

# **BOSNIA AND HERZEGOVINA 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bosnia and Herzegovina (BiH) is a democratic republic with a bicameral parliament. Many governmental functions are the responsibility of two entities within the state, the Federation and Republika Srpska (RS), as well as the Brcko District, an autonomous administrative unit under the sovereignty of BiH. The 1995 General Framework Agreement for Peace (the Dayton Accords), which ended the 1992-95 Bosnian war, provides the constitutional framework for governmental structures, while other parts of the agreement specify the government's obligations to ensure human rights, such as the right of wartime refugees and displaced persons to return to their prewar homes. The Dayton Accords also provide for a high representative who has the authority to impose legislation and remove officials. The country held general elections on October 12. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), in its preliminary findings, stated that the elections took place in a fair and democratic atmosphere but noted numerous reports of irregularities during the counting process. Authorities failed at times to maintain effective coordination and clear division of jurisdictions and responsibilities between law enforcement agencies and security forces, notably during nationwide violent protests in February.

Government corruption remained among the country's most serious problems, resulting in continued political and economic stagnation. This prompted protests in February, the largest case of civil unrest in the country since independence. Some political leaders manipulated deep-seated ethnic divisions that weakened democracy and governance, undermined the rule of law, fostered discrimination in most aspects of daily life, distorted public discourse in the media, and obstructed the return of persons displaced by the 1992-95 conflict. Harassment and intimidation of journalists and civil society limited the public's access to accurate information and the accountability of political leaders.

Other human rights problems included: deaths from land mines; instances of police mistreatment of civilians, particularly suspects during questioning; harsh conditions in prisons and detention centers, such as overcrowding and physical abuse of prisoners and detainees; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; failure to return properties to religious communities; societal religious hostility, including vandalism; underrepresentation of minorities in political life; denial of public

access to governmental information; discrimination and violence against women and minorities; trafficking in persons, discrimination against persons with disabilities; discrimination and violence against lesbian, gay, bisexual and transgender (LGBT) persons; and limits on employment rights.

Both entities and the Brcko District maintained units that investigated allegations of police abuse, meted out administrative penalties, and referred cases of criminal misconduct to prosecutors. These units generally operated effectively, and there were no reports of impunity during the first 10 months of the year

## **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.

Despite local and international efforts to prosecute war crimes, many lower-ranking perpetrators remained unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and those responsible for approximately 9,000 other persons who remained missing and presumed killed during the 1992-95 war.

The government's *National Strategy for Processing War Crimes* foresaw the prosecution of the most complex war crimes cases by 2016 and all other war crimes cases by 2025. Implementation of the strategy continued to lag significantly, and a large backlog of cases remained. The primary reasons for the delay were general operational inefficiency by the state-level judiciary and a failure by the BiH Prosecutors Office to give war crimes cases priority over other criminal cases. The War Crimes Chamber of the BiH Court and the entity courts continued war crimes trials during the year, albeit at a very slow pace because of delays associated with identifying and preparing witnesses for testimony, a shortage of courtrooms, and a lack of prosecutorial capacity at the entity level. In addition the practice of noncontinuous trials, in which the court would hear a small part of a case once per week or less frequently, created lengthy delays in trial proceedings. Nevertheless, the country made progress in implementing the national war crimes strategy by referring less complex cases from national courts to entity, cantonal, and district courts in order to accelerate the processing of trials.

In January the state-level government received 14.5 million convertible marks (\$9.22 million) from the EU to strengthen its judicial system and capacity to process war crimes cases. The purpose of the funds was to add 120 new personnel, including judges, prosecutors, and legal associates, and increase the budgets of the state, entity, and district courts. The EU Delegation in BiH and the OSCE undertook to monitor the program for two years. Meanwhile the OSCE completed its implementation of a War Crimes Processing Project (2013-14) aimed at increasing the capacity of state, entity, and district courts to process war crimes.

During the year the International Criminal Tribunal for the former Yugoslavia continued to process the remaining cases in its jurisdiction arising from killings during the 1992-95 conflict. In July a district court in the Netherlands ruled that the Dutch government was liable for the deaths of 300 Bosniaks killed by Bosnian-Serb paramilitary forces in Srebrenica in 1995. The court stated that a team of UN-mandated Dutch peacekeepers failed to prevent those deaths, which the International Criminal Tribunal for the former Yugoslavia ruled a genocide in 2007. According to the court, the Dutch peacekeepers handed over the Bosniak men knowing that the Bosnian Serbs would likely kill them.

During the year eight landmine accidents killed six persons and injured nine. The country has a demining strategy, but it remained largely unfunded. According to the country's Mine Action Center (BHMIC), as of August more than 9,400 active minefields (with an estimated 120,000 devices) remained, endangering an estimated 540,000 residents throughout the country. In many cases the presence of land mines slowed the return of internally displaced persons and the exhumation of mass graves. Excessive rainfall in May led to extensive flooding causing mines and other unexploded ordnance in an area of more than 38 square miles to migrate to, or toward, the surface.

## **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

The law prohibits such practices, but the Council of Europe's Committee for the Prevention of Torture (CPT) reported that police mistreatment of detainees at times "was of such severity that it would amount to torture."

In September 2013 the CPT released a report on its 2012 visit to RS police and remand detention centers. The report highlighted a considerable number of credible allegations involving serious physical mistreatment of detainees by law enforcement officials in the RS, including slaps, punches, kicks, use of small handheld electroshock devices, handcuffing detainees in stressed positions for long periods, using plastic bags over the heads of suspects, and beating suspects with hard objects, including baseball bats. Several detainees stated that police had subjected them to mock execution by pointing a pistol their temple or inserting into their mouth and pulling the trigger. The majority of alleged abuses occurred during police efforts to obtain confessions from suspects during questioning. In its response to the CPT, the RS government reported that its Ministry of Interior carried out an internal investigation into eight cases of misconduct by RS law enforcement officials alleged by the CPT, all of them related to complaints of abuse in the Banja Luka police station. Investigators could not substantiate five of the complaints, were unable to investigate two cases because the complainants had also filed criminal lawsuits, and found that one case involved the use of illegal and excessive force against a person in custody. Authorities indicated that disciplinary action was pending against the officer whose misconduct they confirmed.

### **Prison and Detention Center Conditions**

Conditions in the country's prisons and detention centers were harsh and, on occasion, life threatening. Medical care and sanitation were wholly inadequate, and while prisoners had adequate access to food, some prisoners complained about its quality. Prisoners had access to potable water. There were no prison facilities suitable for prisoners with disabilities.

Physical Conditions: At the end of September, there were 3,464 inmates. Some prisons were overcrowded--the government estimated the total capacity of Federation and RS prisons to be 3,201. Authorities held prisoners with mental illnesses in a prison in Zenica, where international observers described conditions as poor. A renovated psychiatric ward in Sokolac designed to accommodate such prisoners was scheduled to open at the end of the year.

As of October there were no recorded deaths of prisoners.

Administration: Responding to CPT reports of delays by law enforcement agencies in keeping records of arrests prior to the transfer of arrested persons to a prosecutor's office, the state-level government reported that in 2012 officials began

keeping electronic records of detained persons. They indicated that the procedures would provide for standardized and unified management of detained persons. The state-level government also reported that police officers and their commanders are required to keep records with due diligence. In the report on its 2012 visit, the CPT delegation noted serious shortfalls in recording injuries sustained by detainees. The CPT attributed this in part to authorities frequently denying detainees access to medical treatment with law enforcement officers present. The government responded to this allegation with the example of Bijeljina Police Station, where law enforcement granted medical assistance to 104 arrested persons between January and May 2013. The law permits alternatives to incarceration, including community service and electronic monitoring devices, such as ankle bracelets. Authorities used parole in accordance with the law.

The law allows detainees and prisoners to send requests or complaints to the country's Human Rights Ombudsman Institution (ombudsman), which has authority to advocate for the rights of prisoners, including juveniles, regarding their status and the circumstances of their confinement, access to bail, and experience of overcrowding and other conditions. The ombudsman also can advocate on behalf of prisoners to improve pretrial conditions, and for better recordkeeping to reduce the incidence of prisoners serving beyond their maximum sentences. The ombudsman lacked authority to advocate for alternatives to incarceration for nonviolent offenders to alleviate overcrowding. There were no reports that prison authorities failed to forward requests from inmates to the ombudsman. During the first nine months of the year, the ombudsman reported receiving approximately 200 complaints, compared with 170 complaints in 2013.

Authorities permitted prisoners and detainees access to visitors and religious observance. The law provides for the right of prisoners to communicate their grievances, file complaints, and expect expeditious resolution of violations, and authorities generally investigated credible allegations of inhuman conditions.

Independent Monitoring: The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The International Committee of the Red Cross continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

Improvements: In August state-level authorities began construction of a prison intended to reduce overcrowding in other prisons throughout the country. The

prison, designed to meet all European standards and have a capacity of 300 convicts and 50 detainees, was scheduled for completion in 2015.

#### **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**

Legislation outlining the mandates of respective law enforcement agencies of the state, entity, and district governments contains significant overlap. An EU military force continued to support the country's government in maintaining a safe and secure environment for the population. The NATO headquarters in Sarajevo continued to assist the country's authorities in the implementation of defense reform and counterterrorism.

Civilian authorities maintained effective control over security forces, but the complex structure of security forces at times resulted in lack of effective coordination and no clear division of jurisdictions and responsibilities. By law the two entities, the Brcko District, and 10 cantonal interior ministries exercise police powers. State-level police agencies include the State Investigation and Protection Agency (SIPA), Border Police, Foreigners Affairs Service (FAS), and Department for Police Coordination. SIPA facilitates regional cooperation in combating organized crime, human trafficking, and international terrorism. The Border Police are responsible for monitoring the borders and detaining illegal migrants until the FAS takes over their custody. The FAS is responsible for tracking and monitoring legal and illegal migration. The Department for Police Coordination provides physical security for government and diplomatic buildings and personal protection for state-level officials and visiting dignitaries.

The government has mechanisms to investigate and punish abuse and corruption, but political pressure often prevented the use of these mechanisms. While there were no reports of impunity during the year, there were continued reports of corruption within the state and entity security services. There are internal affairs investigative units within all police agencies. Throughout the year, mostly with assistance from the international community, the government provided training to police and security forces designed to combat abuse and corruption and promote respect for human rights.

## **Arrest Procedures and Treatment of Detainees**

Police generally arrested persons with warrants based on sufficient evidence. The law requires authorities to inform detainees of the charges against them immediately upon first questioning and obliges police to bring suspects before a prosecutor within 24 hours of detention. During this period police may detain individuals for up to six hours at the scene of a crime for investigative purposes. The prosecutor has an additional 24 hours to release the person or to request a court order extending pretrial detention. There is a functioning bail system, and the law provides for the right to a speedy trial.

The law allows detainees to request a lawyer of their own choosing. In the report on its 2012 visit to RS detention facilities, the CPT noted that RS authorities frequently did not respect a suspect's right to counsel and that a suspect's first encounter with legal counsel was generally at the time of his or her first court appearance and after long periods of coercive interrogation. Many persons complained that lawyers provided by authorities remained silent throughout the initial court proceedings.

There were no reports that authorities detained suspects incommunicado or held them improperly under house arrest.

Pretrial Detention: Lengthy pretrial detention was generally not a problem. The law limits pretrial detention to one year and sets strict limits on the duration of custody during both the periods before and after indictment. In order for custody to be continued, a court must review the case at regularly prescribed intervals. Defendants have the right to appeal detention.

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

The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. Political parties and organized crime figures sometimes influenced the judiciary at both the state and entity levels in politically sensitive cases.

The criminal code criminalizes failure to enforce decisions of the BiH Constitutional Court, the BiH Court, and the European Court of Human Rights (ECHR). Since 2003, there were 89 reports of noncompliance with the BiH Constitutional Court decisions, but the BiH Prosecutor's Office did not file charges

in cases of noncompliance. After exhausting all domestic legal measures, plaintiffs often brought these cases before the ECHR to enforce compliance.

### **Trial Procedures**

The law provides that defendants enjoy a presumption of innocence, the right to be informed promptly and in detail of the charges against them with free interpretation if necessary, and the right to a fair and public trial without undue delay. The law does not provide for trial by jury. The law provides for the right to counsel at public expense if the prosecutor charges the defendant with a serious crime. Courts did not always appoint defense attorneys where the maximum prison sentence was less than five years. Authorities generally gave defense attorneys adequate time and facilities to prepare their clients defenses. The law provides defendants the right to confront witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their case, and to appeal verdicts. Authorities generally respected most of these rights.

The state-level prosecutor's office continued to use plea agreements in some cases.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The law provides for individuals and organizations to seek civil remedies for human rights violations and provides for the appeal of decisions to the ECHR. The government failed to comply with many court decisions pertaining to human rights.

The court system suffered from large backlogs of cases and the lack of an effective mechanism to enforce court orders. Inefficiency in the courts undermined the rule of law by making recourse to civil judgments less effective. The government's failure to comply with court decisions led plaintiffs to bring cases before the ECHR after exhausting all legal measures domestically.

### **Regional Human Rights Court Decisions**

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the ECHR. The country generally complied with ECHR

judgments involving individual cases, either through actual remedies or by submitting action plans for full compliance to the ECHR.

In July the ECHR delivered a verdict in the case of *Azra Zornic vs. BiH*. The court found that the country was in violation of the European Convention on Human Rights after the BiH government considered Zornic ineligible to stand for election to the BiH Presidency and House of Peoples because she refused to declare affiliation to any particular ethnic group. According to the BiH Constitution, only persons who declare affiliation with one of the “constituent peoples”--namely, Bosniaks (Muslims), Croats (Catholics), or Serbs (Orthodox Christians)--are entitled to stand for election. The court ruled that Zornic’s case was identical to a 2009 ruling, in *Sejdic and Finci vs. BiH*, which called on BiH to amend its constitution to allow persons who are not Bosniaks, Croats, or Serbs to run for the Presidency and the House of Peoples. As of October the BiH government had not implemented the 2009 *Sejdic-Finci* ruling.

As of September more than a thousand cases were pending before the ECHR alleging the failure of the government to comply with numerous domestic court decisions pertaining to human rights, including problems concerning missing persons, old currency savings, and compensation for war damages.

### **Property Restitution**

The four traditional religious communities had extensive claims for restitution of property nationalized during and after World War II. In the absence of a state restitution law governing the return of nationalized properties, many government officials used such properties as tools for ethnic and political manipulation. In a few cases government officials refused to return properties legally recognized as belonging to religious institutions. During the year the Economics Faculty of the University of Sarajevo reneged on a 2013 agreement to gradually return the building from which it operates to the rightful owners of the property, the Serbian Orthodox Church. The deal entailed returning one room to the church for the establishment of an institute for interreligious dialogue as an initial step towards returning the entire building. Officials from the Economics Faculty justified the failure to honor the deal by stating that the school suffered from a lack of space.

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

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

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

**Section 2. Respect for Civil Liberties, Including:****a. Freedom of Speech and Press**

The law provides for freedom of speech and press. Although the law includes provisions prohibiting acts that provoke racial, ethnic, or other intolerance, authorities did not enforce them during the year and did not directly interfere with freedom of expression. Laws delegated safeguarding freedom of the press to the cantons in the Federation and to the entity-level authorities in the RS. Governmental respect for freedom of speech and the press continued to deteriorate during the year.

Freedom of Speech: Although there were no legal or administrative measures restricting freedom of speech during the first 10 months of the year, in the RS authorities continued to exert pressure on media outlets in order to discourage some forms of expression, and party and governmental control over the major information outlets narrowed the range of opinion in both entities.

In February mass protests took place throughout the Federation, and some small-scale protests took place in the RS. A number of protests by the RS War Veterans Association took place in the RS capital of Banja Luka at the end of February. RS authorities immediately labeled attempts to organize peaceful demonstrations in the RS as attempts by persons in the Federation, e.g. Bosniaks, to undermine the Bosnian Serb-majority RS. Progovernment media in the RS acted in coordination with the government to discredit protest organizers and to depict protests that took place in the Federation as anti-RS in nature. During the protests the ruling party in the RS, the Alliance for Independent Social Democrats, posted to its webpage a publication, *Demolishing of Republika Srpska—the Theory and Technology of a Coup*, (February 28), which accused a number of nongovernmental organizations (NGOs), media outlets, and individuals of being engaged by foreign countries to act as “foreign agents” to undermine the constitutional order of the RS.

Federation and RS law do not specifically proscribe hate speech but prohibit acts that cause ethnic, racial, or religious hatred. Nevertheless many media outlets continued using incendiary language with impunity when disseminating materials

related to ethnicity, religion, and political affiliation. In addition the media frequently attacked LGBT activists, often using homophobic language.

As of September the official Communications Regulatory Agency (CRA) registered three allegations of what it characterized as hate speech but upheld none of them. Through October the nongovernmental Press Council of BiH received 755 complaints, of which 555 related to hate speech. The council determined that in the first nine months of the year there were 175 cases of incitement and speech spreading hate. Most of instances occurred in online media.

Independent analysts noted the continuing tendency of politicians and other leaders to label unwanted criticism as hate speech or national treason.

Press Freedoms: The independent media continued expressing a wide variety of views but were subject to excessive influence from government, political parties, and private interest groups. Media coverage diverged along political and ethnic lines. During the February protests, political biases became especially prominent. A number of media analysts underscored that some of key media outlets focused almost exclusively on the violent elements of the demonstrations, often referring to protesters as “hooligans” and “criminals.” Media close to the Croat ruling parties claimed that the protests were exclusively Bosniak and had the objective of instigating conflicts between Bosniaks and Croats, particularly in Mostar. At the same time, the Association of BiH Journalists issued a number of press releases in February that reported attacks against journalists in Tuzla, Zenica, and other cities throughout the Federation. The association stated, “Journalists are frequently exposed to attacks, not only from the demonstrators but also policemen and high-ranking officials.”

Public broadcasters at the state, entity, cantonal, and municipal levels continued to face strong political pressure from governments and political forces, primarily through control over their finances. These pressures limited the independence of public broadcasters and led to consistently subjective and politically tainted news. Both entity governments financially supported news agencies through ownership shares. During the year the RS government provided 1.7 million convertible marks (\$1.08 million) in financial support for media. The Federation government allotted 500,000 convertible marks (\$318,000) in technical assistance to Federation Radio and Television (FTV), the public broadcaster serving the Federation. It remained unclear whether the outlet would receive the funds, in light of the failure by the Federation government to disseminate funds to the outlet in 2013. There was evidence to suggest the withholding of funds was politically motivated.

The law empowers the CRA to regulate all aspects of the country's audiovisual market, including broadcast media, but state-level authorities continued attempts to weaken the CRA by injecting partisan politics into the organization's oversight and management and diminishing the organization's regulatory powers.

In January the approval of six new members to its governing council allowed the CRA to function within its legal mandate; the mandates of the previous council members expired in 2009. In May the new council unanimously decided on a candidate for general manager of the CRA to replace a sitting acting director, whose lack of a mandate undercut the independence and effectiveness of the institution. Nevertheless, the Council of Ministers, which had the legal obligation to approve the appointment within 30 days, failed to do so. Observers believed that the postponement resulted from political disputes within the Council of Ministers. This stalemate was not resolved as of mid-October.

Some public broadcasters, including Radio and Television of Bosnia and Herzegovina (BHRT), the public broadcasting channel that covers the entire country, faced financial instability because collection of taxes dedicated to their support remained inefficient and poorly regulated. Amendments to a law regulating the activities of Radio Television of Republica Srpska (RTRS), on the other hand, opened the possibility of direct government funding of the news outlet.

The entity governments further undercut the independence of their respective broadcasters by excluding the CRA from the process of appointing governing boards to the broadcasters. Instead they chose to allow their entity-level parliaments to administer the process.

Institutional instability within the governing structures of FTV and the RTRS left public broadcasters vulnerable to continued political pressure. FTV reflected several layers of political bias. Continued uncertainty over the mandates of the governing board members made it vulnerable to political influence as in previous years. During the year, when there were no new attempts to appoint members to the FTV board, it operated with only a technical mandate and was consequently more open to political influence. In previous years the Federation Parliament attempted to appoint multiple members to the board, despite a law that limits it from making more than one appointment in any single calendar year, thus creating uncertainty surrounding the broadcasters governing structure. In March, in an effort that observers believed reflected its intention to gain full control over RTRS,

the RS government appointed a new general manager, who assumed his position after serving as chief of staff to the entity prime minister.

In May the BHRT governing board rejected amendments to a statute that would have limited its excessive influence in appointing management and editorial staff, despite an EU requirement for the amendments as part of its enlargement process. The governing board's position raised further questions about the level of editorial independence of the nationwide public broadcaster.

State-level authorities failed to establish a Public Broadcasting Service Corporation to oversee the operations of all public broadcasters in the country as required by law. The newly appointed CRA Council during its April session unanimously decided to reverse an earlier decision to reduce the advertising time of public broadcasters from six to four minutes per hour. The reduced advertising time threatened the financial stability of public broadcasters.

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

Violence and Harassment: During the year there were credible reports of intimidation and politically motivated litigation against journalists for unfavorable reporting on government leaders and authorities. By September the Free Media Help Line registered 30 cases involving violations of journalists' rights and freedoms or pressure from government and law enforcement officials. There were five physical attacks, 15 instances of pressure and threats against journalists, two death threats, and instances of denial of access to information. Politicians in BiH, especially in the RS, continued to intimidate journalists. During the February demonstrations, according to media and Human Rights Watch, police used excessive force against journalists (see section 2.b.). During a town hall meeting in East Sarajevo open to press coverage, RS President Milorad Dodik verbally attacked and made sexist comments about journalist Sladjana Jasarevic. In a separate incident in May, he verbally attacked journalist Ljiljana Faladzic in Bijeljina. The Association of BiH Journalists and several independent news outlets strongly condemned Dodik's behavior.

Cases of intimidation of journalists and media by unidentified persons have also occurred. In April an unknown person using the name of an imprisoned criminal made telephone threats against the editor in chief of *Start Magazine*, his editorial staff, and members of his family after the magazine published an article on

criminal activity. After *Dnevni Avaz* journalist Semira Degrimendzic published a series of articles critical of certain BiH politicians, unidentified individuals posted images throughout Sarajevo labeling Degrimendzic as politically biased. The Association of BiH Journalists, several political parties, and the EU delegation in BiH strongly condemned this case of press intimidation.

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

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

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the 2013 annual Communications Regulatory Agency report published in May, an estimated 57 percent of the population used the internet in 2013.

### **Academic Freedom and Cultural Events**

There were no major government restrictions on academic freedom or cultural events.

The country's eight public universities remained segregated along ethnic lines, including their curriculums, diplomas, and relevant school activities. Professors sometimes used prejudiced language in their lectures. The selection of textbooks and school materials reinforced discrimination and prejudices.

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

### **Freedom of Assembly**

The law provides for freedom of assembly, and the government generally respected this right. There were instances when the government indirectly restricted freedom of assembly. During the February protests, the ruling party in the RS published a list of associations that they perceived to be “destroying the constitutional order of the RS.” In the emotionally charged atmosphere of the protests, observers alleged that such a publication in the RS constituted intimidation of civil society. There were isolated reports of police using excessive force during the protests, aimed particularly at protest organizers. The state-level government filed misdemeanor charges against some individual participants in the protests. There were reports that some political parties in authority threatened demonstrators with loss of political patronage positions unless they stopped their participation in the protests.

In a February 21 news release, Human Rights Watch called on state-, entity-, and local-level authorities for a prompt investigation of excessive use of force by police against demonstrators on the streets and in detention in Tuzla and Sarajevo on February 5-9. The NGO reported that it interviewed victims and documented 19 cases of excessive use of force by police against protesters, bystanders, and journalists. Six of the cases were in Tuzla--five in the streets and one against a protester in detention. The other 13 cases were in Sarajevo--eight against protesters in detention and five in the streets. Human Rights Watch reported that the victims included two women and three children.

An investigation by relevant police agencies into allegations of excessive use of force against demonstrators determined that poor coordination among different law enforcement and security agencies at the entity and local levels in some cases led to mismanagement of crowd control and failure to protect government buildings. Local media reported that far more members of law enforcement sustained serious injuries requiring medical attention than demonstrators (180 to 19). In order to address crowd control issues, five police agencies in Sarajevo signed a mutual aid agreement to develop operational plans for potential demonstrations in the future. In addition all three BiH police academies introduced additional modules on human rights as a part of basic law enforcement training.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right, although some NGOs reported difficulties registering as official entities with the government. For example, one LGBT NGO from Banja Luka faced mounting bureaucratic requirements during its continuing efforts to

register with the state-level Ministry of Justice between December 2013 and July. Some NGOs, frustrated by delays at the state level, chose instead to register their organizations at the entity level.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government mostly respected these rights, but some restrictions remained.

#### **Internally Displaced Persons (IDPs)**

During the 1992-95 conflict, approximately one million individuals became IDPs. The majority of Bosniaks and Croats fled Republika Srpska, while Serbs fled the Federation. At the beginning of the year, the Office of the UN High Commissioner for Refugees (UNHCR) was providing protection and/or assistance to 84,500 IDPs. According to the UNHCR, an estimated 7,000 persons, mostly IDPs, continued to live in collective accommodations, meant to be temporary, 20 years after the war. Collective accommodations were located throughout the country. A substantial number of IDPs and returnees lived in substandard conditions that affected their livelihoods.

The Dayton Peace Accords provide for the right of persons displaced by the war to return to their homes. The country's constitution and laws provide for the voluntary return or resettlement of IDPs consistent with the UN Guiding Principles on Internal Displacement.

While official return figures suggested that more than one million refugees and displaced persons had returned to their prewar homes, in some cases the figures did not accurately reflect places of residence for refugees and IDPs. A significant percentage of minority returnees did not remain in their places of return because they encountered discrimination in employment, health care, pensions, and social protection. For example, many returnees with serious medical needs did not have health insurance in their places of return. A large number of returnees were elderly

and vulnerable and had difficulty accessing pensions or other forms of social protection and welfare.

While the rate of physical violence against returnees subsided significantly after the war, isolated attacks continued. For example, in April a Serb from Zvornik killed his Bosniak returnee neighbor. Local law enforcement authorities later arrested the alleged perpetrator and detained him pending the district courts processing of the case.

State and entity laws provide for the protection of displaced persons as well as returnees in accordance with the UN Guiding Principles on Internal Displacement.

There were no formal restrictions on IDP access to humanitarian organizations and assistance, but application procedures were complicated, and IDPs often could not afford to pay the costs associated with an application for assistance.

### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of refugee or subsidiary protection status; the system for providing protection to refugees continued to suffer from a lack of transparency. Asylum seekers with pending claims, regardless of national origin, could remain in asylum centers until the Ministry of Security adjudicated their claims, a process that normally took three months or longer. In urgent cases involving manifestly unfounded claims, the process took 15 days. Asylum seekers have the right to appeal a negative decision within 60 days in regular procedure cases and within eight days in urgent cases. In urgent cases a court is required to render a decision within 30 days. According to the UNHCR, during the year the Ministry of Security denied 52 of 56 asylum seekers from Syria but instead granted them temporary protection measures.

Safe Country of Origin/Transit: The law provides for the application of the concept of “safe country of origin or safe third country.” Under the law authorities may deny asylum unless applicants prove that it is not safe for them to return to their country of origin or to any country they transited en route to BiH.

Durable Solutions: The country is party to a regional refugee agreement and regional housing program facilitated by the UNHCR and the OSCE to provide durable solutions for up to 74,000 refugees and displaced persons from the four partner countries, including 14,000 of the most vulnerable refugees, returnees, and IDPs from BiH. An international meeting of donors in 2012 raised approximately

207 million convertible marks (\$132 million) to assist those refugees. Long delays with beneficiary selection due to capacity and management problems resulted in extended delays in the reconstruction of homes. Legislative amendments to the BiH Citizenship Law, enacted in November 2013 and adopted by the RS in July, allow for naturalization of refugees after five years' residence. Implementation of the provision was postponed pending harmonization of laws between the state and entity levels.

Temporary Protection: During the year the government provided subsidiary protection to four Syrians and extended the existing subsidiary protection status of six individuals (five Syrians and one Iraqi). Foreign nationals and stateless persons may be entitled to subsidiary protection if they do not qualify for refugee status or the right to asylum. Such individuals must submit plausible case that they are at risk of serious injury in their country of origin.

Authorities did not grant documents that would permit international travel to persons with subsidiary protection status except in serious humanitarian situations. Subsidiary protection status does not provide for family reunification, permanent residence, or naturalization in the country.

### **Stateless Persons**

In January the UNHCR reported 792 stateless persons in the country. Most were Roma and included both persons with unregistered births and those who were at risk of denaturalization (largely those whom authorities naturalized during the 1992-95 conflict). The Ministry for Human Rights and Refugees database on registration of Roma reported the same figure.

According to law a child with one citizen parent is also a citizen, regardless of the child's place of birth. A child born on the territory of the country to parents whose citizenship is unknown or who are stateless is entitled to citizenship.

Authorities may grant stateless persons one year's temporary residence on humanitarian grounds with the possibility of an extension. Stateless persons have a right to employment as foreigners and a right to primary education as BiH nationals. In the first eight months of the year, the state-level government granted one-year temporary residence to one stateless person. In November 2013 the state-level parliament amended the law on citizenship to provide for naturalization of a person who has resided in the country for five years as an officially recognized stateless person. There are no special provisions to expedite the naturalization

process, but the law gives stateless persons opportunities to gain nationality through the same procedures as other foreigners.

Persons in need of documentation, and consequently at risk of statelessness, faced obstacles in the form of bureaucratic requirements to complete birth and civil registration as well as inefficient registration procedures.

While there were no reports of discrimination against persons at risk of statelessness, those at risk overwhelmingly were members of the Romani minority who faced discrimination in employment, education, housing, health services, marriage, birth registration, access to courts/judicial procedures, and land and property ownership based on their ethnicity (see section 6).

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

The law provides citizens the ability to change their government through free and fair elections, and citizens exercised this right through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: General elections took place on October 12 in a competitive environment with candidates and political parties freely campaigning and presenting their programs. According to ODIHR the Central Election Commission efficiently administered the elections, but there were numerous credible allegations by international observers of political parties manipulating the makeup of the polling stations committees, which endangered the integrity of the election process. Problems were also reported during the counting process due to the lack of knowledge among polling station committee members of appropriate processes and procedures.

Political Parties and Political Participation: The law does not restrict the formation of or participation in political parties. Some leaders of smaller political parties complained that the larger parties enjoyed a virtual monopoly over government ministries, public services, and media outlets. According to ODIHR the campaign finance regulatory system was not adequate to provide transparency, integrity, and accountability of election processes. Local NGO observers reported that some government officials used official vehicles and funds for their election campaigns.

Participation of Women and Minorities: The law requires that at least 30 percent of political party candidates be women. In 2013 women parliamentarians formed a caucus in the Federation House of Representatives, the first formal, intraparty grouping in any legislature in the country. After October 2014 general elections, in BiH House of Representatives women held 10 of 42 seats. The BiH House of Peoples had not been established, nor had the Council of Ministers of BiH. In the RS National Assembly, women held 15 of 83 seats. In the RS Council of Peoples, women held four of 28 seats. In the Federation House of Representatives, women held 21 of 98 seats. The Federation House of Peoples had not been established.

The law provides that Serbs, Croats, and Bosniaks, whom the constitution considers the “constituent peoples” of the country, as well as undefined “others” must be adequately represented in entity, cantonal, and municipal government institutions, using numbers based on the 1991 census pending completion of the returns process detailed by the Dayton Accords. The government did not respect this law. Apart from the three constituent peoples, there were 16 recognized national minority groups. These minorities remained significantly underrepresented in government. There were no members of a minority group in the state-level parliament. The government had not implemented changes necessitated by a 2009 ECHR ruling that the country’s constitution discriminates against “others,” such as Jews and Roma, because it prevents them from running for the presidency and seats in parliament’s upper house. In July the ECHR rendered a decision in the case of *Azra Zornic v. Bosnia and Herzegovina* that reinforced this position. The court found that the government violated the European Convention on Human Rights when it ruled Zornic ineligible to run for election to the BiH Presidency and House of Peoples because she refused to declare affiliation with any particular ethnic group.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Government officials frequently engaged in corrupt practices with impunity, and corruption remained prevalent in many political and economic institutions in the country. The public viewed corruption as endemic in the public sphere. The multitude of state, entity, cantonal, and municipal administrations, each with the power to establish laws and regulations affecting business, created a system that lacked transparency and provided opportunities for corruption. With the large number of levels involved, there were multiple opportunities to demand “service fees.”

Corruption: According to professors and students, corruption continued at all levels of education. The grading system, in which a professor (who may not be the instructor) assigns a grade and signs his or her name on the students report card, was not transparent and often opened the door to corruption. Professors at a number of universities reported that bribery was common and that they experienced pressure from colleagues and superiors to give higher grades to students with family or political connections.

In July 2013 the Municipal Court of Sarajevo ordered the release of Federation President Zivko Budimir. Authorities suspected Budimir, together with a number of other individuals, of selling pardons. The court later indicted Budimir for illegal possession of a weapon. In September the court sentenced him to six months' parole.

There is a state-level government anticorruption agency, but inadequate funds severely limited its operations. The agency is responsible for investigating and prosecuting corruption cases in the public and private sectors.

Financial Disclosure: Candidates for high-level public office, including for parliament at the state and entity levels and for the Council of Ministers and entity government positions, are subject to financial disclosure laws, although observers noted the laws fell short of standards established by the Organization for Economic Cooperation and Development and other international organizations. The Central Election Commission is responsible for overseeing compliance with the laws. Authorities generally failed to make financial disclosure declarations public, ostensibly because of conflicts between the laws on financial disclosure and protection of personal information. Financial disclosure laws did not provide adequate investigative authority and enforcement mechanisms. As a consequence public officials and their relatives often declared only a fraction of their total assets and liabilities.

There were criminal sanctions for noncompliance with financial disclosure laws, but authorities did not apply those sanctions during the first 10 months of the year.

Public Access to Information: Although the law provides for citizen access to government records, many government agencies did not comply. Many public agencies in the Federation failed to fulfill legal requirements to appoint public relations professionals. Human rights NGOs noted that citizens and journalists did not take advantage of the benefits provided by this law. Under 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. The government sometimes failed to provide the required explanation for denial of access but generally did so when citizens appealed denials through the ombudsman, courts, or legal aid.

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

A variety of human rights groups and NGOs generally operated without restriction, although there were attempts in both the Federation and RS to limit their activities. The NGO Center for Civic Initiatives warned that proposed legislation at the entity level (both the Federation and RS) would ban the work of some civil society organizations if authorities found their activities to be in violation of the respective entity constitutions.

NGO participation in government decision-making processes varied by issue. Neither the government nor the NGO sector had sufficient knowledge of the mechanisms by which NGOs could participate in such processes. While the Council of Ministers can return draft legislation that has not undergone consultation with NGOs, it did not employ this mechanism. The Council of Ministers largely excluded NGOs from politically important or sensitive decisions. NGOs continued, nevertheless, to expand cooperation with the government at lower levels.

According to a 2012 survey supported by the EU Commission, there were 13,000 registered NGOs. Lack of financial viability remained the most difficult problem for civil society organizations. Local governments generally extended support to organizations provided the governing parties did not consider them threats. Procedures to register or change an NGO's organizational statute took significantly longer than prescribed by law due to official inefficiency.

Public support mechanisms and regulations regarding NGOs were underdeveloped. Instead of following set guidelines and criteria, government commissions that allocated public funds appeared to base many of their decisions on political interests and allocated large percentages of funds to predetermined beneficiaries, such as religious communities, sports organizations, and veterans associations. The methods of allocation remained nontransparent and subject to corruption.

The United Nations or Other International Bodies: The RS government was less responsive and cooperative than the state and Federation governments in dealing

with the Office of the High Representative, which was created by the Dayton Accords and has special executive powers in BiH.

Government Human Rights Bodies: A state-level ombudsman institution has authority to investigate violations of the country's human rights laws on behalf of individual citizens and to submit recommendations to the government for remedy. The ombudsman's recommendations are not legally binding. Members of the international community noted that the ombudsman's effectiveness was in question because of the unanimity required between BiH's three constituent peoples over what constitutes a human rights violation. A Bosniak, a Croat, and a Serb share leadership of the ombudsmen institution. Despite a number of homophobic attacks during the year, the ombudsman institution rejected funding from the international community to develop a special report on the status of the LGBT community (see section 6, Acts of Violence, Discrimination, and other Abuses Based on Sexual Orientation and Gender Identity).

The state-level parliament has a Joint Commission for Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum, and Ethics consisting of members of both houses of parliament. The 11-member commission participated in human rights-related activities with governmental and nongovernmental organizations. The commission remained ineffective throughout the reporting period due to the overall political stalemate in the country that paralyzed the functioning of the parliament.

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

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, or social status, but the government did not enforce these prohibitions effectively.

### **Women**

Rape and Domestic Violence: The maximum penalty for rape and spousal rape is 15 years in prison. A sense of shame among rape victims and the failure of police to treat spousal rape as a serious offense inhibited the effective enforcement of the law. Consequently rape, particularly spousal rape, often was unreported by victims and underreported by authorities. During the year the state-level Agency for Gender Equality, in cooperation with respective gender centers in the RS and the Federation, published research on the prevalence of abuse against women in the country. In a survey of women 15 years of age or older, almost half experienced

psychological or physical abuse from the age of 15. Psychological abuse was the most common form, with a prevalence rate of 42 percent. Physical violence was second, with a prevalence rate of 24 percent, and sexual violence was third, with a prevalence rate of 6 percent.

The country undertook several initiatives to combat rape and domestic violence, but women did not fully use the protections available under the law because of a lack of knowledge and reluctance to use them. The Agency for Gender Equality reported that only 17 percent of women who experienced domestic violence sought help. For example, while laws in both entities empower authorities to remove the perpetrator from the home, this provision was rarely, if ever, enforced, since law enforcement officials were often under the mistaken impression that they needed to concern themselves with where the perpetrator would live. As a result women in danger were compelled to go to safe houses.

Violence against women, including domestic violence and sexual assault, remained widespread and underreported. According to NGO estimates, one-half of the women in the country had been victims of domestic violence. Laws in both entities require police to remove an offender from the family home. NGOs reported that authorities, especially in the RS where domestic violence is a misdemeanor, often returned offenders to their family homes less than 24 hours later. In the Federation authorities had discretion to prosecute domestic violence as either a felony or a misdemeanor. Experts estimated that only 10 percent of domestic violence victims reported the crime.

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

Social service agencies tended to be underfunded, understaffed, and undertrained in helping victims effectively. Filling this void were a multitude of NGOs dedicated to assisting victims of domestic violence, eight of which formed a strong cooperative network called Safe Network. This network developed two hotlines, one for each entity, which women could call when they needed services but were reluctant to contact police. The hotlines received an estimated six thousand calls annually. Eight safe houses throughout the country received financial and other material support from the government. Many of these doubled as shelters for trafficking victims.

In September 2013 the Council of Ministers adopted a new gender action plan for the period 2013-17 that international observers considered to be in accordance with international standards and obligations. The plan was a strategic document containing goals, programs, and measures for the realization of gender equality in both public and private spheres of life. It provided guidelines for the development of annual operational plans at the state, entity, and local levels, and it built on a previous gender action plan carried out by the state-level government in 2006-11 in cooperation with the EU, the Council of Europe, and the UN.

Female Genital Mutilation/Cutting (FMG/C): BiH has no laws against FMG/C. There were no reports of this practice during the year.

Sexual Harassment: The law prohibits sexual harassment, but it was a serious problem. NGOs reported that victims almost never filed complaints because they did not know that the treatment they experienced was illegal or that they had a right to legal protection against it.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. There was easy access to contraception and skilled health attendance during pregnancy and childbirth, emergency health care, including services for the management of complications arising from abortion, whether or not abortion was legal. Most women had access to prenatal and postpartum care through employer or government insurance.

Discrimination: The legal status of women is equal to that of men, and authorities generally treated women equally. The government's Agency for Gender Equality worked to inform women of their rights. The law does not explicitly require equal pay for equal work, but it forbids gender discrimination. Women and men generally received equal pay for equal work at government-owned enterprises but not at all private businesses. Women had problems with nonpayment of allowances for maternity leave and unwarranted dismissal by employers of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria for female applicants, such as age and physical appearance. Women remained underrepresented in law enforcement agencies, although there was continued progress in their recruitment. The state and entity parliaments had committees for gender equality (also see section 7.d.).

## **Children**

Birth registration: By law a child born to at least one citizen parent is a citizen, regardless of the place of birth. A child born on the territory of the country to parents who are unknown or stateless is entitled to BiH citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community.

The NGO Vasa Prava estimated there were more than 427 unregistered children in the country. The UNHCR, through a local legal aid NGO, registered the birth of children, mainly Roma, whose parents failed to register them. Unregistered children experienced significant obstacles in accessing government social, educational, and health benefits.

Child Abuse: Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. The country's Agency for Gender Equality estimated that one in five families experienced domestic violence. Municipal centers for social work were responsible for protecting children's rights but lacked resources and the ability to provide housing for children who had fled abuse or who required removal from abusive homes.

Early and Forced Marriage: The legal minimum age for marriage is 18, or 16 with parental consent. In certain Romani communities, girls married between the ages of 12 and 14. Children's rights and antitrafficking activists noted that prosecutors were reluctant to investigate and prosecute arranged marriages involving Romani minors on the grounds that such marriages were "their way." The government did not have any programs that specifically targeted reducing the incidence of child marriage. According to UN Children's Fund statistics, 6 percent of women were married or in a union before they were 18 years of age.

Female Genital Mutilation/Cutting (FMG/C): BiH has no laws against FMG/C. There were no reports of this practice during the year.

Sexual Exploitation of Children: The state-level penalty for sexual exploitation of children is imprisonment for up to 10 years. Courts may sentence defendants to a total of 20 years under certain aggravating circumstances. At the entity level, penalties range from three to 15 years' imprisonment. Entity-level laws against "enticement to prostitution" permit police to treat minors who are 14 and older as "juvenile prostitutes" instead of victims of rape or trafficking in persons. Women's and children's rights NGOs complained that the law allows police to subject children between the ages of 14 and 17 to interrogation and criminal

proceedings, although no such prosecutions were documented during the first eight months of the year. Under entity criminal codes, the abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years in prison. Authorities generally enforced these laws. The law prohibits sexual acts with a child and defines a child as a person under the age of 18.

Girls were subjected to commercial sexual exploitation, and reports indicated that Romani girls as young as 12 endured forced marriage and domestic servitude.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see [travel.state.gov/content/childabduction/english/country/bosnia-and-herzegovina.html](http://travel.state.gov/content/childabduction/english/country/bosnia-and-herzegovina.html).

### **Anti-Semitism**

There were no reports of anti-Semitic violence against members of the Jewish community, which authorities estimated to number fewer than 1,000 persons.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law in both entities and at the state level prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment; education; access to health care, air travel, and other transportation; and the provision of other state services (see section 7.d.). Nevertheless, discrimination in these areas continued.

The source of the disability determines the level of governmental assistance to persons with disabilities. Veterans and civilians who suffered from disabilities caused by the Bosnian war received far greater benefits than persons whose disabilities were not a result of the war.

The laws of both entities require increased accessibility to buildings for disabled persons, but authorities rarely enforced the requirements. Human rights NGOs

complained that the construction of public buildings without access for persons with disabilities continued. The NGOs also complained that the government did not effectively implement laws and programs to provide information and assistance to persons with disabilities (also see section 7.d.).

The law requires children with disabilities to attend regular classes, but schools often reported that they were unable to accommodate them. Children with disabilities either attended classes using regular curricula in regular schools or attended schools for children with disabilities. Parents of children with disabilities, especially of those with extensive disabilities, faced many obstacles, and authorities generally left them on their own to provide education for their children, although a growing number of programs for children with disabilities were available in schools.

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

Minorities experienced problems with discrimination in employment and education in both government and private sectors. While the law prohibits discrimination, human rights activists frequently complained that authorities did not adequately enforce the law.

Harassment and discrimination against minorities continued throughout the country. Examples included desecration of graves, graffiti, arson, and vandalism of houses of worship and other religious sites, verbal harassment, dismissal from work, threats, and physical assaults. Incidents often related to property disputes.

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

In June the Srebrenica Basic Court ordered the Konjevic Polje elementary school in the RS to introduce a "national (ethnic-based) group of subjects," to its Bosniak students, all of whom previously studied under what their parents described as a discriminatory curriculum designed solely for Serb students. In demanding the change before the court, the student's parents contended that their children were entitled to the national Bosniak-oriented group of subjects by an informal agreement that the Office of the High Representative brokered between the Federation and the RS in 2002. That agreement required that officials introduce specialized courses in the Bosniak "mother tongue" and history for each grade if

there were more than 18 minority children in the grade. In the absence of a solution, the parents, the Federation Ministry of Education, and the Islamic Community established a temporary parallel school in Nova Kasaba to provide instruction to 96 Bosniak children. As of the beginning of the school year in September, this case and a similar case in Vrbanjci remained unresolved.

Human rights activists noted that many textbooks reinforced stereotypes of the country's ethnic groups and that others missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State and entity officials generally did not act to prevent such discrimination.

The University of Mostar remained divided into two separate institutions, reflecting the continued ethnic divide in the city. Parochial interests influenced the remaining five public universities in various ethnic-majority areas.

Observers estimated the Romani population to be between 80,000 and 100,000. Some Romani leaders reported that discrimination in access to social benefits led to an increase in the number of Roma who emigrated and sought asylum abroad. Roma experienced discrimination in access to housing, health care, education, and employment opportunities. In its *Special Report on Roma*, the BiH ombudsman reported that difficulties in addressing housing issues for Roma were a result of poor implementation of the country's Roma National Action Plan, inadequate appropriation of financial resources, and complicated bureaucratic procedures. Roma associations surveyed in the ombudsman's report emphasized strong dissatisfaction with the lack of employment opportunities for Roma. The underrepresentation of Roma occurred despite constitutional provisions for proportional representation in public institutions. The problem in part was the result of old census data that underreported the size of the Roma population.

The ombudsman's report also indicated that a significant number of Roma did not have birth certificates or a registered place of residence and were not familiar with the role of the social welfare centers. As a result they did not exercise a number of rights that were available to them. Many Roma, especially those displaced during the 1992-95 war, lived in informal settlements that often lacked access to basic services. School enrollment for Roma children was below the national average. There were credible reports that Romani students were overrepresented in special schools for children with intellectual disabilities.

In December 2013, in accordance with the Roma Decade of Inclusion, the state-level government adopted a revised Roma National Action Plan for the period

between 2013 and 2015 to address housing, employment, and health care. Roma representatives and NGOs actively participated in this process. The state established several institutional mechanisms, such as bodies responsible for national minority issues, and Roma were the largest ethnic minority to receive state-level assistance from the Ministry of Human Rights and Refugees. An estimated three million convertible marks (\$1.91 million) in matching funds from other ministries and partner organizers that work on Romani issues increased the available funds. In the first eight months of the year, more than 330 Romani families benefited from government employment programs, 582 families received housing assistance, and 400 families benefited from infrastructure improvements in their communities.

Many human rights NGOs criticized law enforcement authorities for widespread indifference toward Romani victims of domestic violence and human trafficking.

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

While state-level law prohibits discrimination based on sexual orientation, it was not fully enforced, and there was frequent societal discrimination against LGBT persons. Although state-level laws provide protections to LGBT persons, a gap in entity-level laws left room for discrimination by allowing subnational law enforcement authorities to deflect responsibility for crimes based on sexual orientation.

LGBT persons faced frequent harassment and discrimination, including termination of employment (see section 7.d.). In some cases dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for those dismissed to find another job. In its 2014 report on the rights and freedoms of LGBT persons, the Sarajevo Open Center noted that most state-level institutions assumed that the prohibition of discrimination regulated by state-level law was sufficient to protect LGBT persons. At the same time, entity-level laws do not provide explicit protections to LGBT persons.

In February a group of 12-14 masked individuals disrupted the Merlinka LGBT Film Festival in downtown Sarajevo. The attackers shouted homophobic chants and physically assaulted several individuals, including the director and the moderator of the festival. Three persons sustained minor injuries, and two required medical attention. Approximately 30 individuals witnessed the incident. Although the Sarajevo Open Center and Sarajevo Cantons Interior Ministry agreed two

weeks prior to the event that police would be present at all times during the festival, they were absent at the time of the attack. Police arrested two alleged perpetrators, but the Sarajevo Canton prosecutor's office failed to press charges.

In October a group of young persons attempted to assault members of LGBT activist organization BUKA at a cafe in Banja Luka. Police quickly intervened in the incident and escorted the activists to a safe location. Nevertheless, they failed to detain or charge any of the alleged perpetrators.

### **HIV and AIDS Social Stigma**

Although the country is regarded as having a low incidence of HIV and AIDS, there was significant social stigma and employment discrimination against persons with HIV/AIDS, as well as a low level of public understanding of the nature of the infection. The government lacked properly trained counselors and a systematic method of referring persons with HIV/AIDS for outside counseling. Authorities often relied on periodic, informal requests from the NGO Apoha to relay contact information to persons whose doctors had previously diagnosed them with HIV/AIDS.

### **Other Societal Violence or Discrimination**

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places symbolic of those minorities, including on religious buildings. According to the Interreligious Council, an NGO that mediates among the four "traditional" religious communities (Muslim, Serbian Orthodox, Catholic, and Jewish), the pace of attacks against religious symbols, clerics, and property from January to September increased from the previous year.

### **Promotion of Acts of Discrimination**

There were widespread comments in the media and public discourse designed to paint members of other ethnic groups in negative terms, usually in relation to the 1992-95 war. During the year the RS president and senior officials in his political party, as well as other officials and leaders in the RS, repeatedly denied that Serb forces committed genocide at Srebrenica in 1995, despite the findings of multiple local and international courts.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers in both entities (including migrant workers, but excluding members of the military) to form and join independent unions, bargain collectively, and conduct legal strikes. The government did not always respect these rights. The law prohibits antiunion discrimination but does not provide adequately for enforcement of these protections. The labor inspectorates and courts did not deal effectively with complaints of antiunion discrimination by employers. The law prescribes reinstatement of dismissed workers in cases where there is evidence of discrimination, for union activity or otherwise. Entity-level laws in the Federation and RS ban the firing of union leaders without prior approval of their respective labor ministries.

In both entities and the Brcko District, the law provides for the right to strike. The law in the Federation contains burdensome requirements for workers who wish to conduct a strike. Trade unions cannot officially announce a strike without first reaching an agreement with the employer on which “essential” personnel would remain at work. Authorities may declare the strike illegal if no agreement is reached. This provision effectively allowed employers to prevent legitimate strikes. Union registration laws give the minister of justice powers to accept or reject trade union registration on ambiguous grounds. Approximately 20 percent of the labor force worked in the informal economy without legal protections.

The government did not effectively enforce all applicable laws. Authorities did not impose sanctions against employers who prevented workers from organizing. Inspections related to worker rights were limited. Violations of worker rights continued to be a low priority for ministry inspectors, since state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers who did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union and in some cases fired union leaders for their activities. Entity-level penalties for violations included monetary fines that were not sufficient to deter violations. The Federation penalty was 1,000-7,000 convertible marks (\$636-\$4,450), while the RS penalty was 1,000-10,000 convertible marks (\$636-\$6,360). Judicial procedures were subject to lengthy delays and appeals.

Authorities and employers sometimes failed to respect freedom of association and the right to collective bargaining. While governments and organizations of employers and workers in both entities negotiated general collective agreements establishing conditions of work, a number of private employers refused to

recognize these agreements. Labor authorities in the Federation reported that employers and workers often did not fully consider whether such agreements were financially sustainable. Trade union representatives alleged that antiunion discrimination was widespread in all districts.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Authorities had not passed laws criminalizing trafficking activities at the Federation level, while adequate legislation exists at the state level and in the RS and Brcko District. Forced labor occurred, and the government did not enforce these laws effectively. Resources, inspections, and remediation were inadequate to prevent violations. Penalties range from three to 10 years' imprisonment and were generally sufficient to deter violations.

There were reports that individuals and organized crime syndicates trafficked men, women, and children for begging and forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. The RS and Brcko District laws penalize employers for hiring persons younger than 15. The labor codes of the Federation, the RS, and the Brcko District also prohibit minors between the ages of 15 and 18 from working at night and performing hazardous labor, although the Federations labor code does not define hazardous labor. The labor codes in the RS and Brcko define hazardous labor. Entity governments are responsible for enforcing child labor laws, and both entities and the Brcko District enforced them.

Romani boys and girls were subjected to forced begging, and commercial sexual exploitation of children occurred (see section 6, Children).

During the year the government neither received nor investigated any reports of child labor at places of employment. Neither entity had inspectors dedicated to child labor inspections; authorities investigated violations of child labor laws as part of a general labor inspection. The labor inspectorates of both entities reported

that they found no violations of child labor laws, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor. In the Federation persons employing children under 15 may be subject to a fine of 2,000-14,000 convertible marks (\$1,270-\$8,900) in the Federation. RS law imposes penalties for employing children under 16, but the law does not specify the exact monetary amount. Penalties were usually sufficient to deter violations.

During the year the NGOs running day centers in Banja Luka, Sarajevo, Tuzla, and Zenica, in cooperation with the country's antitrafficking coordinator, provided services to 725 at-risk children, many of whom were involved in forced begging on the streets.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

Labor laws and regulations related to employment or occupation prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government generally effectively enforced these laws and regulations.

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

#### **e. Acceptable Conditions of Work**

The monthly minimum wage in the Federation was 350 convertible marks (\$223). In the RS the monthly minimum wage was 361 convertible marks (\$230), except in the textile and footwear sectors, where it was 313 convertible marks (\$199). The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds.

The legal workweek in both entities and the Brcko District is 40 hours, although seasonal workers may work up to 60 hours. The law limits overtime to 10 hours per week in both entities. An employee in the RS may legally volunteer for an

additional 10 hours of overtime in exceptional circumstances. The Federation has no provision for premium pay, while the RS requires a 30 percent premium. Laws in both entities require a minimum rest period of 30 minutes during the workday.

Employers in each entity and the Brcko District must provide a minimum of nine paid annual holidays. Employees may choose which holidays to observe depending on ethnic or religious affiliation. Entity labor laws prohibit excessive compulsory overtime. RS law holds employers responsible for improving working conditions. Entity labor laws set mandatory occupational health and safety standards, especially for those industry sectors in which there were hazardous working conditions for workers. Worker rights extended to all official (i.e., registered) workers, including migrant and temporary workers.

The entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave.

The Federation Market Inspectorate, the RS Inspectorate, and the Brcko District Inspectorate are responsible for enforcement related to work conditions. There were 79 market inspectors in the Federation, 41 in the RS, and 11 in the Brcko District. Authorities in the two entities and the Brcko District did not adequately enforce regulations related to work conditions. While labor inspectorates made some effort to enforce employee registration requirements, they limited most inspections to conditions affecting the officially registered workforce. Penalties for violations of the law range are 1,000-7,000 convertible marks (\$636-\$4,450) in the Federation and 1,000-10,000 convertible marks (\$636-\$6,360) in the RS. The penalties were generally sufficient to deter violations.

Governments in both entities only made limited efforts to improve working conditions at government-owned coal mines, but such efforts were inadequate for the safety and security of workers. Workers in certain industries, particularly metal and steel processing and coal mining, often worked in hazardous conditions. According to informal estimates, approximately 40 percent of the work force was unregistered and in the informal economy. The entity labor ministries did not maintain official statistics on workplace fatalities and injuries. A collapse at Zenica coal mine in September resulted in 5 deaths and 29 injuries to coalmine workers. There were no official social protections for workers in the informal economy.

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