

Bosnia and Herzegovina

TRANSITIONAL OR HYBRID REGIME

38
/100

Democracy Percentage	38.10 /100
Democracy Score	3.29 /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. See the methodology.



Score changes in 2022

- National Democratic Governance rating declined from 2.00 to 1.75 due to the gravest secession crisis in the country's independent history and constant institutional dysfunction sowed by domestic political actors, exemplified by the ongoing failure to form a government in the Federation of Bosnia and Herzegovina (FBiH) after the 2018 elections.
- Civil Society rating declined from 4.50 to 4.25 due to the gradual but marked weakening of the civic sector, which is more alienated from the general public, less responsive than ever to current events, and increasingly prone to co-optation by domestic political actors.

As a result, Bosnia and Herzegovina's Democracy Score declined from 3.36 to 3.29.

Executive Summary

The year 2021 saw the most severe political crisis in Bosnia and Herzegovina (BiH) since the end of the 1992–95 war, with several competing issues grinding the country's democratic processes to a near halt. The biggest issue was created by Milorad Dodik, the Bosnian Serb member of the state-level three-way presidency and main leader of the Bosnian Serbs. Continuing to reinforce the position and practices of his party, the Alliance of Independent Social Democrats (SNSD), Dodik once again openly challenged the state-level institutions of the country by declaring a unilateral boycott by Bosnian Serb representatives. The decision came after Valentin Inzko, the outgoing High Representative (the internationally appointed officer responsible for administering the Dayton Peace Accord), instituted a law effectively banning genocide denial and glorification of war criminals in July. Dodik rejected Inzko's decision, as did Bosnian Serb opposition parties, while also renouncing Inzko's successor, Christian Schmidt, who took office on August 1.

What followed made matters even worse, as Dodik announced that he would use the entity of the Republika Srpska (RS) People's Assembly (or NS RS)—the lower house of the entity-level parliament—to withdraw from several state-level institutions in order to create the entity's own authorities, including a tax authority and a judiciary, and, most problematically, to reinstitute the Army of the RS. Despite Dodik's claims that he is looking for a peaceful solution and simply demanding a return to the original Dayton agreement, his announcement triggered a state-wide crisis, with many seeing these moves as a preamble to a conflict. Although Dodik's desires are legally or otherwise impossible to put into practice, the sense that he is trying to create an

functionally independent parastate within BiH recalls the wartime Bosnian Serb Republic, and his accompanying petty populism and blatant fearmongering cannot be viewed simply as a continuation of his earlier disruptive behavior but, rather, as a clear escalation.

Dodik then followed up on his promise in December by having the NS RS vote in favor of proposals to draft entity-level laws that would allow the RS to create its own judiciary, tax authority, and army, albeit after an all-day session marred with arguments that prompted the opposition to walk out in protest. ¹ The coalition of SNSD and smaller parties had enough votes to push the decision forward, although it came with a six-month delay to draft the laws as well as other changes to the entity constitution. Although the laws will most likely be contested by the entity parliament's upper house, and deemed unconstitutional by the country's Constitutional Court, the fact that Dodik has gone forward with his threats regardless of extensive criticism and pressure from both domestic actors and the international community speaks of his willingness to wield even more destructive anti-state politics in 2022.

Another major issue that came to the fore in 2021 was the yet-unresolved electoral framework in the run-up to next year's general elections. While demands to implement relevant European Court of Human Rights (ECtHR) rulings—most notably in *Sejdić and Finci v. Bosnia and Herzegovina*—have gone unheeded for years, the main Bosnian Croat party, the Croatian Democratic Union (HDZ) BiH, and its leader Dragan Čović renewed their push to introduce a preferential voting system based on the ethnonational majority in a given constituency or else they plan to boycott the 2022 elections altogether. HDZ BiH claims that changes to the state-level Electoral Law are necessary to preserve equality among ethnic groups; however, arguments over appropriate ethnic representation seem to override any impulse to create a truly democratic electoral framework that would finally guarantee that any citizen may be elected to any post, thus demonstrating that the proposed changes would fail to address the country's larger political inequities.

The country's impoverished and already overburdened society was further stressed by the authorities' failure to provide timely COVID-19 vaccines due mostly to BiH's complicated system of 14 distinct governments, each with varying degrees of authority, and the lack of a state-level health ministry. By the time confusion settled over who should procure vaccines, the country had gone through a massive surge in

positive cases while the death toll—several times higher than during the Bosnian war in some parts of the country—incited protests in the capital Sarajevo in April.

The resignation of High Judiciary and Prosecutorial Council (VSTV) president Milan Tegeltija in the previous year was followed by the removal of the body's Chief Prosecutor, Gordana Tadić, for professional negligence. With the VSTV suffering from a series of scandals and high-profile allegations of corruption for years, this was widely seen as a positive move, although the installation of her temporary replacement, Milanko Kajganić, was an ad hoc, in-house solution to the institution's perennial problem of retaining a reliable and professional cadre.

The migrant crisis continued in 2021, with Amnesty International and other human rights organizations appealing to the Bosnian government to provide immediate help to around 2,500 people lacking even the most basic shelter in January after the closure of the Lipa camp in northwestern BiH in late 2020. ² The International Organization for Migration (IOM) has estimated that around 10,000 migrants and refugees are present in BiH at any given time because the country's proximity to the European Union (EU), but existing camps have room for only about half this number, with reports showing that thousands live in makeshift circumstances in areas bordering Croatia. ³ However, this did not prevent the usual ping-ponging of responsibility between the various levels of government, while Dodik reinforced his stance that no refugees would be allowed into the RS entity; ⁴ meanwhile, increased xenophobia among the local population puts the lives of those in need in further jeopardy.

As widespread setbacks mounted during the year, the issue of emigration, mostly among the young and able, plagued the country yet again. Estimates by domestic organizations showed that at least 85,000 Bosnians left the country permanently by July 2021, almost double the previous annual average. ⁵ Years of political insecurity caused by ethnonationalist bickering and constant blocking of the country's functioning, as well as the inability or unwillingness of the various governments to tackle BiH's major issues—from corruption, to crumbling or nonexistent infrastructure, to severe poverty—have made many reconsider whether it is worth giving the country's leaders another chance. Some citizens have fled amid the pandemic, their hand clearly forced by a mix of desperation and outright resignation.

With the 2022 elections—if they take place at all—promising almost no possibility for change, and various ongoing crises deeply affecting the country’s basic functioning, it is hard to see the next year bringing any significant shift in the society’s prospects. Since the EU accession process is firmly stalled, to the point where BiH leaders are openly scolded by Brussels for their inaction over the past two years, **7** it is difficult to envision how BiH in the near future might snap out of the limbo it has been mired in for years.

At a Glance

In Bosnia and Herzegovina, national governance—further divided into entity- and canton-level governments—is only democratic in principle, while in practice, ethnonational political actors use the existing checks and balances to block the functioning of the country and create constant crises as a means to hold onto power. Elections are generally free, but recent calls for revisions to the electoral system—marred by unequal access to political functions for all citizens—threaten to make elections cater even more to the interests of the country’s three main ethnic groups. The civic sector, although large and relatively well supported, particularly by foreign donors, has been underwhelming in its lack of involvement in the country’s democratic processes. Media independence was threatened again in 2021 by political influence and a lack of resources. Local democratic governance suffered from the trickle-down influence of leading political disruptors, and ethnonationalist politics ran rampant, while the population’s financial means continued to dwindle, especially in rural areas. Questions over the judiciary’s independence were again raised due to high-level scandals and dismissals, while corruption remained prevalent with major scandals involving top officials.

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.

1.75
/7.00

- Bosnia and Herzegovina (BiH) has one of the most complex systems of governance in the world. The country’s administration is divided into two entities: the Bosnian Serb-dominated Republika Srpska (RS) and the Bosniak-Bosnian Croat-majority Federation of Bosnia and Herzegovina (FBiH), itself

divided into 10 cantons, as well as a unit directly tied to the state-level government known as the Brčko District. This division of competences between 14 distinct state-, entity-, and canton-level governments, on top of a cumbersome administrative apparatus in general, tends to obstruct almost any decision-making and enables the exploitation of various regulations and loopholes, which came to the fore in 2021.

- The main roadblock of the year was the Dodik-led boycott of all state-level institutions, including the presidency, the Council of Ministers, and the parliament, which began in July and caused a number of delays and outright blockades of key decision-making processes. ⁸ For example, Dodik refused to allow the Army of the BiH to assist with efforts to fight summer wildfires. ⁹ However, a small number of sessions did manage to take place, especially in the tripartite presidency, where decisions can still be made even if one of the three members does not join or assign a delegate (usually from their cabinet). Dodik actually participated in several sessions by mid-December, while making a mockery of the system by using his office in Sarajevo to, among other things, bring in an accordion player to perform for him and his closest associates and consume alcohol in a public display of disdain for state institutions. ¹⁰
- Prior to the December 10 session of the NS RS, Dodik's continuous announcements that the entity-level parliament would hold an outstanding session meant to withdraw the entity from the state-level armed forces, judiciary, and fiscal system—tacitly supported by ethnonationalist Bosnian Croat leaders—created a general sense of insecurity among citizens, who voiced concerns that the situation might escalate into violence, and thereby leading the High Representative Christian Schmidt to warn the UN Security Council of Dodik's threat. ¹¹ This systemic undermining of the general public's confidence in the basic processes and functions of a fragile society that could unravel at any minute has created an atmosphere of fear not felt in the country since the end of the war in 1995, despite the fact that existing checks and balances prohibit any kind of entity-level withdrawal from state institutions.
- Dodik previewed the December 10 NS RS session by pushing through a law in the NS RS for the RS entity to establish its own Agency for Medicines and Medical Devices, separating it from the existing state-level agency. However, this law, which comes with a six-month implementation delay, did not pass the upper house of the entity parliament, with the Bosniak clubs rejecting the decision citing vital national interest. Following entity-level regulations, the Constitutional

Court of the RS rejected the appeal from the RS House of Peoples, and the law was made public in the RS Official Gazette on December 28, ¹² and there is a distinct chance the Constitutional Court of BiH will deem it illegal altogether on yet another appeal. ¹³ Although this legislative scheme will not fully unravel until 2022, it already represents a litmus test for how other attempts to create entity-specific institutions might fare once set in motion.

- As part of the orchestrated boycott, the RS authorities passed a law meant to block the implementation of former High Representative Inzko's law against genocide denial and glorification of war criminals. ¹⁴ Although supposedly entering into force in early October, the law—which stipulates that state-level legislation on this issue shall not be applicable in the RS—constitutes a clear violation of the BiH constitution and the defined role of the High Representative as agreed upon in the Dayton Peace Accord. In the meantime, Dodik's SNSD pushed for a rejection of the law at the state-level House of Peoples, but this motion, as well as the open support from Dragan Čović and his Croatian Democratic Union (HDZ) BiH, came under fire after it failed to gain the necessary votes. ¹⁵ Earlier, in July, legislators in the RS also passed a law that makes it a crime to call either the entity or the Serb people genocidal. ¹⁶
- By year's end, the FBiH entity still had not chosen a new prime minister and cabinet, three years after general elections, and at this point it is clear that a technical government—meaning, the same one in power prior to the 2018 general elections—will rule over the course of an entire four-year mandate. The stumbling block continued to be an amendment to the Electoral Law proposed by HDZ BiH, and opposed by the Party of Democratic Action (SDA), that would permit preferential voting based on ethnonational majorities in specific constituencies (see “Electoral Process”). FBiH Prime Minister Fadil Novalić also remained in office despite an ongoing case against him (see “Corruption”), criticism of his management during the pandemic, and questions over the legality of his tenure.
- Apart from these various issues, the country's authorities at multiple levels also failed at what should have been the year's number one priority: acquiring COVID-19 vaccines. By May, BiH had only about 130,000 doses at its disposal in a country of about 3.5 million people, with most doses received as donations. ¹⁷ Attempts at direct negotiations with vaccine manufacturers also failed, blamed largely on the country's 13 health ministries and the lack of an umbrella, state-level ministry. Although the amount of available vaccine has increased since then

—again, mostly due to donations—BiH is still lagging in its vaccination rate, thought to be around 24 percent of the population in December 2021. 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, alternating between general and local, with the last held in 2020. There were no general or local elections in 2019. In 2021, the country again struggled to pass constitutional amendments to ensure that all citizens may enjoy equal political rights consistent with rulings from the European Court of Human Rights (ECtHR). Most notably, the 2009 decision in *Sejdić and Finci v. Bosnia and Herzegovina* remained unimplemented despite increased demands by domestic political actors and the international community for these electoral changes to take place.
- The BiH constitution—an annex to the 1995 Dayton Peace Accord, created to stop the war and always meant to be provisional—allows only members of the three main ethnic groups (Serbs, Croats, and Bosniaks) to be elected to the state tripartite presidency and the Parliamentary Assembly’s House of Peoples, among other positions. This stipulation excludes minorities who do not identify as such, including Jews and Roma, while also excluding all citizens who are not affiliated with the so-called constituent peoples, such as anyone identifying simply as Bosnian. The ECtHR’s *Sejdić and Finci* ruling requires this measure to be changed. Furthermore, only Serbs from the RS entity may run for the state presidency (ruled as discriminatory by the ECtHR in 2020 in *Svetozar Pudarić v. BiH*), 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 these exclusions must be resolved, no progress was made in 2021.
- Despite this situation, one of the biggest crises in the country during the year revolved around claims by Croat ethnonationalist parties, specifically HDZ BiH, that the existing state-level Electoral Law must be changed in order to ensure that only those who are legitimate representatives of Bosnian Croats hold the position of the Croat member of the tripartite presidency. ¹⁹ HDZ BiH’s position is murky at best, since ethnicity is largely a matter of personal identity

and feelings of belonging; it is unclear how the current Croat member of the presidency, Željko Komšić, does not fit the bill, since he has declared himself as such. At the same time, all three members of the presidency are expected to represent the interests of all citizens and the country as a whole, and are only nominally elected from one of the so-called constituent peoples. However, HDZ BiH and its leader Dragan Čović have repeatedly rejected Komšić's legitimacy in representing the interests of Croats in Bosnia because he was elected on the strength of his support among Bosniak voters. Additionally, they have blocked a number of processes and co-opted civil society organizations in the country in order to force a change to the electoral framework in their favor, while threatening to boycott the 2022 elections altogether—with Dodik claiming that he would do the same in open support of HDZ BiH. ²⁰

- The international community—primarily United States and European Union representatives—spent the latter half of the year trying to negotiate a deal between the parties represented in the state-level parliament by supposedly proposing several different electoral methods, including dividing the FBiH entity into electoral units that would enable preferential voting. Yet keeping the details of these negotiations obscured from the public is undemocratic in and of itself, since only those privy to the high-level meetings will be sufficiently well informed to make a decision affecting the rights of millions of citizens. However, all attempts to push for changes to the electoral framework have failed in the meantime, ²¹ and negotiations are expected to continue into 2022.
- In another Dodik-generated scandal, the Central Electoral Committee (CIK) sued him for inciting ethnic hatred after he publicly insulted its Bosnian Serb member Vanja Bjelica-Prutina over the course of at least two appearances, insinuating that her former marriage to a Bosniak made her biased. It was unclear whether the case had advanced beyond the preliminary stage by year's end. ²²

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.

4.25
/7.00

- Although BiH's civic sector has 27,432 registered nongovernmental organizations (NGOs), according to the state Ministry of Justice registry ²³ —a number that

increases every year—the trend of only a small number having any notable influence continued in 2021, particularly on governmental decision-making. While the sector covers a wide variety of areas—from sports and culture to human rights, media monitoring, and humanitarian aid—most registered NGOs lack financial independence, limiting their capacity and potential. The ongoing COVID-19 pandemic again limited the effectiveness of Bosnian civil society, with virtually no civic actors conducting visible work to alleviate the pandemic’s consequences barring a few humanitarian organizations. Although the number of NGOs did not change significantly over the year, the sheer volume of registered organizations per capita continues to raise questions about the purposes of many of these groups.

- An example of the civic sector’s failure to assert itself more firmly came in the form of protests in Sarajevo in April, as pandemic mismanagement (including lack of vaccines and corruption in medical equipment purchases) saw the number of COVID-19 deaths in BiH rise to rank near the top compared to other countries. ²⁴ Although thousands went to the streets, ²⁵ these protests petered out quickly and resulted in no visible changes to the FBiH or cantonal government approach due mostly to the lack of noticeable civil society presence or support. Other protests, such as ad hoc gatherings by citizens unhappy with the ongoing political crisis in the country in November, ²⁶ or coal miners demanding fair compensation, ²⁷ were also unsupported by civil society, raising questions about the sector’s interest in advocating essential rights and freedoms or matters on the ground.
- Assessing the effectiveness of BiH civil society continues to be a challenge due to the lack of information on groups and their activities. The existing state Ministry of Justice registry provides limited information, listing only NGO names, registration numbers, addresses, and authorized representatives yet no contact information, making NGO operations opaque not only to monitoring bodies but also the media and general public. This is especially problematic since some NGOs, including government-organized NGOs (GONGOs) and war veterans’ associations, tend to operate in political areas. It is difficult, therefore, to ascertain from public information whether an organization represents genuine civic activism or conducts activities related to partisan interests.
- One clear example of this is the Croatian People’s Assembly (HNS), an NGO founded by HDZ BiH members and presided over by Dragan Čović, which has taken a keen interest in the Electoral Law debate. Čović has tended to make

statements as HNS president rather than as the HDZ BiH party leader or as a member of the state-level House of Peoples, making it appear as though he speaks from a civil society position ²⁸ and not as a key political actor representing one of the three main ethnic groups, thereby muddying the distinction between political parties and NGOs.

- The ongoing issue regarding the legal framework for NGOs remained unaddressed in 2021. As in previous years, organizations found themselves in a bind under imprecise legal instruments like the Labor Law in Institutions of BiH, which equates state-level civil society actors with state institutions and thereby imposes burdensome employment obligations on the former. ²⁹
- NGO financial dependence also remains a key issue. Only a small number of BiH NGOs are sustainable or have the capacity to apply for funding from donors, be they domestic or international. The various levels of domestic government remain the largest local source of financial support, but transparency is limited, with funding generally doled out without public calls or clear selection procedures. ³⁰ In addition, local authorities usually do not require spending reports or monitor and assess the activities of funded NGOs, creating room not only for political influence but also irresponsible behavior.
- The second in-person Pride march in Sarajevo was a bright spot during the year, gathering thousands despite counterprotests by conservative religious groups. To note, security costs for the event, previously supported by the international community, were this time covered by the cantonal government. ³¹
- Scattered protests on environmental issues, including the construction of hydroelectric power plants throughout the country, continued into 2021. Although some demonstrations resulted in the successful prevention of potentially destructive dams, other projects saw continued work despite objections from the local community, as in the case of the Buk Bijela hydropower plant on the river Drina. ³²

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.

3.25
/7.00

- In 2021, 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 frequent violence, including occasional physical attacks. Furthermore, perennial crises in the function and administration of the country's public broadcasters continued to go unresolved.
- The number of media remained almost unchanged during the year, including 8 daily newspapers, 7 news agencies, more than 100 print weekly and monthly periodicals, **33** 104 domestically licensed television stations, 148 radio stations, **34** and hundreds, if not thousands, of online outlets. This quantity of media in a small market like BiH means that many outlets are highly dependent on public financing and therefore susceptible to political pressure. Two regional television networks—N1 and Al Jazeera Balkans—are typically more objective in their content than most other outlets.
- BiH has three public broadcasters: the state-level BHRT and the two entity-level broadcasters, RTRS in the RS and FTV in the FBiH. Questionable practices again plagued all three, along with the ongoing problem of insufficient funding for the state-level public outlet. The BiH public broadcasters were heavily criticized in High Representative Schmidt's first report to the United Nations Security Council (UNSC) due to the fact that the RTRS had effectively blocked the digitalization process of the public broadcasters by conditioning the purchase of necessary equipment with demands of ownership over the equipment once procured. **35**
- The number of attacks against journalists was high in 2021, with 42 individual incidents taking place by early November, according to OSCE data. During the same period, the BH Journalists Association's assistance hotline reported 61 violations of journalists' rights, including attacks but also pressure, censorship, denied access to information, and the like. **36**
- One of the most glaring attacks on journalists happened in May when a man attempted to enter the studio of the Sarajevo-based Face TV to attack its host, Senad Hadžifejzović. The man allegedly made several threats prior to the attempt that would indicate the attack was politically motivated. The perpetrator was arrested but quickly released, prompting a protest by journalists in Hadžifejzović's support. **37**
- In another case, a man was arrested and held at the Bosnian border in September with an outstanding warrant for continuous attacks and threats

made against a number of local journalists. Likewise, he was promptly released and immediately continued with his threats, claiming he dreamed of “cutting off heads of snakes,” explicitly naming N1 journalists Nikola Vučić and Amir Zukić. There were no further legal actions taken against him until the end of the year, which was openly criticized by the Safe Journalists network. **38**

- Although notable for its hateful and xenophobic content often supportive of violence against migrants in BiH, the online outlet Antimigrant and its editor Fatmir Alispahić were found not guilty of inciting ethnic, national, and religious hatred by the state-level Court of BiH. The court’s explanation for the decision, however absurd, was that Alispahić and his outlet did not incite hatred against BiH’s so-called constituent peoples but only against migrants and refugees, and so existing law does not apply in that case. **39**
- The already saturated media environment in BiH is further polluted by a vast number of anonymous online portals lacking any apparent owner or information related to the outlets’ editors or journalists, or even any means of contact. The portals in question are used either to create and disseminate disinformation or promote information in favor of domestic political actors. An accurate count is hard to determine, but these outlets are thought to number in the thousands.

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.

3.25
/ 7.00

- As in previous years, the viability of local government in BiH was highly dependent on events at the national level. In parts of the country, municipal heads continued to turn a blind eye to irregularities and bend rules in order to accommodate private investors. The ongoing COVID-19 pandemic saw the number of investments dwindle, especially from abroad, and most public works projects have stalled or halted altogether.
- The RS entity has 56 municipalities and 8 cities, while the FBiH entity has 62 municipalities and 16 cities, the same numbers as in 2020. The practice of incorporating municipalities as cities in order to gain easier access to funds, as seen in past years, did not appear to continue in 2021.
- Repeat local elections were held in two cities, Srebrenica and Dobojo, after the Central Electoral Committee (CIK) found a number of violations of the electoral

process and the inability of some citizens to exercise their right to vote. **40**

SNSD candidates won in both cases. **41** Bosniak voters boycotted the election in Srebrenica, fearing a repeat of irregularities that had led to the rerunning of the election in the first place, along with post-election sessions of the city council.

42 However, Bosniak councilors eventually reached an uneasy coalition agreement with the SNSD, citing the need to respond to the pandemic. **43**

- During the year, early local elections were held in Travnik and the FBiH part of the Foča municipality in April, and in Prijedor in December. **44** An SDA candidate won in Travnik, while an independent candidate won in Foča. **45**
- While the mayor of Sarajevo is appointed rather than elected, much was made over the negotiations within the cantonal ruling coalition of Naša Stranka, Narod i Pravda, SDP BiH, and independent assembly members concerning his or her appointment. While the agreement between the parties meant that SDP BiH was expected to nominate the mayor from their own ranks, a minor scandal broke out after Bogić Bogićević withdrew his bid for the position once it became clear that other coalition members would not support his candidacy. Following Bogićević's withdrawal, SDP BiH's Benjamina Karić was appointed mayor, becoming the first woman to hold the position. **46**
- Although Karić proved to be a popular choice, her mandate was not without issues. A minor scandal came out of her initiative to commemorate the location of the execution of a number of Sarajevo citizens, mostly of Serb ethnicity, who were killed during the 1992–95 war by a rogue commander of a BiH Army unit Mušan Topalović. While a small number of activists demanded that the monument in the Kazani area denote the ethnic background of the victims, since it was an ethnically motivated crime, as well as name those responsible, various political actors including the mayor decided to go with a watered-down approach, stating that the victims were simply “fellow citizens who were killed” while avoiding naming the culprits altogether. **47**
- Meanwhile, a number of murals in support of the convicted war criminal Ratko Mladić popped up across the RS. Despite the new law banning the glorification of war criminals, including through public art, that came into effect during the year, local authorities in towns such as Gradiška, Kalinovik, Foča, and others had refused to remove the murals by year's end. **48**
- After direct municipal elections were held in Mostar for the first time in 12 years in 2020, the city's new council indirectly elected a mayor in February after some delay. The mayoral vote was marked by tensions between HDZ BiH and the Party

of Democratic Action (SDA), with the former ultimately securing the mayoralty.

49

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 its 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 now-former Chief Prosecutor, Gordana Tadić, was removed from office in July 2021 after a disciplinary complaint was filed against her in April. Tadić, who was heavily criticized in the past for her alleged bias in refusing to prosecute cases involving the SNSD or HDZ BiH cadres, was charged with dereliction of duty for failing to assign cases to other prosecutors, and other counts related to ensuring the proper handling of information that had been deemed secret. Tadić, who replaced another suspended chief prosecutor, Goran Salihović, in 2016, was demoted to a regular prosecutor within the High Judiciary and Prosecutorial Council (VSTV). ⁵⁰ The Tadić case is the last in the line of scandals coming out of VSTV calling into question the body's independence from political influence and proper functioning over the past years. VSTV President Milan Tegeltija resigned at the end of 2020 amid bribery allegations.

51

- In 2021, the practice of neither respecting nor implementing decisions from the Constitutional Court of BiH continued, especially in the entities (particularly the RS). A long-standing case involving the designation of January 9 as “Statehood Day” in the RS that was ruled against by the Constitutional Court in 2015 and 2019—stating 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—has still not been implemented, and “Statehood Day” was celebrated yet again at the beginning of the year. ⁵²

- Although the RS entity government announced that it would remove all mentions of the death penalty from RS laws and its constitution after a ruling by the country's Constitutional Court in 2019, the problematic provision was still in the entity's constitution at year's end. The abolition of the death penalty is a prerequisite for EU membership.
- The nomination of new members to the Constitutional Court of the FBiH, currently working with only five of nine judges, was held up by FBiH President Marinko Čavara (HDZ BiH), which some commentators interpreted as an attempt to shore up HDZ BiH's position within entity-level government ahead of the next regular elections. **53**
- The ECtHR's October 2019 decision in the Fata Orlović case, demanding the removal of an Orthodox Christian church illegally built on the claimant's property, was finally implemented in June 2021. **54** The case became famous when Orlović, a Bosniak, returned in 2000 to Konjević Polje in the RS to find a church built on her plot of land without her knowledge or permission in 1996. 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. Although the municipality of Bratunac finally demolished the church, Bosnian Serb political actors criticized the decision and vowed to rebuild it at the entrance to the village.
- The European Commission noted that BiH made "no progress" toward reforming the justice sector in line with its obligations as a candidate for EU membership, **55** while singling out the persecution of civil society in the RS and the lack of protections for migrants and refugees as issues of particular concern.

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 2021. Ongoing anticorruption activities were conducted mostly by NGOs and the 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, so any available

anticorruption mechanisms are ineffective at best, compounded by the lack of political will.

- The biggest corruption scandal of 2020 regarding the questionable purchase of inadequate Chinese-made ventilators by the FBiH government, and the tender awarded to Srebrna Malina, a company registered for the production of raspberries, continued well into 2021. The State Prosecutor's Office's corruption case against FBiH Prime Minister Fadil Novalić, head of the FBiH Civil Protection Service Fahrudin Solak, and Srebrna Malina owner Fikret Hodžić, as well as the FBiH Minister of Finances, Jelka Miličević, saw all appear in front of the Court of BiH in several hearings throughout the year. ⁵⁶ The indictment also includes money laundering, falsifying or destruction of business documents, falsifying official IDs, and other financial crimes. In the meantime, an investigation by the Balkan Investigative Reporting Network (BIRN) and the Singapore-based outlet Initium proved that the manufacturer had warned potential buyers of the limited capabilities of their ventilators ⁵⁷ ahead of the purchase made by the FBiH government. However, PM Novalić has remained out of detention and in office despite further calls for his resignation, and the case was nowhere near concluding by year's end.
- Another pandemic-related corruption scandal came out of the RS when opposition politicians revealed that the oxygen used across the entity's public hospitals in their Covid wards was not up to medical standards but, rather, industrial grade. ⁵⁸ The questionable imports were done by the company TGT Tehnogas from Laktaši (owned by the former RS minister of police, Stanislav Čado), and an official investigation by the entity health inspector demanded by Transparency International revealed that at least one hospital in Trebinje had indeed used industrial oxygen. The RS government responded by filing a criminal complaint against the BiH Medications Agency director, Aleksandar Zolak, for libel against the entity-level institutions; ⁵⁹ this case is thought to be the reason for the NS RS' move to establish an entity-level Agency for Medicines and Medical Devices (see "National Democratic Governance"). ⁶⁰
- In July, one of the country's top intelligence officials, Osman Mehmedagić, was arrested on forgery and money-laundering charges. ⁶¹ However, he remained out of detention for much of the rest of the year. ⁶² In September, a recording emerged of a conversation between Mehmedagić and then-Chief Prosecutor Gordana Tadić concerning the charges against the former. ⁶³

- In September, state-level Security Minister Selmo Cikotić was indicted for abuse of office related to a decade-old arms deal. **64**

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Footnotes

- 1 Aleksandar Brezar, "Bosnian Serb entity assembly in favour of withdrawing from central institutions in Bosnia," Euronews, 10 December 2021, <https://www.euronews.com/2021/12/11/bosnian-serb-entity-holds-vote-on-w...>
- 2 "Bosnia and Herzegovina: Long-term solutions needed to end recurring humanitarian crisis," Amnesty International, 12 January 2021, <https://www.amnesty.org/en/latest/news/2021/01/bosnia-and-herzegovina-l...>
- 3 Lorenzo Tondo, "Police searched my baby's nappy: migrant families on the perilous Balkan route," The Guardian, 1 February 2021, <https://www.theguardian.com/global-development/2021/feb/01/balkan-route...>
- 4 "Migrants have no place in Republika Srpska, says Dodik," Euractiv, 13 January 2021, https://www.euractiv.com/section/politics/short_news/migrants-have-no-p...
- 5 Sanda Arnautović, "BiH prva u Evropi po iseljavanju stanovništva, odlaze uglavnom mladi" [Bosnia is first in Europe in citizens emigrating, mostly young depart], N1, 28 July 2021, <https://ba.n1info.com/vijesti/bih-prva-u-evropi-po-iseljavanju-stanovni...>
- 6 Aleksandar Brezar, "Bosnia's biggest political crisis for 26 years fuels anguish and discontent," Euronews, 17 December 2021, <https://www.euronews.com/2021/12/17/bosnia-s-biggest-political-crisis-f...>
- 7 "Albania, North Macedonia Ready for EU Accession Talks: European Commission," Balkan Insight, 19 October 2021, <https://balkaninsight.com/2021/10/19/albania-north-macedonia-ready-for-...>

- 8** “Bosnian Serbs to boycott country’s central institutions,” Al Jazeera, 26 July 2021, <https://www.aljazeera.com/news/2021/7/26/bosnian-serbs-to-boycott-count...>
- 9** “Political rifts stymie efforts to fight wildfires in Bosnia,” bne IntelliNews, 16 August 2021, <https://www.intellinews.com/political-rifts-stymie-efforts-to-fight-wil...>
- 10** “Dodikovo skrnavljenje Predsjedništva BiH: Harmonikaš i piće” [Dodik’s desecration of the BiH Presidency: accordion player and drinks], Al Jazeera Balkans, 18 October 2021, <https://balkans.aljazeera.net/news/balkan/2021/10/18/dodikovo-skrnavlje...>
- 11** “60th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations,” Office of the High Representative (OHR), 5 November 2021, <http://www.ohr.int/60th-report-of-the-high-representative-for-implement...>
- 12** Svjetlana Šurlan, “Objavljen Zakon o lijekovima nakon što je CAPITAL ukazao na kašnjenje” [The Law on Medicines was published after CAPITAL pointed out the delay], Capital.ba, 29 December 2021, <https://www.capital.ba/objavljen-zakon-o-lijekovima-nakon-sto-je-capita...>
- 13** “Ustavni sud će odlučivati o spornom Zakonu o lijekovima Republike Srpske” [Constitutional Court to decide on the questionable Law on Medicines of the Republika Srpska], RFE/RL, 2 December 2021, <https://www.slobodnaevropa.org/a/zakon-lijekovi-republika-srpska-ustavn...>
- 14** Dragan Maksimović, “Republika Srpska odbacila Inckov zakon” [The Republika Srpska rejects Inzko’s law], DW, 31 July 2021, <https://www.dw.com/sr/republika-srpska-odbacila-inckov-zakon/a-58713470>
- 15** “Zašto Čović u odgovorne za genocid u Srebrenici simbolično gura i Hrvate?” [Why is Čović symbolically pushing the Croats into those responsible for the genocide in Srebrenica?] N1, 2 December 2021, <https://ba.n1info.com/vijesti/zasto-covic-u-odgovorne-za-genocid-u-sreb...>
- 16** “Bosnian Serbs reject imposed ban on genocide denial,” Al Jazeera, 30 July 2021, <https://www.aljazeera.com/news/2021/7/30/bosnian-serbs-reject-imposed-b...>
- 17** Danijel Kovačević, “Bosnian Leaders Slammed for Vaccine Scarcity as Pandemic Worsens,” Balkan Insight, 31 March 2021, <https://balkaninsight.com/2021/03/31/bosnian-leaders-slammed-for-vaccin...>
- 18** See <https://ourworldindata.org/grapher/share-people-fully-vaccinated-covid?...>
- 19** “HDZ: Izborni zakon BiH mora omogućiti legitimno političko predstavljanje” [HDZ: BiH Electoral Law has to enable legitimate political representation], N1, 25 November 2021, <https://ba.n1info.com/vijesti/hdz-izborni-zakon-bih-mora-omoguciti-legi...>
- 20** D.Be., “Dodik prijeti bojkotom izbora 2022: Da li je “upliv stranaca” zapravo ucjena u korist HDZ-a?” [Dodik threatens with 2022 election boycott: are claims of the ‘influence of foreigners’ actual blackmail in HDZ’s favor?], Klix.ba, 5 December 2021, <https://www.klix.ba/vijesti/bih/dodik-prijeti-bojkotom-izbora-2022-da-l...>
- 21** B.R., “Eichhorst i Palmer: Ovo ne možemo raditi neograničeno, cilj nije dogovor po svaku cijenu” [Eichhorst and Palmer: We cannot do this forever, a deal at any price is not the goal], Klix.ba, 2 December 2021, <https://www.klix.ba/vijesti/bih/eichhorst-i-palmer-ovo-ne-mozemo-raditi...>
- 22** Danijel Kovačević, “Bosnia Election Commission to Sue Dodik for Inciting National Hatred,” Balkan Insight, 28 January 2021, <https://balkaninsight.com/2021/01/28/bosnia-election-commission-to-sue-...>

- 23** “Zbirni e-registar udruženja i fondacija u BiH” [Joint e-Registry of Organizations and Foundations in BiH], Ministry of Justice of BiH, <http://zbirniregistri.gov.ba/Home>
- 24** See <https://web.archive.org/web/20210430170232/https://coronavirus.jhu.edu/...>
- 25** Una Hajdari, “Sarajevo’s Covid Nightmare”, Politico, 10 April 2021, <https://www.politico.eu/article/sarajevo-covid-nightmare-bosnia-coronav...>
- 26** N.V., “Građani Sarajeva za sedam dana najavili velike proteste” [Citizens of Sarajevo announce big protests in seven days], Klix.ba, 13 November 2021, <https://www.klix.ba/vijesti/bih/gradjani-sarajeva-za-sedam-dana-najavil...>
- 27** “Rudari ponovo protestvovali u gradovima Federacije BiH” [Miners protest again in Federation BiH cities], RFE/RL, 26 November 2021, <https://www.slobodnaevropa.org/a/rudari-fbih-nova-okupljanja/31580558.h...>
- 28** “Čović od diplomatskih predstavnika zatražio pomoć oko izbornog zakona BiH” [Čović asked diplomatic reps to help out with the BiH Electoral Law], RFE/RL, 15 September 2021, <https://www.slobodnaevropa.org/a/covic-izborni-zakon-diplomatija/314612...>
- 29** See <https://www.fhi360.org/sites/default/files/media/documents/csosi-europe...>, pg. 51
- 30** See <https://www.fhi360.org/sites/default/files/media/documents/csosi-europe...>, pg. 53
- 31** Hamdi Firat Buyuk, “Sarajevo’s Pride Parade Calls For More Rights for LGBT Community,” Balkan Insight, 14 August 2021, <https://balkaninsight.com/2021/08/14/sarajevos-pride-parade-calls-for-m...>
- 32** Danijel Kovačević, “Works Start on Disputed Dam in Bosnia, Despite Protests,” Balkan Insight, 17 May 2021, <https://balkaninsight.com/2021/05/17/works-starts-on-disputed-dam-in-bo...>
- 33** “Print media in BiH,” Press Council of BiH, <https://www.vzs.ba/index.php/vijece-za-stampu/printani-mediji-u-bih/>
- 34** “Licenses,” Communications Regulatory Agency BiH (RAK), <https://www.rak.ba/bs-Latn-BA/brdcst-license-holders>
- 35** 60th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations”, OHR, 5 November 2021, <http://www.ohr.int/60th-report-of-the-high-representative-for-implement...>
- 36** Slađan Tomić, “Zašto novinari u BiH ne prijavljuju napade” [Why journalists in BiH do not report attacks], Mediacentar Sarajevo, 3 November 2021, <https://media.ba/bs/magazin-novinarstvo/zasto-novinari-u-bih-ne-prijavl...>
- 37** Marija Arnautović, “Selma Boračić-Mršo, Hadžifejzović o puštanju napadača na slobodu: Ovo je odluka protiv novinara” [Hadžifejzović on attacker’s release: this is a decision against journalists], RFE/RL, May 31, 2021, <https://www.slobodnaevropa.org/a/had%C5%BEifejzovi%C4%87-o-pu%C5%A1tanj...>
- 38** “Safe Journalists mreža osudila napad na novinare N1 televizije” [Safe Journalists Network condemns attack on N1 TV journalists], Radio Sarajevo, September 23, 2021, <https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/safe-journalists-m...>
- 39** “Urednik portala Antimigrant.ba oslobođen optužbe za govor mržnje” [Antimigrant.ba editor acquitted of hate speech], RFE/RL, 19 November 2021, <https://www.slobodnaevropa.org/a/fatmir-alispahic-oslobodjen-antiimigra...>
- 40** Aleksandar Brezar, “Political quotas and ethnic engineering in the Western Balkans,” Al Jazeera, 9 March 2021, <https://www.aljazeera.com/opinions/2021/3/9/political-quotas-and->

ethnic...

- 41 “Local elections — confirmed results in Srebrenica and Doboj,” Central Electoral Committee, 21 February 2021, https://www.izbori.ba/Rezultati_izbora/?resId=29&langId=1#/8/105/o
- 42 M.G., “Bošnjaci Srebrenice poslušali poziv za bojkot izbora, glasalo ih samo 166,” 21 February 2021, Klix.ba, <https://www.klix.ba/vijesti/bih/bosnjaci-srebrenice-poslusali-poziv-za-...>
- 43 Maja Beker, “Detalji sporazuma: Probosanski i srpski blok raspodijelili pozicije u Srebrenici,” N1, 14 April 2021, <https://ba.n1info.com/vijesti/detalji-sporazuma-probosanski-i-srpski-bl...>
- 44 “Odluka o raspisivanju i održavanju prijevremenih izbora za gradonačelnika grada Prijedor” [Decision on calling for and holding early elections for the mayor of the city of Prijedor], Central Electoral Committee, 18 October 2021, https://www.izbori.ba/Documents/Prijevremani_izbori_2021/Prijedor/SKM_2...
- 45 “Early elections for head of Travnik Municipality and head of Foča Municipality (FBiH) — 11.04.2021. Confirmed results,” Central Electoral Committee, 11 April 2021, https://www.izbori.ba/Rezultati_izbora/?resId=30&langId=4#/8/o/o
- 46 Danijel Kovačević, “Bosnian Political Legend Withdraws From Sarajevo Mayoral Race,” Balkan Insight, 25 March 2021, <https://balkaninsight.com/2021/03/25/bosnian-political-legend-withdraws...>
- 47 Nejra Džaferagić, “Sarajevo Unveils Memorial to Victims of Kazani Pit Killings,” Balkan Insight, 15 November 2021, <https://balkaninsight.com/2021/11/15/sarajevo-unveils-memorial-to-victi...>
- 48 Nejra Džaferagić, “Bosnian Authorities Fail to Remove Murals of War Criminals,” Balkan Insight, November 15 2021, <https://balkaninsight.com/2021/11/15/bosnian-authorities-fail-to-remove...>
- 49 “Mario Kordic from HDZ BiH is the new Mayor of Mostar,” N1, 15 February 2021, <https://ba.n1info.com/english/news/mario-kordic-from-hdz-bih-is-the-new...>
- 50 Amer Jahić, “Gordana Tadić kažnjena premještanjem sa pozicije glavne tužiteljice” [Gordana Tadić punished by demotion from the chief prosecutor post], VoA, 26 July 2021, <https://ba.voanews.com/a/gordana-tadic-tuzilastvo-bih-disciplinski-post...>
- 51 “BiH: Milan Tegeltija podnio ostavku” [BiH: Milan Tegeltija Resigns], Al Jazeera Balkans, December 16, 2020, <https://balkans.aljazeera.net/news/balkan/2020/12/16/milan-tegeltija-po...>
- 52 Y.Z., “Republika Srpska marks January 9 – RS Day,” Sarajevo Times, 9 January 2021, <https://sarajevotimes.com/republika-srpska-marks-january-9-rs-day/>
- 53 S.M., “Ustavni sud FBiH još uvijek nije popunjen i postaje uteg oko vrata samoj demokratiji,” Klix.ba, 4 February 2021, <https://www.klix.ba/vijesti/bih/ustavni-sud-fbih-jos-uvijek-nije-popunj...>
- 54 “Illegal Serb church on Bosniak woman’s land is demolished,” AP, 5 June 2021, <https://apnews.com/article/europe-religion-ddba7ba7bbeb96a64b348d038d7a...>
- 55 “Bosnia and Herzegovina Report 2021,” European Commission, <https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-r...>
- 56 “Novalić i drugi danas na sudu: Nastavlja se afera Respiratori” [Novalić and others appear in court today: the Respirators scandal continues], Radio Sarajevo, 28 July 2021, <https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/novalic-i-drugi-da...>
- 57 Azra Husarić, Irvin Pekmez, “In Bosnia Ventilator Scandal, Manufacturer’s Warnings Unheard or Unheeded,” Balkan Insight, 18 October 2021, <https://balkaninsight.com/2021/10/18/in->

bosnia-ventilator-scandal-manuf...

- 58** Dragan Maksimović, “Afera ‘Kiseonik’ trese Republiku Srpsku” [The “Oxygen” Affair shakes the Republika Srpska], DW, 28 September 2021, <https://www.dw.com/sr/afera-kiseonik-trese-republiku-srpsku/a-59335298>
- 59** “Vlada RS krenula protiv Zolaka / Podnijeli krivičnu prijavu: Iznosio je sve osim istine,” Oslobođenje, 15 October 2021, <https://www.oslobodjenje.ba/vijesti/bih/vlada-rs-krenula-protiv-zolaka-...>
- 60** D.Be., “Šef kluba DNS-a: Vlast u RS-u osniva agenciju za lijekove kako bi prikrila svoj kriminal,” Klix.ba, 20 October 2021, <https://www.klix.ba/vijesti/sef-kluba-dns-a-vlast-u-rs-u-osniva-agencij-...>
- 61** “Bosnia’s intelligence chief arrested over fraud allegations,” Al Jazeera, 14 July 2021, <https://www.aljazeera.com/news/2021/7/14/bosnias-intelligence-chief-arr...>
- 62** D.Be., “Odbijen prijedlog Tužilaštva BiH, direktor OSA-e branit će se sa slob,” Klix.ba, 13 September 2021, [https://www.klix.ba/vijesti/bih/odbijen-prijedlog-tuzilastva-bih-direkt...](https://www.klix.ba/vijesti/bih/odbijen-prijedlog-tuzilastva-bih-direkt-...)
- 63** “BiH secret service: OSA head and Chief Prosecutor meeting recorded illegally,” N1, 17 September 2021, [https://ba.n1info.com/english/news/bih-secret-service-osa-head-and-chie...](https://ba.n1info.com/english/news/bih-secret-service-osa-head-and-chie-...)
- 64** “Bosnian Minister Faces Corruption Charges Over Weapons Sale,” RFE/RL, 8 December 2021, <https://www.rferl.org/a/bosnia-minister-corruption-weapons/31600208.html>

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