

Bosien - Hercegovina (79)**U.S. DEPARTMENT of STATE****185****Bosnia and Herzegovina**

10 MRS. 2005

Country Reports on Human Rights Practices - 2004Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia. The Agreement also created two multiethnic constituent entities within the state: The Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), along with the independent District of Brcko. The Federation has a postwar Bosnian Muslim (Bosniak) and Croat majority, while the RS has a postwar Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a federal democratic republic and assigned many governmental functions to the two entities, which have their own governments. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The OHR has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. Candidates of the three main nationalist parties, the Bosniak Party for Democratic Action (SDA), the Serb Democratic Party (SDS), and the Croatian Democratic Union (HDZ), won seats to the tripartite BiH Joint Presidency in elections in 2002 that were regarded as generally free and fair; Bosnian Croat Dragan Covic, Bosnian Serb Borislav Paravac, and Bosniak Sulejman Tihic make up the BiH Presidency. In the Federation, the President, Niko Lozancic, appointed the Prime Minister, Ahmet Hadzipasic, subject to parliamentary approval. In the RS, the President, Dragan Cavic, and vice presidents were directly elected, while the RS National Assembly selected Prime Minister Dragan Mikerevic. On December 17, Mikerevic resigned from his post in reaction to international community-sponsored sanctions against the RS for its failure to arrest indicted war criminals, notably wartime Bosnian Serb leaders Ratko Mladic and Radovan Karadzic. The RS National Assembly had not approved a new prime minister-designate by year's end. The law provides for an independent judiciary; however, it remained subject to influence by nationalist elements, political parties, and the executive branch.

The Constitution gives the Government of each entity responsibility for law enforcement. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the nonmilitary aspects of the settlement. On December 2, SFOR transferred the stabilization mandate to a European-led force (EUFOR). NATO headquarters in Sarajevo retained responsibility for overseeing defense reform, counter-terrorism efforts and cooperation with the U.N. International Tribunal for the Former Yugoslavia (ICTY). The smaller European Union Police Mission (EUPM) succeeded the U.N. International Police Task Force (IPTF). EUPM's mission is to monitor, mentor, inspect, and raise standards of the local police. In addition to locally recruited police forces, the entities maintained separate armies. The armies are under state-level Presidential authority. Entity governments generally maintained control of security forces. Some members of the police and security forces in both entities committed a number of human rights abuses.

The economy remained in the early stages of transition to a market economy, and a large percentage of the economy remained in the public sector. The country, with a population of approximately 4.1 million, had significant levels of both industrial and agricultural production. The projected economic growth rate for the year was 5 percent. Wages and benefits were not diminished by inflation, since the country had an inflation rate of less than 1 percent during the year. Although statistics varied, unemployment was estimated at 40 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police continued to abuse and physically mistreat detainees and other citizens; however, police accountability for individual abuses improved. Overcrowding and antiquated facilities continued to be a problem in prisons. The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Enforcement of judicial decisions by local authorities improved during the year; however, obstacles remained due to lack of administrative capacity in the enforcement courts to handle this caseload. Infringement of privacy rights occurred and was particularly targeted towards minority returnees.

Pressure and harassment of the media by authorities and dominant political parties continued. Incidents included bureaucratic harassment, intimidation, published insults, and character attacks, and threatening

behavior; however, threats of violence diminished. Academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. Both entities Governments' and private groups continued to restrict religious practice by minorities in majority areas; religious discrimination remained a problem. Although there were some restrictions on freedom of movement, the situation continued to improve. The rate of returns of refugees and displaced persons declined during the year. The security situation in sensitive return areas and police responsiveness to incidents targeting minority returnees did not improve. The RS continued its de facto refusal to take action against any Serbs indicted by the ICTY; the Federation generally cooperated with the ICTY, although it did not facilitate any new transfers. Noncompliance with ICTY obligations continued to undermine the rule of law in the country.

Isolated instances of political, ethnic, or religious violence continued. Discrimination against ethnic minorities continued. The political leadership at all levels continued to obstruct minority returns in certain localities. Trafficking in women and girls was a serious problem, which the Government took considerable steps to address.

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 of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The investigation into the 2002 killing of Zeljko Markovic, Police Chief of Serb Sarajevo, was ongoing at year's end and police still had not identified the perpetrator.

On January 15, the Federation Supreme Court upheld the Cantonal Court's 2003 acquittal of six defendants charged in the 1999 bombing that killed former Federation Deputy Interior Minister Jozo Leutar.

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, 16 persons were killed in landmine incidents and 27 were injured. The BiH Mine Action Center cleared 1,658 square miles of mined territory during the year; 3,016 anti-personnel mines, 210 anti-tank mines, and 1,523 pieces of unexploded ordinance were found and destroyed.

b. Disappearance

There were no reports of politically motivated disappearances.

An estimated 15,000 to 20,000 persons remained missing from the wars in 1991-95. During the year, the Federation Commission for Missing Persons and RS Office for Detained and Missing Persons carried out 454 exhumations of mass or illicit gravesites with the technical forensic support of the International Commission on Missing Persons (ICMP). The exhumations recovered 997 sets of human remains and 767 partial remains. In August, officials uncovered one of the largest gravesites, containing 240 complete bodies and 209 partial remains believed to be those of Bosniak victims of the notorious Omarska prison camp operated by Serb militia in the summer of 1992.

In October, the new State Law on Missing Persons created the national Missing Persons Institute (MPI); however, it was not fully functional by year's end. The Institute was tasked with absorbing the entity-level missing persons commissions and continuing the search for missing persons of all ethnic groups in partnership with the ICMP. The law also established a statewide central database on the missing and provides for social benefits to families of missing persons.

During the year, ICMP's DNA laboratory generated 2,588 matches that may lead to the identification of 1,754 individuals. ICMP also collected 18,428 blood samples from surviving relatives to assist in the future identification of the 7,789 missing persons represented by these samples.

The International Committee of the Red Cross (ICRC) reported that, since 1995, it had received requests from family members to trace 21,415 persons missing from the war years. By December 31, a total of 5,590 persons had been accounted for (400 of whom were found alive). The ICRC chairs the Working Group on Persons Unaccounted For, which encompasses participants or observers involved in tracing missing persons. The ICRC and the Red Cross Society of BiH also initiated a countrywide campaign to gather ante mortem data on missing persons, which was available to aid in the identification of remains.

The RS government established an independent Srebrenica Commission in order to comply with March 2003 Human Rights Chamber decision which ordered the RS Government to inform families of the fate of their missing relatives from the Srebrenica massacre and to investigate thoroughly the events giving rise to the massacre and report on the results of the investigation. The Commission issued an interim report in June, in which RS authorities took responsibility for the massacre for the first time. On November 15, the Commission released the final portion of its report. The Commission found that there were 7,806 confirmed victims. A classified annex of documents implicating an unknown number of war crimes suspects was turned over to the RS authorities for investigation. Former RS Prime Minister Mikerevic and RS President Cavic acknowledged publicly for the first time that large-scale war crimes took place in Srebrenica and apologized to the relatives of the victims on behalf of the RS government. The families' associations reiterated their desire to see the perpetrators of the massacre brought to justice as soon as possible.

By year's end, 1,438 victims of the Srebrenica massacre had been buried; 1,304 of them were interred at the Srebrenica-Potocari Memorial and Cemetery.

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

The Constitution prohibits such practices; however, physical mistreatment of prisoners by police still occurred. According to the EUPM and the RS and Federation Professional Standards Units (PSUs), the number of complaints against police officers remained at approximately the same level during the year as in 2003. Investigations and accountability into police misconduct improved during the year (see Section 1.d.).

Reports of violence against minority communities continued in several areas, particularly in the eastern RS and Herzegovina; however, police investigation of these incidents and police protection in general remained at the same level as in 2003 (see Sections 2.d. and 5).

There continued to be numerous violent incidents directed at returning refugees (see Sections 2.d. and 5). Violence against journalists, including physical assaults, continued (see Section 2.a.).

Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and antiquated facilities remained chronic problems. Conditions were worse in police detention facilities, where overcrowding and inadequate food and hygiene were chronic problems. Corruption among prison officials continued to be problematic. Unlike in previous years, there were no reports of prison riots; however, there were some incidents of ethnically motivated violence in prisons. There were no separate prisons for female or juvenile inmates. Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Male inmates under 16 were held separately, while male juveniles aged 16 to 18 were housed with adult male inmates. Pretrial detainees were held separately from convicted criminals. Some prisoners were regularly granted weekend furloughs to visit their families.

The Government permitted visits by independent human rights observers; international community representatives were given widespread and generally unhindered access to detention facilities and prisoners in both entities as well.

d. Arbitrary Arrest or Detention

The Constitutions of both the entities and the country prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Both the Federation and the RS maintain their own police forces, as does the District of Brcko, and there are three primary levels of law enforcement in the country: The state-level BiH Ministry of Security (MOS), which does not maintain a police force but is supported by the State Investigation and Protection Agency (SIPA) and the State Border Service; the Federation Ministry of Interior (FMUP); and the RS Ministry of Interior (RSMUP). The RSMUP has a centralized structure with five public safety centers (PSCs) throughout the RS that report directly to the RSMUP. The structure of the FMUP is not centralized; each of the 10 cantons has its own cantonal ministry of interior that functions autonomously from the FMUP. Neither the FMUP nor the RSMUP are required to report to the MOS. Although they share information, these structures function quasi-independently of one another because each structure has jurisdiction over different offenses. For example, the MOS has responsibility for state-level crimes, such as terrorism and trafficking in persons, where the RSMUP and FMUP have responsibility for local crimes like homicide.

On June 15, the State Parliament passed the Law on the State Investigation and Protection Agency, giving SIPA executive authority to investigate serious crimes, including terrorism, trafficking, narcotics, organized crime, war crimes, and money laundering. By year's end, SIPA had hired 281 of its projected 800 employees.

Police in the RS generally did not meet target standards of ethnic representation, as mandated by various agreements; however, the number of minority police officers in each entity police force increased slightly.

The EUPM acted in an advisory capacity to entity police forces, with a limited mandate. Professional Standards Units (PSUs) functioned as internal affairs investigative units in each of the entity MUPs and Brcko District. The presence of these units led to the processing of complaints of police misconduct and discipline of police in accordance with standard procedures. The FMUP police internal affairs units investigated 91 complaints regarding excessive use of force during arrest, and found 7 to be grounded. The investigators concluded that the amount of force used was appropriate in all cases. There were no other reported cases of physical mistreatment of detainees or other citizens by police during the year.

During the year, the RS PSU investigated 951 cases—724 citizen complaints, 221 supervisor complaints, and 6 cases treated as others. A total of 69 complaints were determined to be well founded; 23 were dismissed (4 agreed terminations, 18 statutory limitations and 1 complaint was dropped). In 57 cases assessed as major violations of duty, initiatives for disciplinary procedures were forwarded to appropriate prosecutors.

During the year, the Federation PSU investigated 152 cases, 8 less than in 2003. PSU investigators concluded that 67 complaints were well founded; 29 were unfounded and 50 were dropped. The 56 cases that were deemed to be major violations of duty were forwarded to prosecutors for appropriate disciplinary action.

There were continued reports of corruption at the highest levels. Investigations conducted by local police in cooperation with the international community, including the EUPM and SFOR, resulted in several ministers and police officials being fired or prosecuted (see Section 3).

The Criminal Procedure Code (CPC) specifically delineates the manner in which warrants are to be issued and judges, prosecutors, and police received training on these procedures. The process of obtaining search and arrest warrants became more routine during the year.

The CPC requires that persons suspected of committing a crime must be taken before a prosecutor within 24 hours after detention. This requirement was observed in practice. The prosecutor has an additional 24 hours to determine whether the person should be released or to bring the person before a judge to decide if they should remain in pretrial custody. Police are also authorized to detain individuals for up to 6 hours at the scene of a crime for investigative purposes. Detainees are allowed to request a lawyer of their own choosing (if they are indigent, a lawyer will be provided for them) and to inform family members of their detention. In practice, indigent defendants were not always provided with lawyers, particularly for minor offenses. There was a functioning bail system. There were no reported cases of arbitrary arrest or detention during the year.

An individual in pretrial detention has the right to be informed of all charges against him or her once an indictment has been handed down. Under the CPC, a trial must be undertaken in a speedy manner and normally occurs within 3 months of the indictment being issued. However, a substantial backlog of cases from the old system existed in all jurisdictions.

Prior to the enactment of the CPC in 2003, prolonged pretrial detention was a problem. However, under the CPC, pretrial detention cannot last longer than 1 month after the individual is taken into custody. Custody may be extended no longer than 6 months in exceptional cases.

In 2002, the Human Rights Chamber ordered the State and Federation Governments to pay compensation to each of the six Algerian terrorism suspects who were transferred to a foreign government's custody. By year's end, the State Government paid \$3,333 (5,000 KM) to the families of all six suspects; however, the Federation government did not pay any compensation.

e. Denial of Fair Public Trial

Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive branch and political parties exercised some influence over the judicial system. The judiciary was not always able to protect the rights of victims and defendants. The internationally supervised reappointment process of judges and prosecutors was completed to help curb the influence of political parties on the judiciary. Some judges and prosecutors who showed independence were sometimes subject to intimidation, and at times local authorities refused to enforce their decisions. Judges and prosecutors were reluctant to pursue actively some serious or politically controversial cases in order to avoid potential conflict with political leaders or organized crime figures. Both the Federation and RS Constitutions provide for open and public trials and provide the accused with legal counsel.

The High Judicial Prosecutorial Councils (HJPC) had the sole authority to appoint and discipline judges and

prosecutors to all courts. The Office of Disciplinary Counsel oversaw complaints against judges and prosecutors and recommended punishment or removal as necessary.

Some politicians and other powerful figures continued to exert influence on cases. Judicial reform efforts have somewhat reduced the impact of intimidation efforts by organized crime figures and political leaders. Despite efforts to streamline court procedures, a large backlog of unresolved cases remained a problem.

Enforcement of civil judgments remained weak; however, there was sufficient cooperation from local officials and police in implementing court decisions. Enforcement problems persisted due to organizational inefficiency and a large backlog in the enforcement courts. Decisions of the Constitutional Court were generally respected and implemented in practice.

Since April, when restructuring of courts and prosecution agencies in the entities was completed, judicial and prosecutorial posts have been filled by open competition.

The State-level Court is the highest court in the country. The court and prosecutor's office are responsible for investigating and prosecuting crimes enumerated under the Criminal Code in accordance with the CPC. Both entities have separate Supreme Courts and Prosecutor's offices, as well as cantonal courts in the Federation, district courts in the RS, and the municipal courts, which are the lowest courts in both entities.

Trials are public and the defendant has the right to present his own defense or to defend himself with the professional aid of an attorney of his choice. If the suspect or accused does not have a defense attorney, the CPC stipulates that an attorney shall be provided if the accused is charged with a crime for which long-term imprisonment is prescribed. The CPC and Criminal Code provide the defendant with the right to confront or question the witnesses and to present witnesses and evidence on his behalf. All defendants have the right to appeal. Due to limited court budgets, defense attorneys were not always appointed for indigent defendants in cases where the maximum possible sentence was less than 10 years.

Implementation of decisions of the Human Rights Chamber, and its successor institution, the Human Rights Commission of the Constitutional Court, by local authorities improved somewhat in the RS; however, both the Federation and the RS failed to comply with a number of Chamber decisions, especially decisions regarding welfare compensation and return of real property to lawful prewar owners.

In general, the judicial system as a whole remained unprepared to prosecute war crimes cases domestically; however, the creation of the Special Chamber for War Crimes in November significantly improved its ability to prosecute and adjudicate war crimes at the state level. The legal framework establishing the Special Chamber and changes to the CPC and Criminal Code necessary to try war crimes in the country were also adopted in November.

The local prosecution of war crimes cases proceeded slowly due to political interference and lack of experience; however, authorities made some progress during the year with the arrest and trial of suspects in the domestic courts. The lack of witness protection also hampered prosecution of organized crime and trafficking in persons.

In January 2003, the Banja Luka District Court Prosecutor issued an indictment against 11 Prijedor police officers who had detained members of the Matanovic family. In 2001, police discovered the bodies of Catholic priest Tomislav Matanovic and his parents, who disappeared from Prijedor in 1995, in the well of their family residence in Rizvanovici. The ICTY approved the transfer of this case to the domestic judicial system. After a number of procedural delays, the RS Supreme Court ultimately rejected all the defendants' objections in October and remanded the case to the RS District Court. RS Prosecutor Branka Milosevic claims that the slow progress in the case was attributable to the large number of witnesses and the fact that the procedure was being conducted in accordance with the old CPC. At year's end, the trial continued in Banja Luka District Court.

There were no reports of political prisoners.

The mandate of the Commission for Real Property Claims (CRPC), an institution created by Annex VII to process claims for property wrongfully taken during the 1992-95 war, ended in 2003. The CRPC was unable to resolve approximately 50,000 private property claims because they involved conflicting documentary evidence and required a hearing, which was beyond the CRPC's mandate. Municipal housing authorities subsequently decided most of these cases, although an estimated 1,300 cases remained unresolved by year's end. These cases were transferred to municipal authorities for adjudication in December. The necessary memorandum of understanding (MOU) for the transfer of responsibilities to the domestic CRPC (DCRPC) was signed in May, 5 months after the end of the CRPC's mandate. The DCRPC Commissioners began reviewing cases in mid-October.

The Government had almost completed the implementation of property law, which requires that all property

that was wrongfully taken during the recent war be returned to its rightful owners. By year's end, the overall property law implementation rate was 92.95 percent, and 128 out of 129 municipalities had completed their caseload of claims. The Federation, the RS and Brcko District returned between 92.8 and 96.1 percent of the property. In an additional 6 percent of cases, municipal authorities ruled against the claimant, so no repossession took place. At year's end, Banja Luka was the last municipality still processing claims.

During the year, the Human Rights Commission of the Constitutional Court issued 49 decisions on the merits, including cases regarding violations of property rights, employment discrimination and procedural violations of the CPC.

During 1998, the Federation army unlawfully took control of approximately 4,000 abandoned apartments owned by the former Yugoslav military (JNA). Federation authorities encouraged postwar illegal occupants of these apartments to purchase them. In the meantime, the prewar owners of the apartments (former JNA officers, mostly Bosnian Serbs) began filing claims to return to their property. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber, which decided that apartments owned by JNA officers should be returned. Federation authorities continued to refuse to evict the current residents or to allow prewar owners to regain possession, in violation of the Dayton rules for property implementation. The Constitutional Court ruled in September that the Federation's legislation that prohibits ownership of property in the Federation by anyone who served in the JNA after May 19, 1992 (effectively disenfranchising all Bosnian Serbs with claims to these properties) is constitutional. Because most claimants to these apartments have been allocated apartments elsewhere (mostly in Serbia), the Court held that the Federation has the right to uphold the legal principle applied in the former Yugoslavia, which holds that citizens cannot have tenancy rights to more than one apartment at the same time. The MOU authorizing the transfer of responsibilities to the DCRPC specifies that the appeals shall be decided in accordance with international law except where it conflicts with Bosnian law. The Constitutional Court's decision suggests that the DCRPC will have to rule in favor of the current occupants of the JNA apartments, a position inconsistent with international legal principles; however, until the DCRPC rules on these cases, the situation remains unresolved.

The Constitutional Court received 1,150 new cases during the year and processed all but 1 of the 7,065 old cases filed between 1999 and 2003. By year's end, the Court had approximately 840 cases still pending. Enforcement of Constitutional Court decisions improved significantly during the year; the relevant government authorities enforced the Court's orders in all but five cases during the year.

Roma displaced from their property during the war had difficulty repossessing their property because of discrimination and lack of adequate information on the necessary procedures (see Section 5). In many cases, Roma families also lacked documents proving ownership or had never registered their property with local authorities. This lack of documentation prevented them from applying for reconstruction assistance. The legal status of informal Roma settlements also remained unresolved.

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

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, authorities in some areas infringed on citizens' privacy rights.

In the RS, police routinely conducted searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. While this problem was not as common in the Federation, it occasionally occurred.

There were forced evictions that required police involvement in during the year, especially in Banja Luka municipality; however, the overall number of forced evictions was less than in previous years. Police and local authorities generally understood that property laws needed to be implemented in a prompt and fair manner. In some politically sensitive cases, police delayed their intervention in order to avoid conflict. For example, in Banja Luka, police gave members of an extremist organization of Croatian Serbs additional time to move out of the apartments they had been illegally occupying, but ultimately carried out a number of forcible evictions during the year.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government has not always respected these rights in practice. Laws safeguarding freedom of the press were delegated to the cantons in the Federation, and to the central authorities in the RS.

The constitutional right to freedom of speech is generally respected in practice. Individuals can criticize the

Government without fear of reprisal and frequently did so.

There were some restraints of freedom of the press and instances of open threats from government officials still occurred. Unlike in previous years, media outlets were more commonly subject to less overt pressure, such as the loss of advertising opportunities and limitations on access to official information.

The RS adopted the Defamation Law in 2001 and the Federation adopted it in 2002. The Defamation Law prohibits criminal cases against journalists for defamation, although they can still be sued in civil court. The Defamation Law meets international standards for media legislation; however, courts did not always have sufficient experience and training to interpret the Defamation Law correctly.

Many independent, privately owned newspapers were available. Several printing houses operated, precluding the formation of a publishing monopoly. Dnevni Avaz, whose editorial policy strongly reflects Bosniak interests, remained the largest circulation daily. In the RS, the influence of the government-owned printing company and newspaper, Glas Srpski, has declined from a near monopoly. The independent, Banja Luka-based newspaper, Nezavisne Novine, ran its own print shop, which provided printing facilities to other newspapers as well.

The largest television broadcasters were Federation Television (FTV) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS, both entity-level Public Broadcasting System (PBS) stations. In August, Bosnia and Herzegovina Television launched its program for the entire country. In addition to a local commercial network of five stations in both entities (Mreza Plus), there were dozens of small independent television stations located throughout the country. Radio broadcasting in the Bosniak-majority areas of the Federation, particularly in Sarajevo, Zenica, and Tuzla, was similarly diversified. Opposition viewpoints were fully reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. One of these, Nes Radio, reported a wide variety of political opinions. During the year, many radio stations broadcasting in Croat-majority areas distanced themselves from hard-line nationalistic views and covered opposition viewpoints.

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 own ethnic group. Given the communal tensions in the country, these accusations are used as a form of intimidation. During the year, members of leading nationalist parties (SDA and HDZ) accused FTV of being both anti-Bosniak and anti-Croat. In addition, a popular talk show host was accused of working against Bosniaks and his family fell victim to verbal harassment several times during the year (see Section 2.c.).

According to independent media analysts, BiH media outlets supported or criticized political parties and policies by choice rather than under coercion. Nevertheless, government officials, particularly in the RS, occasionally exerted economic pressure by directing the advertising business of government-owned companies away from media critical of officials or official policies.

In August, the RS Police Director publicly labeled the journalists of RTRS and Nezavisne Novine as members of "a group dedicated to discrediting him" and "a dangerous lobby and domestic enemy." The BiH Coordinating Committee for Journalist Associations (CCJA) strongly condemned the police director's behavior and demanded his resignation. The police director ultimately resigned, but for reasons unrelated to the CCJA's statement.

During the September pre-election campaign in the RS, one of the candidates for mayor of Banja Luka publicly accused editors of several independent and public media outlets in this entity of being financed and influenced by foreign countries. The candidates alleged that a Banja Luka-based independent newspaper was a branch of the CIA in the RS, and that the director of public broadcasting was appointed by the international community to destroy the RS.

The CCJA immediately reacted to these allegations, labeling them a "call to lynch journalists", and making a formal complaint to the Election Commission of BiH. The Banja Luka representative of the CCJA said that the journalist in question did not plan to bring a lawsuit against this candidate. As a result of the complaint, the Election Commission revoked his candidacy and fined his party approximately \$7,000 (10,500 KM) (see Section 3).

Another "lynching call" occurred in October, when unknown persons put up posters with a photograph of the owner of a Sarajevo-based independent political magazine, along with his email address and the address of the magazine. These posters claimed the owner slandered the head of the Islamic community in the country by characterizing him as immoral, and called on all those disturbed by this to contact the owner. According to the magazine, this was the first time in the history of independent Bosnian journalism that a public "warrant" was issued against a journalist.

Independent media investigating ordinary and organized crime received several anonymous threats after publishing stories. A journalist investigating a murder in Sarajevo was verbally attacked in the street, while

another editor received a cell-phone text message that he would be killed after a suspected criminal, mentioned in the editor's newspaper, was released from prison. In July, another editor approached a foreign Embassy with a similar concern. He had been warned, after publishing a story on local crime, that the criminals might target him.

In February in the RS, the editor-in-chief of Nezavisne Novine and the head of the RS Helsinki Committee for Human Rights received anonymous telephonic death threats. This occurred after Nezavisne Novine printed a statement by the nongovernmental organization (NGO) criticizing the work of the RS Ministry of Interior. The Ministry of Interior reacted by issuing a press release, denying any connection with the threats.

On September 6, a Mostar daily published a story by Nevres Dedic about Muamer Topalovic's request to leave prison temporarily to visit his family. In March 2003, Topalovic was sentenced to 35 years in prison for murdering three persons and wounding a fourth in a religiously motivated crime. Angered by the story, Topalovic called Dedic from prison, demanded a denial and a published apology, and threatened to murder the journalist. Dedic informed the police about the threat. An investigation was ongoing at year's end.

Journalists were subject to harassment as a result of a government wiretapping scandal. The journalists' phones were not tapped; however, doctored transcripts of conversations they held with a minister and former BiH President who were under surveillance were published in newspapers, resulting in threats to the journalists. The BiH Parliament investigated and concluded that the surveillance was unjustified, of questionable legality and had resulted in human rights violations. Parliament made a series of recommendations to the State Government to prevent such abuses in the future.

During 2003, the Media Helpline was transferred to the CCJA from under the auspices of international organizations (OSCE and OHR). Beginning March 1, the Committee functioned as a local organization, receiving numerous calls from journalists and ordinary citizens from all parts of the country. On average, it addressed four to five violations of journalist rights per month. The help line maintains a web page and published press statements on these violations.

In March, journalists from FTV Gorazde asked for assistance from the Media Help line because of pressure from the station's director by restricting their right to report freely and objectively.

The Public Broadcasting Law (passed in 2002) established the PBS with both entity-level broadcasters as components and codified the regulatory responsibilities of the state-level Communications Regulatory Agency (CRA). Additional legislation is needed to clarify ownership of PBS assets, as well as the licensing and regulatory relationship between public broadcasters and the CRA.

The CRA functioned effectively under a locally selected Director, and undertook the selection process to fully nationalize the CRA Council. In general, the presence of the CRA, and the effectiveness of its complaints procedure and enforcement provisions, considerably reduced the level of inflammatory and hate language in the electronic media. Electronic media operated in a more transparent and properly regulated broadcast environment than they had previously.

Despite these improvements, the CRA's independence continued to be hampered by government interference with its budget; however, the CRA claimed that there was growing recognition within the Government that the CRA's independence should be respected. Access to revenue from broadcast license fees was blocked for much of the year in a dispute with the Council of Ministers, although this was resolved satisfactorily in August.

Since the adoption of the Defamation Law in 2002, approximately 300 cases were tried in cantonal and district courts in the Federation and RS. This was three times higher than the number of charges brought in the 2 years prior to the adoption of the law. Approximately 240 charges were brought in Federation courts, 170 of them before Sarajevo's cantonal court. In contrast to 2003, when only 3 cases were concluded in the Federation, 35 first-degree convictions and 5 second-degree convictions were handed down in the first 7 months of the year. In the RS, less than 5 of approximately 50 pending cases have been decided, leaving a total of about 250 cases undecided.

Although the incidence of defamation charges remained high in the first 3 months of the year, with some 30 cases filed in Sarajevo Canton alone, the number filed dropped substantially in the following 3 months, to less than 20. Public figures, politicians most of all, tended to initiate charges. Journalists also frequently accused colleagues of defamation.

The compensation sought by those filing charges continued to be very high. However, in the 40 cases where courts reached decisions, 14 demands were totally rejected, while in most other cases the compensation awarded was below \$5,000 (7,500 KM).

The Government did not restrict access to the Internet. However, for economic reasons, only about 5

percent of the population had Internet access.

The Government did not restrict academic freedom; however, academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo, Serbs and Croats complained that members of the Bosniak SDA party and Bosniaks generally received special 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 eastern and western branches, reflecting the continued ethnic divide in the city.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice.

The Constitution provides for freedom of association; however, authorities imposed some limits on this right, and indirect pressure constrained the activities of some groups. A wide range of social, cultural, and political organizations functioned without interference.

Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the government-owned sector of the economy.

The Law on Associations and Foundations allowed NGOs to register at the national level and therefore to operate throughout the country without administrative requirements. Some NGOs or associations of NGOs experienced difficulties at the Registry Office of the Ministry of Civil Affairs and Communications. If the registration requests were unusual or complicated, the Registry Office often rejected them without explanation, forcing organizations to resubmit their requests.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, adherents of minority religions in non-ethnically mixed areas had their right to worship restricted, sometimes violently. The new state-level Law on Religious Freedom, passed in both Houses in January, also provides comprehensive rights to religious communities and confers upon them a legal status not previously held in the country.

The RS Government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place, although there was improvement from previous years. For example, two Islamic burial ceremonies took place at the Srebrenica-Potocari Memorial and Cemetery in March and July without incident. In late December, all the leading bishops of the Catholic and Serb Orthodox Churches appeared at a joint press conference in Sarajevo where they emphasized the need for tolerance, reconciliation and forgiveness among the members of the two Churches. However, on a daily basis, the absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them, were major obstacles to safeguarding the rights of religious minorities.

Ethnic symbols, clerics, and religious buildings were often targets of ethnically motivated religious violence. Local police did not conduct a serious investigation into several incidents.

In previous years, RS authorities frequently did not intervene to prevent the violent obstruction of efforts to rebuild some of the 618 mosques and 129 churches in the RS that were destroyed or significantly damaged during the 1992-95 war. However, approximately 30 mosques have been rebuilt and reopened without incident in sensitive return areas, such as Srebrenica in the eastern RS. Administrative and financial obstacles to rebuilding religious structures continued to impede the ability of minorities to worship and constrained their return in many areas.

Under the new state Law on Freedom of Faith and Legal Position of Churches and Religious Communities, passed in January, religious communities must register with the state MHRR; however, the four major established religious communities in the country (Muslim, Serb Orthodox, Catholic and Jewish) were not required to re-register. Any new religious group can register itself if it can prove it has at least 300 adult members. Two churches, which existed before the law went into effect, applied for re-registration during the year and their applications were pending at year's end. There were no new registration requests by religious groups during the year.

Parties dominated by a single ethnic group remained powerful and tended to identify themselves closely with the religion associated with their predominant ethnic group; however, some political parties were multi-ethnic. Some clerics characterized hard-line nationalist political sympathies as part of "true" religious practice.

The Constitution provides for proportional representation for each of the three major ethnic groups in the Government and military. Because of the close identification of ethnicity with religious background, this principle of ethnic parity in effect resulted in the reservation of certain positions in the Government and military for adherents or sympathizers of certain faiths. The military in the RS was staffed overwhelmingly by ethnic Serbs and only had Serb Orthodox chaplains. The Federation military was composed of both separate Bosniak (Muslim) and Croat (Roman Catholic) units, and integrated units; Muslim and Catholic chaplains were represented.

Public schools offered religious education classes, which were mandatory for Serbs in the RS and, in theory, optional in other parts of the country; however, in practice, they were offered only for students of the majority religion in that area, amid pressure on the parents to consent that their children attend religious instruction. In some cases, children who chose not to attend the religion classes were subject to pressure and discrimination from peers and teachers. Public schools in Sarajevo offered only Islamic religion classes. In Croat-majority West Mostar, minority students in practice did not have the option to study non-Catholic religions as part of the formal school curriculum. Orthodox symbols were present in public schools throughout the RS.

The small Jewish community had approximately 1,000 believers and was 1 of the 4 recognized religions under the law. Isolated acts of anti-Semitic vandalism were reported. For example, in September, several tombstones in the Jewish cemetery in Sarajevo were vandalized. Jewish leaders alleged that there was a growing tendency for citizens to mix anti-Israeli sentiment with rare acts of anti-Semitism.

In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons. For example, in September, Cardinal Puljic, the leader of the Catholic Church in the country, described some elements of the international community as "anti-Catholic" and said that they would like to see Bosnian Catholics immigrate or assimilate. In November, during Ramadan, a Sarajevo-based local TV station broadcast the sermon of an imam who belittled the religious beliefs of non-Muslims in the country.

During Easter, the Catholic Church seminary in Sarajevo was stoned. In April, unknown perpetrators vandalized a Catholic cemetery in Banja Luka.

On April 13, unknown perpetrators broke into the Travnik Parish church in Ovcavero and stole approximately \$4000 (6,000 KM).

In May, Federation authorities ordered the removal of crosses that had been illegally constructed on public land in Stolac; however, they had not been removed by year's end.

In September, construction materials on the site where a mosque was being rebuilt in Visegrad were destroyed. Also in September, there was open conflict between Bosniak returnees and Serbs who had come to attend mass in an Orthodox church that was illegally constructed on land belonging to a Bosniak returnee.

In October, gravestones in a Muslim cemetery near Prijedor were desecrated. In November, two Bosniak minors from Mostar damaged gravestones in the Catholic cemetery in Potoci.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

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

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

The Constitution prohibits forced exile, and the Government did not employ it.

Accurate statistics on internally displaced persons (IDPs) from the 1992-95 war remained difficult to obtain. According to the UNHCR, between the end of the war in 1995 and the end of November, 1,004,564 persons who left the country had returned. Of these, 447,767 were returnees to areas where they represent an ethnic minority. The UNHCR registered only 15,470 returns through November, of which 13,561 were minority returns. These numbers are substantially lower than in 2003. The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing unemployment rates in excess of 60 percent. This coincided with a marked decrease in available reconstruction assistance. The security situation for returnees did not improve during the year, and a hostile atmosphere still existed in many areas. Many returnees cited the failure to apprehend war criminals as a disincentive to return, as they did not want to live in the same communities with persons who committed war crimes and who have not been held accountable for them. As more time elapsed since the end of the war, many refugees and displaced persons were creating permanent lives for themselves away from their prewar homes, and only those with few other options (including a large number of elderly

pensioners) tended to return.

Additionally, the needs for housing continued to outweigh available resources. Municipal administration taxes on documents that are necessary for return, such as birth or land certificates, remained high. Minority returnees often faced societal violence, employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephone by publicly owned utility companies. All of these problems decreased from previous years, yet continued to persist in hard-line areas. On December 2, Hrutan Suljic, President of the local Bosniak returnee community near the central Bosnian town of Teslic, was killed in front of his family home. Adil Osmanovic, the Vice President of the RS, and other high-level RS government officials called for an investigation that was ongoing at year's end.

Serbs continued to return in greater numbers to the Federation than Croats did to the RS. Croat returns to the RS were low, as only 150 Croats returned to the entire RS during the year. During the year, 780 Bosniaks returned to Srebrenica, the site of the July 1995 massacre of approximately 8,000 Bosniak men and boys. A total of 117 Bosniaks returned to Visegrad and Bosnian Serbs in Visegrad continued to return to the Federation, particularly to Sarajevo, Mostar and Konjic.

In the RS, the Refugee Ministry 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 Ministries for Refugees provided limited reconstruction assistance to returnees and also committed part of their budgets to be implemented through joint projects to be determined by the BiH State Commission for Refugees (SCR). In October, the SCR agreed that 30 priority municipalities should receive reconstruction assistance through the newly established Joint Reconstruction Fund (JRF). By year's end, the State Government, the RS Ministry for Refugees and Displaced Persons and Brcko District had paid into the JRF. However, the Federation Ministry of Refugees and Displaced Persons did not make its contribution by the December 31 deadline.

In January, the MHRR took over responsibility for implementation of Annex VII of the Dayton Accords from the international community. Annex VII provides for the return of property or adequate compensation to lawful prewar owners. The administrative structure necessary to implement Annex VII was in place but progress remained slow. For example, the State Commission on Returns' ability to make decisions on reconstruction and return priorities was hindered by nationalist parties, who were unable to reach agreement on many issues. After many months of discussions, the SCR compiled a list of 30 priority municipalities in need of assistance; however, beneficiaries of this assistance were not selected by year's end.

Some areas of Croat-controlled Herzegovina and some towns in eastern RS remained resistant to minority returns. This was most often expressed through official obstruction of returnees' access to local services (i.e. municipal power and water, education, and health care). For example, the government-owned RS electric company was obliged to connect residents who live within 50 meters of an existing power line. Despite repeated requests, they consistently failed to connect many eligible returnee households, especially in the Srebrenica-Bratunac area.

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In June, the MOS enacted the necessary bylaws for implementation of the asylum law. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. As a result of the conflict in the former Federal Republic of Yugoslavia (FRY) in 1999, approximately 6,000 citizens fled FRY and came to the country; half came from Kosovo, while the other half came from other parts of FRY. In June, the Council of Ministers extended the temporary refugee status of Kosovo refugees until June 2005; however, the status of all other refugees expired on June 31. Refugees with pending asylum applications, regardless of national origin, may remain in the collective centers until their cases can be decided. According to the latest UNHCR statistics, 635 refugees from Serbia and Montenegro, including refugees from Kosovo, remained in 3 collective centers in the country.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution 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. In October 2002, the country held general elections, which were the first since the Dayton Peace Agreement to be administered and conducted by state-level authorities. The OSCE judged them to be largely in line with international standards; however, problems cited by observers included numerous voters unable to find their names on voter registers, group voting, and intimidation in a few cases. Voter apathy and low turnout were also problems. The nationalist SDA and HDZ parties remained powerful, particularly in

Bosniak and Croat majority areas. The Serb-controlled SDS remained ideologically committed to Serb cultural and religious authority in the territory of the RS, where it won a significant plurality in the 2002 elections.

In October, domestic authorities held the first fully-funded and locally administered elections throughout the country, including the Brcko District, that were judged free and fair by OSCE and international observers. The Election Commission removed one candidate from contention after he made threatening remarks against journalists during his campaign (see Section 2.a.). In some municipalities, registered voters were not on voting lists, while some names of deceased persons were improperly retained. Voter turnout was low, particularly among voters under 30.

In the Federation, the President appoints the Prime Minister subject to approval from the bicameral Parliament. Serious ethnic and political rivalries continued to divide Croats and Bosniaks. In the RS, the President and Vice Presidents are directly elected, while a Prime Minister selected by Parliament heads of the Government. The Parliament, called the RS National Assembly, is elected on a proportional basis, and the Council of Peoples has the power to review laws vital to national interest issues of any of the constituent peoples. The Constitution allows Bosniak, Croat, or Serb representatives in the RS Council of Peoples to block legislation they believe threatens their group's vital national interest. In the city of Brcko, which is a "self-governing neutral district," an internationally appointed supervisor with executive authority is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The State Prosecutor questioned one member of the country's tripartite Presidency regarding his possible involvement in financial crimes when he was serving as Federation Minister of Finance. The investigation against him was ongoing at year's end (see Section 1.d.). In February, state authorities arrested the local Interpol Deputy Director on corruption charges. His trial in State Court was ongoing by year's end. The 2003 Law on Civil Service bars citizens from holding positions of public responsibility if they have pending criminal indictments against them; however, there were no removals of persons from office during the year. There was a widespread public perception that corruption was common among members of Parliament and other senior officials.

Although the Law on Freedom of Access to Information provides for citizen access to government records and complies with international standards for this type of legislation, many government agencies experienced difficulties in complying with the Law due to lack of sufficient staff and financial resources. For example, some agencies have not yet prepared the required registry of documents available and guidelines for access to them. According to the law, the Government must provide an explanation for any denial of access. Citizens may appeal denials in the court system or to the Ombudsmen's offices. There are no fees associated with access requests, although requestors must pay photocopying costs for documents longer than 10 pages. Public awareness of the law's provisions (except among journalists) remained low.

The Election Law requires that at least 30 percent of political party candidates be women. These provisions increased the number of female representatives from 2 percent at the state and entity level and 5 percent on the municipal level in 1996 to approximately 25 percent of all elected positions after the October municipal elections. There were 7 women in the 42-seat House of Representatives (lower house). Of 15 delegates to the state House of Peoples (upper house), all of which were appointed by entity legislatures, none were women. In the Federation legislature, there were 21 women in the 98-seat House of Representatives. In the RS, there were 15 women in the 83-seat National Assembly.

Under the Dayton Agreement, only constituent persons—Serbs, Croats, and Bosniaks—are eligible to be selected for government positions. There was only one minority in a high government position: Jacob Finci, a Jewish man who was the Director of the Civil Service Agency. While other minorities can hold these offices, the law does not compel their appointment and therefore they remained underrepresented.

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 generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Domestic NGOs have become more active. For example, the Helsinki Committee of BiH was active in monitoring the local elections and drawing attention to hate speech by candidates and religious leaders during the pre-election campaign.

While NGOs enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities to respond to their recommendations. NGOs' interventions were often met with delays or categorical refusal by government authorities.

The Government cooperated fully with international organizations such as the OHR, which has special

powers over the Government as well as other international organizations such as the UNHCR, ICRC, OSCE, and ICMP.

Although the RS National Assembly passed a law on cooperation with the ICTY in 2001, the RS made no effort to arrest indictees. In the eastern RS, Foca and Pale remained under sanctions for their noncooperation with the ICTY. The two most wanted Bosnian war crimes suspects, wartime commander of the RS Army Mladic and wartime RS President Karadzic, remained at large.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, persons responsible for the approximately 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for approximately 15,000 to 20,000 others still missing and presumed killed as a result of "ethnic cleansing" in the country (see Section 1.b.).

During the year, police transferred 10 persons indicted for war crimes to the ICTY for prosecution. In addition to the ICTY, 21 arrest warrants were issued against accused persons who remained at large, and 37 accused persons were transferred and released following the completion of legal proceedings. Also, eight Bosnian Serbs were arrested in October for war crimes against Muslims and were transferred in November from the RS to Sarajevo Cantonal Court where they await prosecution. The ICTY held 52 accused in custody, while 11 accused have been provisionally released.

The case in the ICTY against Slobodan Milosevic, the former President of Serbia and Montenegro (FRY) who was charged with 66 counts of crimes against humanity in Croatia and Kosovo and genocide in Bosnia and Herzegovina, remained ongoing at year's end. In February, the ICTY rendered decisions against Bosnian Serbs Miroslav Deronjic and Ranko Cestic for war crimes committed in 1992 at the Luka prison camp near Brcko. Deronjic was sentenced to 10 years in prison and Cestic to 18 years. Also in February, the ICTY also began the trial of Momcilo Krajisnik, a senior military official in the wartime Bosnian Serb army. He was charged with two counts of genocide and five counts of crimes against humanity. His trial was ongoing at year's end. In July, the ICTY concluded its case against Bosnian Muslim Generals Enver Hadzihanovic and Amir Kubura, both charged with war crimes against Bosnian Serbs and Croats in Central Bosnia in 1993-94. At year's end, the two were awaiting sentencing in The Hague. The war crimes trial of Naser Oric, Commander of the Bosnian Army in the Srebrenica area, began in October and was ongoing at year's end.

The Constitutional Court handles all human rights cases filed after January 1. The backlog of the Human Rights Chamber, whose mandate ended in December 2003, was transferred to the Constitutional Court in January. The Human Rights Commission (HRC), consisting of five judges from the Human Rights Chamber, was appointed to address this backlog. By year's end, the HRC had resolved 3,235 of the 8,807 cases it received. Of the 5,572 cases transferred to the HRC, approximately 2,500 were cases seeking the return of foreign currency accounts stemming from a series of bank failures in the immediate post-war period.

The country has nine Human Rights Ombudsmen, three at the state level, and three each representing the Federation, the RS and Brcko. In January, three citizens replaced the international Ombudsman at the state level. Of the three Ombudsmen institutions, the Federation Ombudsmen were the most active during the year. The Federation and RS Ombudsmen investigated citizens' complaints of human rights violations and issued recommendations. The Government rarely implemented their recommendations, especially in employment discrimination cases. Cooperation between the entity Ombudsmen and the State Ombudsmen was not well established. Citizens' remedies for human rights violations included filing civil suits or seeking assistance from the Ombudsmen. However, the Ombudsmen's recommendations were not followed in many cases, and the civil court system had major backlogs.

The Federation, RS and State Parliaments had Human Rights Committees and Committees for Gender Equality. Although their reports and recommendations were considered to be independent and unbiased, they were ignored in practice at all levels of government.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution and the entities' Constitutions broadly prohibit discrimination in accordance with the principles of international law; however, discrimination against minorities, women, gays and lesbians, persons with disabilities and others was pervasive.

Women

Violence against women, including spousal abuse and rape, remained a widespread and underreported problem. The Helsinki Committee for Human Rights in the country estimated in 2003 that 25 percent of all families have experienced some form of domestic violence. Based on local surveys, other local NGOs

reported incidence of domestic violence of up to 60 percent. Prevalence was generally higher in rural areas, and appeared to have increased during the year due in part to the worsening economic situation in many parts of the country. In a study conducted by one local NGO, respondents cited alcoholism and poverty as the two most common triggers for domestic violence against women and children. Spousal rape and spousal abuse also are illegal in the Federation and the RS; however, domestic violence usually was not reported to the authorities. A sense of shame reportedly prevented some victims of rape from coming forward to complain to authorities. There was an increased police presence in the field, and NGOs working on women's issues were active and appealed to the Government and to the public numerous times to raise public awareness of the issue.

Police received specialized training to handle cases of domestic violence. Several local NGOs operated the S.O.S. Phone Service, a 24-hour hotline open to victims of domestic violence for assistance and counseling. There were five shelters that provided assistance to women and children who were victims of domestic violence, located in Mostar, Tuzla, Banja Luka, Sarajevo and Modrica.

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

Prostitution is illegal. Pimping is considered a major crime, but working as a prostitute or solicitation are minor offenses punishable by a fine only. Police raids on bars and brothels have driven prostitution underground and it frequently took place in private apartments or on an incall and outcall basis. More local women were working as prostitutes, and single mothers or other vulnerable women, particularly from economically depressed rural areas, were at higher risk for recruitment by pimps during the year. NGOs who work on women's rights issues oppose the legalization of prostitution, which was proposed by some politicians but never approved in Parliament.

The law does not prohibit sexual harassment and the media reported that sexual harassment was a very serious problem that was poorly understood by the general population. There are no accurate statistics available on the incidence of sexual harassment, but many women surveyed by NGOs reported experiencing events in their workplaces that meet the definitions of sexual harassment. Victims of sexual harassment almost never filed complaints, largely because they did not recognize their experiences as sexual harassment, often considering them a normal part of employment for women.

Discrimination against women remained a serious problem. The 2003 state Law on Gender Equality prohibited gender-based discrimination. In April, the State Government decided to establish a state-level Agency for Gender Equality; however, it was not functioning by year's end. Women served as judges, doctors, and professors, although few women held positions of real economic or political power. Women have been discriminated against in the workplace in favor of demobilized soldiers. 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 encountered problems with regard to the 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. According to guidelines for accreditation, police forces should allocate 10 percent of their positions for qualified female candidates. Most units had about 4 percent, although some had as many as 20 percent. Overall, the FMUP had 8.5 percent women police officers and the RSMUP had 19.5 percent women police officers, mostly in administrative positions. Among the authorized police officials and crime police in the RS (personnel with powers to investigate crimes and make arrests), 4.6 percent were women. Several recent graduating classes from the country's police academies contained up to 80 percent women. Recent classes also had a larger number of ethnic minorities compared with past years.

Children

The Government was generally committed to the rights and welfare of children. The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. Nevertheless, social services for children were extremely limited. Children with disabilities lacked sufficient medical care and educational opportunities.

Education was free and compulsory through the age of 15; however, a lack of reliable statistics as to attendance and level of school completed hindered efforts to ensure that all school-age children received an education.

The presence of Roma in schools was sporadic and Romani children were often absent from the later grades of primary and secondary schools. Some NGOs reported that Romani girls often did not attend school after the fifth grade of primary school, and some of them were married at 12 to 14 years old. According to the country's yearly Helsinki Committee Human Rights Report, up to 70 percent of Romani

children did not attend school regularly. Many Romani children were unable to attend school due to extremely poor living conditions, lack of proper clothing and the inability to purchase the necessary schoolbooks. These factors, often combined with verbal harassment from other students, language problems, and the costs and requirements of registration, were the most common reasons leading to the exclusion of Roma from schools, despite a willingness of many parents to enroll their children. During the year, the OSCE organized a campaign to encourage Romani parents to legally register their children's births and to enroll them in school.

Medical care for children in the Federation was controlled solely at the canton level. Therefore, whether or not children received any medical care from the Government depended on the budget of the canton in which they lived. Medical care for children in the RS was controlled by the RS Ministry of Health. Children up to 15 years of age were entitled to medical care free of charge under the law; however, in practice, unless they had medical insurance paid for by their parents, children often did not receive medical care. There was no discrimination between boys and girls concerning medical care.

Family violence against children was a problem, but there was no societal pattern of abuse against children. Police investigated and prosecuted individual cases of child abuse; however, no statistics on the prevalence of the problem were available. Children continued to suffer disproportionately from the societal stress of the postwar era. Some NGOs estimated that one in four families experienced some form of domestic violence, including physical, mental or sexual abuse of children.

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

According to statistics released in 2002 by the MHRR, 118,785 of the 553,419 displaced persons from the country were children. At year's end, the UNHCR and the entity refugee ministries launched a re-registration campaign for displaced persons and refugees.

During the year, five children were killed and one child was injured in landmine incidents.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. There were reports that police and other officials were involved in trafficking.

Under the new Criminal Procedure Code passed in March 2003, trafficking in persons is a State-level crime with a sentence of up to 10 years' imprisonment. The Federation and the RS harmonized their criminal codes and the State-level MOS is responsible for coordinating anti-trafficking law enforcement activities at all levels of Government.

Authorities intensified their efforts to combat trafficking during the year. The State Prosecutor's Office has exclusive jurisdiction over all trafficking cases and can decide which cases to prosecute at the State level, and which cases to send to the entity levels. The National Anti-Trafficking Coordinator, whose mandate includes coordination of victim protection efforts among NGOs, police, and government institutions, as well as coordination of law enforcement initiatives, reports directly to the MOS. By year's end, the National Anti-Trafficking Coordinator's office completed its update and revision of the National Action Plan and strategy for implementation for 2005 through 2007.

The Government's major anti-trafficking initiatives, overseen by the National Coordinator's Office, included the adoption of the new rulebook on the Protection of Alien Victims of Trafficking in Persons in April and the new asylum bylaws in June.

The anti-trafficking strike force, a nationwide interagency investigative task force to combat trafficking in persons, was chaired by the chief State Prosecutor and includes prosecutors, police, and financial investigators. It specifically targeted trafficking and illegal migration. There were four major strike force investigations that resulted in prosecutions during the year. Since its inception in 2002, the strike force has concluded 209 investigations. These cases have led to 16 indictments, 2 acquittals and 3 dismissals for lack of evidence.

The anti-trafficking actions of local authorities were coordinated within this centralized State level framework for fighting trafficking. For example, the IPTF-initiated Special Trafficking Operations Program was replaced by an initiative led by local authorities in coordination with the EUPM, called the Fight and Intervention Against Human Trafficking (FIGHT) initiative. In August 2003, the owner of Club Edo in Kiseljak was arrested for trafficking, and 13 of the women working in his bar were taken to the Forum of Solidarity, a local NGO that sheltered trafficking victims. However, none of the 13 women were identified as trafficking victims by the Government and were deported from the country 2 months later. In July, the club owner was convicted of international procuring for prostitution and sentenced to 15 months in prison.

Local police involvement was primary, with EUPM involvement in actual operational and organizational issues limited to an advisory capacity. Under the FIGHT team initiative, each local government unit had a dedicated trafficking officer, and these officers were coordinated through their respective entity MUP. Each entity MUP was represented on the BiH State level Anti Trafficking strike force, allowing state-level strike force investigations to regularly benefit from local, on the ground investigation and intelligence work.

In March, a major trafficking investigation resulted in the conviction of five traffickers from the Prijedor area. Milorad Milakovic and three co-conspirators pled guilty to charges including organized crime, human trafficking and recruitment of foreign citizens for prostitution. They received sentences ranging from 2 to 9 years in prison and 14 associates were also charged and placed in detention. In another major trafficking case in Sarajevo, a bar owner, his wife and another employee were charged with procuring, pandering and tampering with evidence. The trial was ongoing at year's end.

The country was a destination and transit point, and, to a lesser extent, a country of origin for women, girls, and in a few cases, teenage boys trafficked for sexual exploitation. There were allegations of corruption and official involvement in trafficking. There were no reliable current estimates on the number of trafficked women and previous estimates varied considerably. Because police raids have forced trafficking activities further underground, useful estimates of the true scope of the problem are difficult to formulate. During the year, IOM assisted 65 victims, of whom 45 were repatriated. Of the 65 victims, 12 were citizens.

Over 90 percent of trafficked women in the country came from Moldova, Romania, and Ukraine. A significant number may have transited on to Western Europe, but no reliable estimates were available. According to the IOM, most victims reported being lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, false marriages, waitresses, and domestic servants. Some NGOs reported that trafficking victims have been 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-Montenegro. Those who transited the country continued on via Croatia. The IOM reported Bosnian victims in other parts of Europe and local NGOs observed some Bosnian victims within the country.

The perpetrators of trafficking came from a variety of backgrounds, including freelance operators, local crime gangs, and large international organized crime syndicates. Some employment, travel, and tourist agencies also fronted for traffickers.

Victims reported working in conditions akin to slavery, with little or no financial support. They were coerced to remain in these situations by intimidation, seizure of passports, withholding of food and medical care, and even physical and sexual assaults.

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. In October, border police arrested a member of the RS MUP'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. He was immediately suspended from duty. The investigation was ongoing at year's end. There were no PSU investigations related to official involvement in trafficking during the year.

Although the presence of international civilian and military personnel has contributed to the trafficking problem, the local population actively sustained it. Anecdotal evidence provided by trafficking victims suggested that their clientele is now about 70 percent locals and 30 percent internationals, a reversal of the situation just a few years ago.

During the year, local NGO Forum of Solidarity took over operating 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 ran four additional safe houses, located in Sarajevo, Banja Luka, Mostar and Bijeljina. Police provided protection for the shelters. Despite these programs, the IOM and other sources reported that fewer victims sought assistance during the year, and that shelters were not fully utilized. NGO employees reported that women told them that they did not trust local police and feared traffickers would not hesitate to pursue them if they left. With international assistance, local authorities and NGOs cooperated more to assist and protect victims.

There were three primary trafficking NGOs in the country: Lara in Bijeljina, La Strada in Mostar, and Forum of Solidarity in Tuzla and Sarajevo. During the year, NGOs assisted 46 victims of trafficking. These women were provided basic shelter, medical, psychological, and legal assistance. The Office of the U.N. High Commissioner for Human Rights (UNOHCHR) trained local attorneys to provide legal advocacy to trafficking victims on a range of criminal and civil issues, including their legal options regarding their immigration status (asylum, repatriation or resettlement in a third country) and their legal rights if they choose to testify against their traffickers.

During the year, cantonal prosecutors arranged the issuance of the first humanitarian visa given to a trafficking victim. The new provision for humanitarian visas for victims allowed rehabilitation and protective

services to be provided to them.

The IOM and government authorities initiated a preventative information campaign against human trafficking geared towards at-risk youth and victims of trafficking. For the first time, the Government and IOM also targeted potential consumers of services provided by trafficked women, namely Bosnian men between 18 and 49. The campaign defined trafficking and provided information about services available to trafficking victims, including a national toll-free hotline. Other NGOs continued to be actively engaged in similar campaigns.

The media focused attention on the human costs of trafficking, as well as the responsibility of the authorities to combat the problem. Newspapers reported frequently on law enforcement actions against traffickers, as well as on allegations of involvement by police. In November, the AIDS-related death of a Ukrainian trafficking victim in Mostar prompted national media coverage. Most of the initial coverage blamed the victim for spreading disease and failed to distinguish adequately between prostitution and trafficking, but the case raised awareness of the trafficking problem in the country. Some commentators criticized the Government and police authorities for not doing more to fight trafficking in persons.

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 provisions of other state services. Throughout the country, there was clear discrimination between different categories of persons with disabilities and the vast majority of persons with disabilities were unemployed. For example, persons with disabilities resulting from the war were given a de facto privileged status that the civilian war disabled and persons who were born with disabilities did not have. Children with disabilities were often hospitalized in residential institutions or confined to their homes and they rarely had opportunities to attend school; however, with UNICEF assistance, there were 23 classrooms throughout the country for special needs children, allowing them to receive individualized education in regular primary schools.

In the Federation, the law mandates that all existing buildings must be retrofitted to provide access to persons with disabilities by November 2007. In February, the Federation passed bylaws mandating that all new buildings must be accessible for persons with disabilities; however, in practice, buildings rarely were accessible to persons with disabilities. For example, one NGO for disabled war veterans conducted an informal survey and found that only two shops in downtown Sarajevo were wheelchair accessible.

The RS had comparable legal requirements for access, but progress on retrofitting older public buildings was extremely slow due to lack of funding and the complexity of the required renovations. Officials from the RS Ministry of Urbanism, Construction and Ecology met several times during the year with the Association of Paraplegics and other disability rights NGOs to inform them about implementation of these new legal requirements.

National/Racial/Ethnic Minorities

Ethnic differences remained a powerful political force in the country; however, mixed communities existed peacefully in a growing number of areas. To a limited extent, nationalist Bosnian, 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 Government was increasingly supportive of Bosniak and Croat returns to the RS, and Bosniak returns to the Srebrenica area increased; however, the RS continued to support integration of displaced Bosnian Serbs within the RS using the war veterans' budget and at the municipal level, land allocations.

While the incidents of violence decreased overall in the country, follow-up investigations in a number of cases were problematic. Police conducted investigations but consistently failed to apprehend and charge perpetrators of ethnically motivated hate crimes.

On June 25, assailants broke windows in an elementary school in Novi Seher that serves both Bosniak and Croat students. Only the area of the school serving the Bosniak returnees was affected in the incident.

In September, there were a number of incidents involving an illegally constructed Serb Orthodox church on the land of a Bosniak returnee in the town of Konjevic Polje, in the eastern RS. On September 11, Serbs seeking to celebrate mass in the church were prevented from doing so by a group of Bosniaks, and a physical fight ensued. The landowner was injured in this incident. A few days later, the RS Ministry of Urban Planning agreed that the building was illegal and should be relocated; however, the church had not been moved by year's end.

In a related September incident, two Serb men angry over the decision regarding the church threatened Refik Begic, the Bosniak Speaker of Bratunac municipality. Local police quickly intervened and prevented the incident from escalating to physical violence.

Harassment and discrimination against minorities continued throughout the country, often centering on property disputes, despite improvements in some areas. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and even murder.

Discrimination in employment and education remained key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where they had been employees. Favoritism was also shown to veterans and families of those killed during the war. Although privatization of large state-owned enterprises was conducted under the supervision of the international community, many smaller enterprises have been sold to politically well-connected individuals, usually members of the majority group in their communities. These enterprises generally did not employ minorities. For example, none of the Croat-owned businesses in Stolac employed Bosniaks.

The Roma population, estimated to be 40,000 to 80,000, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the Constitution. Of particular concern were issues regarding property rights and access to personal documents. Roma displaced from their property during the war had difficulty repossessing it because of discrimination and lack of adequate information on the necessary procedures. Individuals who were allocated social housing before the war often remained without housing. Those living in informal settlements were left in a precarious situation as local authorities could reallocate the land on which they resided at any time. Lack of ownership documents also hampered repossession of property and the provision of reconstruction assistance in cases where housing was destroyed during the war. Lack of personal documents caused many Roma to be 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 Romani adults were in full time employment and Roma were often denied social support; many relied on begging to subsist, particularly Romani children.

Roma continued to lack access to education. While Romani children were permitted to attend schools in all areas of the country, their attendance was often low due to both pressures from within their own community and from local non-Roma communities discouraging Romani children from attending their schools.

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 international efforts to remove discriminatory material from textbooks, abolish school segregation, and enact other needed reforms. At the elementary and secondary school level, cantonal governments in the Federation, and the entity Ministry of Education in the RS politically pressured school directors. Several schools were directed by hard-line political figures. A lack of financial resources led to teacher strikes in the RS and in individual cantons in the Federation.

Administration 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 extra-curricular activities, school entrances and recreation facilities often resulted. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education. In the RS, non-Serb teaching staff at elementary and secondary school levels remained below 5 percent of all teaching staff. In the Federation, minority teachers comprised between 5 and 8 percent of all teachers, depending on the Canton.

During the year, the Inter-Entity Textbook Review Commission continued to review textbooks from the so-called national group of subjects that were in use in all primary and secondary schools in the country in order to remove any discriminatory or objectionable material. However, there were textbooks in use outside the so-called national group of subjects that were not subject to the review process but contained material that was inappropriate. For example, the textbooks on politics and economics used in schools following the curriculum in Bosnian Croat majority cantons were produced in Croatia and contained material considered slanderous and hurtful to Serbs. Other cases were less explicit but were recognized as inappropriate or controversial.

Other Societal Abuses and Discrimination

While the Constitution prohibits discrimination on the basis of sexual orientation, this was not enforced in practice and homosexuals were frequently discriminated against. Attempts by gay and lesbian organizations to conduct a pride march in Sarajevo were met with verbal abuse and physical violence in which the police were reluctant to intervene. Homosexuals who were open about their sexuality were frequently fired from their jobs. In some cases, the dismissal letters explicitly stated that their sexual orientation was the cause of their termination, making it extremely difficult to find another job. Some gay

teens were harassed at school and were kicked out or ran away from home after coming out to their parents.

Media depictions of homosexuality were often very negative. For example, on September 7, the host of a popular TV talk show stated that homosexuality is a disease, and that Bosniaks who are homosexual are "un-Islamic traitors" who give the world a bad image of Bosniak people.

According to unreliable government statistics, there were only 64 cases of HIV/AIDS in the country. However, the number was likely higher as the country lacks any comprehensive testing program. Because testing was neither anonymous nor confidential and there was great stigma attached to the diagnosis, very few persons would consider being tested voluntarily. HIV/AIDS infection was a problem among prostitutes and victims of trafficking. In November, the AIDS-related death of a trafficking victim attracted national media attention and prompted a number of local men to seek testing. Some NGOs reported that several trafficking victims assisted in their shelters tested HIV-positive during the year (see Section 5.).

Section 6 Worker Rights

a. The Right of Association

The entity Constitutions and labor laws allow workers (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. In the Federation, the Confederation of Autonomous Trade Unions of Bosnia and Herzegovina (SSSBIH) represented most unionized workers. In the RS, the Confederation of Trade Unions of the Serb Republic (SSRS) represented most unionized workers.

The law in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards; however, this kind of discrimination continued. Practical barriers existed for employees to bring complaints against employers, such as high unemployment, a backlogged court system, and the large number of workers in the gray economy. As a result, protections against retaliation for union activity were not strong.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize; however, sanctions against employers who obstruct union organizing were not imposed in practice. Rates of unionization were lower in private companies, including newly privatized companies. Some unions reported that employees of private companies were threatened with dismissal if they joined a union. Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective bargaining agreement in the Federation. However, collective bargaining in both entities does not take the form of voluntary direct negotiation between a union and individual employers. Rather, collective bargaining agreements largely apply as 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 applies to all workers and is negotiated between unions, the government, and employers. This general agreement applies to private companies whether or not their workers are union members. In the District of Brcko, the labor law requires a separate law for collective agreements; however, no law on collective agreements has yet been passed, so workers there effectively did not have the right to collective bargaining.

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

In April in the Federation, the SSSBIH staged a protest by several thousand workers in front of the Federation Government building, calling for more social protection for workers in the face of new bankruptcy legislation. In August, workers at a metalworking company went on strike over non-payment of back wages. In November, workers at a shoe factory and at a foundry also went on strike over non-payment of social contributions.

In the RS, the SSRS did not call any strikes. However, sector strikes did occur. For example, in July, workers at a pipe-producing factory went on strike over low wages and non-payment of social contributions.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for

Employment

The minimum age for employment of children in the Federation and in the RS is 15 years and minors between the ages of 15 to 18 must provide a valid health certificate in order to work. (In Civil Service Laws, the minimum age is 18). The law prohibits children from performing hazardous work, such as night work. Although child labor was not known to be a problem, children sometimes assisted their families with farm work and odd jobs. Romani children often begged on the streets, particularly in larger cities.

There were no social programs to prevent the engagement of children in exploitative child labor besides programs designed to combat trafficking in persons (see Section 5, Trafficking).

Entity governments are responsible for enforcing child labor laws. Neither entity has inspectors that are dedicated solely to child labor inspections; rather, violations of child labor laws are 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 any reviews of children working on family farms.

e. Acceptable Conditions of Work

The monthly minimum wage in the Federation was \$184 (295 KM) and in the RS the "minimum price of work" used as a base for the salary scale of government employees was \$51 (82 KM); however, neither provided a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions. Employers are required by law in both entities to make mandatory contributions to social funds; in total, the contribution paid on each monthly salary was 68 percent in the Federation and 52 percent in the RS. Employers often did not officially register their employees in order to avoid paying high social welfare benefits. Workers whose employers did not pay health insurance contributions were not entitled to public health care.

The legal workweek is 40 hours; however, seasonal workers may work up to 60 hours per week. The laws require that employers pay overtime to employees. Overtime is limited to 20 hours (10 mandatory and 10 voluntary) in the Federation. In the RS, overtime is limited to 10 hours, although an employee may volunteer for an additional 10 hours in exceptional circumstances.

The authorities failed to adequately enforce regulations related to acceptable work conditions, because of the uncertain legal status of an overwhelming number of workers. While the labor inspectorates made some effort to enforce registration of employees, they essentially limited most elements of labor inspections to the officially registered workforce. In addition, the courts served as the ultimate recourse for complaints for a registered worker, and the labor inspectorate in the RS had to submit fines and penalties for court approval. Given the backlog in the court system, this recourse was likely not effective. As a result, many workers essentially worked without protections.

The law provides workers with the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment; however, this right was not enforced effectively in practice.