

# **BOSNIA AND HERZEGOVINA 2016 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bosnia and Herzegovina (BiH) is a democratic republic with a bicameral parliament. Many governmental functions are the responsibility of two entities within the state, the Federation and the Republika Srpska (RS), as well as the Brcko District, an autonomous administrative unit under BiH 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, while other parts of the agreement specify the government's obligations to protect human rights, such as the right of wartime refugees and displaced persons to return to their prewar homes. The country held general elections in 2014. In its final report, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) stated that the elections took place in a fair and democratic atmosphere but noted numerous reports of irregularities during the counting process.

While civilian authorities maintained effective control and coordination over law enforcement agencies and security forces, a lack of clear division of jurisdiction and responsibilities between the country's 16 law enforcement agencies resulted in occasional confusion and overlapping responsibilities.

Government corruption remained among the country's most serious problems, contributing to continued political and economic stagnation. Some political leaders manipulated deep-seated ethnic divisions, weakening democracy and governance, undermining the rule of law, fostering discrimination in most aspects of daily life, distorting public discourse in the media, and obstructing the return of persons displaced by the 1992-95 conflict. Harassment and intimidation of journalists and civil society limited the public's access to accurate information and the accountability of political leaders.

Other human rights problems included failure of national authorities to complete investigation and prosecution of war crimes that occurred in the 1992-95 conflict; the presence of large numbers of active land mines from the conflict; police mistreatment of detainees, particularly suspects during questioning; harsh conditions in prisons and detention centers; physical abuse of prisoners and detainees; police failure to inform detainees of their rights or allow effective access to legal counsel prior to questioning; governmental failure to return properties to

religious communities; societal religious hostility, including vandalism; underrepresentation of minorities in political life; discrimination and violence against women and minorities; trafficking in persons for sex and forced labor; discrimination against persons with disabilities; discrimination and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and limits on employment rights.

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. These units generally operated effectively, and there were no reports of impunity during the first nine months of the year.

### **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.

While national authorities made significant progress prior to 2016 in the investigation and prosecution of war crimes that occurred in the 1992-95 conflict, many problems remained. According to the OSCE, in 2015 the completion of war crimes cases before courts in the country reached an all-time high, raising to 621 the number of cases concluded with a final and binding decision since 2004.

Despite this progress, the national justice system has not investigated and brought to trial many lower-ranking perpetrators and mid-level commanders responsible for atrocities during the war. At the end of 2015, approximately 1,000 cases awaited investigation and indictment around the country, including some linked to the killing of approximately 8,000 persons in the Srebrenica genocide and those responsible for thousands of other cases of disappearances during the war, with those missing presumed dead.

According to the OSCE, obstacles to processing war crimes in 2015 and 2016 related in part to the delay of allocated EU funding for operations and additional personnel in addition to general operational inefficiencies and a failure of the national judiciary to prioritize high-level cases as envisioned by the *National War Crimes Strategy*. Other problems included the unavailability of witnesses and suspects and the closure of cases due to lack of evidence.

As of December, landmine accidents killed two deminers, while two other deminers were injured. Overall, there were six mine-related fatalities and six mine-related injuries during the year. The country had a demining strategy, but it remained largely unfunded. According to the country's Mine Action Center, as of August more than 8,970 active minefields (with an estimated 82,000 devices) remained, endangering an estimated 545,000 residents. In many cases, the presence of land mines slowed the return of internally displaced persons (IDPs) and the exhumation of mass graves.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

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

On July 5, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its visit in September-October 2015 to detention facilities, prisons, and psychiatric establishments in the country. The report cited a considerable number of allegations of widespread physical abuse of detainees by police in Sarajevo, Trebinje, Banja Luka, Turski Lukavac, and Bijeljina. The reported abuse of detainees included slaps, punches, truncheon blows, prolonged handcuffing in stress positions, mock executions, and use of a hand-held electroshock device. The report stated that the CPT delegation gained the impression from multiple interviews with detainees in Bijeljina and Sarajevo that mistreatment (kicks, punches, and slaps) was a routine occurrence and almost considered "normal" practice. In some instances, authorities allegedly abused detainees in order to extort confessions. The CPT found that prosecutors and judges routinely failed to take action regarding allegations of mistreatment.

In its July 5 report, the CPT noted it also received several credible allegations of physical mistreatment (slaps, kicks, and punches to various parts of the body) of inmates by staff at Mostar Prison. In one case, an inmate alleged that, in response to his repeated banging on his cell door, prison officials handcuffed him behind his

back with his wrists hyperflexed, ankle-cuffed him with a walking chain, and placed him in an empty cell for two days without food or the opportunity to use sanitary facilities. The CPT reported that the findings observed by its delegation's doctor were compatible with the inmate's allegation.

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

Physical and sanitary conditions in the country's prisons and detention facilities varied depending on the location but were generally considered substandard and occasionally life threatening. Conditions in Sarajevo Prison were noteworthy due to dilapidated facilities and overcrowding, with as many as four prisoners living in eight square meters of common living space. Prison and detention facilities provided adequate basic medical care and routine arrangements for more complex medical interventions as needed. Ventilation and lighting, however, were lacking in many facilities, particularly Sarajevo Prison. There were no prison facilities suitable for prisoners with disabilities.

Physical Conditions: The CPT reported overcrowding at Sarajevo Prison and inter-prisoner violence at Zenica Prison. The CPT also found that remand prisoners spent 22 hours or more a day confined to their cells and were offered no purposeful activities. Authorities continued to hold prisoners with mental illnesses in a prison in Zenica under conditions international observers described as very poor. As of December three prisoner deaths had been recorded, all of which occurred in Mostar Prison. According to officials, two inmates died of natural causes, while the third committed suicide.

The CPT reported that material conditions in most police holding facilities visited by its delegation were unfit for holding persons overnight due to lack of natural light, poor ventilation, deplorable hygienic conditions, and an absence of mattresses and bedding. The condition and number of holding facilities at most police agencies generally were well below EU standards.

Administration: According to the July 5 CPT report, authorities throughout the country generally failed to investigate allegations of abuse and mistreatment of detainees and prisoners, particularly those reported to have occurred while in police custody.

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 CPT, the BiH ombudsmen, and other nongovernmental organizations (NGOs) continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels.

Improvements: Courts throughout the country employed alternative sentencing, including community service, probation, increased fines in lieu of detention, and house arrest under electronic surveillance, to alleviate some prison overcrowding during the year. Authorities reported a moderate decrease in inter-prisoner violence in prisons throughout the country.

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

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

#### **Role of the Police and Security Apparatus**

By law state-level police agencies include the State Investigation and Protection Agency (SIPA), the Border Police, the Foreigners Affairs Service (FAS) (partial police competencies), and the Directorate for Police Bodies Coordination (DPBC). Police agencies in the two entities (the RS Ministry of Interior and the Federation Police Directorate), the Brcko District, and 10 cantonal interior ministries also exercise police powers. SIPA investigates cases of organized crime, human trafficking, war crimes, financial crimes, and international terrorism and provides protection to witnesses before the BiH State Court. The Border Police are responsible for monitoring the borders and detaining illegal migrants until the FAS takes custody. The Border Police also investigate other crimes related to the border in accordance with the state criminal code, with the exception of corruption cases. The FAS is responsible for tracking and monitoring legal and illegal migration. The DPBC provides physical security for government and diplomatic buildings and personal protection for state-level officials and visiting dignitaries. The DPBC also has an office for coordination with Interpol for state-level police agencies. The Federation Police Directorate investigates cases of intercantonal crimes, domestic terrorism in the Federation, and narcotics smuggling. The RS Ministry of Interior investigates domestic terrorism and all other general crimes in the RS. Brcko police and cantonal police agencies investigate general crimes and public peace and order. The laws outlining the mandates of respective law enforcement agencies of the state, entity, cantonal and district governments contain

significant similarities but do not overlap. The competencies of each police agency are established by law.

An EU military force continued to support the country's government in maintaining a safe and secure environment for the population. The NATO headquarters in Sarajevo continued to assist the country's authorities in the implementation of defense reform.

Civilian authorities maintained effective control over security forces, but their complex structure at times resulted in lack of effective coordination and no clear practical division of jurisdictions and responsibilities.

Impunity for war crimes continued to be a problem. Many lower-ranking perpetrators of crimes committed during the 1992-95 conflict remained unpunished, including those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 8,000 other persons who remained missing and presumed killed during the conflict. Authorities also 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.

In the course of its 2015 visit to prisons and remand detention centers, the CPT reported interviewing many persons who stated they had complained about mistreatment by law enforcement officials to the prosecutor or to the judge before whom they appeared. Such complaints met with no response. The CPT noted that, even when detainees displayed visible injuries or made a statement alleging mistreatment, there was usually no apparent follow-up by the prosecutor or judge other than, at times, to order a medical examination, which often took place in the presence of the law enforcement officer whom the detainee had accused of mistreatment.

There were reports of police corruption (see section 4). 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 to be 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. During 2015 police agencies in the country reported 723 criminal cases of corruption. Most cases of corruption were commercial in nature (277 cases).

SIPA conducted 13 police operations (7 percent fewer than the previous year) and arrested 61 persons (compared with 66 in 2014).

### **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 (48 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. The court has a subsequent 24 hours to make a decision. The law limits duration of the interrogation up to six hours. The law also limits pretrial detention to 12 months, but there were reports of individuals held longer. There is a functioning bail system.

The law allows detainees to request a lawyer of their own choosing, and if they are unable to afford a lawyer, the authorities are to 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 its July 5 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 only occurred 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. Juveniles met by the CPT also alleged that they were interviewed without a lawyer or person of trust present.

#### Detainee's Ability to Challenge Lawfulness of Detention before a Court:

According to the state criminal code, as well as criminal procedures for the entities and Brcko district, detainees have the right to appeal their detainment before a court. In addition, courts can extend custody only after the detainee is brought before a panel of three judges to explain the circumstances leading to their detainment, or the court legally decides the detainee is a flight risk. Detainees or defense attorneys also may submit requests for the termination of custody based on the discovery of new facts in a case.

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

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

### **Trial Procedures**

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

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

#### **f. Arbitrary 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 Speech and Press**

The law provides for freedom of speech and press, but governmental respect for these rights continued to deteriorate during the year. Intimidation, harassment, and threats against journalists and media outlets intensified, while media coverage continued to reflect ethnic and political allegiances. Deterioration of the political situation further encouraged reporting that incited political and ethnic intolerance. Absence of transparency in media ownership remained a problem. In the RS, authorities sporadically implemented a law enacted in 2015 restricting internet speech critical of officials and other individuals.

Freedom of Speech and Expression: The law prohibits expression that provokes racial, ethnic, or other forms of intolerance, to include “hate speech,” but authorities did not enforce these restrictions. There were no new legal or administrative measures restricting freedom of speech adopted during the first nine months of the year.

According to data from the BiH Journalists’ Association covering 2006 to 2015, authorities prosecuted only 15 percent of reported criminal acts committed against journalists and investigated less than one-third of all cases alleging violation of journalists’ rights. In response, the Ministry of Human Rights and Refugees and relevant state-level parliamentary committees began documenting violations of freedom of expression. The BiH Journalists’ Association subsequently noted

increased readiness on the part of law enforcement agencies and prosecutors' offices to address violations of press freedom.

Independent analysts noted the continuing tendency of politicians and other leaders to label unwanted criticism as hate speech or national treason. As of August, the official Communications Regulatory Agency (CRA) registered one complaint alleging hate speech, which it rejected. By the end of August, the self-regulatory BiH Press Council received 118 complaints related to hate speech. The council determined that, in the first eight months of the year, there were 39 cases of incitement and speech spreading hate. Most instances occurred in online media.

Press and Media Freedoms: 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. Laws delegate responsibility for safeguarding freedom of the press in most instances to the cantons in the Federation and to the entity-level authorities in the RS. Numerous outlets continued to express a wide variety of views, but coverage diverged along political and ethnic lines, and media outlets continued to be subject to excessive influence from governments, political parties, and private interest groups. A number of independent print-media outlets continued to encounter financial problems that endangered their operations.

Authorities continued to exert pressure on media outlets to discourage some forms of expression, and party and governmental control over the major information outlets narrowed the range of opinions represented in both entities. Public broadcasters remained under strong pressure from government and political forces due to a lack of long-term financial stability and dependence on politically controlled funding sources. These factors limited their independence and resulted in news that was consistently subjective and politically biased.

The public broadcasters Radio and Television of Bosnia and Herzegovina (BHRT), Radio and Television of the Republika Srpska (RTRS), and Federation Radio and Television (FTV) faced continued financial instability due to the loss of dedicated tax revenue. The nationwide public broadcaster BHRT, whose content was assessed as being the most balanced and politically neutral, announced on May 30 that it may be forced to suspend programming due to lack of funds. Institutional instability within the governing structures of the FTV continued, leaving the Federation entity public broadcaster vulnerable to political pressure. While the FTV continued to demonstrate layers of political bias, the RS government directly controlled the RTRS, using it as a mouthpiece for the RS political establishment.

The entity governments further undercut the independence of their respective broadcasters by excluding the CRA from the process of appointing governing boards for the broadcasters. Remaining subject to competing political interests, the various authorities failed to establish a public broadcasting service corporation to oversee the operations of all public broadcasters in the country as the law requires.

Violence and Harassment: Intimidation and threats against journalists continued during the year. There were instances of intimidation and politically motivated litigation against journalists for unfavorable reporting on government leaders and authorities. As of December, the Free Media Help Line recorded 58 cases involving violations of journalists' rights and freedoms or pressure from government and law enforcement officials.

On March 13, several participants of a Serbian ultranationalist rally in Ravna Gora near the city of Visegrad verbally and physically assaulted an N1 television news crew and forced an FTV crew to cease filming. The N1 crew notified police, who arrested one assailant several hours later. The vice president of the Federation, the Sarajevo Canton prime minister, the chairman of the state-level Council of Ministers, the Association of BiH Journalists, the FTV and N1 editorial boards, and many political parties and NGOs condemned the attack.

On May 14, while reporting on simultaneous opposition and ruling party political rallies in Banja Luka, a BNTV crew was verbally assaulted by a group that called them traitors and demanded they leave the site of the rally. At the same event, an unidentified assailant physically assaulted RTL Croatia reporter Petar Panjikota, punching him in the head during a live broadcast. BNTV journalist Vladimir Kovacevic later received written threats via Facebook from Alliance of Independent Social Democrats (SNSD) activist Brane Covickovic, who was dissatisfied with Kovacevic's coverage of the event. The Croatian Ministry of Foreign Affairs, the OSCE, the Association of BiH Journalists, the Banja Luka Club of Journalists, and the Croatian Journalists' Association, among others, condemned the attacks and urged authorities to investigate.

On May 25, Luka Petrovic, the general secretary of the SNSD and member of the RS National Assembly, allegedly threatened Dragisa Sikimic, the editor in chief of the web portal *MojaHercegovina.info*. Dissatisfied with the portal's reporting, Petrovic reportedly told Sikimic that "those who play with fire would get burned" and threatened a lawsuit intended to bankrupt the online daily. He allegedly also insulted Sikimic because of a physical disability. In response the Association of

BiH Journalists sent a written warning to Petrovic and demanded a public apology. The OSCE representative for freedom of the media also condemned the incident.

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

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

### **Internet Freedom**

The state 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 provoking racial, ethnic, or other intolerance, to include hate speech. Authorities did not enforce these prohibitions for online media.

In the RS, authorities sporadically implemented a controversial 2015 law that declared that internet-based social networks were part of the public domain and provided fines for “insulting or disturbing” content, not clearly defined, published on the internet. In April 2015 authorities detained Sanel Menzil from Kotor Varos for a comment posted on his Facebook account regarding an attack on a police station in Zvornik several days earlier. According to media reports, Menzil condemned the attack but criticized the decision by Federation authorities to declare a day of mourning. In May 2015 Adis Kusmic from Banja Luka was among 31 arrested in a RS Police operation after posting a Facebook comment critical of the RS president, Milorad Dodik. Both Menzil and Kusmic were interviewed by police but never arrested. Media reports in August asserted that authorities had invoked the RS law on 11 different occasions in the preceding 18 months, mostly for insults and threats posted on Facebook; in most instances, the perpetrators reportedly were fined.

Adoption of the law initially met negative and strong reaction from journalists, NGOs, opposition political parties, and the international community in the country.

In late June, the RS Constitutional Court rejected as unfounded an appeal submitted jointly by Transparency International, the BiH Journalists' Association, and the Banja Luka Club of Journalists that challenged the legality and constitutionality of the legislation.

According to the CRA's annual report for 2015, approximately 72 percent of the population used the internet that year.

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

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

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

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

#### **Freedom of Assembly**

The law provides for freedom of assembly, and the government generally respected this right. In the RS, assembly in front of public institutions is prohibited. According to an October 2015 law in the Tuzla Canton drafted in response to previous violent protests, police were permitted to limit access to public buildings and facilities as they deemed necessary.

#### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right, although some NGOs reported difficulties registering as official entities with the government. Several NGOs expressed frustration over the lengthy bureaucratic procedures required for registration at the state level. Cooperation between the government and civil society organizations at the state and entity levels remained weak or nonexistent, while government support for civil society organizations remained nontransparent, particularly regarding the allocation of funds.

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

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

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

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

Abuse of Migrants, Refugees, and Stateless Persons: Authorities routinely placed asylum seekers in the immigration detention center without documenting their asylum requests and frequently issued expulsion and detention orders to would-be asylum seekers without giving them an opportunity to present asylum applications. According to the Office of the UN High Commissioner for Refugees (UNHCR), authorities held five individuals seeking asylum from Serbia and one from Turkey at the immigration detention center during the first six months of the year. Information on the right to seek asylum appeared not to be readily available to potential asylum seekers in the detention center. UNHCR expressed concern foreigners in detention may not have access to asylum procedures and authorities may prematurely return some potential asylum seekers under readmission agreements.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance for IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

During the 1992-95 conflict, approximately one million individuals became IDPs. Ministry of Human Rights and Refugees statistics indicated that 98,324 persons still held IDP status. The majority of Bosniaks and Croats fled the RS, while Serbs fled the Federation. At the beginning of the year, UNHCR was providing protection and/or assistance to 84,500 IDPs. According to UNHCR, 20 years after the war, an estimated 7,000 persons, including IDPs, continued to live in collective accommodations, located throughout the country and meant to be temporary. A substantial number of IDPs and returnees lived in substandard conditions that affected their livelihoods.

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

While the rate of physical violence against minority returnees subsided significantly after the war, isolated attacks continued. These attacks were generally not investigated or prosecuted adequately. Minority returnees continued to face obstacles in exercising their rights in places of return.

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

### **Protection of Refugees**

Access to Asylum: The country adopted a new Law on Asylum, which entered into force in February. 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 adjudicates their claims, a process that normally took three months or longer. Asylum seekers have the right to appeal a negative decision within 15 days in regular procedure cases and within eight days in urgent cases. In urgent cases a court must render a decision within 30 days. The system for providing protection to refugees continued to suffer from a lack of transparency.

UNHCR reported that applicants for refugee status did not have legal assistance, that there were no clear standards of proof or methods of assessing the credibility of claims, and that guidelines for determining whether there was a risk of persecution were unduly strict. UNHCR also expressed concern regarding the detention of potential asylum seekers who may be denied access to asylum procedures and returned under readmission agreements.

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 without risking refoulement.

Durable Solutions: The laws provide a program for integration, resettlement, and return. The country was party to a regional housing program facilitated 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 BiH. A protracted process of selecting beneficiaries due to capacity and management problems resulted in extended delays in the reconstruction of homes for the beneficiaries. As of December, 100 families received housing assistance. A continuing problem was the fragmented institutional setup that added layers of administrative delays in implementing durable solutions. Another was a political imperative in the country to select beneficiaries proportionally among its constituent peoples for a program designed to select beneficiaries based on vulnerability criteria. Amendments to the country's citizenship law, enacted in 2013 and adopted by the RS in 2014 and by the Federation in May, allow for naturalization of refugees after five years' residence. Authorities naturalized 16 refugees residing in the RS during the first six months of the year.

Temporary Protection: The government provided subsidiary protection status to individuals who may not qualify as refugees. In the first six months of the year, authorities provided subsidiary protection to four individuals and extended existing protection to eight 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 based on universal and equal suffrage. Citizens generally exercised this right, but observers noted a number of shortcomings.

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

Recent Elections: General elections held in 2014 were competitive with candidates and political parties freely campaigning and presenting their programs. According to ODIHR, the Central Election Commission (CEC) administered the elections efficiently, but other international observers provided numerous, credible descriptions of political parties manipulating the makeup of the polling station committees, which endangered the integrity of the election process. There were also reports of problems with the counting process 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, integrity, and accountability of election processes. Municipal elections held in October 2016 were assessed by election monitors from a coalition of local NGOs as having been conducted overall in accordance with electoral law.

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 Minorities: Although no laws limit the participation of women in the political process, the country's patriarchal culture tended to restrict active women's participation in political affairs. While the law requires that at least 40 percent of a political party's candidates be women, women held only 23 of 152 ministerial seats at the state level. Women won election to 13 percent (two out of 15) of the positions in the country's House of Peoples and two of the nine ministerial positions in the country's Council of Ministers.

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. On June 10, the ECHR ruled in favor of Ilijaz Pilav, a Bosniak surgeon from Srebrenica, who sued the state when the CEC denied him certification as a candidate for the country's presidency in both 2006 and 2010. The ECHR unanimously ruled that the state violated the European Convention on Human Rights by discriminating against Pilav and ordered it to pay him 6,600 euros (\$7,300). The government also failed to implement a 2014 ECHR ruling in favor of Azra Zornic, who had been found ineligible to run for the country's presidency and the House of Peoples because she refused to declare affiliation with any particular ethnic group.

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

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively nor prioritize public corruption as a serious

problem. Officials frequently engaged in corrupt practices with impunity, and corruption remained prevalent in many political and economic institutions.

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

The law provides criminal sanctions for failure to comply with financial disclosure requirements, but authorities did not apply those sanctions during the first 10 months of the year.

Public Access to Information: The law provides for citizen access to government records, and government agencies generally complied with the law. Citizen groups rarely took advantage of the law, due in part to provisions that give government authorities the discretionary right to withhold information if deemed in the institution’s interest.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 in both the Federation and the RS attempted at times to limit NGO activities, particularly in the RS. Many groups complained that the NGO registration process, which could last up to a year, remained overly complex and protracted.

NGOs reported weak cooperation with the government, and both entities lacked official mechanisms for cooperation between NGOs and government. While the Council of Ministers could return draft legislation that had not undergone consultation with NGOs, it did not employ this mechanism. The Council of Ministers largely excluded NGOs from politically important or sensitive decisions. NGOs nevertheless continued to expand cooperation with the government at lower levels.

Due to inefficiency, procedures to register an NGO or change its organizational statute took significantly longer than prescribed by law. The most difficult problem for civil society organizations, however, was lack of adequate funding. 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. There were no mechanisms to insulate NGOs from the political, religious, and ethnic considerations that affected the support they received from state and entity governments.

The United Nations or Other International Bodies: The RS government was less responsive and cooperative than the state and Federation governments in dealing with the Office of the High Representative, which was created by the Dayton Accords and given special executive powers in the country.

Government Human Rights Bodies: A state-level ombudsman has authority to investigate violations of the country's human rights laws on behalf of individual citizens and to submit legally nonbinding recommendations to the government for remedy. The Office of the Ombudsman reported that in 2015 it reviewed more than 340 cases and issued 324 recommendations, of which approximately 50 percent were implemented. The largest number of cases pertained to harassment in the work place (37), discrimination based on ethnicity (13), discrimination based on ethnic or social origin (eight), and discrimination based on education (eight).

Members of the international community noted that the ombudsman lacked the resources to function effectively and had to contend with disagreement between representatives of the country's three constituent peoples over what constitutes a human rights violation. A Bosniak, a Croat, and a Serb shared leadership of the ombudsman institution.

The state-level parliament has a Joint Commission for Human Rights. The 12-member commission participated in human rights-related activities with the governmental and nongovernmental organizations.

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

### **Women**

Rape and Domestic Violence: The maximum penalty for rape, including spousal rape, is 15 years in prison. A sense of shame among rape victims and the failure of police to treat spousal rape as a serious offense inhibited the effective enforcement of the law. Rape, particularly spousal rape, was often unreported by victims and underreported by authorities. According to Federation Gender Center statistics, 53 percent of women above the age of 15 had experienced some form of violence or abuse. A separate study sampling 3,300 households in the country indicated that one in every four women was a survivor of violence and that, for one in every 10 women, the violence had occurred within the previous year. The most frequent victims were women between the ages of 18 and 24. The study also revealed that only 5.5 percent of women experiencing violence sought help.

Violence against women, including sexual assault and domestic violence, remained widespread and underreported. While laws in both entities empower authorities to remove the perpetrator from the home, officials rarely, if ever, made use of these provisions. Law enforcement officials were frequently under the mistaken impression that they needed to concern themselves with where the perpetrator would live. As a result, women in danger were compelled to go to safe houses. NGOs reported that authorities, especially in the RS, where domestic violence is a misdemeanor, often returned offenders to their family homes less than 24 hours after a violent event. In the Federation, authorities had discretion to prosecute domestic violence as either a felony or a misdemeanor. Experts estimated that only 10 percent of domestic violence victims reported the crime.

The country undertook several initiatives to combat rape and domestic violence. In July 2015 the government adopted an official strategy for 2015-19 to combat

domestic violence and violence against women. In August the BiH Gender Equality Agency signed a memorandum of understanding with the country's nine safe houses run by NGOs, which could collectively accommodate up to 200 victims at a time. Financing the safe houses, some of which doubled as shelters for trafficking victims, remained problematic. NGO representatives asserted there was a need for at least double the existing capacity.

Despite government efforts, women did not fully use available legal remedies because they either lacked knowledge of the laws or were concerned about the possible consequences of revealing such violence. In addition, although police received specialized training in handling cases of domestic violence, NGOs reported widespread reluctance among police officers in both entities to break up families by arresting offenders.

Social service agencies experienced inadequate funding, staff, and training in helping victims effectively. A multitude of NGOs dedicated to assisting victims of domestic violence sought to fill this void. Nine of them formed a strong cooperative arrangement called Safe Network. The network developed two hotlines--one for each entity--that women could call when they needed services but were reluctant to contact police. The hotlines had received an estimated 2,500 calls by the end of July.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, and violence.

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. A special report published by the human rights ombudsmen in 2015 regarding protections for mothers revealed widespread discrimination against women in the workplace, including the regular unwarranted dismissal of women because they were pregnant or new mothers.

Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for employment of female applicants. Women remained underrepresented in law enforcement agencies.

## **Children**

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 on the territory of the country to parents who are unknown or stateless is entitled to BiH citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community. One Romani NGO, Be My Friend, reported discovering between 10 and 15 unregistered Romani children annually.

The NGO Vasa Prava estimated there were slightly fewer than 80 unregistered children in the country. UNHCR, with the legal assistance of a domestic NGO, registered the births of children, mainly Roma, whose parents failed to register them. Unregistered children experienced significant obstacles in accessing government social, educational, and health benefits.

Education: Education was free through the secondary level but compulsory only from age six through 15.

Child Abuse: Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. The country's Agency for Gender Equality estimated that one in five families experienced domestic violence. Municipal centers for social work 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.

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. Children's rights and antitrafficking activists noted that prosecutors were reluctant to investigate and prosecute arranged marriages involving Romani minors on the grounds that such marriages were "their way." The government did not have any programs specifically designed to reduce the incidence of child marriage.

Sexual Exploitation of Children: The state-level penalty for sexual exploitation of children is imprisonment for up to 10 years but may rise to 20 years under certain

aggravating circumstances. At the entity level, penalties range from three to 15 years' imprisonment. On June 16, the Federation adopted long-anticipated amendments to its criminal code criminalizing sex trafficking, forced labor, and organized human trafficking. Prior to June, police in the Federation often categorized minors 14 and older as "juvenile prostitutes" rather than victims of rape or trafficking in persons. Women's and children's rights NGOs complained that the law previously allowed police to subject children between the ages of 14 and 17 to interrogation and criminal proceedings. Under entity criminal codes, the abuse of a child or juvenile for pornography is a crime that carries a sentence of one to five years in prison. Authorities generally enforced these laws. The law prohibits sexual acts with a child and defines a child as a person younger than 18.

Girls were subjected to commercial sexual exploitation, and there were reports that Romani girls as young as 12 endured 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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law in both entities and at the state level prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, air travel and other transportation, the judicial system, and the provision of other state services. In July the BiH parliament adopted revised amendments to the BiH Antidiscrimination Law that explicitly prohibit discrimination based on disability. Nevertheless, discrimination in these areas continued.

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.

The law enables children with disabilities to attend regular classes when feasible. Due to lack of financial and physical resources, schools often reported that they were unable to accommodate them. Children with disabilities either attended classes using regular curricula in regular schools or attended special schools. Parents of children with disabilities, especially of those with extensive disabilities, faced many obstacles, and authorities generally left them on their own to provide education for their children, although a growing number of programs for children with disabilities were available in schools and through NGOs. Parents of children with significant disabilities reported receiving limited to no financial support from the government, despite the fact that many of them were unemployed because of the round-the-clock care required for their dependents.

NGOs also complained that the government did not effectively implement laws and programs to help persons with disabilities.

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

Minorities experienced 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.

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

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



For the fourth year in a row, parents of more than 500 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 Sarajevo Canton municipal government and the Islamic community. The grounds for the boycott remained the refusal by the RS Ministry of Education to approve a group of national subjects and its insistence on formally calling the language children learn in their respective public schools the “language of Bosniak people” instead of the “Bosnian language,” as described in the country’s national constitution. Parents accused RS authorities of denying them their constitutional right to study their language, provided for under their country’s international obligations, while RS authorities continued to insist they were abiding by the RS constitution.

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

On June 30, the BiH Statistics Agency released long-overdue 2013 census results but failed to distinguish the size of the Romani population. Estimates of the Romani population in the country ranged from 25,000, as recorded by the Ministry of Human Rights and Refugees, to 60-80,000, as reported by several Roma advocacy NGOs. Roma experienced discrimination in access to housing, health care, education, and employment opportunities. Romani leaders reported that discrimination in access to social benefits and employment led to a significant increase in the number of Roma who emigrated and sought asylum abroad. While there were no official statistics available, it was estimated that at least 1,500 Romani families had left the country during the previous two years seeking asylum in either Germany or Sweden. Many were thought to have been seeking improved access to health care for chronically ill family members.

Roma continued to experience more discrimination than any other segment of the population. Almost 97 percent of them remained unemployed. A significant percentage 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. Roma had significantly less access to health insurance than other groups, and infant mortality

among Roma was four times greater than among the rest of the population. Authorities frequent discriminated against Roma, which contributed to their exclusion by society.

Many human rights NGOs criticized law enforcement and government authorities for widespread indifference toward Romani victims of domestic violence and human trafficking, even though the majority of registered trafficking victims in recent years were members of the Romani community.

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

While law at the state level prohibits discrimination based on sexual orientation, authorities did not fully enforce it. In April the Federation parliament amended the criminal code to include laws criminalizing hate crimes. As a result, both entities and the Brcko District have laws that criminalize any form of hate crime committed on the basis of the race, skin color, religious belief, national or ethnic origin, language, disability, gender, sexual orientation, or gender identity of the victim. According to the criminal codes, the commission of a hate crime may also be considered a motive or aggravating circumstance and therefore require harsher punishment for qualified criminal acts.

Despite improved legislation, LGBTI persons faced frequent harassment and discrimination, including termination of employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for those dismissed to find another job. In the face of such risks, LGBTI persons rarely reported discrimination to police. During the year both entity governments for the first time adopted public policies intended to address LGBTI issues by creating official gender action plans.

The prosecution of cases for crimes including assault committed against members of the LGBTI community remained delayed and generally inadequate. Two years following an attack that injured several organizers and participants in the Merlinka LGBTI Film Festival in Sarajevo, criminal proceedings continued. In March, four individuals assaulted patrons and staff of a known LGBTI-friendly establishment while shouting homophobic epithets. Police detained, interviewed, and promptly released the perpetrators in what was officially classified a misdemeanor offense.

In 2015 the Sarajevo Open Center documented 103 cases of hate speech and incitement to violence as well as 20 criminal offenses motivated by prejudices based on sexual orientation and/or gender identity.

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

Significant social stigma and employment discrimination against persons with HIV/AIDS remained among members of the public as well as health workers, due largely to a lack of public understanding of the nature of the infection. A Sarajevo-based NGO that provides support to individuals with HIV/AIDS reported that infected persons experienced the greatest stigma and discrimination when seeking dental treatment.

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

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places symbolic of those minorities, including on religious buildings. According to the Interreligious Council, an NGO that promotes interreligious dialogue among the four “traditional” religious communities (Muslim, Serbian Orthodox, Roman Catholic, and Jewish), attacks against religious symbols, clerics, and property decreased in the first eight months of the year, compared with the same period in 2015.

### **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 relation to the 1992-95 war. During the year the RS president and senior officials in his political party as well as other officials and leaders in the RS repeatedly denied that Serb forces committed genocide at Srebrenica in 1995, despite the opposite findings of multiple local and international courts.

## **Section 7. Worker Rights**

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

The new Federation and the 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. 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. 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. According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy. Approximately 20 percent of the labor force in the informal economy worked without legal protections, such as contracts, access to health insurance, and eventual retirement benefits.

In August 2015 the Federation adopted a new labor law that entered into force in April. The delay in implementation was due to a Constitutional Court ruling stating that there was a procedural error in passing the legislation, so the House of Peoples had to reapprove it. As a result, trade unions, employers, and the government had to agree on new collective bargaining agreements that regulate matters such as minimum wages and various allowances. The RS also passed a new labor law, which entered into force in January. Negotiations between unions, employers, and the government on new collective bargaining agreements that will regulate minimum wage, wage increases based on experience, and other benefits and nontaxable allowances were still in progress there.

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 state revenues by cracking down on unregistered employees and employers who did not pay taxes. Some unions reported that employers threatened employees with dismissal if they joined a union and in some cases fired union leaders for their activities. The Federation penalty for discriminating acts against unions or their members was 1,000 to 3,000 convertible marks (\$540 to \$1,620) and 5,000 to

10,000 convertible marks (\$2,700 to \$5,400) for repeated violations, while the RS penalty was 2,000 to 12,000 convertible marks (\$1,080 to \$6,480) and a minimum of 5,000 convertible marks (\$2,700) for repeated violations. -Entity-level penalties for violations included monetary fines that were not sufficient to deter violations. Judicial procedures were subject to lengthy delays and appeals.

Authorities and employers sometimes failed to respect freedom of association and the right to collective bargaining. 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**

The law prohibits all forms of forced or compulsory labor. Federation laws do not criminalize trafficking activities, but adequate legislation exists at the state level and in the RS and the Brcko District. The government did not enforce these laws effectively, but there was little verified evidence that forced labor occurred in the country. Penalties for violations range from three to 10 years in prison and were generally sufficient to deter violations, but resources, inspections, and remediation were inadequate.

The prosecution of 13 BiH nationals for collusion in forced labor involving 672 victims of forced labor who were trafficked to Azerbaijan in 2015 continued in BiH court. There were reports that individuals and organized crime syndicates trafficked men, women, and children for begging and forced labor (see section 7.c.).

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

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

The minimum age for employment of children in both entities is 15; minors between the ages of 15 and 18 must provide a valid health certificate to work. RS and Brcko District laws penalize employers for hiring persons younger than 15. The labor codes of the Federation, the RS, and the Brcko District also prohibit minors between the ages of 15 and 18 from working at night or performing

hazardous labor, although the Federation's labor code does not define hazardous labor. Entity governments are 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 responsible for both 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. The general perception among officials and civil society was that 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 were usually sufficient to deter violations.

During 2015 NGOs running day centers in Banja Luka, Tuzla, Mostar, Bijeljina, Bihac, and Sarajevo in cooperation with the country's antitrafficking coordinator provided services to 129 at-risk children, many of whom were involved in forced begging on the streets.

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

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

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

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

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

The monthly minimum wage in the Federation was 410 convertible marks (\$221). In the RS, the monthly minimum wage was 370 convertible marks (\$200), except in the textile and footwear sectors, where it was 320 convertible marks (\$172). Brcko District did not have a separate minimum wage or an independent pension fund, and employers typically used the minimum wage rate of the entity to which its workers decided to direct their pension funds.

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

Employers in each entity and the Brcko District must provide a minimum of nine paid annual holidays. Employees may choose which holidays to observe depending on ethnic or religious affiliation. Entity labor laws prohibit excessive compulsory overtime. The entities and the Brcko District did little to enforce regulations on working hours, daily and weekly rest, or annual leave.

The Federation Market Inspectorate, the RS Inspectorate, and the Brcko District Inspectorate are responsible for enforcement of labor laws in the formal economy. There were 110 market inspectors in the Federation, 61 in the RS, and 11 in the Brcko District. Authorities in the two entities and the Brcko District did not adequately enforce labor regulations. Penalties for violations of the law are 1,000 to 7,000 convertible marks (\$540 to \$3,780) in the Federation and 5,000 to 20,000 convertible marks (\$2,700 to \$10,800) in the RS. The penalties for wage and safety violations were generally sufficient to deter violations.

The Federation and the RS set mandatory occupational health and safety standards, especially for those industry sectors in which there were 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 coalmines; 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. A collapse at the Zenica coalmine in 2014 resulted in five deaths and 29 injuries to coalmine workers. There were no official social protections for workers in the informal economy.

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