

# **BOSNIA AND HERZEGOVINA 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bosnia and Herzegovina is a democratic republic with a bicameral parliament. Many governmental functions are the responsibility of two entities within the state, the Bosniak-Croat Federation and the Republika Srpska, as well as the Brcko District, an autonomous administrative unit under Bosnia and Herzegovina sovereignty. The 1995 General Framework Agreement for Peace (the Dayton Accords), which ended the 1992-95 Bosnian war, provides the constitutional framework for governmental structures. The country held general elections in 2018. The results of the general elections were not fully implemented, as the Federation entity-level government and two cantonal governments were not yet formed. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights reported that the 2018 elections were held in a competitive environment but were characterized by continuing segmentation along ethnic lines. While candidates could campaign freely, the office noted that "instances of pressure and undue influence on voters were not effectively addressed," citing long-standing deficiencies in the legal framework. The office further noted that elections were administered efficiently, but widespread credible allegations of electoral contestants' manipulating the composition of polling station commissions reduced voter confidence in the integrity of the process. More than 60 complaints of alleged election irregularities were filed with the Central Election Commission.

State-level police agencies include the State Investigation and Protection Agency, the Border Police, the Foreigners Affairs Service (partial police competencies), and the Directorate for Police Bodies Coordination. Police agencies in the two entities (the Republika Srpska Ministry of Interior and the Federation Police Directorate), the Brcko District, and 10 cantonal interior ministries also exercise police powers. The armed forces provide assistance to civilian bodies in case of natural or other disasters. The intelligence service is under the authority of the Bosnia and Herzegovina Council of Ministers. A European Union peacekeeping force

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continued to support the country's government in maintaining a safe and secure environment for the population. While civilian authorities maintained effective control of law enforcement agencies and security forces, a lack of clear division of jurisdiction and responsibilities between the country's 17 law enforcement agencies resulted in occasional confusion and overlapping responsibilities. Members of the security forces committed some abuses.

Significant human rights issues included: problems with the independence of the judiciary; restrictions of free expression, the press, and the internet, including violence and threats of violence against journalists; government corruption; trafficking in persons; lack of investigation of and accountability for violence against women; and crimes involving violence or threats of violence against members of national/ethnic/racial minority groups and lesbian, gay, bisexual, transgender, and intersex persons.

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

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

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

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

Impunity for some crimes committed during the 1992-95 conflict continued to be a problem, especially for those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 8,000 other individuals who remained missing and presumed killed during the conflict. Authorities also

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failed to prosecute more than a very small fraction of the more than 20,000 instances of sexual violence alleged to have occurred during the conflict.

During the year national authorities did not make sufficient progress in processing of war crimes due to the lack of strategic framework and long-lasting organizational and financial problems. In September, following a two-year delay, the Council of Ministers adopted a Revised National War Crimes Strategy. The Revised Strategy defines new criteria for selection and prioritization of cases between the state and entities, provides measures to enhance judicial and police capacities to process war crime cases, and updates the measures for protection of witnesses and victims. The Bosnia and Herzegovina (BiH) Council of Ministers adopted the Revised Strategy following prolonged negotiations due to the opposition from the Bosniak victims associations. As a compromise, Annex B was added to the Ministry of Justice draft, which provides for prioritizing the “A” cases and provides additional measures to enhance regional cooperation.

Insufficient funding, poor regional cooperation, lack of personnel, political obstacles, lack of evidence, and the unavailability of witnesses and suspects led to the closure of cases and a significant backlog. Authorities also lacked adequate criteria to evaluate which cases should be transferred from state- to entity-level courts. The mechanism for transfer of legally and factually less complex cases with known suspects from the state-level to entity or Brcko District courts was utilized to a sufficient degree. The Prosecutor’s Office worked on 668 cases with known perpetrators and 1,933 cases with unknown perpetrators. In 2019-20 the Prosecutor’s Office raised 25 indictments against 48 persons. According to the Organization for Security and Cooperation in Europe (OSCE), the Prosecutor’s Office continued to focus on less complex war crime cases during this period, misusing resources and failing to act in accordance with the current war crimes strategy. The overall conviction rate in 2019 and 2020 was 79 percent, an increase from 39 percent in 2018.

Some convictions were issued or confirmed during the year. Sretko Pavic was convicted of war crimes against civilians and sentenced to 11 years of imprisonment. The Appeals Chamber of the BiH Court acquitted Ibro Merkez of charges that he committed war crimes against civilians in Gorazde. The Court of BiH sentenced Ivan Kraljevic to one year and three months of imprisonment;

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Stojan Odak to imprisonment of two years and six months; and Vice Bebek to one year of imprisonment for war crimes against Bosniak civilians from the Stolac, Capljina, Mostar, Prozor, Livno, and Jablanica municipalities.

### **b. Disappearance**

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

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

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

The country has not designated an institution as its national mechanism for the prevention of torture and mistreatment of detainees and prisoners, in accordance with the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In 2019 the Institution of Human Rights Ombudsman in BiH (Ombudsman Institution) received 129 complaints by prisoners with regard to prisoner treatment in detention and prison facilities. The number of complaints fell by 10 percent compared with 2018; most of the complaints concerned health care, denial of out-of-prison benefits, transfer to other institutions, use of parole, and conditions in prison and detention facilities. A smaller number of complaints referred to misconduct by staff or violence by other prisoners.

Impunity was a significant problem in the security forces.

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

Physical and sanitary conditions in the country's prisons and detention facilities varied depending on location, and they generally met the need for accommodation of prisoners and detainees.

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**Physical Conditions:** In a special 2019 report on the situation in police holding facilities, the Ombudsman Institution reported that the biggest problems in all police administrations were the lack of holding facilities and the limited capacity of existing ones. Several police stations in the same police administrative district had to use the same facilities. Due to lack of space, police did not always separate male, female, and minor detainees in cases where a large number of detainees were accommodated. Some police stations' detention facilities lacked natural light and had poor ventilation. The material conditions of most police detention facilities were generally below EU standards.

Health care was one of the main complaints by prisoners. Not all prisons had comprehensive health-care facilities with full-time health-care providers. In such instances these institutions contracted part-time practitioners who are obligated to regularly visit institutions and provide services. Prisons in Zenica, Tuzla, Sarajevo, Istocno Sarajevo, Foca, and Banja Luka employed full time doctors. There were no prison facilities suitable for prisoners with physical disabilities.

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

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

**Independent Monitoring:** The government permitted independent human rights observers to visit and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The International Committee of the Red Cross, the Council of Europe's Committee for the Prevention of Torture (CPT), the Ombudsman Institution, and other nongovernmental organizations (NGOs) continued to have access to prison and detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels. In 2019 the CPT visited prisons and detention facilities and

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provided its findings from the visit to the BiH government. The CPT's report on the visit had not been published as of year's end.

**Improvements:** On July 22, the government formally opened the long-awaited maximum-security State Prison with the capacity to hold 348 prisoners, of which 298 cells will be for prisoners and 50 for detainees. On September 4, the first group of prisoners was accommodated in the prison.

The ombudsman's annual report for 2019 indicated that both Federation and Republika Srpska (RS) Ombudsman Institutions invested significant funds to improve conditions of their prison and detention facilities. In the Federation, this included construction of a new admission ward in the Bihac prison, building a new pavilion in the Zenica prison, and construction of the Orasje Educational Correctional facility for minors. Overcrowding at the Sarajevo detention unit was also resolved by moving some of the detainees to the Zenica prison detention facility and by expanding the capacity of the detention unit of the Sarajevo semiopen prison in Igman, which allows prisoners to leave over the weekend. In the RS, significant investments were made to prisons in Trebinje, Bijeljina, Istocno Sarajevo, and Banja Luka.

### **d. Arbitrary Arrest or Detention**

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

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

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

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

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

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

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

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

### **Trial Procedures**

The law provides defendants a presumption of innocence; the right to be informed promptly and in detail of the charges against them, with free interpretation if

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

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

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

### **Property Restitution**

The four "traditional" religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish) had extensive claims for restitution of property nationalized during and after World War II. In the absence of a state restitution law governing the return of nationalized properties, many government officials used such properties as tools for ethnic and political manipulation. In a few cases,



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government officials refused to return properties, or at least give religious communities a temporary right to use them, even in cases in which evidence existed that they belonged to religious institutions before confiscation.

The government has no laws or mechanisms in place, and NGOs and advocacy groups reported that the government had not made progress on resolution of Holocaust-era claims, including for foreign citizens. The absence of legislation resulted in the return of religious property on an ad hoc basis, subject to the discretion of local authorities. Due to both the small size of the Jewish population and its lack of political influence, the Jewish community has not received any confiscated communal property since 1995. For example, one Jewish community building in the center of Sarajevo, formerly owned by the Jewish charity La Benevolencija, housed the Cantonal Ministry of Interior offices. In addition, the Stari Grad municipality in Sarajevo used the process of land “harmonization” to list itself as the owner of centrally located land, owned by members of the Jewish community or their heirs, and subsequently authorized construction of commercial real estate on that land. During the year different levels of government made no attempts to begin the process of discussing necessary steps to adopt restitution legislation.

The Department of State’s Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department’s website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

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

## **Section 2. Respect for Civil Liberties, Including**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but governmental respect for this right remained poor during the year. Intimidation,

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harassment, and threats, including a number of death threats, against journalists and media outlets continued during the year without a systematic institutional response. Numerous restrictive measures introduced to deal with the COVID-19 pandemic were in some instances misused to limit access to information. A considerable amount of media coverage was dominated by nationalist rhetoric and ethnic and political bias, often encouraging intolerance and sometimes hatred. The absence of transparency in media ownership remained a problem.

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

Data from the Free Media Help Line (FMHL) indicated that courts continued to fail to differentiate between different media genres (in particular, between news and commentary), while long court procedures and legal and financial battles were financially exhausting to journalists and outlets. The FMHL concluded that the number of defamation cases against journalists and editors remained high especially in instances where journalists were investigating crime and corruption. Incorrect implementation of the defamation laws had caused direct pressure against journalists and media that jeopardized journalists' right to freedom of expression.

**Freedom of Press and Media, Including Online Media:** Independent media were active and expressed a wide variety of views, but sometimes this resulted in pressure or threats against journalists. Officials confronted with criticism continued the practice of calling journalists traitors or labeling them as members of opposition political parties in order to discredit them. The law prohibiting expression that provokes racial, ethnic, or other forms of intolerance applies to print and broadcast media, the publication of books, and online newspapers and journals but was not enforced.

The Communications Regulatory Agency (CRA) did not register any cases of hate speech in the broadcast media. The Press Council that operates as a self-regulatory membership-based body for both online and printed media outlets across the country registered 231 complaints related to hate speech, of which 223 were

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related to online media, one to an article published by a news agency, and seven related to content published on social media. Of the complaints, 194 were related to comments from web portal visitors. As of September, 80 complaints had been resolved through self-regulation.

Political and financial pressure on media outlets continued. Negative economic effects of the pandemic eroded the financial stability of media across the country, making them more vulnerable to outside pressure. Some media outlets noted that allegations of tax evasion and elaborate financial controls continued to be powerful tools in attempts to intimidate and control outlets. The number of physical attacks against journalists increased during the year.

Attacks on journalists' professional integrity and freedom of the press continued throughout the year. On a number of occasions, public officials obstructed the work of journalists. This period was marked by attempts to restrict access to information related to the pandemic. Sarajevo-based journalists filed a complaint to the FMHL in March because local authorities had limited the possibility of asking questions at press conferences and additional updates about COVID-related issues. In April a group of journalists reported to the FMLH that the press office of University of Sarajevo Clinical Center did not treat media even handedly and that the general manager shared information with selected outlets only. The Federation's (COVID-19) crisis headquarters as well as crisis headquarters in Herzegovina Neretva Canton and Sarajevo Canton adopted decisions that banned some journalists from attending press conferences, claiming it was a health protection measure.

The practice of pressuring journalists to censor their reporting continued during the year as well. Reaction to investigative stories focusing on the corruption of high-level judicial officials continued generating pressure on journalists. In addition, journalists who worked on stories exposing procurement irregularities during the pandemic were exposed to undue pressure. In June several edited videos were published on social media in an attempt to discredit reporters who wrote about a controversial purchase of medical ventilators in the Federation that involved the Federation's prime minister.

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The 2019 press release by the Prosecutor's Office threatening to sue journalists who criticized its work was not followed by any legal action. Journalists reported that the press release triggered additional political pressure and increased charges of slander against them. During the year the tense relationship between the Prosecutor's Office and the investigative reporters continued. On August 28, the Association of BiH Journalists (BH Journalists) strongly protested against a statement issued by the Prosecutor's Office announcing that the main prosecutor would press slander charges against the daily newspaper *Oslobodjenje* and outlets that picked up its story alleging that the main prosecutor misused housing compensation benefits. BH Journalists underscored that the Prosecutor's Office and the main prosecutor continued to pressure media and journalists, noting that public servants, government, and other officials cannot sue journalists for slander in their official capacity (only privately) and that the main prosecutor used official communication channels of the BiH Prosecutor's Office to threaten journalists with slander charges. BH Journalists characterized this as unacceptable pressure on media and misuse of the position of the main prosecutor.

An additional challenge to freedom of expression came shortly after the introduction of the state of emergency due to the pandemic. On March 16, the RS introduced a decree prohibiting the spread of panic and disorder, stipulating fines of 1,000 to 3,000 convertible marks (\$630 to \$1,900) convertible marks for individuals and 3,000 to 9,000 convertible marks (\$1,900 to \$5,700) for companies that spread panic and fake news via media and social networks. The Federation minister of interior proposed an urgent adoption of a similar decree on March 22, but that initiative was not supported. Nevertheless, BH Journalists warned that the Federation Ministry of Interior and cybercrime units had started monitoring information on social networks and that five criminal proceedings were initiated for the alleged spreading of false information and panic. Numerous local organizations expressed concern that these actions were an additional step in suppressing freedom of expression. On April 14, the OSCE representative on freedom of the media, Harlem Desir, and the head of the OSCE Mission to BiH expressed their concern over the introduction of measures against spreading panic and "fake news" regarding COVID-19. BH Journalists reiterated that the entities had no right to suspend the right to freedom of expression. Following these reactions, on April 16, the RS government withdrew the decree.

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

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

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

The RS government continued directly to control RTRS, which demonstrated strong support for the ruling coalition in the RS. The BHRT yielded to increased political pressure and censored its own reporting. Authorities remained subject to competing political interests and failed to establish a public broadcasting service corporation to oversee the operations of all public broadcasters in the country as provided by law.

The Communication Regulatory Agency (CRA), which regulates the audiovisual media market, lacked full financial and political independence. In April the CRA appointed a new general manager, Drasko Milinovic, a former director of the politically controlled RTRS station. Following the vote, CRA Council president Plamenko Custovic resigned, claiming the vote was politically motivated. The new general manager took over the position on July 28. Independent broadcasters

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expressed concern with the appointment in view of the allegations about Draskovic's political connections.

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

As of July the FMHL recorded seven cases involving alleged violations of journalists' rights and freedoms, four death threats, and two physical assaults. According to data from BH Journalists covering the period from 2006 to 2020, authorities prosecuted approximately 30 percent of criminal acts reported against journalists and investigated more than one-third of the alleged violations of journalists' rights, illustrating that inefficient investigations into attacks against journalists by police and prosecutors' offices continued.

Vanja Stokic, editor in chief of the E-trafika portal from Banja Luka, received a message on her Facebook profile from an individual who threatened he would "decapitate" migrants as well as "all you soul caregivers who welcome them." The perpetrator was arrested only after he repeatedly threatened and intimidated Stokic and her friends and after a strong public reaction. On May 22, Stokic, who was reporting on the migrant situation in the country, found a disturbing message after posting a photograph with two migrants on her Facebook profile. She attempted to report the threats to police but was told to come back on Monday--three days after the threats were made. According to Stokic, police initially did not take her report seriously and refused to take a statement, allowing the threats and intimidation to continue. After a strong reaction from professional associations and media, police arrested the alleged perpetrator.

Nikola Vucic, a Sarajevo-based reporter with the television channel N1, received death threats via social media. On May 26, commenting on reports that the West Herzegovina Canton declared itself a "COVID-free zone," Vucic sarcastically asked on his Twitter account if a "fascism-free zone" would be declared soon. The post was followed by threats and calls for violence against him, including statements that Vucic should be "thrown in the river." Vucic closed his Twitter

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account. BH Journalists and the FMHL strongly condemned the threats and were threatened themselves as a result.

On June 5, Sinan Gluhic, a journalist from a local public outlet RTV Zenica, was physically attacked by Sulejman Spahic, a member of the A-SDA party. The attack followed days of verbal threats and insults to Gluhic over the telephone and through social media. Gluhic was on his way to work when he was physically attacked by Spahic. In front of witnesses, Spahic hit Gluhic in the face and neck and threatened his life. The incident was reported to police. The same day, the A-SDA party issued a statement denying the attack happened. Zenica police opened an investigation.

Legal proceedings continued against two persons accused of attempted murder in the brutal attack on BNTV journalist Vladimir Kovacevic in 2018. One attacker, Marko Colic, was originally sentenced to four years in prison. After the prosecutor's appeal, the sentence was increased to five years. A second attacker, Nedeljko Djukic, surrendered to RS police in late 2019, and his trial was ongoing. The motives of the attack remained unknown.

**Censorship or Content Restrictions:** Multiple political parties and entity-level institutions attempted to influence editorial policies and media content through legal and financial measures. As a result, some media outlets practiced self-censorship. Government institutions restricted access to information in some instances related to the COVID-19 crisis.

In some instances, media sources reported that officials threatened outlets with loss of advertising or limited their access to official information. Prevailing practices reflected close connections between major advertisers and political circles and allowed for biased distribution of advertising time. Public companies, most of which were under the control of political parties, remained the key advertisers. Outlets critical of ruling parties claimed they faced difficulties in obtaining advertising. The temporary lockdown in the spring and numerous restrictions related to the pandemic had a direct negative impact on the finances of media in the country, making them more vulnerable to economic and political pressure.

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

### **Internet Freedom**

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

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

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

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

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

### **Freedom of Peaceful Assembly**

The law provides for freedom of peaceful assembly, and the government generally respected this right. On May 12, however, RS police disbanded an informal gathering and conversation of approximately 10 members of the informal group Justice for David in the Banja Luka city center, warning the participants that their public gathering was not announced to police. The leader of the group, Ozren



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Perdub, was summoned by police for interrogation the same day, where he was told that any similar gatherings in the future, even if spontaneous, would not be tolerated. Justice for David reported that there were an estimated 60 active court cases against Justice for David supporters in the RS court system. In 30 additional cases, the court rejected all charges.

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

The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community had planned to organize a second pride march on August 23 in Sarajevo. Due to the COVID-19 pandemic, organizers decided not to hold an actual march and moved the event online. Even before moving the event online, however, organizers faced many bureaucratic obstacles, as the Sarajevo Canton Ministry of Traffic rejected their request for a change in the march route, citing purported financial losses to public transportation companies, notwithstanding that the march would be on a Sunday, when public transportation use is significantly lower. The cantonal Ministry of Interior also required the organizers to pay for excessive security measures, including the presence of two ambulances, two fire trucks, and concrete barriers at nine locations along the march route. Similar security requirements were regularly waived for other large, non-LGBTI events.

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

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In July the Brcko District adopted a law on peaceful gatherings that expanded freedom of assembly. The law is aligned with EU Peer Review Recommendations and OSCE guidelines.

### **Freedom of Association**

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

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

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

### **d. Freedom of Movement**

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

Although the law on asylum provides for freedom of movement for asylum seekers, authorities of Una-Sana Canton imposed restrictions without a due legal basis. This resulted in asylum seekers--including some who were duly registered--being forcibly removed from public transport at the entrance of the canton territory and prevented from using buses and taxis within the canton. Groups of asylum seekers and migrants were regularly marched involuntarily from Bihac to a location several kilometers away, where their movement was restricted. The location itself offered very poor humanitarian and safety conditions. The legal aid partner of the Office of the UN High Commissioner for Refugees (UNHCR) legally challenged the restrictions.

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Due to the COVID-19 pandemic, the Council of Ministers issued a decision on April 16 limiting the movement of undocumented migrants who did not have valid identification documents. The decision prohibited migrants' movement and accommodation outside of migrant centers, including for migrants who declared an intent to file asylum applications and who possessed valid proof of the expressed intention to apply for asylum as well as those who already applied for asylum. Some NGOs challenged the decision, explaining that it was legally groundless and violated migrants' basic human rights. This practice was abolished with the end of lockdown in May, although no formal decision about it was issued.

On April 22, the BiH Constitutional Court ruled that a prohibition of all movement in the Federation for individuals younger than 18 and older than 65 during the COVID-19 lockdown in April violated the civil rights of those individuals, noting that the ban was disproportional to the public health crisis and that the measures were not limited in time and not periodically reviewed. The court did not remove the restriction, but it gave the Federation Government and Civil Protection Headquarters five days to adjust its measures in accordance with the BiH Constitution and the European Convention on Human Rights. Federation authorities complied with the decision and adjusted the measures, allowing movement of individuals in the two age groups during specific days of the week before abolishing the measures on May 14.

### **e. Status and Treatment of Internally Displaced Persons**

Ministry of Human Rights and Refugees statistics indicated that 96,421 persons still held internally displaced person (IDP) status resulting from the 1992-95 conflict. The majority of Bosniaks and Croats fled the RS, while Serbs fled the Federation. At the beginning of the year, UNHCR was directly providing protection, assistance, or both to 807 IDPs. According to UNHCR, an estimated 3,000 persons, including IDPs, continued to live in collective accommodations throughout the country. While the accommodations were meant to be temporary, some had been living in them for 20 or more years. A substantial number of IDPs and returnees lived in substandard conditions that affected their livelihoods.

The country's constitution and laws provide for the voluntary return or local integration of IDPs consistent with the UN Guiding Principles on Internal

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Displacement. The government actively promoted the safe return and resettlement or local integration of refugees and IDPs, depending on their choice. The government allocated funding for returns and participated in internationally funded programs for return. Isolated attacks against minority returnees continued but were generally not investigated or prosecuted adequately. Minority returnees continued to face obstacles in exercising their rights in places of return.

### **f. Protection of Refugees**

**Access to Asylum:** The law provides for the granting of asylum (refugee or subsidiary protection status), and the government has established a system for providing protection to refugees. Asylum seekers with pending claims have a right to accommodation at the asylum center until the Ministry of Security makes a final and binding decision on their claims. Only asylum-seeking families are referred to the asylum center. Provision of adequate accommodation remained one of the biggest problems since the beginning of 2018 due to increased arrivals of asylum seekers and migrants. It was common practice for some migrants to apply for asylum to gain access to temporary benefits and services, even if they had no plans to remain in the country. The increase of arrivals delayed registration procedures and created backlogs affecting access to and efficiency of asylum procedures as well as access to rights and services, including legal, medical, and basic needs, such as food and basic hygiene facilities and items, which were tied directly to the accommodation facilities.

In official reception centers, international organizations, NGOs, volunteers, or local actors provided services on an ad hoc basis. In 2018 an additional facility, the Salakovac Refugee Reception Center, was opened for the accommodation of asylum seekers. Seven temporary reception centers for refugees, asylum seekers, and migrants were opened and managed by the International Organization for Migration in cooperation with the Service for Foreigners' Affairs. Nevertheless, adequate shelter capacity was lacking, in particular for families, unaccompanied and separated minors, and other vulnerable categories. The swift processing of asylum claims was another area of concern, as there were many obstacles to registering an asylum claim, including the obligation for asylum seekers not accommodated in an official government-run center to register their address. While the situation improved during the year, the Ministry of Security's Sector for

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Asylum, which has responsibility for the asylum policy and its implementation, still lacked resources to ensure that applicants had full and timely access to asylum procedures. Asylum authorities also lacked sufficient personnel, making the asylum process very lengthy and discouraging refugees from seeking asylum in the country.

The COVID-19 pandemic further impeded the registration process. As part of sanitary prevention measures and in correlation with movement restrictions, some field offices of the Service for Foreigners' Affairs temporarily reduced their capacity and work hours while two of them completely stopped registering new arrivals and issuing attestations on intent to seek asylum. In Tuzla--one of the main entry points to BiH--the field office had not resumed those activities as of year's end, significantly hindering access to asylum and basic services by asylum seekers in the canton and the rest of the country.

In April the BiH Council of Ministers issued a decision restricting the freedom of movement to reception centers for undocumented foreigners and asylum seekers without a registered address. The decision was not implemented as of May, although it remained in place formally.

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

Authorities appeared to have stopped their previous practice of placing foreigners with irregular status or without documentation in immigration detention centers and issuing expulsion orders without giving asylum seekers the ability to present applications. The change came with the increase of new arrivals since 2018. NGO legal aid providers had limited access to the immigration detention center and the asylum center, especially since the initial COVID-19 measures at the end of March.

UNHCR paid ad hoc visits to the immigration center of the Service for Foreigners' Affairs, where foreigners were detained. UNHCR's main concern with regard to the center was the difficulty experienced by legal aid NGOs that wanted to access

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it on a regular basis and the fact that authorities occasionally detained families with children there, pending their voluntary readmission to countries of origin.

In the first seven months of the year, 10 individuals known to UNHCR expressed their intention to seek asylum while staying at the Immigration Center.

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

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

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

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**Temporary Protection:** The government provided subsidiary protection status to individuals who may not qualify as refugees. In the first seven months of the year, authorities provided subsidiary protection to 15 individuals and extended existing subsidiary protection to 24 others.

### **g. Stateless Persons**

As of July, UNHCR reported 81 persons, mostly Roma, who were at risk of statelessness, including persons lacking birth certificates and citizenship registration. UNHCR continued to support free legal aid and capacity-building assistance to BiH authorities to facilitate birth and citizenship registrations. From 2009 to year's end, UNHCR helped 1,765 individuals confirm their nationalities through its implementing partner, the NGO Vasa Prava. UNHCR also continued to work with authorities to simplify the process for birth and citizenship registrations, particularly for those at risk of statelessness. During the year the BiH Ministry of Civil Affairs confirmed the citizenship of 35 individuals.

## **Section 3. Freedom to Participate in the Political Process**

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

### **Elections and Political Participation**

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

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

On July 8, the BiH parliament adopted changes and amendments to the election law that paved the way for the city of Mostar to hold its first local elections in 12 years, bringing the BiH into compliance with the ECHR decision in *Baralija v. BiH*. The achievement was the result of a political agreement between the SDA and HDZ-BIH political parties concluded on June 17. On December 20, Mostar city elections were held accordingly. Civil society and international community observers generally characterized the process as free and fair. The Central Election Commission ordered a recount of ballots from approximately half of the polling stations in Mostar, clarifying that the recount was generally caused by poor training of the poll workers rather than systemic fraud, although one of the political parties filed a complaint of fraud with the cantonal prosecutor's office, which was under investigation at the close of the reporting period.

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

**Participation of Women and Members of Minority Groups:** Although no laws limit the participation of women in the political process, and despite the fact that women make up more than 50 percent of the electorate, the country's patriarchal culture tended to restrict their participation in political affairs. While the law requires that at least 40 percent of a political party's candidates to be women, women held only 24 percent of delegate seats (14 of 57 seats) in the House of Representatives and the House of Peoples in the state-level parliament, which was



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an increase from 19 percent in 2019. In the two houses of the Federation parliament, women held 24 percent of seats (38 of 156 seats), the same as in 2019. In the RS, women held 17 (20 percent) of 83 delegate seats in the RS National Assembly, which was a slight drop from 18 percent in 2019. Women held six of 16 ministerial seats in the RS government, the same as in 2019. The RS president was also a woman.

The law provides that Serbs, Croats, and Bosniaks, whom the constitution considers the “constituent peoples” of the country, as well as undefined “others” must be adequately represented at all levels. The government did not respect this requirement. Apart from the three constituent peoples, the country’s 16 recognized national minority groups remained significantly underrepresented in government. There were no members of a minority group in the state-level parliament. The government made no effort to implement changes required by ECHR rulings dating back to 2009 that the country’s constitution discriminates against “others,” such as Jews and Roma, by preventing them from running for the presidency and seats in the parliament’s upper house. In October 2019 the ECHR ruled in favor of Irma Baralija, a local politician from Mostar, who sued the state for preventing her from voting or standing for office in elections in the city of Mostar, where local elections had not been held since 2008. The court found that a legal void had been created by authorities’ failure to implement a 2010 Constitutional Court ruling on the arrangements for local elections in Mostar.

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

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

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

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

Analysts considered the legal framework for prevention of corruption to be satisfactory across almost all levels of government and attributed the absence of high-profile prosecutions to a lack of political will. Many state-level institutions tasked with fighting corruption, such as the Agency for Prevention and Fight against Corruption, had limited authority and remained under resourced. There were indications that the judiciary was under political influence, and the High Judicial and Prosecutorial Council was at the center of corruption scandals, including allegations that the president of the council accepted a bribe in exchange for interfering in a case. The accountability of judges and prosecutors was low, and appointments were often not merit based. Prosecutions also were considered generally ineffective and subject to political manipulation, often resulting in suspended sentences or prison sentences below mandatory minimum sentences. During the year prosecutors’ offices processed 44 cases of white-collar corruption. Of those, a guilty verdict took legal effect in one case, while investigations were suspended in two cases. Investigations continued in 14 cases, and main hearings were being held in the other 27 cases.

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

**Financial Disclosure:** Laws on conflict of interest at all levels were not aligned with international standards. Candidates for high-level public office, including for parliament at the state and entity levels and for the Council of Ministers and entity government positions, are subject to financial (assets, liabilities, and income) disclosure laws, although observers noted the laws fell short of standards established by the Organization for Economic Cooperation and Development and other international organizations. The Central Election Commission received financial reports of elected officials, while the Conflict of Interest Commission of the BiH parliament receives financial reports and retains records on public officials. Both institutions lacked authority to verify the accuracy of declarations, and it was believed that public officials and their relatives often declared only a fraction of their total assets and liabilities. Authorities generally failed to make financial disclosure declarations public, using as an excuse the conflicts between the laws on financial disclosure and protection of personal information. Sarajevo Canton has a law that enables effective verification of asset declarations. Sarajevo Canton's Anticorruption Office continued with its activities related to asset verification and initiated checks for more than 200 public officials. During the year a foreign advisor was appointed to work with the Anticorruption Office and advise cantonal authorities on how to fight corruption effectively.

Failure to comply with financial disclosure requirements is subject to administrative sanctions. The Conflict of Interest Commission did not hear any cases during the year, however, as it was only appointed in July.

During the year the COVID-19 pandemic was misused for different corrupt activities; one of the most significant cases concerned procurement of respirators from China worth approximately six million dollars. Federation prime minister Novalic was one of the main suspects in the case.

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

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

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

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

**The United Nations or Other International Bodies:** In contrast to the Brcko District government, the RS and Federation governments were generally unresponsive in dealing with the Office of the High Representative created by the Dayton Accords charged with overseeing Dayton Peace Agreement implementation.

**Government Human Rights Bodies:** The state-level Ombudsman Institution has authority to investigate alleged violations of the country's human rights laws on behalf of individual citizens and to submit legally nonbinding recommendations to the government for remedy. Members of the international community noted that the Ombudsman Institution lacked the resources to function effectively. A Bosniak, a Croat, and a Serb shared leadership of the Ombudsman Institution.

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The state-level parliament has a Joint Commission for Human Rights that participated in human rights-related activities with governmental and nongovernmental organizations. As of June, the commission had held five working sessions.

The Council of Ministers has an advisory body for cooperation with NGOs.

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

#### **Women**

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

While laws in both the Federation and the RS empower authorities to remove the perpetrator from the home, officials rarely, if ever, made use of these provisions.

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

Domestic violence was recognized as one of the most important problems involving gender equality. NGOs reported that one of every two women experienced some type of domestic violence and that the problem was underreported because the majority of victims did not trust the support system (police, social welfare centers, or the judiciary).

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During the COVID-19 pandemic, especially during the period of lockdown in April, NGOs reported an increased number of cases of domestic violence. For example, 140 cases were reported to the RS domestic violence hotline, which was 30 percent higher than in the same period of 2019. In the Federation, one of the safe houses in Sarajevo received three times more calls in April than in March. For the first three months of the year, 259 cases of domestic violence were reported to RS police, while 50 cases were reported in the Federation.

The country had a gender action plan for 2018-22. In 2019 the Council of Ministers established a steering board for coordination and monitoring of implementation of the plan. In accordance with the action plan, in September 2019 the RS passed the Law on Changes and Amendments to the Law on Protection from Domestic Violence. The new law better regulates assistance to victims and provides that domestic violence be considered a criminal act rather than a misdemeanor for which the penalty in most cases was a fine.

The country lacked a system for collecting data on domestic violence cases. The state-level Gender Equality Agency worked to establish a local-level mechanism to coordinate support for victims. In 2019 the agency performed an analysis of the data collection system on domestic violence cases that were processed by judiciary and sent its recommendations for improving the system to the High Judicial and Prosecutorial Council. It also continued developing a computerized data collection system on domestic violence in the Federation. The agency had a memorandum of understanding with the country's eight NGO-run safe houses (five in the Federation and three in the RS), which could collectively accommodate up to 200 victims, or less than half the capacity needed. In the RS, 70 percent of financing for safe houses came from the RS budget while 30 percent came from the budgets of local communities. While the RS government and local communities generally met their funding obligations, the Federation lacks laws to regulate the financing of the safe houses, and payments depended on each canton or local community, some of which often failed to honor their obligations.

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

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The network of institutional mechanisms for gender equality of the parliaments comprised the Gender Equality Commission of the BiH Parliamentary Assembly, the Gender Equality Commissions of the Federation House of Peoples and the House of Representatives, the Equal Opportunities Committee of the RS National Assembly, and the Commission for Gender Issues of the Brcko District Assembly. Gender equality commissions also were established at the cantonal level; at the local level, respective commissions operated within municipal councils.

**Sexual Harassment:** Combatting violence against women and domestic violence is mainly the responsibility of the entities. BiH law defines and prohibits gender-based harassment, including sexual harassment, as a form of discrimination.

NGOs reported that sexual harassment was a serious problem but that women rarely reported it due to the expectation they would not receive systematic support from law enforcement institutions and that the perpetrators would go unpunished or receive light punishment, as evident by years of such practices by judicial authorities.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children. Individuals have the right to manage their reproductive health, but access to the information and means to do so was not uniform. There was no comprehensive sexual education program, and education, including on reproductive health and related topics, was not standardized through the country. Members of minorities, in particular Romani women, experienced disparities in access to health-care information and services, including for reproductive health. Many Romani women were not enrolled in the public insurance system due to local legal requirements, poverty, and social marginalization, which prevented them from accessing health care. Both BiH entities (FBiH and Republika Srpska) as well as Brcko District have laws that provide for survivors of sexual violence to access sexual and reproductive health services.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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**Discrimination:** The law provides for the same legal status and rights for women as for men, and authorities generally treated women equally. The law does not explicitly require equal pay for equal work, but it forbids gender discrimination. Women and men generally received equal pay for equal work at government-owned enterprises but not at all private businesses. As evaluated by the Gender Equality Agency in the *2018-22 Gender Action Plan*, women in the country faced multiple obstacles in the labor market, such as longer waiting periods for their first jobs, long employment disruptions due to maternity leave or elder care, and the inability of middle-aged women to successfully re-enter the labor market due to market shifts and discontinuation of some types of work.

Both Federation and RS labor laws stipulate that an employer must not terminate a woman's employment contract while she exercises her right to: be pregnant; use maternity leave; work half time after the expiration of maternity leave; work half time until a dependent child is three years of age if the child requires enhanced care according to the findings of a competent health institution; and use leave for breastfeeding. While the law provides for these rights, its implementation was inconsistent. In practice, women were often unable to use maternity leave for the period of one year as provided by law, return to their work position after maternity leave, or take advantage of the right to work half time. Employers continued to terminate pregnant women and new mothers despite the existence of legal protections. The level of social compensation during maternity leave was regulated unequally in different parts of the country. The RS government paid 405 convertible marks (\$250) maternity allowance monthly to unemployed new mothers for a period of one year or for a period of 18 months in cases of twins and following the birth of every third and subsequent child. Employed mothers were entitled to one year of paid maternity leave. Women remained underrepresented in law enforcement agencies.

**Gender-biased Sex Selection:** The boy-to-girl birth ratio for the country was 107.5 boys per 100 girls in 2019. There were no reports the government took steps to address the imbalance.

## Children



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**Birth Registration:** By law a child born to at least one citizen parent is a citizen regardless of the child's place of birth. A child born in the territory of the country to parents who were unknown or stateless is entitled to citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community. The NGO Vasa Prava identified 75 unregistered children in the country, mainly Roma. UNHCR, with the legal assistance of a domestic NGO, registered the births of children whose parents failed to register them.

**Education:** Education was free through the secondary level but compulsory only for children between the ages of six and 15. Students with disabilities continued to struggle for access to a quality, inclusive education due to physical barriers in schools; the lack of accommodation for children with audio, visual, or mental disabilities; the absence of in-school assistants and trained teachers. While some children with disabilities attended regular school, others were enrolled in special schools for children with disabilities. Children with severe disabilities, however, were not included in the education process at all and depended entirely on their parents or NGOs for education. Both the Federation and the RS had strategies for improving the rights of persons with disabilities that included children. Due to the COVID-19 pandemic, schools were closed on March 11 and online education was instituted. There were no provisions for assistance to students with disabilities who needed additional support to continue their education, which further exacerbated the problem.

The legal battle continued for Slavko Mrsevic, a teenager with Asperger's syndrome from Rudo, whose exclusion from high school by the RS Ministry of Education because of complications related to his condition led to a lawsuit. In March 2019 the Visegrad Basic Court ruled that the RS Ministry of Education and Culture and the Rudo Secondary School violated Mrsevic's right to equal treatment in education. In September 2019 the basic court in East Sarajevo rejected appeals filed by the ministry and the school as unfounded and confirmed the decision of the municipal court in Visegrad. A case was also underway against the school director and some teachers. The case highlighted the wider and deeper issue of exclusion of students with disabilities, who faced numerous human rights problems in education systems in all parts of the country. Parents of students with

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disabilities continued to request that their children be granted access to quality education and a chance to develop their full potential within the country's education system.

More than 50 schools across the Federation remained segregated by ethnicity and religion. Although a "two schools under one roof" system was instituted following the 1992-95 conflict as a way to bring together returnee communities violently separated by conflict, the system calcified under the divisive and prejudicial administration of leading political parties. These parties controlled schools through the country's 13 ministries of education and often enforced education policies based upon patronage and ethnic exclusion. Where students, parents, and teachers choose to resist segregation, they were frequently met with political indifference and sometimes intimidation, which hurt the quality of education children received further. Funds were spent on perpetuating the "two schools under one roof" system rather than on improving school infrastructure, training teachers, improving teaching materials, or conducting extracurricular activities. The situation compounded inefficiencies in the country's education system, as evidenced by poor performance by 15-year-old students who participated in the 2018 international Program of International Student Assessment study implemented by the Organization for Economic Cooperation and Development (OECD). The results of the study showed that the country's students were three years behind in schooling compared to the OECD average and that more than 50 percent of students did not possess functional knowledge in language, mathematics, and science. Results for disadvantaged students showed that they lagged five years behind the OECD average.

Returnee students (those belonging to a different ethnic group returning to their homes after being displaced by the war) continued to face barriers in exercising their language rights. For the seventh consecutive year, parents of Bosniak children in returnee communities throughout the RS continued to boycott public schools in favor of sending their children to alternative schooling financed and organized by the Federation Ministry of Education with support from the governments of the Sarajevo and Zenica-Doboj Cantons and the Islamic community. The boycott was based on the refusal of the RS Ministry of Education and Culture to approve a group of national subjects (specific courses to which

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Bosniak, Serb, and Croat students are entitled and taught in their constituent language according to their ethnicity). Parents of children in one of these schools in Vrbanjci, Kotor Varos, won a court case in December 2019 when the RS Supreme Court ruled that their children are entitled to instruction on the national subjects in Bosnian. The ministry failed to implement the decision by September. As a result, 60 children continued learning in the Hanifici Islamic Center building, where teachers traveled from the Zenica-Doboj Canton. In June lawyers representing Bosniak parents filed a request for execution of the decision at the Kotor Varos basic court. As of year's end, there had been no reply. Lawyers also reported that they tried to meet with RS ministry officials twice, without success.

In the Federation, Serb students likewise were denied language rights as provided in the Federation constitution, particularly in Glamoc elementary school in Canton 10, where authorities prevented the use of the Serbian language and textbooks, despite the significant number of returnee Serb students. Human rights activists noted that changes in the history curriculum and in history and other textbooks reinforced stereotypes of the country's ethnic groups other than their own and that other materials missed opportunities to dispel stereotypes by excluding any mention of some ethnic groups, particularly Jews and Roma. State and entity officials generally did not act to prevent such discrimination. Human Rights Watch asserted that ethnic quotas used by the Federation and the RS to allocate civil service jobs disproportionately excluded Roma and other minorities. The quotas were based on the 1991 census, which undercounted these minorities and were never revised.

**Child Abuse:** Family violence against children was a problem. According to UNICEF, there was no recent data available on the overall level of violence against children in the country. While relevant institutions collect scattered data, there is no unified data collection system. Police investigated and prosecuted individual cases of child abuse. Only a small number of cases of violence against children were reported and, as a consequence, only a few cases were brought before courts. The country's Agency for Gender Equality estimated that one in five families experienced domestic violence. In many cases, children were indirect victims of family violence. The Sarajevo Canton Social Welfare Center estimated that up to 700 children annually were indirect victims of domestic violence.

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

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18 but may be as young as 16 with parental consent. In certain Romani communities, girls married between the ages of 12 and 14, and Romani human right activists reported that early marriages were on the rise. Children's rights and antitrafficking activists noted that prosecutors were reluctant to investigate and prosecute forced marriages involving Romani minors, attributing it to Romani custom. As part of the activities on the implementation of the *Strategy to Combat Trafficking in Persons* in the country for 2020-23, the Roma NGO Kali Sara was included in different programs on combatting trafficking, with special focus on the inclusion of Roma representatives in the work of antitrafficking regional coordination teams.

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

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

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

### Anti-Semitism

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

There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

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

The Federation has a strategy for the advancement of rights and status of persons with disabilities in the Federation for the period 2016-21, while the RS has a strategy for improving the social conditions of persons with disabilities in the RS for 2017-26. The strategies were developed in accordance with the provisions of the Convention on the Rights of Persons with Disabilities. Both strategies have a monitoring system implemented through the establishment of coordination bodies. In addition, in the Federation, coordination bodies were established at the cantonal level as well. In the Brcko District, the law provides expanded rights of persons with disabilities. Entity governments also provide funds within their budgets for the operation of vocational rehabilitation and retraining funds. Activities on the implementation of inclusive education continued in the education system.

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

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

### **Members of National/Racial/Ethnic Minority Groups**

Harassment and discrimination against members of minorities continued throughout the country, although not as frequently as in previous years. The Interreligious Council of BiH reported, for example, that the number of attacks against religious buildings continued to decrease, as they recorded only 10 cases during 2019. Members of minority groups also continued to experience discrimination in employment and education in both the government and private sectors. While the law prohibits discrimination, human rights activists frequently complained that authorities did not adequately enforce the law. For example, in 2019, 130 hate crimes were recorded in the country, but only one resulted in convictions.

On January 18, unknown perpetrators broke into a facility within the Catholic cemetery Veresika in Tuzla's Tetima settlement, broke the door of the facility, stole some items, and destroyed the rest. Just days later, on January 22, unknown perpetrators destroyed candleholders, vases, statues, and other items that were placed on graves and desecrated some graves. As of September authorities had not

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identified the perpetrators. The local chapter of the Interreligious Council strongly condemned the attacks.

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

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

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

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

The country has an established legal framework for the protection of minorities. State and entity-level parliaments had national minority councils that met on a

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regular basis but generally lacked resources and political influence on decision-making processes. The Roma Committee continued to operate as a consultative body to the Council of Ministers, but with very limited influence.

The country does not have a comprehensive strategy on national minorities. The Ministry of Human Rights and Refugees is in charge of implementing a law on national minorities, for which it annually allocates 150,000 convertible marks (\$94,200). The country has a Council of National Minorities, an advisory body to the parliament that is composed of one representative from each recognized national minority group. The council played a marginal role, however, in influencing policies and decisions of the parliament. The country lacked human rights and antidiscrimination strategies, and the government does not have an effective system of collecting discrimination cases.

In July 2019 the BiH government joined other Balkan countries in jointly endorsing the Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement Process. The government's budget for implementation of projects for Roma was two million convertible marks (\$1.3 million).

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

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

Hate speech, discrimination, and violence against LGBTI individuals were widespread. The NGO Sarajevo Open Center (SOC) reported that transgender persons were the most vulnerable LGBTI group, as it is much harder for them to conceal their gender identity. According to research done by the center in 2017, an estimated two-thirds of transgender persons experienced some form of discrimination. In its 2020 *Pink Report*, the SOC reported that every third LGBTI person in the country experienced some type of discrimination. The SOC believed the actual number of LGBTI persons who experienced some type of discrimination was much higher but that people were afraid to report it.



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In 2019 the SOC documented four discrimination cases, two of which involved workplace discrimination and two cases of unprofessional treatment by police when the victims came to report violence. None of the cases resulted in a lawsuit or a complaint against the institution. In the cases of workplace discrimination, one of the victims managed to resolve the case with the employer, while the other was afraid to initiate any legal actions. In one case the victim decided to leave the country due to loss of confidence in institutions. BiH courts had yet to issue a single final ruling on discrimination on the grounds of sexual orientation and gender identity.

During 2019 the SOC also documented 105 cases of hate speech and calling for violence and hatred and 16 cases of crimes and incidents motivated by sexual orientation and gender identity. Of the 16 cases, 12 took place in a public place or online, ranging from threats to violence and infliction of bodily injuries. The announcement of the first pride march, which took place in September 2019, resulted in the number of threats and violence in public places and online to increase threefold. The prosecution of assault and other crimes committed against LGBTI individuals remained delayed and generally inadequate.

In December 2019 the Sarajevo Canton government adopted its first *Gender Action Plan* for 2019-22 as a public document that contains a set of measures intended to improve gender equality in government institutions. The SOC was engaged in the creation of the plan, and 14 of 18 initiatives proposed by the center were included.

Organizers of the second pride march, which was supposed to take place in August, moved the event online due to the COVID-19 pandemic. They also organized a symbolic drive through the city in a convoy of vehicles flying rainbow flags, which was secured by police and conducted without incident.

Even before the pride march organizers decided to give up on holding a physical event, they faced numerous logistical problems, including government requirements to pay for excessive security measures (physical barriers on nine streets, ambulances, and fire trucks), which presented a significant financial burden. In addition, the Sarajevo Canton Ministry of Traffic rejected the organizers' request to block traffic for five hours on a main Sarajevo street for the march. The ministry justified its denial by asserting that it would disturb citizen

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movement and result in loss of income to the public transportation company even though the ministry had approved similar permits for other organizations.

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

The country has registered approximately 400 persons with HIV or AIDS, with 20 to 25 new cases reported annually. It was believed, however, that the actual number of cases was higher and that due to stigma and discrimination, many persons avoided testing. Social stigma and employment discrimination against persons with HIV or AIDS remained among members of the public as well as health workers. Due to a lack of understanding of the disease and its subsequent stigmatization among the general population, many persons with HIV or AIDS feared revealing their illness, even to close family members. The country had no permanent or organized programs of psychosocial support for these persons.

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

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places symbolic of those minorities, including religious buildings. According to the Interreligious Council, an NGO that promotes dialogue among the four “traditional” religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish), attacks against religious symbols, clerics, and property continued in 2019. During the year the council registered 10 reported acts of vandalism against religious sites and one case of verbal abuse against an Orthodox priest but stated the actual number of incidents was likely much higher.

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

There were widespread instances of media coverage and public discourse designed to portray members of other ethnic groups in negative terms, usually in connection with the 1992-95 conflict. In 2018 the RS National Assembly voted to annul a 2004 report on the Srebrenica massacres that acknowledged Bosnian Serb forces executed thousands of Bosniaks. During the year the then chairman of the BiH Presidency, Milorad Dodik, senior officials in his political party (the Alliance of Independent Social Democrats), and other RS officials and leaders continued to repeatedly deny that Serb forces committed genocide in Srebrenica in 1995,

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despite the findings of multiple local and international courts. In February the RS government, following a proposal from the RS Academy of Science and Arts and various associations, appointed two international commissions to purportedly re-examine the war of the 1990s: a Srebrenica Commission to investigate the suffering of all persons in and around Srebrenica between 1992 and 1995 and a Sarajevo Commission to investigate the suffering of Serbs in Sarajevo during the war.

### **Section 7. Worker Rights**

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

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

The law in both entities and in the Brcko District provides for the right to strike. The law in the Federation contains burdensome requirements for workers who wish to conduct a strike. Trade unions may not officially announce a strike without first reaching an agreement with the employer on which "essential" personnel would remain at work. In March the Federation government prepared changes to the labor law to address the impact of the COVID-19 crisis, which resulted in many employees in the private sector being fired overnight. The government claimed that all changes needed to allow employers flexibility to preserve businesses and save jobs were enacted. As the result of the COVID-19 pandemic, many workers in the private sector lost jobs, while public-sector

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workers were protected by general collective agreement and no cuts in their benefits were allowed.

Authorities may declare the strike illegal if no agreement is reached. This provision effectively allowed employers to prevent strikes. Laws governing the registration of unions give the minister of justice powers to accept or reject trade union registration on ambiguous grounds. In addition, in the Federation there were two parallel leaderships of the unions, each of them complaining the other was illegal. Both groups represented themselves as the legal representatives of the unions, and it was unclear which should participate in the social dialogue with the government. One leadership group, led by Selvedin Satorovic (who organized protests), represented the policy of the previous union leadership, which lost the election and supported only the government employees. The other group, led by Mevludin Bektic, showed more interest in representing workers from all sectors and had support from a majority of branch unions (14 of 18) but was too weak to push out Satorovic. On July 16, the court in Sarajevo appointed a provisional administrator of the trade unions to resolve the issue, although the final result was outstanding as of September.

According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy.

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

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

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

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

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

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

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

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

The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. RS and Brcko District laws penalize employers for hiring persons younger than age 15. The labor codes of the Federation, the RS, and the Brcko District also prohibit minors between the ages of 15 and 18 from working at night or performing hazardous labor, although forced begging is not considered a hazardous task for all entities. The law prohibits the worst forms of child labor. Entity governments are

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responsible for enforcing child labor laws, and both entities and the Brcko District enforced them. Boys and girls were subjected to forced begging and involuntary domestic servitude in forced marriages. Sometimes forced begging was linked to other forms of human trafficking. In the case of Romani children, family members or organized criminal groups were usually responsible for subjecting girls and boys to forced begging and domestic servitude in forced marriages. Several of the worst forms of child labor occurring in the country included the use of children for illicit activities, commercial sexual exploitation of children, and the use of children for the production of pornography (see section 6, Children).

During the year the government did not receive reports of child labor at places of employment. Neither entity had inspectors dedicated to child labor inspections; authorities investigated violations of child labor laws as part of a general labor inspection. The labor inspectorates of both entities reported that they found no violations of child labor laws, although they did not conduct reviews of children working on family farms. The government did not collect data on child labor because there were no reported cases. The general perception among officials and civil society was that the exploitation of child labor was rare. RS law imposes fines for employing children younger than 16, but the law does not specify the exact monetary amount. Penalties for violations were commensurate with those for similar serious crimes.

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

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

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

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

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government generally enforced these laws and regulations effectively. Penalties were commensurate with those for other violations of civil rights.

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. Labor laws and regulations are adequate to protect women's rights, but authorities did not effectively enforce them in all cases. For example, women were unable to take maternity leave for the period of one year and were often unable to return to their work position after maternity leave or take advantage of the entitlement to work part time. Unsanctioned cases of employment termination for pregnant women and new mothers continue to occur.

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

Although the monthly minimum wage in both entities is above the official poverty income level, more than 30 percent of the population was exposed to the risk of income poverty. The Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds. The RS government increased the minimum wage during the COVID-19 pandemic under the pressure of the workers.

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

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

The Federation Market Inspectorate, the RS Inspectorate, and the Brcko District Inspectorate are responsible for the enforcement of labor laws in the formal

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economy. Authorities in the two entities and the Brcko District did not effectively enforce labor regulations. The penalties for wage, hours, and health and safety violations were commensurate with those of similar crimes. Inspectors were permitted to make unannounced inspections and initiate sanctions. The number of inspectors was insufficient to deter violations.

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

Governments in both entities made only limited efforts to improve occupational safety and health at government-owned coal mines; such efforts were inadequate for the safety and security of workers. Workers in certain industries, particularly metal and steel processing and coal mining, often worked in hazardous conditions. There were no official social protections for workers in the informal economy unless those workers are registered at unemployment bureaus and are receiving related benefits (such as health-care coverage).

Workers could not remove themselves from situations that endanger their health or safety without jeopardizing their employment. Authorities provided no protection to employees in this situation. As of mid-October there were no reports of industrial accidents that led to death or serious injury of workers.