

Bosnia-Herzegovina

by Dino Jahić

Capital: Sarajevo
Population: 3.8 million
GNI/capita, PPP: US\$9,660

Source: The data above are drawn from the World Bank's *World Development Indicators 2015*.

Nations in Transit Ratings and Averaged Scores

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Electoral Process	3.00	3.00	3.00	3.00	3.25	3.25	3.25	3.25	3.25	3.25
Civil Society	3.75	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
Independent Media	4.00	4.00	4.25	4.50	4.50	4.75	4.75	4.75	4.75	4.75
National Democratic Governance	4.75	4.75	5.00	5.00	5.25	5.25	5.50	5.50	5.75	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	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.50
Corruption	4.25	4.25	4.25	4.50	4.50	4.50	4.50	4.75	4.75	4.75
Democracy Score	4.07	4.04	4.11	4.18	4.25	4.32	4.36	4.39	4.43	4.46

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

Political crises and conflicts continued to compromise Bosnia and Herzegovina's (BiH) path toward European Union (EU) integration and the progress of political, economic, and judicial reform in 2014. Economic and social problems in the Federation of Bosnia and Herzegovina (FBiH) metastasized amid government paralysis, leading to demonstrations in February that erupted into violent clashes with police. The protests brought down four cantonal governments but effected little change in how the country is governed.

Serb representatives continued to undermine state-level institutions and the legislative process. Parties from the country's other two major constituencies, Bosniak (Bosnian Muslim) and Croat, also engaged in obstruction in pursuit of political interest. A few months after the protests the country was hit by devastating floods that wiped out roads, factories, and entire villages, forcing thousands to leave their homes and deepening an economic crisis. The official response to the emergency was slow.

Politicians spent significant time in 2014 campaigning for October's general elections and did not implement ambitious or politically difficult reforms. Discrimination against minorities and segregation in schools persisted. Despite some achievements in anticorruption efforts, including high-profile arrests, there is little public trust in government institutions. The media are deeply politicized, with some journalists shedding the pretense of impartiality so far as to run for parliament. Other journalists are wiretapped and harassed by intelligence and security services.

National Democratic Governance. Politicians in BiH again failed to reach consensus on economic and social issues. Voter frustration spurred violent protests across the country. Progress toward EU membership is at a standstill, if not moving backward. Floods in May and August damaged an already poor economy and highlighted the government's incompetence and politicians' seeming indifference to the plight of their constituents. With no forward movement on reform or EU integration and public discontent on the rise, *BiH's national democratic governance rating remains unchanged at 5.75.*

Electoral Process. The 2014 general elections went off without major irregularities and largely reflected democratic norms, although campaigns were marked by nationalist rhetoric and mudslinging. Office holders used their positions and taxpayer money to promote themselves and their parties. Ethnically defined limits on political representation that have been ruled to violate the European Convention on Human Rights remained in place. *BiH's electoral process rating remains unchanged at 3.25.*

Civil Society. As in 2013, demonstrations broke out across the country and quickly gained mass support, but ultimately they yielded only cosmetic changes. Nongovernmental organizations have little influence over political decision-making and face pressure from politicians. The education system remains ethnically divided. Religious leaders meddle in politics. *BiH's civil society rating remains unchanged at 3.50.*

Independent Media. The media market remained overcrowded; divided along ethnic, entity, and party lines; marked by close relationships among publishers, journalists, and politicians; and characterized by a dearth of independent reporting. Content from public as well as private broadcasters, newspapers, and electronic media reflects the fact that their funding depends on the whims of politicians. The changeover from analog to digital broadcasting is behind schedule. Journalists are being covertly taped by intelligence and security services, while receiving threats and suffering physical attacks. *BiH's independent media rating remains unchanged at 4.75.*

Local Democratic Governance. Local administrations remain financially and politically dependent on entity and state-level governing bodies. Lawmakers did not amend the constitution and did not harmonize cantonal legislation. The floods disrupted the functioning of municipal governments and the economy. Legislators failed to agree on changes ordered by the Constitutional Court that would enable the city of Mostar to hold local balloting. *BiH's local democratic governance rating remains unchanged at 4.75.*

Judicial Framework and Independence. BiH's judiciary is in disarray and enjoys little public trust. Ongoing disputes between prosecutors' offices and courts are damaging their effectiveness and reputation. Courts have years-long case backloads, and the verdicts they do reach are often seen as politically influenced. The Structured Dialogue on Justice, a reform mechanism run by the European Commission that aims to advance the rule of law in potential EU candidate countries, did not achieve results because of local political meddling. Due to lack of progress on reform, threats to judicial independence, and fighting between prosecutors and courts, *BiH's judicial framework and independence rating declines from 4.25 to 4.50.*

Corruption. Despite several prominent investigations and arrests, there were no significant results in prosecuting organized crime and corruption. Lawmakers adopted some anticorruption legislation but its effectiveness has yet to be seen, and civil society criticized the measures as cosmetic. The deadline for a five-year anticorruption strategy arrived with fewer than a tenth of its proposed measures implemented. With a spate of high-profile investigations undercut by a decline in prosecutions, the impact of reform measures is questionable. *BiH's corruption rating remains unchanged at 4.75.*

Outlook for 2015. As is their wont following elections, BiH officials will likely focus in 2015 on patronage in public-sector hiring. The prospect is poor for reform and strong for continued gridlock and political self-interest. Some coalitions have formed, but it is difficult to foresee their effectiveness, as they bring together parties that in past years could not agree on even minor matters. More and larger protests would not be a surprise, given the dire state of the economy and growing public dissatisfaction in the wake of last year's floods.

MAIN REPORT

National Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.75	4.75	5.00	5.00	5.25	5.25	5.50	5.50	5.75	5.75

Bosnia and Herzegovina (BiH) remains fragile and politically dysfunctional. Prior to the October 2014 election, the lame-duck government made no progress toward European Union (EU) and NATO membership. Even during devastating floods, politicians did not rise above personal conflicts. Following the elections, they focused on coalition negotiations rather than enacting reforms or fulfilling international obligations.

Under the constitution, written as part of the 1995 Dayton peace accords, BiH is split into autonomous administrative units: the Serb-dominated Republika Srpska (RS); the Federation of Bosnia and Herzegovina (FBiH), which is divided into 10 cantons with Bosniak or Croat majorities; and the Brčko District, a separate unit with its own governing institutions. The complex political system includes a rotating, tripartite presidency with one Bosniak, one Serb, and one Croat member. The Council of Ministers operates as a state-level government with nine ministries but does not administer policy areas such as industry, education, or culture. Entities and cantons have their own governments and parliaments. This arrangement makes it exceedingly difficult to implement nationwide reform. The Office of the High Representative, the international body responsible for civilian implementation of the Dayton agreement, has largely disengaged from daily politics in recent years.¹

RS saw no major turmoil in 2014, save for regular disputes between the ruling Alliance of Independent Social Democrats (SNSD) and opposition groups led by the Serb Democratic Party (SDS). In FBiH, the atmosphere was more toxic. Interparty conflicts disrupted the functioning of governing institutions. After a short-lived partnership between the Social Democratic Party (SDP) and the Alliance for a Better Future (SBB) broke up in late 2013, hampering legislative and government functions, no new coalition was formed until after the October elections.

According to the Centers for Civic Initiatives, which monitors the efficiency of agencies and assemblies at all levels of power, government dysfunction fueled by partisan conflicts in FBiH has affected living conditions. The Federation's debt has grown to more than €300 million (\$330.2 million) as budget funds were sunk in corruption or used to buy social peace at the expense of investment.²

Important cases before the FBiH Constitutional Court have gone unresolved for years as politicians failed to agree on naming new judges. Two new judges were eventually appointed in March 2014.³ There were also numerous squabbles during the year over dismissals of or efforts to dismiss FBiH government ministers.

Such dysfunction generated social unrest in 2014. In February, protests by workers in Tuzla over the collapse of privatized factories sparked antigovernment

demonstrations across the Federation. Police crackdowns on protesters led to violence, with government buildings set alight in Sarajevo, Tuzla, and Mostar. Four cantonal governments resigned, but protesters were not organized enough to turn their requests into concrete political action. As the year came to an end, workers from Tuzla again took to the streets and protested several times.

International obligations also went unmet. The Stabilization and Association Agreement (SAA) signed by the EU and BiH in June 2008 is not yet in force due to unfulfilled commitments, including important constitutional changes related to the country's ethnicity-based limitations on political representation, which violate the European Convention on Human Rights. After two years of fruitlessly discussing constitutional changes with Bosnian politicians, Stefan Füle, then the EU's commissioner for enlargement, withdrew from the process in February 2014.⁴ The following month, then-EU foreign policy chief Catherine Ashton said the union was shifting its focus in FBiH to economic issues, social welfare, and the judiciary.⁵ This produced a firm offer to Bosnian politicians at a conference of foreign ministers in November: British and German diplomats promised the SAA will come into force if Bosnian leaders finally agree on social and economic reforms.⁶ There was also no progress in 2014 on establishing an effective coordination mechanism on EU matters between all levels of government, another important EU requirement.

Due to BiH's lack of progress in key areas, its EU funding has been restricted to the period 2014–17, rather than the full EU budget period of 2014–20, according to the draft paper of the Instrument for Pre-accession Assistance II (IPA II). The May floods prompted the European Commission to reallocate €42 million (\$46.2 million) from a previous IPA arrangement to assist recovery in affected areas. Those funds could not be used earlier because BiH authorities did not fulfill both international and domestic commitments.⁷

The floods in May and August showed how ill-prepared government authorities are for natural disasters. For years, BiH failed to invest in flood-defense systems, contributing to damage estimated by the EU delegation to BiH at €2 billion (\$2.2 billion).⁸

An international donors' conference in July brought pledges of €800 million (\$880.5 million) to the government for flood aid, but international observers say little of that has made it to victims. In an 18 September 2014 guest post on the blog of the U.S. Embassy in Sarajevo, U.S. Agency for International Development mission director David Barth and U.S. defense attaché in BiH Scott Miller accused authorities of failing to serve the needs of citizens and being "incapable or unwilling to meet the international community even halfway, preferring to focus on their standard approach of cronyism, party advantage, back-room deals, and blame shifting."⁹ Politicians at various levels of government denied the Americans' accusations, asserting that promised donations had not yet been allocated to BiH entities' budgets,¹⁰ and parties accused Barth and Miller of interfering in the electoral process by publishing their complaint less than a month before the voting.¹¹

Lack of confidence in the government was not limited to American officials. Other international donors and organizations bypassed the authorities and worked

directly with aid workers in the field.¹² For example, Japan funded specific rebuilding projects directly, rather than going through local officials.¹³

Electoral Process

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.00	3.00	3.00	3.00	3.25	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. Due to the frequency of elections, politicians spend considerable time campaigning instead of governing, and the 2014 general election ran true to form. The campaign was marked by nationalist rhetoric, unsupported accusations, and the use of state resources for politicking. In one notable example, SDP coopted promotional activities surrounding the construction of a highway for partisan purposes.¹⁴ While parties complained of irregularities, independent observers said the election largely met democratic norms, with only occasional problems.¹⁵

The need to hold elections in 2014 finally forced the two houses of the BiH Parliamentary Assembly to update electoral law to reflect postwar changes in the names of several RS municipalities, in keeping with a 2011 Constitutional Court ruling. The elections, which took place on 12 October, covered offices at several levels: state (presidency, parliament), RS (president and vice presidents, National Assembly), and FBiH (parliament and cantonal assemblies). There were 7,748 candidates (42 percent of them women) representing 50 parties and 24 coalitions, with a sprinkling of independent candidates.¹⁶ Voter turnout was 54.14 percent—about two points lower than in 2010—and was higher in RS (56.49 percent) than in FBiH (52.73 percent). Overall, 1.74 million people voted.¹⁷

Problems included some voters living abroad receiving packages in the mail with voting materials for people other than themselves.¹⁸ The Central Election Commission said that candidates engaged in politicking on social media during periods of mandated campaign silence but “could not be censured, since the area is not regulated.”¹⁹ In the Brčko District, about 50 percent of voters could not cast their ballots because they had not chosen entity citizenship, a precondition to participate in the process.²⁰ Only people in this district are obliged to declare entity citizenship, which is optional for the rest of the country. One Brčko resident announced plans to file a discrimination suit at the European Court of Human Rights (ECHR) over the discrepancy.²¹ The BiH constitution limits representation in the state presidency and the House of Peoples, one of two chambers in the national legislature, to the country’s three main ethnic groups—Croats, Serbs, and Bosniaks—effectively discriminating against Jews, Roma, and other minorities, as well as against people who refuse to state an ethnic identity. The government has yet to take concrete steps to address this, despite the ECHR’s 2009 ruling in the *Sejdić-Finci* case, brought by Romani and Jewish defendants, that the constitutional limitation violates the European Convention on Human Rights. In July 2014 the court made a similar ruling in the case of *Azra Zornić*,²² who complained that she

could not run for president or the House of Peoples because she declared herself a citizen of Bosnia and Herzegovina with no ethnic affiliation.

The election saw SDA rebound from a poor showing in 2010 to win the most seats in the national and Federation parliaments. The voting took place weeks after Bakir Izetbegović took over leadership of the party following the death of Sulejman Tihić, a respected politician often seen as a voice of reason. The balloting dealt a severe blow to SDP, which, after winning the 2010 elections, was widely perceived as too focused on forming coalitions that would guarantee ministerial posts for its leaders. In elections for the national parliament, SDP fell from 284,435 votes and eight MPs in 2010²³ to 108,501 votes and three MPs in 2014,²⁴ behind four other FBiH parties. Strikingly, the Democratic Front (DF), founded two years ago by SDP defector Željko Komšić (formerly the Croat member of the tripartite presidency), outpolled its leader's former party. SDP also finished well behind in the voting for state president, which it had won in the previous two elections.

Among Croat parties, HDZ BiH retained its traditional place as the leading party, with its head, Dragan Čović, becoming the Croat member of the state presidency.

In RS, the long-dominant SNSD continued a slide in popularity that began with local elections in 2012. Its state presidential standard-bearer, Željka Cvijanović, lost to opposition candidate Mladen Ivanić of the Party of Democratic Progress (PDP). SNSD leader Milorad Dodik barely retained the RS presidency, edging Ognjen Tadić of the Alliance for Change (SDS). In both elections, the difference was barely 1 percentage point. SNSD again led in the Republika Srpska parliamentary elections but its vote count shrunk to 213,665 from 240,727 in 2010; a similar decline was recorded at the state level.^{25, 26}

By year's end, only RS had a working government, led by Prime Minister Željka Cvijanović. In the Federation, SDA signed a cooperation agreement in November with DF and HDZ BiH²⁷ to produce a solid majority in the entity parliament, but a government had not yet been formed at year's end. At the national level, SDA and DF bypassed RS President Milorad Dodik's SNSD—the top vote-getter for state office among Serb parties—in favor of SDS and other members of a coalition of SNSD opponents.²⁸ This has the potential to block state-level action, as it will be impossible to pass legislation in the House of Peoples without SNSD votes.

Civil Society

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.75	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50

The year 2014 saw a major outbreak of civil unrest, starting in February when workers in Tuzla began protesting privatizations that shuttered companies in the once-industrial city. The demonstrations turned violent after the prime minister of Tuzla Canton, Sead Čaušević, refused to meet with workers. Protesters broke into a government building and clashed with police, resulting in injuries on both sides.

The next day thousands of people took to the streets and called on the cantonal government to resign. In the days that followed, dozens of people were injured and arrested as protesters, overpowering poorly equipped police, damaged government buildings, in some cases setting them on fire.

The Tuzla protests catalyzed public anger over government incompetence and inertia and sparked similar unrest across FBiH. Demonstrators clashed with police in Sarajevo, Mostar, Zenica, Bihać, and elsewhere. In Mostar, protesters burned several buildings, including SDA and HDZ party headquarters. In Sarajevo, the cantonal government building was burned. After heavy fighting with police, some protesters in Sarajevo broke into the state presidency building. In Brčko, protesters briefly took Mayor Anto Domić hostage before releasing him.

After a few days of violence, the protests became peaceful, but lacking leadership and organization, the movement lost steam.²⁹ In several cities people continued to gather in so-called plenums to discuss social and economic problems, but these tended to generate only long lists of demands. Protest groups failed to formulate key priorities or take concrete political steps. While four cantonal governments did resign, officials at the entity and state levels have done little to address public discontent or investigate severe beatings of protesters.³⁰

Republika Srpska saw only scattered protests. RS officials actively sought to undermine any shows of solidarity, casting the Serb entity as FBiH protesters' true target.³¹ In general, the RS government has sought to tamp down activism of any kind. In February, a Banja Luka municipal court assessed fines against nine people who had demonstrated in 2012 against construction projects in city parks.³² Prominent nongovernmental organizations (NGOs) and independent media appeared on a blacklist of "RS enemies" featured in a book published by entity president Milorad Dodik's SNSD party. The book, *The Destruction of Republika Srpska*, argues that Western powers, particularly the United States, have sponsored coups against governments in Central and Eastern Europe and that RS is in their sights.³³ The list of groups accused of undermining constitutional order and inciting riots, which was also posted on SNSD's website, includes Transparency International, the Helsinki Citizens' Assembly, and the online news organization Buka, which filed a slander suit against the book's authors and publisher.³⁴

NGOs in Bosnia and Herzegovina 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 beneficiary organizations do not submit financial reports. Some NGOs play a watchdog role in areas such as corruption and human rights, but their cooperation with civic and volunteer groups at the state, entity, and cantonal level "remains weak," according to the EU.³⁵ In September, BiH submitted a letter of intent to join the Open Government Partnership, an organization founded in 2011 that seeks commitments from participating governments to increase their transparency and accountability and to give citizens access to public information. In BiH, Transparency International is leading this initiative with the CPI Foundation, the Analitika Center for Social Research, and the Center for Investigative Reporting.³⁶

Ethnic relations were relatively stable in 2014. During the flooding, people of different nationalities from neighboring towns went to help one another in the absence of any coordinated government assistance. The BiH national soccer team, qualifying for the World Cup for the first time, received some support in Croat- and Serb-dominated areas, although it was primarily seen as a Bosniak squad. But ethnic divisions persist in some cities, notably Mostar, where a Croat-majority population lives in the west and Bosniaks dominate the east.

Segregation also persists in education, with some areas of FBiH still employing 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. Attempts to desegregate these schools have failed, although the FBiH Supreme Court did rule against the dual system in November in a case involving schools in Herzegovina-Neretva Canton.³⁷ In the RS, the curriculum covers only Serbian history, religion, and language. Bosniak parents in Konjević Polje and Vrbanjci, RS, protested by pulling their children out of school in September. A court in Srebrenica ordered Republika Srpska authorities to make changes, but school officials have not implemented the ruling.³⁸

Religious communities are politicized, directly and indirectly. They often declare support for parties and candidates, even during services. One imam was suspended by the Islamic community when he ran as a candidate in elections.³⁹ On the other hand, Mustafa Cerić, a long-time leader of the Islamic community, ran for the Bosniak seat of the state presidency after he left his religious office.

Discrimination against the LGBT community is widespread. Activists face more hate speech, threats, and harassment as the visibility of sexual minorities grows. Authorities often turn a blind eye.⁴⁰ In February, a group of masked men attacked the participants of an LGBT film festival in Sarajevo, injuring two people.⁴¹

Independent Media

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.00	4.00	4.25	4.50	4.50	4.75	4.75	4.75	4.75	4.75

Media in BiH are free in legal terms and quantitatively diverse. Including local outlets, there are nine daily newspapers, eight news agencies, more than 100 print periodicals on numerous topics,⁴² 49 television stations (a third of them public), and 147 radio stations (half of them public).⁴³ There are several journalism societies. In practice, however, most media are tabloidized, lacking in professional standards, and susceptible to pressure from politically connected publishers. These tendencies are multiplied in election years: the EU reported that “intimidation and threats against journalists and editors and polarization of the media along political and ethnic lines intensified prior to the October general elections.”⁴⁴ Outlets that remain independent and do fair journalism—usually websites with low readership—face criticism and threats from politicians and criminals.

During the February protests, many TV, radio, and newspaper outlets sided overtly with the government, regurgitating without question or confirmation

official comments aimed at discrediting demonstrators. False claims fomented by police and leading politicians—that rioting, looting hooligans had taken over for peaceful protesters in Tuzla,⁴⁵ or that 12 kilograms of drugs had been found at a protest site in Sarajevo⁴⁶—spread quickly and widely via the press. Media outlets in RS echoed the line of politicians there that protests were directed against the Serb entity. *Dnevni Avaz*, the country’s largest daily, reported favorably on the protests but was also seen as having an agenda: its former owner, Fahrudin Radončić, heads the SBB party, which had recently fallen out with the then-ruling SDP.

Media representatives covering the protests came in for attacks from both protesters and police—some injured reporters had to be hospitalized⁴⁷—suggesting the low esteem in which the press is held across society. Similar pressures prevailed in calmer times as well. The Press Council in BiH suffered threats and an attempted break-in in May and June.⁴⁸ A crew from FTV, the major FBiH public broadcaster, was attacked while reporting on the release and return home of convicted Croat war criminal Dario Kordić.⁴⁹

Just before the end of the year, RS police raided the offices of influential news website Klix.ba, whose reporters had refused to reveal their source for a mid-November story about a recording on which Željka Cvijanović of SNSD, who would become the Serb entity’s prime minister, allegedly discussed paying off MPs to secure a majority for her party in the RS assembly. Police interrogated journalists for more than seven hours, disabled 19 computers, and seized hard discs and the director’s and editor’s cellphones⁵⁰ as part of their investigation—not into the contents of the recording, but into how Klix obtained it.

The main political parties, ruling and opposition alike, have vassal media companies. Authorities interfere with editorial policies, base editorial and management appointments on political and ethnic criteria, and pack supervisory boards with friends or allies, according to the Association of BiH Journalists.⁵¹ On recordings that became public in January 2014, Avdo Avdić, editor of FTV and a former reporter on investigative show “60 Minutes,” is heard consulting with FBiH President Živko Budimir about appointments to various Federation posts and how FTV should cover them.⁵² (Ironically, this came to light because Avdić was being illegally wiretapped by secret services.) Bakir Hadžiomerović, the former producer and anchor of “60 minutes,” was SDP’s candidate for the presidency of BiH. Hadžiomerović was the most prominent of several journalists who competed in the October elections.

Major outlets, both public and private, are dependent on public financing. Those that have other sources of funding, such as grants and donations, are often tarred as foreign mercenaries and enemies of the state, especially when they report on the affairs of the political elite. Regulatory bodies are kept weak. The director-general of the BiH Communications Regulatory Agency (CRA) has been serving in an acting capacity since 2007. The CRA council had been operating for more than four years without permanent members when the national cabinet appointed new ones in January.⁵³

Three public broadcasters make up the Public Broadcasting System (PBS)—state radio and television BHRT, and the entity radio and television broadcasters RTRS and RTV FBiH. In 2013, the CRA cut council advertising time from six to four minutes per hour, further endangering PBS’s already precarious financial health; however, new council members reversed the decision in April 2014.

Digitization of BiH media is behind schedule and full transfer from analog to digital is unlikely by the current deadline, 17 June 2015. After years of bureaucratic deadlock due to a complicated procurement procedure, the state Ministry of Communications and Transport chose an equipment supplier and signed a contract in March, but the contract covers only the first phase of digitization, in the metropolitan areas of Sarajevo, Mostar, and Banja Luka.⁵⁴ The supplier installed equipment in the FBiH cities of Sarajevo and Mostar, but the RS has refused to participate because the process is being managed jointly by the country’s three public broadcasters; RS wants sole control of the changeover within the entity.

There were 2.19 million internet users, or 57 percent of the population, in BiH at the end of 2013, according to CRA.⁵⁵ There is more space for activism and criticism of governments and politicians on social media and blogs. During the floods, social networks played a role in helping victims, spreading information about people in need as well as distribution of humanitarian aid.

Local Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75

Entity constitutions protect the rights of cities and municipalities, as guaranteed by the European Charter on Local Self-Government. RS has 57 municipalities and 6 cities: Banja Luka, Prijedor, Trebinje, Dobož, Bijeljina, and Istočno (East) Sarajevo, the latter of which has six municipalities of its own. FBiH has 74 municipalities and 6 cities: Mostar, Sarajevo, Tuzla, Zenica, Široki Brijeg, and Bihać, the latter four having been upgraded from municipality to city status in July 2014. FBiH also has 10 cantons, a level of power between the municipalities and the entity government.

The distribution of power among the entities, cantons, and municipalities is unclear and often overlapping. In 2013, the Republika Srpska National Assembly adopted amendments to the Law on Local Self-Government that weakened municipal councils. In the Federation, cantons have started to harmonize their legislation with the entity-level Law on Principles of Local Self Government, but progress is slow.⁵⁶ Cantonal bureaucracies drain budgets, but politicians disagree on how to reform them. Eliminating cantons as a government level would be politically unpopular, as it would leave thousands of civil servants (and voters) jobless.

Municipalities have little fiscal autonomy. National political parties and central government authorities wield considerable influence over local officials, who risk losing financing or political support for their projects if they do not fall into line in areas such as election campaigning.

Political crises at the entity level in FBiH led to crises in cantons and municipalities. During the floods, local bodies in both entities lacked equipment and trained personnel to cope with the disaster, but help from the central government was painfully slow in coming. Bosnian authorities, the United Nations, the World Bank, and the European Commission estimated the floods did about KM 1.5 billion damage (\$843.6 million) to industry and businesses.⁵⁷ More than 85,000 people from 25 towns were displaced.⁵⁸ In a country still dominated by subsistence farming, more than 100,000 animals died, and heavy metals contaminated the soil.

Authorities failed in 2014 to resolve a voting-rights dispute that has prevented Mostar from holding local elections for six years. Municipal balloting in 2012 was suspended due to Constitutional Court rulings that Mostar's electoral system—in which six constituencies with different populations have equal representation on the city council—was discriminatory. Plans to conduct balloting in Mostar, which would have been concurrent with the 2014 general election, did not come to fruition as politicians could not agree on changes to the electoral law in time.⁵⁹

Judicial Framework and Independence

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.50

The judiciary remains susceptible to influence by political parties, and faces pressure from the executive branch. The lack of a single, state supreme judicial body contributes 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. Witness protection programs are also not always available to those who need them.

BiH has four separate court systems. The state-level Court of BiH handles criminal and administrative matters and appeals, and has jurisdiction over war crimes, financial crimes, and crimes against the state. The entities have their own judicial systems, each 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 system often leads to conflicts over jurisdiction. Investigations and trials can last years, often beyond the statute of limitations.

BiH authorities and the EU are working together to make the judicial system more independent, effective, and accountable via the Structured Dialogue on Justice, which began in 2011 under the Stabilization and Association Agreement. Under discussion, but not yet adopted, are draft laws on courts in BiH and the High Judicial and Prosecutorial Council, and on forming a separate and more independent state-level court to handle appeals from the Court of BiH. After failing to reach an agreement with BiH officials on constitutional changes, the European Commission has refocused its attention on the Structured Dialogue, which has been broadened to include anticorruption, antidiscrimination, conflict of interest, and police efficiency.⁶⁰

Despite the increased EU attention, the process has remained fraught. Several BiH representatives failed to show up to a Dialogue meeting in Brussels in April,⁶¹ largely because Serb members of the Council of Ministers did not agree on the proposed meeting agenda. RS representatives objected to broadening the remit of the Dialogue and called for a focus on its original mandate, particularly faster resolution of cases involving alleged war crimes against Serbs.⁶²

The public has little faith in the competence and independence of the judiciary. Cases against officials are often dismissed due to procedural mistakes. When politicians are arrested, there is a widespread view that the cases are politically motivated. The Prosecutor's Office of BiH said in August that its staff face media and political pressure when they work on organized crime cases.⁶³ They have also faced direct threats: prosecutor Diana Kajmaković, who has handled several high-profile cases, had her personal car's brake cables cut.⁶⁴

Relations between the state court and the state prosecutor's office are tense. Prosecutors have complained about the court releasing suspects in major cases; the court blamed prosecutors for not providing enough evidence.⁶⁵ The prosecutor's office indicted Željka Bukmir, a clerk at the Court of BiH, for disclosing information from investigations to suspects; she was convicted in November but received only a six-month suspended sentence.⁶⁶ Some state prosecutors are being investigated for illegal wiretapping of their colleagues and judges of the Court of BiH.⁶⁷ During the year, 11 Court of BiH verdicts on war crimes, organized crime, and corruption were dismissed on appeal, mostly owing to procedural errors during trials, and nine were partly dismissed; only 11 charges were upheld in full.⁶⁸

Case backlogs remain high at all levels due to staffing and budget shortfalls. Cases involving unpaid utility bills, which should be relatively easy to resolve, account for 79 percent of the backlog.⁶⁹ An attempt is underway to reduce the backlog in war-crimes cases by boosting the capacities of prosecutors' offices and transferring cases from the state to the entities and the Brčko District.

The police do not always fully inform people of their rights upon arrest. Suspects, especially those with stronger finances and influence, are sometimes released after 24 hours (with or without bail) while they await trial, giving them an opportunity to influence witnesses.

Prisoners sometimes face abuse and prisons are overcrowded; there are cases when criminals, even after they are found guilty, spend weeks on the loose, waiting for a spot to open up in detention. This problem is supposed to be ameliorated through the construction of a state prison large enough to house 350 prisoners convicted of high-level crimes; in 2014, the building project had only just started, after eight years of postponement. In its annual report, the Institution of the Ombudsman for Human Rights of BiH noted that BiH's prison system is fragmented, both in terms of organizational structure and legal framework.⁷⁰ The ombudsman reported that living conditions for prisoners at the prison in Busovača, 60 kilometers from Sarajevo, "are very bad," with six people per room and no tables or chairs. Busovača was built to house 88 prisoners but was accommodating 112 by the time of the ombudsman's visit. Ironically, the prison has a new pavilion that could accommodate 70 more prisoners, but it is not in use due to lack of staff.

Corruption

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.25	4.25	4.25	4.50	4.50	4.50	4.50	4.75	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. Bribery, nepotism, conflict of interest, and swapping of favors are common in education, health care, and other areas of public administration. State and entity legislatures are considering several anticorruption bills and amendments, but a lack of political will has slowed adoption. Indicative of this laxity, the country reached the end of its 2009–2014 Strategy for the Fight Against Corruption with only 9.8 percent of planned measures fully implemented.⁷¹

Meanwhile, the BiH office of Transparency International (TI) reported in August that while corruption indictments increased by 19 percent from 2012 to 2013 (from 223 to 265), the number of investigations conducted fell by almost half to 747.⁷² Prosecution of corruption is at the lowest level in five years and is focused on cases at the bottom levels of government, according to TI.

A new state Law on Public Procurement was approved in April but was criticized by NGOs, which said the law ignored numerous reforms suggested by civil society groups in favor of what TI called “purely cosmetic” amendments.⁷³ Politicians retain control in areas where outside authority could endanger them; for example, jurisdiction in conflict-of-interest cases lies with a panel dominated by members of parliament,⁷⁴ to which it was transferred in 2013 from the independent Central Election Commission. The entities lack laws on whistleblower protection, and there is no state-level legislation on seizure of illegally acquired property, although in June FBiH lawmakers, after months of stalling, approved a set of laws on corruption and organized crime that covered such seizures.⁷⁵

The Parliamentary Assembly of BiH adopted a new Law on Prevention of Money Laundering and Financing of Terrorism in June, but only after the Council of Europe’s Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) threatened to put the country on a blacklist.⁷⁶ Serb parties opposed MONEYVAL–associated changes to the Criminal Law on the grounds that they would transfer powers from RS to the state.⁷⁷

The country’s highest-profile corruption case dragged in 2014. FBiH President Živko Budimir was arrested in 2013 for allegedly taking bribes from convicted criminals seeking early release. The Court of BiH said the case was outside its jurisdiction and transferred it to Sarajevo Cantonal Prosecutors’ Office. Its investigation continued throughout 2014 but did not produce an indictment.

There are also ongoing cases involving leaders of the People’s Party Work for Betterment (NSRzB), which held ministries in the FBiH government. In March, FBiH police filed a report charging Jerko Ivanković-Lijanović, the entity’s minister of agriculture, water management, and forestry, and 56 others with using state budget funds to pay off NSRzB voters in the 2010 election.⁷⁸ In May, the state prosecutor’s

office indicted three people for alleged 2010 electoral fraud that enabled NSRzB to win a mandate in the Gorazde Cantonal Assembly.⁷⁹ September brought the arrest of Jerko Ivanković-Lijanović; his brother Mladen, the party leader and a member of the national House of Representatives; Milorad Bahilj, FBiH minister of trade; and 11 other people, including three more members of the Ivanković-Lijanović family, which runs a privately held abattoir. The charges include obtaining illicit gains and cheating the state budget of more than €5.7 million (\$6.3 million) by tax evasion, mispending agricultural subsidies, and hiding profits.⁸⁰ NSRzB said it was being targeted by politically motivated police action ahead of the 2014 election.⁸¹

Several other cases involving ranking officials, including the former head of the BiH Indirect Taxation Authority and current and former managers of Sarajevo International Airport, are being investigated or tried. Nonetheless, BiH dropped in TI's annual Corruption Perceptions Index, from 72nd place in 2013 to 80th place in 2014.⁸²

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