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Freedom in the World 2009 - Bosnia-Herzegovina

Capital: Sarajevo

Population: 3,800,000

Political Rights Score: 4

Civil Liberties Score: 3

Status: Partly Free

Overview

Political tensions in Bosnia and Herzegovina (BiH) continued to rise in 2008, prompted in part by Kosovo's declaration of independence from Serbia and disagreements among the leadership of BiH's three main ethnic groups over the country's territorial and administrative structure. After a limited police reform was enacted, the European Union signed a Stabilization and Association Agreement with BiH in June. In July, former Bosnian Serb leader Radovan Karadzic, who had been in hiding for over a decade, was arrested in Serbia and transferred to The Hague to face war-crimes charges. Nationalist parties dominated local elections held in October.

Formerly a constituent republic within socialist Yugoslavia, Bosnia and Herzegovina (BiH) is among the most ethnically diverse countries in the region. The bulk of the population consists of three ethnic groups: Bosniaks, who are mainly Muslim; Serbs, who are 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" (the Federation) 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 highly decentralized and complicated political structure established by the Dayton treaty allowed the former belligerents to halt the war and share power, but it also created a weak state that was unable to effectively implement major reforms.

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. Despite years of considerable efforts by the international community to aid the country's integration, most aspects of political, social, and economic life remained divided along ethnic lines. The October 2006 elections shifted power to arguably more moderate parties, but they took strong nationalist stances in order to appeal to their respective ethnic constituencies. The Alliance of Independent Social Democrats (SNSD) emerged as the winner in 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 under considerable pressure from the international community, the new coalition government – led by Nikola Spiric of the SNSD – was formed in February 2007. The coalition, however, has proved to be highly unstable, particularly due to a thorny working relationship between SNSD leader Milorad Dodik and SzBiH leader Haris Silajdzic. Dodik is determined to preserve the current administrative status of Republika Srpska, while Silajdzic seeks to strip the constituent entities of their powers and create a unitary BiH. Meanwhile, most Croat officials advocate further decentralization and the creation of a third entity for Croat-majority areas.

In October 2007, High Representative Miroslav Lajcak triggered a confrontation with the Serb leadership when he changed the BiH cabinet's quorum rules to end a practice in which dissenting ministers would block reforms by boycotting cabinet meetings. He also warned that similar changes would be imposed on the parliament if it did not adopt such reforms itself by December 1. Although Spiric resigned in protest and demonstrations sprouted across Republika Srpska, the crisis ended abruptly on November 30 after the parliament agreed to the proposed rules, with some concessions to Serb leaders. The European Union (EU) quickly initialed a Stabilization and Association Agreement (SAA) with BiH, seen as a key step toward EU membership, and Spiric returned to the premiership in late December.

Kosovo's declaration of independence from Serbia in February 2008 prompted renewed protests in Republika Srpska, and the entity's parliament adopted a resolution stipulating that its authorities could call for a referendum on secession from BiH. The EU moved to quiet the furor by raising the possibility of a finalized SAA by April. The BiH parliament duly passed two laws aimed at reforming the police in April, partially fulfilling one of the main preconditions for the EU pact. The new measures, secured in an agreement between the SzBiH and the SNSD, created central institutions for training, coordination, and forensic work, but they did not provide for a unified national police force or interior ministry and were perceived by many as cosmetic. Nonetheless, they were welcomed by EU authorities as a positive step, and the EU and BiH completed the SAA signature process on June 16.

After 12 years as a fugitive, Bosnian Serb wartime leader Radovan Karadzic was arrested in Belgrade in July and subsequently transferred to the International Criminal Tribunal for the former Yugoslavia in The Hague, the Netherlands. His arrest was welcomed by authorities in the Federation and civil society leaders throughout the country, but it provoked protests by Serb ultranationalists who saw Karadzic as a hero. He was accused of devising a systematic campaign of ethnic cleansing and overseeing both the siege of Sarajevo and the 1995 massacre of nearly 8,000 boys and men in Srebrenica.

The political temperature in BiH continued to rise in advance of the October local elections. Parties devoted very little time to tangible policy issues, such as unemployment and education, and focused their campaigning on the themes of "national interest," including constitutional reform, to cater to nationalist sentiments. The results of the elections marked a comeback for the mainly Bosniak Party of Democratic Action (SDA), led by Sulejman Tihic, at the expense of Silajdzic's SzBiH. The SNSD made notable gains in mayoral races in Republika Srpska, and the HDZ remained the leading party among the Croats.

In November, the SDA, SNSD, and the HDZ reached an initial agreement on the approach to constitutional and other reforms, although no concrete measures were undertaken by year's end.

Political Rights and Civil Liberties

The Republic of Bosnia and Herzegovina (BiH) is an electoral democracy. In general, voters can freely elect their representatives, although the Office of the High Representative has the authority to remove elected officials if they are deemed to be obstructing the peace process. The government is led by a prime minister, and the role of head of state is performed by a three-member presidency composed of one Bosniak, one Serb, and one Croat. The Parliamentary Assembly is a bicameral body. 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 the Federation and 14 to Republika Srpska. The most important parties include the SNSD, the SDA, the SzBiH, the Serb Democratic Party (SDS), and the HDZ.

Corruption in BiH remains a serious problem. Political parties, the police, the health care system, the customs service, and the governments of the two entities are thought to be the most corrupt institutions in the country. In recent years, under pressure from the international community, the BiH government has taken limited steps to combat corruption by passing relevant legislation. However, the implementation of these laws has been weak, due in part to the lack of strong and independent anticorruption agencies. In 2008, the BiH chapter of Transparency International (TI) accused the government of Republika Srpska of irregularities in several privatization deals and of misusing entity funds in the construction of the Banja Luka-Gradiska highway and the newly completed government building. In a series of media statements and interviews that followed, Republika Srpska premier Milorad Dodik harshly repudiated these allegations and accused TI of corruption within its own ranks, including racketeering and extortion. The episode, which prompted TI to temporarily close its Banja Luka office in July, was widely seen as an example of government intimidation and political pressure on civil society organizations working to combat corruption. BiH was ranked 92 out of 180 countries surveyed in TI's 2008 Corruption Perceptions Index.

The constitution and the human rights annex to the Dayton Peace Accords provide for freedom of the press, although this right is not always respected in practice. A large number of independent broadcast and print media outlets operate in BiH. However, they continue to be plagued by a relatively low level of professionalism and a tendency to appeal only to narrow ethnic audiences. State-owned companies sometimes withhold advertising from media outlets that print or broadcast information that is 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. Self-censorship, political pressure on the media, and attacks against journalists increased in 2008. In April, an SzBiH member of the state parliament physically attacked a crew of FTV, the Federation's public broadcaster, to prevent them from attending a party press conference. In December, two hand grenades were hurled at the headquarters of the private television station Hayat in Sarajevo. 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 (NGOs). 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.

Sensitive subjects include history, geography, and language; depending on their ethnicity, children use textbooks printed in Croatia, Serbia, or Sarajevo. 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.

The constitution provides for freedoms of assembly and association, and the various levels of government generally respect these rights in practice, though the experience of TI in 2008 raised concerns about political hostility toward NGOs. Although there are no legal restrictions on the right of workers to form and join labor unions, discrimination against union members persists.

Despite evidence of growing independence, the judiciary in BiH remains influenced by nationalist political parties and faces pressure from the executive branch. In September 2008, the government of Republika Srpska instructed its ministries not to provide cooperation and assistance to state-level law enforcement agencies investigating allegations of corruption involving the entity's building contracts. In December, Dodik criticized the work of Bosniak judges, claiming that they conspired against Republika Srpska for ethnic reasons. Both of these developments prompted an outcry from the international community. The country has made some efforts to reduce its case backlog, but the total number of pending court cases currently exceeds two million, with the majority involving unpaid utility bills.

Ethnic nationalism is widespread and presents a major obstacle to the country's integration. Individuals face discrimination in terms of employment, housing, and social services in regions that are not dominated by their own ethnic group. In 2004, the Office of the UN High Commissioner for Refugees announced that a million 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 often subject to discrimination and threats. The Brcko district is an exceptional case in its ability to achieve a relatively high level of ethnic integration in the postwar setting.

Openly gay and lesbian individuals face discrimination and harassment. In advance of the country's first gay festival in Sarajevo in September 2008, the organizers faced harsh criticism by local religious, community, and political leaders. In particular, Islamic religious authorities were angered that the festival had been scheduled during the Muslim holy month of Ramadan. On the festival's opening night, a mob attacked the participants, causing injuries to at least eight individuals, including two journalists and one police officer. Although the festival was prematurely cancelled due to security issues, the organizers continued to receive threats in the following weeks.

Women are legally entitled to full equality with men. However, they are underrepresented in politics and government and face discrimination in the workplace. The issue of sexual harassment is poorly understood, and improper behavior frequently goes unpunished. To compensate for the absence of women in public life, political parties are legally required to include three women among the top ten names on their lists of candidates. At the end of 2006, women captured 14 percent of the seats in the BiH House of Representatives and 23 percent of seats in the Republika Srpska National Assembly. Domestic violence is a problem, and the police are still largely unresponsive to violent domestic disputes, particularly in rural areas.

A Bosnian criminal code that went into effect in March 2003 criminalized trafficking in human beings and increased penalties for related offenses. However, BiH remains a country of origin for domestic trafficking for the purpose of prostitution and to a lesser extent a transit country for trafficking to other parts of Europe. Over the last two years, the government has strengthened its law enforcement efforts and worked with local

NGOs to raise awareness about the issue.

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