

BOSNIA AND HERZEGOVINA 2022 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 (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 Peace Agreement), which ended the 1992-1995 war, provides the constitutional framework for governmental structures. The country held general elections in October. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights stated that failed reform efforts, widespread mistrust in public institutions, and ethnically divisive rhetoric influenced the election environment. Opposition parties and civil society claimed there was extensive fraud in the October 2 elections, especially in Republika Srpska. On October 10, the country's Central Election Commission ordered a recount of all ballots for the Republika Srpska president. After the recount of all Republika Srpska votes for entity president and vice president, the Central Election Commission certified election results on October 28.

State-level police agencies report to the Council of Ministers and 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 are overseen by the Bosnia and Herzegovina Presidency and help civilian bodies in case of natural or other disasters. The intelligence service has responsibility for internal and external security and is under the authority of the Council of

Ministers. A European Union peace stabilization force continues to support the country's government in maintaining security. 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. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment of detainees by the police; harsh prison conditions; serious problems with the independence of the judiciary; serious restrictions on free expression and media, including violence and threats of violence against journalists; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on peaceful assembly; serious and unreasonable restrictions on political participation for minority candidates; serious government corruption; lack of investigation of and accountability for gender-based violence including domestic and sexual violence and violence against children and early and forced marriage among the Roma population; crimes involving violence or threats of violence targeting members of ethnic minority groups; crimes motivated by antisemitism; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or 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 regarding police abuses, observers considered police impunity widespread, and there were continued reports of corruption within the state, entity, and cantonal security services. Beyond the security services, there were numerous reports of government corruption during the year. Courts have not processed high-level

corruption cases, and in most of the finalized cases, suspended sentences were pronounced. Ineffective prosecution of war crimes committed during the 1992-1995 war continued to be a problem.

Section 1. Respect for the Integrity of the Person

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 1992-1995 war continued to be a problem, especially for those responsible for the approximately 8,000 persons killed in the Srebrenica genocide and for approximately 7,600 other individuals who remained missing and presumed killed during the war. Authorities also failed to prosecute most of the more than 20,000 instances of sexual violence alleged to have occurred during the war. The prospects of justice for victims of crimes committed during the war diminish with time because of death and illness of suspects, defendants, witnesses, and victims, as well as deteriorating quality of evidence. Lack of resources, including insufficient funding and personnel, political obstacles, poor regional cooperation, and challenges in pursuing old cases due to the lack of evidence and the unavailability of witnesses and suspects led to the closure of cases and difficulties in clearing the significant backlog.

During the year, national authorities made limited progress in processing war crimes due to long-lasting organizational and financial problems. In 2020, the Council of Ministers adopted a *Revised National War Crimes Strategy*, which 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

revised strategy provides for prioritizing category “A” cases, in which the evidence is “sufficient by international standards to provide reasonable grounds for the belief that the person may have committed the serious violation of international humanitarian law” and provides additional measures to enhance regional cooperation. In a July report to the High Judicial and Prosecutorial Council (HJPC), the State Prosecutor’s Office of Bosnia and Herzegovina (BiH) informed the council they were tracking a total of 814 suspects in “A cases.” Of these cases, the State Prosecutor’s Office was handling 472 suspects, while entities and Brcko District prosecutor’s offices were handling 342 suspects. The implementation of the revised strategy was delayed because the Council of Ministers failed to appoint a supervisory body, mainly due to the opposition of Bosniak victims’ associations to the nomination of Republika Srpska (RS) Center for Investigation of War and War Crimes Director Milorad Kojic as a member of the body. In the absence of a supervisory body, the HJPC has assumed additional responsibilities to provide some degree of oversight of the Revised Strategy, but continued absence of the supervisory body negatively impacted war crimes processing.

In August 2021, the Prosecutor’s Office sent Croatia a legal assistance request to take over the criminal proceedings against 14 Croatian generals who had been reported by RS police in 2007 for the commission of war crimes and crimes against humanity in Western Slavonia during the Flash military operation in 1995. In September 2021, Croatian Prime Minister Andrej Plenkovic announced the government rejected the request as groundless. Some other war crimes convictions were issued or confirmed over the year. Sakib Mahmuljin, a commander in the former Army of the Republic of BiH, sentenced in 2020 by the Court of BiH in the first instance to 10 years imprisonment for war crimes committed in the areas of Vozuca and Zavidovici, appealed the verdict. In April, the Appellate Chamber convicted Sakib Mahmuljin to eight years of imprisonment by a final verdict. Mahmuljin has not yet started to serve his sentence as he is currently in Turkey for medical treatment according to media reports. The final Mahmuljin verdict

prompted inflammatory reactions by both Bosniak and Serb ethno-nationalist political leaders. The Bosniak ethno-nationalist Party of Democratic Action (SDA) criticized the verdict as unjust. At the same time, president of the Serb ethno-nationalist Alliance of Independent Social Democrats (SNSD), and former Serb member of BiH Presidency, Milorad Dodik, said there was huge distrust among Bosnian Serbs towards the Prosecutor's Office and the Court of BiH, which he called “cynical, inappropriate,” and not conducive to reconciliation or justice.

In April the Court of BiH acquitted Dragan Vikić, Jusuf Pusić, Nermin Uzunović, and Mladen Čović of the first instance verdict of war crimes committed in Sarajevo’s Veliki Park.

In April the Court of BiH reached two final verdicts in cases of war time sexual violence. In the first case, based on a plea agreement, the Court of BiH sentenced Damir Miskin to four years’ imprisonment for committing war crimes of sexual assault of civilians in Mostar and Nevesinje. In the second case, the Court of BiH sentenced Adem Kostjerevac to seven years’ imprisonment for the war crimes of sexual assault of civilians near Zvornik.

Instances of historical revisionism; genocide denial; and the glorification of individuals convicted of genocide, crimes against humanity, and war crimes, continued throughout the year. Although, according to media reports, the BiH Prosecutor’s Office received more than 50 criminal complaints, no indictments have been filed for the offenses of genocide denial or war criminal glorification in accordance with the amendments to the BiH Criminal Code imposed by previous High Representative Valentin Inzko in 2021.

b. Disappearance

During the year there were no reports of disappearances by or on behalf of government authorities. For past disappearances by or on behalf of government

authorities (see section 1.a.).

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

The law prohibits such practices. While there were no BiH government reports that government officials employed such measures, nor were there no concrete indications security forces had ended the practice of severely mistreating detainees and prisoners reported in previous years.

Media reported that on November 15, RS police arrested two officers on suspicion that they robbed four migrants on November 7.

In 2021, the Council of Europe's Committee for the Prevention of Torture (CPT) released findings from its 2019 visit to the country in which it reported receiving numerous allegations of physical and psychological mistreatment, including of a severity which, in the CPT's view, amounted to torture. The reported mistreatment consisted of *falaka* (beating the soles of the feet), rape with a baton, and mock execution with a gun of detained persons by law enforcement officials. The CPT also received allegations of police officers inflicting kicks, punches, slaps, and blows with batons (as well as with nonstandard objects such as baseball bats, wooden tiles, and electrical cables) on detainees. The CPT stated the mistreatment was apparently inflicted by crime inspectors with the intention of coercing suspects to confess as well as by members of special intervention units at the time of the apprehension of criminal suspects. The CPT found the situation in the RS to have improved considerably since its visits in 2012 and 2015, although the CPT still received a few allegations of physical and psychological mistreatment of criminal suspects by police officers, notably in rural areas. In the Bosniak-Croat Federation (FbiH), the CPT report stated the high number of credible allegations of police mistreatment, particularly by members of the Sarajevo Cantonal Police, was a

source of “deep concern” for the CPT.

During the year, there were no published reports that cited examples of torture or other cruel, inhuman, or degrading treatment or punishment.

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. Legislative authorities have failed to adopt a new law on the Human Rights Ombudsman Institution, which would establish this mechanism. In 2021 the Institution of Human Rights Ombudsman in BiH (Ombudsman Institution) received 91 complaints by prisoners regarding prisoner treatment in detention and prison facilities. Most of the complaints concerned on health care, prison conditions, and detention facilities, denial of out-of-prison benefits, use of parole, and transfer to other institutions. A smaller number of complaints referred to misconduct by staff or violence by other prisoners.

Impunity was a significant problem in the security forces. The 2021 CPT report stated that investigations into alleged police mistreatment “cannot be considered effective, as they are not carried out promptly or thoroughly and neither can they considered to be impartial and independent.” The report was critical of the internal control unit of the Sarajevo Cantonal Police and of the role of prosecutors who, in several cases examined by the CPT, had delegated all investigative acts to police inspectors from the same unit as the alleged perpetrators of the mistreatment.

Police in both entities and the Brcko District had internal units for professional standards, which were under direct supervision of district, cantonal, or entity police units, to which citizens can report cases of mistreatment or abuse of persons deprived of liberty. Only a small number of reported allegations of police brutality were judged to be justified by police authorities and then processed.

Prison and Detention Center Conditions

In some locations, there were harsh physical and sanitary conditions in the country's prisons and detention facilities.

Abusive Physical Conditions: In its 2021 report, the CPT stated conditions were unacceptable in several police detention facilities, particularly referring to daylight, ventilation, heating, and beds for overnight stays.

Health care was one of the main complaints by prisoners, especially concerning diagnostics or specialist services. Not all prisons had comprehensive health-care facilities with full-time health-care providers. In such instances, the institutions contracted part-time practitioners who were obligated to regularly visit institutions and provide services. Prisons in Zenica, Tuzla, Sarajevo, East Sarajevo, Foca, and Banja Luka employed full-time doctors, while prisons in Mostar, Orasje, Bihac, and Busovaca engaged general practitioners from the nearest health care center on a contractual basis. Similarly in the RS entity, prisons in Trebinje, Doboje, and Bijeljina engaged doctors on temporary and part-time contracts. There were no prison facilities suitable for prisoners with physical disabilities. In some instances, prisoners in need of expensive and more complex medical services faced problems obtaining such services due to limited budgets of the institutions. The CPT report found there is no coherent approach to prisoners who were drug addicts. In Sarajevo for example, only prisoners who were already prescribed substitution therapy before entering the prison were able to continue with the therapy. In Mostar and RS prisons, such treatment stopped when inmates started serving their prison term. The CPT report highlighted that RS authorities ended substitution therapy for prisoners with drug withdrawal symptoms suddenly after the prisoner is admitted to prison. The RS Ministry of Justice responded that "such process always takes place with consent of prisoners and under supervision, control, and adequate therapy prescribed by a psychiatrist."

Administration: In its 2021 report, the CPT stated that investigations by authorities into allegation of police mistreatment “cannot be considered effective... and neither can they [be] considered to be impartial and independent” (see section 1.c.).

The country’s prison system was not fully harmonized nor in full compliance with European standards. Jurisdiction for the execution of sanctions was divided between the state, entities, and Brcko District. Consequently, 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.

The BiH law on execution of criminal sanctions, detention, and other measures provides for inmates’ religious rights. BiH authorities generally respected these rights.

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 Ombudsman Institution, and 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 September 2021, a CPT delegation visited BiH to examine the treatment of persons deprived of liberty by police agencies at the state, entity, and cantonal levels, as well as the treatment and conditions of detention of prisoners in several establishments. The CPT delegation also examined the effectiveness of investigations into allegations of police ill-treatment by prosecutorial authorities and police oversight mechanisms in FBiH, with a focus on Sarajevo Canton. The CPT had not issued a report on the visit as of year’s end.

Improvements: The Sarajevo Canton Ministry of Interior refurbished and

provided equipment for detention facilities. This included repair of walls; replacement and installation of adequate heating, ventilation, and air conditioning; repair of sanitary facilities; replacement of beds; and procurement of new mattresses, blankets, and pillows.

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 decide which option to pursue.

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 remanded 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.

e. Denial of Fair Public Trial

The constitution provides for 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 the right to a fair and public trial, but the judiciary did not always enforce this right. The BiH Constitutional Court ruled that the Sarajevo Cantonal Court violated the right of Fatima Mujkic to a fair trial in a civil proceeding. The Constitutional Court said the Mujkic case was urgent as it dealt with the guardianship of a minor child, but the Sarajevo Cantonal Court proceedings lasted more than two years with no acceptable justification for the processing delay.

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). As of year's end, the government failed to comply with many previous decisions pertaining to human rights by the country's courts and international institutions. For example, the government failed to implement a 2019 decision of the United Nations Committee Against Torture (CAT), which found that rape and other acts of sexual violence constitute torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention), and ordered the state to issue an apology to a victim, pay "fair and adequate compensation" and provide free medical and psychological care to the victim. This decision, which concerns the rape of a Bosnian woman during the 1990s war in the country, represented the first CAT decision to examine a state's responsibilities with respect to sexual violence committed during a period of internal armed conflict. In 2014, the BiH Prosecutor's Office indicted the perpetrator, Slavko Savic, for war crimes and in 2015 the Court of Bosnia and Herzegovina Section I for War Crimes found him responsible for the rape and guilty of war crimes, sentencing him to eight years in prison and ordering him to pay compensation to the survivor. An appellate court upheld the judgment, but the perpetrator did not have the money to pay, and the victims received no compensation from the perpetrator or the state.

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 time. The government's failure to comply with court decisions led plaintiffs to bring cases before the ECHR. According to the office of the agent of BiH Council of Ministers before the ECHR, 13 new plaintiffs brought cases

before the court by the end of October. Their cases mostly referred to the failure or delay of BiH authorities to execute court decisions, but at least one referred to violations of freedom of speech for a lawyer during a trial. Mirko Simić, a lawyer from Brcko District, was fined for contempt of court after telling a joke while representing his client. The ECHR ruled that the fine violated Simić's freedom of speech and that it did not give sufficient weight to the context of the remarks.

Property Seizure and 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, or gave religious communities a temporary right to use them, even in cases in which evidence existed that they belonged to religious institutions before confiscation. In July, Novo Sarajevo Mayor Hasan Tanovic, elected in 2020, granted the Franciscan Province of Bosna Srebrena a permit to reconstruct the remainder of their monastery in Sarajevo's Kovacici settlement, confirming their right to use the premises of the monastery indefinitely, while formal ownership of the building is pending adoption of restitution legislation in BiH. Tanovic's predecessor, former mayor Nedžad Koldzo (SDA), blocked the Franciscans' ability to renovate their property for 13 years. The government has no laws or mechanisms in place for resolution of Holocaust-era claims, and NGOs and advocacy groups reported that the government had not made progress on these claims, including for foreign citizens.

In the past the absence of legislation resulted in the return of religious property on an ad hoc basis, subject to the discretion of local authorities, often in favor of the majority religious group in that local community. While the four traditional

religious communities unanimously supported adoption of a law on restitution, political disagreement over whether the competencies for restitution lie with the state or the entities blocked progress on the law. While the RS asserted that the competency for restitution rests with the entities, the Federation maintained that it is a state competency. Advocacy groups and legal experts highlighted the need for at least a framework legislation at the state level to prevent discriminatory practices in the implementation of the law. During the year, BiH authorities have not broached the issue of restitution legislation.

The Jewish Community had restitution claims involving at least 54 properties that were seized in different ways (through nationalization, expropriation, liquidation, or illegal gifts). 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.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress (released in July 2020) provides further details on the restitution of Holocaust-era communal, private, and heirless property as well as a country's activities for Holocaust remembrance, education, and archival access. The report is available on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

On September 22, the BiH Constitutional Court ruled that the Republika Srpska Law on Immovable Property was unconstitutional, affirming the BiH Parliament is the sole competent body for regulating state property. RS entity-based parties criticized the court decision. The RS National Assembly adopted the law on February 10, asserting that the land and buildings on the territory of the RS are the property of the entity. The RS law directly violated previous BiH Constitutional Court rulings and a 2005 state-level law banning the RS, Federation, and Brcko District from disposing of property that belonged to Yugoslavia or the former

Socialist Republic of Bosnia and Herzegovina. The High Representative had suspended the new RS entity law on April 12.

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

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for the press, but government respect for this right remained poor. Intimidation, harassment, political pressure, and threats, including death threats, against journalists and media outlets, continued during the year. While threats and pressure against journalists persisted, BH Journalists, a professional association, noted an increase in the number of cases resolved in favor of journalists whose rights were violated. To advance efficiency and standards, the Sarajevo Canton Prosecutors Office improved the process of documenting cases of violations of the rights of journalists and appointed a prosecutor to facilitate communication between relevant institutions and journalist associations. Numerous restrictive measures introduced to deal with the COVID-19 pandemic continued to limit access to information and limit the presence of journalists at events otherwise open for media coverage. Media coverage was increasingly dominated by nationalist rhetoric and ethnic and political bias, often encouraging intolerance and sometimes hatred, especially prior to the October elections. The absence of transparency in media ownership remained a problem. Ownership of online media remained opaque in many

instances. For many broadcast and print outlets, only information concerning nominal ownership was available.

Freedom of Expression: The country's laws provide for a high level of freedom of expression, but the 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 enforced these restrictions only occasionally and never for online media. In 2021, the high representative for BiH amended the criminal code of the country to sanction genocide denial, the glorification of war crimes, and the incitement of racial, religious, or ethnic hatred, and violence, but as of November no persons had been indicted or prosecuted for these acts. According to the Srebrenica Memorial Center, denial of genocide decreased by nearly 80 percent as of July since the legislation was amended.

Violence and Harassment: Intimidation, violence, politically motivated litigation, and threats against journalists were recorded during the year. As of July, the Free Media Help Line (FMHL) recorded 40 cases reported by media outlets involving alleged violations of journalists' rights and freedoms, including five death threats and one physical assault. On October 26, Zoran Cegar, head of the Federation Uniformed Police Sector, threatened a journalist from the Center for Investigative Journalism (CIN) from Sarajevo. A CIN journalist was working on a story on Cegar's acquisition of multimillion-dollar properties in BiH and Croatia and contacted him to request an interview. Cegar refused and threatened and cursed at the journalist over the phone, saying "Don't even think of calling me again, so that I don't come to you from where you're calling me," and calling the journalist a "Chetnik," a term referring to Serbian nationalist fighters which is often used as a derogatory term for Serbs in general. The following day, a CIN journalist asked Cegar for comment in front of the Dubrovnik Municipal Court in Croatia, where Cegar's trial for fraud began. Cegar reacted violently and

threatened “Don’t make me rip your throat out!” On November 3, at the request of the FBiH Minister of Interior, Aljosa Campara, deputy Director of the Federation Police Administration Ensad Korman suspended Cegar from his position.

During the election campaign, SNSD president and then Serb member of BiH Presidency Milorad Dodik often made negative comments regarding the Bijeljina-based television station, BNTV. At a SNSD rally in Banja Luka in September, two attendees physically attacked a BNTV cameraman because he refused to stop filming their improperly parked truck with SNSD signs. BH Journalists condemned the incident.

In October following the general elections but before results were announced, Dodik’s daughter Gorica tweeted a photo of High Representative Christian Schmidt and BNTV owner Vladimir Trisic, captioned “Hitler and his servant.” In response, BH Journalists called on BiH institutions to appropriately prosecute threats and hate speech against journalists via social networks. The largest Bosniak ethno-nationalist party, the SDA, continued to malign Sarajevo-based Face TV owner Senad Hadzifejzovic and his family. SDA member Faruk Kapidzic wrote on Facebook that Hadzifejzovic was a “sick journalist,” a “blackmailed coward,” and a “thief.” These insults were a reaction to a satirical piece aired on Face TV that included compromising photos of SDA officials picked up from social media. There were numerous similar abuses across the country.

In May a well-known blogger and columnist from Banja Luka, Srdjan Puhalo, faced online harassment, including death threats, after he published a commentary on *Analiziraj.ba*, questioning the often-cited number of children killed in Sarajevo during the war and offering a cash reward to anyone who could prove the claimed figure was correct. Critics challenged Puhalos’s reputation and alleged he was involved in the war. Very few outlets stood by Puhalo, advocated for his right to

ask a question, or condemned hate speech and threats he faced. Jasmila Zbanic, a film director from Sarajevo whose movies regarding the 1990s war and most recently concerning the Srebrenica genocide have been internationally recognized, strongly supported Puhalo. BH Journalists and the regional Safe Journalists Network defended Puhalo's freedom of expression, asking police and judiciary authorities to investigate and sanction the propagators of hate speech and all those who endanger Puhalo's the personal and professional rights of Puhalo.

The number of verbal attacks against journalists increased during the year. Attacks on journalists' professional integrity and freedom of the press continued throughout the reporting period. Disrespect toward journalists and journalism continued, becoming a dominant behavior of politicians across the country. When asked questions they disliked, BiH politicians often reacted with insults based on gender, age, ethnic or political affiliation, trying to discredit journalists, categorizing them as incompetent or as political puppets. In March then Serb member of the BiH Presidency and the leader of the ethno-nationalist SNSD Milorad Dodik showed his middle finger to a group of camera crews as he passed by on his way to a hearing at the BiH Prosecutors Office. On his way back, Dodik repeated the gesture. When criticized for his actions, he apologized and claimed that he had aimed his finger only at the crews of BNTV and Avaz, not the entire journalist community. BH Journalists called on the media community to boycott Dodik's press events until he apologized to all journalists, which he did not do. In April President of the Social Democratic Party Nermin Niksic stopped N1 journalist Suncica Sehic, grabbed her by her hand, and called her "pathetic." Sarajevo Canton Prime Minister Edin Forto in a TVSA television program shouted at a journalist, attempting to discredit her questions. The BH Journalists Steering Board issued a press release, protesting the disrespectful behavior of politicians toward women journalists.

BH Journalists noted that gender-based attacks and pressure against journalists

increased during the year. According to the FMHL, the number of threats against women journalists has rapidly grown over the last three years with almost 70 registered cases. Approximately 50 percent of these threats came from politicians and other elected officials.

In April the Sarajevo Canton Prosecutor's Office, supported by the Organization for Security and Cooperation in Europe (OSCE) Mission to Bosnia and Herzegovina, appointed a prosecutor in charge of communicating and coordinating with the journalists' associations and law enforcement agencies in cases of criminal acts against persons who perform tasks of public importance in the field of information. Sarajevo-based commentators considered this a positive initiative for the protection of journalists, which remains to be tested and could be expanded.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The Communications Regulatory Agency received six complaints related to hate speech but did not determine any case as in the broadcast media constituted hate speech. The Press Council, which operates as a self-regulatory membership-based body for both online and printed media outlets across the country, registered 110 complaints related to hate speech, out of which eight complaints were related to articles published in online media. As of September, 81 complaints had been resolved through the media outlets publishing retractions, providing corrections to the text in dispute, or removing the comments in question, depending on what the Press Council asked them to do to resolve the dispute.

Political and financial pressure on media outlets to influence editorial policies and content continued. According to information provided by media outlets, tax authorities used tax audits to punish critical media, conducting the audits without justification. These authorities, assumed to be acting under the direction of ruling political parties, used audits and allegations of tax evasion to intimidate and censor

outlets. A broader economic downturn also continued to erode the financial stability of media across the country, often forcing them to scale back their operations and making them more vulnerable to outside pressure.

Public officials obstructed the work of journalists. This period was marked by attempts to restrict access to information in several areas. Restrictions imposed during the pandemic remained in place. Institutions continued selectively closing events to media coverage by using the pandemic as an excuse. In February the Tuzla Cantonal Assembly held a session discussing a vote of no confidence for the government and closed it to the press because of “pandemic restrictions,” despite having allowed media presence previously when COVID-19 cases were more numerous. BiH Journalists note that similar practices were registered throughout the country.

The practice of pressuring journalists to censor their reporting continued during the year. Reaction to investigative stories focusing on the corruption of high-level judicial officials and their lack of accountability continued generating pressure on journalists. Additionally, reports that challenged official narratives provoked pressure and threats. In August, Franjo Sarcevic, editor in chief of the Sarajevo-based web portal Prometej.ba, his editorial team, and family members were threatened with violence, first by the *Stav* political magazine, closely associated with Bosniak ethno-nationalist SDA, and later by a wider social network community. These threats came after his web portal presented opinions different from SDA’s regarding the High Representative’s proposed changes to the BiH election law and FBiH constitution as well as corresponding protests in front of the Office of High Representative in Sarajevo in August. BH Journalists reacted by strongly condemning hate speech and the campaign against Sarcevic. At the beginning of August, *Oslobodjenje* Editor in Chief Vildana Selimbegovic published and tweeted out an op-ed on possible changes to the election law. This provoked harsh social media reactions against Selimbegovic. In addition to

misogynous and insulting comments, one of the replies was a threat, saying if the legislation was adopted, “she would be looking into a pit.”

In January BH Journalists Secretary General Borka Rudic and UNA TV journalist Sladjan Tomic received threats via Facebook from Jasmin Mulahusic, a Luxembourg resident, who was reported to police. Mulahusic, arrested in BiH in 2011 for fanning hatred, national and racial intolerance, also threatened Selma Fukelj, a Media Center journalist and Editor in Chief of *Inforadar.ba*, and journalist Almedin Sisic. Sisic also received threats from Semir Fruska from Travnik, who said that a group would visit him “to test his courage.” All these incidents were reported to police. The BiH Prosecutor’s Office is in the process of investigating Mulahusic, who continued to use his social media accounts to target journalist and media outlets throughout the country.

Authorities continued to exert pressure on media outlets to discourage some forms of expression, and party and governmental control over some news outlets narrowed the range of opinions represented in both entities. Public broadcasters at the state (BHRT) and entity level (RTV FBiH and RTRS) continued to operate without stable and sustainable income that would enable independent editorial policy. They remained exposed to political influence, especially through politically controlled steering boards, because existing legal solutions failed to provide mechanisms that protect editorial independence. Independent analysts stated that limiting the competencies of entity parliaments in the process of the appointment of the steering boards of public broadcasters remained crucial for their editorial independence.

RTV FBiH continued to demonstrate a selective approach to news. The RS government continued to increase its direct control of RTRS, which strongly amplified the positions and narratives of the ruling coalition in the RS entity. Failure to implement the state-level Law on Public Broadcasting and to implement

the established system of subscription fee collection has led BHRT to the brink of bankruptcy, forcing it to downscale operations. Entity broadcasters were in charge of collecting subscription fees and sharing a portion of them with BHRT, but they failed to do so. State-level parliament's failure to adopt systematic solutions to ensure BHRT sustainability continue to threaten the future of this state-level broadcaster. Authorities remained subject to competing political interests and failed to establish a public broadcasting service corporation to oversee the operations of all three public broadcasters in the country as envisioned by the law.

The Communications Regulatory Agency, which regulates the audiovisual media market, lacked full financial and political independence. The mandate for its Council expired at the end of 2017, but the parliamentary commission for the appointment of the council had not decided on its mandate renewal by the end of the year. The agency repeatedly warned that a major delay in switching from analogue to digital broadcasting could have dangerous consequences on media plurality in the country.

Multiple political parties and entity-level institutions attempted to influence editorial policies and media content through legal and financial measures and through political pressure. As a result, some media outlets practiced self-censorship. Government institutions restricted access to information concerning ongoing corruption cases and the improper use of public funds and foreign investments. For example, Transparency International BiH (TI BiH) filed a case with a district court against RS Ministry of Traffic in 2021 for restricting access to information on details about a potentially problematic contract on the concession for the Banja Luka-Prijedor highway. The court ruled in favor of TI BiH and ordered the ministry to provide the requested information to TI BiH. TI BiH also turned to the Human Rights Ombudsman, which requested that the ministry provide the information sought by TI BiH. The court ruling and the Ombudsman's recommendation, however, were not implemented by year's end. Cases of

allowing only selected media representatives to cover events were noted. 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 some major advertisers and political circles and resulted in 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. Numerous restrictions related to the pandemic continued to have a direct negative impact on the finances of media in the country, making them more vulnerable to economic and political pressure.

Reacting to unfavorable media reports about him, Elmedin Konakovic, president of the Narod i Pravda political party, labeled online news portals in question as “regime affiliated” and “liars,” accusing them of campaigning against him.

Libel/Slander Laws: While the country has decriminalized defamation, many complaints continued to be brought before courts against journalists, often resulting in extremely high fines. The Press Council of BiH noted that public figures, politicians, judicial officials, and directors of public companies were predominantly the ones filing complaints. Professional organizations noted that the practice of demanding extremely high compensations continued.

A first instance court ordered online media outlet *Zurnal*, known for its investigative reporting, to pay more than 170,000 KM (\$102,000) in a 2021 defamation case. *Zurnal* appealed the ruling, but no ruling on the appeal was made as of year’s end. BH Journalists expressed deep concern that such high fines and penalties could seriously jeopardize the work and business operations of media outlets, noting the need for balance between economic sustainability of media, public interest, and individual right to compensation.

Defamation cases continued to be used to exert both financial and political and

financial pressure on media and journalists, jeopardizing the right to freedom of expression. Data from the FMHL and the Press Council indicated that the number of defamation cases against journalists and editors remained high. Courts continued to fail to differentiate between different media formats (e.g., news versus commentary), while long court procedures and legal and financial battles were financially exhausting to journalists and outlets. Data available from FHML indicated that 80 percent of defamation cases were initiated by government officials or politicians. Professional organizations note that courts impose enormously high damage compensation claims with increased frequency.

According to Amnesty International, two environmental activists faced baseless defamation charges in a Sarajevo court from BUK, a hydropower company in BiH owned by Belgian company Green Invest. BUK pursued defamation cases against the activists after they expressed concerns over the potential environmental impact of the company's hydropower plants on the Kasindolska River. Amnesty International claims that this lawsuit fits into a broader pattern of corporations using strategic lawsuits for public participation to stifle activists.

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.

Restrictions on Academic Freedom and Cultural Events

There were some government restrictions on academic freedom. The cantons of Tuzla and Sarajevo have laws that could restrict the independence and academic freedom of universities within their jurisdictions by allowing elected municipal authorities to hire and fire university personnel, including academics, at their discretion. Staff at these faculties reported, however, that while the laws have not

changed, the situation improved and there were no reports of restrictions being enforced.

The country's eight public universities remained ethnically segregated, 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

The laws provide for the freedoms of peaceful assembly and association, but there were cases when the government limited such freedoms.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Leaders of the informal group Justice for David, however, reported harassment by RS police in Banja Luka.

The Justice for David movement emerged in response to the 2018 killing of David Dragicevic, age 21, which remains unsolved. Dragicevic's family mobilized thousands of citizens in support of their search for the facts of the killing and demand for justice. The RS entity government justified its decision to ban all public gatherings of the group, including protests, claiming the movement failed to fully respect the law during previous rallies. Some journalists and protesters alleged that during the arrests police used excessive force on Justice for David protesters and produced photographs that appeared to support their claims.

Justice for David gatherings in Banja Luka have taken place without major incidents. A large rally for David Dragicevic was held in Sarajevo in 2021. After allegations of a cover-up and failure by RS entity authorities to adequately investigate the circumstances of Dragicevic's death, the BiH State Prosecutor's

Office took over the case in April 2021. After the Banja Luka court acquitted two members of the Banja Luka Police Administration of tampering with evidence in January, Davor Dragicevic, David's father, set up a tent in front of the BiH State Prosecutor's Office in March, where he remained for two months.

There are 12 laws governing the right to free assembly in different parts of the country, many 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 entity, 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. The lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community has also had problems with freedom of assembly (discussed further in section 6). The only law that is entirely in conformity with applicable international human rights standards is the Brcko District Law on Public Assembly. Due to opposition from the ruling coalition member conservative Narod i Pravda (NiP) party, the Sarajevo Canton government failed to adopt an improved freedom of assembly law and instead produced a draft that further limited spontaneous gatherings and did not comply with the international human rights standards, according to OSCE.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. 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 the government distributed funding to NGOs connected to ruling political parties.

In the RS entity, organizations and individuals who publicly criticized Russia's aggression against Ukraine following the February 24 full-scale invasion, often

received threats to personal safety; buildings were graffitied with pro-Russian and pro-war markings and personally owned vehicles or businesses were damaged. RS authorities did not investigate or prosecute such cases, sanction perpetrators, or condemn these practices, which NGOs reported were ongoing as of year's end.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

In-country Movement: Although the law on asylum provides for freedom of movement for asylum seekers, authorities of Una-Sana Canton previously imposed restrictions without a legal basis. A significant decrease in the total number of migrants in the Una-Sana Canton resulted in the authorities lifting most of those restrictions. Restrictions on entry to and exit from temporary reception centers (TRCs), put in place in 2020, were lifted except for the Borici TRC, where residents can leave at any time, but may return only from 8 a.m. to 4 p.m. In addition, authorities in the RS entity continued to restrict the movement of migrants and asylum seekers within its territory and in some cases provided transport to the Inter-Entity Boundary Line at Rudenice/Kljuc where migrants were sometimes referred to the International Organization for Migration (IOM) for transportation to a TRC or continued making their way to Una-Sana Canton on foot.

In the past, Una-Sana authorities restricted entry to the canton by migrants and

asylum seekers by removing migrants and asylum seekers from public transport at two police check points. According to UNHCR, this practice stopped as of September.

During the year, Una-Sana Canton authorities did not continue the 2020-2021 practice of removing migrants and asylum seekers from privately rented accommodation and relocating them to the Lipa TRC. Through legal representation by UNHCR's legal aid partner Vasa Prava BiH, two registered asylum seekers who were removed from private accommodation in 2020 submitted an appeal to the Constitutional Court of BiH, and in February the BiH Constitutional Court issued a decision determining and condemning "violation of the right freedom of movement" by Una-Sana Canton authorities.

e. Protection of Refugees

The government cooperated with the Office of the High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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, although in practice only asylum-seeking families were accommodated, resulting in single men and unaccompanied children being accommodated in a limited number of TRCs, limiting their access to asylum. In addition, the two centers specifically designated to accommodate asylum seekers – Delijas Asylum Center and Salakovac Refugee Reception Center – remained underutilized, and Salakovac had no residents as of September. Accommodation in either is not based on asylum status or intention but instead on

the capacity of the Usivak TRC where referrals are made and approved by the Ministry for Security, resulting in most families staying for brief periods before pursuing onward movement.

The overwhelming majority of refugees and migrants arriving in the country were issued an attestation on expressed intention to seek asylum, although very few intended to apply for asylum in the country. Accommodation in any of the reception centers was contingent on possession of this attestation document. This created a severe backlog in the asylum system, which has no mechanisms for identifying and prioritizing those with protection needs and a willingness to pursue international protection in the country over those pursuing onward movement. As a result, there were extreme delays for persons wishing to register an asylum claim. For asylum claims registered, the average wait time between issuance of an attestation and registration with the Sector for Asylum was 182 days, and this was only for those who managed to register. Processing times for those who were registered were also excessive, averaging 422 days between registration and the issuance of a decision during the year, meaning that on average the asylum process can take up to two years from initial issuance of an attestation to a decision.

To register a claim, individuals must be invited by the Sector for Asylum. Asylum authorities prioritized unaccompanied children and families accommodated in Usivak TRC and persons in private accommodation. While UNHCR observed that during the year the Sector for Asylum began to invite individuals legally represented by its free legal aid partner, Vasa Prava, for registration, this leaves those without access to legal representation essentially unable to access the asylum process. For single men in Blazuy, the country's largest temporary reception center, asylum authorities continue to maintain their position that they would not invite them for registration, essentially leaving the majority of adult male asylum seekers unable to apply for asylum. At the Delijas Asylum Center, authorities conducted two registration visits in 2021, involving three families, while 66

families were accommodated in the center without being registered, staying on average 21 days before leaving. For the Salakovac Refugee Reception Center, no registrations were conducted over the year for the 20 families accommodated there who stayed an average of 54 days. Highly restrictive access to the asylum process combined with the lengthy and inefficient procedure for those registered resulted in many abandoning their asylum request, and authorities suspending most cases prior to issuing an initial decision (184 suspensions compared to 82 decisions in 2021 or 69 percent of cases being suspended).

Authorities also maintained a restrictive approach to assessing asylum claims, granting refugee status in just five cases since the start of the mixed movement surge in 2018. They instead granted subsidiary protection in cases when refugee status would likely be more appropriate, such as cases involving Afghan, Syrian, and Turkish citizens. Asylum seekers have the right to appeal a negative decision before the Court of BiH, although the court lacked specific expertise on asylum and often upheld the initial decision issued by asylum authorities, while only intervening on issues related to the process rather than the content or quality of the decision. When appeals were upheld, they were returned to the Sector for Asylum for reexamination, rather than issuing a decision on the merits of the claim, and most often the subsequent decisions issued by asylum authorities remained unchanged. In one high-profile case, authorities repeatedly rejected a claim despite it being returned to the Sector for Asylum on appeal four times. In the final decision, authorities rejected the claim for asylum while paradoxically acknowledging a risk of refoulement, and the individual was subsequently issued a removal order and temporary residence permit on humanitarian grounds.

In reception centers, international organizations, NGOs, and volunteers provided services which varied depending on the facility. There were two government-run centers (Delijas and Salakovac) which remained underutilized, while most asylum seekers and migrants resided in four temporary reception centers operated by the

Service for Foreigners' Affairs in Sarajevo (Usivak and Blazuj) and Una-Sana Cantons (Borici and Lipa). In November 2021, the IFS-EMMAUS Center for Children and Youth in Doboj Istok stopped receiving unaccompanied asylum-seeking and migrant children after the protocol, signed with the Ministry of Security in December 2020, expired in August 2021. Unaccompanied children are thus accommodated in the country's two mixed-use TRCs (Usivak and Borici) leaving BiH without dedicated accommodation for children. There remained an acute lack of protection-sensitive accommodation for other vulnerable categories or persons with specific needs, including those with physical and mental disabilities, families with children, survivors of gender-based or domestic violence, persons with diverse sexual orientations and gender identities, elderly persons, and victims of human trafficking.

As a result of the mass influx from 2018, authorities largely stopped the previous practice of detaining irregular migrants in the Immigration Center in Lukavica, mainly due to its limited capacity. NGOs including free legal aid providers continued to have limited access to the immigration detention and asylum centers, on the grounds of COVID-19 mitigation measures. Access to information, free legal aid, and asylum remained a concern for those detained in Lukavica, especially given the risk of return and refoulement for those detained.

Certain provisions of the 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. While access to the territory is largely respected for those arriving by land, there were cases where persons arriving at the airport were not admitted to the country and were de facto denied access to the asylum procedure despite an expressed fear of return to their country of origin, placing them at serious risk of refoulement. In one case, the European Court of Human Rights granted an interim measure under Rule 39 preventing the removal of two persons from the territory of BiH due to a well-

founded fear or persecution in their country of origin, but the injunction was delivered after they had already been placed on a return flight.

Durable Solutions: The legal framework provides 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 internally displaced persons (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 communities, while COVID-19 and supply-chain issues led to the extension of the program for an additional year beyond the June 2022 closure date due to the failure to reach the implementation targets. As of year's end, more than 1,900 housing units were delivered in BiH with 1,000 in progress. UNHCR and OSCE, however, expressed concern that 83 vulnerable Bosniak families who were already selected for inclusion in the program to return to their prewar home in RS may remain without housing after the June 2023 closing date.

Temporary Protection: The government provided subsidiary protection status to individuals who qualified as refugees, including Afghan and Turkish citizens with strong individual claims.

For refugees fleeing Ukraine, BiH authorities failed to establish a Temporary Protection plan in line with the European Union. Instead, most Ukrainians applied for temporary stay on humanitarian grounds, which does not afford them any rights, including employment, healthcare, or education, and takes up to two months

to be confirmed. This left many vulnerable refugees who were unable to return to Ukraine in legal limbo. While the regular asylum system is in theory open to Ukrainians, the extremely lengthy processing times (up to two years) renders the procedure inappropriate for this specific demographic requiring immediate international protection.

f. Status and Treatment of Internally Displaced Persons

Ministry of Human Rights and Refugees statistics indicated that 96,305 individuals still held internally displaced person (IDP) status following the 1992-95 war. The majority of Bosniaks and Croats within the RS fled the entity, while Serbs fled the Federation. Access to free legal aid for IDPs and returnees remained inconsistent throughout the country due to under-resourced cantonal legal aid offices and legislative gaps, thus UNHCR continues to support a limited number of vulnerable IDPs in accessing their rights. According to UNHCR, 35 collective accommodation centers throughout the country remained occupied by IDPs awaiting a permanent housing solution. While the accommodations were meant to be temporary, some had been living in them for more than 20 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 Displacement*. The government actively promoted the safe return of refugees and IDPs or the local integration of persons in their place of displacement, depending on their specific situations. 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, and there were no major developments with regards to improved access to rights and services – particularly the right to education in their language –

for vulnerable IDPs and returnees.

g. Stateless Persons

As of August, UNHCR was aware of 50 persons at risk of statelessness. They included Roma, former refugees from Croatia residing in the RS entity, children born to undocumented migrants and asylum seekers, persons born abroad without birth registration, and persons lacking birth certificates and citizenship registration. UNHCR continued to provide assistance to authorities to facilitate birth and citizenship registrations and advocating for the closure of gaps in the existing legal framework to continue decreasing the number of persons at risk of statelessness.

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 several shortcomings, however.

Elections and Political Participation

Recent Elections: Following the October 2 general elections and its monitoring mission, OSCE's Office for Democratic Institutions and Human Rights (ODIHR) issued a preliminary statement and conclusions stating that the elections were well organized and competitive, but that failed reform efforts, widespread mistrust in public institutions, and ethnically divisive rhetoric negatively influenced the election environment. ODIHR also stated that election day was overall orderly, but ODIHR was impacted by concerns regarding the secrecy of the vote and inconsistent application of procedural safeguards, mainly during the vote count.

Observers, including Pod Lupom, a coalition of election integrity NGOs, reported numerous instances of the misuse of public resources during the election campaign

preceding October general elections. Most reports alleged misuse of public resources on behalf of the SNSD, SDA, the Croatian Democratic Union (HDZ BiH), the Social Democratic Party (SDP), and the Party for BiH (SBiH). Pod Lupom also reported that the ruling parties at the entity level (SDA, HDZ BiH, and SNSD) provided one-time assistance to potential voters in the runup to the elections, such as financial assistance to pensioners, disabled persons, civilian war victims, and veterans. These parties also sometimes distributed packages of basic foodstuffs prior to the election to motivate voters.

Political parties continued to manipulate the electoral process through the registration of fictitious political entities to pack polling station staff with loyalists. High Representative Christian Schmidt's July 27 imposition of reforms to the BiH Election Law curbed some of this behavior by sharpening definitions for electoral violations and increasing penalties.

Election observers from political parties, civil society, and the international community observed numerous irregularities during election day. International observers reported that polling station staff were not consistently following accountability measures, and there was evidence that political parties were improperly influencing voters.

The BiH Central Election Commission (CEC) decided on October 10 to conduct a full recount of ballots in the race for the RS president due to the number and severity of alleged irregularities. The recount uncovered evidence in several polling stations that ballot counts had been altered, largely in favor of SNSD candidate Milorad Dodik, and at the expense of Party of Democratic Progress candidate Jelena Trivic. Other irregularities included the discovery of fake ballots and evidence that ballots had been added following the closure of polls. The CEC also conducted smaller recounts in select polling stations in other races.

The SNSD and its political partners protested the CEC's decision to conduct a

recount, making personal attacks on individual CEC members and alleging that opposition political parties and “foreign ambassadors” were influencing the institution. The SNSD and its ruling coalition allies held a rally in Banja Luka on October 25 attacking the CEC, linking support for the SNSD with Serb patriotism, and threatening secession.

On October 27, the CEC voted six to one to accept the counting center's report on the recount of the race for RS president, which led the CEC to determine that while the recount discovered numerous irregularities and evidence of fraud, these were not sufficiently severe to have materially affected the outcome of the race.

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 or members of minority groups in the political process, and 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 be women, women held only 24 percent of delegate seats (14 of 57 seats) in the House of Representatives (HoR) and the House of Peoples (HoP) in the state-level parliament. Out of 143 mayors in BiH, only five women (3.49 percent) were elected in the 2020 local elections.

Representation of women in the judiciary was much higher than in the executive and legislative branches. Women held more than 60 percent of positions in local courts and in the HJPC. Women held 40 percent of the highest positions, including positions of court president, judge, and 16.6 percent of positions in the prosecutors' offices. Women held 80 percent of positions as presidents of cantonal courts and

33 percent of chief cantonal prosecutors in the Federation entity. In police forces across the country, women usually held administrative, lower-level jobs). For example, only 5 percent of higher positions in entity police forces were occupied by women, and only 14.52 percent of jobs in State Investigation and Protection Agency. Only 4.8 percent of women work as police officers and junior inspectors in the Border Police. RS entity Ministry of Interior employs 7.8 percent of women as police officers, inspectors, and senior inspectors. The Federation Ministry of Interior employs 46 percent women, but mostly in lower-ranking positions.

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. The country’s 17 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.

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. During the year, BiH authorities failed to adopt important anticorruption legislation, such as the Law on Prevention of Conflict of Interest and amendments to the Law on the High Judicial and Prosecutorial Council. There were numerous reports of government corruption during the year. Courts did not process high-level corruption cases, and in most of the finalized cases, gave suspended

sentences. During the year, the State Prosecutor's Office raised only one indictment for high-level corruption, against Rejhan Rakovic, an employee of the Prosecutor of the BiH Border Police and president of the Commission for the Implementation of the Recruitment Procedure, for illegally demanding and receiving money from candidates who applied for the positions of police officers in the Border Police of BiH.

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.

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.

The Sarajevo Canton Anticorruption Office continued to be a leader in anticorruption efforts. During the year, this office successfully collected and verified asset declarations of public officials, providing an important boost to the public's ability to detect unexplained wealth and promote integrity of public officials.

Since the September adoption of the Sarajevo Canton Law on Prevention of Corruption, the office expanded its activities to include conflict of interest prevention and whistleblower protections. In December 2021, Tuzla Canton

adopted Asset Declarations law and established an Anticorruption Office.

Corruption: While the public viewed corruption as endemic in the public sphere, there was little willingness within the judiciary to prosecute corrupt officials. There were indications that the judiciary was under political influence, judiciary appointments were not merit based, and the accountability of judges and prosecutors was low. 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.

In September a foreign government sanctioned Deputy Chief Prosecutor Diana Kajmakovic for corruption. She interfered in cases to protect criminals including narcotics traffickers. Kajmakovic was a candidate for chief prosecutor, and the sanctions against her made it almost impossible for her to be appointed. Subsequently, BiH’s Office of Disciplinary Counsel submitted an official complaint against Kajmakovic for her corruption, abuse of office, and other violations. Pending the outcome of disciplinary proceedings, the HJPC’s First Instance Disciplinary Panel decided on October 31 to approve the Office of Disciplinary Counsel’s proposal to suspend Kajmakovic.

In the first six months of the year, Transparency International's Center for Providing Legal Assistance in the Fight Against Corruption recorded 154 reports of corruption and 817 calls from citizens to the toll-free line. According to their findings, state administration continues to represent the sector in which the most irregularities were registered (104), which represents an increase of 66 compared with the same period in 2021.

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 with no executive powers and remained under resourced. Management in the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina lacked incentives and political will to make changes and sometimes interfered in the legal processes. There were indications that the judiciary was under political influence, and in October 2021, the HJPC dismissed Chief Prosecutor Gordana Tadic from her position due to failure to properly manage the case management system and to implement the Law on Protection of Secret Data. The accountability of judges and prosecutors was low, and appointments were often not merit based. The HJPC arbitrarily used exceptions regarding ethnicity and did not provide sufficient reasoning for appointment decisions. Prosecutions also were considered generally ineffective and subject to political manipulation, often resulting in suspended sentences or prison sentences below mandatory minimum requirements. By the end of 2021, the RS entity prosecutor's offices raised 35 indictments for corruption offenses. In the FBiH entity, a total of 185 indictments were raised. According to Transparency International, the sanctions for corrupt offenses are low and not adequate for the seriousness of the offense and thus not dissuasive. Court proceedings were extremely lengthy. Court proceedings in high level corruption cases take an average of approximately four years.

According to professors and students, corruption continued at all levels of the higher education system. Professors at several 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.

The COVID-19 pandemic was misused for different corrupt activities; one of the most significant cases concerned procurement of unusable respirators from China worth approximately six million dollars. In the Federation, Prime Minister Fadil Novalic, Minister of Finance Jelka Milicevic, and Director of Civil Protection Fahrudin Solak were charged by the Court of BiH for corruption in 2020. The main trial in the case was still ongoing.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were seldom cooperative and responsive to their views, and the Council of Ministers largely excluded NGOs from politically important or sensitive decisions or consultations on legislation that was being proposed for adoption. At times the government attributed the failure to consult with NGOs to pandemic meeting restrictions. NGOs continued, however, to expand cooperation with the government at lower levels.

Government officials in both the Federation and the RS entities did not attempt to limit NGO activities. Observers noted that some civil society representatives working on highly sensitive issues such as conflict-related crimes and combating corruption were subjected to threats and verbal assaults. Such threats often came via social media or as graffiti on NGOs' offices. Authorities seldom successfully investigated such threats. NGOs may be involuntarily dissolved if found in violation of the law.

Civil society organizations reported numerous organizations had to close their operations due to the lack of funding and complained that the government

primarily funds politically aligned organizations. Civil society organizations complained that NGOs critical of the government had no chance of receiving government funding, particularly in the RS entity, where advocates said NGOs were also subjected to various political pressure, blackmail, and intimidation.

The United Nations or Other International Bodies: In contrast to the Brcko District government, the Federation and RS entity governments were generally unresponsive in dealing with the Office of the High Representative, which was created under the Dayton Peace Agreement and is charged with overseeing implementation of the civilian aspects of the Dayton Peace Agreement. RS officials repeatedly declared that High Representative Christian Schmidt was illegitimate. BiH Permanent Representative to the United Nations Sven Alkalaj also criticized the high representative during his November 2 intervention before the Security Council, alleging that his “criminal” actions had deceived voters, political parties, and independent candidates.

On June 12, the EU brokered a political agreement in Brussels between the members of the BiH Presidency and some of the leaders of BiH’s largest political parties. The agreement committed the leaders to implement election results and pass crucial rule of law and electoral reforms, including those required to fulfill the judgments of the European Court of Human Rights. The leaders also committed to “promote an environment conducive to reconciliation.” As many observers noted, however, many of the political leaders who associated themselves with the agreement continued to employ inflammatory rhetoric in the period preceding the October 2 general elections.

Following the imposition of criminal code amendments in July 2021 by former High Representative Valentin Inzko criminalizing genocide denial, the glorification of war crimes, and the incitement of racial, religious, and ethnic hatred and violence, the RS passed a law that went into effect in October 2021

preventing the implementation of the amendments in the RS. The law states that the criminal code amendments would not apply in the RS and that RS authorities would not cooperate with BiH authorities in applying the law. RS officials at the highest levels continued to glorify war criminals with impunity. The death of convicted war criminal Radoslav Brdjanin in Banja Luka in September led RS leaders to glorify him and deny his crimes. Then Serb member of the BiH Presidency, leader of the SNSD, and RS President Milorad Dodik as of October, called Brdjanin “a great patriot who sacrificed most of his life for the freedom and survival of the Serb people in this area.” Then RS president and current Serb member of the BiH Presidency Zeljka Cvijanovic (SNSD) also sent a telegram to Brdjanin’s family, which she published on the RS Presidency’s website, saying she was very saddened by the news of Brdjanin’s death. Cvijanovic emphasized he would be remembered as “a great patriot” who was “defending the rights of Serb people on RS territory during the hardest moments of their history.”

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. The Ombudsman Institution reported that it lacked the resources to function effectively. A Bosniak, a Croat, and a Serb shared leadership of the Ombudsman Institution. According to the OSCE, 2020 changes to the Ombudsman Institution’s internal rulebook require consensus of all three Ombudspersons for the consideration of complaints, which is a significant obstacle to addressing sensitive human rights issues. On August 31, BiH HoR appointed Jasminka Dzumhur, Nevenko Vranjes, and Nives Jukic as BiH Ombudsmen. Since they were already confirmed by the HoP on August 30, their HoR appointment concluded the procedure of reappointment of BiH ombudsmen for human rights. OSCE, the Office of the UN Resident Coordinator and civil society organizations expressed concerns that the selection process was not transparent. A provisional joint commission of both houses of the state parliament in charge of the

ombudsmen selection has not made public procedural acts it adopted to govern the appointment procedure nor did it grant access to international and domestic civil society institutions or allow them to participate in the selection process.

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 September, the commission had held 12 working sessions but failed to address meaningfully any of the substantive human rights issues.

The BiH Council of Ministers had an advisory body for cooperation with NGOs. Its goals were to advance cooperation between the Council of Ministers and NGOs and to create a stimulating legal, institutional, and financial environment for the work of the NGO sector in the country in accordance with the agreement on cooperation between the Council of Ministers (CoM) and NGOs. During 2021, the advisory body had four meetings and one meeting with civil society representatives. The CoM did not cover travel expenses for civil society representatives from outside of Sarajevo, so the meetings were held online. The CoM had no contact with this body during the year. A CoM advisory body proposed civil society strategy development should include wide-ranging consultations with civil society organizations, input by experts, and a strong government involvement. and a successful implementation of the strategy. According to a member of the advisory body, the CoM informed the advisory body it lacked funding to support such a process.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of a person, regardless of gender, including spousal rape, and domestic and intimate partner violence. The

maximum penalty for rape, 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 survivors of rape did not have regular access to free social support or assistance as mandated by the law and continued to confront prejudice, stigma, 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 of domestic violence from the home, officials rarely, if ever, made use of these provisions.

According to media reports, the former spouse of BiH Minister of Foreign Trade and Economic Relations Staša Košarac (SNSD) testified in July before a judiciary committee on corruption and described extensive physical and verbal abuse by Košarac toward her and their children. She said she consistently reported the abuse to RS authorities, who never reacted, and called attention to the difficulties experienced by domestic violence survivors in receiving justice or protection from authorities.

In 2021, the Gender Equality Agency of the Ministry of Human Rights and Refugees allocated 225,000 KM (\$112,000) for the implementation of the project “Strengthening Capacity of Institutions to Combat Gender Based Violence.” The goal of the project was to implement the standards of the Istanbul Convention, which BiH ratified in 2013. It would establish three crisis/assistance centers in Sarajevo, Mostar, and Tuzla clinical centers, financing space renovation in obstetric and gynecological clinics and equipment purchases.

NGOs reported that authorities often returned offenders to their homes less than 24 hours after a violent event, reportedly out of a concern over where the perpetrator would live. In the Federation and in the RS, authorities prosecuted domestic violence as a felony, while in Brcko District it can be reported as a felony or a

misdemeanor. In 2021 the Federation amended its law on protection from domestic violence by introducing a “person of confidence,” who can assist victims during court proceedings. Even when domestic violence resulted in prosecution and conviction, offenders were often given suspended sentences, even repeat offenders. To avoid prolonged court proceedings, judges both in the Federation and the RS rarely applied domestic violence law, which would prescribe greater sanctions for offenders, but instead applied only criminal code and other laws, resulting in lesser charges and sentences.

Domestic violence was recognized as one of the most pervasive forms of gender inequality. The Gender Equality Agency reported that one of every two girls and women over age 15 experienced some type of domestic violence (psychological, economic, or physical) and that the problem was underreported because most survivors did not trust the support system (police, social welfare centers, or the judiciary). In 2020, OSCE research on domestic violence in BiH showed that 48 percent of women and girls older than 15 suffered some form of gender-based violence, including harassment. The same research showed that 84 percent of women did not report violence to the police, because they considered the violence not to be severe enough, or because they believed it to be a “family matter.”

Sexual Harassment: Combating gender-based harassment is mainly the responsibility of the entities. BiH laws on gender equality and prohibition of discrimination, and FbiH, RS, and Brcko District labor laws define and prohibit gender-based harassment, including sexual harassment, as a form of discrimination. The RS entity Criminal Code also defines and prohibits sexual harassment.

BiH state-level institutions appointed 69 advisors for the prevention of sexual harassment and state-level institutions adopted decisions on zero tolerance for gender-based harassment, creating preconditions for the prevention and elimination

of this type of discrimination. The institutions also organized training for these advisors on preventing sexual harassment.

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.

After years of lobbying to adequately define their status, Brcko District adopted a new Law on Civilian Victims of War in July which granted children born because of conflict-related sexual violence, including rape, the status of civilian victims of war. Neither the Federation nor Republika Srpska entities have similar laws.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. There was no comprehensive sexual education program, and education, including on reproductive health and related topics, was not standardized through the country. Members of marginalized communities, in particular Romani women, experienced disparities in access to health-care information and services, including for reproductive health. For example, many Romani women were not enrolled in the public insurance system because of their inability to meet local legal requirements regarding official residency documentation. Registration requirements, poverty, and social marginalization also prevented them from accessing health care. Another problem for Romani women was that moving from one part of the country to another invalidates their registration and makes their access to health services subject to a different set of rules and requirements. In 2021, the FBiH government decided to fund a program for health care of Roma who do not have permanent or temporary residence in the Federation entity, applying the same criteria as for other categories of historically marginalized communities. Both BiH entities as well as the Brcko

District have laws that provide survivors of sexual violence with access to sexual and reproductive health services. While emergency contraception is available in the country it is not available in hospitals, which may present an obstacle for survivors of sexual violence to access the medication. Women with disabilities in BiH continued to face obstacles in accessing sexual and reproductive health. For example, health-care facilities lacked staff trained to work with women with disabilities and gynecological examination tables adjusted for women with certain disabilities.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property, and authorities generally treated women equally. The law does not explicitly require equal pay for equal work, but 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 *2018-2022 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. NGOs also reported that during hiring interviews, potential employers routinely asked women if they were planning to have a family soon, sometimes requesting that women sign a written agreement stipulating that they did not plan to become pregnant in the next three years.

Federation and RS labor laws stipulate that an employer must not terminate a woman's employment contract while she exercises her rights 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; or use leave for breastfeeding. While the law provides for these rights, implementation was inconsistent and women were often unable to use maternity leave for the period of one year as provided by law, to return to their work position after maternity leave, or to work half time after maternity leave. 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 across the country. The RS government paid a monthly KM 405 (\$250) maternity allowance 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. In the Federation this compensation is regulated differently in each of its 10 cantons, while Federation labor law and law on social protection provide only a framework for compensation. For example, Sarajevo Canton pays 533 KM (\$307) per month for one year, while Western Herzegovina Canton pays 80 percent of the last earned salary of the employee for the first six months and a fixed amount defined by the canton for the remaining six months. Women remained underrepresented in law enforcement agencies. In May, the Federation entity parliament adopted a Law on Material Support to Families with Children in the Federation to eliminate discrepancies over different maternity allowances provided to unemployed mothers by different cantons. The law determined the minimum maternity allowance would be KM 298 (\$148) per month, and the allowance for children would be 103 KM (\$51) per month per child. Cantons may increase this amount.

Systemic Racial or Ethnic Violence and Discrimination

Harassment and discrimination against members of minorities continued throughout the country and increased in frequency in comparison with previous years. The Interreligious Council of BiH reported 23 attacks against religious buildings during 2021. 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 noted that authorities did not adequately enforce the law. For example in 2021, 149 potential bias-motivated incidents were reported to police or prosecutors' offices in BiH with the most common bias based on ethnicity, which in the country is linked to religion. The most frequent incidents were damage to property, including desecration of religious facilities, and verbal assault. Incidents included direct and serious threats and verbal assaults in person and online; use of firearms, knives, and batons; and physical violence, including mass fights between members of soccer fan clubs.

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/.

Authorities frequently discriminated against Roma, especially against Romani women who were the most vulnerable and experienced the most discrimination. 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. Inability to prove property ownership made it difficult for Roma to obtain identity documents, which are a basic precondition for accessing many other civil rights, such as education and healthcare. Approximately three-fourths of Roma lived in openly segregated neighborhoods with very poor basic infrastructure.

In the 2013 census, 12,583 persons registered as Roma, a number that observers believed significantly understated the actual number of Roma in the country.

Romani activists reported that a minimum of 40,000 Roma lived in the country, which was like 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.

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 in the country to parents whose citizenships were unknown or who were stateless is entitled to citizenship. Parents generally registered their children immediately after they were born, but there were exceptions, particularly in the Romani community. As of September, the NGO Vasa Prava had been working on 15 pending cases related to birth/citizenship registration of persons under 18 years of age. New amendments to the Federation law on extrajudicial proceedings opened a potential legal path to resolve pending and difficult cases of civil registration in the Federation through court proceedings.

Education: The law prescribed that education be free through the secondary level but compulsory only for children between ages six and 15. In addition, the Framework Law for Preschool Education prescribed that the preschool education is mandatory in the year prior to school entry. Not all education authorities implemented this requirement. The BiH Agency for Statistics reported that the rate of participation of children age five in organized learning was only 30 percent, while UNICEF estimated 78 percent in 2021. Lack of strategic planning in policy making and budget planning in education are reflected in the inadequacy of information technology (ICT) resources for high quality, inclusive education for the 21st century. The results of the UNICEF mapping of ICT resources of primary

and secondary schools in BiH showed that 583 schools, out of which 579 were satellite schools, had no internet connection. This means more than 14,000 primary and secondary students had no access to online information through the formal education system, which represents a basis for skills and knowledge building for the modern labor market. The UNICEF mapping results also showed that on average, 19.9 BiH students share one computer. It was estimated that an investment amounting to more than \$247 million would be needed to reach the OECD equipment rate average.

School attendance rates are significantly lower among the Roma minority. Only 69 percent of Roma children attend primary school and 23 percent secondary school. Those rates are even lower for Roma girls, 67 percent of whom attend primary and 18 percent secondary school. Children on the move in some parts of BiH face significant challenges in accessing education. 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 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 chose to resist segregation, they were frequently met with political indifference and sometimes intimidation, which further hurt the quality of education children received. 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. In July 2021, the Constitutional Court of BiH, and in August 2021, the Federation Supreme Court determined that “two schools under one roof” in 36 schools in the Central Bosnia Canton violate the law on prohibition of discrimination, ordering Central Bosnia Ministry of Education to eliminate this discrimination. The ruling came following a lawsuit filed by the

NGO Vasa Prava. As of September, this decision has not been implemented.

Returnee students (those belonging to a minority ethnic group returning to their homes after being displaced by the war) continued to face barriers in exercising their language rights. For the ninth 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 schools 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 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 2019 when the RS Supreme Court ruled that their children were entitled to instruction on the national subjects in Bosnian. Although the RS Supreme Court decision was final, the RS Ministry of Education failed to implement the decision. On February 28, the Kotor Varos Basic Court fined the school 1,000 KM (\$498) and the school principal 500 KM (\$249) for not implementing the court decision. As a result of nonimplementation of the decision, 60 children continued to attend an alternative school sponsored by the Federation Ministry of Education in the Hanifici Islamic Center building.

In the Federation, Serb students likewise were denied language rights as provided in the Federation constitution. One example was the Glamoc elementary school in Croat-majority Canton 10, where authorities prevented the use of the Serbian language and textbooks, despite the significant number of returnee Serb students. In August, the President of the Board for Protection of Rights of Serbs in the Federation, Djordje Radanovic, sent an open letter to the BiH Presidency, Federation and RS entity authorities, and the international community, warning that Serb children cannot access the right to education in the Federation. Schools

in Una-Sana, Tuzla, Herzegovina-Neretva, and two schools in Zenica-Doboj Canton provided for these rights. 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 in 2021 that ethnic quotas used by the Federation and the RS to allocate civil service jobs disproportionately excluded Roma and other minorities, as they were based on the 1991 census, which undercounted these minorities and was never revised.

Child Abuse: There are laws against child abuse, and family violence against children was a problem.

Corporal punishment is banned in the RS but is still permitted by law in the FBiH and Brcko District. Data on child abuse at the state and entity levels remains limited. The BiH Agency of Statistics reported 3,368 children across the country (2,150 boys, 1,218 girls) who benefitted from the services for social welfare and were “socially neglected and maladjusted children.” In addition, the BiH Agency of Statistics reported that 2,227 children (1,215 boys and 1,062 girls) were “children of parents who neglect or molest children” in 2020. In addition, in 2020, 50,224 children (25,738 boys and 24,486 girls) were disadvantaged by their family situation and received support through social welfare services, which includes children without both parents, of unknown parents, abandoned by parents, parents unable to perform parental duties, economically deprived families, or family relationships that included violence. Child migrants, refugees, and asylum-seekers were at a heightened risk of violence, and at least 137 children on the move (136 boys, one girl) experienced violence and received protective services through the Centers for Social Welfare, World Vision, Save the Children, and UNICEF, according to UNICEF and partner data. The data likely demonstrated only a

partial picture of the violence that takes place as many cases are unreported. Vulnerable groups, including Roma children, children with disabilities, and migrant or refugee children were disproportionately affected by child abuse. Important progress was made in aligning judicial proceedings involving children with international standards, contributing to the 45 percent decrease in the number of children in conflict with the law reported by the police in 2020 compared to 2014. BiH authorities also introduced special protection measures for child victims and witnesses, including psycho-social support.

Police investigated and prosecuted individual cases of child abuse. Only a small number of cases of violence against children were reported and, consequently, 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. In the cases where children were direct victims, proceedings were launched, and the parents were sanctioned. 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 were married between the ages of 12 and 14, and Romani human rights activists reported that early marriages were on the rise. Children's rights and antitrafficking activists noted that prosecutors were often reluctant to investigate and prosecute forced marriages involving Romani minors, attributing it to Romani custom. During the year, however, the number of successfully prosecuted cases of Roma children trafficked for child marriage increased. Activists also warned authorities often returned children to their families even when their parents were the ones involved in their exploitation.

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.

Antisemitism

The Jewish community in the country reported that it had fewer than 1,000 members. The Jewish community reported a rise in antisemitic incidents. In August, an unknown perpetrator drew a swastika on an art gallery in Mostar, owned by the president of the Jewish Community in Mostar. The Jewish community also reported continued internet-based antisemitism. For example, a comment section attached to a November interview with the Jewish Community president about restitution included pejorative language regarding members of the Jewish community.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex

Characteristics

Criminalization: No laws criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: Violence against LGBTQI+ individuals was widespread. Despite reported progress, prosecution of assault and other crimes committed against LGBTQI+ individuals generally remained delayed and inadequate.

Sarajevo Open Centre (SOC) reported that transgender persons continued to be the most vulnerable LGBTQI+ group. In its 2022 *Pink Report*, the SOC reported that every third LGBTQI+ person in the country experienced some type of discrimination or violence.

Discrimination: 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 based on gender, sexual orientation, or gender identity.

Hate speech, discrimination, and violence against LGBTQI+ individuals were widespread. On April 4, the Municipal Court in Sarajevo issued a groundbreaking first instance judgment in which discrimination against LGBTQI+ persons was confirmed by a court for the first time in BiH. The judgement refers to a Facebook post by Samra Cosovic Hajdarević, a former member of the Sarajevo Canton Assembly, who wrote on her profile that LGBTQI+ persons should be “isolated” and “removed” from “our children and society.” The first instance judgment stated that although criticism or negative comments regarding LGBTQI+ persons and the Pride March may be perceived as freedom of speech, public calls for the isolation, segregation, and removal of individuals from society because of their sexual orientation, gender identity, or sex characteristics are considered hate speech.

SOC reported that the judiciary has made the most progress in protecting LGBTQI+ rights over the past year. Four Cantonal prosecutors' offices in the Federation entity as well as District Public Prosecutor's office in Trebinje appointed prosecutors as contact persons for crimes against LGBTQI+ persons. In December 2021, the Herzegovina-Neretva Canton Prosecutor's office filed an indictment in criminal proceedings against a man from Mostar for online threats against a LGBTQI+ person from Sarajevo. He was charged with endangering security. The Mostar Municipal Court sentenced the perpetrator to three months of suspended jail time for a period of one year. In this case, the judiciary did not classify the case as a hate crime, despite it being motivated by the victim's sexual orientation.

Both entities and Brcko District lack equal rights for same-sex partnerships.

In 2021 the SOC documented 13 discrimination cases based on sexual orientation and gender identity: 12 cases occurred in public or online and one case was related to domestic violence.

During 2021, the SOC also documented 14 cases of hate crimes, which was an increase from the previous reporting period when only two cases were reported. Out of 14 cases, two referred to domestic violence, eight were threats against LGBTQI+ individuals, and four cases were not specified. The SOC believed the actual number of LGBTQI+ persons who experienced discrimination was much higher but underreported due to fear. Some political parties exploited the Sarajevo Pride March in June to highlight their anti-LGBTQI+ positions, promoting additional online hate speech against LGBTQI+ persons. A member of the Sarajevo Canton government's governing coalition Narod i Pravda (NiP), as well as the largest Bosniak ethno-nationalist party, the SDA, publicly opposed the Pride March. NiP President Elmedin Konakovic posted on his private Facebook profile on the morning of the Pride March that he does not support such "promotion of

sexuality.” SDA’s Sarajevo chapter stated that the road closures due to the Pride March were “an attack on the rights and dignity of Sarajevo citizens.” Prominent SDA member and a former minister in Sarajevo Canton, Faruk Kapidzic, compared the Pride March to the 1992-1995 siege of Sarajevo, provoking negative reactions from citizens who lived through the siege.

Availability of Legal Gender Recognition: Transgender persons in BiH are required to provide medical records to prove that the person underwent a complete medical transition (change of sex and a surgical genital change) if the individual wants to change the gender on an identification document. The SOC reported that the medical needs of transgender persons are generally still not recognized by the health care system, and the administrative procedure for changing gender markers in documents is vague, long, and complicated. The SOC also reported that intersex persons remained marginalized, and health professionals or government officials did little to assist this population and alleviate excessive administrative burdens they face.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: The SOC reported regular instances of psychologists, psychotherapists, psychiatrists, and religious officials providing so-called conversion therapy to LGBTQI+ individuals, aimed at attempting to modify a person’s sexual orientation, gender identity, or gender expression. The SOC reports that LGBTQI+ individuals are often coerced by their families to participate. There were no efforts by the BiH government or medical associations to condemn the practice of “conversion therapy.”

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The LGBTQI+ community experienced problems with freedom of assembly. They organized a Pride event on August 14 in Sarajevo with approximately 1,500 participants that took place without incident. Sarajevo Canton authorities, in

accordance with the canton's legislation governing peaceful assembly, elected to impose some of the costs on the organizers of the march based on their assessment that the organizers were at risk and required protection. Authorities did not, however, impose similar security costs on organizers of other gatherings. Sarajevo Canton Prime Minister Edin Forto agreed to cover most of those expenses out of cantonal budget funds. Many citizens who wanted to join the Pride March were unable to do so because police restricted entrance to only two points at the start of the march. In response to public dissatisfaction with protest-induced street closures, conservative party NiP threatened to launch an initiative to amend freedom of assembly legislation in Sarajevo Canton, which would "precisely define" space in which public gathering would be allowed, further restricting freedom of assembly in Sarajevo Canton.

Persons with Disabilities

Persons with disabilities remained a very marginalized group due to insufficient and inadequate laws governing their rights and to their exclusion from decision-making processes. Women and children with disabilities are particularly at risk. The laws of both entities require increased accessibility to buildings, health services, education, and transportation for persons with disabilities, but the enforcement of the requirements varied throughout the country. For example, Sarajevo Canton, with the support of the United Nations Development Program, completed architectural interventions on 14 of 44 total planned public institution buildings, with the aim to remove architectural barriers for persons with disabilities. According to SUMERO, an NGO that promotes the rights of persons with intellectual disabilities, tactile paths and audio signalization, which help blind persons move, are sporadically available in bigger cities, but do not exist in smaller towns.

The laws in both entities and at the state level prohibit 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. The most frequent forms of discrimination against persons with disabilities included obstacles in realization of individual rights and 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 who acquired their disability during the 1992-1995 war, whether war veterans or civilian victims of war, had priority and greater allowances than other persons with disabilities. BiH had a Council of Persons with Disabilities of BiH (the Council), which was an expert and advisory body to the CoM with the responsibility to monitor the rights of persons with disabilities in BiH. Different organizations of persons with disabilities throughout the country participated in the work of the Council. NGOs reported that the CoM, however, was inactive or absent from public discourse on disability. The Ministry of Human Rights and Refugees, together with the Council, regularly marked December 3, the International Day of Persons with Disabilities. The competent ministries regularly allocated, in accordance with the budget possibilities, financial resources for the support of organizations of persons with disabilities through various grants and through lottery profits. During the year, the ministry allocated 66,000 KM (\$33,000) to NGOs working on the rights of persons with disabilities. Advocacy organizations argued that these funds are symbolic and insufficient for their adequate functioning. Also, certain funds were allocated at the level of individual local communities, resulting in large disparities between benefits provided by local communities.

The Federation had a strategy for the advancement of rights and status of persons with disabilities in the Federation for the period 2016-21, while the RS had a strategy for improving the social conditions of persons with disabilities in the RS for 2017-2026. The strategies were developed in accordance with the provisions of the Convention on the Rights of Persons with Disabilities. Both strategies had 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. The coordinating body of the Federation government for monitoring strategy implementation reported in January that the basic preconditions for successful strategy implementation have not been met, and that no ministry in the Federation government, except for the Ministry for Labor and Social Welfare, planned funds in their budgets for strategy implementation, despite a requirement that all ministries “fully engage” in implementing their obligations under the strategy. Consequently, out of nine specific strategy goals, the Federation Gender Center fully implemented activity under one goal: to prevent any form of exploitation and harassment of persons with disabilities.

In the Brcko District, the law provided expanded rights of persons with disabilities, but Brcko had no separate strategy for implementing the law. 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.

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 the government did not effectively implement laws and programs to support persons with disabilities. The law provides for children with disabilities to attend mainstream schools with common curricula “when feasible.” Students with disabilities, however, struggled to access quality and inclusive education due to physical barriers in schools; the lack of accommodation for children with audio, visual, or mental disabilities; and the absence of in-school assistants and trained teachers. UNICEF reported that less than 2 percent of children with disabilities go to school. UNICEF assesses that,

given such low percentage of children with disabilities in education process, many children with disabilities attend regular education without any special accommodation or assistance, while others drop out or do not attend any form of schooling. In most administrative units, educational evaluation committees issue recommendations for special or inclusive education. Estimates rely on the medical model of disability only and are not consistent with the social model advocated by the International Classification of Functioning, Disability and Health. Schools often reported a lack of financial and physical resources prohibited them from accommodating these students. Children with severe disabilities, however, were not included in the education process at all and depended entirely on their parents or NGOs for education. There were no provisions for assistance to students with disabilities who needed additional support to continue their education, which further exacerbated the problem. Parents of children with significant disabilities reported receiving limited to no financial support from the government, notwithstanding that many of them were unable to seek employment because of the around-the-clock care required for their dependents.

Other Societal Violence or Discrimination

Societal discrimination and occasional violence against ethnic minorities at times took the form of attacks on places associated with 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. During 2021 the council registered 23 reported acts of vandalism against religious sites but stated the actual number of incidents was likely much higher (see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>).

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, to deflect responsibility for wartime brutality, or to send inflammatory messages at the time of political crisis in BiH, and especially in the Federation of BiH. For example, the Deputy Chairman of the House of Representatives of BiH Parliament and President of the SDA, Bakir Izetbegovic, while speaking at an SDA rally in Hadzici on July 27, boasted of the military strength of Bosniaks. He said that Bosniaks “have counted themselves, including hunters, young people, and drone instructors.” Then Serb member of the BiH Presidency, President of the SNSD, and RS entity president since October, Milorad Dodik retorted on Twitter that “no one will count the Serbs” but the Bosniaks should know “there are enough [to defend themselves].”

On July 8, the HDZ BiH leader Dragan Covic and other BiH Croat political leaders attended a ceremony commemorating the 25th anniversary of the death of the former president of Herceg Bosna, a self-declared administrative territory abolished by the 1994 Washington Agreement. Some media strongly criticized the celebration, highlighting that six former high-ranking Herceg-Bosna officials were convicted of war crimes and crimes against humanity by the International Criminal Tribunal for the Former Yugoslavia.

During the year then Serb member of the BiH Presidency and RS entity President since October, Milorad Dodik, as well as senior officials in his SNSD political party and other RS officials and leaders, continued to deny that Serb forces committed genocide in Srebrenica in 1995, despite the findings of multiple local and international courts. Speaking after the SNSD presidency session on July 22, Dodik again denied genocide by saying what happened in Srebrenica in July 1995 was a crime and that “no political qualification of genocide can be used to describe what happened.” He added that the high representative’s July 2021 imposition did not contribute to reconciliation, but that it instead created an “absolute division” among the peoples. He once again reiterated that decisions of the high

representative would not be implemented in the Republika Srpska entity.

In July 2021, outgoing BiH High Representative Valentin Inzko imposed amendments to the BiH criminal code, criminalizing genocide denial; glorification of war crimes; and incitement of racial, religious, and ethnic hatred, and violence. In response to the criminal code amendments, the Republika Srpska National Assembly (RSNA) enacted a law preventing the implementation of the decision of the High Representative on the amendments to the BiH Criminal Code. The RSNA also adopted amendments to the RS Criminal Code criminalizing disparagement of the RS or “its peoples” as “aggressors” or “genocidal,” prescribing a sentence of imprisonment between six months to 15 years, depending on whether the perpetrator was a government official or whether the statement was made with the intention of changing the RS constitutional order, its territorial integrity, or independence. The BiH Prosecutor’s Office reported that it raised no indictments for genocide denial since the imposition of the Criminal Code amendments, despite confirming that 50 criminal reports for genocide denial have been filed with their office since July 2021. The Prosecutor’s Office also claimed that public hate speech and genocide denial decreased since the law was enacted.

The country registered approximately 423 persons with HIV or AIDS (272 in the Federation and 151 in the RS), with 30 to 40 new cases reported annually. Public health institutes reported that 41 persons were registered during 2021. Authorities attribute the increase in the number of newly registered cases to the consequences of the COVID-19 pandemic lockdown. 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.

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, and public sector unions were generally stronger and achieved better outcomes. The law prohibits antiunion discrimination but does not adequately enforce 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 coopted by the company and politicians and that they mostly protected 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.

The government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. Authorities did not impose sanctions against employers who prevented workers from organizing. Inspections related to worker rights were limited. Inspectors gave low priority to violations of workers' rights and focused instead on bolstering revenues by

cracking down on unregistered employees, working students, 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. Penalties were rarely applied against violators. Judicial procedures were subject to lengthy delays and appeals.

During the year, several worker unions organized sporadic strikes in both entities over unpaid wages and wage contributions, which resulted in new collective agreements with the government. Authorities may declare a strike illegal if no agreement is reached. This provision effectively allowed employers to prevent strikes.

In June, the Federation entity government passed amendments to the Labor Law to allow employees whose rights have been violated by an employer to file a complaint within 30 days. Laws governing the registration of unions give the minister of justice powers to accept or reject trade union registration on ambiguous grounds. A new trade union of police officers, civil servants, and employees of Sarajevo Canton reported issues with establishing their new union given that local statute recognizes an existing union as the only relevant body.

Although the United Nations Economic and Social Council prescribes discussion of legislation between three social partners – the government, employers, and unions – before it is sent to parliament, such dialogue was not scheduled regularly, and therefore input from the unions was often missing. The lack of workers' rights was more pronounced in the private sector largely due to weaker unions in that sector and to the broad and pronounced weakness of the rule of law.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced and compulsory labor at the

state level and in the RS and the Brcko District. Federation laws, however, 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.

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

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 government often failed to enforce these laws and regulations effectively. Penalties were commensurate with those for other violations of civil rights, but they were rarely applied against violators.

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, employed women are often exposed to different types of discrimination and harassment, including sexual harassment. Furthermore, there is a discrepancy in salaries between male and female employees, as well as unequal possibility for promotion. Most but not all discrimination against women occurs in processing industries and trade. 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 continued to occur. Women exposed to pressure, discrimination, or violations of their rights during maternity leave either did not report the violations or filed anonymous complaints.

e. Acceptable Conditions of Work

Wage and Hour Laws: 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. In January, the Federation entity government increased the minimum wage by 33.5 percent to a net amount of 543 KM (\$285) for the period from January 1 to December 31. In addition to the monthly salary, most workers in the Federation entity also had a right to nontaxable benefits such as meals, transportation, and holiday pay, which amounted to 174 KM (\$91) per employee per month on average.

In May, the RS entity government increased the minimum wage in the Republika Srpska to a net amount of 650 KM (\$342) starting in June.

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.

In November 2021, work was suspended in seven publicly owned coal mines in the Federation entity, resulting in a new collective agreement in May, which increased the salaries of mine workers by 230 KM (\$125).

Occupational Safety and Health: The Federation and the RS set mandatory occupational safety and health (OSH) 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 September, there were no reports of industrial accidents that led to death or serious injury of workers.

Wage, Hour, and OSH Enforcement: The Federation Market Inspectorate, the RS entity Inspectorate, and the Brcko District Inspectorate are responsible for the enforcement of labor laws in the formal economy, while tax authorities are responsible for enforcing wage, hour, and OSH laws. The authorities in the two entities and the Brcko District did not effectively enforce minimum wage, overtime, or OSH laws. Penalties for violations were commensurate with those of similar crimes and were only sometimes applied against violators. Inspectors were permitted to make unannounced inspections and initiate sanctions. The number of inspectors was insufficient to enforce compliance, according to the inspectorates.

Informal Sector: According to informal estimates, approximately 40 percent of the work force was unregistered and working in the informal economy, although that percentage may be lower due to significant outflow of the workforce to the EU. Despite official unemployment of more than 15 percent, worker shortages were commonly reported, and officials estimated that the BiH population was rapidly shrinking. Workers in the informal sector are not covered under wage, hour, and occupational safety and health laws.