

# Report on the visit to Bosnia and Herzegovina

from 12 to 16 June 2017

## Major issues pertaining to transitional justice and reconciliation



- » Progress made in addressing war related crimes of sexual violence
- » Ratification in 2016 of a co-operation protocol on the search for missing persons which was signed in 2015 by Bosnia and Herzegovina and Serbia
- » Continued efforts to clarify the fate of missing persons
- » Progress made toward the eradication of statelessness



- » Bosnia and Herzegovina, Serbia and Croatia still bar the extradition of their nationals who are charged with wartime crimes
- » 1 200 war crime cases, involving 5 000 suspects, still need to be processed
- » Lack of expertise by war crime prosecutors and inadequate management of war crime cases
- » Lack of systematic witness protection in war-related criminal proceedings
- » No effective mechanism ensuring reparation to all victims of war-related crimes
- » Stigmatisation and economic marginalisation of victims of war-related crimes of sexual violence
- » Still more than 6 800 missing persons due to the war
- » Persistence of segregation in education along ethnic lines
- » No durable solutions yet for more than 7000 IDP residents of 156 collective centres

## Recommendations

- » Effectively prosecute and sanction all perpetrators of wartime crimes
- » Improve witness protection and support
- » Provide civilian war victims with adequate and effective reparation
- » Adopt and implement the draft Law on the Rights of Victims of Torture and the Programme for Improvement of the Status of Survivors of Conflict related Sexual Violence
- » Give effect to the 2004 Law on Missing Persons by establishing the fund for the families of all missing persons
- » End ethnic segregation in education
- » Condemn firmly and unequivocally all instances of hate speech and other forms of ethnic intolerance

## Freedom of the media



- » Adequate legal framework governing the media field
- » Bosnia and Herzegovina participates in the Council of Europe project relating to freedom of expression and the media (JUFREX)
- » Constitutional Court of Bosnia and Herzegovina has developed an extensive body of case-law relating to defamation



- » Lack of effective implementation of the media legislation
- » Increased use of defamation lawsuits produce a chilling effect on media professionals
- » Lack of comprehensive official statistics about the number of criminal offences committed against journalists
- » Lack of awareness among politicians about adverse impact of crimes against journalists and impunity for such cases on freedom of the media and democracy
- » Politicians' inflammatory speech against journalists
- » Worrying deterioration of journalists' employment conditions
- » Strong influence exerted by main political parties on editorial lines of public service media
- » Extremely difficult financial situation facing State public service media
- » Tendency to organise public service media along ethnic lines

## Recommendations

- » Ensure that domestic courts apply case law of the European Court of Human Rights in defamation cases
- » Protect media professionals' safety and end eradicate impunity for crimes against them
- » Unequivocally condemn violence against journalists and refrain from discourse detrimental to media freedom
- » Strengthen the Communications Regulatory Agency's political neutrality and independence
- » Find a sustainable funding model for the public service media to ensure that their independence is preserved
- » Refrain from any action that could lead to (self)censorship of media professionals and threaten the editorial independence of public service media