



FREEDOM IN THE WORLD 2020

Bosnia and Herzegovina

PARTLY FREE

53

/100

<u>Political Rights</u>	19 /40
<u>Civil Liberties</u>	34 /60

LAST YEAR'S SCORE & STATUS

53 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



TOP

Overview

Bosnia and Herzegovina (BiH) is a highly decentralized parliamentary republic whose complex constitutional regime is embedded in the Dayton Peace Agreement, which ended the 1992–95 Bosnian War. Political affairs are characterized by severe partisan gridlock among nationalist leaders from the country’s Bosniak, Serb, and Croat communities. Corruption remains a serious problem.

Key Developments in 2019

- In April, the government of the Serb-majority Republika Srpska (RS), one of BiH’s two main constituent entities, unveiled plans to create an auxiliary police force. The move triggered a political crisis, as it was perceived by many in the Federation of BiH—the country’s other main entity—and the international community as part of an attempt to paramilitarize and politicize law enforcement bodies in the RS.
- In September, BiH held its first LGBT+ pride march in Sarajevo. While there was a degree of opposition among local conservative groups, as well as a counterdemonstration on the same day, the event itself proceeded peacefully.
- In December, more than a year after the country’s 2018 general elections, a new central government was finally formed and approved by the parliament. The Federation and a number of its cantons had yet to form governments at year’s end.

Political Rights

A. Electoral Process

TOP

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

2/4

The 1995 Dayton Accords that ended the civil war in BiH created a loosely knit state composed of two entities—the Federation, whose residents are mainly Bosniak and Croat, and the Serb-dominated RS—that operate under a weak central government. The position of head of state is held by a three-member presidency comprising one Bosniak, one Serb, and one Croat; they are each elected to a four-year term, which they serve concurrently.

The chair of the Council of Ministers, or prime minister, is nominated by the presidency and approved by the House of Representatives. The chair in turn nominates other ministers for approval by the House.

The October 2018 elections were once again led by the country's three entrenched nationalist blocs: the Bosniak nationalist Party of Democratic Action (SDA), the Croat nationalist Croatian Democratic Union (HDZ-BiH), and the Serb nationalist Alliance of Independent Social Democrats (SNSD). Milorad Dodik of the SNSD, the longtime president of the RS entity, won the Serb seat in BiH's state presidency, and Šefik Džaferović of the SDA won the Bosniak seat. However, Željko Komšić of the center-left Democratic Front party decisively defeated the HDZ-BiH incumbent for the Croat seat of the presidency.

International observers raised serious concerns about the integrity of the elections. Among other problems, more than 450,000 ballots, about 7 percent of those cast, were disqualified by the Central Electoral Commission (CIK), fueling suspicions of potential voter fraud.

In December 2018, five parties from across the political spectrum formed a coalition without the SDA in the Sarajevo Canton, and the SNSD formed another government in the RS, with Radovan Višković replacing Željka Cvijanović, now the entity president, as prime minister. While the Federation and a number of cantons had yet to form their governments at the end of 2019, a new state-level central government was finally formed and approved in December, more than a year after the elections. **TOP** an Tegeltija of the SNSD became prime minister; the HDZ, the SDA, and two smaller SDA allies also received cabinet posts.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

2/4

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 RS 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 RS.

The SDA, HDZ-BiH, and SNSD dominated the 2018 general elections, capturing nine, five, and six seats in the highly fragmented House of Representatives and many other legislative posts at the entity, canton, and municipal levels. However, they faced stiff competition from other parties, particularly the Social Democratic Party, which took five House of Representatives seats, and the left-wing Democratic Front–Civic Alliance, which won three. Nine smaller parties also won representation at the state level. Election monitors noted significant irregularities and a decline in overall quality as compared with prior polls. Turnout was down slightly, at about 53 percent.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

2/4

Under BiH's constitutional regime, the CIK administers elections with the help of municipal election commissions. Both are subject to significant political party interference. The CIK is a largely ineffectual body, unable to act decisively without political support.

Conflicts over fair ethnic representation continue to surround aspects of the constitution and electoral laws. For example, BiH citizens who do not identify as members of the country's Bosniak, Serb, or Croat "constitutive peoples" remain barred from the presidency and membership in the House of Peoples, despite 2009 and 2016 rulings by the European Court of Human Rights that the exclusion of

TOP

members of other ethnic groups violated the European Convention on Human Rights. The Federation's upper house, also known as the House of Peoples, was not fully seated until several months after the 2018 elections due to a legal dispute over its system of ethnic seat allocations. The dispute also held up the formation of the state-level House of Peoples, whose members are appointed by the entity legislatures. Separately, the city of Mostar has not held municipal elections since 2008 due to an unresolved legal dispute over the allocation of city council seats between Croats and Bosniaks.

B. Political Pluralism and Participation

B1 0-4 pts

<p>Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?</p>	<p>3/4</p>
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Political parties typically organize and operate freely, though the political arena in the Federation is generally limited to Bosniaks and Croats, while Serbs control politics in the RS. Coalitions at all levels of government shift frequently, but incumbent parties maintain their positions with the help of vast patronage networks, making it difficult for smaller reform-oriented forces to achieve meaningful breakthroughs.

B2 0-4 pts

<p>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</p>	<p>TOP</p>
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There are no explicit legal barriers preventing opposition parties from entering government, but expansive veto powers granted to the constitutive peoples and their representatives have helped the dominant nationalist parties to manipulate the

system and shut out reformist and multiethnic challengers. This is particularly apparent in the RS, where the SNSD has maintained a tight grip on power for more than a decade. The pattern was largely reinforced in the 2018 elections, despite the HDZ-BiH's defeat in the contest for the Croat seat of the state presidency. A reform-oriented coalition government headed by the antinationalist Naša Stranka (Our Party) took office in the Sarajevo Canton, but in December 2019 a bloc led by the SDA began the process of toppling the cantonal government.

B3 0-4 pts

<p>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</p>	<p>2/4</p>
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In addition to domestic problems like the politicization of public resources and the influence of corrupt patronage networks, certain foreign powers wield outside influence in the Bosnian political sphere. Serbia and Croatia exert leverage through their respective local allies, the SNSD and the HDZ-BiH. Russia and Turkey have also offered support to preferred parties and candidates.

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, however, the OHR has been reluctant to intervene in the country's politics.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>TOP</p>
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Political rights in BiH are in large part contingent on one's ethnic background and place of residence. Ethnic minorities including Jews and Roma are constitutionally barred from the presidency and from membership in the House of Peoples, despite

the European Court of Human Rights rulings against those provisions. Serbs who live in the Federation and Croats and Bosniaks who live in the RS are also excluded from the presidency. Some Croats argue that their rights to representation are violated by electoral laws allowing non-Croats a significant voice in the selection of the Croat member of the presidency and Croat members of the House of Peoples. Women are underrepresented in politics and government. Nine women won seats in the House of Representatives in 2018.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	2/4
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Government formation and policy implementation are seriously impeded by the country's complex system of ethnic representation. Under the Dayton Accords, representatives from each of the three major ethnic groups, at both the state and entity levels, may exercise a veto on legislation deemed harmful to their interests. The 14-month delay in the formation of the state-level government after the 2018 elections, and the ongoing deadlock in the Federation and some cantons at year's end in 2019, underscored the severity of the problem.

The state government is also undercut by movements within each of BiH's entities for greater autonomy. In the RS, the hard-line SNSD government has deepened its security ties with Russia. Evidence emerged in 2018 that Dodik had hosted Russian-trained paramilitaries from Serbia—who were said to be establishing a paramilitary unit within the RS—in the entity's presidential palace. Follow-up reports found a sharp increase in the RS government's procurement of arms, which the OHR characterized as a push to militarize the entity's police force. In April 2019, Dodik **TOP** announced plans to form an auxiliary police force in the RS. The move triggered a cascade of similar efforts by individual cantonal governments in the Federation, and

by the Federation government itself. After international mediation, Dodik opted instead to form a gendarmerie unit in September.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	1/4
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Corruption remains widespread and systemic, and legislation designed to combat the problem is poorly enforced. When corruption probes are actually opened, they rarely result in convictions. In 2017, Transparency International BiH said it had noted a significant decline in the efficiency of corruption adjudication in the country over the last eight years. The relatively few cases filed in 2019 focused mostly on low-level officials and minor offenses. One major scandal during the year involved a video recording that allegedly implicated the president of BiH's High Judicial and Prosecutorial Council (HJPC) in bribe taking; the council's disciplinary commission, in which HJPC members review the conduct of fellow members, dropped the complaint in June.

C3 0-4 pts

Does the government operate with openness and transparency?	1/4
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Government operations remain largely inaccessible to the public. Procurement awards are often made in secret and, according to a 2017 report published by Mediacentar Sarajevo, a local nongovernmental organization (NGO), most public institutions do not comply with BiH's legal requirements related to freedom of information. Candidates for major offices are obliged to make financial disclosures, but the relevant laws do not meet international standards, and the resulting disclosures are considered unreliable. Debate and decisions on matters of great **TOP** public interest, including legislation and subjects pertaining to European Union accession, routinely occur during interparty negotiations that take place behind closed doors, outside of government institutions.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4
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Freedom of expression is legally guaranteed but limited in practice. Journalists face political pressure as well as harassment, threats, and assaults in the course of their work. There is a large private media sector, including outlets that are affiliated with local political parties and those that belong to major international news networks. Public broadcasters in both entities, and at the canton level, often operate as partisan platforms; this is especially pronounced with the entity broadcaster in the RS, RTRS, whose coverage serves the interests of the SNSD.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	3/4
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Religious freedom is not subject to formal restrictions, but in practice religious communities face some discrimination in areas where they constitute a minority. Acts of vandalism against religious sites continue to be reported.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	TOP 2/4
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The education system is racked by corruption and clientelism, and the curriculum is politicized at all levels of education. There is evidence of political interference in the operation of university student groups, in particular by the SDA at the University of Sarajevo. At some schools in the Federation, Bosniak and Croat students are divided into separate classes on the basis of their ethnicity. Some Bosniak returnees in the RS have sent their children to temporary alternative schools to avoid curriculums they call discriminatory, and some Serb families have described discriminatory educational environments in the Federation.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

Freedom of expression for individuals is generally protected from overt government interference. However, peer pressure and the risk of an adverse public reaction remain significant curbs on the discussion of sensitive topics. The news media often report on “controversial” social media posts by members of the public.

Conditions are more repressive in the RS than in the rest of BiH. In April 2019, businessman Slaviša Krunić, a prominent critic of the RS government, was ambushed and killed near Banja Luka. Three suspects were formally charged with carrying out the murder in December, but little was publicly known about the motives or potential organizers behind the crime. Krunić’s killing was only the most dramatic in a spate of assaults and threats against critics of Dodik and his government in recent years.

E. Associational and Organizational Rights

TOP

E1 0-4 pts

Is there freedom of assembly?

3/4

Freedom of assembly is generally respected in BiH, and peaceful protests are common. However, demonstrators sometimes encounter administrative obstacles or police violence. In 2018, persistent and often large-scale protests followed the unexplained death—and presumed murder—that March of David Dragičević, a 21-year-old Banja Luka resident whose case touched on broader concerns about policing and the rule of law in the RS. Dragičević’s father and opposition leaders accused the RS police, prosecutor’s office, and political leadership of either playing a role in or covering up his son’s death. In 2019, RS police continued to ban and disperse “Justice for David” protests, and dozens of past participants were charged with disturbing public order; Dragičević’s father fled to Austria, and his mother, who resides there, was facing trial in the RS on protest-related charges at year’s end.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

2/4

The NGO sector in BiH remains robust but is sometimes exposed to government pressure and interference, with more difficult conditions in the RS. There have been reports of prolonged tax investigations of NGOs by the RS government. Many organizations rely on government funding, posing a potential conflict if they seek to criticize the authorities. In 2018, a proposed RS law that would have placed restrictions on foreign donations to NGOs was withdrawn in the face of organized objections from civil society.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

2/4

Labor unions operate freely in the whole of BiH, although workers often have limited bargaining power in practice. The right to strike is legally protected, but labor law in the Federation erects significant barriers to the exercise of this right. Legal protections against antiunion action by employers are weakly enforced. The leading

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political blocs in the country exercise significant control over unions in their respective strongholds.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	1/4
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The judiciary is formally independent, but weak in practice, and the Constitutional Court continues to face challenges from the SNSD and HDZ-BiH in particular. Dozens of Constitutional Court decisions have been disregarded by political leaders, as has some jurisprudence from the European Court of Human Rights. Individual judges are also subject to political pressure, interference, and intimidation regarding the cases before them. The 2019 corruption scandal surrounding the HJPC, which appoints and supervises judges, raised further concerns about judicial independence.

The existence of four separate court systems—for the central state, the RS, the Federation, and the self-governing Brčko district—contributes to overall inefficiency.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	2/4
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Guarantees of due process are inconsistently upheld, with judges often failing to manage trials effectively and contributing to extensive delays. Access to adequate legal counsel can be contingent on one's financial standing. Police corruption is a problem and sometimes stems from links to organized crime. Public prosecutors are widely reputed to be corrupt and under political control. **TOP**

The process of prosecuting war crimes in domestic courts has been slow, with political interference and courts' lack of resources and capacity exacerbating a large

backlog of cases. Despite efforts to reinvigorate the process, impunity for war crimes including killings and sexual violence has persisted.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	2/4
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Although overall violent crime rates are not unusually high for the region, organized crime is a significant problem, and high-profile incidents in recent years have fueled public frustration with the police and judicial system. Harassment by police remains routine for vulnerable groups, which now includes a significant number of migrants. Many prisons are overcrowded or feature other substandard conditions, and detainees are subject to physical abuse by prison authorities.

Active land mines dating to the 1990s continue to pose a threat to civilians. The recent reports of paramilitary activity and rearmament by politically controlled police units have raised concerns about the possibility of renewed conflict.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	2/4
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Discrimination against minorities is illegal but nevertheless widespread, particularly against members of the Romany minority. Bosniaks and Croats in the RS experience difficulties accessing social services. People who returned to their homes after being displaced during the war face discrimination in employment and housing in regions where their ethnic group constitutes a minority. Women are legally entitled to full equality with men but encounter discrimination in the workplace in practice.

TOP

Members of the LGBT+ community face discrimination, harassment, and occasional physical attacks, and authorities often fail to adequately investigate and prosecute crimes against LGBT+ people. However, in September 2019 the country held its first LGBT+ pride parade. The Sarajevo event, supported by a large coalition of civil

society groups as well as members of the international community, proceeded peacefully despite opposition and counterdemonstrations by religious, conservative, and nationalist groups.

More than 50,000 migrants and asylum seekers arrived in the country during 2018 and 2019, marking a sharp increase from previous years. While the vast majority traveled on to other locations, some 8,000 remained stranded in BiH as of late 2019. Most lacked accommodation and basic services while in the country, as the authorities' limited capacity to provide for them was overwhelmed. Conditions in the migrant camps remained extremely poor at the end of 2019, and incidents of violence between migrants and local community members have increased, including at least one reported murder of a migrant in the Herzegovina region in October. In December, after widespread criticism of conditions in the squalid Vučjak migrant camp in northwestern Bosnia, hundreds of camp residents were moved to facilities near Sarajevo.

G. Personal Autonomy and Individual Rights

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

The law protects freedom of movement, and this right is generally upheld in practice. Land mines limit movement in some areas. Corruption and bureaucratic obstacles can hamper people's ability to change their formal residency or place of employment.

G2 0-4 pts

<p>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</p>	<p>20</p>
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Although the legal framework broadly supports property rights and private business activity, widespread corruption and patronage remain major barriers to free enterprise. There is no comprehensive legislation on restitution of property seized during and after World War II, and individuals who returned to their homes after being displaced by the 1992–95 war have faced attacks on their property. The European Commission has called for further progress on compensating people for property that cannot be returned.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individual freedom on personal status matters such as marriage and divorce is generally protected. Same-sex marriage is not recognized, though as of 2019 the Federation government was considering ways to regulate such partnerships. Child marriage is relatively common in Romany communities.

Domestic violence remains a serious concern despite some government efforts to combat it. Incidents of abuse are believed to be considerably underreported, and civic groups have found that law enforcement authorities are often reluctant to intervene or impose strong penalties.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Legal protections against exploitative working conditions are poorly enforced, and workers in some industries face hazardous conditions. Patronage and clientelism continue to adversely affect hiring practices and contribute to de facto restrictions on economic opportunity.

TOP

According to the US State Department's 2019 *Trafficking in Persons Report*, both Bosnian and foreign adults and children are subject to trafficking for the purposes of sexual exploitation and forced labor in BiH, with Romany children particularly

vulnerable to forced begging and forced marriages that amount to domestic servitude. The report found that the government was making efforts toward prosecuting perpetrators, protecting victims, and preventing trafficking, though its efforts in the second area decreased somewhat during the coverage period.



On Bosnia and Herzegovina

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Global Freedom Score

53/100 Partly Free

Other Years

2019

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GENERAL INQUIRIES

1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

info@freedomhouse.org

PRESS & MEDIA

press@freedomhouse.org

@2020 FreedomHouse

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