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Freedom House

Nations in Transit 2020 - Bosnia and Herzegovina

TRANSITIONAL OR HYBRID REGIME

39

/ 100

Democracy Percentage 38.69 / 100

Democracy Score 3.32 / 7

LAST YEAR'S DEMOCRACY PERCENTAGE & STATUS

39 / 100 Transitional or Hybrid Regime

The ratings are based on a scale of 1 to 7, with 7 representing the highest level of democratic progress and 1 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The Democracy Percentage, introduced in 2020, is a translation of the Democracy Score to the 0-100 scale, where 0 equals least democratic and 100 equals most democratic.

Executive Summary

By Aleksandar Brezar

The year 2019 in Bosnia and Herzegovina (BiH) was marked by yet another period of post-electoral political stalemate. Citizens were exposed almost daily to ethnonationalist-populist rhetoric, feeding fears of another potential conflict down the road. In practice, this rhetoric served only to paper over the cracks in an increasingly impoverished and overburdened society, with politicians showing little to no interest in developing plans to resolve the country's most pressing issues.

This tendency was best illustrated in the months-long drama over the lack of a state-level government after the 2018 general elections, during which leaders used any opportunity to elevate matters of ethnonational importance. Milorad Dodik of the Alliance of Independent Social Democrats (SNSD), Bakir Izetbegović of the Party of Democratic Action (SDA), and Dragan Čović of the Croatian Democratic Union (HDZ BiH) stood out as the most culpable, as the respective leaders of the main Serb, Bosniak, and Croat parties most responsible for repeated breakdowns in government-formation negotiations.

In mid-November, the political stalemate, proximately caused by arguments over BiH's participation in the NATO Membership Action Plan (MAP) program, suddenly came to an end. An agreement was reached, with the SNSD's Zoran Tegeltija appointed as head of the state-level Council of Ministers (CoM), which was finally formed on December 23.¹ The abrupt nature of the agreement demonstrated that BiH's complicated and cumbersome political system can, in fact, function if the political will is present. It also showed that ethnonationalist-populist rhetoric can give way to practical solutions, with the SNSD retreating from its hard-line anti-NATO stance to secure Tegeltija's appointment (though over accusations of betraying Serb group interests).

The state-wide crisis of political will further manifested in the lack of any decision-making by the state-level Parliamentary Assembly. The few parliamentary sessions that took place over the course of 2019, mostly via teleconference, focused solely on maintaining the budget necessary for the assembly's functioning.

One of the most pressing issues that the governing bodies neglected to address during the year was the ongoing migrant and refugee crisis. With tens of thousands of people on the move through Bosnia on their way to the European Union (EU)—or, in some cases, seeking asylum in BiH itself—local authorities showed a clear lack of empathy and responsibility, failing to ensure a swift, systematic response to the stark increase in the number of those looking for help. Instead, migrants and refugees were used as pawns in various political games on the state and entity levels, exacerbating a humanitarian crisis laid bare by numerous reports pointing out the threats to these groups' safety and well-being.²

However, 2019 was not without a silver lining: ending BiH's status as the last country in Europe without a public Pride event, LGBT+ activists managed to overcome significant social, political, and economic barriers to organize Sarajevo's first Pride march in September. Despite facing resistance from parts of society, including threats and counter-protests, the well-attended event went off without incident, finally making visible one of the most vulnerable populations in BiH today.

Journalists suffered further indignities during the year, with outlets facing constant pressure as violence against the media in many forms reached new heights in the country. Many attacks on the press were either supported by or came directly from authorities or their representatives in both the Republika Srpska (RS) and Federation of Bosnia and Herzegovina (FBiH) entities, intensifying a climate of fear.³ Although physical attacks, like that against BN TV's Vladimir Kovačević in Banja Luka in 2018, have seen perpetrators put on trial and sentenced,⁴ violence against journalists (in particular, female journalists) is slowly becoming a socially accepted form of expressing disagreement with the work of the press. Given this trend, coupled with significant job insecurity and flawed legal protections against all but outright assassination attempts, it is surprising that journalists have continued to expose more cases of corruption than the authorities.

The judiciary had its own scandal of the year, with the president of the High Judicial and Prosecutorial Council (HJPC), Milan Tegeltija, facing accusations of corruption in a highly publicized case. Despite minor protests and calls for his resignation, the absence of viable mechanisms for his removal allowed him to remain in office, adding more doubt to questions about the judiciary's integrity. Moreover, throughout the year, chief state prosecutor Gordana Tadić and state Minister of Security Dragan Mektić continued their public bickering, further straining public trust in the judiciary.

In February, after members of BiH's tripartite state presidency came back from Brussels claiming that the country would receive EU candidate status in November, it was revealed that state officials had submitted incomplete answers to additional questions pursuant to a European Commission (EC) questionnaire, one of the key requirements for this long-sought designation. Although only slightly embarrassing at home, this failure prompted an EC opinion on BiH's progress toward EU accession, which clarified that the country's candidate status was nothing more than a pipe dream. Meanwhile, the government invested no visible effort in the country's EU accession path and has remained almost entirely silent before the international community.

A large number of citizens see emigration as the new form of protest over the continuing stagnation (if not deterioration) of the country's social, political, and economic situation, and any major positive changes occurring in BiH in 2020 are unlikely. Local elections scheduled for late 2020 can be expected to take over all other areas of public life, albeit on a much smaller scale than in the lead-up to the 2018 general elections. Additionally, since political deadlocks have proven to be effective in pushing ethnonationalist agendas, it would be no surprise to see such obstructions recur during the upcoming period.

Externally, with NATO membership a constant tool for political games, the EU accession path almost wholly abandoned bar the occasional positive statement, and the country turning toward other foreign partners such as Russia, Turkey, and China, it would be difficult to identify any outside actor who could take an active role in bringing BiH out of its current limbo.

National Democratic Governance 1.00-7.00 pts

Considers the democratic character of the governmental system; and the independence, effectiveness, and accountability of the legislative and executive branches. **2.00 / 7.00**

- BiH has a complex system of governance, with its internal administration divided into two entities—the Bosnian Serb-majority RS and the Bosniak-Bosnian Croat-majority FBiH (which itself is divided into 10 cantons)—as well as the Brčko District. The division of jurisdiction between state-, entity-, and canton-level governments, on top of a cumbersome administrative apparatus in general, tends to get in the way of key decision-making and enables the exploitation of various regulations and loopholes.
- The biggest political issue in BiH in 2019 was the blocked formation of a state-level government, namely, the Council of Ministers (CoM), which leads the executive branch. The main winners of the 2018 general elections—the SNSD, SDA, and HDZ BiH—were also the main culprits behind 14 months of obstruction⁵ until the rushed formation of a government in late December. The stumbling block revolved around the submission of an Annual National Program (ANP) to NATO, which was seen by the Bosnian Serb leadership as a segue to full membership in the organization. Meanwhile, the SDA (and other political actors) were insistent on the ANP being a precondition for the CoM's formation.⁶ In the end, the SNSD agreed to the submission of a "Reform Program" instead of the ANP, in exchange for the appointment of one of its loyalists, Zoran Tegeltija, as head of the CoM.⁷
- Another major issue concerned the Republika Srpska (RS) entity-level police force, with announcements from Bosnian Serb leaders that a reserve police unit would be formed by 2020, which garnered much criticism domestically and from the international community.⁸ Critics claimed the unit would further fracture BiH's security structures and interpreted it as a step toward the RS's potential secession from the country. Although

amendments that would have created this unit were passed by the RS's National Assembly in April, the entity's Ministry of Interior (MUP RS) abandoned the effort in June.⁹ Instead, in October, the MUP RS debuted a gendarmerie unit, which was widely seen as controversial but somewhat less dangerous than the scrapped reserve police unit.¹⁰

- The Federation of Bosnia and Herzegovina (FBiH) entity, meanwhile, also saw complications in forming its own government, with its own House of Peoples constituted only in February, five months after the general elections.¹¹ The entity has yet to choose its new prime minister and cabinet. The stumbling block here is the HDZ BiH's proposed amendment to the entity's Electoral Law, opposed by the SDA, which would permit preferential voting based on ethnonational majorities in specific cantons.¹²
- Due to both state-level and FBiH governments operating in so-called technical mandates, no major government investments were made in any sector in 2019. This was particularly noticeable in the infrastructure sector, with the long-neglected Corridor 5C showing not a single meter of road built during the year.¹³
- Although BiH remains nominally interested in fulfilling European Union (EU) requirements on its accession path, in practice, the state's attitude toward joining the EU is characterized by disinterest, exemplified by the submission of incomplete answers to follow-up questions in an EC questionnaire in February.¹⁴
- Political bickering, coupled with an influx of migrants and refugees attempting to reach EU countries, created a humanitarian crisis in 2019. The government of the RS entity openly and repeatedly refused to take in a single person on its territory,¹⁵ while the lack of a state-level strategy and active sabotaging of the process resulted in deteriorating conditions at existing camps in the FBiH entity and increasing hostility towards migrants and refugees.¹⁶
- Massive "brain drain" persisted in BiH, although the number of emigrants in 2019 was hard to estimate. Some evaluations, like that of the Union for Sustainable Return and Integration, showed that approximately 30,000 people left the country during the first half of the year, mostly for Western Europe.¹⁷ Another estimate, published by the World Bank in its Migration and Brain Drain report, showed that as many as 49.5 percent of BiH citizens now live abroad.¹⁸

Electoral Process 1.00-7.00 pts

Examines national executive and legislative elections, the electoral framework, the functioning of multiparty systems, and popular participation in the political process. 4.50 / 7.00

- Elections in BiH are held every two years, and there were no general elections in 2019. During the year, the country still struggled to pass constitutional amendments that ensure all citizens enjoy equal rights consistent with European Court of Human Rights (ECtHR) rulings, and the ECtHR's original decision in *Sejdić and Finci v. Bosnia and Herzegovina* remained unimplemented for a decade as of 2019. The BiH constitution allows only members of the three main ethnic groups—Serbs, Croats, and Bosniaks—to be elected to the state presidency and the Parliamentary Assembly's House of Peoples, thus excluding minorities who do not identify as such, including Jews and Roma. Furthermore, only Serbs from the RS entity may run for the state presidency, and Bosniaks and Croats from the FBiH entity; any of the three from the Brčko District are ineligible to stand for election. Although the international community insists that this problem of exclusion must be resolved,¹⁹ no progress was made in 2019.
- There was no particular movement regarding electoral process in 2019, with the local elections scheduled for 2020 and most campaigning expected in the run-up to the vote. Once again, there were initiatives to change the state and FBiH's electoral laws, but no changes were officially considered, let alone passed, during the year. While 2018 saw large-scale campaigns demanding changes to electoral laws and protests over the general election results, these heated discussions and demonstrations had almost completely subsided by early 2019.
- The election-monitoring coalition Pod Lupom (Under the Magnifying Glass) published its report on the 2018 general elections, rating them "somewhat irregular." The more than 370 irregularities noted included abuse of citizens' personal data to mail in ballots without their knowledge, calls for discrimination against individuals and groups, abuse of public resources, pressure on voters, and vote buying.²⁰
- The HDZ BiH and the Croat National Assembly, a noninstitutional organization of Croat parties in Bosnia, continued to insist on the implementation of ethnic vote-based changes to the FBiH's Electoral Law, in line with their continued, albeit quieter, protests over the legitimacy of the Bosnian Croat member of the state presidency, Željko Komšić. In the 2018 general elections, Komšić beat the incumbent, HDZ BiH leader Dragan Čović, and was accused of drawing support from ethnic Bosniak voters. As a consequence, Komšić was declared "persona non grata" in a number of Croat-majority and HDZ BiH-ruled municipalities, such as Neum, as of January 2019.²¹ In the proposed electoral law changes, citizens' votes would count more or less depending on the ethnic composition of the canton in which they live.²² This type of preferential voting, however, clashes with ECtHR decisions and would create further inequality in the country.

- Due to BiH's political stalemate and issues with government appointments, there were increased calls from the general public and the media for changes that would allow for snap elections. The constitution, however, has no provision for snap elections, with only the Office of the High Representative (OHR) and the Peace Implementation Council (PIC)—the international bodies responsible for enforcing the 1995 Dayton Accords—possessing the theoretical means and power to call for snap or repeat votes. Questions remain as to whether there is any political interest in introducing such changes, with politicians labeling the possibility of snap elections as “an issue with no consensus.”[23](#)

Civil Society 1.00-7.00 pts

Assesses the organizational capacity and financial sustainability of the civic sector; the legal and political environment in which it operates; the functioning of trade unions; interest group participation in the policy process; and the threat posed by antidemocratic extremist groups.

- Although BiH's civil society sector has tens of thousands of registered nongovernmental organizations (NGOs), according to the state Ministry of Justice registry,[24](#) only a small number have any notable influence, particularly on decision-making. While the sector covers a wide variety of areas—from sports and culture to human rights monitoring and humanitarian aid—most registered NGOs lack financial independence, limiting the sector's effectiveness.
- One major constraint to estimating the effectiveness of BiH civil society is the general lack of information on groups and their activities. Although the process of unifying the country's 18 NGO registers was completed in 2018, the existing Ministry of Justice register itself lacks transparency. The 25,317 active entries (as of late October 2019)[25](#) consist of NGO names, registration numbers, addresses, and authorized representatives yet no contact information, making their operations inaccessible not only to monitoring bodies but also the media and general public. This is particularly problematic since many NGOs, including government-organized NGOs (GONGOs) and war veterans' associations, tend to operate in political areas; therefore, it is difficult to discern whether an organization represents genuine civic activism or conducts activities related to partisan interests.
- There is a persistent question about which laws govern NGOs registered at the state level.[26](#) These organizations are subject to the Labor Law in Institutions of BiH, which equates civil society actors with state institutions and thereby imposes burdensome employment obligations on the former.
- Financial dependence also remains a key issue, as only a small number of NGOs are sustainable or have the capacity to respond to calls for funding from international donors. The domestic government at various levels remains the largest local source of support, but the transparency of this funding is limited, with monies generally given out with no public calls or clear selection procedures. In addition, local authorities do not usually require spending reports or monitor or assess activities of the NGOs they are funding, creating room not only for political influence but also irresponsible behavior.
- The year's most significant civil society event was the country's first LGBT+ Pride march on September 8 in the capital Sarajevo, which was organized by activists from all parts of BiH. In the run-up to the event, organizers faced obstacles from local government and political actors, including constant threats from portions of society. Religious communities were not openly supportive of the event, but at the same time were quite muted in their responses. The Islamic community of BiH, in particular, showed considerable restraint in its calls for nonviolence.[27](#) However, figures in the Sarajevo cantonal government repeatedly called for the cancellation of the event, citing security concerns, and questioned its validity, with one cantonal assembly representative, Samra Čosović-Hajdarević (of the SDA), stating on social media that LGBT+ persons should be “fenced out” from the rest of the society.[28](#) As the event drew closer, questions arose as to whether the cantonal government was trying to sabotage the Pride march by demanding that organizers purchase concrete security blocks to be placed at intersections, even though the security of any registered noncommercial event—including all necessary equipment—falls under the responsibility of the cantonal interior ministry.[29](#) Additionally, two counter-protests billed as “pro-family” events took place on September 7 and 8.[30](#) In the end, the Pride march took place as originally planned, with significant security measures in place yet without incident.[31](#)

Independent Media 1.00-7.00 pts

Examines the current state of press freedom, including libel laws, harassment of journalists, and editorial independence; the operation of a financially viable and independent private press; and the functioning of the public media.

- In 2019, BiH's oversaturated market continued to be a major problem for the country's media sphere, where many outlets are dependent on noncommercial sources of funding. Beyond the pressures exerted by editors and political actors, journalists were also exposed to increasing violence, including physical attacks. Furthermore, perennial crises in the function and administration of the country's public broadcasters continued to go unresolved.
- The year's media count included eight daily newspapers, seven news agencies, more than 100 print weekly and monthly periodicals,[32](#) 102 domestically licensed television stations, 149

radio stations,³³ and hundreds, if not thousands, of online outlets. In this small, competitive market, many outlets remain highly dependent on public financing and therefore susceptible to political pressure, for assigning public funds to an outlet can be used to curry political favor at a later date. Two regional television networks—N1 and Al Jazeera Balkans—again stood out as generally more objective than most other outlets. A number of other online outlets, including *Žurnal*, the Center for Investigative Reporting (CIN), and BIRN BiH, were financed by international donors.

- According to Organization for Security and Co-operation in Europe (OSCE) officials, in 2019, the number of attacks against journalists in BiH reached “alarming heights.”³⁴ In March, an SDA politician physically attack Adi Kebo, a photographer for the Sarajevo-based investigative outlet *Žurnal*, which has long been the target of threats.³⁵ The attack was minimized by political actors, including SDA president Bakir Izetbegović, who argued that the perpetrator “attacked the camera, and not the journalist.”³⁶ In another alarming case from October, football hooligans accosted a journalist from Radio Sarajevo, holding him hostage until he deleted a post about a fellow fan sentenced abroad for drug possession.³⁷ This was coupled with anti-media graffiti as well as online threats, drawing organized protests from media workers.³⁸
- Other attempts at discrediting and intimidating journalists were observed, including an increase in online attacks—a new trend in Bosnia—particularly toward female journalists, who face noticeably harsher rhetoric on the internet. For example, a smear campaign on social media targeted Kristina Ljevak shortly after she was named acting director of the Sarajevo Canton public broadcaster TVSA in which her ethnic background, whereabouts during the 1992–95 war in Bosnia, and work as an LGBT+ rights activist were all used to discredit her. The campaign intensified in late July after TVSA aired a feature film that allegedly misinterpreted the country’s wartime events.³⁹ Ljevak resigned in late October, citing her inability to enact changes in operations at the public broadcaster.
- The condition of BiH’s three major public broadcasters—BHRT, FTV, and RTRS—deteriorated during the year, although the state-level broadcaster, BHRT, showed signs of slight financial recovery after years of instability. Both entity-level broadcasters, FTV (FBiH)⁴⁰ and RTRS (RS),⁴¹ received penalties from the state monitoring agency RAK for biased reporting on war-related historical events; RTRS was fined for two infractions in a row over the same story. The questionable editorial practices and political influence that prevail at BiH’s public broadcasters were exemplified in the case of Tvrtko Milović, whose 2018 appointment as editor of the documentary program department at BHRT was deemed illegal by the Court of BiH, which found that his work was “not in line with world standards of journalism.” When BHRT terminated his contract after the verdict in June,⁴² he was quickly reappointed in early July,⁴³ raising further questions about the transparency of the broadcaster’s hiring process.
- The online media sphere in BiH has grappled with a rise in disinformation production and propagation, mostly by anonymous outlets—that is, portals whose ownership and editorial structure is unknown. A May 2019 analysis by *Zašto ne* (Why Not), a Sarajevo-based NGO, showed that in a sample of 2,500 articles published online containing some form of disinformation, two-thirds came from anonymous portals.⁴⁴ With no effective solution on the horizon (though some have called for a mandatory register for online media), it is estimated that hundreds of new anonymous portals appear each month.

Local Democratic Governance 1.00-7.00 pts

Considers the decentralization of power; the responsibilities, election, and capacity of local governmental bodies; and the transparency and accountability of local authorities. **3.00 / 7.00**

- As in previous years, the viability of local government was highly dependent on events at the national level. In parts of BiH, municipal heads continued the practice of turning a blind eye to irregularities and bending the rules in order to accommodate private investors.
- Republika Srpska (RS) has 56 municipalities and eight cities, with Gradiška gaining this status in 2019.⁴⁵ Federation of Bosnia and Herzegovina (FBiH) has 62 municipalities and 16 cities, with seven acquiring this status during the year: Čapljina, Ljubuški, Gradačac, Visoko, Gračanica, Srebrenik, and Živinice.⁴⁶ However, the incorporation of new cities was not driven by population or economic growth but, rather, came as a result of lax laws defining any area of “cultural and historical importance” as a city. In practice, municipalities choose to incorporate as cities in order to enjoy purportedly easier access to funds and enhanced appeal to investors. Another issue arising from these decisions is the fact that both entity constitutions mandate that municipal heads are elected directly, while city mayors are chosen indirectly via city councils, bringing the transparency of operations in newly incorporated cities into question.⁴⁷
- During the year, early local elections were held in two cities—Doboj and Trebinje—and seven municipalities: Bosansko Grahovo, Bosanski Petrovac, Bužim, Domaljevac-Šamac, Drvar, Kakanj, and Ribnik. SNSD candidates won in Trebinje, Ribnik, Drvar, and Bosansko Grahovo; SDA candidates won in Bužim and Kakanj; and the HDZ BiH candidate in Domaljevac-Šamac won unopposed. Independent candidates won in the remaining municipalities.⁴⁸

- No elections have been held in the city of Mostar for over a decade, leaving its government stuck in limbo as administrative problems pile up, demonstrated by a failure to organize trash removal and prevent toxic runoff that nearly became a public health catastrophe in June.⁴⁹ It remains to be seen whether a vote in Mostar will take place during the 2020 local elections.
- The influx of migrants and refugees spurred increasing calls for help from the Una-Sana Canton (USK) in FBiH, where local authorities claimed they were bearing the brunt of hosting these populations with no aid forthcoming from state or entity actors. Constant pushbacks by Croatian border police resulted in approximately 2,100 migrants and refugees in the area by late 2019, although tens of thousands were present at different points during the year. The USK government decided against renewing its contracts with private owners of sites where camps for migrants and refugees were organized, thus creating a local humanitarian emergency.⁵⁰
- Several high-profile scandals marred the Sarajevo cantonal government, consisting of six parties in coalition. Although the government attempted to achieve higher transparency, for instance, by publishing a database of all cantonal public-sector employees and their income, it fell short in other respects, such as approving significant funding for an NGO with no record of prior activities, and appointing a person sentenced during the war for murder as the director of the city heating company.⁵¹ Although this person was eventually dismissed, and the funding was withdrawn from the aforementioned NGO, questions remain over the government's general ability to avoid problematic decisions.
- An issue plaguing many local governments is a surplus of public employees, which requires a large percentage of municipal and city budgets to be spent on wages. This situation has left some municipalities struggling with debt. For example, the municipality of Bileća is in the red to the tune of 15 million BAM (\$8.8 million) and faces bankruptcy, according to its municipal leadership.⁵² The situation is particularly desperate in the RS; the entity government's decision to support 19 of the poorest municipalities with €500 each is illustrative of the poverty in BiH's more remote areas as well as authorities' inability to deal with it.⁵³

Judicial Framework and Independence 1.00-7.00 pts

Assesses constitutional and human rights protections, judicial independence, the status of ethnic minority rights, guarantees of equality before the law, treatment of suspects and prisoners, and compliance with judicial decisions. **3.00 / 7.00**

- The BiH judicial system operates on several administrative levels, with the state, the two entities, and the Brčko District each having their own separate judiciaries. This, coupled with 10 cantonal court systems in the FBiH, has resulted in a complex and inefficient system in which jurisdictions are not clearly delineated. Furthermore, courts are subject to political pressure.
- The system's deeply rooted weaknesses were on display during the biggest corruption scandal of 2019. In May and June, *Žurnal* published a series of articles claiming that Milan Tegeltija, president of the High Judicial and Prosecutorial Council (HJPC), met with and accepted bribes from citizens with active court cases.⁵⁴ The HJPC is an independent, state-level body that appoints judges and prosecutors. Although *Žurnal* presented witness accounts and videos as proof of malpractice, Tegeltija brushed off the accusations as unfounded, claiming that "he meets with many people privately" and there was no direct proof of him accepting bribes.⁵⁵ Despite calls for an investigation and his resignation, Tegeltija was backed by other HJPC members, and the case was dismissed by the institution's Disciplinary Commission, even as the European Commission Office in BiH asked for "rigorous implementation of integrity standards."⁵⁶ This case further showed a clear flaw in the current judicial system, as there is no mechanism to remove the HJPC president from office apart from internal disciplinary motions (and possibly through the OHR and the PIC). That the HJPC had the final say on this matter points to a lack of checks and balances at the highest level.
- In 2019, the practice of neither respecting nor implementing decisions from the Constitutional Court of BiH continued, especially in the entities (RS, in particular). A long-standing case involving the designation of January 9 as "Statehood Day" in the RS was brought in front of the Constitutional Court for the second time in March; the body confirmed its 2015 ruling that the choice of January 9 as an entity-level holiday clashes with the rights of non-Orthodox Christian citizens, as it also represents a religious holiday. In April, RS entity president Željka Cvijanović rejected the ruling, deeming it "an attempt at weakening the RS."⁵⁷
- In October, the Constitutional Court decided that mentions of the death penalty in RS laws and its constitution had to be removed, even though the provision enabling the entity to exercise the death penalty was never used. The abolition of the death penalty is a prerequisite for EU membership.⁵⁸
- The Human Rights Ombudsman's 2018 annual report showed that although prison conditions had significantly improved compared to previous years, there was still an issue of overcrowding in Sarajevo Canton.⁵⁹ The country still waits for its first state-level prison; construction of the Vojkovići facility was completed, but "a number of necessary steps" still need to be taken before prisoners can be admitted, which is expected in mid-2020.⁶⁰
- The ECtHR made a decision in October in the Fata Orlović case, demanding the removal of an Orthodox Christian church illegally built on the claimant's property. The case became famous

when Orlović, a Bosniak, returned in 2000 to Konjević Polje in the RS to find a church on her plot of land built (in 1996) without her knowledge or permission. Orlović filed her first complaint in 2002 in front of a local court in Srebrenica. Despite several rulings in her favor, the church was not removed. The ECtHR ruling comes with a three-month deadline for its removal and an award of €5,000 in damages.⁶¹

Corruption 1.00-7.00 pts

Looks at public perceptions of corruption, the business interests of top policymakers, laws on financial disclosure and conflict of interest, and the efficacy of anticorruption initiatives. **3.00 / 7.00**

- Prevalent corruption continued to plague BiH in 2019. Ongoing anticorruption activities were conducted mostly by NGOs and media, while government institutions refrained from showing any interest or desire to tackle this long-standing and widespread issue. Anticorruption legislation remains largely unharmonized between the various levels of government (and within the FBiH entity), so any available anticorruption mechanisms are ineffective at best, notwithstanding the lack of political will.
- In its April 2019 assessment of 300 corruption-related cases from 2017 and 2018,⁶² the OSCE noted that the judiciary's performance in anticorruption matters was still affected by significant problems. One notable finding showed that prosecutors and judges were more prone to take on cases of small to mid-level corruption, whereas high-level corruption was seemingly too big of a challenge. The report also noted an unusually long process time from indictment to sentencing, with the average case lasting 381 days, over five times longer than considered optimal.
- The various levels of government engaged in questionable hiring, contracting, and public procurement practices during the year. Authorities continued to publish open calls for jobs tailored to specific individuals (using mandatory qualifications, often incongruous with the job description, to exclude the majority of potential candidates) or to offer employment with no open calls at all.⁶³ As for public procurements, a draft Law on Changes and Amendments to the Law on Public Procurements, which would create a more transparent public procurement process, was drawn up and filed by a CoM-appointed working group in January, but its adoption by the state parliamentary assembly is still pending.
- One of the more well-known recent corruption cases—that involving Jerko Ivanković-Lijanović, former FBiH minister of agriculture, water management, and forestry—foundered in July when his 12-year prison sentence for organized crime and money laundering was overturned by the Appellate Division of the Court of BiH.⁶⁴ Ivanković-Lijanović stood trial with family members in 2015 for starting a number of companies between 2007 and 2012 after the bank accounts of their original company, Lijanovići d.o.o., were blocked due to unpaid taxes. The new companies were used to transfer property, machinery, and products from Lijanovići d.o.o., thus circumventing its inability to operate amid imminent bankruptcy. Ivanković-Lijanović was found guilty in 2018. The Court of BiH then reopened the case once more, with final sentencing on November 11 overturning the first-instance decision and proclaiming him not guilty.⁶⁵ Ivanković-Lijanović also won an appeal in another case, this time in front of the Supreme Court of the FBiH, for abuse of power in relation to agricultural incentives he had given out while in office from 2011 to 2014. The court's final verdict sentenced Ivanković-Lijanović to seven years in prison, reducing his initial sentence by two years.⁶⁶ Ivanković-Lijanović announced that he plans to file a complaint against this decision in front of the Constitutional Court of BiH.
- The issue of lengthy proceedings in corruption cases was particularly visible on the local level in 2019: in one notable case from October, Hajriz Bećirović, former director of the public sports and cultural venue Skenderija Center in Sarajevo, was sentenced to prison for the seven-year-old crime of circumventing procedures in hiring a local company to clean up a roof cave-in during a 2012 snowstorm, thus helping that company acquire illegal financial gains.⁶⁷

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Note

The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 7 representing the highest level of democratic progress and 1 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The Democracy Percentage, introduced in 2020, is a translation of the Democracy Score to the 0–100 scale, where 0 equals least democratic and 100 equals most democratic.

Footnotes

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