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Freedom in the World 2011 - Bosnia-Herzegovina

Capital: Sarajevo

Population: 3,843,000

Political Rights Score: 4 *

Civil Liberties Score: 3 *

Status: Partly Free

Overview

The reform process in Bosnia and Herzegovina stalled and nationalist rhetoric continued to rise in 2010, as the country prepared for the October parliamentary and presidential elections. The elections were peaceful and met basic international standards, although political pressure on the media increased.

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 the 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 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 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 Silajdzic 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 in 2010, with the latter challenging several of Inzko's decisions.

In a step condemned by the OHR, in February 2010 the parliament of Republika Srpska adopted a law that would make it easier for the authorities to hold referendums on national issues, raising the possibility of a popular vote on secession. Later in February, the Peace Implementation Council, 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, such as agreement on the distribution of state property between the central authorities and the two entities, the census law, and other items. The census law was particularly contentious, as the main parties have been unable to agree on whether census forms should include questions about ethnic affiliation. While the Serb authorities generally favored collecting such data, 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 and continuing to raise the threat of Republika Srpska's secession. 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 Zeljko Komsic of the SDP was reelected as the Croat member of presidency. In a surprise victory, Bakir Izetbegovic of the SDA, the son of the late president Alija Izetbegovic, defeated the incumbent Silajdzic in the race for the Bosniak seat. SNSD incumbent Nebojsa Radmanovic narrowly defeated Mladen Ivanic of the Party of Democratic Progress (PDP) to become the Bosnian Serb member of presidency.

According to the Organization for Security and Cooperation in Europe, the elections were generally held in line with international standards, though irregularities were observed at some polling stations, including instances of family and group voting, overcrowding, and procedural infractions. Most parties and political leaders focused on policies that would appeal to the nationalist sentiments of their respective ethnic groups. Political pressure on the media and threats against journalists increased in the run-up to the elections, with reports of government interference, intimidation, and surveillance.

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, and enforcement of legislation designed to combat it has been weak, due in part to the lack of strong and independent anticorruption agencies. In 2010, several high-profile corruption cases, including those involving HDZ leader Dragan Covic and former Federation prime minister Edhem Bicakcic, resulted in acquittals. Although anticorruption issues are being increasingly

tackled by the media and the NGO sector, some politicians actively undermine such efforts. In a May television appearance, SNSD leader Milorad Dodik called representatives of the Bosnian chapter of Transparency International (TI) "criminals" and "thieves." TI has been the subject of smear campaigns on several occasions in recent years, after it started pointing to irregularities and possible acts of corruption in the Republika Srpska government. BiH was ranked 91 among 178 countries surveyed in TI's 2010 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 are plagued by a relatively low level of professionalism and a tendency to appeal to narrow ethnic audiences. According to a 2010 study by Bosnia's largest journalist association, BH Novinari, most broadcast, print, and online media outlets consult only one source when producing programs and writing news reports, often relying on press releases. Political pressure on journalists intensified ahead of the 2010 elections, and preelection coverage largely favored incumbent parties and politicians. In March, Dodik instructed all government officials and state-owned companies in Republika Srpska to ignore requests from and suspend advertising with FTV, the Federation's state-owned station. And during the elections, the SNSD prohibited the station ATV from reporting at the party's election headquarters. Internet access in the country is unrestricted, and approximately 38 percent of BiH residents have access.

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. A 2010 proposal by the SNSD to ban clothing that could prevent identification was rejected in July by the country's Parliamentary Committee on Human Rights, but was revisited in the parliament later in the year. The bill was seen by some as an ethnic provocation and a violation of religious freedom, though few Bosniak women wear the facial veil it would likely outlaw, as the garment is not considered part of the local Muslim tradition.

While the authorities 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. 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. Several large protests took place in 2010, most notably April demonstrations in Sarajevo against measures that would reduce benefits for war veterans as part of budget-cutting efforts. After the Federation authorities refused to address them, the protesters turned violent and attacked police guarding the government building. Nearly 70 people were injured in the clashes, making the event one of the most violent protests in BiH since the war. 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. BiH does not have a unified body, akin to a supreme court, that has the authority to uniformly apply the law across the country. Instead, the existence of four separate judicial systems – for the central state, Republika Srpska, the Federation, and the Brcko district – contributes to overall inefficiency. The country has made some efforts to reduce its case backlog, but the total number of pending court 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.

Individuals face discrimination in employment, housing, and social services in regions that are not dominated by their own ethnic group. Under the constitution, only Bosniaks, Croats, and Serbs are able to run for the presidency or serve in the upper house of parliament. In December 2009, the European Court of Human Rights ruled that the constitution was discriminatory for excluding candidates from the Jewish, Romany, and other smaller minorities. However, no remedies were implemented in advance of the October 2010 elections.

The vast majority of property-restitution cases stemming from the war have been resolved. However, many people returned to their prewar homes only to sell their property and move back to areas where their ethnicity forms a majority. The Brcko district is an exceptional case, having achieved a relatively high level of ethnic integration.

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.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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