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Bosnia and Herzegovina

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Bosnia and Herzegovina (BiH) consists of two multiethnic constituent entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS) and Brcko District. As stipulated in the 1995 peace agreement (the Dayton Accords), a state-level constitution provides for a democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities. The Dayton Accords also provide for the Office of the High Representative (OHR) with the authority to impose legislation and remove officials. The tripartite presidency consisted of Bosnian Croat Zeljko Komsic, Bosnian Serb Nebojsa Radmanovic, and Bosniak Haris Silajdzic. In October 2006 BiH held general elections that international observers deemed free and fair. The country has a population of approximately four million; the Federation has a Bosniak (Muslim) and Croat (Catholic) majority, while the RS has a Bosnian Serb (Orthodox) majority. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor. Although there were improvements in some areas, serious problems remained. There were reports of increased deaths from landmines, police abuses, poor and overcrowded prison conditions, increased harassment and intimidation of journalists and members of civil society, discrimination and violence against women and ethnic and religious minorities, discrimination against persons with disabilities and sexual minorities, obstruction of refugee return, trafficking in persons, and limits on employment rights. Two war crimes suspects most wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), Ratko Mladic and Radovan Karadzic, remained at large.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

Domestic courts and the ICTY continued to adjudicate cases arising from killings during the 1991–95 conflicts.

Although the government supports an array of demining programs, outside observers questioned whether government corruption undermined the integrity and safety of demining projects in the country. During the year there were 30 landmine accidents that killed eight persons and injured 22.

b. Disappearance

There were no reports of politically motivated disappearances.

An estimated 13,000 persons remained missing from the wars in 1991–95. The International Committee of the Red Cross (ICRC) reported that since 1995 it had received 22,387 requests from family members to trace relatives still missing from the war. By year's end, a total of 9,555 persons had been accounted for, including 454 located alive.

The missing person case of Colonel Avdo Palic continued to receive publicity during the year. Palic went missing in 1995 from the UN Protection Force compound in Zepa, where he was commanding the Bosnian government forces. The BiH Human Rights Commission issued a final ruling in January 2006, which stated that RS authorities failed to provide adequate details regarding Palic's disappearance. The OHR then ordered the RS to form a commission to investigate the Palic case. In December 2006 RS Prime Minister Milorad Dodik reactivated the work of the commission. In September the RS Ministry of the Interior issued an arrest warrant for two persons suspected in the Palic disappearance. At year's end there were no updates on Palic's whereabouts.

The state-level national Missing Persons Institute (MPI) was responsible for absorbing the entity–level missing persons commissions and continuing the search for missing persons in partnership with the International Commission on Missing Persons (ICMP). In June, following the contested appointment of MPI's steering board, the Council of Ministers passed the MPI statute and bylaws. By year's end the staffs of both entity commissions were fully integrated into the MPI, and joint exhumation teams had taken over functions previously split between the entities. The institute's goal was to establish a single, central list of all missing persons from the 1992-95 war.

During the year entity–level commissions carried out 210 exhumations of clandestine gravesites in 80 locations with the forensic support of the ICMP. These efforts recovered 1,238 total cases of which 1,027 were from Srebrenica mass graves. The cases had not yet been identified at year's end and no estimate on the number of persons they represented could be made.

From 2000 to year's end, the ICMP generated a total of 21,372 DNA matches relevant to 13,887 missing individuals and collected more than 85,634 blood samples representing 28,429 missing individuals.

During the year the BiH Prosecutor's Office and its War Crimes Department conducted investigations based on the findings of the RS Srebrenica Commission, a body created by the OHR in 2003 to investigate the events surrounding the Srebrenica massacre and the fate of missing individuals from those events.

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

The law prohibits such practices, and the government generally respected these provisions in practice; however, there were allegations of physical mistreatment of individuals by the police.

On March 19-30, a delegation of the Council of Europe's Committee for the Prevention of Torture (CPT) made an official visit to examine conditions of detention and treatment of persons in a number of prisons in the country. During the visit the delegation reported receiving a "considerable number" of allegations of physical mistreatment by police, mainly involving kicks and punches to various parts of the body as well as blows with batons. The majority of these allegations concerned the time when suspects were questioned by crime inspectors, sometimes for prolonged periods, before being placed in holding cells. In one case, two persons alleged that they were repeatedly punched and kicked over a 48-hour period by police and threatened with broken bones; one person alleged police hit him with a pistol butt. The delegation noted that police should immediately remove baseball bats, replica pistols, and metal piping with wrist straps from premises where persons may be held or

questioned.

During the year one person stated to the CPT that police officers repeatedly beat him during the time of his arrest and detention. The CPT confirmed his injuries with a forensic medical examiner. Another individual stated that the police beat him, leaving visible injuries that the prison doctor recorded. There was no action taken against the police officers or prosecutors involved in these beatings.

In October 2006 three police officers beat a man in front of television cameras after he and four others threw paint at the BiH presidency building and injured two guards. In March the court reduced the salary of the responsible police officers by 30.

Prison and Detention Center Conditions

Overcrowding, inadequate nutrition, and poor hygiene were chronic problems in police detention facilities. Prison standards for hygiene and access to medical care met prisoners' basic needs, but overcrowding and antiquated facilities remained serious problems. There were no proper facilities for treating mentally ill or special needs prisoners.

During its March visit, the CPT inspected several prisons in the country and reported numerous allegations of prisoner mistreatment by officials. For example, at Zenica Prison, the delegation received numerous allegations of mistreatment consisting mainly of kicks, punches, and blows with truncheons. The delegation stated the mistreatment apparently took place in, or during transfer to, disciplinary cells of Pavilion II. The CPT delegation noted that some allegations were backed by medical evidence.

There were some reports of allegedly ethnically-motivated violence among inmates, including a riot at Doboj Prison on March 28. During its March visit, the CPT delegation, after interviewing prison staff and inmates, reported learning that a group of prisoners at Doboj Prison had been using violence to control other prisoners "with seeming impunity."

There were no specific reports of corruption among prison officials, but such corruption was presumed. In some cases, inadequate infrastructure, irregular staffing patterns and placement of prisoners in centers near their support networks facilitated prison escapes.

One prisoner died in custody of a drug overdose. The CPT requested a full investigation of the circumstances leading up to the death of that prisoner and of his medical treatment in prison.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Male inmates aged 16 to 18 were held with adult male inmates, while male inmates under the age of 16 were held separately. Following its March visit, the CPT delegation noted that the practice of placing juveniles with older inmates in the admission ward of Foca Prison was contrary to the principle of separation of juveniles and adults and "totally unsafe." The correction facility for RS juveniles aged 16 to 18 in the Banja Luka Prison had a 35-bed capacity, well below the space needed.

In addition to the CPT visit, the government permitted visits by independent human rights observers and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The ICRC continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels and mainly visited persons under investigation or sentenced for war crime offenses.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The law gives the state-level government primary responsibility for law enforcement, but extends significant overlapping competencies to each entity and to the Brcko District, each of which has its own police force. The European Union Force continued to implement the military aspects of the Dayton Accords and provide a secure environment for implementation of the nonmilitary aspects of the settlement. The North Atlantic Treaty Organization headquarters in Sarajevo is responsible for overseeing defense reform, counterterrorism efforts, and cooperation with the ICTY. A European Union (EU) police mission monitored, mentored, inspected, and worked to raise the professional standards of the local police.

The Police Reform Directorate finalized a draft plan for BiH police reform in December 2006. This report was never approved due to highly divergent views of leading political parties over police reform. Despite numerous rounds of negotiations, the Federation and RS did not agree on a plan to reform local police structures. In November leaders of the six governing political parties instead issued the Sarajevo Action Plan, which called for the creation of seven, state-level police support bodies and postponed police reform at the local level until the completion of constitutional reform. In late December the Council of Ministers established a police reform working group tasked with drafting legislation by February 15, 2008 to create the seven state-level police support bodies. Entities did not meet target standards of ethnic representation on police forces, as mandated by their respective constitutions.

Police Standards Units (PSUs) functioned as internal affairs investigative units in each entity's Ministry of the Interior and in the Brcko District. The presence of these units led to the creation of standardized procedures for processing complaints of police misconduct and for disciplining police. There were continued reports of corruption within the entity and national security services. Crimes discovered included accepting bribes, inflicting serious injury, violating public law and order under the influence, assisting the escape of a prisoner during transport, forgery, and extortion; one individual was dismissed for war crimes charges.

By September the RS PSUs investigated 680 conduct-related complaints and determined that 86 were well founded. The unit forwarded recommendations for disciplinary action to prosecutors in 19 cases considered to be major violations. Additionally, nine felony reports and three misdemeanor reports were filed against 13 RS interior ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations, indicating a significant decrease from the previous year. During the year Federation PSUs investigated 375 cases and forwarded 43 complaints to prosecutors for disciplinary action. By September the Brcko District PSU had investigated 52 cases and concluded that five complaints were well founded. The two cases deemed to be major violations of duty were forwarded to prosecutors for disciplinary action.

Arrest and Detention

Police generally arrested persons openly with warrants based on sufficient evidence. Authorities promptly informed detainees of the charges against them, and there was a functioning bail system. The law requires persons suspected of committing a crime to be brought before a prosecutor within 24 hours of detention. Police are also authorized to detain individuals for up to six hours at the scene of a crime for investigative purposes; this period is included in the 24-hour detention period allowed prior to being charged. The prosecutor has an additional 24 hours either to determine whether the person should be released or brought before a judge to decide whether they should remain in pretrial custody. Pretrial detention is generally limited to one year, but can be extended for an additional year under certain circumstances. Detainees are allowed to request a lawyer of their own choosing, have the right to be informed of the crime of which they are accused after an indictment, and have the right to a speedy trial. In practice, these requirements were generally observed. There were no cases of arbitrary arrest or detention reported during the year.

e. Denial of Fair Public Trial

The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. The State Court is the highest court in the country for certain criminal cases, including war crimes, organized crime, terrorism, economic crime, and corruption. The country also has a State Constitutional Court and State Prosecutor's Office. Each entity has its own supreme court and chief prosecutors' offices. The BiH state-level court system does not exercise judicial supremacy over the individual entity-level court systems. Political parties sometimes influenced the judiciary in politically sensitive cases. Judicial reforms reduced the level of intimidation by organized crime figures and political leaders, but some intimidation remained.

The BiH High Judicial and Prosecutorial Council acts independently and regulates many of the most important affairs of the judiciary with clear, transparent criteria for judicial and prosecutorial appointments and detailed disciplinary liability for judges and prosecutors.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of inefficiency. Despite efforts to streamline court procedures, there was a large backlog of more than 1.9 million unresolved cases, mostly in noncriminal matters. Authorities generally respected and implemented constitutional court decisions.

Trial Procedures

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

The BiH State Court made significant progress on adjudicating organized crime and war crimes cases and expanded the witness protection program. Since its inception, the Witness Protection Department provided support to more than 150 individuals. The February 23 killing of RS Helsinki Committee cofounder Dusko Kondor in Bijeljina raised questions about the safety of potential witnesses. Many individuals within the Bosnian nongovernmental organization (NGO) and international community questioned whether Kondor, who notified authorities that individuals threatened him for several weeks prior to his murder, was killed because he was a witness to the 1992 killing of 23 Bosniaks in Bijeljina and had been sharing his account with State Investigation and Protection Agency (SIPA) war crimes investigators.

The State Court War Crimes Chamber and entity courts continued conducting war crimes trials during the year. The ICTY transferred six new cases involving 10 defendants to the State Court. Six trials were underway, based on BiH indictments reviewed by the ICTY, at year's end. Eight additional trials began at the State Court based on local indictments not reviewed by the ICTY, involving nine defendants. The BiH State Prosecutor's office opened 17 new war crimes investigations involving 45 suspects and confirmed eight new indictments involving 14 accused. There was some contention between victims and the BiH State Prosecutor's office concerning case referrals because of the disparity between maximum sentences for war crimes as codified at the state level (45 years) and at the entity level (20 years) where only a regular murder charge was used.

In June RS police arrested ICTY indictee Zdravko Tolimir and transferred him to The Hague. The ICTY indicted Tolimir for crimes against humanity and violations of laws or customs of war as assistant commander for Intelligence and Security of the Bosnian Serb Army and his involvement in the planning and implementation of the Srebrenica genocide.

In early July, High Representative Miroslav Lajcak removed an RS police official for obstruction of justice regarding cooperation with the ICTY. Also in July the RS Ministry of the Interior suspended 35 RS police officers named by the Srebrenica Commission as persons possibly connected to the 1995 mass killings, and who were still employed in municipal, entity, and state institutions. Lajcak also ordered the seizure of travel documents of 93 persons under investigation for committing war crimes or aiding and abetting war criminals to evade justice. These actions catalyzed a series of protests in the RS led by Bosnian Serb war veterans associations.

In late August SIPA arrested and detained Ratko Bundalo and several others as part of an investigation into a 1992 war crimes case in Kalinovik.

In April 2006 the State Court War Crimes Chamber sentenced Nedjo Samardzic to 12 years imprisonment for multiple acts of enslavement, rape, torture, and murder of non-Serb civilians in the Foca region in 1992-93. During the year the appellate panel confirmed the verdict and extended his sentence to 24 years.

In July 2006 the War Crimes Chamber sentenced Boban Simsic to five years in prison for crimes against humanity targeting Bosniak civilians in Visegrad in 1992. On August 14, the appellate panel affirmed the verdict and extended Simsic's sentence to 14 years.

On March 28, the Appellate Panel handed down a final verdict in Radovan Stankovic's conviction increasing his sentence from 16 years to 20 years imprisonment for multiple charges including crimes against humanity. On May 25, Stankovic escaped from Foca prison. According to official reports, six individuals were investigated for their connection to the Stankovic escape, including Ranko Vukovic, currently detained for war crimes charges at the BiH Court.

Also in November 2006 the court sentenced Marko Samardzija to 26 years' imprisonment for crimes against humanity, including the killing of over 144 Bosniak men and boys from the villages of Brkic and Balagic Brdo in Kluc Municipality in 1992. The verdict was overturned on appeal in April, and the case was sent to retrial. Samardzija was released from custody on October 1 pending retrial.

In November 2006 the Court sentenced Nikola Kovacovic to 12 years in prison for crimes against humanity against the Croat and Bosniak populations in the Greater Bosanska Krajina area in 1992. The verdict was confirmed on appeal in June.

In 2006 the BiH State Prosecutor's office initiated an investigation into the activities of ex-commander of the Fifth Corps of the BiH army, General Atif Dudakovic, and other unknown persons shown in a video, killing an unknown number of individuals from the Bosnian Serb Army during the war. The video, which shows events occurring during "Operation Storm" received wide distribution on Bosnian, Croatian, and Serbian media outlets. The investigation was ongoing at year's end.

Four ICTY indictees remained at-large, including Radovan Karadzic, Ratko Mladic, and Stojan Zupljanin.

Despite local- and international-level efforts to prosecute war crimes, many of the lower-level perpetrators of killings and other abuses committed in previous years remained unpunished. These included those responsible for the approximately 8,000 persons killed after the fall of Srebrenica, and those responsible for approximately 13,000 to 15,000 other persons who were missing and presumed killed as a result of ethnic cleansing.

In January and again in September, war crimes suspects, detained in Kula Prison outside Sarajevo, staged a hunger strike in a bid to have their cases reviewed and retried under the criminal code of the former Yugoslavia instead of current state-level laws they believed to be more harsh. In March the Constitutional Court ruled that the application of the BiH criminal code did not violate the European Convention on Human Rights. The inmates were later separated by moving them to different prisons.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and citizens could file civil suits seeking remedies for human rights violations. Individuals could also seek assistance from an ombudsman institution to hear and provide recommendations on cases of human rights violations. These recommendations, however, were not binding, and the politically-appointed ombudsmen were not always effective.

Property Restitution

The country's four traditional religious communities had extensive claims for restitution of property that the communist government of the former Yugoslavia nationalized after World War II. The State Law on Religious Freedom provides religious communities the right to restitution of expropriated property throughout the country "in accordance with the law." In the absence of state legislation specifically governing restitution, return of former religious properties continued on an ad hoc basis at the discretion of municipal officials but was usually completed only in favor of the majority group.

Many officials used property restitution cases as a tool of political patronage, rendering religious leaders dependent on politicians to regain property taken from religious communities. Other unresolved restitution claims were politically and legally complicated. For example, the Serbian Orthodox Church continued to seek the return of the building that housed the University of Sarajevo Faculty of Economic Sciences and compensation for the land on which the state parliament building was located. The Jewish and Muslim communities also asserted historic claims to many commercial and residential properties in Sarajevo. The Catholic community maintained a large number of similar claims in Banja Luka. Interested parties complained of additional and at times politically motivated parliamentary delays in legal reforms to property restitution.

Roma displaced during the war had difficulty repossessing their property as a result of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities. The lack of documentation also prevented them from applying for reconstruction assistance.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government did not always respect press freedom in practice. Laws safeguarding freedom of the press were delegated to the cantons in the Federation and to the entity-level authorities in the RS. Defamation laws exist at the entity level, and freedom of information legislation exists at both the entity and state levels.

There are provisions against hate speech in the Federation Criminal Code, but not in the RS Criminal Code. The broadcasting code of practice also regulates hate speech by broadcasters. The Communications Regulatory Agency, charged with implementing the code, did not register any cases of hate speech during the year. The Press Council received 35 complaints concerning print media, of which eight complaints were rejected and seven were accepted. In some cases the Press Council instructed media outlets to publish a refutation or a retraction; mediation or self-regulation resolved seven cases. Most complaints referred to the absence of the right to denial or violations of privacy.

In March nationalist parties made efforts to influence the editorial policies of public broadcasters. There was widespread concern among human rights groups and journalists that nationalist political parties increasingly sought control of public media outlets.

Government respect for freedom of speech and the press declined during the year; some prominent individuals who criticized the government were the target of government reprisals.

Many independent, privately owned newspapers were available and expressed a wide variety of views. Several printing houses operated in the country. *Dnevni Avaz*, whose editorial policy strongly reflected Bosniak interests, remained the largest circulation daily, followed by Banja Luka–based daily *Nezavisne Novine*, a paper predominantly reflecting the views of the RS ruling Alliance of Social Democrats party. A number of independent print media outlets encountered financial problems that endangered their operation, and independent media in the RS increasingly reported government interference with their operations.

Two public broadcasters, Federation Television (FTV) in the Federation, and Radio Television of Republika Srpska (RTRS) in the RS, remained the largest television broadcasters in the country. RTRS increasingly reported pro-RS ruling party views. BHT 1, a nationwide public broadcaster, gradually increased its audience and outreach. Most public broadcasters remained vulnerable to political influence. A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country. Radio continued to provide a forum for diverse points of view. In many cases, news programs of independent broadcasters reflected opposition perspectives.

An increasing number of RS media outlets showed a distinct pro-RS government bias. Federation media outlets also exhibited political bias along ethnic lines, although not in support of any one political party.

Journalists increasingly faced threats in the course of their professional work. During the year the Free Media Help Line (a part of the Bosnian Journalists Association) registered 28 cases involving violations of journalist rights and freedoms in addition to pressure from government and law enforcement officials. There were 15 cases of pressure on and threats to journalists, four physical assaults on journalists, five labor disputes, two cases of denied access to a location, and one case of denied access to information.

Violations of the employment rights of journalists continued during the year. Private media owners and management were the most frequent perpetrators of violations of employee rights. In a number of cases, journalists worked without an employment agreement or social and health benefits, items mandated by law.

In some instances, officials subjected media outlets to overt pressure, such as threatening them with loss of advertising or placing limits on their access to official information. Politicians and government officials also pressured the media by accusing them of opposing the interests of a given ethnic group or betraying the interests of their own ethnic group. Some RS-based journalists complained of phone tapping, increased government surveillance, actual or threatened lawsuits, repeated visits from tax authorities, revocation of credit or loans, and denial of access to public hearings. In late December Federation media reported on the alleged existence of an RS government "blacklist" of individuals in the media and NGO sector.

In January the RS government announced that it would boycott BHT 1 accusing BHT 1 of a politically motivated and unprofessional view of events, institutions, and individuals in the RS. They cited a BHT 1 story on the celebration of RS Day, which they claimed demonstrated the political disdain of the network toward celebration of the RS-Day holiday. Additionally, the RS government complained of the "unfair treatment" of RS Prime Minister Dodik and the BiH Chairman of the Council of Ministers, Nikola Spiric, received on various news magazines.

On January 17, officials barred journalists from BHT1 from entering the building where former-RS president Milan Jelic was holding a press conference. The Organization for Security and Cooperation in Europe (OSCE) issued a report on the state of media freedom in BiH that noted: "The incident showed the RS government's apparent failure to fully comply with the OSCE commitment, assumed by BiH as a participating state, to ensure the free flow of information to the citizens of the country." On January 30, the RS government and BHT 1 officials agreed to end the boycott.

In January several Web sites popular with radical Islamic groups posted a series of insults and threats addressed to the editor-in-chief and editorial staff of *Dani* magazine, calling them traitors and nonbelievers. *Dani* previously published several interviews and articles that criticized the Bosnian Islamic community for its mild response to Wahabbism.

On July 25, during a parliamentary session, a member of the Federation parliament called FTV "a terrorist and criminal group" and called on members of parliament to abolish the entity broadcaster. The same individual later added, "if we show that we are the bosses and the executive power, then we can create the programming scheme."

On October 1, FTV aired a threat made by Vitomir Popovic, BiH ombudsman from the RS for human rights, against FTV journalist Damir Kaletovic and FTV news director Bakir Hadziomerovic after the station criticized Popovic's reelection for the ombudsman position accusing him of corruption and involvement in war crimes. Kaletovic, who was wearing a wireless microphone during a follow-up interview, recorded Popovic saying they (Kaletovic and Hadziomerovic) "deserved a bullet to the head" for airing the discrediting story. The Association of "BiH Journalists" issued a press release the next day condemning Popovic's threats.

On November 7, the chief of the Individual Security Department of the Federation police, Jozo Andjic, attacked FTV journalist Sanjin Beciragic and broke his nose during a session of the Elektroprivreda (public electric company) Board. The federation prime minister, present at the session, condemned the police officer's action and called for an immediate investigation. The Journalist's Association filed a complaint with the director of the federation police, and Andjic was suspended from duty.

On December 16, RS Prime Minister Dodik was a guest on "Sunday at Two," a popular TV talk show on Croatian national TV channel HRT 1. At the end of the show the host invited FTV journalist and news director Bakir Hadziomerovic, who was openly critical of Dodik, to join the broadcast. Dodik began insulting Hadziomerovic and threatened to assault him. The Journalist Association wrote to the cabinet protesting such treatment of journalists, and the cabinet issued a response insulting both the association and Hadziomerovic. Both sides have since filed law suits against the other.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The rate of Internet usage by the Bosnian population was estimated to be below 20 percent.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, ethnic favoritism and politicization of faculty appointments constrained academic freedom. In Sarajevo, Serbs and Croats complained that Bosniaks received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into two separate universities, reflecting the continued ethnic divide in the city.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. However, the Association of Old Foreign Exchange Savings Depositors threatened a lawsuit against the RS government for RS police officers' alleged use of excessive force during a protest in Gradiska on December 28.

Freedom of Association

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

The law allows NGOs to register freely at the Ministry of Civil Affairs and Communications and therefore to operate anywhere in the country; however, some NGOs and NGO associations experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by bureaucratic delays at the state level, chose instead to register their organizations at the entity level in one or both entities. In April the Council of Ministers signed a formal Agreement on Cooperation with the NGO sector.

In December RS Prime Minister Dodik was quoted in the media saying that the sole intention of a Transparency International BiH report was "to do damage to the RS and halt its economic development" and that the RS Ministry of Justice would file a lawsuit against Transparency International BiH for its "tendentious" claims.

c. Freedom of Religion

The law provides for freedom of religion; however, societal abuses and discrimination based on religious belief restricted the ability of adherents of minority religions to worship as they pleased. The Law on Religious Freedom provides for freedom of religion, ensures legal positions of churches and religious communities, and prohibits any form of discrimination against any religious community. The law also provides the basis for the establishment of relations between the state and religious communities. During the year parliament ratified a concordat between the Holy See and BiH. In practice, respect for religious freedom improved slightly during the year, compared to the preelection climate of 2006.

Entity and local governments and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place. Compared to 2006, minor attacks on religious objects and religious officials decreased, but a systematic obstruction of religious freedom in several high-profile cases remained. The reluctance of police and prosecutors to aggressively investigate and prosecute crimes against religious minorities remained a major obstacle to safeguarding the rights of religious minorities.

Governments at the local level restricted religious services and ceremonies. In Bratunac in the RS, the Serb majority municipal assembly repeatedly denied a permit for the Islamic community to build a cemetery and memorial on its property surrounding a downtown mosque. Bosniak organizers planned to bury 98 victims of a 1992 massacre in Bratunac in which more than 600 persons, including the local imam, were killed. Organizers planned to hold the burials at the mosque on May 12, the 15th anniversary of the massacre, but Serb veterans' associations and local residents protested the planned burials. The mayor and assembly denied the building permit, claiming that the proposed cemetery and memorial had not been envisioned in the town's urban plan. After more than a year of repeated requests and appeals from Bosniak organizers, the RS government and the international community intervened, and the parties reached an agreement that enabled the burials to take place at a different location.

The law requires religious communities to register with the Ministry of Justice; any religious group can register if it has at least 300 adult members who are citizens. Local congregations of the four major religious communities (Muslim, Serbian Orthodox, Jewish, and Catholic) were registered, as were congregations of several smaller Christian denominations, including Baptist, evangelical Christian, and Jehovah's Witnesses, although some Baptist communities encountered problems with registration.

The State Law on Religious Freedom guarantees the right of every citizen to religious education. The law calls for an official representative of the various religious communities to teach religious studies in all public and private schools. However, the law was not always fully implemented, particularly in segregated school systems or

where there was political resistance from nationalist party officials at the municipal level. Schools often offered religious instruction only in the municipality's majority religion. Authorities sometimes pressured parents to consent to religious instruction for their children. In some cases, children who chose not to attend religion classes were subject to pressure and discrimination from peers and teachers.

Societal Abuses and Discrimination

Ethnically-motivated religious violence was reported in many municipalities and was directed at ethnic symbols, clerics, and religious buildings. Civil society representatives noted that members of the BiH Council of Ministers tended to condemn these incidents only in cases where their own ethnic group was the victim.

There were a number of acts of violence, vandalism, and theft against Islamic religious targets during the year. In June unidentified individuals damaged a display of dozens of obituaries of 80 Bosniak victims found and identified in a mass grave in Brcko two days before their burial ceremony. In September unknown perpetrators destroyed five tombstones at the graveyard of the Hadzi Omerova Mosque in Banja Luka. Also in September a man, allegedly encouraged by friends at a nearby cafe to provoke Bosniaks, urinated on the walls of the Osman Pasa Mosque in Trebinje at the beginning of a Ramadan prayer. Video equipment captured the incident, and police arrested a local Serb within days.

There were also attacks against Serb Orthodox religious targets. During the year unknown perpetrators broke into the Serb Orthodox Church in the Sarajevo neighborhood of Pofalici more than 17 times. In June unknown perpetrators attempted to set fire to the Serb Orthodox Church in Potocari, near Srebrenica, partially burning the door and the entrance of the building. In July Orthodox monks in Sase, near Srebrenica, fearing attacks on the monastery, requested around-the-clock police protection.

Catholic religious objects were also the targets of attacks. In June a church in Donja Tramosnica was robbed, and a bronze cross and gold chalice were stolen. In July unidentified individuals destroyed several tombstones in the Catholic cemetery in Sultanovici, near Bugojno. Officials indicated that this was the fifth attack in a two-month period.

There were a number of controversial and highly politicized cases involving the illegal construction of religious buildings or monuments on private or government-owned land. In these cases the buildings or monuments were built to send a political message to minority believers about the dominance of the majority group in that area, creating ethnic tensions and impeding the process of reconciliation.

A wooden Serb Orthodox church illegally built on private Bosniak-owned land in the town of Kotorsko continued to be the source of legal and ethnic conflict. Although multiple deadlines were set by authorities for removal of the church, no action had been taken by year's end. The cases of illegal construction of religious property in the towns of Divic, Konjevic Polje, and Stolac were ongoing at year's end.

There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice; however, some limits remained in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Internally Displaced Persons (IDPs)

The return of persons displaced by the 1991-95 wars was almost stagnant during the year, continuing a steady decrease in overall returns. According to the UNHCR, 6,532 persons, of whom 5,879 were minority returnees. Of 1,023,965 total persons who had returned since the end of the war in 1995, 464,695 were returnees to areas where they were an ethnic minority. Government officials and some NGOs, however, believed that the total number of returns was inflated, since the UNHCR determines returns based on property restitution rather than physical presence. According to the BiH Ministry of Human Rights and Refugees, there were 131,634 registered displaced persons in BiH still seeking return.

The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing official unemployment rates above 40 percent. When jobs were available, minority returnees often complained of discrimination in hiring. In returnee areas throughout the country, the percentage of minorities holding municipal employment was neither representative of current populations, nor consistent with legally mandated percentages based on the 1991 census, indicating local government failures to implement and enforce the provisions of the Law on Self Administration.

A hostile return environment remained in some places. During the year there were attacks against symbols of minority groups and away from attacks against individuals. Many returnees cited authorities' failure to apprehend war criminals as a disincentive to return. Many displaced persons created permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

Other factors inhibiting returns included a lack of access to social benefits, including healthcare, education and pension benefits. A lack of available housing and high municipal administration taxes on documents that were necessary for return, such as birth or land certificates, also affected the number of returns. Minority returnees often faced intimidation, discrimination, obstructionism in their access to education, health care, and pension benefits, poor infrastructure, and denial of utility services such as electricity, gas, and telephone.

In the RS, the Ministry for Refugees and Displaced Persons provided support to Bosniaks and Croats returning to the RS and to Bosnian Serbs returning to the Federation. The Federation Ministry for Refugees assisted Croats and Serbs returning to the Federation, and Bosniaks and Croats returning to the RS. Both entity-level refugee ministries provided limited reconstruction assistance to returnees and also committed part of their budgets toward joint projects to be determined by the State Commission for Refugees.

A 10-month debate in appointing members to the State Commission of Displaced Persons and Refugees delayed implementation of reconstruction programs during the year. The commission was responsible for managing an estimated $6.6 million in reconstruction and sustainability projects in 30 municipalities.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In September the Council of Ministers approved revisions to the Law on Movement and Stay of Aliens and Asylum to expedite asylum adjudication procedures. In practice, the government provided protection against "refoulement," the return of persons to a country where there is reason to believe that they feared persecution.

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

Refugees with pending asylum applications, regardless of national origin, may remain in collective centers until their cases can be decided if private accommodation is not available. As a result of the 1999 conflict in the former Federal Republic of Yugoslavia (FRY), approximately 6,000 persons, half of them from Kosovo, fled the FRY and came to BiH. According to UNHCR statistics from September, there were 8,689 recognized refugees in Bosnia and Herzegovina, 7,190 from Croatia, 203 from Serbia/Kosovo, and 16 from other countries. There were 1,280 persons from Kosovo with "temporary admission," a status that neither precludes nor facilitates asylum, residency, or naturalization under the 1951 convention and the 1967 protocol. The final extension of this admission status expired on September 30. All persons with temporary admission status after September were, if requested, transferred to asylum proceedings.

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

The law provides citizens with the right to change their government peacefully

Elections and Political Participation

Observers from the OSCE concluded that the 2006 general elections had been conducted largely in line with international standards, but noted problems, including the inability of numerous voters to find their names on voter registers, voters being directed to incorrect polling stations because of changes in the registration process, group voting, irregularities in the counting process, and a few cases of voter intimidation. The December 9 international observers also deemed free and fair RS special elections to replace RS President Milan Jelic, who died in office.

Political parties could operate without restriction or outside influence. While political parties did not compel individuals to become members, many viewed membership in the leading party of any given area as the surest way of obtaining and retaining jobs in government-owned companies and especially positions on steering boards of profitable, public companies including the electric, telecom, and media industries. Nevertheless, opposition parties were not excluded from participation in political life. Membership in large, well-funded parties conferred formal advantages, as nonparty members were often excluded from appointment to many key government positions.

Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and stand for election. Under the state-level constitution, members of the ethnic Serb, Croat, and Bosniak groups must be appointed to government positions on a proportional basis, as determined by the 1991 census. Separate from those groups, there were 16 recognized national minority groups.

Nationalist rhetoric dominated political exchanges. Bosniak nationalist politicians called for the abolition of the RS and the removal of Srebrenica from the RS. Serb politicians threatened to call a referendum in the RS to secede from the state. Croat politicians called for the establishment of a third entity. Although national elections took place in October 2006, the new Federation and State parliamentary assemblies were not constituted until March.

The election law requires that at least 30 percent of political party candidates be women. At year's end, seven of 57 BiH members of parliament were women. There were no women in the nine−member Council of Ministers, although there were two female deputy ministers. At the entity level, only three of 20 leadership positions in the Federation and three of 22 leadership positions in the RS were held by women.

Minorities remained severely underrepresented in government. There were no members of a minority group in the BiH parliament,but there was one minority member in the Council of Ministers. Representatives of the Jewish and Romani communities filed lawsuits before the European Court of Human Rights (ECHR) because of a provision in the Dayton Constitution that precludes "others" (i.e. those outside the three ethnic constituencies) from becoming president. A Bosniak from Srebrenica also filed a lawsuit at the ECHR because the RS Constitution also precludes non-Serbs from running for RS president.

Government Corruption and Transparency

The law provides for criminal penalties for official corruption, however, the government did not implement the law effectively, and officials frequently engaged in corrupt actions with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem. There is no government agency with a mandate to combat government corruption.

While the law bars citizens from holding positions of public responsibility if they have pending criminal indictments against them, this prohibition was not always observed in practice. For example, Mato Tadic, whom authorities charged with accepting bribes in the tax evasion and bribery case involving former BiH presidency member and current Croatian Democratic Union president Dragan Covic, continued to serve as president of the constitutional court while the trial against him was underway. Tadic was later acquitted of all charges. In November 2006 the court convicted Covic of one count of abuse of office and sentenced him to five years in prison. In September the Appellate Panel ordered a retrial in the Covic case.

Only candidates for certain public offices were subject to financial disclosure laws.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. However, according to the law, the government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman's offices. In practice, the government sometimes failed to provide an explanation for denial of access to information as required by the law; however, if citizens appealed denials to the ombudsmen, the courts, or legal aid, the government generally provided an explanation. Public awareness of the law remained low.

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

A wide variety of domestic and international human rights groups and NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. For example, the BiH Helsinki Committee and the Helsinki Committee of the RS continued to actively report on a wide range of human rights abuses. However, government officials were often inefficient and slow to respond to their recommendations.

The government cooperated fully with international organizations such as OHR, which has special powers over the government, as well as other international organizations such as the UNHCR, ICRC, and the OSCE.

The Commission for Human Rights within the BiH Constitutional Court resolved 2,500 cases in 2006. In January the commission's work was terminated, and the remaining 578 cases were forwarded to the Constitutional Court for adjudication. By July 31, all of those cases were resolved.

Citizens' remedies for human rights violations included filing civil suits or seeking assistance from the Office of the Ombudsman. However, the ombudsman's recommendations were not binding, and the office was not always effective. In April 2006 the BiH parliament adopted a law establishing a single ombudsman institution composed of three members representing the country's three constituent persons. The multiple ombudsman offices, already existing at the entity level, were abolished and folded into the new state-level office. At year's end the political appointments of the new three-member BiH ombudsman remained in parliamentary procedure, delayed by political maneuvering.

The State Court continued during the year to cooperate with the ICTY by adjudicating cases transferred by the ICTY and proceeding on ICTY-reviewed indictments. During the year BiH authorities also assisted in the transfer of one ICTY indictee, Zdravko Tolimir, to The Hague. The RS municipalities of Bijeljina, Sokolac, Han Pijesak

and Pale remained under sanctions for failing to cooperate with the ICTY.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

Violence against women, including domestic violence and sexual assault, remained a widespread and underreported problem. According to general NGO estimates, one out of every three Bosnian women was a victim of domestic violence. In the Federation's Herzegovina-Neretva Canton, one NGO reported an increase of domestic violence cases during the year. Of 89 reported cases, 24 cases involved victims who were juveniles, 42 violators received criminal charges, and eight violators received misdemeanor charges. Both the Federation and RS have adopted laws on domestic violence that require police to remove the offender from the family home; however, domestic violence often was not reported to the authorities. Experts estimated that only one in 10 cases of domestic violence was reported to the police. As of October, the RS domestic violence hotline received 1,973 reports of domestic violence.

Police received specialized training in handling cases of domestic violence, and there were four hotlines operating in the Federation and RS that provided assistance and counseling to domestic violence victims. Reluctance on the part of victims to report domestic violence to authorities or to testify against their abusers contributed to lack of prosecutions. There were shelters in Mostar, Tuzla, Banja Luka, Sarajevo, and Modrica to assist victims of domestic violence, and local NGOs were trying to build additional facilities.

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

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

The law prohibits gender-based discrimination. Women have equal legal status to men in family law and property law, and were treated equally in practice throughout the judicial system. The government's Agency for Gender Equality worked to harmonize legislation with the Law on Gender Equality and to inform women of their legal rights. The Federation, the RS, and state-level parliaments had committees for gender equality.

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

Children

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

Education is free and compulsory through age 15; however, parents were required to pay for textbooks, lunches, and transportation, which some families could not afford, causing some children to drop out of school. A lack of reliable monitoring and statistics on enrollment and drop-out rates hindered efforts to ensure that school-age children received an education. Children with special needs were legally required to attend regular classes, but schools were often unable to accommodate them. Except for Roma, almost all children finished primary school through the ninth grade; the completion rate was lower for secondary school. Boys and girls attended school equally. On July 31, the BiH parliament adopted a State Law on Higher Education that defines the organization of higher education in BiH, outlines the responsibilities of competent authorities, and defines measures for quality assurance.

According to the BiH Roma Council, less than 35 percent of Romani children attended school regularly. Many Romani children were unable to attend school because of extremely poor living conditions, lack of proper clothing, and the inability or unwillingness of families to pay school-related expenses. RS authorities provided textbooks, meal allowances, and transportation allowances for Romani children. Verbal harassment from other students, language problems, and registration costs and requirements also contributed to the exclusion of Roma from schools, despite the desire of many parents to enroll their children. Authorities failed to provide textbooks that included topics related to Romani culture and history.

Students in minority areas frequently faced a hostile environment. Obstruction by nationalist politicians and government officials slowed efforts to abolish school segregation and enact other reforms. Federation cantonal governments and the Ministry of Education in the RS pressured school directors at the primary and secondary level, and several schools were directed by hard-line political figures. In February Tuzla Canton officials began investigating a school in Gornja Maoca that violated national curriculum standards by allegedly following a Wahhabi curriculum and teaching in Arabic.

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

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

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

Trafficking in Persons

The law prohibits trafficking in persons; however, women and children were trafficked for sexual exploitation, and children and adults, particularly from the Romani community, were sometimes trafficked for begging and labor. There were reports that public officials were involved in trafficking.

The country was a destination, transit point, and, to a greater extent, country of origin for women and girls trafficked for sexual exploitation. An increasing trend of victims being trafficked domestically was also observed during the year. The number of domestic victims increased and equaled the number of foreign victims. During the year Romani children were trafficked to and within the country for forced labor.

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

During the year trafficking modalities continued to change. Due to effective legal mechanisms and vigorous actions to combat trafficking, the number of identified victims continued to decline. Trafficking moved further underground to private apartments, motels, and gas stations. NGOs also reported an increase in the use of rape drugs as a recruitment method. There were no reliable estimates on the number of victims trafficked during the year; police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. During the year the Office of the State Antitrafficking Coordinator registered 31 new trafficking victims through its referral mechanism.

The majority of women trafficked to the country came from Serbia or other East European countries. While no reliable estimates were available, a significant number may have been trafficked on to Western Europe. Most trafficked women entered the country through Serbia or Montenegro. Those who transited the country generally continued on via Croatia. Bosnian victims were also found in other parts of Europe. Traffickers came from a variety of backgrounds, including freelance operators and local organized crime networks.

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

Under the law, trafficking is a state–level crime that carries a sentence of up to 10 years in prison. The Ministry of Security is responsible for coordinating antitrafficking law enforcement at all levels of government, but it was understaffed and lacked the capacity and the essential funding to adequately manage antitrafficking activities. As a result, the international community funded almost all antitrafficking programs.

The BiH State Prosecutor's Office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state level. The state antitrafficking coordinator, whose mandate included coordination of victim protection efforts among NGOs, police, and government institutions, as well as law enforcement, reported directly to the Ministry of Security. A nationwide interagency investigative antitrafficking strike force was chaired by the chief state prosecutor and included prosecutors, police, and financial investigators and targeted trafficking and human smuggling.

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

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. Victims' groups alleged that, because of strong local networks, local police often willfully ignored or actively protected consumers or perpetrators of trafficking activity, often accepting bribes in return. To date there have been only a few documented cases of official involvement in trafficking, and no official indictments have been made. On December 18, Bosnian authorities arrested nine individuals, including several local high school and social welfare center employees, suspected of trafficking three juvenile girls in the RS municipality of Derventa. The investigation was ongoing at year's end.

During the year authorities distributed an antitrafficking manual to teachers for use in the curriculum of all BiH schools. Authorities also continued their efforts to assist victims by working with local NGOs to support shelters and other services and by conducting extensive training for police, prosecutors, judges, teachers, and social workers

On July 5, the Council of Ministers adopted the "Rules on Protection of Victims and Witnesses of Human Trafficking Who Are Citizens of Bosnia and Herzegovina." The rules provide a binding standard of protection for domestic trafficking victims and standard operating procedures for the prevention, identification, protection and assistance of victims and witnesses from BiH. Some antitrafficking NGOs criticized the new procedures for offering protections that were less than those available for foreign victims. Specifically, provisions that require parental notification for victims who were minors troubled NGOs because some girls were picked up by parents and then resold into sexual slavery. Also, some NGOs feared that the Centers for Social Welfare responsible for victim assistance did not have the resources or experience necessary to provide adequate care.

The government has a formal victim referral mechanism and memoranda of understanding with six NGOs that ran shelters for trafficking victims. NGOs operated safe houses in Sarajevo, Zenica, Banja Luka, Mostar, Doboj, Modrica, and Bijeljina. At the shelters, victims received medical care, psychological counseling, legal assistance, repatriation assistance, and limited vocational training. Police effectively provided protection for the shelters.

Persons with Disabilities

The law in both entities prohibits discrimination against persons with disabilities; however, there was discrimination against persons with disabilities in employment, education, access to health care and other state services.

In the Federation, the law mandates that all existing public buildings be retrofitted to provide access to persons with disabilities by November and that new buildings must also be accessible. This deadline passed without full implementation, and buildings were rarely accessible to persons with disabilities. The RS had comparable laws for public access, and progress on retrofitting older public buildings remained slow.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. For example, persons with disabilities resulting from service during the 1991-95 wars were given a privileged status above the civilian war victims and persons who were born with disabilities. Many individuals with disabilities lived in institutions, although a growing number of programs for children with disabilities were available in schools. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available.

National/Racial/Ethnic Minorities

Ethnic differences remained a powerful force in the country, although mixed communities existed peacefully in a number of areas. Nationalist Bosniak, Serb, and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own ethnicity from returning to their prewar homes if they would be in the minority there. The RS and Federation governments were both supportive of minority returns, but there was a significant decrease in returns nationwide.

Attacks on ethnic and religious objects continued during the year. Police conducted investigations and sometimes charged perpetrators of ethnically motivated hate crimes, but often blamed the attacks on radicals, intoxicated or mentally unstable individuals, or rowdy youth without additional investigation.

Recreational events were an additional forum for interethnic disputes. In August fans attending a BiH versus Croatia soccer game in Sarajevo clashed prior to the game at a downtown cafe. Thirteen persons were injured, and ten persons were later arrested for damages caused during the fight.

Harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems most often included desecration of graves, graffiti, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults.

Ethnic discrimination in employment and education remained key obstacles to minority returns. Widespread firing of ethnic minorities during and after the war was not reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where the minorities had been employed. Widespread ethnic discrimination in employment and failure on the part of state-level and entity-level officials to prevent such discrimination continued. Although the international community supervised the privatization of large state−owned enterprises, many smaller enterprises were sold to politically connected individuals, usually members of the majority group in their communities. These enterprises generally did not employ minorities.

In 2006 the UN Committee on the Elimination of Racial Discrimination (CERD) issued observations on the situation in BiH, citing concern over distinctions in the law between "constituent peoples" (Bosniaks, Bosnian Serbs, and Bosnian Croats) and "others" that precluded members of non-constituent groups from fully enjoying the right to vote and stand for office. The CERD also registered concerns over an absence of comprehensive antidiscrimination legislation in the country and the condition of the Romani minority.

The Roma population, estimated at 40,000 to 80,000, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. Access to employment, education, and government services were particular problems. The BiH Helsinki Committee estimated that only 1 percent of the working−age Romani population was employed and indicated that Roma were usually the first to be let go during a reduction in force. Many Roma were also excluded from public life because they lacked birth certificates, identification cards, or a registered residence. Many Roma also could not access health care or register to vote. Only a small number of adult Roma were officially employed, and Roma were often denied social support; some families sent their children out to beg or relied on other sporadic sources of income. During the year the Roma Council and the Ministry of Human Rights and Refugees worked to develop action plans for the employment, health and housing of Roma, in efforts to fulfill preconditions for eligibility in the "decade of Roma inclusion" initiative in the EU**.** However, by year's end the government had not completed the action plans for housing, health care, and employment, while the implementation of the education action plan had been implemented only partially.

Other Societal Abuses and Discrimination

While the law prohibits discrimination on the basis of sexual orientation, it was not enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender persons.

For example, in September RS Prime Minister Milorad Dodik publicly commented on the sexuality of the BiH Transparency International director, stating that he would not permit him to enter his offices because "I simply do not allow various 'faggots' into my cabinet." The Bosnian Gay and Lesbian community, led by the NGO Q Association, immediately condemned the statement as hate speech.

Gays and lesbians who were open about their orientation faced frequent harassment and discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job.

According to unreliable government statistics, there were less than 200 officially registered cases of HIV/AIDS in the country. The NGO XY-Association for Sexual and Reproductive Health estimated that the actual number of cases was at least three times that, or approximately 600 cases, and the UN Programme on HIV/AIDS estimated the number at less than 1,000. There was a significant stigma against persons with HIV/AIDS, a general lack of awareness of HIV/AIDS, and extremely limited resources to identify and assist those affected.

Section 6 Worker Rights

a. The Right of Association

The law allows workers in both entities (except members of the military) to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. However, the BiH government refused to register the Confederation of Independent Trade Unions of Bosnia and Herzegovina, an umbrella organization of entity level unions at the state level, which effectively blocked the activity of the principal unions above the entity level. This failure was due in large part to differing legal interpretations from RS and Federation legal experts working in the Council of Ministers. The International Labor Organization (ILO) submitted a letter to the BiH Council of Ministers suggesting it register the Confederation of Independent Trade Unions as soon as possible, in accordance with applicable international conventions, or change the law, but the Council of Ministers had not done so by year's end. In June the government attended the ILO conference committee on application of standards.

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

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed union organizing and activity. In the prevailing atmosphere of high unemployment, many believed that worker rights were de-emphasized as workers struggled to keep jobs and the various levels of government seek to maintain inflows of wage contributions. Some unions reported that employees of private companies were threatened with dismissal if they joined a union. There was at least one report of a dismissal of a trade union leader following privatization of his employer.

The right to bargain collectively is provided by law in the RS and in a comprehensive collective bargaining agreement in the Federation. However, collective bargaining in both entities did not involve voluntary direct negotiation between a union and individual employers, but rather work agreements between the government and workers in the public sector. In the Federation, there were no collective bargaining agreements between private employers and unions. In the RS, the general collective bargaining agreement applied to all workers and was negotiated between unions, the government, and employers. This general agreement applied to private companies, regardless of whether their workers were union members. During the year workers in Brcko bargained collectively for the first time.

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

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and sometimes for begging and labor.

d. Prohibition of Child Labor and Minimum Age for Employment

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

Trafficking in children for sexual exploitation and sometimes for labor and begging was a serious problem.

Entity governments are responsible for enforcing child labor laws. Neither entity had inspectors dedicated solely to child labor inspections; rather, violations of child labor laws were investigated as part of a general labor inspection. Both entities' labor inspectorates reported that they had not found significant violations of child labor laws in the workplace, although they did not conduct reviews of children working on family farms.

e. Acceptable Conditions of Work

The monthly minimum wage in the Federation was $220 (308 convertible marks) and in the RS the "minimum price of work" used as a base for the salary scale of government employees was $145 (205 convertible marks); however, neither provided a decent standard of living for a worker and family. Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds; as a result, to avoid paying high social welfare benefits, employers often did not officially register their employees, leaving employees without access to public health care.

Many employees of public works and institutions had not received salaries or health and pension benefits from their government employers. In some cases, these employees had not been paid in the last six years.

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

Authorities did not adequately enforce regulations related to acceptable work conditions. While entity labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. Since the courts only served as recourse for complaints involving registered workers, the RS labor inspectorate had to submit fines and penalties for court approval; because of court backlogs, this system was not effective, and many workers for practical purposes worked without protections. Implementation of the new RS Law on Health and Safety began by year's end. The law holds employers responsible for analyzing and improving working conditions.

In June the entity-level Federation government initiated inspections on the registration of employees. By September labor inspections had reached 12,358 companies. The Federation Pension Fund reported more than 40,000 newly-employed persons, and 15,138 names removed from the official tables of unemployed. An estimated 100,000 employed workers in the Federation remained unregistered.

The law provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment; however, this right was not effectively enforced in practice. Worker's rights extended to all official, i.e. registered, workers, including migrant and temporary workers in this status.

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