



FREEDOM IN THE WORLD 2022

Bosnia and Herzegovina

PARTLY FREE

53
/100

<u>Political Rights</u>	19 /40
<u>Civil Liberties</u>	34 /60

LAST YEAR'S SCORE & STATUS

53 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Bosnia and Herzegovina (BiH) is a highly decentralized parliamentary republic whose complex constitutional regime is embedded in the Dayton Peace Agreement, which ended the 1992–95 Bosnian War. Political affairs are characterized by severe partisan gridlock among nationalist leaders from the country’s Bosniak, Serb, and Croat communities. Political participation by citizens from other communities is extremely limited. Corruption remains a serious problem in the government and elsewhere in society.

Key Developments in 2021

- In July, High Representative Valentin Inzko imposed a law prohibiting genocide denial related to the 1995 Srebrenica genocide in particular, but also denial of crimes against humanity and war crimes more broadly. The law was welcomed by some political actors and by genocide awareness activists, but it drew strong opposition from Serb nationalist leaders in the Republika Srpska (RS) entity.
- In October, Serb nationalist leader Milorad Dodik announced that the RS would withdraw from BiH’s military, its top judiciary body, and its tax administration, prompting renewed fears of a secession crisis.
- US-led talks on the adoption of a new elections law collapsed in December, after less than four months. The initiative aimed to address court rulings against ethnic representation provisions in the 1995 constitution that exclude some segments of the population from certain offices, including the presidency.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

2/4

The 1995 Dayton Accords that ended the war in BiH reorganized the state as a combination of two autonomous entities—the Federation of BiH, whose residents are mainly Bosniak and Croat, and the Serb-dominated Republika Srpska (RS)—that

operate under a weak central government. The position of head of state is held by a three-member presidency comprising one Bosniak, one Serb, and one Croat; they are each elected to a four-year term, which they serve concurrently.

The chair of the Council of Ministers, or prime minister, is nominated by the presidency and approved by the House of Representatives. The chair in turn nominates other ministers for approval by the House.

BiH's most recent general elections, in October 2018, were again dominated by the country's three entrenched nationalist blocs: the Bosniak nationalist Party of Democratic Action (SDA), the Croat nationalist Croatian Democratic Union (HDZ BiH), and the Serb nationalist Alliance of Independent Social Democrats (SNSD). Milorad Dodik of the SNSD, the longtime president of the RS entity, won the Serb seat in BiH's state presidency, and Šefik Džaferović of the SDA won the Bosniak seat. However, Željko Komšić of the center-left Democratic Front party decisively defeated the HDZ-BiH incumbent for the Croat seat of the presidency. International observers raised concerns about the integrity of the elections, including about a high number of ballots disqualified by the Central Electoral Commission (CIK).

The resulting government, formed in December 2019 after lengthy negotiations, was headed by Zoran Tegeltija of the SNSD. At the end of 2021, over three years after the elections, the Federation entity had yet to form its new government. The next general elections were scheduled for October 2022.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

2/4

The Parliamentary Assembly, a state-level body, has two chambers. The 15-seat upper house, the House of Peoples, consists of five members from each of the three main ethnic groups, elected by the Federation and RS legislatures for four-year terms. The lower house, the House of Representatives, has 42 popularly elected members serving four-year terms, with 28 seats assigned to representatives from the Federation and 14 to representatives from the RS.

While the SDA, HDZ BiH, and SNSD dominated the 2018 general elections, they faced significant competition from other parties, particularly the Social Democratic Party (SDP). Election monitors noted significant irregularities and a decline in overall quality as compared with prior polls. Turnout was down slightly, at about 53 percent.

In the 2020 municipal elections, opposition parties won breakthrough victories in Sarajevo, Banja Luka, and Tomislavgrad, among several other municipalities. In Mostar's special election, the HDZ- and SDA-backed lists came in first and second, respectively. However, the opposition BH Bloc, composed of the SDP and Naša Stranka (Our Party), also secured 6 seats in the 35-seat city assembly. The HDZ BiH took the mayoralty after the SDA-led and SDP–Our Party lists were unable to commit to a joint candidate. Mostar's municipal elections ended a 12-year period in which local polls were not held due to an unresolved legal dispute over the allocation of city council seats between Croats and Bosniaks.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

2/4

The CIK administers elections with the help of municipal election commissions. Both are subject to significant political party interference. The CIK is a largely ineffectual body, unable to act decisively without political support.

Conflicts over fair ethnic representation surround aspects of the constitution and electoral laws. For example, BiH citizens who do not identify as members of the country's Bosniak, Serb, or Croat "constitutive peoples" remain barred from the presidency and membership in the House of Peoples, despite 2009 and 2016 rulings by the European Court of Human Rights that the exclusion of members of other ethnic groups violated the European Convention on Human Rights.

B. Political Pluralism and Participation

B1 0-4 pts

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Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

3/4

Political parties typically organize and operate freely, though the political arena in the Federation is generally limited to Bosniaks and Croats, while Serbs control politics in the RS. Coalitions at all levels of government shift frequently, but incumbent parties have maintained their positions with the help of vast patronage networks, making it difficult for smaller reform-oriented groupings to achieve meaningful gains.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

2/4

While there are no explicit legal barriers preventing opposition parties from entering government, expansive veto powers granted to the constitutive peoples and their representatives have helped the dominant nationalist parties to manipulate the system and shut out reformist or multiethnic challengers. However, in the 2020 municipal elections, opposition parties made breakthroughs in Sarajevo, Banja Luka, Tomislavgrad, and several other locales, as well as in Mostar's special election.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

2/4

In addition to domestic problems like the politicization of public resources and the influence of corrupt patronage networks, certain foreign powers wield outsized influence in the Bosnian political sphere. The governments of Serbia and Croatia exert leverage through their respective local allies, the SNSD and the HDZ BiH. The Russian and Turkish governments have also offered support to preferred parties and candidates.

The Office of the High Representative (OHR), which was created by the Dayton Accords, operates under the auspices of the United Nations and has the authority to remove elected officials if they are deemed to be obstructing the peace process. In July 2021, the OHR made its first major intervention in Bosnian politics in nearly a decade with the imposition of a law that criminalized the denial and glorification of genocide. The law was welcomed by genocide survivors and genocide-awareness activists in BiH and around the world, but it prompted a significant backlash from Serb nationalists in the country.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

2/4

Political rights in BiH are in large part contingent on one's ethnic background and place of residence. Jews and Roma are constitutionally barred from the presidency and from membership in the House of Peoples, despite the European Court of Human Rights rulings against those provisions. Serbs who live in the Federation and Croats and Bosniaks who live in the RS are also excluded from the presidency. Some Croats argue that their rights to representation are violated by electoral laws allowing non-Croats a significant voice in the selection of the Croat member of the presidency and Croat members of the House of Peoples. Critics of the Croat nationalist HDZ BiH, however, counter that the party has manipulated the discourse surrounding this issue to obstruct civic and liberal reforms of the country's constitutional order.

Women are underrepresented in politics and government. As a result, debates pertaining to maternal health and domestic violence are rarely at the center of parliamentary discussion, although they are openly, if infrequently, discussed in the media. LGBT+ people are marginalized in formal political life, but LGBT+ rights groups are active in the civic sphere.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative

representatives determine the policies of the government?

2/4

Government formation and policy implementation are seriously impeded by the country's complex system of ethnic representation. Under the Dayton Accords, representatives from each of the three major ethnic groups, at both the state and entity levels, may exercise a veto on legislation deemed harmful to their interests. The state government is also undercut by movements within each of BiH's entities for greater autonomy.

Dodik, who serves as the Serb member of the state-level presidency and holds significant influence in the RS, continues to speak openly of his desire for the RS to secede from BiH. In October 2021, he announced the RS's withdrawal from various federal institutions, notably including the military, prompting fears of a secession crisis. The move came largely in response to the OHR's law against genocide denial and was the latest in a series of escalating efforts to chip away at the functionality of the BiH state.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption remains widespread and systemic, and legislation designed to combat the problem is poorly enforced. When corruption probes are actually opened, they rarely result in convictions.

C3 0-4 pts

Does the government operate with openness and transparency?

1/4

Government operations remain largely inaccessible to the public. Procurement awards are often made in secret, and public institutions frequently fail to comply with freedom of information laws. Candidates for major offices are obliged to make financial disclosures, but the relevant laws are weak, and the resulting disclosures are widely considered unreliable. Debate and decisions on matters of public interest,

including legislation and subjects pertaining to European Union (EU) accession, routinely occur during interparty negotiations that take place behind closed doors, outside of government institutions.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

2/4

Freedom of expression is legally guaranteed but limited in practice. Journalists face political pressure as well as harassment, threats, and occasional assaults in the course of their work. There is a large private media sector, including outlets that are affiliated with local political parties and those that belong to major international news networks. Public broadcasters in both entities, and at the canton level, often operate as partisan platforms; this is especially pronounced with the entity broadcaster in the RS, Radio-Television Republika Srpska (RTRS), whose coverage serves the interests of the SNSD.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

3/4

Religious freedom is not subject to formal restrictions, but in practice religious communities face some discrimination in areas where they constitute a minority. Acts of vandalism against religious sites continue to be reported.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

The education system is racked by corruption and clientelism, and the curriculum is politicized at all levels of education. At some schools in the Federation, Bosniak and Croat students are still divided into separate classes along ethnic lines. Some Bosniak returnees in the RS have sent their children to temporary alternative schools to avoid curriculums they find discriminatory, and some Serb families have described discriminatory educational environments in the Federation.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

Freedom of expression for individuals is generally protected from overt government interference. However, peer pressure and the risk of an adverse public reaction remain significant curbs on the discussion of sensitive topics.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

3/4

Freedom of assembly is generally respected in BiH, and peaceful protests are common. However, demonstrators sometimes encounter administrative obstacles or police violence, and organizers can become targets of police or political harassment.

For the third year in a row, Sarajevo hosted an LGBT+ pride parade that proceeded without incident. A counterdemonstration by conservative and religious groups was also permitted to take place, but police kept it away from the main parade route.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that

are engaged in human rights– and governance-related work?

2/4

The nongovernmental organization (NGO) sector in BiH remains robust but is sometimes exposed to government pressure and interference, with conditions more difficult in the RS.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

2/4

Labor unions operate freely in the whole of BiH, although workers often have limited bargaining power in practice. The right to strike is legally protected, but labor laws in the Federation pose significant barriers to the exercise of this right. Legal protections against antiunion action by employers are weakly enforced. The leading political blocs in the country exercise significant control over unions in their respective strongholds.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

1/4

The judiciary is formally independent but weak in practice. Dozens of Constitutional Court decisions have been disregarded by political leaders, as has some jurisprudence from the European Court of Human Rights. Individual judges are also subject to political pressure, interference, and intimidation regarding the cases before them. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), which appoints judges, has been racked by scandal and is widely perceived as corrupt. The HJPC was among the state institutions from which the RS intended to withdraw, according to Dodik's October 2021 announcement.

The existence of four separate court systems—for BiH, the RS, the Federation, and the self-governing Brčko District—contributes to overall inefficiency.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

2/4

Guarantees of due process are inconsistently upheld, with judges often failing to manage trials effectively and contributing to extensive delays. Access to adequate legal counsel can be contingent on one's financial standing. Police corruption is a problem and sometimes stems from links to organized crime. Public prosecutors are widely reputed to be corrupt and under political control.

The process of prosecuting war crimes in domestic courts has been slow, with political interference and courts' lack of resources and capacity exacerbating a large backlog of cases. Despite efforts to reinvigorate the process, impunity for war crimes including killings and sexual violence has persisted.

In September 2021, the HJPC removed the country's chief prosecutor, Gordana Tadić, from her post for negligence. She was accused of working to shield individuals presumed to be under the protection the HDZ BiH from prosecution.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

2/4

Although overall violent crime rates are low, organized crime is a significant problem, and high-profile incidents in recent years have fueled public frustration with the police and judicial system. Members of vulnerable groups are subject to harassment by police, including migrants transiting through the country. Many prisons are overcrowded or feature other substandard conditions, and detainees face physical abuse by prison authorities. Active land mines dating to the 1990s continue to pose a threat to civilians in rural parts of the country.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

2/4

Laws guaranteeing equal treatment are unevenly upheld. Discrimination against members of the Romany minority is widespread. People who returned to their homes after being displaced during the war face discrimination in employment and housing in regions where their ethnic group constitutes a minority; Bosniak returnees in the RS entity face notable discrimination and harassment. Bosniaks and Croats in the RS more generally experience difficulties in accessing social services. Women are legally entitled to full equality with men but encounter discrimination in the workplace in practice. Members of the LGBT+ community face discrimination, harassment, and occasional physical attacks, and authorities often fail to adequately investigate and prosecute crimes against LGBT+ people.

Tens of thousands of migrants, refugees, and asylum seekers have arrived in the country each year since 2018. While the vast majority travel on to other locations, thousands remain stranded in BiH, most of whom live in squalid camps that lack basic services or protection against the elements. Authorities in the RS have refused to allow any migrant centers, and the burden of care has been thrust almost entirely on a handful of municipalities in the country's northwest. Many migrants are exposed to routine violence by local authorities, as well as by Croatian border guards who have repeatedly been accused of illegal pushbacks into BiH.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

3/4

The law protects freedom of movement, though there are minor barriers to the exercise of this right—for example, taxis will generally not take passengers across the border between the two entities. Bureaucratic hurdles make registering new domiciles a tedious and lengthy process. Land mines limit movement in some areas.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish

private businesses without undue interference from state or nonstate actors?

2/4

Although the legal framework broadly supports property rights and private business activity, widespread corruption and patronage remain major barriers to free enterprise. Individuals who returned to their homes after being displaced by the 1992–95 war have faced attacks on their property. The European Commission has called for further progress on compensating people for property that cannot be returned.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

3/4

Individual freedoms on personal status matters such as marriage and divorce are generally protected. Same-sex marriage is not recognized, though in 2020 the Federation government appointed a working group to consider ways to acknowledge such partnerships.

Domestic violence remains a serious concern despite some government efforts to combat it. Incidents of abuse are believed to be considerably underreported, and civic groups have found that law enforcement authorities are often reluctant to intervene or impose strong penalties.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Legal protections against exploitative working conditions are poorly enforced. Patronage and clientelism continue to adversely affect hiring practices and contribute to de facto restrictions on economic opportunity.

The US State Department's annual *Trafficking in Persons Report* has found that both Bosnian and foreign adults and children are subject to trafficking for the purposes of sexual exploitation and forced labor in BiH, with Romany children particularly

vulnerable to forced begging and forced marriages that amount to domestic servitude. The 2021 report noted improved resources for antitrafficking efforts, including identifying and prosecuting traffickers. However, it criticized the slow pace of reforms in the RS and the Brčko District.



On Bosnia and Herzegovina

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Country Facts

Global Freedom Score

53/100 Partly Free

Other Years

2021

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ADDRESS

1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

GENERAL INQUIRIES

info@freedomhouse.org

PRESS & MEDIA

press@freedomhouse.org

