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Bosnia and Herzegovina

Country Reports on Human Rights Practices - [2005](#)

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The 1995 peace agreement for Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina (BiH) and 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 country has a population of approximately 4 million; the Federation has a Bosnian Muslim (Bosniak) and Croat majority, while the RS has a Bosnian Serb majority. The constitution provides for a federal democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities, which have their own governments. The Dayton Accords provide for an Office of the High Representative with authority to impose legislation and remove officials. The BiH government is headed by a tripartite presidency consisting of Bosnian Croat Ivo Miro Jovic, Bosnian Serb Borislav Paravac, and Bosniak Sulejman Tihic. In the Federation, a directly elected president nominates and the House of Representatives approves the prime minister. In the RS, a directly elected president nominates and the National Assembly confirms the prime minister. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor; although there were improvements in some areas, serious problems remained. The security situation in sensitive return areas and police responsiveness to incidents targeting minority returnees did not improve. The following problems were reported:

- deaths from landmines
- physical abuse by police officials
- overcrowding and poor conditions in prisons
- improper influence on the judiciary by nationalist elements, political parties, and the executive branch
- pressure and harassment of the media by authorities and dominant political parties
- official restrictions on activity by religious minorities
- political, ethnic, and religious violence
- official obstruction of the return of displaced persons
- widespread perception of government corruption
- two of the International Criminal Tribunal for the former Yugoslavia's (ICTY) most wanted war crimes suspects, Ratko Mladic and Radovan Karadzic, remained at large
- discrimination against women, ethnic minorities, persons with disabilities, and sexual minorities
- trafficking in persons
- limits on workers rights

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

There were no developments during the year in the December 2004 killing of Hrustan Suljic, president of the local Bosniak returnee community near the town of Teslic, by unknown persons in front of his family home. The police investigation into the killing was ongoing at year's end.

In March RS authorities surrendered Serb indictee Dragoje Paunovic to the BiH state court war crimes chamber; Paunovic was accused of crimes against humanity in connection with the forced deportation of Muslim civilians from the eastern RS in 1992.

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 landmines killed 10 persons and three demining accidents killed 1 person and injured 2 persons. Two of the fatalities were children under the age of 12.

b. Disappearance

There were no reports of politically motivated disappearances.

An estimated 15 thousand to 20 thousand persons remained missing from the wars in 1991-95. The International Committee of the Red Cross (ICRC) reported that, since 1995, it had received requests from family members to trace 21,480 persons missing from the war. By year's end, a total of 6,855 persons had been accounted for, including 443 found alive. The national Missing Persons Institute (MPI), established in 2004, was responsible for absorbing the entity-level missing persons commissions and continuing the search for missing persons in partnership with the International Commission on Missing Persons (ICMP). The MPI was not fully operational during the year, but in the interim its tri-chairmanship composed of Bosniak, Croat and Serb representatives of the entity-level commissions coordinated the exhumation and identification of missing persons.

During the year entity-level commissions carried out 288 exhumations of mass or illicit gravesites with the forensic support of the ICMP and recovered 282 partial and complete sets of human remains. During the year the Federation commission uncovered five mass graves in Liplje near Zvornik that contained the remains of more than 1,000 victims of the Srebrenica massacre. During the year the ICMP's laboratory generated DNA matches that may lead to the identification of 1,882 individuals. The ICMP also collected blood samples from relatives to assist in identifying 958 missing persons.

The RS government established an independent Srebrenica Commission to comply with a 2003 Human Rights Chamber decision ordering it to inform families of the fate of relatives missing from the Srebrenica massacre and to investigate the events giving rise to the massacre and report the results of the investigation. In November 2004 the commission turned over a classified annex of documents implicating an unknown number of war crimes suspects to RS authorities for investigation. In March the RS government forwarded to the Office of the High Representative and the state prosecutor a list of 892 persons suspected of involvement in the massacre who still hold government jobs. However, the High Representative Paddy Ashdown found that RS authorities failed to provide information about hundreds of individuals listed in the classified annex. In October RS authorities submitted their final report as required by the High Representative Ashdown.

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

The law prohibits such practices; however, physical mistreatment of prisoners by police occurred.

During the year there were a number of citizen complaints in both entities alleging excessive use of force during arrest. According to the European Union (EU) police mission 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 2004. Investigations and into police misconduct and standards of accountability continued to improve during the year (see section 1.d.).

Reports of societal violence against minority communities declined slightly during the year; police investigation of these incidents and police protection in general remained at the same level as in 2004 (see sections 2.d. and 5).

There continued to be societal violence directed at returning refugees (see sections 2.d. and 5).

Prison and Detention Center Conditions

Conditions were poor in police detention facilities, where overcrowding and inadequate food and hygiene were chronic problems. Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and antiquated facilities remained chronic problems. During the year, inmates at Tunjice Prison in Banja Luka staged a protest over poor living conditions, inadequate medical treatment, extortion of bribes, and physical abuse by guards. The RS minister of justice met with the inmates and pledged to investigate their allegations, as well as to institute disciplinary proceedings against guards who physically abused them. There were some incidents of ethnically motivated violence among inmates. For example, in June four ethnic Serb prisoners serving sentences for war crimes in Zenica prison were attacked by Bosniak inmates. The Serb prisoners went on a hunger strike in support of their request to be transferred to Kula Prison in East Sarajevo. The Federation minister of justice conducted an investigation and declined the transfer request.

Corruption among prison officials continued to be a problem.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Male inmates aged 16 to 18 were housed with adult male inmates, while male inmates under the age of 16 were held separately.

The government permitted visits by independent human rights observers; international community representatives were given widespread and unhindered access to detention facilities and prisoners. The ICRC conducted prison visits in both entities during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The law gives the government of each entity responsibility for law enforcement. The EU Force (EUFOR) 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. The North Atlantic Treaty Organization headquarters in Sarajevo is responsible for overseeing defense reform, counter-terrorism efforts, and cooperation with the ICTY. The EU police mission continued its mandate to monitor, mentor, inspect, and raise standards of the local police.

The Federation and the RS have their own police forces, as does the District of Brcko. There are three primary levels of law enforcement in the country: the state-level BiH Ministry of Security, which does not have a police force but is supported by the State Investigation and Protection Agency (SIPA) and the State Border Service (SBS); the Federation Ministry of Interior; and the RS Ministry of Interior. The RS interior ministry is centralized with five public safety centers. The Federation interior ministry is decentralized; each of the 10 cantons has its own cantonal ministry of interior that functions autonomously. Neither the Federation nor the RS interior ministries reports to the BiH Ministry of Security. Although they share information, these structures function quasi-independently and have jurisdiction over different offenses. For example, the security ministry is responsible for state-level crimes, such as terrorism and trafficking in persons, whereas the RS and Federation interior ministries are responsible for crimes in their areas. In October the entities and state authorities approved a police reform proposal which supported key European Commission principles on unified policing and set out a roadmap for implementation.

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 both entity police forces continued to increase slightly.

The EU police mission acted in an advisory capacity to entity police forces, with a limited mandate. Interior ministry PSUs functioned as internal affairs investigative units in each entity and in the 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.

During the year the RS PSU investigated 792 excessive force complaints and determined that 67 citizen complaints and 115 internal complaints were well founded. The unit forwarded recommendations for disciplinary action to prosecutors in 170 cases considered to be major violations of duty. During the year, 26 criminal (felony) reports and 27 misdemeanor reports were filed against 29 interior ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations.

During the year the Federation PSU investigated 100 cases and concluded that 32 complaints were well founded. The 10 cases that were deemed to be major violations of duty were forwarded to prosecutors for appropriate disciplinary action. As a result of disciplinary actions, eight police officers were fined, two were fired, and one was reassigned.

There were continued reports of corruption at the highest levels of the security forces at the entity and national level. Investigations conducted by police in cooperation with the international community, including the EU police mission, resulted in several ministers and police officials being fired or prosecuted (see section 3).

Arrest and Detention

In practice persons were openly arrested with warrants based on sufficient evidence and issued by a judge. The law 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 and to inform family members of their detention. Courts are required to provide indigent defendants with attorneys only in felony cases; however, authorities did not always do so in practice, particularly for less serious offenses. Detainees were promptly informed of the charges against them. There was a functioning bail system. There were no reported cases of arbitrary arrest or detention during the year.

There were no reports of political detainees.

The law provides that pretrial detention cannot be longer than one year. Persons in pretrial detention have the right to be informed of all charges against them once an indictment has been handed down. Under the law, a trial must be undertaken in a speedy manner; in practice, detainees were usually not held in pretrial detention for more than three months.

e. Denial of Fair Public Trial

The laws of both entities provide for an independent judiciary; however, there were indications that political parties influenced the judiciary in certain politically sensitive cases. Judicial reforms have reduced the level of intimidation by organized crime figures and political leaders, although such interference continued to occur. For example, the executive branch exercised some overt influence over the judicial system, particularly through the questionable use of pardons.

The State Court is the highest court in the country for criminal cases. The country also has a Constitutional Court, whose judges are selected by the Federation's House of Representatives, the RS National Assembly, and the president of the European Court of Human Rights in consultation with the presidency. Each of the entities has its own supreme court and prosecutors' offices. There are cantonal courts in the Federation, district courts in the RS, and municipal courts in both entities.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of organizational inefficiency. Despite efforts to streamline court procedures, large backlogs of unresolved cases remained a problem in many jurisdictions. Authorities generally respected and implemented constitutional court decisions. During the year local authorities failed to implement four decisions of the Human Rights Chamber and its successor institution, the Human Rights Commission of the Constitutional Court; however, two of these cases were resolved after intervention by the court.

Trial Procedures

Under Federation and RS laws, trials are public and the defendant has the right to counsel, at public expense if the defendant is charged with a crime punishable by long-term imprisonment. However, courts did not always appoint defense attorneys for indigent defendants in cases where the maximum prison sentence was less than 10 years. The law provides that defendants have the right to confront or question witnesses and to present witnesses and evidence on their behalf. Defendants have the right to appeal.

The first war crimes trial at the national level began in the BiH State Court War Crimes Chamber in September. The defendant in that case, Boban Simsic, was charged with war crimes against Bosniak civilians in Visegrad in 1992. The case was ongoing at year's end.

Local capacity to prosecute and adjudicate war crimes cases improved substantially. During the year, the war crimes chamber of the state court began conducting war crimes trials. In July the state court rendered its first war crimes verdict, sentencing Abdulahim Maktouf, an Iraqi national residing in the country, to five years in prison for participating in the kidnapping of three Croat civilians, one of whom was beheaded. In December the appeals panel of the state court overturned the verdict and order a retrial. Lower-level domestic courts also continued to conduct trials for war crimes suspects. During the year Federation prosecutors secured 11 war crimes convictions.

In February the Banja Luka district court acquitted 11 former Prijedor police officers who were indicted in 2003 for detaining 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. The prosecutor appealed the verdict to the RS Supreme Court, which had not reached a decision by year's end.

Of the eight Bosnian Serbs arrested by the RS in October 2004 for war crimes against Muslims and transferred in November 2004 to the Sarajevo cantonal court, four cases were returned to the RS prosecutor's office, and four remained in Sarajevo cantonal court. The cases of defendants Svetko Novakovic, Jovan Skobo, Zeljko Mitrovic, Momir Skakavac, and Dragoje Radanovic were ongoing at year's end.

In September the Sarajevo cantonal court acquitted Momir Glisic of committing war crimes against civilians in the Grbavica settlement near Sarajevo. The Federation prosecutor appealed the decision to the Federation Supreme Court; the appeal was pending at year's end. During the year the Sarajevo cantonal court convicted Veselin Cancar of war crimes and sentenced him to four years and six months' imprisonment. Goran Vasic was also convicted of war crimes and sentenced to five years and six months' imprisonment.

The State Court made only modest progress on adjudicating organized crime cases, where the lack of effective witness protection hampered prosecutions.

Political Prisoners

There were no reports of political prisoners.

Property Restitution

The Domestic Commission on Real Property Claims (DCRPC) processed claims for property wrongfully taken during the 1992-95 war that were not adjudicated by the Commission for Real Property Claims (CRPC), whose mandate ended in 2003, or by municipal housing authorities. During the year the DCRPC resolved 98 cases. As of July less than 7 percent of the claims for property seized during the war remained outstanding; most of the settled claims were resolved in favor of the prewar owners/occupants. Because the DCRPC transferred thousands of unresolved cases to municipalities for adjudication at the end of 2004, only 12 of 127 municipalities had resolved all pending claims by July 30. Banja Luka municipality in the RS and Sarajevo Canton in the Federation had the highest numbers of unresolved claims.

In September 2004 the Constitutional Court upheld a Federation law prohibiting ownership of property in the Federation by anyone who served in the Yugoslav military after May 19, 1992. The ruling affected former Yugoslav officers, mostly Serbs, who claimed four thousand apartments they had abandoned during the war. The court also ruled that the Federation could apply a Yugoslav legal principle that prevents a citizen from claiming tenancy rights to more than one apartment at a time; this adversely affected the officers' claims, since most had apartments elsewhere, primarily in Serbia. Even with the court ruling, the DCRPC must still render official legal decisions in all these cases.

The Constitutional Court received 2,700 new cases during the year. By the end of the year, the court had resolved 1,693 cases, including all but 10 of the cases filed in 2004. The court found constitutional violations in approximately 5 percent of the cases it considered. Authorities enforced the Constitutional Court's orders in all but a few cases.

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

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

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

Unlike the previous year, there were no reports that RS or Federation police routinely conducted searches of private homes without obtaining a search warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government did not always respect press freedom in practice. Laws safeguarding freedom of the press were delegated to the cantons in the Federation and to the central authorities in the RS.

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

The government restricted press freedom and officials openly threatened the press in some instances. Officials also commonly subjected media outlets to less overt pressure, such as threatening them with loss of advertising or limits on their access to official information.

Many independent, privately owned newspapers were available and expressed a wide variety of views. Several printing houses operated in the country, precluding the formation of a publishing monopoly. *Dnevni Avaz*, whose editorial policy strongly reflects Bosniak interests, remained the largest circulation daily, followed by Banja Luka-based daily *Nezavisne Novine*. In the RS, the government-owned *Glas Srpske*, remained the largest newspaper and printing company, although there were also several independent newspapers.

Two government-owned stations (Federation Television (FTV) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS) remained the largest television broadcasters in the country. A third government-owned station, Bosnia and Herzegovina Television, has operated since August 2004. A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country.

Radio continued to provide a forum for diverse points of view. Opposition perspectives 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, reflected a wide variety of political opinions. During the year a number of radio stations in Croat-majority areas distanced themselves from hard-line nationalistic views and covered opposition viewpoints.

Politicians and government officials pressured the media by accusing them of opposing the interests of a given ethnic group or betraying the interests of their own ethnic group. Because of to the country's communal tensions, these accusations were an effective form of intimidation. On occasion, government officials, particularly in the RS, exerted economic pressure by directing the advertising of government-owned companies away from media critical of officials or official policies. Officials and political leaders strongly criticized the media in public, sometimes creating a threatening environment for journalists critical of government policies.

In April an employee of the Banja Luka faculty of mechanical engineering made threatening phone calls to a journalist who planned to publish a story about irregularities at the faculty. The journalist reported the incident to the police, who promptly detained and charged the person responsible.

In September the Serb Democratic Party (SDS) office in the town of Gacko and SDS deputies in the town's municipal assembly declared an RTRS reporter unwelcome in the town because of a series of reports she published on local SDS officials' involvement in corruption and embezzlement and issued a press release urging town residents to join them in shunning the reporter. SDS Gacko issued an apology after RTRS, the Office of the High Representative, and the BiH journalists' association condemned the action.

Also in September the warden of the Kula Prison made a threatening telephone call to a journalist from *Nezavisne Novine* who had reported on conflicts between the former RS minister of justice (then an inmate at the facility) and other inmates. The RS minister of justice apologized for the call after *Nezavisne Novine* published the threats and the BiH Journalists' Association protested.

In September 2004 a journalist for the daily newspaper *Dnevni List* published an article about convicted murderer Muamer Topalovic's request for temporary release from prison. Topalovic made threats against the journalist, and also filed slander charges against him. In October, the journalist was acquitted in the slander suit; the police investigation into the threats against the journalist was ongoing at year's end.

The laws in the RS and the Federation prohibit criminal cases against journalists for defamation, although journalists may be sued in civil court. According to the Federation ombudsman's July special report, courts were not prepared for the large volume of civil suits against journalists, and courts' lack of capacity to handle the caseload resulted in long delays. The ombudsman also expressed concern that delays and plaintiff demands for large amounts of compensation could have a chilling effect on freedom of expression.

Since 2002, approximately 400 defamation cases have been tried in cantonal and district courts in the Federation and RS; approximately 350 charges were brought in Federation courts. Public figures, particularly politicians, tended to initiate defamation cases, although journalists also frequently brought charges against colleagues.

The government did not restrict access to the Internet.

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 Party of Democratic Action (SDA) and Bosniaks in general received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

Freedom of Association

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

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

in government-owned companies.

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

c. Freedom of Religion

The law provides for freedom of religion; however, societal violence and the threat of violence restricted the ability of adherents of minority religions in non-ethnically mixed areas to worship as they pleased. At year's end the state minister of human rights and refugees had not yet adopted the bylaw containing instructions for implementation of the 2004 Law on Religious Freedom.

Entity and 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. Overall, respect for religious freedom declined during the year. In some cases, however, police and local government officials acted to protect religious freedom by providing security for major religious events and for religious buildings. The reluctance of police and prosecutors to aggressively investigate and prosecute crimes against religious minorities remained a major obstacle to safeguarding the rights of religious minorities.

Ethnically motivated religious violence was often directed against ethnic symbols, clerics, and religious buildings. Local police generally did not conduct serious investigations into such incidents. For example, in December the glass door on the mosque in Donja Puharska, near Prijedor, was broken. This was the third act of vandalism against the mosque during the year.

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

The law requires religious communities to register with the BiH Ministry of Justice; any religious group can register if it proves that it has at least 300 adult members who are citizens. By September 30, local units of the four major religious communities (Muslim, Serbian Orthodox, Jewish, and Catholic) had registered, as well as several Christian denominations, including Baptist, evangelical Christian, and Jehovah's Witnesses congregations.

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

Societal Abuses and Discrimination

There were a number of acts of vandalism against Islamic religious targets during the year. For example, unknown persons wrote insulting or anti-Muslim graffiti on the walls of the Hadziosmanija mosque in Banja Luka in January, on the house of an imam in Balinovac, near Mostar, in April, and on the mosque in the RS town Zvornik in July. In October unknown persons broke into the newly reconstructed mosque in the RS town of Bosanski Samac and assembled stones in the shape of a cross inside the mosque. Also in October two intoxicated men disrupted evening prayers on the first day of Ramadan in the Osmanpasina mosque in Trebinje, in the RS. Police detained both men and charged them with disturbing the peace. In December unknown persons vandalized Muslim gravestones in Banja Luka.

There was also vandalism against Serbian Orthodox and Catholic religious targets. In the Federation town of Glamoc, unknown persons set the flag of the Serbian Orthodox church on fire; police conducted an investigation but did not apprehend any suspects. In May unknown persons desecrated several graves in the Prijedor Catholic cemetery, including those of father Tomislav Matanovic and his relatives; the bodies of the Matanovic family, who were believed to be war crimes victims, were found in the well next to their former home in 2001.

There were a number of controversial cases involving construction of religious objects or monuments. In May 2004 Federation authorities ordered the removal of crosses that had been illegally constructed on public land in Stolac; however, the removal was delayed pending the outcome of a lawsuit filed in May on the legality of the Federation government's decision; the lawsuit was ongoing at year's end.

During the year Croats in the Mostar suburb of Jasenica objected to the reconstruction of a mosque on the grounds that it would be larger and different from the prewar building in violation of a law that allows reconstruction only in the same style as the original building. City officials ordered removal of the mosque; however, the order had not been carried out by year's end. Construction has been halted.

An illegally constructed Serbian Orthodox church remained on the land of a Bosniak returnee in the town of Konjevic Polje in the eastern RS, despite the RS Ministry of Urban Planning's September 2004 decision that the church should be removed and the absence of local Serb residents. On September 11, the local Orthodox priest celebrated mass in the church, which was attended by a small number of believers. Local police were present and there was no violence.

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

In January two anti-Semitic articles written by a local journalist were published in the Islamic extremist *SAFF* magazine and the tabloid magazine *Walter*. In addition to making general anti-Semitic statements (for example, denying the Holocaust), the articles accused the Jewish community and some of its individual members of corruption and conspiracy. One article included an altered photograph depicting the leader of the Jewish community wearing a yarmulke, a Hitler mustache, and an armband with Star of David insignia. In December a local television station aired an Iranian television program which called the Holocaust a myth; the Jewish community strongly protested the broadcast.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

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

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

Internally Displaced Persons (IDPs)

According to the Office of the UN High Commissioner on Refugees (UNHCR), between the end of the war in 1995 and the end of November, 1,011,555 persons who left the country had returned. Of these, 452,205 were returnees to areas where they were an ethnic minority. The UNHCR registered only 6,162 returns through November, of which 5,581 were minority returnees. These numbers are substantially lower than in 2004, particularly for returnees to areas where they would be an ethnic minority.

The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing unemployment rates above 60 percent. When jobs were available, minority returnees often complained of discrimination in hiring. Funds for reconstruction assistance continued to decline, although the BiH Ministry of Human Rights and Refugees began implementing projects from the joint return fund during the year.

The security situation for returnees improved during the year, although isolated incidents of violence were reported and a hostile atmosphere still existed in many areas. Many returnees cited authorities' failure to apprehend war criminals as a disincentive to return, as they did not want to live in communities with persons who had committed war crimes and had not been held accountable. Many displaced persons were creating permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

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

In the RS, the 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 refugee ministries 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. In October 2004 the commission agreed that 30 priority municipalities should receive reconstruction assistance through the newly established joint reconstruction fund. During the year municipal authorities began selecting beneficiaries and implementing projects in the fund's target municipalities. The BiH Ministry of Human Rights and Refugees also began implementing two separate projects partly funded by the Council of Europe Development Bank (CEDB) and other foreign government agencies. The CEDB project was aimed at getting residents out of collective centers (in the Federation) and alternative accommodation (in the RS) and back to their prewar homes.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum to any persons during the year.

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

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. As a result of the 1999 conflict in the former Federal Republic of Yugoslavia (FRY), approximately six thousand persons, half of them from Kosovo, fled the FRY and came to the country. In June the Council of Ministers extended the temporary refugee status of Kosovo refugees until June 2006; however, the status of all other FRY refugees expired on June 30. Refugees with pending asylum applications, regardless of national origin, may remain in the collective centers until their cases can be decided. According to UNHCR statistics from December, 736 refugees from Serbia and Montenegro, including refugees from Kosovo, remained in collective centers. An additional 3,018 refugees from Serbia and Montenegro were also living in communities throughout the country. By year's end, the government had not accepted any of these refugees for resettlement in the country.

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

The law provides citizens with the right to change their government peacefully; however, the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation.

Elections and Political Participation

Observers from the Organization for Security and Cooperation Europe (OSCE) concluded that the 2002 general elections had been conducted largely in line with international standards for democratic elections, but noted problems including the inability of numerous voters to find their names on voter registers, group voting, and a few cases of voter intimidation.

An OSCE observer mission judged the regional and municipal elections in October 2004 to be largely in line with international standards, but noted the same problems as in the 2002 general elections.

Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and stand for election. The three major nationalist parties, (the SDA, the Croatian Democratic Union, and the SDS) dominated the political scene by virtue of their size and influence, although opposition parties were not excluded from participation in political life. Membership in the three nationalist parties conferred formal advantages, as nonparty members were often excluded from appointment to many key government positions.

The election law requires that at least 30 percent of political party candidates be women. There were 7 women in the directly elected 42-seat BiH House of Representatives (lower house) and no women in the 15-seat BiH House of Peoples (upper house), whose members were appointed by entity legislatures. There were 23 women in the 98-seat Federation House of Representatives and 20 women in the 83-seat RS National Assembly. There was 1 woman in the nine-member Council of Ministers.

There was only one member of a minority in the BiH House of Representatives and no members of a minority in the nine-member Council of Ministers. Under the Dayton Accords, members of the ethnic Serb, Croat, and Bosniak groups must be appointed to government positions on a proportional basis (based on the 1991 census). Separate from those groups, there are 16 recognized national minority groups. While other minorities may hold these offices, the law does not compel their appointment and therefore they remained underrepresented.

Government Corruption and Transparency

There were reports of official corruption during the year. For example, a former Croat member of the BiH presidency Dragan Covic was indicted in March for tax evasion and bribery. In April the Office of the High Representative removed him from his position after he refused to resign. In February 2004 state authorities arrested the local Interpol deputy director on corruption charges; in June he was acquitted of all charges. In September the state court convicted Ante Jelavic, a former Croat member of the BiH presidency, for embezzling funds during his tenure as Federation finance minister and sentenced him to 10 years in prison. He did not appear at the sentencing hearing and a warrant was issued for his arrest. The law bars citizens from holding positions of public responsibility if they have pending criminal indictments against them. In June BiH Minister for Communications and Transport Branko Dokic resigned after being charged with abuse of office.

In addition to Covic, three persons were removed from office during the year. On June 2, the commanders of NATO and EU peacekeeping forces dismissed General Novak Djukic from his position as chief of staff of the RS Army after

Serb recruits under his command refused to swear allegiance to the state. On July 8, High Representative Ashdown removed Nikola Lovrinovic from his position as minister of education in the Central Bosnia canton for failing to implement higher-level education legislation. On October 28, Ashdown removed Milovan Pecelj from his position as RS minister of education for failing to carry out his duties.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. For example, some agencies have not yet prepared the required registry of documents that are available and guidelines for access to them. According to the law, the government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman's offices. In practice, the government sometimes failed to provide an explanation for denial of access to information as required by the law; however, if citizens appealed denials to the ombudsmen or the courts, the government generally provided an explanation. Public awareness of the law remained low.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were rarely cooperative and responsive to their views.

Domestic NGOs were active. For example, the Helsinki Committee of BiH and the Helsinki Committee of the RS continued actively reporting on a wide range of human rights abuses. While NGOs enjoyed relative freedom to investigate human rights abuses, authorities rarely responded to their recommendations and often categorically rejected or delayed acting on their interventions.

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

The Constitutional Court handles all human rights cases filed since the beginning of 2004. In January the backlog of the Human Rights Chamber, whose mandate ended in 2003, was transferred to the Constitutional Court. The Human Rights Commission, consisting of five judges from the Human Rights Chamber, was appointed to address this backlog. By November the commission had issued 2,683 decisions, of which 634 were decisions on the merits of cases. The most common cases included claims for the return of frozen foreign currency accounts, war damages cases, and claims involving pensions and property rights.

The country has twelve human rights ombudsmen, three at the state level, and three each representing the Federation, the RS, and Brcko. Citizens' remedies for human rights violations included filing civil suits or seeking assistance from the ombudsmen. However, the ombudsmen's recommendations were not binding, and the civil court system had major backlogs. The ombudsmen were effective in some individual cases, but were less successful in addressing institutional patterns of discrimination.

The Federation continued its cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the State Court's War Crimes Chamber.

While the RS improved its cooperation on war crimes cases, two of ICTY's most wanted war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS president Radovan Karadzic, remained at large and, in the eastern RS, Foca, Bijeljina, and Pale remained under sanction for failing to cooperate with the ICTY.

During the year authorities assisted in the transfer of 9 persons indicted for war crimes to the ICTY for prosecution. The ICTY held 56 accused in custody, while 23 accused have been provisionally released from pretrial detention. In August local authorities arrested ICTY indictee Milan Lukic in Buenos Aires. Lukic appealed his extradition to the ICTY, and the case was ongoing at year's end. In September the ICTY transferred the Bosnian war crimes case of Radovan Stankovic for trial in BiH by the war crimes chamber. Stankovic was the first ICTY indictee to be tried in a Bosnian court. The ICTY has approved the transfer to the Bosnian court of an additional six indictees; they are appealing the decision. In September RS authorities transferred Serb indictee Sredoje Lukic to the ICTY to stand trial for crimes against humanity for his involvement in the alleged murder, detention, rape, and abuse of Muslim civilians in the RS town of Visegrad in 1992.

The ICTY trial of former FRY president Slobodan Milosevic, who was charged with genocide and other crimes in the country, remained ongoing at year's end. In January the ICTY sentenced Colonel Vidoje Blagovic, a senior officer in the wartime Bosnian Serb army, to 18 years' imprisonment for genocide for his role in the Srebrenica massacre. His codefendant, Dragan Jokic, received a nine-year sentence for war crimes and crimes against humanity. The ICTY trials of Momcilo Krajisnik, a senior military official in the wartime Bosnian Serb army, and Naser Oric, commander of the Bosnian army in the Srebrenica area, were ongoing at year's end.

Many, if not most, of the perpetrators of killings and other abuses committed in previous years remained unpunished, including war criminals indicted by the ICTY, those responsible for the approximately 8 thousand persons killed after the fall of Srebrenica, and those responsible for approximately 15 thousand to 20 thousand other persons who were missing and presumed killed as a result of "ethnic cleansing." In September the RS Srebrenica Commission criticized the RS Ministry of Defense for not providing sufficient information on police units that were active during the 1995 massacres of civilians in the Srebrenica area.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Violence against women, including domestic violence and sexual assault, remained a widespread and underreported problem. According to a 2004 study by the Sarajevo faculty of criminology, 20 percent of female respondents indicated that they had been physically abused by their husbands or boyfriends. In 79 percent of these cases, the violence occurred repeatedly. Spousal rape and spousal abuse are illegal in the Federation and the RS; however, domestic violence usually was not reported to the authorities. Experts estimate that only 1 in 10 cases of domestic violence are reported to the police. During the year, the RS domestic violence hotline received 1,019 reports. Both entities adopted a law on domestic violence that requires police to remove the offender from the family home.

Police received specialized training in handling cases of domestic violence and several local NGOs operated a 24-hour hotline to provide assistance and counseling to domestic violence victims. Reluctance on the part of victims to report domestic violence to authorities or to testify against their abusers contributed to lack of prosecutions. There were shelters in Mostar, Tuzla, Banja Luka, Sarajevo and Modrica to assist victims of domestic violence. Several NGOs reported an increase in domestic violence reports because of awareness-raising campaigns that informed victims about their rights and encouraged them to make official complaints.

Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness.

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

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

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

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

During the year the BiH government established the Agency for Gender Equality, which worked to harmonize legislation with the Law on Gender Equality and inform women of their legal rights. The Federation, RS, and BiH parliaments had committees for gender equality.

Women served as judges, doctors, and professors, although few women held positions of real economic or political power. A small but increasing number of gender-related discrimination cases were documented. Anecdotal accounts indicated that women and men generally received equal pay for equal work at government-owned enterprises but not always at private businesses. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria such as age (typically under 35) and physical appearance of female applicants. Women remained underrepresented in law enforcement agencies, although progress continued to be made.

Children

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

opportunities.

Education is free and compulsory through age 15; however, parents were required to pay for textbooks, lunches, and transportation, which some families could not afford. A lack of reliable monitoring and statistics on enrollment and drop-out rates hindered efforts to ensure that school-age children received an education. Children with special needs were legally required to attend regular classes, but schools were often unable to accommodate them. Except for Roma, almost all children finished primary school through the 9th grade; the completion rate was lower for secondary school. Boys and girls attended school equally.

According to the country's annual 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 because of extremely poor living conditions, lack of proper clothing, and the inability or unwillingness of families to pay school-related expenses. Verbal harassment from other students, language problems, and registration costs and requirements also contributed to the exclusion of Roma from schools, despite the desire of many parents to enroll their children.

Students in minority areas frequently faced a hostile environment in schools that did not provide an ethnically neutral setting. Obstruction by nationalist politicians and government officials slowed efforts to remove discriminatory material from textbooks, abolish school segregation, and enact other reforms. Cantonal governments in the Federation and the Ministry of Education in the RS pressured school directors at the primary and secondary school level, and several schools were directed by hard-line political figures.

Administrative and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extracurricular activities, school entrances and recreation facilities sometimes resulted. In some areas of the country, notably Vitez in central Bosnia and Prozor-Rama and Stolac in Herzegovina, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education. In the RS, non-Serbs made up less than 5 percent of the teaching staff in primary and secondary schools. In the Federation, minority teachers made up between 5 and 8 percent of all teachers, depending on the canton.

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

During the year the Interentity Textbook Review Commission drafted guidelines for authors of new textbooks that emphasized multiple points of view, including those of women and national minorities. Despite their earlier commitment to the commission, five Bosnian Croat cantonal ministers of education and RS Minister of Education Milovan Pecelj refused to sign the guidelines.

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

Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse; there were no statistics available on the extent of the problem. Municipal centers for social work were responsible for protecting children's rights, but often lacked resources and alternative housing for children who ran away from home to escape abuse or who needed to be removed from abusive homes. Some NGOs estimated that one in four families experienced some form of domestic violence, including physical, psychological, or sexual abuse of children.

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

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

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

According to statistics released during the year by the Ministry of Human Rights and Refugees, 38,547 of the 186,138 displaced persons from the country were children under 18.

Trafficking in Persons

The law prohibits trafficking in persons; however, women and girls were trafficked for sexual exploitation and children

and adults were sometime trafficked for labor, particularly from the Romani community. There were reports that police and other officials were involved in trafficking.

Under the law, trafficking is a state-level crime that carries a sentence of up to 10 years in prison. The BiH Ministry of Security is responsible for coordinating antitrafficking law enforcement at all levels of government.

During the year authorities intensified efforts to combat trafficking, formalizing a victim referral mechanism, drafting by-laws on domestic trafficking victims, concluding a memorandum of understanding with six local NGOs to provide shelter and other services to victims, working with the entity ministries of education to incorporate trafficking awareness training into the public school curriculum, and conducting extensive training for police, prosecutors, judges, teachers, and social workers.

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

In a major trafficking case in Sarajevo, in 2004 authorities charged a bar owner, his wife, and another bar employee with procuring, pandering, and tampering with evidence. In April a court convicted the bar owner, Samir Haganovic, and sentenced him to three years and eight months' imprisonment. The court sentenced his wife and former employee to one and a half years' imprisonment.

In September a court convicted two men of trafficking and the prosecutor reached a plea agreement with two others for participating in the exploitation and sale of Ukrainian trafficking victim Olena Popik, who died of AIDS-related illnesses in Mostar in November 2004. The four received prison sentences ranging from seven months to two years.

The country was a destination, transit point, and, to a lesser extent, country of origin for women, girls, and, in a few cases, teenage boys trafficked for sexual exploitation. During the year, Romani children were trafficked into and within the country for forced labor. The country was also a transit point for Chinese nationals being trafficked for forced labor; illegal Chinese immigrants generally remained in the country for short periods before continuing to destinations in Western Europe.

Over 90 percent of trafficked women in the country came from Moldova, Romania, Serbia and Montenegro, and Ukraine. While no reliable estimates are available, a significant number may have been trafficked on to Western Europe. According to the International Organization for Migration (IOM), most victims were lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, waitresses, and domestic servants. Some NGOs reported that trafficking victims were increasingly lured into the country by promises of marriage to traffickers or their associates, while others knowingly entered into false marriages to obtain work and residence permits. Most trafficked women entered the country through Serbia and Montenegro. Those who transited the country generally continued on via Croatia. The IOM reported Bosnian victims in other parts of Europe and local NGOs observed some Bosnian victims within the country.

There were no reliable estimates on the number of women trafficked during the year; police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. During the year the IOM assisted 38 victims, 14 of whom were repatriated; 6 victims were citizens, while 5 were minors.

Traffickers came from a variety of backgrounds, including freelance operators and loosely organized local criminal networks. Large international organized crime syndicates were less involved than in previous years. Some employment, travel, and tourist agencies fronted for traffickers.

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

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. In October 2004 border police arrested a member of the RS interior ministry's elite special unit near Bijeljina while he was attempting to cross into the country from Serbia with two suspected trafficking victims in his car. Authorities immediately suspended him from duty and opened an investigation, which was ongoing at year's end. During the year, authorities charged a State Border Service officer with abuse of office for placing a false stamp in the passport of a suspected trafficking victim; the case was ongoing at year's end.

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

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

During the year NGOs assisted 88 trafficking victims, who were provided basic shelter and medical, psychological, and legal assistance. The Office of the UN High Commissioner for Human Rights published a manual on legal advocacy and trained local attorneys to assist trafficking victims on a range of criminal and civil issues, including their immigration status and legal rights if they chose to testify against their traffickers.

In cooperation with the IOM, the government launched a public awareness campaign focusing on children in primary and secondary schools and teacher training.

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 above the civilian war disabled and persons who were born with disabilities. Children with disabilities were often hospitalized in residential institutions or confined to their homes, and they rarely had the opportunity to attend school. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available. Some institutions inappropriately housed mentally ill and developmentally disabled persons together.

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

National/Racial/Ethnic Minorities

Ethnic differences remained a powerful force in the country, although mixed communities existed peacefully in a number of areas. Nationalist 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.). However, the RS government was 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 incidents of violence decreased overall in the country, follow-up investigations in a number of cases were problems. Police conducted investigations but consistently failed to apprehend and charge perpetrators of ethnically motivated hate crimes. For example, in February an unknown assailant physically attacked an elderly Bosniak returnee to the RS town of Doboj.

In May a match between the country's junior national soccer team and the team of Serbia and Montenegro in Bijeljina was marred by ethnic slurs against Bosniaks and burning of the BiH flag by Bosnian Serb supporters of the visiting team. Also in May unknown persons broke the windows of three Bosniak-owned shops in Prozor.

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, verbal harassment, dismissal from work, threats, and assaults.

Ethnic discrimination in employment and education remained key obstacles to the return of residents (see section 5, Children). Widespread firing of ethnic minorities during and after the war was not reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where the minorities had been employed. Although privatization of large state-owned enterprises was conducted under the supervision of the international community, many smaller enterprises were sold to politically well-connected individuals, usually members

of the majority group in their communities. These enterprises generally did not employ minorities. For example, none of the Croat-owned businesses in Stolac employed Bosniaks.

The Roma population, estimated at 40 thousand to 80 thousand, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. Access to employment, education, and government services was a particular concern. Many Roma were 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 officially employed and Roma were often denied social support; some families sent their children out to beg or relied on other sporadic sources of income. In August the Council of Ministers adopted a national Roma strategy, which focused on improving Romani access to education, employment, health care, property rights and more robust political participation by Roma. However, the government had not started implementing the strategy by year's end.

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

Other Societal Abuses and Discrimination

While the law prohibits discrimination on the basis of sexual orientation, it was not enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender persons. Sexual minorities who were open about their orientation were frequently fired from their jobs. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult to find another job. Some gay teens were harassed at school and were kicked out or ran away from home after revealing their orientation to their parents.

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

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

Section 6 Worker Rights

a. The Right of Association

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

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

b. The Right to Organize and Bargain Collectively

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

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

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

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

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

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

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

Entity governments are responsible for enforcing child labor laws. Neither entity had inspectors dedicated solely to child labor inspections; rather, violations of child labor laws 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 \$193 (308 convertible marks) and in the RS the "minimum price of work" used as a base for the salary scale of government employees was \$51 (82 convertible marks); however, neither provided a decent standard of living for a worker and family. Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds; as a result, employers often did not officially register their employees in order to avoid paying high social welfare benefits, leaving employees without access to public health care.

The legal workweek is 40 hours; however, seasonal workers may work up to 60 hours per week. The law requires that employers pay overtime to employees. Overtime is limited to 10 hours per week in the Federation with no provision for premium pay; in the RS, overtime is limited to 10 hours and is paid a 30 percent premium, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Federation and RS laws require a minimum rest period of 30 minutes during the work day.

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

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



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