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FREEDOM HOUSE

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Freedom in the World - Bosnia-Herzegovina (2010)

Capital:
Sarajevo

Population:
3,800,000

Political Rights Score: 4 *

Civil Liberties Score: 3 *

Status: Partly Free

Overview

Nationalist rhetoric began to rise in 2009 as Bosnia and Herzegovina prepared for the 2010 parliamentary and presidential elections. Political tensions were also fueled by obstructionism on the part of the Republika Srpska government and ongoing disagreement among leaders of the three main ethnic groups over the country's territorial and administrative structure. Attempts to institute meaningful constitutional reform yielded little success, apart from a confirmation of the final status of the Brcko district in March.

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.

In November 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 political structure established by the Dayton treaty allowed for peace and power sharing, but it also resulted in a weak state that was unable to effectively implement major reforms.

The Dayton Accords gave the international community a decisive role in running postwar BiH, with significant authority granted to international civilian agencies such as the Office of the High Representative (OHR). 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. The October 2006 elections shifted power to arguably more moderate parties, but they took strong nationalist stances to appeal to their respective ethnic constituencies. The Alliance of Independent Social Democrats (SNSD) emerged as the winner in Republika Srpska, and the Party for BiH (SzBiH) won the most votes in the Federation. The Croat Democratic Union (HDZ) remained the most popular party among Bosnian Croats.

After lengthy postelection negotiations, a new coalition government—led by Nikola

Spiric of the SNSD—was formed in February 2007. However, the coalition proved to be highly unstable, particularly due to a thorny working relationship between SNSD leader Milorad Dodik, who was determined to maintain Republika Srpska's autonomy, and SzBiH leader Haris Silajdzic, 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.

Although Republika Srpska leaders raised the threat of secession after Kosovo declared independence from Serbia in early 2008, the BiH government made some progress on the centralization of police functions later in the year. In June, the European Union (EU) and BiH signed a Stabilization and Association Agreement, a key step toward EU membership.

Nationalist rhetoric among politicians and the ethnically divided media began to increase in 2009 as the country prepared for presidential and parliamentary elections scheduled for 2010. Dodik and the Bosnian Serb authorities continued to stress Republika Srpska's autonomy and assert its right to seek independence from BiH. The entity's parliament in June passed a resolution that would have prevented any future transfer of power to the central government, but the measure was annulled by the OHR. Meanwhile, internal divisions plagued the government of the Federation. In May, Federation prime minister Nedžad Branković of the mainly Bosniak Party of Democratic Action (SDA) submitted his resignation after Sulejman Tihić was reelected as the SDA leader. Tihić had accused Branković of presiding over an ineffective government.

In March 2009, Austrian diplomat Valentin Inzko was appointed as the new High Representative, replacing Miroslav Lajčák, who had resigned in January to become the foreign minister of Slovakia. Tensions between the OHR and the Bosnian Serb leadership continued, with the latter challenging several of Inzko's decisions and denying the OHR's authority to impose laws or fire officials. In December, Inzko accused Bosnian Serb leaders of violating the Dayton Peace Accords by undermining his authority.

While the country's rival factions were unable to agree during the year on reforms that would put the country's constitution in line with European requirements, the BiH parliament in March passed an amendment on the less controversial issue of Brčko's status, confirming the 1999 arbitration ruling. This marked the first time the constitution had been amended since Dayton Accords.

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. The most important parties include

the SNSD, the SDA, the SzBiH, the Serb Democratic Party (SDS), and the HDZ.

Corruption remains a serious problem. Political parties, the police, the health care system, the customs service, and the governments of the two entities are thought to be the most corrupt institutions in the country. In recent years, under international pressure, the BiH government has passed some legislation designed to combat corruption. However, enforcement of these laws has been weak, due in part to the lack of strong and independent anticorruption agencies. In February 2009, the State Investigation and Protection Agency (SIPA) issued a report charging Republika Srpska prime minister Milorad Dodik and 10 other government officials with fraud, corruption, and misuse of state finances in several public contracts. In response, Dodik challenged SIPA's authority and the constitutionality of its mandate, while refusing to cooperate with the investigation. BiH was ranked 99 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

The constitution and the human rights annex to the Dayton Peace Accords provide for freedom of the press, although this right is not always respected in practice. A large number of independent broadcast and print media outlets operate, but they are plagued by a relatively low level of professionalism and a tendency to appeal to narrow ethnic audiences. State-owned companies sometimes withhold advertising from media outlets whose coverage is critical of the government. Instances of attacks against journalists continued in 2009. In March, an angry crowd attacked a television crew filming outside an Orthodox church in the southeastern town of Trebinje. The editor in chief of the news program *60 Minutes* received death threats during the year for his coverage of alleged ties between government officials and organized crime. According to the Helsinki Committee for BiH, most attacks against journalists are ordered by politicians or religious leaders. Internet access in the country is unrestricted.

Citizens enjoy full freedom of religion, but only in areas where their particular group represents a majority. The 2004 Law on Religious Freedom grants religious communities a legal status akin to that of nongovernmental organizations (NGOs). Acts of vandalism against holy sites of all three major faiths—Islam, Orthodox Christianity, and Roman Catholicism—continue to occur. Religious symbols are often exploited for political purposes. In February 2009, a local magistrate in the Republika Srpska capital of Banja Luka ruled that the city authorities must pay \$42 million to the local Muslim community for the destruction of mosques during the 1992–95 war; however, a Banja Luka district court overturned the decision in November.

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 time shifts. 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. 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. In 2008 and 2009, the government of Republika Srpska instructed its ministries not to cooperate with state-level law enforcement agencies investigating allegations of corruption involving the entity's building contracts. The country has made some efforts to reduce its case backlog, but the total number of pending court cases continues to be high. The Court of Bosnia and Herzegovina—established in 2002 to handle organized crime, war crimes, corruption, and terrorism cases—employs about two dozen foreign judges and prosecutors whose mandate was to expire at the end of 2009. Despite heavy protests by the Republika Srpska government, the OHR in December renewed the mandate of the international judges and prosecutors handling war crimes for three years, while retaining those handling corruption, organized crime, and terrorism cases as advisers to the local staff.

Ethnic nationalism presents a major obstacle to the country's integration. 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 2006, two would-be presidential candidates—one Jewish and the other Romany—brought a discrimination case to the European Court of Human Rights, which in December 2009 ruled that the constitution was indeed discriminatory and must be reformed.

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. When returnees decide to stay in areas where their group constitutes a minority, they are often subject to discrimination and threats. 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. Political parties are required to include three women among the top ten names on their candidate lists. Women currently hold nine seats in the BiH House of Representatives and two in the House of Peoples. Domestic violence is a problem, and the police are still largely unresponsive to violent domestic disputes, particularly in rural areas. Women are trafficked domestically 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. Click [here](#) for a full explanation of Freedom in the World methodology.*