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Freedom in the World 2012 - Bosnia and Herzegovina

2012 Scores

Status: Partly Free

Freedom Rating: 3.5

Civil Liberties: 3

Political Rights: 4

Overview

After a 15-month deadlock following the October 2010 elections, Bosnia and Herzegovina's political parties formed a government in December 2011. In the meantime, the country experienced political stagnation, with the parliament failing to pass any significant reforms deemed necessary by the international Peace Implementation Council.

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 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 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 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 Republika Srpska's autonomy, and Bosniak leader Haris Silajđić 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 Republika Srpska adopted a law in February 2010 that made it easier for the authorities to hold referendums on national issues, raising the possibility of a vote on secession. Later in February, the Peace Implementation Council (PIC), the international body charged with overseeing the postwar development of BiH, postponed the closure of the OHR due to the country's failure to meet the required conditions, including a political agreement on the census law. Serb authorities generally favored collecting census data on ethnic affiliation, but most Bosniaks opposed it because the Bosniak population in Republika Srpska decreased during the civil conflict, in large part due to the policies of "ethnic cleansing."

Parliamentary and presidential elections took place in October 2010, bringing a power shift to several government bodies. The SNSD remained the dominant party in Republika Srpska, with Dodik stepping up his nationalist rhetoric ahead of the vote. Dodik himself was elected president of the Serb entity, having served as its prime minister since 2006.

The more moderate and largely Bosniak Social Democratic Party (SDP) secured the plurality of seats in the Federation at the expense of the Party of Democratic Action (SDA) and the SzBiH, the latter of which experienced major defeats. The Croat Democratic Union of BiH (HDZ BiH) remained the most popular party among Bosnian Croats.

In the tripartite presidential election, incumbent Ivo Dabčić of the SDP was reelected as the Croat member of presidency. In a surprise victory, Bakir Izetbegović of the SDA, the son of the late president Alija Izetbegović, defeated the incumbent Siljko Dabčić in the race for the Bosniak seat. SNSD incumbent Nebojša Radmanović narrowly defeated Mladen Ivanić of the Party of Democratic Progress (PDP) to become the Serb member of presidency.

In months following the elections, prolonged political wrangling over the formation of ruling coalitions paralyzed the country, stifling the already slow reform process. In Republika Srpska, a new government was formed in December 2010. In the Federation, however, a new government was not formed until March 2011, and it almost immediately faced a legal challenge by the HDZ BiH and its ally, HDZ 1990, which argued that the entity's legislature did not have a quorum when it voted to approve the new cabinet. Although the Central Electoral Commission (CEC) ruled in favor of the claim, Inzko in late March declared that the government would remain in place until the Federation's Constitutional Court provided a final ruling, and in April the two Croat parties decided to withdraw their legal challenge.

An agreement on a new central government was not reached until late December 2011, in large part due to disagreement 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 the 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 set to be confirmed as prime minister in January 2012.

Several rallies were held in Republika Srpska to support former Bosnian Serb military commander Ratko Mladić, who was arrested in Serbia in May after over 16 years in hiding. In June, the Republika Srpska government created a new fund to help with the legal costs of Mladić and other accused Bosnian Serb war criminals on trial before the International Criminal Tribunal for the former Yugoslavia (ICTY), which many Serbs perceive as biased against them, provoking strong criticism from other ethnic groups.

In September, in a move designed to dilute the powers of the OHR, the head of the EU mission in BiH assumed the position of EU special representative to Bosnia, a role that was previously combined with the OHR. Although some European countries see the OHR as having outlived its usefulness, the PIC has refused to set a timeline for its closure due to the lack of progress on key reforms and consistent challenges by the government of Republika Srpska to central state institutions.

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 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.

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 2011 identified serious flaws in the fight against corruption and noted a shortage of effective investigations, prosecutions, and convictions in corruption cases. BiH was ranked 91 among 183 countries surveyed in Transparency International's 2011 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. The public broadcaster BiH Radio Television (BHRT), which is designed to cater to multiethnic audiences, has faced growing political pressure in recent years. In April 2011, its Steering Committee, whose members are confirmed by the parliament, changed the broadcaster's charter to extend the committee's supervisory power over editorial and managerial policies, significantly undermining the outlet's independence. Separately, Free Media Helpline, which operates under the auspices of the BiH Federation of Journalists, found that attacks against journalists between January and

September 2011 increased by 30 percent compared with the same period in 2010. The organization recorded 52 violations of journalists' rights during 2011, including four physical attacks and one death threat.

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. According to the Inter-Religious Council of Bosnia (IRCB), 56 attacks on religious sites, objects, and officials took place between November 2010 and November 2011. Police made arrests in 17 of these cases.

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 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 O=tra 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. 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 remains influenced 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 continues to be high. The state court – established in 2002 to handle organized crime, war crimes, corruption, and terrorism cases – made some progress in 2010 on adjudicating cases of organized crime and war crimes, and it expanded its witness-protection program. In April 2011, however, 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.

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 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.

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. Women are trafficked internally for the purpose of prostitution, and BiH is to a lesser extent a transit country for trafficking to other parts of Europe.