



Bosnia and Herzegovina

PARTLY FREE

53
/100

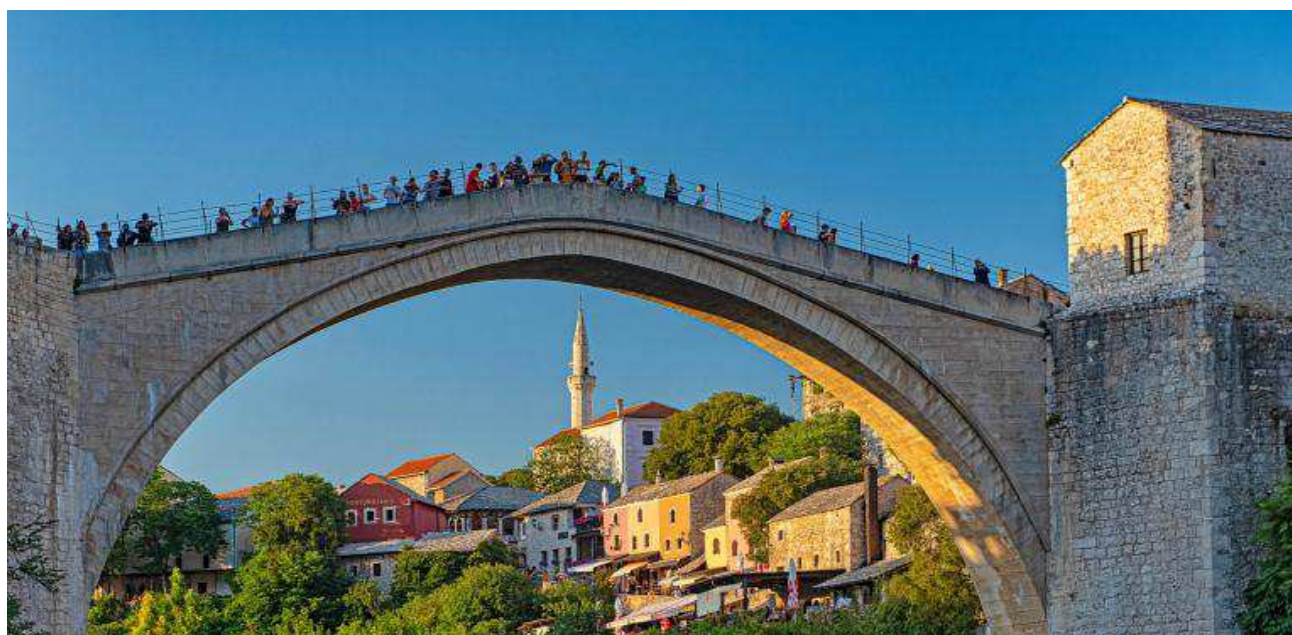
<u>Political Rights</u>	19 /40
<u>Civil Liberties</u>	34 /60

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. Corruption remains a serious problem in the government and elsewhere in society.

Key Developments in 2020

- Opposition parties made breakthroughs in November’s municipal elections, as well as in a Mostar’s special election, securing seats in various assemblies. (An internationally brokered agreement had paved the way for municipal elections in Mostar, which were held for the first time since 2008.)
- In May, Federation prime minister Fadil Novalić was implicated in a respirator-procurement scandal, and was briefly taken into custody by state anticorruption police. He and two codefendants were indicted in December on charges of corruption and embezzlement.
- Some 8,300 migrants, refugees, and asylum seekers were stranded in the country at year’s end, with most living in camps that lacked basic services and offered little protection against winter weather. Reports emerged of violence against migrants by local authorities, as well as by Croatian border guards who have repeatedly been accused of illegal pushbacks.

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 civil war in BiH created a loosely knit state composed of two entities—the Federation, 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.

The October 2018 elections were once 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).

Two years after the last general elections, no new government has yet been formed in the Federation entity, the larger of the country's two administrative entities.

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.

The SDA, HDZ-BiH, and SNSD dominated the 2018 general elections, capturing nine, five, and six seats in the highly fragmented House of Representatives and many other legislative posts at the entity, canton, and municipal levels. However, they faced stiff competition from other parties, particularly the Social Democratic Party, which took five House of Representatives seats, and the left-wing Democratic Front–Civic Alliance, which won three. Nine smaller parties also won representation at the state level. Election monitors noted significant irregularities and a decline in overall quality as compared with prior polls. Turnout was down slightly, at about 53 percent.

Municipal elections originally planned for October 2020 were delayed until November because of a funding dispute between the three leading nationalist blocs. Opposition parties made breakthroughs in Sarajevo, Banja Luka, Tomislavgrad, and several other locales, as well as in Mostar’s special election. The HDZ- and SDA-backed list came in first and second, respectively, in Mostar. However, the opposition BH Bloc, composed of the Social Democratic Party (SDP) and Naša Stranka (Our Party), secured 6 councilors in the 35-seat city assembly—enough to determine the shape of the eventual governing majority, even if they are not formally part of it.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	2 / 4
--	--------------

Under BiH’s constitutional regime, 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 continue to 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. The Federation's upper house, also known as the House of Peoples, was not fully seated until several months after the 2018 elections due to a legal dispute over its system of ethnic seat allocations. The dispute also held up the formation of the state-level House of Peoples, whose members are appointed by the entity legislatures.

B. Political Pluralism and Participation

B1 0-4 pts

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 forces to achieve meaningful breakthroughs.

B2 0-4 pts

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

2 / 4

There are no explicit legal barriers preventing opposition parties from entering government, but 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. Serbia and Croatia exert leverage through their respective local allies, the SNSD and the HDZ-BiH. Russia and Turkey 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. The OHR has not intervened in Bosnian politics in recent years.

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 bloc counter, however, 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.

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.

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.

In May 2020, Federation prime minister Fadil Novalić was implicated in a respirator-procurement scandal, and briefly taken into custody by the

state anticorruption police. He and two codefendants were indicted in December on charges of corruption and embezzlement. Also in May, Košarac, the foreign trade and economic relations minister, was caught on film at a party in a Sarajevo restaurant while a COVID-19 lockdown was in force. He survived a consequent confidence vote in the BiH parliament.

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 often do not comply with freedom of information laws. Candidates for major offices are obliged to make financial disclosures, but the relevant laws do not meet international standards, and the resulting disclosures are 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 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. There is evidence of political interference in the operations of university student groups, in particular by the SDA at the University of Sarajevo. At some schools in the Federation, Bosniak and Croat students are still divided into separate classes on the basis of their ethnicity. 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. The news media often report on “controversial” social media posts by members of the public.

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.

In 2018, persistent and often large-scale protests followed the unexplained death—and presumed murder—that March of David Dragičević, a 21-year-old Banja Luka resident whose case touched on broader concerns about policing and the rule of law in the RS. Dragičević’s father and opposition leaders accused the RS police, prosecutor’s office, and political leadership of either playing a role in or covering up his son’s death. In 2019 and 2020, RS police continued to ban and disperse “Justice for David” protests.

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 more difficult conditions in the RS, where there have been reports of

prolonged tax investigations of NGOs by the RS government. Many organizations rely on government funding, posing a potential conflict if they seek to criticize the authorities.

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, and the Constitutional Court continues to face challenges from the SNSD and HDZ-BiH in particular. 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. Facing international pressure to resign, the body's leader, Milan Tegeltija, stepped down in December 2020, in light of allegations of corruption and cronyism.

The existence of four separate court systems—for the central state, 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.

The 2019 assassination of business owner Slaviša Krunić, a prominent critic of the RS government, remains unsolved. Three suspects were formally charged with carrying out the murder in December 2019, but little was publicly known about the motives or potential organizers behind the crime.

In September 2020, evidence surfaced implicating RS prime minister Radovan Višković, in covering up mass graves containing the remains of men killed in the 1995 Srebrenica genocide. The Office of the Prosecutor of Bosnia and Herzegovina confirmed it was reviewing evidence; Višković has denied the allegations, and local authorities have not opened a formal investigation.

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 not unusually high for the region, organized crime is a significant problem, and high-profile incidents in recent years have fueled public frustration with the police and judicial system. Harassment by police remains routine for vulnerable groups, including significant numbers of migrants transiting through the country. Many prisons are overcrowded or feature other substandard conditions, and detainees are subject to physical abuse by prison authorities. Active land mines dating to the 1990s continue to pose a threat to civilians.

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. Bosniaks and Croats in the RS experience difficulties accessing social services. 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. 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.

More than 50,000 migrants, refugees, and asylum seekers arrived in the country during 2018 and 2019, marking a sharp increase from previous years; arrivals began to slow in 2020, reaching around 16,000. While the vast majority travel on to other locations, some 8,300 remained stranded in BiH as of late 2020, most of whom live in squalid migrants camps that lack basic services or protection against the elements. Authorities in the RS entity 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. Instances of violence between migrants and local community members continue, including at least one reported murder of a migrant in the Herzegovina region in October 2019.

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, and this right is generally upheld in practice. 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. 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 freedom on personal status matters such as marriage and divorce is generally protected. Same-sex marriage is not recognized,

though in 2020 the Federation government appointed a working group to consider ways to regulate 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, and workers in some industries face hazardous conditions. Patronage and clientelism continue to adversely affect hiring practices and contribute to de facto restrictions on economic opportunity.

According to the US State Department's 2020 *Trafficking in Persons Report*, 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 report found that the government maintained efforts toward prosecuting perpetrators and protecting victims and increased efforts in preventing trafficking during the coverage period.



On Bosnia and Herzegovina

See all data, scores & information on this country or territory.

[See More >](#)

Country Facts

Global Freedom Score

53/100 Partly Free

Other Years

2020

**Be the first
to know
what's
happening.**

Email

--

Join the Freedom
House monthly
newsletter

Subscribe

ADDRESS

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

GENERAL INQUIRIES

info@freedomhouse.org

PRESS & MEDIA

press@freedomhouse.org

@2021 FreedomHouse