

Bosnia-Herzegovina

by Dino Jahić

Capital: Sarajevo
Population: 3.8 million
GNI/capita, PPP: US\$9,650

Source: The data above are drawn from the World Bank's *World Development Indicators 2014*.

Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	3.25	3.00	3.00	3.00	3.00	3.25	3.25	3.25	3.25	3.25
Civil Society	3.75	3.75	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
Independent Media	4.00	4.00	4.00	4.25	4.50	4.50	4.75	4.75	4.75	4.75
National Democratic Governance	4.75	4.75	4.75	5.00	5.00	5.25	5.25	5.50	5.50	5.75
Local Democratic Governance	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75
Judicial Framework and Independence	4.25	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25
Corruption	4.50	4.25	4.25	4.25	4.50	4.50	4.50	4.50	4.75	4.75
Democracy Score	4.18	4.07	4.04	4.11	4.18	4.25	4.32	4.36	4.39	4.43

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

A longstanding political crisis continued to paralyze state-level governance in Bosnia and Herzegovina (BiH) in 2013. Crucial reforms stalled while the economy floundered, prompting European Union (EU) officials to cut down on funding and suspend discussion of future grants.

The country's first population census since 1991 was conducted in October, after years of delay. Full census results, which the government says will be published no sooner than the end of 2014, may trigger changes in the electoral process and the representation of different ethnicities in state- and entity-level institutions.

Discrimination against minorities and segregation in some schools persists. The year saw no major achievements in anticorruption efforts, hampered in part by a highly politicized judiciary. In June, the public pushed back against negligent state-level governance with a series of protests over legislative delays that prevented newborns from receiving identification documents.

National Democratic Governance. Politicians in BiH remain unwilling or unable to compromise for the sake of achieving short- or long-term goals, even the ones they claim to share. All year, personal and interparty disputes sidelined important economic and social questions. Even the completion of the 2013 population census—Bosnia's first since 1991, and an important milestone—was deeply politicized and partly marred by accusations of irregularities. Unfulfilled promises to the EU prompted significant funding cuts. As BiH politicians fail to reach consensus on key issues and jeopardize their country's progress towards EU membership, *BiH's national democratic governance rating declines from 5.50 to 5.75.*

Electoral Process. Campaigning for the 2014 general elections began in 2013. Legislators failed to adopt two key electoral amendments based on recent Constitutional Court rulings and proved unable to agree on changes to voting and vote counting procedures. The EU may not recognize the 2014 election results because leaders failed to amend the constitution in line with a 2009 European Court of Human Rights (ECHR) verdict on protecting minority rights. *BiH's electoral process rating remains unchanged at 3.25.*

Civil Society. When stalled legislation threatened the lives of newborn infants, protests erupted in Sarajevo over the political infighting that has hijacked the country for years. The demonstrations spread to other cities and towns but never grew into a nationwide antigovernment movement. Though active, nongovernmental

organizations (NGOs) struggle financially, depending on funding from local governments and international donors, and have little influence over political decision-making. The education system remains ethnically divided. *BiH's civil society rating remains unchanged at 3.50.*

Independent Media. The media market is overcrowded and divided along ethnic, entity, and political lines. Journalism education and training are weak, resulting in low standards that make it easy for political elites to manipulate coverage. Though most media struggle financially, 2013 saw the proposal of a new public broadcaster. The changeover from analog to digital is behind schedule. *BiH's independent media rating remains unchanged at 4.75.*

Local Democratic Governance. The year saw efforts to strengthen local self-governance through new legislation to clarify the role of municipal authorities. However, local administrations remain financially and politically dependent on entity and state-level governing bodies. Launched in January, an internationally backed effort to reform the Federation of Bosnia and Herzegovina (FBiH) constitution led to several proposals for streamlining the entity's notoriously complex governance structure. None were implemented by year's end. *BiH's local democratic governance rating remains unchanged at 4.75.*

Judicial Framework and Independence. The EU "Structured Dialogue on Justice," a key reform process aimed at increasing judicial independence, efficiency, and accountability, continued in 2013. Several changes are under discussion, including a new state appellate court, but the dialogue has yielded few concrete results, and politicians continue to propose changes outside the talks. Case backlogs remain high. Some war crimes cases must be retried under a Yugoslav-era criminal code following a July ECHR ruling. Public trust in the judiciary is low, partly because politicians rarely face justice for corruption and other crimes. *BiH's judicial framework and independence rating remains unchanged at 4.25.*

Corruption. There were no significant anticorruption achievements in 2013. The international community and NGOs still do more to fight graft and misconduct than local officials. Abuse-of-office investigations were launched against FBiH President Živko Budimir and FBiH Deputy Prime Minister Jerko Ivanković Lijanović, but there is broad concern that the charges are political. Anti-corruption legislation remains weak, and implementation of the Strategy for the Fight Against Corruption is behind schedule. Organized crime and weapons trafficking are key problems. *BiH's corruption rating remains unchanged at 4.75.*

Outlook for 2014. Before the 2014 general elections, BiH politicians will probably make key legislative changes necessary to conduct the polls, but implementation of the 2009 ECHR ruling is doubtful. Campaigning will dominate the political stage while key budgetary, social, and other challenges languish. Governments at all levels

face high deficits, loans are coming due, and the suspension of talks on EU assistance funding will further strain public finances. Strikes and public demonstrations are likely, due to persistent high unemployment, among other economic concerns. BiH will continue to miss EU accession deadlines while political and economic reforms flounder.

MAIN REPORT

National Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4.75	4.75	4.75	5.00	5.00	5.25	5.25	5.50	5.50	5.75

Eighteen years since the end of the Bosnian War, the two-entity federation of Bosnia and Herzegovina (BiH) remains fragile and politically dysfunctional. Throughout 2013, an on-again, off-again political stalemate prevented effective governance at the national level and impeded progress toward European Union (EU) and NATO membership goals. Personal disputes dominated politics and public discourse, overshadowing important social and economic questions.

Under the constitution, which was written as part of the 1995 Dayton Peace Agreement (DPA), BiH is divided into largely autonomous administrative units, making it difficult to implement nationwide reforms. BiH operates under international supervision as an asymmetrical federation between the centralized, Serb-dominated Republika Srpska (RS); the Federation of Bosnia and Herzegovina (FBiH), which is divided into 10 cantons with Bosniak or Croat majorities; and Brčko District, a separate administrative unit in the northeast with its own governing institutions. The stability of BiH remains dependent on the Office of the High Representative (OHR), which is responsible for the civilian implementation of the DPA, and the European Union (EU) Delegation to BiH, which guides the country towards EU accession. The EU Delegation is increasingly influential and is slowly taking a leading role in talks with local politicians.

BiH's complex political system includes a rotating, tripartite presidency with one Bosniak, one Serb, and one Croat representative. The Council of Ministers operates as a state-level government with nine ministries but does not administer certain key policy areas such as industry, education, or culture. The Parliamentary Assembly of BiH comprises two houses: the House of Representatives and the House of Peoples, each representing two entities and three dominant ethnicities. Both entities have their own governments and parliaments. Each canton in FBiH has a government and a parliament.

Mirroring the behavior of their FBiH counterparts the previous year, politicians in the RS entity also reshuffled government positions and changed coalition partners in 2013. The government led by Prime Minister Aleksandar Džombić resigned in late February, acting on instructions from RS President Milorad Dodik, who is also the leader of Džombić's Alliance of Independent Social Democrats (SNSD) party. The outgoing prime minister said his cabinet had proved unable to effectively combat the global financial crisis and high unemployment rate.¹ Replacements were appointed about 15 days later, with Željka Cvijanović becoming the first woman to lead an RS government. The move proved largely cosmetic, resulting in no significant policy changes during the year.

Conflicts between RS parties affected the makeup and functioning of state-level governing bodies, as well. In September, the SNSD broke off its coalition with the Serb Democratic Party (SDS), saying the latter had violated the terms of the coalition agreement. In a power grab, President Dodik dismissed SDS members from the BiH Council of Ministers, resulting in the replacement of BiH Minister of Foreign Trade and Economics Mirko Šarović in October, as well as two SDS deputy ministers; an additional member of their party, Ognjen Tadić, was dismissed from his post as president of the House of Peoples in November.

Throughout the year, interparty conflicts also paralyzed governing institutions in the FBiH. Having broken its coalition with the Party of Democratic Action (SDA) in 2012, the Social Democratic Party (SDP) formed a new partnership with the Alliance for a Better Future (SBB) and two Croat Democratic Union parties, HDZ and HDZ 1990. This coalition was unstable from the beginning and, as the year came to an end, it became clear that another reshuffle was imminent. In December, SBB President Fahrudin Radončić announced that his party was leaving the coalition.² In February, the House of Representatives of the FBiH parliament attempted to dissolve the FBiH government through a vote of no confidence, continuing efforts to eject ministers from the SDA and two smaller Croat parties—the People’s Party Work for Betterment (NSRzB) and the Croat Party of Justice (HSP). However, Bosniak delegates in the House of Peoples preempted the dissolution by initiating a so-called vital national interest protection procedure,³ landing the case before the FBiH Constitutional Court. At year’s end, no decision had been reached on this or two other challenged parliamentary decisions—the appointment of former FBiH vice-president and Court of BiH judge Sahbaz Dzihanović to the Constitutional Court of FBiH⁴ and the requested dissolution of the managing board of FBiH’s national broadcaster. All three decisions require approval by the Council for Vital National Interest Protection of the Constitutional Court but are blocked because the council is not operational. FBiH President Živko Budimir and FBiH Deputy Prime Minister Jerko Ivanković Lijanović have blocked the appointment of one of its members.⁵

While political leaders spent another year attempting to oust one another, efforts with regard to EU membership stagnated. The Center for Civic Initiatives (CCI), an organization that monitors the efficiency of governments and assemblies at all levels of power, noted in its October 2013 report that the ineffectiveness of the BiH Council of Ministers and Parliamentary Assembly make them an obstacle rather than an engine on the country’s road toward the EU.⁶ According to the report, in the first nine months of the year, state ministries achieved less than half of what they had each planned, while the Parliamentary Assembly did not adopt a single new law. By comparison, legislators in Montenegro adopted 55 laws during the same period, Serbia adopted 90, and Croatia adopted 235. The European Commission’s 2013 Progress Report notes that BiH is at a standstill in the European integration process, while other countries in the region are moving ahead.⁷

BiH and the EU signed a Stabilization and Association Agreement (SAA), a pre-accession instrument, in June 2008, but the SAA is not yet in force because of

unfulfilled commitments, including important constitutional changes. Currently, BiH's constitution limits representation in the tripartite state presidency and House of Peoples to Bosnia's three main ethnic groups—Croats, Serbs, and Bosniaks—effectively discriminating against Jews, Roma, and other minorities. In the 2009 *Sejdić-Finci* case, the European Court of Human Rights (ECHR) ruled that this stipulation violates the European Convention on Human Rights. In 2012, most influential BiH politicians agreed to reform the constitution in line with the court's ruling as part of a “roadmap” of deadlines and obligations BiH must meet on its way to EU accession. The other important component of the roadmap is the establishment of an effective coordination mechanism on EU matters between all levels of government. Lack of progress on both issues in 2013 prompted the EU to cut Instrument for Pre-accession Assistance (IPA) funding for projects ranging from judicial reform to demining by 54 percent, or €47 million.⁸ Discussions on a new IPA (2014–20) were put on hold. In December, the Prosecutor's Office of BiH launched an investigation to determine who is to blame for the failure to implement the *Sejdić-Finci* ruling and the resulting EU funding cut.⁹ RS President Dodik, meanwhile, said he had no regrets about losing the money because it was for the state—not entity—level government.¹⁰ In December, he reiterated that the RS aims to become independent.¹¹

BiH also failed to register immovable military property and place it under BiH the Defense Ministry's control—a key step toward full NATO membership.

The delay in passing the state-level Law on Single Reference Numbers epitomizes the increasingly dysfunctional nature of state-level governance in BiH. In May 2011, the state Constitutional Court ruled that the Law on Single Reference Number was not in tune with the Constitution since RS changed the names of some municipalities. The Court ordered the Parliamentary Assembly of BiH to update the law by February 2013, when the old version would expire. For two years, leaders were at loggerheads over the law that, among other things, enables newborns to obtain ID numbers so they can travel and receive public services such as health care. Bosniak, Croat, and Serb legislators could not agree on the assignment of ID numbers, particularly on an RS request that its citizens receive a separate set of numbers.¹²

The RS government adopted regulations on issuing ID numbers for that entity in May, but no measures were taken in FBiH. Public protests began in June after reports that a sick newborn could not travel abroad for urgent medical treatment because her parents could not get her a passport without an identification number. In response, the Council of Ministers adopted a motion allowing infants to acquire temporary IDs. Unsatisfied, thousands of Bosnians took to the streets on 6 June, blockading the Parliamentary Assembly. Bosnian Serb legislators used the protests as an excuse not to attend parliamentary sessions for a month,¹³ and parties from FBiH seemed equally happy to take a month off. The full version of the state-level Law on Single Reference Numbers was finally adopted in November. It defines nine registration areas divided by entity borders, as RS politicians have demanded from the beginning.¹⁴

Another longtime casualty of political gridlock has been the BiH state census. Until October 2013, the population data guiding many decisions within Bosnia's complex territorial and political structure were based on estimates and prewar (1991) statistics. Gridlock between political parties over the nature and use of population data—specifically as regards ethnicity and language—prevented a new census from being held for nearly two decades after the war. New survey data reflecting the demographic aftermath of the 1992–95 bloodshed could affect the formation (ethnic representation) of future governing structures—thus, all ethnicity-based political parties have a stake in the survey's outcome.

Bosnia's state statistical agency declared the 2013 census a success,¹⁵ though some reports cast doubt on the reliability of collected data. There were census takers who claimed that they had been offered money to falsify data;¹⁶ others were caught interviewing citizens in restaurants, rather than going door-to-door. Many people were left unlisted, while other households reported 20–30 members. Throughout the pre-census campaign, politicians urged Bosniaks, Serbs, and Croats living abroad to register in Bosnia to inflate headcounts.¹⁷ It was also discovered that census takers were storing both blank and completed census materials at their homes because storage spaces had not been prepared in time; this not only created opportunities for census fraud but also left personal data, such as ID numbers, unprotected.¹⁸ There were reports that some census materials were destroyed, while others inexplicably went missing, forcing the Agency for Statistics to print an additional 50,000 packets of material for use in the RS, mid-census.¹⁹ The census had to be repeated in some parts of the Srebrenica municipality after state border police discovered two attempts to transport blank census materials across the border—first from BiH to Serbia, and then from Serbia to BiH. Political power in Srebrenica, the site of a huge massacre of Bosniaks during the war, is hotly contested between Bosniaks and ethnic Serbs, making the census results very important for all sides.²⁰

According to the survey's preliminary results, BiH currently has 3,791,622 inhabitants—nearly 600,000 fewer than in 1991.²¹ Data on ethnic representation were not yet available at year's end.

Electoral Process

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
3.25	3.00	3.00	3.00	3.00	3.25	3.25	3.25	3.25	3.25

Municipal and parliamentary elections are held every four years in BiH, in cycles two years apart. It has been suggested that local and national elections merge onto a single schedule to reduce campaigning and costs, but this will not happen before the 2014 parliamentary polls. There is concern that the EU will not recognize the election results because of the government's failure to implement the Sejdić-Finci ruling.²²

Due to the frequency of elections, there is little break between campaign seasons. After elections, considerable time is wasted while the parties form coalitions, at which point it is campaign season again. In 2013, census campaigning exacerbated

this dynamic, and, with partial results expected in 2014, there is concern that the parties will use the census as a campaign tool to appeal to their ethnic bases. The census results could also spur changes to the electoral process.

Electoral legislation in BiH still needs to be amended in line with two Constitutional Court rulings. In May 2011, the court ruled that state-level electoral law must be updated to reflect changes in the names of several RS municipalities after the war. Meanwhile, the city/municipality of Mostar has been unable to hold municipal elections since a mid-2012 ruling that it is discriminatory and unconstitutional for an area of the city with a population of almost 30,000 citizens to elect the same number of delegates to the city council as an area with 7,000 inhabitants.

Three nearly identical amendments were proposed for parliamentary debate to address the RS name issue in 2013—two by the SNSD and one by the SDS. The House of Representatives of the state parliament adopted the amendment proposed by the SDS, but, 11 days later, the House of Peoples voted to accept one of the SNSD's proposals.²³ The issue was unresolved at year's end. In May, the Council of Ministers adopted amendments to address Mostar's legislation, but, due to objections from Bosniak parties, these were rejected (twice) by the Parliamentary Assembly's constitutional commission.²⁴ According to the Central Electoral Commission (CIK), legislation pertaining to Mostar need not be amended in order to hold the 2014 elections; however, the RS municipality names must be updated soon so that the CIK can adopt some 40 bylaws by the election announcement deadline in May 2014.²⁵

The Council of Ministers proposed other electoral amendments during the year, including a stipulation—part of an SDP-SNSD agreement—that ballots would now be counted locally rather than at the national level. Another proposed amendment would have introduced closed election lists, with voters casting ballots for parties only and leaving the choice of parliamentary deputies to the parties themselves.²⁶ These amendments were rejected, as critics claimed that they would increase party power at the expense of state institutions.²⁷

In November, the CIK joined the tripartite Supervisory Board of the new Association of World Election Bodies, with Hadziabdić as president.²⁸ Still, at home the CIK faced strong criticism from the BiH chapter of Transparency International. The watchdog slammed the CIK for suspending proceedings against the SNSD and other political parties for accepting prohibited contributions, misusing budget funds during campaigns, and other violations of the Law on Financing Political Parties after the Court of BiH repeatedly dismissed related CIK sanctions. Considering that sanctions are already low for such transgressions, Transparency said, the CIK's decision could encourage parties to violate the law.²⁹

A newcomer to the BiH political scene, the Democratic Front BiH was founded in April by the Croat member of the BiH Presidency, Željko Komšić, who left the SDP in 2012. In March, FBiH President Živko Budimir left the Croat Party of Justice (HSP) to form the Party of Justice and Confidence. Its reputation suffered early after several members were investigated and arrested for corruption and other charges.

During 2013, elections were only held for the mayor of Kresevo, in December, after the incumbent stepped down to focus on his business.³⁰

Civil Society

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
3.75	3.75	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50

Bosnian citizens rarely unite around a single issue or cause, but 2013 saw a notable exception when mass protests formed to demand the right of newborns to receive official identification numbers.

Initially, many in BiH saw the government's failure to update the Law on Single Reference Numbers by February as just another example of political incompetence and infighting, but outrage erupted after the reports that a 3-month-old baby could not travel abroad for urgent medical care. On 5 June, a small protest group spontaneously blocked entrances to the state parliament, prompting the Council of Ministers to pass a measure allowing newborns to receive temporary identification numbers. Unhappy with this short-term fix, thousands of people took to the streets the next day, surrounding some 1,500 parliamentarians, staff, and international guests in the parliament building. The blockade lasted until the early morning of 7 June, when Valentin Inzko, high representative for BiH, helped negotiate a settlement.³¹

Nationalists of all stripes attempted to undermine the protest's significance as a unified show of civil disobedience blind to ethnicity. The movement nevertheless gained huge support nationwide as demonstrations spread to other cities and towns, even in the RS, where the government had updated the ID legislation in May. People from all over the world also expressed support, and gatherings were held in solidarity with the Bosnian protesters across the Balkan region. In Sarajevo, protests continued for weeks over the government's feeble response and, more broadly, the dysfunctional political and economic climate. The movement lost momentum after a planned July protest that was supposed to overtake Sarajevo only drew a few thousand people. Other small-scale protests popped up throughout BiH over a range of issues but never represented an organized popular antigovernment movement.

In BiH, the term "civil society organization" covers everything from sports clubs and veterans' groups to humanitarian organizations. In 2013, the government slightly increased consultation with foreign and domestic NGOs in drafting legislation on public procurement, whistleblower protection, and other areas, though only after considerable lobbying by these groups.³² Foreign-financed NGOs are watchdogs in key areas such as anticorruption, and some played an important role in monitoring the census. However, NGOs could not survive without funding from international donors and local government budgets. The allocation of public funds is opaque: procurement procedures within state institutions are unclear, and many receiving organizations do not submit financial reports. In 2012, authorities allocated some €50 million for NGOs; all the funds were distributed, though only about €17.5 million was allocated via public tenders and procurement procedures.³³

The education system is shaped and divided by ethnicity. In the RS, for instance, only a Serb curriculum (language, history, religion) is taught. Bosniaks in Konjević Polje, a town in northeast RS, protested this system in 2013 by pulling their children out of school and demonstrating outside the OHR building in Sarajevo. By year's end, the children had not attended school since September. Bosniaks from the RS town of Vrbanjci also kept their children out of school for the fall semester.³⁴

Some parts of the FBiH still employ the “two schools under one roof” system in which Croat and Bosniak children study in the same building but have separate entrances, classrooms, and curricula. In April 2012, the Mostar Municipal Court ruled the system discriminatory in schools in the towns of Stolac and Čapljina, following a lawsuit by the Vaša Prava (Your Rights) NGO. The court ordered the schools to integrate classrooms, but a cantonal education ministry and two schools appealed. In June, the Mostar Cantonal Court dismissed the Municipal Court decision on procedural grounds, saying that only parents, teachers, and students could file suit, not NGOs.³⁵

Higher education continues to face accusations of corruption, poor standards, overproduction of graduates in certain professions, and other issues. In December, the RS government boycotted the EU's ERASMUS student exchange program over the creation of a statewide agency to coordinate with other participating countries. The RS Education Ministry said the body represented an unacceptable transfer of authority to the state level. In the end, the RS agreed to partial participation, following student protests.³⁶

Before the 2013 census, politicians, religious leaders, and others participated in campaigns to influence citizens' responses. The battle was especially heated between those who pressed citizens to identify themselves as “Bosniaks”—a term emphasizing religious (Muslim) identity above citizenship—and proponents of the denomination “Bosnian,” a civic identity, rather than a religious or ethnicity-based one. NGOs were divided on this issue, as well. Some of them distributed census campaign videos via social media with children to acting out the roles of adult census voters.³⁷

Discrimination against the LGBT community is widespread, and activists face threats and harassment.

Independent Media

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4.00	4.00	4.00	4.25	4.50	4.50	4.75	4.75	4.75	4.75

Freedom of speech and other media rights are guaranteed but often abused by the press itself. Media coverage is often biased, as journalists are susceptible to outside pressure due to low pay and benefits, as well as intimidation by media owners and their political allies. As a result, media are widely viewed as political puppets, not watchdogs. The outlets that remain independent—mostly online media with relatively low readerships—face harsh criticism and threats from politicians or

criminals. Most media coverage in BiH is of the tabloid variety, and many reporters and editors are ill equipped to handle sensitive issues because journalism education in the country is weak.

BiH has 9 daily newspapers, 7 news agencies, and more than 100 periodicals, from news magazines to agricultural papers.³⁸ Several journalism associations exist, but they rarely cooperate. Of the 49 television and 147 radio stations, roughly a third of television and nearly half of radio stations are public, including the local outlets.³⁹ Regional, cantonal, and municipal media are funded by local budgets and so face pressure from authorities who interfere with editorial policies, base editorial and management appointments on political and ethnic—rather than professional—concerns and stack supervisory boards with allies who limit freedom of the press.⁴⁰

Media face widespread political pressure. In May, the Association of BiH Journalists reported that some members of local public media had their jobs threatened, among other scare tactics, after coalition changes in local parliaments. In the Una-Sana Canton, politicians publicly identified some journalists as “[their] enemies” and tried to block media access to public information and reporting on certain topics.⁴¹

Financial pressure is also widespread. In June, employees at Radio-Television East Sarajevo went on strike because they had not received salaries since April (for January), nor benefits since 2011.⁴² As with their public counterparts, private media often rely on financing from local authorities, and money is tight at most outlets.

In 2013, the Agency for Protection of Personal Data of BiH drafted changes to the Law on Freedom of Access to Information. Journalists, NGOs, and media experts criticized the proposals for stipulating that government institutions may limit access to information they deem threatening to privacy or other rights.⁴³ In May, the BiH Ministry of Justice received the proposals for review, but none had been adopted by year’s end.

The digitization of BiH’s media is far behind schedule and unlikely to happen by the end-of-2014 deadline. Due to bureaucratic red tape, mostly in public procurement, the suppliers of technical equipment for public broadcasters are still being chosen. After the Procurement Review Body of BiH canceled two previous supply tenders, the Ministry of Communications and Transport launched a third one in February. It received six applications, but no decision was made by year’s end. The changeover is supposed to be managed by a joint corporation between the three public broadcasters that make up the Public Broadcasting System (PBS)—state radio and television BHRT, and the entity radio and television broadcasters RTRS and RTV FBiH. However, neither the heads of these broadcasters nor the parliament have taken the steps necessary to create the corporation.

Public broadcasters are under constant pressure as political parties try to install pliant management and dictate coverage. After BHRT reported on the June protests, politicians lashed out. RS President Dodik called BHRT “trash” after a report on the use of social media to organize demonstrations in Banja Luka and elsewhere.⁴⁴ At a subsequent management meeting, a BHRT editor commended his staff for “taking the side of citizens and not politicians.”⁴⁵ In the RS, several

parliamentarians threatened to sue media outlets for “inflaming the population against Serbs.”⁴⁶

From a media standpoint, the Sarajevo protests were significant for their use of social networks and modern mobile technology. Activists organized the parliament blockade on Facebook and Twitter, and in the coming days more information was available on social networks than in traditional media. There are 2,184,500 Internet users in BiH, according to the BiH Communications Regulatory Agency (CRA).⁴⁷

In January, the Council of Ministers proposed a new public broadcaster, a Croatian-language channel. Despite support from Croatian political parties, some say the new channel would undermine the modernization of public broadcasting—already moving slowly—while creating more ethnic division.⁴⁸ Meanwhile, in September the CRA decided to limit advertising time for public broadcasters from six to four minutes per hour, starting in January 2014. All three broadcasters questioned this decision, citing already tight finances.⁴⁹ It was not implemented by year’s end. In December, the Parliamentary Assembly of BiH finally appointed members of the CRA Council after over four years without permanent appointees. The CRA director-general has had a caretaker mandate since 2007.

In October, the RS National Assembly adopted changes to the Law on RTRS, granting the broadcaster additional funding from the entity budget and empowering the assembly to appoint its managing board. Critics called this another attempt to politicize RTRS and a blow to the PBS.⁵⁰ RTRS was already heavily influenced by the SNSD and RS government, which also funds private media, undermining independence. In 2012, the RS government gave €900,000 to public and €750,000 to private media outlets. Almost a third of the private funding went to two newspapers, *Nezavisne novine* and *Glas Srpske*, owned by Željko Kopanja, a friend and former business partner of President Dodik.⁵¹ In FBiH, the media market is much more divided between the ruling and opposition political parties.

Local Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75

The rights of cities and municipalities, the lowest levels of government in BiH, are regulated by entity constitutions, as guaranteed by the European Charter on Local Self-Government. RS has 57 municipalities and six cities: Banja Luka, Prijedor, Trebinje, Doboј, Bijeljina and East Sarajevo, which has six municipalities of its own. FBiH has 78 municipalities and two cities, Mostar and Sarajevo.⁵² FBiH also has 10 cantons, a level of power between the municipalities and FBiH entity. In October 2013, the RS National Assembly adopted amendments to the Law on Local Self-Government that clarify the role of municipal authorities and their post-election appointment procedures. In an effort to address similar issues, the FBiH government sent amendments to the Law on Principles of Local Self Government

to its parliament in September, but the legislation was rejected in October. Cantons have slowly started to harmonize their legislation with this law.

According to preliminary census results, only six BiH cities have more than 100,000 inhabitants. Sarajevo (which has four municipalities) leads the group with 291,422, followed by Banja Luka with 199,191; Tuzla with 120,441; Zenica with 115,134; Bijeljina with 114,663; and Mostar with 113,169.⁵³ The results also revealed huge differences between FBiH cantons. While the most heavily populated—Tuzla and Sarajevo—have 477,278 and 438,433 inhabitants, respectively, Bosnia-Podrinje and Posavski count only 25,336 and 48,089.⁵⁴

The distribution of power between the entities, cantons, and municipalities is unclear and often overlapping. In the FBiH, the cantons' bloated bureaucracies drain budgets, so reform is needed to cut costs and make the entity more sustainable. However, politicians and many public administrators disagree on the way forward. Cutting cantons, for instance, would send many administrators into the ranks of the already 500,000 unemployed in BiH and mean a loss of potential voters for the parties in power.

In January, the U.S. Embassy in BiH established an expert group to draft proposals for reforming the FBiH constitution. Their recommendations, including proposals for streamlining the entity's complex and costly governance structure, were presented to the public and international community. The FBiH House of Representatives discussed them in June, but parliament did not hold a vote. In August, the FBiH government formed another working group that had not submitted any draft amendments at year's end.⁵⁵

In FBiH, political crises at the entity level trickled down to the cantons and municipalities as coalition shakeups led to personnel changes in local governments. In cantons such as Tuzla or Una-Sana, the frequency of these changes paralyzed governance, with real consequences for citizens. At the end of summer, even Sarajevo suffered interruptions in public transportation, gas, and regular water supply at various intervals as an indirect consequence of local leadership's unavailability and incompetence.

Throughout BiH, state officials wield huge influence over local politicians. Often, they are all members of the same few ruling parties. Even if local officials are from different parties, they must still fall in line or risk losing state financing for local projects, a serious blow to economies already beset by high unemployment and other issues.

In a rare positive development, in January the Sarajevo Canton Assembly adopted amendments harmonizing the Cantonal Constitution with the Sejdić-Finci verdict. In practice, this allows BiH minorities to form their own caucus and have representatives in the Assembly Management.

Interethnic relations were generally stable in 2013, with occasional incidents, such as the beating of a Bosniak returnee in Zvornik (RS) on the last day of Ramadan.⁵⁶ Some cities remain ethnically divided, including Mostar, where a Croat-majority population lives in the west and Bosniaks dominate the east.

Judicial Framework and Independence

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4.25	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25

BiH has four separate court systems. The State Court of BiH has criminal, administrative, and appeals departments and jurisdiction over specific types of crimes, including war crimes, financial crimes, and crimes against the state. The entities have their own judicial systems, with constitutional and supreme courts. In FBiH, there are cantonal and municipal courts; in the RS, district and “basic” (minor offense) courts. Brčko District has a separate court system. The complexity of this multi-layered system leads to frequent conflicts over jurisdiction. Investigations and trials can also last years, often beyond the statute of limitations.

The “Structured Dialogue on Justice” between BiH and the EU began in 2011 under the SAA, aiming to consolidate the judicial system and strengthen its independence, effectiveness, and accountability in accordance with EU standards. Many reforms are being discussed, including new draft laws on courts in BiH and the High Judicial and Prosecutorial Council (VSTV), prepared by the BiH Ministry of Justice. They propose changes to VSTV appointment procedure and a new state-level appellate court to handle appeals from the Court of BiH. Outside the dialogue, Serb-oriented parties continue to back changes to undermine state-level judicial institutions and increase political control over them. One, agreed upon by the SNSD and SDP in 2012, would shift responsibility for appointing prosecutors from the VSTV to state and entity-level parliaments. At year’s end, no changes had been adopted, within the dialogue or otherwise.

Public trust in the competence and independence of the judiciary is low, partly because politicians appear above the law. For example, cases against officials are often dismissed on dubious technicalities. In 2013, HDZ President Dragan Čović and six others were cleared of abuse of office while serving in the steering committee of state-owned Mostar Telecom. The Supreme Court of FBiH ruled that the statute of limitations on some of their activities in question expired in 2009, a year before they were indicted. However, the Center for Investigative Reporting in Sarajevo discovered that prosecutors had all the evidence in 2003 and waited seven years to press charges.⁵⁷ Judicial bodies and personnel also face strong political pressure. In 2013, BiH Prosecutor Goran Salihovic repeatedly raised this issue, adding that the judiciary is not sufficiently consulted in the legislative process.⁵⁸

Case backlogs remain high at all levels due to limited human and financial resources. Cases of unpaid utility bills account for about 80 percent of the total 2.3 million-case backlog.⁵⁹ The war crimes backlog is falling because cases are being transferred from the state level to courts in the entities and Brčko district. In general, though, efficiency is a problem. When the FBiH Supreme Court received some 2,000 complaints from veterans over the entity’s decision to cut their pensions, the court president said all the complaints could not be resolved because handling a single case takes 45 months.⁶⁰

In July, the ECHR ruled against BiH on appeal of the war crimes convictions of Abduladhim Maktouf and Goran Damjanovic. In 2006, Maktouf was sentenced to five years for crimes against Croats in 1993. A year later, Damjanovic received an 11-year sentence for participating in the beating of a group of captured Bosniaks in Sarajevo in 1992. The ECHR ruled that the men had been wrongfully prosecuted under the 2003 BiH Criminal Code retroactively, rather than the 1976 Yugoslav version, which would have carried shorter sentences.⁶¹ Damjanovic was retried in 2013 and sentenced in December to 6.5 years in prison, and Maktouf was awaiting a new trial at year's end. Other convicted war criminals sentenced under the 2003 Criminal Code were released after a subsequent decision by the BiH Constitutional Court based on the Maktouf/Damjanovic case.⁶²

Several ongoing high-profile organized crime and corruption cases⁶³ will reflect the judiciary's ability to handle these issues. Its track record to date is poor, with procedural mistakes often undermining police investigations. In December 2012, police arrested two brothers allegedly involved in organized crime and drug trafficking, but the prosecutor released the suspects despite the risk that they might pressure witnesses. The FBiH police filed a complaint against the prosecutor with the VSTV, which ruled that the prosecutor had acted correctly. In April 2013, the brothers were again arrested, this time for planning to murder a police commissioner in the West-Herzegovina Canton.⁶⁴

In 2013, BiH signed cooperation agreements with Serbia and Croatia on prosecuting war crimes. It also signed extradition agreements with Serbia and Macedonia on prosecuting major criminal cases, though they do not include war crimes. Similar agreements were made with Croatia and Montenegro in 2012.

Construction of a state prison still has not started after eight years of planning. BiH is trying to reduce prison overcrowding through new infrastructure and alternative penalties.⁶⁵

Corruption

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4.50	4.25	4.25	4.25	4.50	4.50	4.50	4.50	4.75	4.75

BiH has harmonized some of its laws with international conventions on corruption, but the legal framework to fight graft and misconduct remains insufficient. While state and entity legislatures are considering several anticorruption bills and amendments, adoption is slow due to weak political will and institutional paralysis. In general, corruption, bribery, and nepotism are common in education, healthcare, and other areas of public administration. Officials are rarely prosecuted for corruption.

In 2013, the entities worked on several pieces of corruption-related legislation. The FBiH parliament debated a bill on whistleblower protection already adopted at the state level. In the RS, a similar law is included in the draft Strategy for the Fight Against Corruption 2013–2017. However, some observers fear the three laws will not be harmonized, potentially undermining implementation, as happened with

state and entity laws on freedom of access to information. In December, after weeks of infighting, the FBiH parliament rejected bills on the seizure of illegally acquired property and suppression of corruption and organized crime.⁶⁶ While the RS has had a Law on Seizure of Illegally Acquired Property since 2010, the Parliamentary Assembly of BiH rejected similar legislation in February. Across all levels of government, public procurement and conflict of interest legislation is insufficient.

Implementation of the 2009–14 anticorruption strategy is behind schedule, partly due to delays in launching a key body, the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption. The agency only received funding in 2012, with the first staff hired in April 2013. Much of the strategy will not be implemented by 2014.

In 2013, two major corruption investigations drew public attention, both involving abuse of office by high-level FBiH officials. In April, Živko Budimir, president of the FBiH and the Party of Justice and Confidence, was arrested for allegedly taking bribes from convicted criminals in exchange for early release. During the arrest, police found an unregistered firearm in Budimir's office, so he was also indicted for illegal weapons possession. (This separate case is ongoing at the Sarajevo Municipal Court.) In the bribery case, Budimir maintained his innocence, was released after a month in jail, and remained FBiH president.⁶⁷ In November, the BiH prosecutor indicted Budimir and six others, including FBiH Justice Minister Zoran Mikulić and Željko Arsić, an FBiH parliamentarian.⁶⁸ However, the Court of BiH said the case was outside its jurisdiction.⁶⁹

In the second case, FBiH Prime Minister Nermin Nikšić filed criminal charges for misuse of public funds against his deputy, Jerko Ivanković Lijanović, who is also the minister of agriculture, water management, and forestry, as well as the president of the NSRzB. FBiH police investigated Lijanović for using his position to amend laws that allowed him and his allies to issue agriculture incentives in return for votes in the 2010 elections. Lijanović allegedly allocated FBiH budget funds for urgent and unplanned cases to members of his own party, while in 2012, €1.35 million out of a total €11.5 million in agriculture subsidies went to his party members, relatives, or shell companies.⁷⁰ In July 2013, the State Investigation and Protection Agency (SIPA) also began a money-laundering and tax evasion investigation of several companies and individuals with ties to Lijanović's family business.⁷¹

In the past, media and NGOs have reported on Lijanović's alleged abuse of office—for instance, when he used €1.7 million in taxpayer money for a ministry campaign in which he was prominently featured during the 2012 elections.⁷² The Court of BiH dismissed the 2012 charges, citing insufficient evidence.

Lijanović and Budimir, as well as some NGOs, said they were under political attack due to a power struggle between their parties and Prime Minister Nikšić's SDP over control of the FBiH government. Since 2012, Budimir has been blocking SDP attempts to reshuffle the government.⁷³

The year saw several smaller political corruption cases. In December, police arrested Midhat Osmanović, an FBiH parliamentarian, for accepting a bribe to guarantee someone a job. The director of the Tuzla Health Insurance Institute was

also arrested in the operation.⁷⁴ While the RS saw no major corruption arrests, the District Court in Banja Luka sentenced Milovan Čerek, the former mayor of Brod and a Socialist Party member, to 44 months for taking bribes.⁷⁵

Nevertheless, watchdogs say corruption is not prosecuted effectively. In July, Transparency International published a report noting that while the number of corruption cases is on the rise (1,464 in 2012 from 829 in 2011), only 223 of the 2012 cases were indicted. The Brčko District notwithstanding, corruption convictions fell nationwide in 2013, with only seven prison sentences for bribery and nine for abuse of office.⁷⁶

Several major investigations and trials on organized crime are ongoing, mostly related to drug and weapons trafficking, money laundering, and other felonies. Organized crime groups collaborate across the region, often with the help of corrupt police officials. In August, the State Ministry of Security published a report noting that some officials, police, and security officers are in the pocket of criminals that, in some cases, have infiltrated government structures.⁷⁷ In a rare case of discovering and penalizing criminal behavior of officials, Ramo Brkic, a former police commissioner of Una-Sana Canton, was sentenced to 11 years for corruption, abuse of office, and production and trade of narcotics in December 2013. In May, Naser Kelmendi, placed on a blacklist by the U.S. State Department in 2012 as a drug kingpin, was arrested in Kosovo on a BiH warrant for allegedly running a high-profile organized crime group. He probably will not be extradited to BiH.

BiH is a source of domestic and international weapons trafficking, thanks mostly to leftover stockpiles from the war. In July, SIPA discovered a cache of weapons buried near the town of Tešanj. Also, an investigation found that a company from Bugojno took money from the BiH Defense Ministry to destroy surplus weapons and ammunition but instead sold the munitions to another company for export onto Bangladesh. Two Ministry of Defense officials and the company director were indicted in June.⁷⁸

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