

Flygtningenævnets baggrundsmateriale

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FREEDOM HOUSE

Freedom in the World - Bosnia-Herzegovina (2008)

Capital: Sarajevo

Population:
3,800,000

Political Rights Score: 4

Civil Liberties Score: 3

Status: Partly Free

Ratings Change

Bosnia and Herzegovina's political rights rating declined from 3 to 4 due to a political crisis that ensued over reforms introduced by the internationally appointed High Representative.

Overview

In late 2007, Bosnia and Herzegovina experienced a serious political crisis over voting procedure reforms introduced by Miroslav Lajcak, the High Representative. The political dispute was resolved at the end of November, after which the country initialed a Stabilization and Association Agreement with the European Union. The agreement was seen as a reward for adopting the new voting rules and making progress on police reform.

Formerly a constituent republic within socialist Yugoslavia, Bosnia and Herzegovina (BiH) is among the most ethnically diverse countries in the region. The majority of the population consists of three ethnic groups: Bosniaks, who are mainly Muslim; Serbs, who are largely Orthodox Christian; and Croats, who strongly identify with the Roman Catholic Church. As Yugoslavia began to disintegrate in the early 1990s, BiH was recognized as an independent state in April 1992. A 43-month-long civil war immediately ensued, resulting in the deaths of tens of thousands of people and the forced resettlement of approximately half of BiH's population. In November 1995, the Dayton Peace Accords brought an end to the civil war by creating a loosely knit state composed of the Bosniak-Croat "Federation of Bosnia and Herzegovina" and the largely Serb "Republika Srpska." The final status of the Brcko District was decided in 1999 by a special arbitration council, which defined it as a self-governing administrative unit that is formally part of both the Federation and Republika Srpska.

The Dayton Accords gave the international community a decisive role in running postwar BiH, manifested in the significant powers and authority (known as the Bonn powers) granted to international civilian agencies such as the Office of the High Representative (OHR). Despite considerable efforts by the international community to aid the country's integration, most aspects of political, social, and economic life remain divided along ethnic lines. The October 2006 elections shifted

power to more moderate parties, but they took nationalist stances in order to appeal to the constituents in their respective ethnic groups. The Alliance of Independent Social Democrats (SNSD) emerged as the winner in the Republika Srpska, and the Party for BiH (SzBiH) won the most votes in the Federation. The Croat Democratic Union (HDZ) remained the most popular party among Bosnian Croats.

Following a series of negotiations and amid considerable pressure by the international community, the new coalition government—led by Nikola Spiric of SNSD—was formed in February 2007. The coalition, however, remained highly unstable, particularly due to a thorny working relationship between SNSD leader Milorad Dodik and SzBiH leader Haris Silajdzic. The two politicians have very different visions for the future of BiH's two entities. Dodik is determined to preserve the current administrative status of Republika Srpska, while Silajdzic would like to strip the constituent entities of their powers and create a unitary BiH. Their disagreements broadened in late February after the International Court of Justice ruled that Serbia was not guilty of genocide in relation to the massacre of Bosniak men and boys in the Bosnian town of Srebrenica during the 1992–95 war. However, the same judgment indicated that Serbia failed to use its influence over the Bosnian Serbs to prevent the killings. Following the ruling, Silajdzic called for Srebrenica to be removed from the jurisdiction of Republika Srpska, which Dodik vehemently opposed.

In early 2007, the international community decided to extend the mandate of the OHR after it became clear that the reform process in BiH had been stymied. A Slovak diplomat with extensive experience in the former Yugoslavia, Miroslav Lajcak, replaced German diplomat Christian Schwartz-Schilling as the High Representative in July. Lajcak quickly demonstrated that he was more willing to use the Bonn powers than his predecessor. Only one week after his appointment, he fired a senior police official in Republika Srpska for his alleged involvement in a network protecting former Bosnian Serb military leader Ratko Mladic, who remains a fugitive.

In October, Lajcak introduced a set of reforms aimed at streamlining the decision-making process in BiH by changing the rules under which the central government's quorum was calculated. These measures—welcomed by most international representatives in BiH and lawmakers in the Bosniak-Croat Federation—were viewed as necessary because politicians were often able to block major reform efforts by simply not showing up at cabinet meetings. Lajcak indicated that the changes would also be imposed on the BiH parliament on December 1 if they were not voluntarily adopted by that deadline.

The Bosnian Serb leadership, fearing it could be outvoted by other ethnic groups under the new rules, condemned the measures and called for Lajcak's powers to be restricted significantly. Spiric resigned as prime minister of the central government to protest the reforms, setting off what was seen as the worst political

crisis in BiH since 1995. Public demonstrations sprouted across Republika Srpska, and Dodik threatened to withdraw his party's representatives from all BiH institutions. The crisis ended abruptly on November 30, after the parliament passed the proposed reform with some concessions to Bosnian Serb leaders, provoking speculation on behind-the-scenes deals. A few days later, the European Union (EU) initialed a Stabilization and Association Agreement (SAA) with BiH, generally seen as the first step toward full EU membership.

The prospects for police reform—previously identified as the main condition for initialing the SAA—did improve after the main BiH parties agreed in November on an action plan that included the creation of centralized police institutions and financing and the harmonization of police laws.

Republika Srpska held an extraordinary election for the entity president in early December, following the sudden death of its previous president, Milan Jelic. Rajko Kuzmanovic of SNSD won with approximately 41 percent of the vote. With the political crisis defused, Spiric was reappointed as prime minister of BiH in late December.

Political Rights and Civil Liberties

The Republic of Bosnia and Herzegovina (BiH) is not an electoral democracy. In general, voters in BiH can freely elect their representatives, but the Office of the High Representative (OHR) has the authority to remove elected officials if they are deemed to be obstructing the peace process, and ethnic divisions are institutionalized at several levels of government. The country does not have a single president, but a three-member presidency composed of one Bosniak, one Serb, and one Croat. The National Assembly is a bicameral body. The upper house, the House of Peoples, consists of 58 delegates, including 17 Bosniaks, 17 Serbs, 17 Croats, and 7 delegates belonging to other ethnic groups—all elected by the Bosniak-Croat Federation legislature and the Republika Srpska Assembly. The lower house, the House of Representatives, has 98 members popularly elected by secret ballot. The most important parties include the SNSD, the SzBiH, the mainly Bosniak Party of Democratic Action (SDA), the nationalist Serb Democratic Party (SDS), and the HDZ.

Corruption, which remains a serious problem, is most common in local politics, but it also penetrates the higher levels of the Bosnian leadership. In recent years, under pressure from the international community, the government has taken limited steps to combat the problem. Bosnian courts have made some progress in prosecuting individuals accused of corruption and enforcing legislation against conflicts of interest; however, a systematic effort against corruption is still absent. In late 2007, the Bosnian chapter of Transparency International (TI) alleged irregularities in the privatization of the Brod oil refinery and the sale of the Gacko power plant by the government of Republika Srpska. BiH was ranked 84 out of 180 countries surveyed in TI's 2007 Corruption Perceptions Index.

The constitution and the human rights annex to the Dayton Peace Accords provide for freedom of the press; however, this right is not always respected in practice. Several sources asserted that self-censorship in Republika Srpska increased in 2007. In a step widely criticized by the international community, the government of Republika Srpska refused to work with the public broadcaster BHT-1 for a period of time in January in order to protest "hostile" coverage and treatment of its leaders by the station earlier that month. A large number of independent electronic and print media organizations operate in BiH. However, broadcast outlets and the press continue to be plagued by a relatively low level of professionalism, a reliance on foreign funding for survival, and a tendency to appeal only to narrow ethnic audiences. State-owned companies sometimes withhold advertising from media outlets that print or broadcast information critical of the government. Journalists who criticize the government or publish politically sensitive material at times face public denunciations and threatening telephone calls from government officials. Internet access in the country is open and unrestricted.

Citizens enjoy full freedom of religious belief and practice, but only in areas where their particular group represents a majority. A 2004 Law on Religious Freedom grants churches and religious communities legal status akin to that enjoyed by nongovernmental organizations. Acts of vandalism against holy sites associated with all three major faiths—Islam, Orthodox Christianity, and Roman Catholicism—continue to occur. Religious symbols are often exploited for political purposes.

While the various governments in BiH do not restrict academic freedom at institutions of higher education, academic appointments are subject to ethnic favoritism and politicization. Primary and secondary school curriculums are heavily politicized. In parts of the region of Herzegovina, students are divided by ethnicity, with separate classrooms, entrances, textbooks, and time shifts. Local politicians sought this "two schools under one roof" policy to prevent cultural assimilation. Sensitive subjects include history, geography, and language; depending on their ethnicity, children use textbooks printed in Croatia, Serbia, or Sarajevo. The Bosnian branch of the Helsinki Committee for Human Rights has likened the situation to "open segregation and apartheid." In July 2007, the government approved a law that modestly increased state control over higher education.

The constitution provides for freedoms of assembly and association, and the various levels of government generally respect these rights in practice. However, ethnic or religious minorities in a particular area often find it more difficult to exercise their rights than the local majority population. Although there are no legal restrictions on the right of workers to form and join labor unions, there are growing allegations of discrimination against union members.

Corruption in the judiciary, police forces, and civil service forms a considerable obstacle to the establishment of the rule of law in BiH. The judiciary remains influenced by nationalist political parties and the executive branch of government. Judges who demonstrate some independence are reported to have faced various

forms of intimidation. The War Crimes Chamber of the Court of Bosnia and Herzegovina, established in 2005, has successfully prosecuted and convicted a number of individuals, demonstrating that Bosnian judicial institutions are slowly maturing. However, the most sought-after indicted war crimes suspects—former Bosnian Serb political leader Radovan Karadzic and former Bosnian Serb military leader Ratko Mladic—remain at large. In July 2007, investigations commenced on over 90 individuals suspected of aiding fugitive war crimes suspects or playing a role in the 1995 Srebrenica massacre.

Ethnic nationalism in Bosnian society is widespread and presents a major obstacle to the country's integration. Individuals are discriminated against in terms of employment, housing, and social services in regions not dominated by their own ethnic group.

In 2004, the UN High Commissioner for Refugees announced that one million Bosnian refugees and displaced persons had returned since the end of the war, roughly half the total number driven from their homes during the fighting. The vast majority of property-restitution cases left over from the war have now been resolved. Despite these relative successes, however, many people are returning to their prewar homes only to sell their property and move back to areas where they belong to the local ethnic majority. Consequently, BiH is now divided into largely homogeneous Bosniak, Croat, and Serb areas. When returnees decide to stay in areas where their group constitutes a minority, they are subject to discrimination, threats, and attacks. The Brcko district is an exceptional case in its ability to achieve a relatively high level of ethnic integration in the postwar setting.

Women are legally entitled to full equality with men. However, they are significantly underrepresented in politics and government and face frequent discrimination in the workplace in favor of demobilized soldiers. To compensate for the absence of women in public life, political parties are legally required to include three women among the top 10 names on their lists of candidates. At the end of 2006, women captured 14 percent of seats in the BiH House of Representatives and 23 percent of seats in the Republika Srpska National Assembly. Domestic violence remains a problem, and the police are still largely unresponsive to violent domestic disputes. Postwar BiH has emerged as a destination country for women trafficked for the purpose of prostitution, and UN reports claim that the large international civil and military presence in the country provides considerable demand for such services. A Bosnian criminal code that went into effect in March 2003 criminalized trafficking in human beings and increased penalties for related offenses.