

Document #1426526

Freedom House

Freedom in the World 2017 - Bosnia and Herzegovina

Year:

2017

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

4

Aggregate Score:

55

Freedom Rating:

4.0

Ratings Change:

Bosnia and Herzegovina's civil liberties rating declined from 3 to 4 due to officials' failure to comply with Constitutional Court decisions, including one prohibiting a referendum in the Republika Srpska.

Overview:

Bosnia and Herzegovina (BiH) is a parliamentary republic distinguished by a fragmented and inefficient constitutional regime embedded within the Dayton Peace Agreement, which ended the 1992–95 Bosnian War. Politics are characterized by severe partisan gridlock among nationalist leaders from the country's Bosniak, Serb, and Croat communities. Corruption remains a serious problem.

Key Developments in 2016:

- The country formally submitted its European Union (EU) candidacy application in February, which was accepted by the European Commission (EC) in September.
- In September, leaders in the ethnically Serb-dominated Republika Srpska entity held an illegal referendum concerning a holiday marking the entity's founding. The vote took place in defiance of both a Constitutional Court ruling, and international leaders' repeated warnings against holding it.
- A week after the Republika Srpska referendum, BiH held its sixth municipal elections since the conclusion of the Bosnian War. The polls were marred by irregularities and several attacks against poll workers. Nationalist candidates posted strong performances.
- The results of the 2013 census were finally released in June. Officials in the Republika Srpska disputed the count and pledged to issue their own numbers.

Executive Summary:

In February 2016, BiH submitted its long-awaited application for EU candidacy. The application's submission came after the country's leaders had agreed, outside of traditional legislative processes, to establish a key mechanism necessary for BiH's application to move forward. The mechanism's existence came to light two weeks after the fact, when media outlets reported on its quiet publication in the country's Official Gazette. The EC accepted the application in September, and in December, the country received the formal EU Questionnaire, the completion of which would constitute a significant step toward EU membership.

However, 2016 also saw the emergence of a political crisis in which the Republika Srpska, one of the two entities comprising BiH, held an unlawful plebiscite concerning a holiday commemorating the entity's founding in 1992. The hard-line, nationalist president of the Republika Srpska, Milorad Dodik, spearheaded efforts to hold the referendum, which was widely seen as a move to undermine central institutions and which took place in defiance of both a Constitutional Court ruling banning the poll, and international leaders' repeated warnings against holding it. While Dodik has repeatedly teased similar referenda over the last decade, and while dozens of Constitutional Court decisions have been disregarded in the past, the holding of controversial vote marked a significant deterioration of constitutional governance in BiH. Moreover, the referendum's dubious final result—with 99.81 percent of voters supporting continued commemorations of the holiday, and 0.19 percent against on a turnout of 55.77 percent—suggested a turn towards illiberal, managed democracy in BiH.

The referendum and charged political rhetoric accompanying it overshadowed statewide municipal elections that took place a week later. The elections saw overwhelming victories by nationalist candidates. Independent monitors, during the run-up to the polls, cited issues including inaccurate voter rolls; pressure on public-sector workers to vote for particular candidates; and politicized manipulation of the commissions tasked with oversight of polling stations. Authorities generally ignored complaints about these issues. No elections were held in the country's fourth-largest city, Mostar, owing to a partisan dispute dating back to 2008. Voting was also

suspended in nearby Stolac after a candidate physically assaulted an election official, while similar scenes also occurred in Prnjavor, Ilijaš, Visoko, and a number of other locales. Independent monitors noted significant instances of apparent fraud or electoral interference across the country.

Journalists risk threats and attacks in response to critical political coverage and coverage of sensitive topics, and at least two journalists fled the country after receiving death threats in 2016. Separately, an attack on an LGBT (lesbian, gay, bisexual, and transgender) youth center in March led to a high-profile and well-organized civil society response, though the police response to the incident was criticized as inadequate.

The results of the 2013 census—the first since 1991—were finally released in June, and showed a population of about 3.5 million, compared to 4.3 million in 1991. Authorities in the Republika Srpska had attempted to obstruct the release of the data, citing issues with tabulation methodology that primarily concerned the number of non-Serb returnees counted in the entity. The data that was eventually published was deemed valid by the primary EU statistics agency, but authorities in the Republika Srpska have promised to release a competing set of figures. The delays in the census data's publication, and politicization of the process, have nevertheless led to concerns about the accuracy of the information.

Political Rights (<https://freedomhouse.org/report/freedom-world/2017/bosnia-and-herzegovina#>)

Political Rights 21 / 40 (–1)

A. Electoral Process 7 / 12 (–1)

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

B. Political Pluralism and Participation 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

C. Functioning of Government 4 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Civil Liberties (<https://freedomhouse.org/report/freedom-world/2017/bosnia-and-herzegovina#>)

Civil Liberties 34 / 60 (-1)

D. Freedom of Expression and Belief 10 / 16

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

E. Associational and Organizational Rights 7 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

F. Rule of Law 7 / 16 (-1)

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

G. Personal Autonomy and Individual Rights 10 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology (<https://freedomhouse.org/report/methodology-freedom-world-2017>)

Explanatory Note:

This country report has been abridged for *Freedom in the World 2017*. For background information on political rights and civil liberties in Bosnia and Herzegovina, see *Freedom in the World 2016*.

ecoi.net summary:

Annual report on political rights and civil liberties in 2016

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