

Flygtningenævnets baggrundsmateriale

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Freedom in the World - Bosnia-Herzegovina (2007)

Population:
3,900,000

Capital:
Sarajevo

Political Rights Score: 3
Civil Liberties Score: 3
Status: Partly Free

Ratings Change

Bosnia and Herzegovina's political rights rating improved from 4 to 3 due to the successful administration of the 2006 general elections, deemed free and fair by observers.

Overview

In October 2006, Bosnia and Herzegovina (BiH) held the first nationwide elections to be fully administered by BiH authorities, rather than international officials, since the signing of the Dayton Peace Accords in 1995. International and domestic observers deemed the vote generally free and fair, despite some minor infractions. Also in 2006, after months of negotiations, a proposed constitutional reform was defeated in the Parliament.

Formerly a constituent republic within socialist Yugoslavia, Bosnia and Herzegovina (BiH) is among the most ethnically diverse countries in the region. 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 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. In the October 2002 presidential and legislative elections, Bosnians voted mostly for their respective nationalist parties—the (Bosniak) Party of Democratic Action (SDA), the Serbian Democratic Party (SDS), and the Croatian Democratic Union (HDZ). In 2005, however, the country made some progress at the urging of the European community. The leadership agreed to form a unified military under a single defense ministry, set to begin functioning in July 2007. The Republika Srpska that year adopted a plan for an integrated police force, and the central Parliament passed legislation that grouped the three public broadcasting services under a single umbrella corporation.

The October 2006 elections shifted power to more moderate parties, which nonetheless 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 Bosniak-Croat federation. The SNSD president, Milorad Dodik, hinted that he would support full statehood for the Republika Srpska if Kosovo, a UN-administered province in neighboring Serbia, became independent. The SzBiH leader, Haris Silajdzic, on the other hand, seemed resolute about stripping the country's constituent entities of their powers and creating a unitary BiH. The international election observation mission, along with several domestic groups, deemed the vote free and fair, despite some irregularities in vote counting.

One of the biggest surprises in the October 2006 elections occurred in the race for the Croat seat in the tripartite presidency. Zeljko Komsic, the candidate of the traditionally multiethnic Social Democratic Party (SDP), won despite his lack of "true Croat credentials." Moreover, the HDZ alleged that the SDP was able to manipulate Bosnia's complex electoral system—in which all voters in the Bosniak-Croat federation can cast a ballot for either a Croat or Bosniak candidate—to place Komsic in the office despite his lack of popularity among Croat voters. Komsic fought during the 1990s ethnic war for the Army of Bosnia and Herzegovina (as opposed to the Croatian Defense Unit) and was later appointed ambassador to Belgrade. Croat nationalists, including Croat leaders of the Catholic Church, called for Komsic to give up his seat, and the incumbent member of the presidency initially refused to step down. Despite the controversy, Komsic and the other two members of the presidency were sworn in on November 7.

To advance the goal of providing the citizens and government of BiH with more ownership of government affairs, the international community has begun reducing its involvement. According to the European Commission, the number of legally binding decisions imposed by the OHR dropped from 91 at the end of 2005 to 46 as of September 2006. Moreover, in June 2006, the Peace Implementation Council announced that the OHR would close in June 2007 if the country passed the council's final review, set to take place early that year.

Some of the most important reforms in BiH stalled in 2006. A constitutional reform—fashioned after months of negotiations among political parties—did not pass a parliamentary vote in April 2006. The unsuccessful plan aimed to strengthen the central administration and Parliament of BiH, among other things. Moreover, the police reform, which had passed the Parliament in October 2005, had not been implemented as of the end of 2006 because of hindrance from the Republika Srpska government.

Political Rights and Civil Liberties

The Republic of Bosnia and Herzegovina is not an electoral democracy. In general, voters in BiH can freely elect their representatives, but the OHR has the authority to remove publicly elected officials if they are deemed to be obstructing the peace process, and ethnic divisions are institutionalized on 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 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 House of Representatives has 98 members popularly elected by

secret ballot. The most important parties include the (Serb) SNSD, the (Bosniak) SzBiH, the (Bosniak) SDA, the SDS, and the HDZ.

Corruption, which remains a serious problem in the country, is largely present in local politics, but it also penetrates the top levels of the Bosnian leadership. In June 2006, the government passed a new strategy for the fight against corruption and organized crime. It remains to be seen whether this initiative will be successfully implemented. Bosnian courts have made some progress in prosecuting individuals accused of corruption. In November 2006, a former member of the presidency, Dragan Covic, was convicted and sentenced to five years in prison for his involvement in organized crime and tax evasion. BiH was ranked 93 out of 163 countries surveyed in Transparency International's 2006 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. From January to June 2006, Free Media Helpline documented 41 reported violations of journalists' freedoms, including instances of pressure by politicians and law enforcement. 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 the fact that most media outlets 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. During the 2006 election campaigns, the media respected legal requirements guaranteeing candidates free airtime on public broadcasters. However, according to the October 2006 Organization for Security and Cooperation in Europe (OSCE) election monitoring report, most of the media devoted a disproportionately large amount of time to the activities of the authorities, thus creating an environment more favorable to incumbents. 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 those enjoyed by nongovernmental organizations. Acts of vandalism against holy sites associated with all three major faiths—Islam, Orthodox Christianity, and Roman Catholicism—were on the rise in 2006, presumably due to the pronounced nationalist sentiments in the run up to the elections. For example, in March, unknown perpetrators destroyed 23 historical tombstones that date back more than 400 years in a graveyard near a mosque in Banja Luka. In August, a Serb Orthodox Church in Petrovo was sprayed with anti-Serb graffiti. In October, a mortar shell was fired at a mosque in the Mostar area, causing significant damage.

While the various governments in BiH do not restrict academic freedom at institutions of higher education, ethnic favoritism in appointments to academic positions, the politicization of such appointments, and widespread corruption remain problems. According to local media outlets, students can purchase a doctoral diploma for approximately \$30,000 and a passing grade for around \$1,500. The curriculums of primary and secondary schools are subject to intensive political influences. In parts of the region of Herzegovina, students of different

ethnicities are divided into different classrooms, have separate school entrances, learn from conflicting textbooks, and attend classes in different time shifts. This policy of “two schools under one roof” was established under pressure from local politicians to prevent cultural assimilation. The main sensitive subjects include history, geography, and language; depending on their ethnic background, children learn from textbooks printed in Zagreb, Croatia; Belgrade, Serbia; or Sarajevo, BiH. The Bosnian branch of the Helsinki Committee for Human Rights warns that the current situation resembles a “practice of open segregation and apartheid.”

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 these 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 come under various forms of intimidation. The War Crimes Chamber of the Court of Bosnia and Herzegovina, established in 2005, has successfully prosecuted and convicted several individuals, demonstrating that Bosnian judicial institutions are slowly maturing. However, the most sought-after indicted war criminals—former Bosnian Serb political leader Radovan Karadzic and former Bosnian Serb military leader Ratko Mladic—remain at large.

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 in which they are members of the local ethnic majority. Consequently, BiH is now divided into relatively ethnically homogenous Bosniak, Croat, and Serb areas. In cases where returnees decide to stay in areas where their group constitutes a minority, they are faced with discrimination, threats, and attacks. For example, in March 2006, a Bosniak returnee to Bratunac, Republika Srpska, received a threatening letter that reportedly stated, “How many of you do we need to slaughter so you finally understand that this land is not Turkish, but Serb?”

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 RS National Assembly. Domestic violence remains a

problem, and the police are still largely unresponsive to violent domestic disputes. A significant problem in postwar BiH is its emergence as a destination country for women trafficked for the purposes 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 criminalizes trafficking in human beings and increases penalties for such offenses.