



Freedom in the World 2014 - Bosnia and Herzegovina

Publisher [Freedom House](#)

Publication Date 26 June 2014

Cite as Freedom House, *Freedom in the World 2014 - Bosnia and Herzegovina*, 26 June 2014, available at: <http://www.refworld.org/docid/53b2b8ce1a.html> [accessed 27 October 2014]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 3.0

Civil Liberties (1 = best, 7 = worst): 3

Political Rights (1 = best, 7 = worst): 3

OVERVIEW

In the summer of 2013, the European Union (EU) suspended two aid programs to Bosnia and Herzegovina (BiH), citing the inability of the country's two entities – Bosniak-Croat Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska – to work together on preparations for receiving the assistance. The programs were worth a combined total of €9.5 million (\$13.2 million). In September, the EU canceled an agriculture program due to a similar lack of progress. The following month, it canceled an additional €47 million (\$65.4 million) in aid, citing leaders' failure to agree on reforms to address a 2009 European Court of Human Rights (ECHR) ruling, which had found the constitution discriminatory for allowing only members of BiH's three major ethnic groups – Bosnian Muslims (Bosniaks), Bosnian Croats, and Bosnian Serbs – to run for the state-level presidency or serve in the upper house of parliament. While several former Yugoslav constituent republics have already joined the EU or have made significant progress toward accession, BiH's political stagnation continues to impede its path toward EU membership in 2013.

BiH made some progress in anticorruption efforts during the year. Authorities broke up fraud schemes run by police and customs officers and opened investigations into alleged corruption by senior officials in the Federation, including the president.

The country's first postwar census took place in October. The results, expected in early 2014, will effectively serve as formal recognition of the ethnic cleansing that took place during the 1992-95 civil war, which ended following the U.S.-backed Dayton Accords. Given that many political posts are awarded under a population-based ethnic quota system, Bosniak, Croat, and Serb political and religious leaders urged members of their respective ethnic groups to identify

themselves as such on the census form. Citizens have the option to reject ethnic labels on the form, but doing so excludes them from holding some government positions.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 24 / 40 (-1)

A. Electoral Process: 8 / 12

The Dayton Accords created a loosely knit nation composed of two states, or entities – the Federation, whose citizens are mainly Bosniak and Croat, and the largely Serb Republika Srpska – that operate under a weak central government. The role of head of state is performed by a three-member presidency comprising one Bosniak, one Serb, and one Croat; each is elected to a four-year term, which the three presidents serve concurrently.

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 Republika Srpska 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 Republika Srpska. The House of Representatives elects the prime minister, who leads the state-level government. The Federation and the Republika Srpska have their own presidents, parliaments, and other governing bodies, which are responsible for policymaking on the entity level.

The most recent elections held in 2010 were deemed generally free and fair. In that year's tripartite presidential election, incumbent Željko Komšić of the Social Democratic Party (SDP) was reelected as the Croat member of the presidency, Bakir Izetbegović of the Party of Democratic Action (SDA) won the Bosniak seat, and Alliance of Independent Social Democrats (SNSD) incumbent Nebojša Radmanović was reelected as the Serb member. Hardline Bosnian Serb nationalist Milorad Dodik of the SNSD was elected president of Republika Srpska, and Živko Budimir of the Croatian Party of Rights of BiH (HSP BiH) was elected president of the Federation.

In the 2010 parliamentary elections, the SNSD remained the dominant party in the Republika Srpska's legislature, while the more moderate and largely Bosniak SDP secured a plurality of seats in the Federation's legislature. The Croat Democratic Union of BiH (HDZ BiH) remained the most popular party among Bosnian Croats.

In the 2012 local elections, the long-established nationalist parties – the SDA, the HDZ BiH, and the Serb Democratic Party (SDS) – prevailed.

B. Political Pluralism and Participation: 10 / 16 (-1)

Political parties typically organize and operate freely, though the political arena in the Federation is generally limited to Bosniaks and Croats, while Serbs dominate politics in the Republika Srpska. Recent opinion polls show deep frustration among Bosnia's residents with the country's politicians, but no viable alternatives have emerged to challenge the established parties. Coalitions at all levels of government shift frequently.

The Federation government has been in a state of crisis since in May 2012, when an alliance between the SDP and the SDA collapsed. The SDP subsequently won support from five other parties to form a parliamentary majority, but was unable to eject a number of entity-level cabinet ministers belonging to the SDA and two other parties not represented in the new parliamentary alliance. In February 2013, after several unsuccessful attempts to dismiss these ministers, the SDP-led coalition in the Federation's lower house passed a no-confidence measure against the entity-level government. The SDA blocked the motion in the upper house by invoking a constitutional

mechanism that allowed them to claim that Bosniak national interests were at risk. The no-confidence measure was then referred to the Federation's Constitutional Court, which was unable to rule due to open seats on its bench. In March, the SDA blocked the appointment of a Bosniak judge to the court, again claiming the move would harm Bosniak national interests. Federation President Budimir defused some tension in July by agreeing to appoint judicial candidates acceptable to the SDA, but the court apparently had yet to rule on the no-confidence measure at year's end.

In the Republika Srpska, President Dodik ordered a government reshuffle in February, citing the entity government's failure to address poor economic conditions. Prime Minister Aleksandar Džombić was replaced by Željka Cvijanović, one of Dodik's close allies. Cvijanović took power in March, becoming Republika Srpska's first female prime minister. She emphasized a commitment to maintaining the entity's autonomy, but also stressed the importance of EU membership for both the Republika Srpska and the whole of BiH. Her position stood in contrast to Dodik's continued agitation for the Republika Srpska's independence, a notion BiH's international patrons have rejected. Many argue that Dodik's separatist rhetoric is intended to distract from the Republika Srpska's economic struggles.

In September, the SDS announced that it would withdraw from Dodik's SNSD-led, state-level coalition, citing the SNSD's announcement that it would seek the removal of a state-level SDS cabinet member.

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 recent years, the OHR has been reluctant to intervene in the country's politics.

Under the Dayton Accords, representatives from each of the three major ethnic groups, at both state and entity levels, may exercise a veto on legislation deemed harmful to their interests. As a result, Bosniaks, Serbs, and Croats must agree on major legislation before it can advance. Such consensus is rarely reached.

BiH's leaders have not enacted reforms in response to a 2009 ruling by the ECHR that the country's constitution is discriminatory for allowing only Bosniaks, Bosnian Croats, and Bosnian Serbs to run for the presidency or serve in the upper house of parliament. The provisions exclude candidates from the Jewish, Romany, and other smaller minorities, as well as those who identify simply as Bosnian. In October 2013, EU authorities moved to cut funding for the rest of 2013 by 54 percent, the equivalent of €47 million (\$65.4 million), due to the government's inability to resolve to the constitution issue and after the country's leaders failed to establish a single, state-level EU liaison. EU deputy director general for enlargement Joost Korte said in December that the money had been redirected to fund projects in Kosovo, as well as regional housing initiatives.

C. Functioning of Government: 6 / 12

Corruption remains a serious problem. Enforcement of legislation designed to combat corruption has historically been weak due to the lack of strong and independent anticorruption agencies and a dearth of political will to address the issue; the country's complex institutional framework also provides many avenues for corrupt behavior among politicians. However, the country made some progress on anticorruption efforts in 2013. Budimir was arrested in April, along with several other officials, and charged with granting pardons to convicts in exchange for bribes. He was released in May after the BiH Constitutional Court ordered a revision of the earlier decision to jail him, but in November, Budimir was again indicted in connection with the scandal, this time alongside several other suspects including Justice Minister Zoran Mikulić. In June, authorities broke up a livestock smuggling scheme in Republika Srpska that involved a number of police officers. In September, a number of senior customs officials were detained on suspicion of involvement in tax evasion,

customs evasion, and money laundering schemes worth millions of euros. BiH was ranked 72 of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 37 / 60

D. Freedom of Expression and Belief: 10 / 16

The constitution and the human rights annex to the Dayton Accords provide for freedom of the press, but this right is not always respected in practice. While a large number of independent broadcast and print outlets operate, they tend to appeal to narrow ethnic audiences, and most neglect substantive or investigative reporting. The public broadcaster, BiH Radio Television (BHRT), which is designed to cater to multiethnic audiences, has faced growing political pressure in recent years. Attacks on journalists take place occasionally, and reporters have faced pressure from government officials. In September 2013, a fire was set on the office doorstep of the Sarajevo-based weekly newspaper *Slobodna Bosna*, which is known for its investigative work. That same day, graffiti threatening journalist Nermin Bise, who has covered sensitive political topics, was discovered in Mostar.

Citizens enjoy freedom of religion, but only in areas where their particular ethnic group represents a majority. In August 2013, three young Serb men in the Republika Srpska city of Zvornik attacked four Muslims, including a 73-year-old, while they were traveling to mosque on the religious holiday of Eid al-Fitr. One person was arrested in connection with the attack. Acts of vandalism against holy sites of all three major faiths continue to occur.

While the authorities do not restrict academic freedom at institutions of higher education, academic appointments are heavily politicized, with ethnic favoritism playing a significant role. Primary and secondary school curriculums are also politicized. Depending on their ethnicity, children use textbooks printed in Croatia, Serbia, or Sarajevo. In areas of the Herzegovina region, students are often divided by ethnicity, with separate classrooms, entrances, textbooks, and class times.

E. Associational and Organizational Rights: 7 / 12

The constitution provides for freedoms of assembly and association, and the various levels of government generally respect these rights in practice. Nonetheless, nongovernmental organizations – particularly those that are critical of the authorities – have faced intimidation in the past.

Although there are no legal restrictions on the right of workers to form and join labor unions, discrimination against union members persists. Unemployment in BiH is among the highest in Europe, and many workers have reportedly declined to file anti-union-related complaints with labor inspectors for fear of losing their jobs. However, courts in both the Federation and Republika Srpska frequently rule in favor of workers when faced with such cases.

F. Rule of Law: 10 / 16

The judiciary remains susceptible to influence by nationalist political parties, and faces pressure from the executive branch. The lack of a single, supreme judicial body and the existence of four separate court systems – for the central state, Republika Srpska, the Federation, and the self-governing Brčko district – contributes to overall inefficiency. The country has made some efforts to reduce its case backlog, but the number of pending in the court system cases remains high. The police do not always fully inform people of their rights upon arrest; prisons are overcrowded and prisoners sometimes face abuse. Witness protection programs are also not always available to those who need them.

The state court – which handles organized crime, war crimes, corruption, and terrorism cases – has made progress on adjudicating cases in the areas of organized crime and war crimes. However, in July 2013, the ECHR decided that a state-level court had ruled improperly when it retroactively applied the 2003 criminal code against two men convicted of war crimes in 2006 and 2007; the ECHR ruled that their crimes had been committed before 2003, and thus the 1976 criminal code – under which the men would have received lighter penalties – should have been applied. The ECHR ruled that BiH pay each man €10,000 (\$13,600) in damages. In October, Bosnia's war crimes court ordered retrials for the two men, as well as another man who had also been convicted of war crimes in 2007; the ECHR ruling could result in the overturning of dozens of rulings in war crimes cases in which the 2003 criminal code was applied.

Members of the LGBT (lesbian, gay, bisexual, and transgender) community face discrimination and occasional physical attacks, as well as harassment in the country's media. Entity-level laws do not protect LGBT people from discrimination. While state-level laws do offer such protection, such measures are often disregarded.

G. Personal Autonomy and Individual Rights: 10 / 16

In a rare display of ethnic unity, thousands of people demonstrated in June in Sarajevo against the central government's failure to pass a law on citizen identification numbers; due to government inaction, children born after February 2013 were not issued identification numbers, leaving them without passports or the documentation required to receive medical care. A baby girl died in June because her parents lacked the necessary paperwork to travel abroad for treatment, sparking the protests. After months of infighting, the government in November passed a law that divided identification registration districts along the territorial lines established after the country's 1992-1995 civil war.

Individuals face discrimination in employment, housing, and social services in regions that are not dominated by their own ethnic group. Women are legally entitled to full equality with men, but are underrepresented in politics and government and face discrimination in the workplace. Sexual harassment remains problematic, and improper behavior frequently goes unpunished. Police are also largely unresponsive to violent domestic disputes, particularly in rural areas. According to the U.S. State Department, BiH is a source, destination, and transit country for men, women, and children trafficked for the purpose of prostitution and forced labor. The government does not fully comply with the minimum standards for the elimination of trafficking, but has made significant efforts to do so, including improving national funding for anti-trafficking activities. However, sub-national laws on trafficking are inconsistent with national and international law. In May 2013, the Brčko district adopted amendments to its criminal code relating to human trafficking that brought the district in line with international norms.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Copyright notice: © Freedom House, Inc. · All Rights Reserved

Search Refworld

by keyword

and / or country

All countries 

[Advanced Search](#) | [Search Tips](#)

Countries

- [Bosnia and Herzegovina](#)

Topics

- [Corruption](#)
- [Democracy](#)
- [Elections](#)
- [Freedom of assembly and association](#)
- [Freedom of expression](#)
- [Freedom of religion](#)
- [Minorities](#)
- [Rule of law / Due process / Procedural fairness](#)