charged with accepting bribes in the tax evasion and bribery case involving former BiH Presidency member Dragan Covic, from his position as president of the Constitutional Court while the trial against him was underway. Covic was convicted in November of one count of abuse of office and sentenced to five years in prison.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. For example, some agencies have not yet prepared the required registry of documents that are available and guidelines for access to them. 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 an explanation for denial of access to information as required by the law; however, if citizens appealed denials to the ombudsmen, the courts, or legal aid, the government generally provided an explanation. Public awareness of the law remained low.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups and NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. For example, the BiH Helsinki Committee and the Helsinki Committee of the RS continued to actively report on a wide range of human rights abuses. However, government officials were often inefficient and slow to respond to their recommendations.

The government cooperated fully with international organizations such as the Office of the High Representative (OHR), which has special powers over the government, as well as other international organizations such as the UNHCR, ICRC, OSCE, and ICMP.

The Constitutional Court handles all human rights cases filed since the beginning of 2004. The Human Rights Commission, which consists of five judges from the Human Rights Chamber in the Constitutional Court, was formed in 2004 to address this backlog. By year's end the commission had issued 2,266 decisions, of which 536 were decisions on the merits of the case. The most common cases included claims for the return of frozen foreign currency accounts,

war damages, and claims involving pensions and property rights.

In April the state-level parliament adopted a law establishing a single ombudsman institution composed of three members who will likely represent the country's three constituent peoples (Bosniaks, Serbs, and Croats), although members of national minorities can also be appointed. The multiple ombudsman offices already existing at the sub-federal level, whose effectiveness had been limited in addressing institutional patterns of discrimination, were to be abolished by December 31. An effective plan for handover of responsibilities from the entity-level ombudsman institutions to the state ombudsman office was not developed, however, and the transfer did not occur by year's end.

Citizens' remedies for human rights violations included filing civil suits or seeking assistance from the ombudsmen. However, the ombudsmen's recommendations were not binding, and the civil court system had major backlogs. The ombudsmen were effective in some individual cases, but were less successful in addressing institutional patterns of discrimination.

The State Court continued during the year to cooperate with the ICTY by, adjudicating cases transferred by the ICTY and proceeding on ICTY-reviewed indictments. During the year, BiH authorities also assisted in the transfer of one ICTY indictee to The Hague. The Federation continued its cooperation with the ICTY and the State Court's War Crimes Chamber. During the year, the Federation prosecutor initiated 34 war crimes cases involving 384 defendants (see section 1.e.).

RS Prime Minister Milorad Dodik's government ended the long-time practice of providing stipends from the RS budget to families of indictees on trial in the ICTY. The level of cooperation between the RS and Serbian law enforcement agencies in eradicating Mladic and Karadzic's cross-border support networks and compelling their eventual capture was unclear. The RS municipalities of Bijeljina, Sokolac, Han Pijesak and Pale remained under sanctions for failing to cooperate with ICTY. In April sanctions were lifted for Foca.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or other social status; however, discrimination against minorities, women, sexual minorities, persons with disabilities, and others was pervasive.

Women

Violence against women, including domestic violence and sexual assault, remained a widespread and underreported problem. According to a 2004 study by the Sarajevo faculty of criminology, 20 percent of female respondents indicated that they were physically abused by their husbands or boyfriends. In 79 percent of these cases, the violence occurred repeatedly. According to general NGO estimates, one out of every three Bosnian women is a victim of domestic violence. Both the Federation and RS have adopted a law on domestic violence that requires police to remove the offender from the family home; however, domestic violence usually was not reported to the authorities. Experts estimate that only one in 10 cases of domestic violence was reported to the police. As of October, the RS domestic violence hotline received 2,657 reports of domestic violence.

Police received specialized training in handling cases of domestic violence and there were four hotlines operating in the Federation and RS that provided assistance and counseling to domestic violence victims. Reluctance on the part of victims to report domestic violence to authorities or to testify against their abusers contributed to lack of prosecutions. There were shelters in Mostar, Tuzla, Banja Luka, Sarajevo and Modrica to assist victims of domestic violence, and local NGOs were trying to build additional facilities. Several NGOs reported an increase in domestic violence reports because of awareness campaigns that informed victims about their rights and encouraged them to make official complaints.

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.

Prostitution is illegal. The law treats procuring as a major crime, but prostitution and solicitation are misdemeanors punishable by a fine only. Since police raids on bars and brothels drove it underground, prostitution frequently took place in private apartments or on an outcall basis. Single mothers or other vulnerable women, particularly from economically depressed rural areas, were at higher risk of being recruited for sexual exploitation.

Trafficking in women for purposes of sexual exploitation was a serious problem (see section 5, Trafficking).

The law prohibits sexual harassment, but sexual harassment was a serious problem that was poorly understood by the general population. Many women surveyed by NGOs reported experiencing treatment that constituted sexual harassment in their workplaces. Victims of sexual harassment almost never filed complaints, largely because they did not recognize their experiences as harassment and were not aware of their legal rights and remedies.

The law prohibits gender-based discrimination. Women have equal legal status to men in family law and property law, and were treated equally in practice throughout the judicial system.

The government's Agency for Gender Equality worked to harmonize legislation with the Law on Gender Equality and inform women of their legal rights. The Federation, the RS, and state-level parliaments had committees for gender equality.

Women served as judges, doctors, and professors, although few women held positions of real economic or political power. A small but increasing number of gender-related discrimination cases were documented. 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 (typically under 35) and physical appearance of female applicants. Women remained underrepresented in law enforcement agencies, although progress continued to be made.

Children

The governments of both entities were generally committed to the rights and welfare of children; however, social services for children were extremely limited. The Ministry of Human Rights and Refugees had a role in enforcing children's rights. Children with disabilities lacked sufficient medical care and educational opportunities.

Education is free and compulsory through age 15; however, parents were required to pay for textbooks, lunches, and transportation, which some families could not afford, causing some children to drop out of school. A lack of reliable monitoring and statistics on enrollment and drop-out rates hindered efforts to ensure that school-age children received an education. Children with special needs were legally required to attend regular classes, but schools were often unable to accommodate them. Except for Roma, almost all children finished primary school through the ninth grade; the completion rate was lower for secondary school. Boys and girls attended school equally.

According to the BiH Roma Council, less than 35 percent of Romani children attended school regularly. Amnesty International reported during the year that Romani children lacked access to education in BiH. Many Romani children were unable to attend school because of extremely poor living conditions, lack of proper clothing, and the inability or unwillingness of families to pay school-related expenses. Verbal harassment from other students, language problems, and registration costs and requirements also contributed to the exclusion of Roma from schools, despite the desire of many parents to enroll their children. Authorities failed to provide textbooks including topics related to Romani culture and history into the curriculum.

Students in minority areas frequently faced a hostile environment in schools that did not provide an ethnically neutral setting. Obstruction by nationalist politicians and government officials slowed efforts to remove discriminatory material from textbooks, abolish school segregation, and enact other reforms. Cantonal governments in the Federation and the Ministry of Education in the RS pressured school directors at the primary and secondary school level, and several schools were directed by hard-line political figures. For example, on the first day of school at the Sveti Sava primary school in the eastern RS town of Zvornik, school officials organized an Orthodox religious ceremony with an Orthodox priest presiding. More than 100 Bosniak students who attend the school were present with their families at the ceremony. Following the event, the RS Ministry of Education issued a statement indicating that such ceremonies were inappropriate.

Administrative and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extracurricular activities, school entrances and recreation facilities sometimes resulted. In some areas of the country, notably Vitez in central Bosnia and Prozor-Rama and Stolac in Herzegovina, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education. In the RS, 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.

Schools throughout the country continued to use textbooks on subjects outside the so-called "national group" of subjects that contained controversial material. For example, textbooks in Bosnian Croat-majority areas refer to Croatia as the homeland of all Croat people, while texts in the RS instill a sense of patriotism towards Serbia.

Medical care for children in the Federation is controlled at the cantonal level, and the level of care varied widely between cantons. In the RS, the law provides that the Ministry of Health furnish free medical care to children up to 15 years of age; in practice, children often did not receive medical care unless they had medical insurance paid for by their parents. Boys and girls had equal access to medical care.

Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse; there were no statistics available on the extent of the problem, as much of it went unreported. Municipal centers for

social work were responsible for protecting children's rights, but often lacked resources and alternative housing for children who ran away from home to escape abuse or who needed to be removed from abusive homes. Some NGOs estimated that one in four families experienced some form of domestic violence, including physical, psychological, or sexual abuse of children.

In certain Romani communities, girls married between the ages of 12 and 14. Apart from efforts to increase Romani participation in education, there were no programs aimed specifically at reducing the incidence of child marriage.

Trafficking in girls for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child begging was common in some Romani communities; infants (with adults) and children as young as four were sent out to beg on street corners, often working 10 or more hours per day in all weather conditions.

According to statistics released during the year by the Ministry of Human Rights and Refugees, 21 percent of displaced persons from the country were children under 18.

Trafficking in Persons

The law prohibits trafficking in persons; however, women and children were trafficked for sexual exploitation and children and adults, particularly from the Romani community, were sometimes trafficked for labor. There were reports that police and other officials were involved in trafficking.

The country was a destination, transit point, and, to a greater extent, country of origin for women and girls trafficked for sexual exploitation. An increasing trend of victims being trafficked domestically was also observed during the year. The number of domestic victims increased dramatically and is now about equal to the number of foreign victims, a possible indicator that official efforts to interdict and prevent cross-border trafficking have both increased internal trafficking and helped drive the crime underground to the local level. During the year, Romani children were trafficked to and within the country for forced labor.

The majority of women trafficked to the country came from Serbia, Ukraine, Moldova, Romania, and Russia. While no reliable estimates were available, a significant number may have been trafficked on to Western Europe. According to the IOM, most victims were lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, waitresses, and domestic servants. Some NGOs reported that trafficking victims were increasingly lured into the country by promises of marriage to traffickers or their associates, while others knowingly entered into false marriages to obtain work and residence permits. Most trafficked women entered the country through Serbia and Montenegro. Those who transited the country generally continued on via Croatia. The IOM reported Bosnian victims in other parts of Europe, and local NGOs observed a dramatic increase of Bosnian victims within the country.

There were no reliable estimates on the number of victims trafficked during the year; police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. During the year the Office of the State Antitrafficking Coordinator registered 43 new trafficking victims from within its referral mechanism. During the year the IOM assisted 59 victims, 12 of whom were repatriated; 27 were citizens, while almost half of all victims (28 persons) were minors.

Traffickers came from a variety of backgrounds, including freelance operators and loosely organized local criminal networks. Large international organized crime syndicates were less involved than in previous years.

Victims reported working in conditions akin to slavery, with little or no financial support. In some cases, traffickers paid victims some wages so that they could send money home to their families. Traffickers coerced victims to remain in these situations through intimidation, verbal threats, seizure of passports, withholding of food and medical care, and physical and sexual assault. To keep victims in the country legally, traffickers also made victims apply for asylum since, as asylum seekers, they were entitled to remain in the country until their claims could be adjudicated.

Under the law, trafficking is a state-level crime that carries a sentence of up to 10 years in prison. The Ministry of Security is responsible for coordinating antitrafficking law enforcement at all levels of government, but during the year it was understaffed and lacked the capacity and the funding to adequately manage antitrafficking activities.

The BiH State Prosecutor's office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state level and which to send to the entity level. The State Antitrafficking Coordinator, whose mandate includes coordination of victim protection efforts among NGOs, police, and government institutions as well as law enforcement, reported directly to the Ministry of Security. A nationwide interagency investigative task force to combat trafficking, the antitrafficking strike force, was chaired by the chief state prosecutor and included prosecutors, police, and financial investigators and targeted trafficking and illegal migration. There were two major strike force investigations that resulted in indictments during the year.

In February the strike force raided three well-known "night bars" in central Bosnia, resulting in four arrests and the filing of criminal charges against 11 people suspected of involvement in trafficking. In April the State Court sentenced Nermin Cupina from Mostar, the first defendant in a major trafficking case from Herzegovina, to eight years in prison for trafficking. The judge also ordered seizure of Cupina's apartment and payment of compensation, a \$62,500 (93,750 convertible marks) total value believed to have been earned through trafficking during 2002 and 2003. Igor Salcin, the second defendant in the same case, agreed to a plea bargain in February and was convicted to 5½ years of imprisonment. Predrag Leventic, the third defendant, was acquitted for lack of evidence.

If screening established that a person was a trafficking victim, authorities did not prosecute that person for immigration or prostitution violations. In most cases, foreign victims were voluntarily repatriated. Persons determined by law enforcement not to be trafficking victims were often deported and occasionally prosecuted for immigration and other violations.

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. Victims' groups alleged that, because of strong local networks, local police often willfully ignored or actively protected consumers or perpetrators of trafficking activity, often accepting bribes in return. To date there have been only a few documented cases of official involvement in trafficking, and no official indictments have been made. In 2004 border police arrested a member of the RS interior ministry's elite special unit near Bijeljina while he was attempting to cross into the country from Serbia with two suspected trafficking victims in his car. Authorities immediately suspended him from duty and opened an investigation. The case was closed during the year due to lack of evidence, and the police officer was reinstated. In 2005 authorities charged a State Border Service officer with abuse of office for placing a false stamp in the passport of a suspected trafficking victim; the case was ongoing at year's end.

During the year authorities continued efforts to combat trafficking by producing an antitrafficking manual for teachers for use in the curriculum of all BiH schools. Authorities also continued their efforts to assist victims by working with local NGOs to support shelters and other services and by conducting extensive training for police, prosecutors, judges, teachers, and social workers.

In 2005 the government adopted a formal victim referral mechanism and memoranda of understanding with six NGOs that ran shelters for trafficking victims. The local NGO Forum of Solidarity continued to operate the main shelter in Sarajevo and ran one safe house in Doboj where victims received medical care, counseling, repatriation assistance and limited vocational training. Other NGOs operated safe houses in Sarajevo, Banja Luka, Mostar, and Bijeljina. Although police provided protection for the shelters, victims told NGO employees that they did not trust local police and feared that traffickers would pursue them if they left.

During the year NGOs assisted trafficking victims by providing basic shelter and medical, psychological, and legal assistance. The Office of the UN High Commissioner for Human Rights published a manual on legal advocacy and trained local attorneys to assist trafficking victims on a range of criminal and civil issues, including victims' immigration status and legal rights if they chose to testify against their traffickers.

Persons With Disabilities

The law in both entities prohibits discrimination against persons with disabilities; however, there was discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services.

Throughout the country, there was clear discrimination between different categories of persons with disabilities, though the vast majority of persons with disabilities were unemployed. For example, persons with disabilities resulting from service during the 1991-95 wars were given a de facto privileged status above the civilian war disabled and persons who were born with disabilities. Children with disabilities were often hospitalized in residential institutions or confined to their homes, and they rarely had the opportunity to attend school. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. Some institutions inappropriately housed mentally ill and developmentally disabled persons together.

In the Federation, the law mandates that all existing public buildings must be retrofitted to provide access to persons with disabilities by November 2007 and that new buildings must also be accessible. However, in practice, buildings rarely were accessible to persons with disabilities. The RS had comparable laws for building access, and progress on retrofitting older public buildings remained slow.

National/Racial/Ethnic Minorities

Ethnic differences remained a powerful force in the country, although mixed communities existed peacefully in a number of areas. Nationalist Bosniak, Serb, and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own ethnicity from returning to their prewar homes if they would be in the minority there (see section 2.d.). The RS and Federation governments were both supportive of minority returns, but there was a significant decrease in returns nationwide.

Attacks on ethnic and religious objects increased during the year, particularly in the period immediately before the October national elections (see section 2.c.). Police conducted investigations and sometimes apprehended and charged perpetrators of ethnically motivated hate crimes.

Recreational events were an additional forum for interethnic disputes. In June Bosnian Croats and Bosniaks clashed in Mostar following a World Cup soccer game when Bosniaks were perceived as cheering the defeat of the Croatian team. In August a clash between Bosnian Serbs and Bosniaks at a soccer game resulted in one Bosniak's serious injury in Bratunac. Also in August Bosnian Serb and Bosnian Croat fans watching a soccer game in Ivanica caused a fight, marking the first ethnic clash in the town since the end of the war. Also at a September soccer match in Zvornik between local team Drina and visitors Sarajevo, nationalist antagonists carried signs and chanted disparaging slogans at the visiting team comprising mainly Bosniaks.

Harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems included desecration of graves, graffiti, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults. In September unknown persons broke the glass of a Bosniak returnee's grill stand in downtown Zvornik. The grill's owner indicated that this was the ninth time his business had been attacked since he returned to the area. Members of the Association of Mothers of Srebrenica and Zepa Enclaves who live in returnee areas continued to receive death threats.

Ethnic discrimination in employment and education remained key obstacles to the return of residents (see section 5, Children). Widespread firing of ethnic minorities during and after the war was not reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where the minorities had been employed. Amnesty International reported during the year on widespread ethnic discrimination in employment and cited failure on the part of state-level and entity-level officials to prevent such discrimination. Although privatization of large state-owned enterprises was conducted under the supervision of the international community, many smaller enterprises were sold to politically well-connected individuals, usually members of the majority group in their communities. These enterprises generally did not employ minorities. For example, only three of 120 municipality jobs in Foca were filled by returnees. In Zvornik, the town with the greatest percentage of returnees in the eastern RS, only four Bosniaks served in more than 100 positions available at the municipal level.

During the year the UN Committee on the Elimination of Racial Discrimination (CERD) issued observations on the situation in BiH, citing concern over distinctions in the law between "constituent peoples" (Bosniaks, Bosnian Serbs, and Bosnian Croats) and "others" that precluded members of non-constituent groups from fully enjoying the right to vote and stand for office. The CERD also registered concerns over an absence of comprehensive antidiscrimination legislation in the country and the condition of the Romani minority.

The Roma population, estimated at 40,000 to 80,000, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. Access to employment, education, and government services was a particular problem. The BiH Helsinki Committee estimated that only 1 percent of the working-age Romani population was employed and indicated that Roma were usually the first to be let go during a reduction in force. Many Roma were also excluded from public life because they lacked birth certificates, identification cards, or a registered residence. Many Roma also could not access health care or register to vote. Only a small number of adult Roma were officially employed, and Roma were often denied social support; some families sent their children out to beg or relied on other sporadic sources of income. During the year the Roma Council and the Ministry of Human Rights and Refugees worked to develop action plans for the employment, health and housing of Roma, in efforts to fulfill preconditions for eligibility in the "decade of Roma inclusion" initiative in Europe. However, by year's end the government had not completed the action plans for housing, health care, and employment, while the implementation of the education action plan had been implemented only partially.

While authorities permitted Romani children to attend schools in all areas of the country, their attendance was often low as the result of pressure from within their own community and from local non-Romani communities discouraging them from attending school (see section 5, Children).

Other Societal Abuses and Discrimination

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

The NGO Global Rights reported during the year on the country's compliance under international and European legal frameworks to uphold the rights of sexual minorities. The report stated that the country did not provide the full range of protection envisaged under these instruments to members of sexual minority communities and that social and cultural stigma contributed to instances of discrimination. The report cited the limited means available for redress against discrimination on the grounds of sexual orientation, as well as a lack of legal provisions directly addressing discrimination based on gender identity or expression.

Sexual minorities who were open about their orientation were frequently fired from their jobs. 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. Some gay teens were harassed at school and were kicked out or ran away from home after revealing their orientation to their parents.

Some teachers described homosexuality as deviant behavior when presenting the public school curriculum on health and sexuality to their students.

According to unreliable government statistics, there were less than a hundred cases of HIV/AIDS in the country. There was a significant stigma against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law allows workers in both entities (except members of the military) to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. However, the BiH government refused to register an umbrella organization of entity-level unions (formed in mid-2005) at the state level, which effectively blocked the activity of the principal unions above the entity level.

The law prohibits discrimination by employers against union members and organizers; however, protections against retaliation for union activity were not strong and discrimination continued. Practical barriers to employees bringing complaints against employers included high unemployment, a backlogged court system, and the large number of workers in the gray economy.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed union organizing and activity in practice. Some unions reported that employees of private companies were threatened with dismissal if they joined a union.

The right to bargain collectively is provided by law in the RS and in a comprehensive collective bargaining agreement in the Federation. However, collective bargaining in both entities did not involve voluntary direct negotiation between a union and individual employers, but rather work agreements between the government and workers in the public sector. In the Federation, there were no collective bargaining agreements between private employers and unions. In the RS, the general collective bargaining agreement applied to all workers and was negotiated between unions, the government, and employers. This general agreement applied to private companies, regardless of whether their workers were union members. There is no law in the Brcko District on collective agreements, and workers there effectively did not have the right to bargain collectively.

The law provides for the right to strike, and workers exercised this right in practice.

There are no special laws or exemptions from regular labor laws in the country's six 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 such practices occurred (see section 5).

Prohibition of Child Labor and Minimum Age for Employment

Entity-level labor laws restrict child labor, and the entity governments implemented these laws in practice. The minimum age for employment of children in the Federation and in the RS is 15 years; minors between the ages of 15 to 18 must provide a valid health certificate in order to work. The law prohibits children from performing hazardous labor, such as night work. Although child labor was not generally a problem, children sometimes assisted their families with farm work and odd jobs. Romani children often begged on the streets, particularly in larger cities.

Trafficking in children for sexual exploitation and sometimes for labor was a serious problem (see section 5).

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

e. Acceptable Conditions of Work

The monthly minimum wage in the Federation was \$196 (308 convertible marks) and in the RS the "minimum price of work" used as a base for the salary scale of government employees was \$66 (100 convertible marks); however, neither provided a decent standard of living for a worker and family. Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds; as a result, to avoid paying high social welfare benefits, employers often did not officially register their employees, leaving employees without access to public health care.

The legal workweek in both entities 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 RS requires a 30 percent premium. An employee in the RS may volunteer for an additional 10 hours in exceptional circumstances. Federation and RS laws require a minimum rest period of 30 minutes during the work day.

Authorities did not adequately enforce regulations related to acceptable work conditions. While entity labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. Since the courts only served as recourse for complaints involving registered workers, the RS labor inspectorate had to submit fines and penalties for court approval; because of court backlogs, this system was not effective, and many workers for practical purposes worked without protections.

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. Worker's rights extended to all official, i.e. registered workers, including migrant and temporary workers in this status.