



REPORT ON THE STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA

(Analysis for the period January – December 2008)

- DIGEST -

The past year could be referred to as the year of missed opportunities. Despite the pressing need for many reforms, Bosnia and Herzegovina is still tapping in one place, thereby postponing resolution of a deep crisis and missing opportunities for rapprochement with the European Union. The Stabilization and Association Agreement with the EU has not yielded desirable effects, which should have been reflected in harmonization of local legislation with the EU law. In the first nine months of the past year, the Parliamentary Assembly of Bosnia and Herzegovina had adopted only nine laws, in relation to the 101 planned by the Council of Ministers, which illustrates the lack of political will for the country to move forward and closer to the European Union.

The overall political atmosphere in the country was characterized by chauvinistic rhetoric and holding on to power by increasing fear from others. The politicians responsible for the fate of the country have remained dedicated to the well-checked formula for ruling, while their pro-European dedication remains only declarative.

In the field of human rights, Bosnia and Herzegovina has done very little on harmonization of legislation with international norms in force. Harsh violations of human rights and freedoms have continued, and the absence of the rule of law is evident.

The institution of ombudsman of Bosnia and Herzegovina has not become operational over the past year, which has additionally burdened the position of individuals whose rights are not respected. The European Court of Human Rights in Strasbourg has passed five verdicts in which Bosnia and Herzegovina was proclaimed guilty for violation of provisions of the European Convention on Human Rights and Freedoms, while the Court received over a thousand new claims against Bosnia and Herzegovina. Both pieces of information can serve as an illustration of the state of the country.

We see the ratification of the European Social Charter as a positive step. However, it would be very important for Bosnia and Herzegovina to sign the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture. The joining of the Roma Decade, though delayed, indicates commitment of the authorities to improve the status of Roma, as one of the most vulnerable categories of population.

Although the problem of finding missing persons and their identification is still present, as one of the most painful consequences of the war, progress has been made last year in this field by opening of the Institute for Missing Persons and speeding up of the processes of exhumation and identification of missing persons. Although 1,000 persons were identified, and 2,000 exhumed over 2008, around 13,000 persons are still considered missing, which makes this problem one of the key issues in the domain of human rights.

The arrest of Radovan Karadzic represents a step towards reaching the necessary justice for the crimes committed in the period 1992-1995, but a serious obstacle towards reaching that end is the fact that Ratko Mladic is still at large.

Concerning return, which illustrates the state of human rights in the country and the level of respect for them by the authorities, it can be assessed that an extremely low number of persons returned to their homes over the past year. More specifically, the total of 1,496 have returned, according to UNHCR data, despite the fact that 45,000 return requests had been registered previously and around 140,000 persons declared their wish to return. The lack of political will and the lack of resources are the main causes of failures in the domain of return.

An escalation of attacks against human rights defenders, media and journalists was reported in the previous year. We have observed physical assaults and beating up of activists, threats and intimidation and silencing attempts against human rights defenders.

The attempt to organize the First Queer Festival in Sarajevo has led to surfacing of an utterly intolerant and aggressive attitude towards members of sexual minorities. The violence against participants in this event was encouraged and inspired by politicians and religious clerics, who had had to be on the side of respect for human rights.

Discrimination on national, political and sexual grounds, as well as discrimination against vulnerable groups is still the principal generator of violations of human rights in Bosnia and Herzegovina. Discrimination has been built into the Constitution of Bosnia and Herzegovina and a number of laws, and has been reflected in some of the crucial areas of life, such as employment, education, right to social protection and retirement. Equal treatment of citizens would require, among other things, adoption of legislation that would prohibit every form of discrimination, and a change in the model of governing, which is currently based on ethno-nationalism.

The state in prisons demonstrates occurrences of poor treatment of prisoners, particularly those under psychiatric care. Overcrowding of correctional detention facilities has been observed, as well as a lack of staff and resources for normal functioning of these institutions.

Treatment of foreigners and asylum-seekers in Bosnia and Herzegovina is still not in compliance with international standards. The fact that it is practically impossible to acquire the right to asylum in our country suggests that the presence of foreigners is viewed primarily from the aspect of security, not from the aspect of human rights.

A lack of respect for the so-called third generation human rights – the right to a healthy environment and sustainable development, has been observed. This field has not been sufficiently legally regulated yet, and the rights of citizens to participate in creation of policies concerning environment are overshadowed by interests of investors, which seriously challenges the rights of citizens to affect development and the future of their country.

The Report on the State of Human Rights in Bosnia and Herzegovina for 2008 demonstrates that the country is lagging behind in this domain too, and that it is necessary to invest considerable efforts for the country to become more aligned with standards of developed democracies in legislation and practice.

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