

Bosnia and Herzegovina (BiH) - Human Rights Scorecard ¹

Bosnia and Herzegovina is a small country in the Balkans that was part of the former Yugoslavia. Following Yugoslavia's disintegration, the Croats, Serbs, and Bosniak Muslims in the country fought a grisly civil war that ended in 1995. The country adopted a federal system with the Republic of Srpska for Serbs and the Federation of Bosnia and Herzegovina for Bosniaks and Croats. The federal government reflects these divisions in its composition. The government is gridlocked and inefficient, but the peace holds.

Official languages: Bosnian 52.9%, Serbian 30.8%, Croat 14.6%, though these are mutually intelligible and are differently named for political reasons. They use different alphabets.

Ethnic groups: Bosniak 50.1%, Serb 30.8%, Croat 15.4%, Other 2.7%

Government: [The](#) Federal government is a Parliamentary Representative Democracy representing both Republics. [These](#) Republics also have their own parliaments.

- Rotating Presidency with 3 members- 1 Bosniak, 1 Croat, and 1 Serb- who change places every 8 months

Death penalty: De-facto abolitionist since 1998

Population: 3.9 million

Life expectancy: 77.1 years

Under-5 mortality: 5.7 per 1000

Adult literacy: 98 percent



Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

Human Development (UNDP Human Development Index (HDI)) ²



0.768 – High Human Development ³

According to the UNDP, people in BiH enjoyed a gross national income per capita of \$11,716, and these resources are used relatively well, with most of it going to serve the population. BiH's HDI is extraordinarily high given its GNI, outperforming most countries with similar incomes.

Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected ⁴

There are no reports of arbitrary killings of civilians or prisoners.

Freedom from disappearance



Respected ⁵

There are no reports of forced disappearances in Bosnia and Herzegovina.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely Disrespected ⁶

There are reports of law enforcement badly mistreating prisoners in their custody, including through torture like mock executions and electric shocks. Judges largely failed to take action when abuse was brought to their attention.

Freedom from arbitrary arrest or detention



Respected ⁷

The law prohibits arbitrary arrest and detention, and the government usually respects this.

Freedom from denial of fair public trial



Respected⁸

The BiH constitution guarantees a fair trial, and this is largely respected.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁹

Widespread surveillance practices are illegal in BiH and are not utilized. Moreover, the extremely decentralized nature of government makes for a weak state.

Section 3: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹⁰



Score: 27.83, Rank: 62 / 179 – Problematic¹¹

Nationalist rhetoric and polarized politics make journalists vulnerable to criticism and attacks for where they're from as well as what they write. The Serbian republic has also passed laws criminalizing some social media content.

Freedom from academic censorship



Partially respected¹²

The country's 8 public universities are still segregated on ethnic lines, and prejudicial language is used in courses and books. Some regions have passed laws allowing local governments to fire academics at their discretion.

Freedom of peaceful assembly and association



Respected¹³

Right to assembly and association are guaranteed by the constitutions of both republics, and these rights are largely respected.

Freedom of religion



Partially Respected¹⁴

The constitutions of both republics guarantee freedom of religion. However, the polarization of Orthodox and Muslim religious communities into respective republics causes tension for minorities, and Jews and Catholics are also treated unequally by the state.

Freedom of movement



Respected¹⁵

Freedom of domestic and international travel is guaranteed by the constitution and is largely respected. BiH complies with UNHCR and other groups regarding refugees and other persons of concern.

Protection of refugees and stateless persons



Partially Respected¹⁶

BiH has its own population of internally displaced persons from the 1992-95 conflict. Despite attempts to resolve their status, bureaucratic fragmentation has prevented durable solutions. BiH is nominally party to international law on the status of refugees, though there are few.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{17 18}



4 / 7 – Partly free¹⁹

Civil liberties are threatened by the deep polarization and nationalist rhetoric found in each of the republics. Corruption is rife. Unequal treatment, such as the Sarajevo Canton's failure to issue a permit for a LGBTQ demonstration in May 2018, occurs.

Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



4 / 7 – Partly free²¹

In BiH the government is highly decentralized- there are three federal presidents, a president for each of the two republics, and different legislative bodies, making it difficult to hold any one body accountable. Politics are characterized by ethnic party gridlock and corruption.

Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: .38/1, Rank: 91 / 180 – Some corruption²³

BiH is in need of greater checks and balances, as well as growth in transparency and civil society engagement. The decentralization of BiH government makes it hard to hold accountable and to create internal checks.

Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially Respected²⁴

International observers are officially allowed, but frequently get caught in obstructionist bureaucracies when trying to conduct oversight.

Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)²⁵



Multiple minorities – some danger to minorities²⁶

BiH society is strictly divided between its 3 largest ethnic groups, and the republics reflect this stratification. Serbs, Bosniaks and Croats living outside their respective ethnic republic experience difficulties. The Roma are not recognized in this system, and face exclusion and discrimination.

Rights of women (*World Economic Forum Gender Gap Index*)²⁷



Score: .712/1 Rank: 62/ 142 – Unequal rights²⁸

Women are equal under BiH law, and there are vague anti-discrimination protections. However, there is nothing explicitly requiring equal pay for equal work or prohibiting firing pregnant women, and workplace discrimination is especially rife.

Rights of Children (*KidsRights Index Overall Score*)²⁹



Score: .828/1, Rank: 36 / 165 – Protected³⁰

Children in BiH have a generally good quality of life, though health and education services could be improved.

Rights of persons with disabilities



Partially respected³¹

Although there are legal provisions for the protection of the disabled, there is not enough enforcement of existing laws prohibiting discrimination and mandating accessible accommodations.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected³²

Antidiscrimination laws exist, but are very poorly enforced. Moreover, the problem of intercommunal violence continues, with schools and places of worship sometimes becoming targets. The Roma and the Jewish community face heavy discrimination from officials and citizens alike.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{33 34}

Although same-sex sexual activity is not officially criminalized and there are vague anti-discrimination provisions, LGBTQ people face hardship in schools, are often fired, and struggle to find housing. Targeted violence has increased in recent years.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³⁵

Although the law allows for collective bargaining, its provisions allow employers to dictate conditions of strikes and organizing. Because of this, these rights are poorly recognized.

Freedom from forced or compulsory labour



Partially respected³⁶

BiH has laws against forced labour, though trafficking and forced begging are still problems, especially for Roma and children.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³⁷

The minimum age of employment is 15 across the country, and this is largely enforced. However, many children are still forced into begging, which is not considered hazardous. This is especially true for Roma children, who are trafficked at greater frequency.

Right to acceptable conditions of work



Partially disrespected³⁸

There are provisions for a minimum wage, paid time off, overtime pay, and 40-hour workweeks. However, these are poorly enforced.

Right to employment



25.56% - High unemployment³⁹

BiH has very high unemployment rates, and youth unemployment rates have sometimes climbed past 60% during the past decade. This makes stability more difficult and exacerbates political problems.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 30, 2019 <http://hdr.undp.org/en/composite/HDI>

³ "Table 1: Human Development Index and its components, Bosnia and Herzegovina " UNDP, based on 2018 or the most recent year available. Accessed Jan. 30, 2019. <http://hdr.undp.org/en/composite/HDI>.

⁴ "Country Reports on Human Rights Practices for 2017 Bosnia and Herzegovina." U.S Department of State. Accessed January 30, 2019. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁵ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ Ibid. U.S Department of State.

¹⁰ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹¹ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. Accessed January 30, 2019. <https://rsf.org/en/bosnia-herzegovina>

¹² "Country Reports on Human Rights Practices for 2017 Bosnia and Herzegovina." U.S Department of State. Accessed January 30, 2019.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹³ "Bosnia and Herzegovina." World Report 2017: Bosnia and Herzegovina. Accessed January 30, 2019. <https://www.hrw.org/world-report/2018/country-chapters/bosnia-and-herzegovina#>

¹⁴ "Bosnia and Herzegovina." International Religious Freedom Report for 2017. Accessed January 30, 2019.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁵ "Bosnia and Herzegovina." World Report 2018: Bosnia and Herzegovina." Accessed January 30, 2019. <https://www.hrw.org/world-report/2018/country-chapters/bosnia-and-herzegovina#>

¹⁶ "Bosnia and Herzegovina." World Report 2014: Bosnia and Herzegovina." Accessed January 30, 2019. <https://www.hrw.org/world-report/2018/country-chapters/bosnia-and-herzegovina#>.

¹⁷ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁸ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Jan. 30 2019

<https://freedomhouse.org/report/freedom-world/2018/bosnia-and-herzegovina>

¹⁹ "Bosnia and Herzegovina." Freedom in the World 2017: Bosnia and Herzegovina." Accessed January 30, 2019. <https://freedomhouse.org/report/freedom-world/2018/bosnia-and-herzegovina>

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed Jan. 30, 2019 <https://freedomhouse.org/report/freedom-world/freedom-world-2018>

²¹ "Bosnia and Herzegovina." Freedom in the World 2018: Bosnia and Herzegovina. Accessed January 30, 2019. <https://freedomhouse.org/report/freedom-world/2018/bosnia-and-herzegovina>

²² Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²³ "Bosnia and Herzegovina." "Corruption by Country. Accessed January 30, 2019.

https://www.transparency.org/news/feature/corruption_perceptions_index_2017.

²⁴ "Country Reports on Human Rights Practices for 2017 Bosnia and Herzegovina." U.S Department of State. Accessed January 30, 2019.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁵ The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 30, 2018 <http://peoplesunderthreat.org/>.

²⁶ "Bosnia and Herzegovina." Peoples under Threat, Minority Rights Group International. 2017, or most recent data. Accessed Jan. 30, 2019.

<http://peoplesunderthreat.org/>.

²⁷ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁸ "Bosnia and Herzegovina." World Economic Forum. Accessed January 30, 2019. <https://www.weforum.org/reports/the-global-gender-gap-report-2018>

²⁹ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

³⁰ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed January 30, 2019. <http://www.kidsrightsindex.org/>

³¹ "Country Reports on Human Rights Practices for 2017 Bosnia and Herzegovina." U.S Department of State. Accessed January 30, 2019.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed January 30, 2019. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁴ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁵ "Country Reports on Human Rights Practices for 2017 Bosnia and Herzegovina." U.S Department of State. Accessed January 30, 2019.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State.

³⁸ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁹ "Global Employment Trends." International Labour Organization. Accessed January 30, 2019. <https://www.ilo.org/budapest/countries-covered/bosnia-herzegovina/lang--en/index.htm>