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Country:

Bosnia and Herzegovina

Year:

2015

FIW Status:

PF

PR Rating:

4

CL Rating:

3

Aggregate Score:

60

Combined Freedom Score:

3.5

Overview:

Bosnia and Herzegovina (BiH)'s entrenched nationalist parties—the Party of Democratic Action (SDA), the Croatian Democratic Union of Bosnia and Herzegovina (HDZ-BiH), and the Serb Democratic Party (SDS)—prevailed in October 2014 general elections, underlining the continued ethnic division in Bosnian politics. Organization for Security and Co-operation in Europe (OSCE) monitors assessed the polls as competitive, but a low turnout rate of 54 percent underlined voters' disillusionment.

The elections came in a year marked by widespread antigovernment protests in February and heavy damages caused by flooding in May. As a result of the mass outpouring of dissent in February, the European Union (EU) announced that it would shift its efforts in BiH toward encouraging economic and judicial reforms.

Ratings Change:

Bosnia and Herzegovina's political rights rating declined from 3 to 4 because the government largely ignored a significant civic movement protesting corruption and calling for reforms in early 2014, and proved generally unresponsive to the population's concerns.

Political Rights and Civil Liberties:

Political Rights: 23 / 40 (-1) [Key]**A. Electoral Process: 8 / 12**

The 1995 Dayton Accords that ended BiH's civil war created a loosely knit nation composed of two states, or entities—the Federation, whose citizens are mainly Bosniak and Croat, and the largely Serb Republika Srpska—that operate under a weak central government. The role of head of state is fulfilled by a three-member presidency comprising one Bosniak, one Serb, and one Croat; each is elected to a four-year term, which the three presidents serve concurrently.

The Parliamentary Assembly, a state-level body, has two chambers. 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 representatives from the Federation and 14 to representatives from the Republika Srpska. The House of Representatives elects the head of the council of ministers (equivalent to the prime minister), who leads the state-level government. The Federation and the Republika Srpska have their own presidents, parliaments, and other governing bodies, which are responsible for policymaking on the entity level. Many political posts are awarded under a population-based ethnic quota system prescribed by the Dayton Accords.

Recent elections were deemed generally free and fair. The SDA, the HDZ-BiH, and the SDS dominated the October 2014 general elections, underlining ethnic divisions in Bosnian politics. The SDA took 10 of the 28 seats allotted to the Federation in the House of Representatives. The vote to fill the 14 seats allotted to the Republika Srpska was largely split between the Alliance of Independent Social Democrats (SNSD), which won 6 seats, and the SDS, which took 5. Denis Zvizdić of the SDA was appointed in December as head of the Council of Ministers. Mladen Ivanić of the Party of Democratic Progress (PDP), Dragan Čović of the HDZ-BiH, and Bakir Izetbegović of the SDA were respectively elected to the Bosnian Serb, Bosnian Croat, and Bosniak seats of the tripartite presidency.

The SDA and HDZ-BiH were the primary winners in concurrent elections to the Federation's parliament. A governing coalition had yet to emerge at the year's end. The SNSD won a plurality in elections to the Republika Srpska's parliament. In December, the body confirmed a four-party coalition government led by returning prime minister Željka Cvijanović of the SNSD. Milorad Dodik, a Bosnian Serb leader known for his separatist rhetoric, returned as the entity's president.

B. Political Pluralism and Participation: 10 / 16

Political parties typically organize and operate freely, though the political arena in the Federation is generally limited to Bosniaks and Croats, while Serbs dominate politics in the Republika Srpska. Coalitions at all levels of government shift frequently.

The Office of the High Representative (OHR), which was created by the Dayton Accords, operates under the auspices of the United Nations and has the authority to remove elected officials if they are deemed to be obstructing the peace process. In recent years, the OHR

has been reluctant to intervene in the country's politics. Additionally, under the Dayton Accords, representatives from each of the three major ethnic groups, at both state and entity levels, may exercise a veto on legislation deemed harmful to their interests. As a result, Bosniaks, Serbs, and Croats must agree on major legislation before it can advance. Such consensus is rarely reached.

Citizens who do not identify as Bosniak, Bosnian Serb, or Bosnian Croat are ineligible to run for the state-level presidency or serve in the House of Peoples. BiH's leaders have not enacted reforms addressing the 2009 Sejdić-Finci ruling at the European Court of Human Rights (ECHR), which ordered that this exclusion be rescinded. The EU in its 2014 progress report for BiH stressed the persisting need to take action in this area.

C. Functioning of Government: 5 / 12 (-1)

The country's complex institutional framework provides many avenues for corrupt behavior among politicians, and corruption remains a serious problem. Enforcement of legislation designed to combat corruption is weak due to the lack of strong and independent anticorruption agencies and a dearth of political will to address the issue. When corruption probes are actually opened, they rarely result in convictions. A small victory in the fight against corruption was registered in June 2014, when the House of Peoples passed an EU-backed money-laundering law that had already been approved by the lower house. In the Federation, the entity-level parliament approved a set of laws in June mandating the establishment of two new offices dedicated to fighting corruption and organized crime, though how effective the new agencies will be remains to be seen.

In May, heavy rains gave way to significant flooding that killed more than a dozen people and inflicted massive property damage in BiH. Government officials faced criticism for a slow official response to the disaster. There has been widespread suspicion that government officials and civil servants were involved in the embezzlement of aid donations.

The antigovernment protests in 2014 were accompanied by the organization of numerous municipal plenums at which citizens met to discuss their grievances and to demand anticorruption investigations and the resignations of corrupt officials. Activity by the plenums, which drew support from members of all three of BiH's major ethnic groups, precipitated the resignation of the heads of four cantons in the Federation and of the head of the national Directorate for Police Coordination. However, government officials largely refused to engage with the plenums, and the movement eventually lost momentum without forcing major reforms or resignations at senior levels of government.

Civil Liberties: 37 / 60

D. Freedom of Expression and Belief: 10 / 16

The constitution and the human rights annex to the Dayton Accords provide for freedom of the press, but this right is not always respected in practice. While a large number of independent broadcast and print outlets operate, they tend to appeal to narrow ethnic audiences, and most neglect substantive or investigative reporting. Due to political

squabbling, the current director of the country's Communications Regulatory Agency has been in power for 10 years, even though the term limit for the position is four years. The public broadcaster, BiH Radio Television (BHRT), which targets multiethnic audiences, has faced growing political pressure in recent years. In January 2014, Sinan Alić, a former journalist whose work had focused on war crimes, was attacked while walking his dog and was hospitalized with head injuries; Alić said he had received threatening text messages in the previous months. There were numerous reports of police employing excessive force against journalists covering the antigovernment protests that erupted in early 2014. Police in December, acting on a court order, raided the offices of the news website Klix.ba after it had publicized recordings of a phone conversation that appeared to implicate Bosnian Serb politicians in a bribery scheme. Computers and other equipment belonging to the organization were confiscated.

Citizens enjoy freedom of religion, but only in areas where their particular ethnic group represents a majority. Acts of vandalism against holy sites of all three major faiths have been reported in recent years. Members of BiH's Muslim community reported several attacks against Muslims in the Bosnian Serb-dominated town of Zvornik in 2014. Police also arrested several Muslims suspected of assisting Islamic extremists in Iraq and Syria. Some remained in custody at the year's end, though no subsequent convictions have been reported.

While the authorities do not restrict academic freedom at institutions of higher education, academic appointments are heavily politicized, with ethnic favoritism playing a significant role. Primary and secondary school curricula are also politicized. Depending on their ethnicity, children use textbooks printed in Croatia, Serbia, or Sarajevo. At some schools in the Federation, Bosniak and Croat students are divided into classes on the basis of their ethnicity, meeting in segregated classrooms despite attending school in the same building. In November 2014, the Federation's Supreme Court ruled that these divisions are discriminatory. It remains to be seen whether such schools will change their practices accordingly.

E. Associational and Organizational Rights: 7 / 12

The constitution provides for freedoms of assembly and association. While the various levels of government generally respect these rights in practice, security forces employed excessive force against demonstrators in 2014. In February, protests erupted in more than 20 cities throughout the country, drawing participants frustrated by widespread corruption and interethnic squabbling within senior levels of government that for years have prevented officials from addressing a deteriorating economy. Hundreds of people were wounded amid clashes between demonstrators and police, and a number of government buildings were heavily damaged by vandals. Separately, nongovernmental organizations—particularly those that are critical of the authorities—have faced intimidation.

While no legal restrictions on the right of workers to form and join labor unions exist, discrimination against union members is common. Unemployment in BiH is among the highest in Europe, and many workers have reportedly declined to file anti-union-related complaints with labor inspectors for fear of losing their jobs. However, courts in both the Federation and Republika Srpska frequently rule in favor of workers when faced with such cases.

F. Rule of Law: 10 / 16

The judiciary remains susceptible to influence by nationalist political parties and faces pressure from the executive branch. The lack of a single, supreme judicial body and the existence of four separate court systems—for the central state, Republika Srpska, the Federation, and the self-governing Brčko district—contribute to overall inefficiency. The country has made some efforts to reduce its case backlog, but the number of cases pending in the court system remains high. The police do not always fully inform people of their rights upon arrest, and witness protection programs are not always available to those who need them. Prisons are overcrowded and prisoners sometimes face abuse.

The state court—which handles organized crime, war crimes, corruption, and terrorism cases—has made progress on adjudicating cases. A number of people convicted of war crimes have seen the constitutional court overturn their convictions in legal proceedings that came in response to a 2013 ECHR ruling that the 2003 criminal code, which has heavier penalties for war crimes than the preceding 1976 code, cannot be retroactively applied. Many similar cases remain in the courts. Results of the 2013 census, whose release has been delayed, are expected to formally display the extent of wartime ethnic cleansing.

Members of the LGBT (lesbian, gay, bisexual, and transgender) community face discrimination and occasional physical attacks, as well as harassment in the country's media. In February 2014, around 10 masked assailants burst into an LGBT film festival in Sarajevo and attacked panel speakers addressing a crowd. While two arrests followed, organizers complained that police had failed to respond after festival staff had reported receiving threats earlier in the day. Entity-level laws do not protect LGBT people from discrimination. While national laws do offer such protection, these measures are often disregarded.

G. Personal Autonomy and Individual Rights: 10 / 16

The law protects freedom of movement. Some issues surrounding the return of people displaced during the civil war persist, but few refugees are now attempting to return to their homes.

Unemployment hovers at around 44 percent, though there is a large informal economy. Outdated labor regulations discourage growth, and government gridlock prevents the implementation of economic reforms. Individuals face discrimination in employment, housing, and social services in regions that are not dominated by their own ethnic group.

Women are legally entitled to full equality with men but are underrepresented in politics and government and face discrimination in the workplace. Sexual harassment remains problematic. Police are largely unresponsive to violent domestic disputes, particularly in rural areas. According to the U.S. State Department, BiH is a source, destination, and transit country for men, women, and children trafficked for the purpose of prostitution and forced labor. Roma children are particularly susceptible.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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