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# Freedom in the World 2013 - Bosnia and Herzegovina

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## 2013 Scores

Status: Partly Free  
Freedom Rating: 3.0  
Civil Liberties: 3  
Political Rights: 3

## Ratings Change

Bosnia and Herzegovina's political rights rating improved from 4 to 3 due to the formation of a central government and the declining role of the international community in domestic affairs.

## Overview

**After a 16-month deadlock following the October 2010 elections, a new government was confirmed in February 2012. Despite initial optimism about the country's progress toward passing key reforms, the ruling coalition proved highly unstable, leading to another political crisis and cabinet reshuffling. Local elections took place in October 2012, with the nationalist parties securing most votes.**

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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 generally Orthodox Christian; and Croats, who are mainly Roman Catholic. 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

ensued, resulting in the deaths of tens of thousands of people and the forced resettlement of approximately half of BiH's population.

The 1995 Dayton Peace Accords brought an end to the 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 Brčko 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 the Republika Srpska. The Dayton Accords gave significant authority to international civilian agencies such as the Office of the High Representative (OHR). However, 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.

A coalition government formed in early 2007, following October 2006 elections, proved to be highly unstable, particularly due to a thorny working relationship between Serb leader Milorad Dodik of the Alliance of Independent Social Democrats (SNSD), who was determined to maintain the Republika Srpska's autonomy, and Bosniak leader Haris Silajdžić of the Party for BiH (SzBiH), who sought to create a unitary BiH. Meanwhile, most Croat officials advocated further decentralization and the creation of a third constituent entity for Croat-majority areas. Despite these tensions, in June 2008 the European Union (EU) and BiH signed a Stabilization and Association Agreement, a key step toward EU membership.

In March 2009, Austrian diplomat Valentin Inzko was appointed as the new high representative. Long-standing tensions between the OHR and the Bosnian Serb leadership continued, with the latter challenging several of Inzko's decisions. In a step condemned by the OHR, the parliament of the Republika Srpska adopted a law in February 2010 that made it easier for the Republika Srpska authorities to call referendums in the Republika Srpska on national issues, raising the possibility of a vote on secession.

Parliamentary and presidential elections on the national and entity levels took place in October 2010, bringing a power shift to several government bodies. The SNSD remained the dominant party in the Republika Srpska, and Dodik, who had served as prime minister since 2006 and had stepped up his nationalist rhetoric ahead of the vote, was elected president of the Serb entity. The more moderate and largely Bosniak Social Democratic Party (SDP) secured a plurality of seats in the Federation at the expense of the Party of Democratic Action (SDA) and the SzBiH, with the latter seeing a major defeat. The Croat Democratic Union of BiH (HDZ BiH) remained the most popular party among Bosnian Croats, while Zivko Budimir of the Croatian Party of Rights BiH became president of the Federation.

In the tripartite presidential election, incumbent Željko Komšić of the SDP was reelected as the Croat member of the presidency. In a surprise victory, Bakir Izetbegović of the SDA, the son of the late president Alija Izetbegović, defeated the incumbent Silajdžić in the race for the Bosniak seat. SNSD incumbent Nebojša Radmanović was reelected as the Serb member of the presidency.

In the months following the elections, prolonged political wrangling over the formation of ruling coalitions – both on the national and the Federation levels – paralyzed the country. An agreement on a new central government was not reached until late December 2011, in large part due to disagreements over which party should receive the premiership and other key cabinet positions. The SDP argued that it should name the prime minister, as it won a plurality of votes in the elections,

but the HDZ BiH and HDZ 1990 claimed the right to choose the key officeholders, citing the informal system of rotating core posts among the three main ethnic groups. The December compromise agreement permitted the HDZ BiH to nominate candidates for only three out of four key ministry positions allocated to Croats, though HDZ BiH's Vjekoslav Bevanda was confirmed as prime minister in January 2012.

The new government received a parliamentary vote of confidence in February 2012, ending the 16-month crisis and spurring hopes that the country would start tackling key reforms necessary for BiH to formally apply for EU membership. In February, the national parliament adopted a law on the census and another law on state aid, both of which were preconditions for EU integration. In March, the central government agreed on the process for the allocation of military and state property, which was one of the key requirements for future membership in NATO.

A fresh government crisis, however, emerged in May over proposed cuts in the state budget, this time between the SDP and the SDA. After five months of political maneuvering, the parliament in October voted to dismiss two SDA cabinet ministers, handing a victory to the SDP. In order to achieve this, the SDP had allegedly stricken a compromise with the SNSD and Croatian parties; in exchange for their support in removing the SDA ministers, the SDP supposedly promised to somewhat dilute its strong position toward further centralization of the state. Meanwhile, in the Federation, the SDA and smaller Croatian parties were struggling at year's end to remain in the ruling coalition.

Local elections took place in October, with the long-established nationalist parties – the SDA, the HDZ BiH, and the Serb Democratic Party (SDS) – coming out as the overall winners. Dodik's SNSD won only 18 municipalities, down from 41. The SDP received fewer votes than the SDA, prompting speculation about whether its power would continue to erode in the lead-up to the 2014 national elections.

At the end of August, the International Supervisor of the Brčko district suspended his authority, although he will still theoretically keep some powers in case of a future crisis. Additionally, the EU Police Mission, which focused on fighting corruption and organized crime in Bosnia, closed down in June. These closures were generally seen as steps toward the international community's gradual withdrawal from the country, and as potentially paving the way for the eventual closure of the OHR.

### **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 OHR has the authority to remove elected officials if they are deemed to be obstructing the peace process. The state-level 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. 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 representatives from the Federation and 14 to representatives from the Republika Srpska. Both the Federation and the Republika Srpska have their own presidents, parliaments, and other governing bodies, which are responsible for policymaking on the entity level.

Corruption remains a serious problem. Enforcement of legislation designed to combat it has been weak, due in part to the lack of strong and independent anticorruption agencies and a dearth of political will to seriously address the issue. In its annual report on Bosnia's progress toward EU membership, the European Commission in 2012 identified serious flaws in the fight against corruption and noted a shortage of effective investigations, prosecutions, and convictions in corruption cases. BiH was ranked 72 among 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The constitution and the human rights annex to the Dayton Peace 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. This was evident during campaigning for local elections in 2012, during which many media outlets revealed a clearly partisan point of view. 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 July, several people physically attacked Štefica Galić, a local filmmaker and the chief editor of the web portal tacno.net, two days after the screening of her documentary about her late husband's efforts to help Bosnian Muslims during the 1990s conflict. At a June press conference, Dodik called journalist Ljiljana Kovacevic of the Belgrade-based news agency Beta a liar, and demanded that she leave Republika Srpska's Presidential Palace and never return.

Citizens enjoy full freedom of religion, but only in areas where their particular group represents a majority. Acts of vandalism against holy sites of all three major faiths continue to occur, although they appear to have decreased. According to the Inter-Religious Council of Bosnia, 27 attacks on religious sites, objects, and officials took place between November 2011 and October 2012, with 9 attacks recorded in Republika Srpska and 18 in the Federation.

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 parts of the region of Herzegovina, students are often divided by ethnicity, with separate classrooms, entrances, textbooks, and class times. The educational sector is among the most corrupt in BiH, with studies showing that bribery and inappropriate expenditures are pervasive.

The constitution provides for freedoms of assembly and association, and the various levels of government generally respect these rights in practice. Nonetheless, nongovernmental organizations (NGOs) – particularly those that are critical of the authorities – have faced some intimidation. Authorities in Banja Luka fined the local NGO Oštra Nula 1,400 convertible marks (\$900) in September 2011 for placing a banner in the city's main square that aimed to draw attention to the fact that a new central government had yet to be formed despite growing economic challenges facing the country. A series of high-profile public demonstrations against cuts in public administration and in benefits for former military personnel took place in 2012. 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 antiunion-related complaints with labor inspectors for fear of losing

their jobs. However, courts in both entities frequently rule in favor of workers when faced with such cases.

Despite evidence of growing independence, 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 Brčko district – contributes to overall inefficiency. The country has made some efforts to reduce its case backlog, but the number of pending cases remains high. As of April 2012, there were over 400,000 unresolved cases across all jurisdictions, in addition to about 1.5 million pending cases related to unpaid utility bills.

The state court – established in 2002 to handle organized crime, war crimes, corruption, and terrorism cases – has made progress on adjudicating cases of organized crime and war crimes. In April 2011, the Republika Srpska's parliament voted in favor of holding a referendum that would have disputed the jurisdiction of the state court and the state prosecutor's office on the territory of Republika Srpska. The parliament rescinded its decision in late May, after the Office of the EU Representative offered to initiate a "structured dialogue" on judicial reform in BiH. Meanwhile, witness protection programs are not always available to those who need them, though in March, media outlets reported that efforts were being undertaken to train staff at entity-level courts to better work with protected witnesses.

Individuals face discrimination in employment, housing, and social services in regions that are not dominated by their own ethnic group. In December 2009, the European Court of Human Rights (ECHR) ruled that the constitution was discriminatory for allowing only Bosniaks, Croats, and Serbs to run for the presidency or serve in the upper house of parliament, excluding candidates from the Jewish, Romany, and other smaller minorities. However, no remedies have been implemented to date. Implementation of the ECHR decision is viewed as one of the priorities for the country's application for EU membership.

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. The police are still largely unresponsive to violent domestic disputes, particularly in rural areas. According to the U.S. State Department, BiH is considered a source, destination and transit country for men, women, and children trafficked for the purpose of prostitution and forced labor. The government has failed to meet the minimum international standards for the elimination of trafficking, in part due to insufficient political support.

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