GLOBAL
PLURALISM
MONITOR

BOSNIA AND HERZEGOVINA

Global Pluralism Monitor: Bosnia and Herzegovina
by Global Centre for Pluralism

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ABOUT THE SERIES

This report was developed using the Global Pluralism Monitor Assessment Framework. The Global Pluralism Monitor's country assessments are conducted by a team of experts on diversity issues who are either country nationals or have significant experience in the country.

The scores presented in this report should not be interpreted as part of a universal scale or ranking system that applies to all countries in the same way. Instead, scores should be understood as a context-specific indication of the country's progress toward (or away from) a pluralistic ideal. For example, a post-conflict society that still experiences violence – but comparatively less than at the height of conflict – might have a similar score to a society that has been peaceful but has recently experienced a surge in hate crimes. The Global Pluralism Monitor aims to assess countries on their own terms to reflect the highly contextual nature of pluralism: there is no single route to success that all societies must follow.

For more information on the Monitor and its methodology, visit our website at pluralism.ca/monitor.

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ABOUT THE GLOBAL PLURALISM MONITOR

What is pluralism?

Diversity in society is a universal fact; how societies respond to diversity is a choice. Pluralism is a positive response to diversity. Pluralism involves taking decisions and actions, as individuals and societies, which are grounded in respect for diversity.

MEASURING INCLUSION AND EXCLUSION IN DIVERSE SOCIETIES

Living and engaging with differences in society is a challenge all societies face. As inequality, marginalization and divisions rise, building peaceful and inclusive societies is ever more urgent.

Vulnerable groups, including religious and ethno-cultural minorities, indigenous groups, and women and girls, face ongoing political, economic and social exclusion. To foster more just, peaceful and prosperous societies, these exclusions must be addressed. To take meaningful action, policy makers and practitioners need a holistic understanding of these issues.

Launched by the Global Centre for Pluralism, the Global Pluralism Monitor is a measurement tool that assesses the state of pluralism in countries around the world. Across political, economic, social and cultural domains, the Monitor informs decision-making to address root causes of exclusion and improve the prospects for pluralism.

Enhances existing efforts by governments, civil society and the private sector

The Monitor enables:

- Gap analysis: to assess the state of pluralism in societies and identify areas in which intervention is needed to address exclusion;
- Trends analysis: to track a country's trajectory over time, either towards greater inclusion or exclusion;
- Intersectional analysis: to assess the treatment of women in societies, accounting for intra-group dynamics of inclusion and exclusion;
- Conflict prevention: to identify signs of exclusion and marginalization before crisis becomes imminent;
- Good practices: to identify initiatives that are having a positive impact that could be further developed, or serve as lessons for other contexts.

Approach rooted in both institutional and cultural responses to diversity

The Centre's approach to pluralism focuses on institutions (hardware), cultural processes (software) and the complex interactions between the two. Institutional arrangements – such as constitutions, legislatures, courts, and systems of government – outline the legal and political spaces within which members of societies act. Cultural habits or mindsets shape our perceptions of *who belongs* and *who contributes*, and influence how we interact with one another every day.

The Monitor Assessment Framework is rooted in the interplay between institutional and cultural responses, and measures inclusions and exclusions across political, economic and social dimensions. Its 20 indicators cover the following:

1. Legal commitments in support of pluralism;
2. Practices by state institutions to realize commitments;
3. Leadership towards pluralism from societal actors;
4. State of group-based inequalities;
5. Intergroup relations and belonging.

Informed by expertise and data

A team of national experts on diversity and inclusion in the country uses the Monitor Assessment Framework to produce a country report, drawing on a range of qualitative and quantitative data. The reports offer recommendations for policymakers and practitioners on how to advance pluralism, and offer a basis for dialogue with stakeholders across the society.

Each team of experts is encouraged to define the story *they* want to tell about pluralism. In this way, the reports are grounded in the local realities and designed to have the most potential impact on policy and practice.

The Monitor is guided by an international Technical Advisory Group of leading experts on indices and diversity issues.

GLOBAL PLURALISM MONITOR ASSESSMENT FRAMEWORK

COUNTRY PROFILE

COMMITMENTS	PRACTICES	LEADERSHIP	GROUP BASED INEQUALITIES	INTERGROUP RELATIONS + BELONGING
International Commitments	Policy implementation	Political Parties	Political	Intergroup Violence
National Commitments	Data Collection	News Media	Economic	Intergroup Trust
Inclusive Citizenship	Claims-Making and Contestation	Civil Society	Social	Trust in Institutions
		Private Sector	Cultural	Inclusion and Acceptance
			Access to Justice	Shared Ownership of Society

RECOMMENDATIONS

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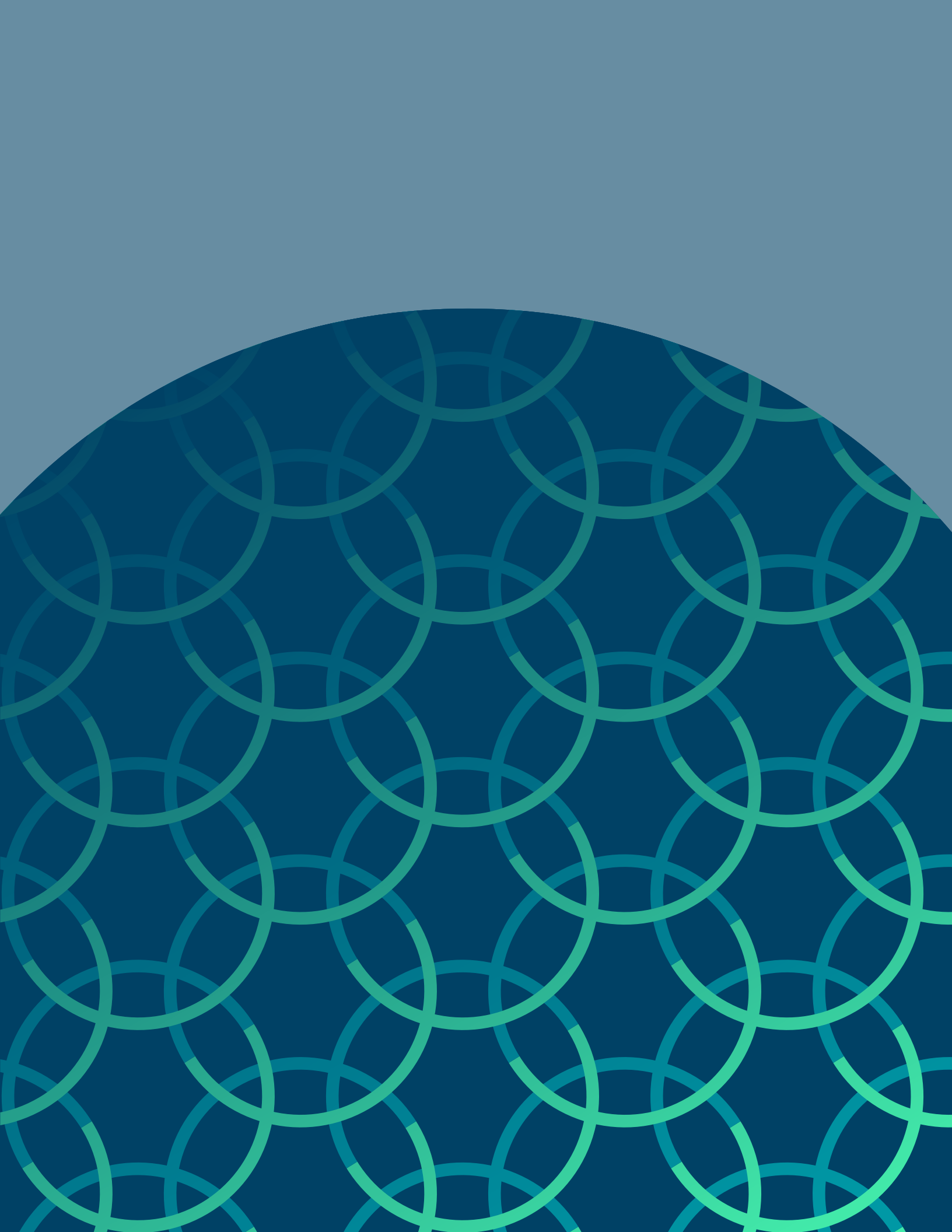


EXECUTIVE SUMMARY

Communities such as the Roma, who fall outside of the three dominant ethnic groups, lack protection and are discriminated against regarding access to employment, health services, higher education and housing.

OVERALL SCORE: 4

At the heart of Bosnia and Herzegovina's (BiH) Constitution lies an attempt to reconcile with its past ethnic violences, rebuild a community that fosters pluralism and safeguard the sovereignty and integrity of the state. BiH's society is structured to reduce inequalities and prevent the rise of future ethnic grievances. However, BiH struggles to fully dismantle these complex political and social divisions which prevent the country from moving forward from its past.

While BiH's extensive legislative framework has integrated most international legal and constitutional commitments for safeguarding human rights and freedoms, the distribution of power among the country's three constitutent communities serves to mask and minimize other forms of discrimination and inequalities prevalent in the country. With most international attention focussed on ethno-national cleavages and the peace process, other systemic violence persists relatively unnoticed. For instance, social class is one of the most salient yet overlooked cleavages in BiH, exemplified by the increasingly impoverished, disadvantaged and worn-out citizenry. What emerges from the *Global Pluralism Monitor: Bosnia and Herzegovina* report is not an isolated discussion of BiH's ethnic groups. Rather, the Monitor report examines the relationship of ethnicity alongside class and gender inequalities; these inequalities are legitimized by the country's consociational (power-sharing) democracy.

LEGAL COMMITMENTS

BiH has numerous international, national and regional agreements and instruments in place to safeguard human rights and fundamental freedoms, particularly for people of marginalized backgrounds. Due to the country's constitutional protections and distribution of power among the three constituent communities – Bosniaks, Croats and Serbs – ethnic groups' rights often take precedence and minimize other forms of discrimination or inequality. Moreover, constitutional reform has stalled since 2009 and discrimination remains prevalent, with the exception of the adoption of legal frameworks such as the Law on Gender Equality. Even though BiH's Constitution includes advanced international instruments to protect human rights, deficiencies in its power-sharing system reveal human rights concerns and exclusionary citizenship practices.

PRACTICES AND LEADERSHIP

BiH has many agencies, initiatives and commitments that foster respect for diversity. Despite this, ethnic cleavages and the consociational system continue to dominate political, social and economic life. The constitutional design of BiH effectively 'ethnicizes' claims-making, consolidates power in the hands of a few elites and obstructs cross-group solidarity. As a result, communities such as the Roma, who fall outside of the three dominant ethnic groups, lack protection and are discriminated against regarding access to employment, health services, higher education and housing. In addition, political power is not only divided based on ethnicity but is also highly gendered. While BiH

BiH struggles to cultivate a shared sense of ownership across its population and to foster the inclusion of marginalized communities.

has made considerable efforts to retain many international commitments to gender equality, continued discriminatory practices, unequal opportunities in the labour market and women's low participation in governance demonstrate that women's lived realities do not necessarily align with BiH's political commitments.

BiH maintains transparency with regards to inequality in its society, with data collection increasing substantially over the past decade. The data tells a story of a country with high poverty levels and staggering inequality, coupled with low levels of foreign direct investment, high levels of corruption and an inefficient regulatory environment. These challenges present significant obstacles to economic growth and development. As the country transitioned from a state-owned to market economy in the 1990s, post-war ethno-national elites capitalized on this shift, further exacerbating BiH's wealth disparity. BiH leadership is still plagued with difficulties surrounding power consolidation, economic entitlement and ethnic exclusions, showcasing that while BiH's power-sharing agreement led to the dissolution of physical violence, the country's leadership still mirrors many of its pre-war ethnic tensions.

GROUP-BASED INEQUALITIES, INTER-GROUP RELATIONS AND BELONGING

The Dayton Agreement, a peace agreement which formally ended the Bosnian war in 1995, legitimized and solidified ethnic, religious and linguistic categories across BiH's political, social, economic and cultural landscapes. Ethno-religious and linguistic categories have become the country's main dividing lines, which limit sociocultural cohesion and produce mistrust and antagonism across communities. Not only does this unintentionally normalize homogenous communities but also creates an "otherness" to communities, such as the Roma and transitory migrants, who fall outside these ethnic boundaries.

Disillusionment across all political, social and economic sectors stifles progress in BiH. Ethnic quotas institutionalize political representation, which means that political candidates are not representative of the full diversity of the population. Often for groups not belonging to the three constituent communities, there is no political representation and their interests are not protected. Economic and social inequalities are highly gendered and classist, which reflect persistent urban-rural divides with the rural population facing harsher economic conditions, less health care access and lower education prospects. Feelings of trust and national belonging are also diminishing. With low trust in institutions, a lack of trust across the different groups in society and intergroup marriage remaining uncommon, BiH struggles to cultivate a shared sense of ownership across its population and to foster the inclusion of marginalized communities. Inter-group violence is also still a reality since the Bosnian war. The result is a polarizing of communities with some groups completely closed off from political decision-making, economic prosperity and social life.

MONITOR TAKEAWAYS

BiH has substantial official commitments to support pluralism. However, the Monitor report documents BiH's struggle to move these commitments from policy to practice. In privileging discussions of ethnic groups and specific constituent peoples, BiH nurtures ethnic belonging at the expense of developing a sense of citizenship at the national level. This unintentionally causes further divisions. This is a paradox given that the policies to protect ethnic belonging were created to preserve cultural rights and identities. Together, the Monitor report identifies

While ethnic concerns claim centre stage in BiH, other systemic challenges persist that hinder pluralism.

three obstacles to democracy and pluralism, which are the politicization of ethnic identities, high levels of political corruption and economic instability. Addressing these issues is likely to be a long-term, complex process, which will require cooperation among different social, political and economic actors from BiH and the international community.

Across the Monitor report, the duality of struggles in the nation is highlighted. While ethnic concerns claim centre stage in BiH, other systemic challenges persist that hinder pluralism. Class divides, elevated inter-group violence, limited cross-group solidarity and mobilization, partisanship and discrimination based on race, religion, gender and sexuality are overlooked in favour of strengthening the three constituent groups' access to power. Moreover, with ethno-nationalist elites consolidating power and building narratives of mistrust and animosity against each other, BiH citizens lack access to the many traditional political routes to evoke change that are not constrained by ethnic cleavages, such as who to vote for and who can run for office.

Overall, BiH struggles with a low sense of shared ownership across society, particularly amongst individuals who identify as part of a marginalized community. While some voices are magnified in the public sphere, others are silenced. To move toward a more pluralistic society, tackling the deeply entrenched social, economic and political inequalities may allow for more equal opportunities across the country. BiH demonstrates that while the Dayton Peace Agreement and power-sharing mechanisms have subdued future possibilities of violence, power-sharing systems cannot necessarily be equated with equality until all forms of diversity are viewed as legitimate and all discriminatory systems are removed.

RECOMMENDATIONS

The Monitor report's recommendations align with and reinforce what experts, activists and stakeholders have called for in Bosnia and Herzegovina and provide several pathways to pluralism for the country.

- To address the inequalities faced by the country's most marginalized communities, government officials can set a positive precedent by finding ways to include perspectives and open up conversations beyond the three ethnic cleavages. In the future, this could be extended to modify the ethnic power-sharing structure to enable more inclusive practices. It could also involve providing greater political, economic and social supports to individuals or groups who identify as Roma, transnational migrants and refugees, women and LGBTQ+. These supports can be through affirmative action mechanisms or educational initiatives.

- Civil society actors can help bolster more inclusive practices by becoming more vocal during policy-making processes and pushing to establish educational initiatives on respect for diversity.

- BiH can bolster its work on data collection and inclusive policy to better include issues related to class and transnational migration. Without continuing to develop better policies, monitoring mechanisms and data collection about class disparities and migration, BiH's three constituent groups will continue to dominate policy and practice decisions that limit the inclusion and visibility of those who do not belong to the three groups.

COUNTRY PROFILE

As a result, deadlocks in decision-making are frequent, and ethnicity is the dominant socio–political cleavage.

Institutionally, Bosnia and Herzegovina is the most complex state in Europe. Its formal set-up was established by the 1995 Dayton Peace Agreement. After more than three years of failed negotiations, over 100,000 deaths and the displacement of approximately 2 million people as refugees, this Agreement ended the nearly four-year war in BiH (1992–95). The war took place between the country's three main ethnic communities—Bosniaks, Croats and Serbs—representing three religious groups—Muslims, Christian Catholics and Orthodox Christians. The Agreement—brokered by the United States (US) and implemented by the international community—constituted the BiH state as a consociational (ethno-territorial power-sharing) democracy and it solidified and legitimized a "shallow" state model.[1]

The Dayton Peace Agreement was envisioned to accommodate socio–political diversity, while safeguarding the sovereignty of the BiH state. To achieve these goals, the Agreement divided BiH into two entities—the Federation of Bosnia and Herzegovina (FBiH), with a 51 percent share of the territory and inhabited mostly by Bosniaks and Bosnian Croats, and the Republika Srpska (RS), with 49 percent of the territory and populated almost exclusively by Bosnian Serbs—and the self-governing administrative unit, the *Brčko District*. The entities were given characteristics of states—with developed institutions, decision-making power and clear borders—within a more complex state. This produced an intricate and multi-layered system of governance, including three (rotating) presidents, veto and co-decision mechanisms, grand coalition governments, autonomy of substate units and proportional representation of different communities at all levels of government. As a result, deadlocks in decision-making are frequent and ethnicity is the dominant socio–political cleavage.

The Agreement conceptualized BiH citizens as homogenous, rooted, antagonistic and bounded units which "caused" a local culture of violence. The problem with this ideology of "good enough plurality" is that it approaches ethnicity as an *a priori* organization of political discourse and it makes a consociational power-sharing model and extensive international engagement logical and necessary. This vision of ethnic people rooted in ethnic territories goes against BiH's ethno-politically intertwined history. Furthermore, it generates a dysfunctional state, frozen peace, economic devastation and the perpetual distancing of ethnically conceptualized people, stripped of their state-level citizen identification.[2]

In addition to being politically dysfunctional, the BiH state, with its massive bureaucracy and convoluted, unsynchronized laws, is an ideal ground for ethno-nationalist elites to exercise overt corruption. These widespread practices propel some observers to claim that Bosnia and Herzegovina is the most corrupt country in Europe and that it is a "captive state," in which "all levels of government and state institutions are highly affected by corruption."[3] In (the former) Eastern Europe, such processes are often understood as side effects of "postsocialist transitions," and they manifest most visibly in the hasty and illicit privatization of the state's (formerly collectively owned) resources. This privatization leads to the centralization of wealth and power in the hands of a few elites and to a dispossession of the public of their collective ownership of resources under socialism.[4]

As a result of the extensive war destruction, post-war "Dayton nationalism" and post-socialist economic disparities, the state is perpetually losing its citizens.

As a result, according to the United Nations Development Programme (UNDP) Human Development Index, BiH ranks 73rd in the world and is one of the least developed countries in Europe.[5] Furthermore, there are currently over 400,000 unemployed people in BiH.[6] This points to an increasing gap between the rich and poor, and it highlights class as an important emerging identity cleavage in BiH.

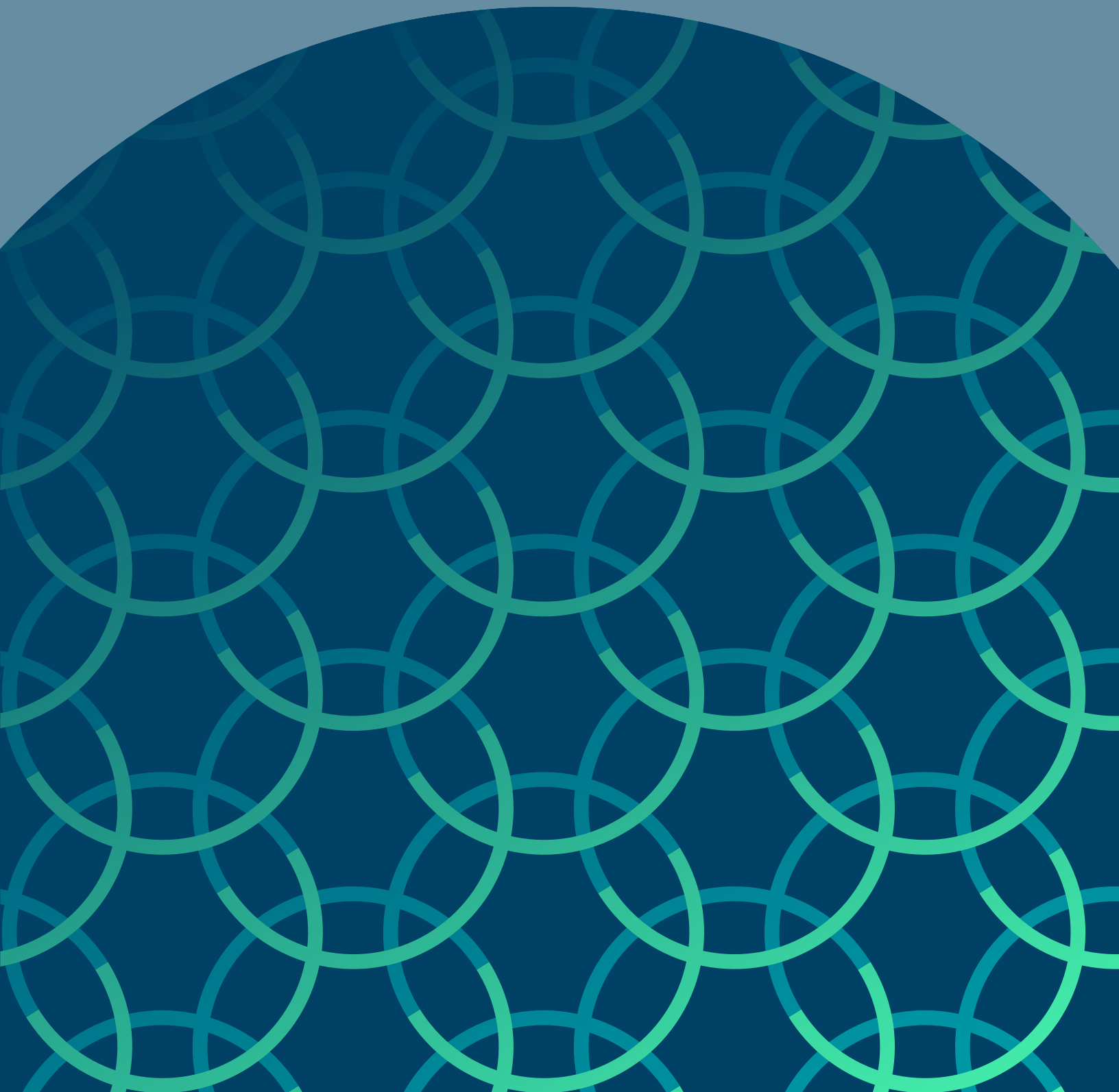
As a result of the extensive war destruction, post-war "Dayton nationalism" and post-socialist economic disparities, the state is perpetually losing its citizens.[7] In 1991, right before the war began, there were 4.4 million people living in BiH. The results of the first post-war census, held in 2013 and 2014,[8] show that 3.5 million people live in BiH. For most BiH citizens, the assemblage of a post-war dysfunctional state, extreme levels of corruption and perpetual unemployment create disillusionment and posit the future as a predicament. Consequently, many decide to leave the state and imagine their future elsewhere, especially those young and able, which adds to the already large BiH diaspora.

BiH has a diaspora of an estimated 2 million people, mostly residing in the United States, United Kingdom, Canada, Sweden, Australia and Austria.[9] The diaspora is composed of historical emigrants who fled the Austro-Hungarian Empire in the nineteenth century; economic emigrants who left the socialist Yugoslavia in search of job opportunities; refugees who fled the Bosnian conflict in the 1990s; and most recently, the exodus of young people in search of a better life elsewhere. Transnational links between the resident population and the diaspora are strong. Remittances account for between 10 and 17 percent of the country's GDP since the early 2000s.[10]

Photo: Shutterstock/Fotokon

The diversity and pluralism issues in this ethnically divided state are further complicated by traditional cultural and structural norms, which often sideline women and LGBTQ+ communities from public life and positions of leadership. In addition, since 2015, BiH became the "hot spot" on the European Union (EU) migrant route. An estimated 75,000 migrants have transited through the state's territory, creating new forms of exclusion, solidarity and economic ruination. This novel phenomenon is important to understand emerging articulations of diversity and pluralism in BiH. However, the data related to transnational migration are spotty, anecdotal and often inadequate, making this diversity type difficult to be treated by some indicators. In those instances where data is too inconclusive or limited, this indicator was left blank in the report.

PART I.
COMMITMENTS



1. INTERNATIONAL COMMITMENTS
AVERAGE SCORE: 7

ETHNO-RELIGIOUS | SCORE: 7

CLASS | SCORE: 7

TRANSNATIONAL MIGRATION | SCORE: 6

BiH is party to numerous international, national and regional agreements and instruments for safeguarding human rights and fundamental freedoms, as well as mechanisms for the protection of the rights of minorities,[11] women and children. These legal instruments and agreements are engrained in the country's institutional setup and have different weight in terms of ensuring the equality of all citizens. Furthermore, BiH has adopted some of these instruments through state succession. Some have been entrenched in its constitutional set-up through the Dayton Peace Agreement, and others were acceded to in the post-independence period.

Annex I of the Dayton Peace Agreement lists the following international human rights instruments to be applied in the country (with subsequent protocol accession):

- 1948 Convention on the Prevention and Punishment of the Crime of Genocide (party since December 29th, 1992, by state succession);
- 1949 Geneva Conventions I–IV on the Protection of the Victims of War and the 1977 Geneva Protocols I–II thereto (party since December 31st, 1992, by state succession);
- 1951 Convention relating to the Status of Refugees and the 1966 Protocol (party since September 1st, 1993, by state succession);
- 1957 Convention on the Nationality of Married Women (party since September 1st, 1993, by state succession);
- 1961 Convention on the Reduction of Statelessness (party by accession December 13th, 1996);
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (party since July 16th, 1993, by state succession);
- 1966 International Covenant on Civil and Political Rights (party since September 1st, 1993, by state succession), including its First (signed and ratified March 1st, 1995) and Second (signed September 7th, 2000; ratified March 1st, 2001) Optional Protocols;
- 1966 International Covenant on Economic, Social and Cultural Rights (party since September 1st, 1993, by state succession), and its Optional Protocol (signed July 12th, 2010; ratified January 18th, 2012) offering individual complaints and inquiry mechanism;

The particularities of the country's constitutional design create an asymmetry of rights between members of the constituent peoples and other ethno-religious communities (such as Jews and Roma) and other identities (such as women, children, the LGBTQ+ population, refugees and migrants, and the economically deprived).

- 1979 Convention on the Elimination of All Forms of Discrimination against Women (party since September 1st, 1993, by state succession), as well as the Optional Protocol (signed September 7th, 2000; ratified September 4th, 2002);
- 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (party since September 1st, 1993, by state succession), as well as the Optional Protocol (signed December 7th, 2007; ratified October 24th, 2008);
- 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (signed and ratified September 7th, 2002);
- 1989 Convention on the Rights of the Child (party since September 1st, 1993, by state succession), including its Optional Protocol on the involvement of children in armed conflict (signed September 7th, 2000; ratified October 10th, 2003); Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (signed September 7th, 2000; ratified September 4th, 2002) and Optional Protocol on a communications procedure (signed July 11th, 2017; ratified May 17th, 2018);
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (acceded December 13th, 1996);
- 1992 European Charter for Regional or Minority Languages (signed September 7th, 2005; ratified September 21st, 2010); and[12]
- 1994 Framework Convention for the Protection of National Minorities (signed and ratified February 24th, 2000).

Other relevant international human rights instruments that Bosnia and Herzegovina is party to include the following:

- European Convention on Human Rights (ratified July 12th, 2002) (It is part of the country's constitutional set-up and has supremacy over all laws in BiH);[13]
- The Convention on the Rights of Persons with Disabilities (signed July 29th, 2009; ratified March 12th, 2010), including its Optional Protocol (signed July 29th, 2009; ratified March 12th, 2010); and
- Revised European Social Charter (ratified on October 7th, 2008). Fifty-one of its 98 paragraphs were accepted.[14]

While numerous human rights instruments safeguarding socio–cultural, economic and migrant rights have been in place in BiH, the particularities of the country's constitutional design create an asymmetry of rights between members of the constituent peoples and other ethno-religious communities (such as Jews and Roma) and other identities (such as women, children, the LGBTQ+ population, refugees and migrants, and the economically deprived). The inadequacy of the country's constitutional framework to ensure equality of rights is especially visible in the Sejdić and Finci v. Bosnia and Herzegovina judgement of the European Court of Human Rights (ECtHR).[15] This 2009 ruling stipulated that the constitutional arrangements regarding the House of Peoples of Bosnia and Herzegovina and the presidency of the country (whereby only a member of the three constituent

peoples could be elected) constituted a violation of Article 14 of the European Convention on Human Rights (ECHR) in conjunction with Article 3 (Protocol 1) and Article 1 (Protocol 12), respectively. Constitutional reform has been in a deadlock since the judgement.

The periodic reports of BiH to the Committee on Economic, Social and Cultural Rights,[16] the National Report to the Human Rights Council (HRC)[17] and reports to other monitoring bodies all note the complexity of the political and legal situation in the country. Overall, the reports highlight that there has been "some progress"—mostly attributable to the ratification of international legal instruments and the adoption of national ones—especially as regards gender equality, civil society, human rights and free speech. In addition, human rights reporting methodology has been approved in 2018 by the Council of Ministers of BiH, following earlier recommendations by the HRC. Reports indicate the lack of systematic data as one of the key obstacles in monitoring the implementation of BiH's international commitments.

Related to transnational migration, as a part of the visa liberalization process, in 2007, BiH signed the Agreement with the European Community on the readmission of persons residing within the EU territory without authorization.[18] The agreement entails the possibility for a EU member state to return a third-country migrant who has transited through BiH to their country. Several additional agreements are underway due to the present migrant crisis in BiH. Issues related to returns and readmissions in BiH are complex and problematic, mainly due to inadequately formulated clauses and procedures. The country is facing additional pressures since it shares the EU external border with Croatia.[19]

2. NATIONAL COMMITMENTS
AVERAGE SCORE: 5

ETHNO-RELIGIOUS | SCORE: 5

CLASS | SCORE: 5

TRANSNATIONAL MIGRATION | SCORE: 5

The Dayton Peace Agreement ended the conflict in BiH and provided the constitutional framework for the country.[20] The Agreement also engrained mechanisms to protect human rights in BiH as well as to guarantee refugee rights and the right of return to persons who fled the 1992–95 war.

The Council of Europe's ECHR is an integral part of BiH's constitutional set-up, and its norms prevail over any domestic laws. Article 2.3 of the Constitution enumerates rights and freedoms from the Convention that are directly enforceable in the context of BiH. These include the following:

- The right to life;
- The right not to be subjected to torture or to inhuman or degrading treatment or punishment;

The constitutional protection and distribution of power among the three constituent peoples, however, has resulted in ethnic groups' rights prevailing over other collective and individual rights.

- The right not to be held in slavery or servitude or to perform forced or compulsory labour;
- The rights to liberty and security of person;
- The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings;
- The right to private and family life, home and correspondence;
- Freedom of thought, conscience and religion;
- Freedom of expression;
- Freedom of peaceful assembly and freedom of association with others;
- The right to marry and to found a family;
- The right to property;
- The right to education; and
- The right to liberty of movement and residence;

The constitutional protection and distribution of power among the three constituent peoples, however, has resulted in ethnic groups' rights prevailing over other collective and individual rights. For example, all BiH citizens who do not fall into the Bosniak-Croat-Serb ethno-national grid or identify themselves as such are officially labeled as "Others."

While discrimination in BiH is prohibited by the Constitution (including entity and cantonal constitutions and Statute of Brčko District of BiH), international conventions and domestic legislation, the 2009 Sejdić and Finci vs. Bosnia and Herzegovina[21] ruling by the ECtHR corroborated that the power-sharing model applied in the country was discriminatory towards non-constituent peoples (i.e., national and ethnic minorities).[22]

The BiH Law on Gender Equality guarantees gender equality to everyone in all spheres of society, including education, economy, employment and labour, social and health protection, sport, culture, public life and the media. The federal government further adopted Gender Action Plans as well as other instruments guaranteeing equality to women, such as the 2009 Strategy for the prevention and fight against family violence in BiH (2009-2011). However, as of 2021, there is no systematic data and analysis of gender-based and domestic violence.

Hate speech is prohibited and criminalized at all levels of governance: at the state level (Criminal Code of BiH, Article 145a), at the entity level (Criminal Code of FBiH, Article 163 and 363(a) and Criminal Code of RS, Article 294a) and in the Brčko District (Criminal Code of BD, article 2, 49, 160, 357).[23] In addition, the Law on Prohibition of Discrimination was adopted by the BiH Parliamentary Assembly in 2009 and amended in 2016.[24] The law aims to strengthen BiH mechanisms designed to fight discrimination, particularly against persons of vulnerable social categories.[25] Furthermore, the law obliges the

In sum, even though BiH's constitutional set-up includes some of the most advanced international instruments for the protection of human rights, deficiencies of the consociational system manifest themselves as major human rights concerns in the country.

Ministry of Human Rights and Refugees to issue, within 90 days from the date of the law's adoption, a rulebook on surveying discrimination cases in BiH.[26] However, neither the Institution of Human Rights Ombudsman/Ombudsmen of BiH nor the BiH Ministry for Human Rights and Refugees have produced much data on this subject, thereby de facto failing in their monitoring responsibilities.

The status of transnational migrants in BiH is regulated by the 2016 Law on Asylum, which guarantees asylum seekers the right of lawful abode while the claim is being processed. In addition, transnational migrants' rights include non-refoulment, accommodation in centres for asylum seekers or at a registered private address, the right to information on the status of one's application, primary health care, education, free legal aid, basic welfare and employment rights if there has been no decision on the claim within nine months from the date when the application has been submitted.[27] Once granted the right to subsidiary protection, individuals receive a renewable one-year permit, the right to family reunification and their rights to welfare, education, health care and employment are equalized with those of BiH citizens.[28] Moreover, individuals recognized as refugees can also benefit from these rights and receive a three-year residence permit and the right to apply for an international travel document.[29] Despite the existence of the relevant legal framework, asylum seekers have difficulties in exercising their rights due to cumbersome bureaucratic procedures.[30]

In sum, even though BiH's constitutional set-up includes some of the most advanced international instruments for the protection of human rights, deficiencies of the consociational system manifest themselves as major human rights concerns in the country.[31] Furthermore, the heavy legal and institutional focus on recognizing and protecting ethno-cultural identity rendered other forms of group identification, discrimination and exclusion either secondary (such as gender) or largely invisible (such as class and transnational migration).

3. INCLUSIVE CITIZENSHIP
AVERAGE SCORE: 6

ETHNO-RELIGIOUS | **SCORE: 5**
CLASS | **SCORE: 7**
TRANSNATIONAL MIGRATION | **SCORE: 5**

Article 1(7) of BiH's Constitution contains an extensive provision for regulating citizenship.[32] An important aspect of this provision is the explicit prohibition of arbitrary deprivation of citizenship on grounds "such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."[33]

Like in many other federal states, citizenship of BiH is two-tiered. Article 1(7) of the Constitution stipulates that "'[t]here shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be

While this fact reflects the power-sharing mechanisms used to stop the war in BiH, the complex relationship between entity and state citizenship where legal primacy is unclear puts some groups at risk from exclusion.

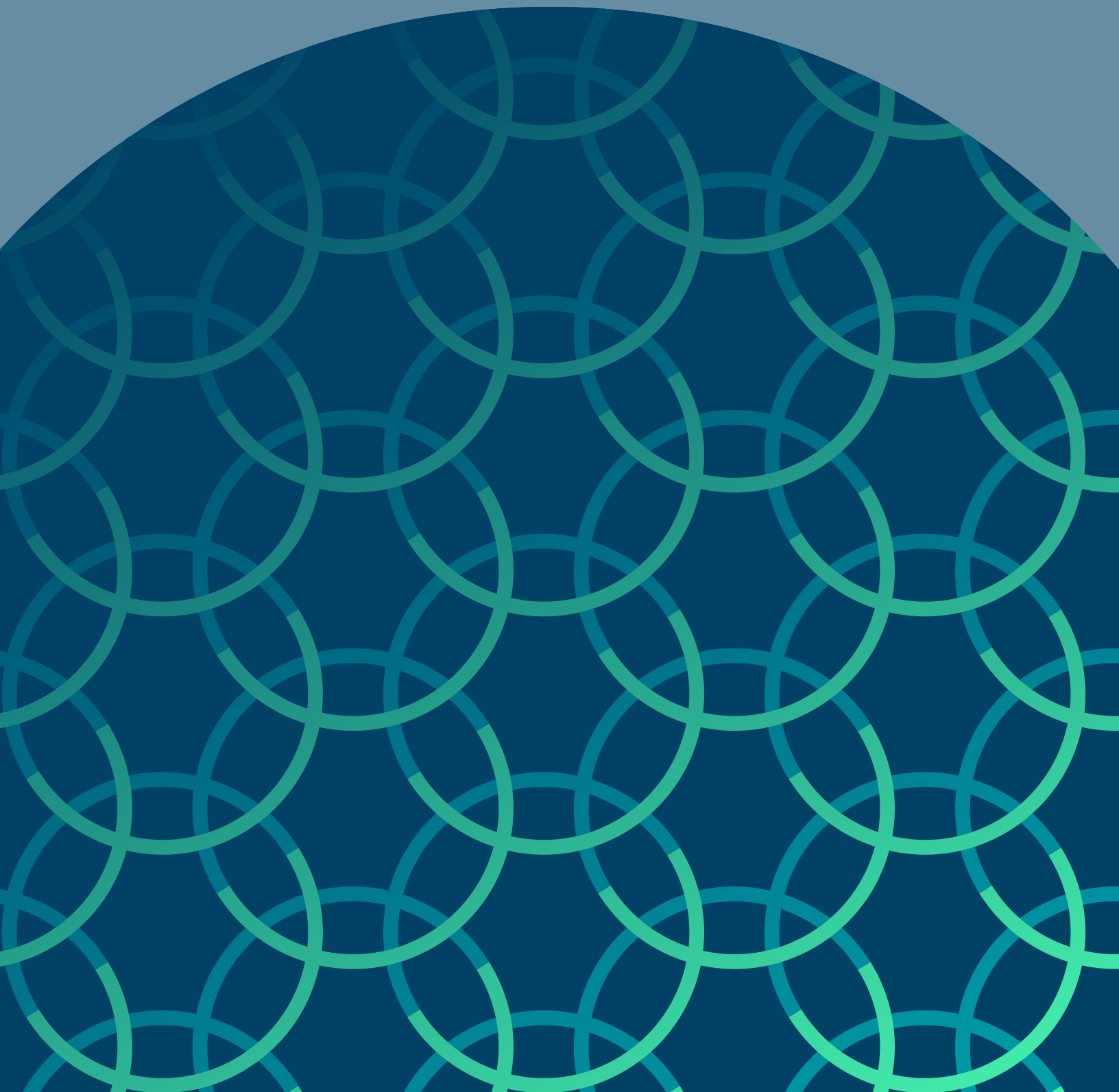
regulated by each Entity.'"[34] While this fact reflects the power-sharing mechanisms used to stop the war in BiH, the complex relationship between entity and state citizenship where legal primacy is unclear puts some groups at risk from exclusion.[35] For instance, the regulation of citizenship is a state competence, but the issuance of passports is regulated at the entity level, unless the citizen does not possess a passport issued by their entity.[36] As a result, citizens of the autonomous Brčko District are placed in a paradoxical situation, where they are forced to declare their belonging to either entity in order to access their citizenship rights.[37] Furthermore, even if a "minority" (such as a Jewish or Roma) person has a state and entity citizenship but is not a member of any of the three constituent ethnic groups (Bosniak, Croat, Serb), they would be deprived of certain political rights. This includes the ability to run for the highest state offices which are reserved for members of the constitutive communities.

Furthermore, despite the existence of state citizenship (regulated by the 1999 Law on Citizenship,) entity citizenship laws emulate citizenship legislation of independent states and are neither aligned with each other nor with state legislation. While there are no significant discrepancies related to birthright attribution of citizenship (dominant *ius sanguinis*, with *ius soli* application for stateless, unknown parentage and foundlings), naturalization conditions differ significantly. For instance, the 1999 Law on Citizenship of Bosnia and Herzegovina requires lawful residence of eight years on the territory of the state for naturalization. The 1999 Citizenship Law of the Republika Srpska poses a further condition that the person will be naturalized if they spent five out of eight years in the territory of Republika Srpska.[38] The 2001 Law on Citizenship of the Federation of Bosnia and Herzegovina requires residence in that entity for two years preceding the naturalization application. This poses significant hurdles to foreigners seeking naturalization if they engage in intrastate mobility. For instance, if a person spent eight years in BiH—the first four in the Federation of BiH and the last four in the RS—they would not qualify for naturalization because, despite meeting the state-level conditions, they would fail to meet the entity-specific ones.

Dual citizenship is not allowed for incoming applicants, unless the person received citizenship based on national interest or there exists a mutual agreement between BiH and another country.[39] As of 2021, such mutual agreements exist with Croatia, Serbia and Sweden. Article 17 of the 1999 Citizenship Law also provides for automatic loss of BiH citizenship upon voluntary naturalization in another country.[40] However, in practice, the inexistence of data sharing mechanisms and data protection indicate that the Bosnian authorities largely tolerate expatriate dual citizenship for remittance-sending diaspora.[41]

Finally, faced with the escalating migrant crisis and humanitarian disaster on the Balkan migrant route, on February 9th, 2016, the House of Peoples adopted the Law on Asylum which defines protections for asylum seekers and refugees. There are approximately 75,000 refugees, asylum-seekers and migrants who have passed through BiH since early 2018. Only a small percentage remain in the country to claim asylum while most try to reach western Europe. The small number of those who chose to stay are entitled to legal freedoms guaranteed by the 2016 law, including the right to "not be forcibly removed or returned to a country where his/her life or freedom would be threatened" (Article 6 (1)); the right to non-refoulement prescribed in Article 6 (2) of the law; the right to not be discriminated against on any grounds prescribed in the Law on the Prohibition of Discrimination and the right to the freedom of movement (Article 10 (1)).[42]

PART II.
PRACTICES



4. POLICY IMPLEMENTATION
AVERAGE SCORE: 3

ETHNO-RELIGIOUS | **SCORE: 4**

CLASS | **SCORE: 3**

TRANSNATIONAL MIGRATION | **SCORE: 3**

Despite these institutional and legal promotions of pluralism, ethnic cleavages, and the consociational system that supports them, remain the dominant aspect of political, social and economic life in BiH.

BiH has numerous agencies and initiatives that foster diversity and pluralism, such as the Agency for Gender Equality, Roma Council, the Council of Persons with Disabilities, Children and Youth Council as well as the Commission for Relationships with Religious Communities. The Parliamentary Assembly of BiH has a Council for National Minorities as an advisory body. Furthermore, the Interreligious Council of BiH is a dialogue forum for the four major religious communities in the country. Finally, the *Operational Strategy of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for the Period of 2016 - 2021* includes commitments to pluralism,[43] including the protection and promotion of religious rights and freedoms, the rights of minorities, economic, social and cultural rights, as well as gender equality and rights of sexual minorities (the institution's budget saw a progressive 30 percent increase over five years, indicating its growth).[44]

Despite these institutional and legal promotions of pluralism, ethnic cleavages, and the consociational system that supports them, remain the dominant aspect of political, social and economic life in BiH. One notable exception is the multi-ethnic Brčko District, where the population includes 24.36 percent Bosniaks, 34.58 percent Serbs and 20.66 percent Croats. The Brčko District is nearly fully governed through local administration, has its own judiciary, health care and educational system. The internal governance is arranged in a way that different ethnic communities mix in different segments of socio–political life, which is a rare occurrence in the rest of the country. Representatives of different political and ethnic communities have high positions in local government.[45] Moreover, unlike in the rest of BiH, where the school curricula are different for different ethnic communities (hence, schools are often divided and classrooms segregated), in the Brčko District, there is a single school curriculum. While self-governance in Brčko District is a positive example of pluralism, even in this part of the country, the system itself creates ethnic divisions. One example is the issue of citizenship, whereby individuals are required to declare their entity and thus indirectly, ethnic belonging.[46]

Ethnic elites have a stranglehold on political, institutional and economic power, which they retain through commitments to their constituents and—in discourse rather than in practice—to diversity and pluralism. This leads to their perpetual political and economic gain at the expense of "ordinary" people, many of whom are sinking into poverty. The existing welfare protections are insufficient to respond to increasing poverty in the state. BiH is the sixth poorest country in Europe,[47] and, in 2015, its poverty rate was 16.9 percent.[48] The monthly at-risk-of-poverty threshold in BiH is €104.60.[49]

The Constitutional category "Others" (everyone but constitutive people) lumps together 17 recognized national minorities and includes persons belonging to other national, ethnic, religious and linguistic groups as well as those who identify with more than one ethnic group, those whose identity is civic and those who identify with BiH as a whole.

One positive example of migrant inclusion is schooling— in 2019–2020, 402 migrant children, who found themselves stuck in northwestern Bosnia, attended local schools and completed their grade.

Individuals who are referred to as "Others" usually perceive this designation as degrading and open to possible misuse in practice.[50]

International commitments related to gender equality remain at a declarative level. Political participation of women in governance is low (between 4 percent and 23 percent), despite women being the majority of the electorate.[51] The legal framework for equality of women in economic life exists; however, because of gender stereotypes, discriminatory practices persist, especially in rural areas.[52]

Members of the Roma community in BiH continue to face discrimination in access to employment, health services, higher education and housing. There has been some progress in providing identity documents to Roma and increasing the Roma children's school enrollment. Despite this, high drop-out rates continue to be reported, and many Roma continue to live in segregated communities with dire living conditions.[53]

Transnational migrants from the Middle East, South Asia and North Africa, despite being protected by international and national laws, are often discriminated against in practice. In the freezing winter of 2021, hundreds of migrants were stranded in an open camp, "Lipa," in northwestern BiH. This led to a humanitarian disaster.[54] At the same time, many local politicians, ordinary Bosnians and some critical voices in the EU, accused European states of contributing to the migrants' predicament. The EU prohibits migrants from crossing into the EU, and Croat police often illegally and violently return migrants who cross into its territory to BiH on behalf of the EU.[55] Migrants' right to freedom of movement in BiH is limited. However, this is less so than in nearby EU countries, such as Croatia, Italy and Slovenia where migrants are invisible on the streets and kept in detention centres. One positive example of migrant inclusion is schooling— in 2019–2020, 402 migrant children, who found themselves stuck in northwestern Bosnia and Herzegovina, attended local schools and completed their grade. While there were some reports of resistance to the inclusion of migrant children in Bosnian classrooms, most students, teachers and the greater community accepted the incorporation.[56]

5. DATA COLLECTION
AVERAGE SCORE: 5

ETHNO-RELIGIOUS | SCORE: 5

CLASS | SCORE: 5

TRANSNATIONAL MIGRATION | SCORE: 3

The Agency for Statistics of Bosnia and Herzegovina (*Agencija za Statistiku BiH*) offers solid and up-to-date information on systemic group inequalities.[57] The agency publishes the annual "BiH in numbers" booklet presenting the basic information on demography and a series of socio–economic indicators, disaggregated per gender, age group but not ethnic belonging, minority status or urban-rural status. A further bi-annual publication "Women and Men in BiH" offers information on the participation of women in different segments of social, economic and political life, including in governance, management

Today, data are far more available and less politically controversial than in the post-war period.

and education. The agency also offers specific publications on demography, agriculture, economy, and science and technology, from which data on different aspects of pluralism can also be extrapolated.

Today, data are far more available and less politically controversial than in the post-war period. Between 1991 and 2013, no population census took place in the country.[58] The organization of the census has been a politically contentious and highly sensitive issue, as the division of the country in the Dayton Agreement has been done in view of the presumed ethno-religious composition of the 1991 census. The outcome of such a politically delicate situation has not only been the delay of the census to October 2013 but also the delayed publication of results (the Statistics Office in the Republika Srpska contested the results, opposing the inclusion of temporary residents in the data). The results were finally published in June 2016, with objections from Bosnian Serb political elites.[59]

While this agency is the key statistical office at the state level, entities also have their own statistics offices: the Federal Office of Statistics in the Federation of BiH[60] and the Republic of Srpska Institute of Statistics.[61] The entity statistics offices provide monthly bulletins as well as statistical yearbooks on developments of different societal segments, disaggregated per age, gender and, for some indicators, ethnic composition and religion.

There are also biannual publications dedicated to gender. Data based on employment trends in BiH illustrate that women do not have equal opportunities in the labour market as men.[62] This is partially due to the post-socialist shrinking of the state's social services and the pervasive cultural norms that assign care of children and elderly to women. The gender wage gap in BiH is the worst in Europe, with women making only 54 percent of what men make.[6364]

In addition to gender, several poverty and inequality studies were conducted in BiH over the last 20 years. The first assessment took place in 2001 within the World Bank's Living Standards Measurement Survey. The survey produced the basic statistical data on BiH population in terms of size, socio–demographic structure, living standards, employment and several other indicators.[65] According to the Household Budget Surveys conducted in 2007, 2011 and 2015, the country was shown to have high poverty levels and income inequality where the income of the richest 20 percent of citizens was 20 times higher than that of the poorest 20 percent.[66]

Regarding the situation of refugees and transnational migrants, there is only sporadic independent research targeting specific communities or issues. Examples include the Multi-Cluster/Sector Initial Rapid Assessment report,[67] World Health Organization (WHO) report[68] and the Organization for Security and Co-operation in Europe (OSCE) report,[69] all representing ad hoc assessments of the situation of migrants in BiH.

In addition to the official statistical data, there are some other international and local projects adding to the overall data structure in BiH. Notably, the Monitoring and Evaluation Support Activity[70] established by United States Agency for International Development (USAID) in BiH offers a range of data related to social, political and economic facets of BiH society. USAID publishes gender analyses as well as targeted data on youth employment, participation and education. Economic inequality data can be disaggregated from the datasets collected by the International Organization for Migration (IOM)

office in Bosnia (considering migration and diaspora), as well as the Central Bank of BiH. Organizations such as Friedrich-Ebert-Stiftung[71] conduct occasional public perception surveys, targeting specific communities such as women and youth.

Overall, the amount of available data on inequalities in BiH has increased substantially over the past decade. Even so, the core aspects of data related to ethno-religious composition are contested by some local communities. Measurements done by international organizations provide more structured data. However, they do not offer sufficient information for fine-grained longitudinal analyses.

6. CLAIMS-MAKING AND CONTESTATION
AVERAGE SCORE: 5

ETHNO-RELIGIOUS | **SCORE: 5**

CLASS | **SCORE: 5**

TRANSNATIONAL MIGRATION | **SCORE: 4**

The constitutional design of BiH ethnicizes claims-making and it obstructs cross-group solidarity and mobilization beyond ethnic categories.

The process of claims-making in BiH is organized through a series of institutional mechanisms that exist at the state level, the entity level and in the Brčko District. Article 3(i) of the Constitution guarantees freedom of assembly. However, internal affairs are delegated to entity and cantonal governments, which define the implementation aspects of the freedom of assembly in terms of spaces, the number of people that can gather, as well as public security measures to be adopted and procedures to be followed for protests and gatherings. Examples of such within-group claims-making include the 2014 protest of army veterans in the Republika Srpska capital, Banja Luka, seeking better social protection and the 2012 protests in Sarajevo against an anti-Islamic movie.[72]

The constitutional design of BiH ethnicizes claims-making and it obstructs cross-group solidarity and mobilization beyond ethnic categories.[73] Therefore, examples of socio–political mobilization beyond ethnic categories are rare.[74] Examples that do exist include the 2013 "Baby Revolution" (*Bebolucija*)—a country-wide protest demanding that all children receive the unique citizen's identification number (Jedinstveni Matični Broj Građana, JMBG). For several months, the citizens of BiH protested over the inability of the country's political elites to regulate the allocation of JMBG. The trigger for the protest was the unfortunate death of a baby girl, whose birth—in the absence of JMBG laws—could not be registered in time for her to obtain medical treatment abroad. In this rare occasion, socio–political mobilization took protesters of different ethnic identifications to the streets. However, the protests did not accomplish much, especially since they did not attract the support of international elites nor of the ethnic, political and intellectual elites in the country. Moreover, these protests had taken place in the urban middle-class cities, leaving out the rural and economically more vulnerable segments of the population.

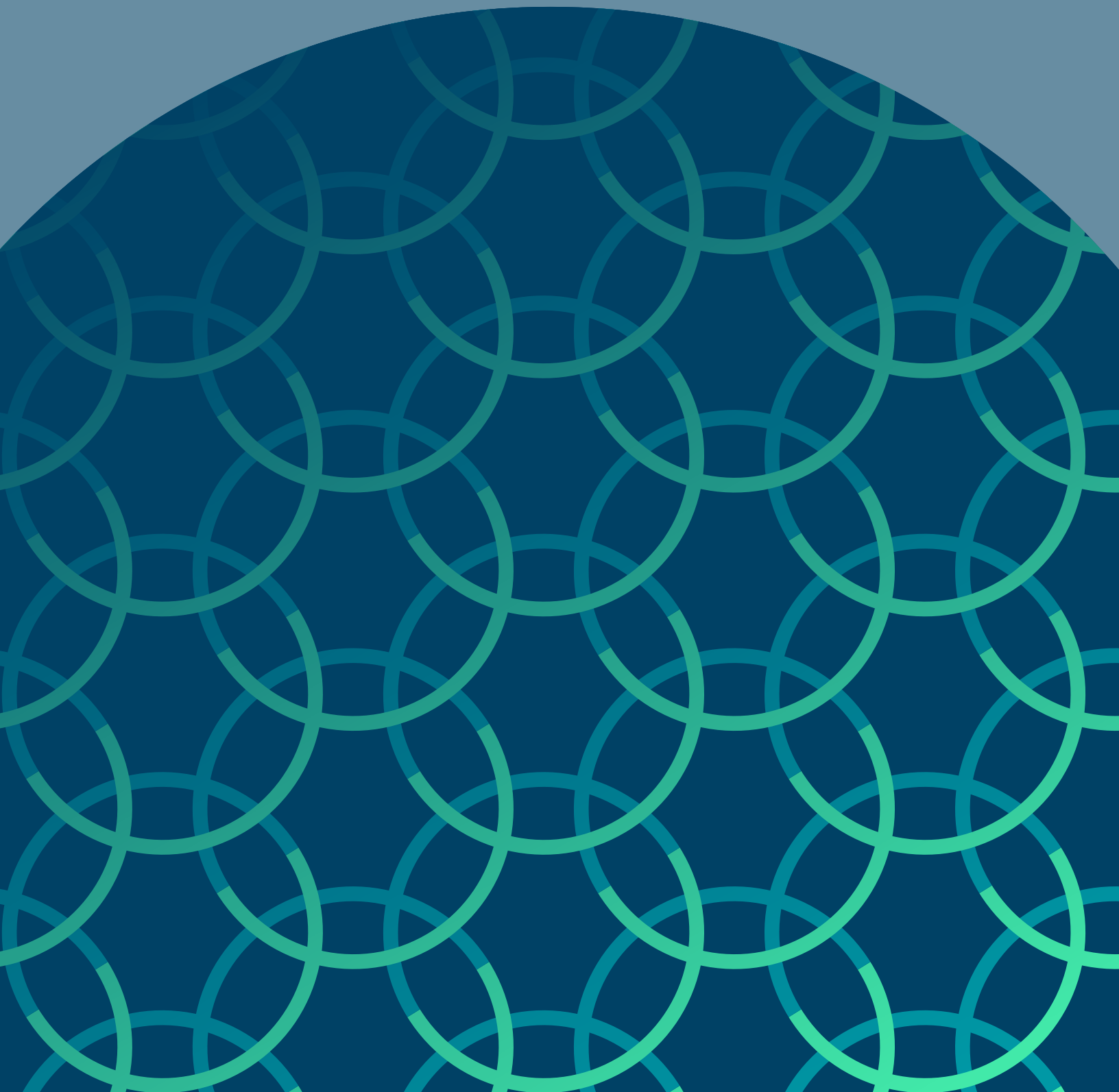
In contrast, in 2014, mass protests sparked in the industrial city of Tuzla eventually spread throughout the country. The protests represented an expression of frustration

against mass poverty, corruption, state capture and a transitional deadlock caused by political elites. The protests spread across the country and—unlike most previous instances of claims-making—they cut across social classes and ethnicities. The protest led to a series of resignations of cantonal executives[75] but had little substantive effect on the socio–political context of the country. Protests on a smaller scale have taken place since, mostly addressing social and economic inequalities, and more recently, the handling of the COVID-19 pandemic.

Several examples of recent claims-making include the 2020 massive protest of the Catholic Church's decision to hold mass at the Sarajevo Cathedral for members of the Croatian Second World War Nazi puppet-state (Ustaša and Domobran) forces killed in Bleiberg, Austria, in 1945.[76] In addition, scattered protests on environmental issues, including the construction of hydroelectric power plants throughout the country, have been taking place across the country in recent years.[77] Some of these protests have successfully halted construction of potentially destructive dams.[78] In 2016, the trans-ethnic Coalition for the Protection of Rivers of Bosnia and Herzegovina was established. Finally, the two parallel protests "Justice for Dženan" in Sarajevo and "Justice for David"[79] in Banja Luka demanded an investigation into the unsolved, unrelated murders of two boys—Bosniak and Serb, respectively. Protestors began to unite in their demand for an investigation into the boys' deaths, and they highlighted an alleged murder related to highly ranked figures in the political establishment.[80]

In 2020, anti-migrant protests took place in Velika Kladuša, a town in Una-Sana Canton bordering Croatia. The protesters complained about alleged violence and assaults on property caused by South Asian, Middle Eastern and African refugees and migrants on the Balkan Route to reach Western Europe.[81] Similarly, the residents in Herzegovina-Neretva Canton refused to allow migrants and refugees to be moved to a camp in their neighborhood.[82] In winter 2020–21, migrants at the "Lipa" migrant camp in northwestern BiH staged a hunger strike and a protest against the local, national and international political formations that led to a fire in the camp and its subsequent destruction. The migrants were without shelter for weeks, left to freeze in frigid winter conditions. In January 2021, migrants went on a four-day hunger strike in protest of their forceful return to the destroyed Lipa camp following a failed attempt to relocate them.[83]

PART III.
LEADERSHIP FOR PLURALISM



7. POLITICAL PARTIES
AVERAGE SCORE: 2

ETHNO-RELIGIOUS | **SCORE: 2**
CLASS | **SCORE: 3**
TRANSNATIONAL MIGRATION | **SCORE: 1**

The same conservative, ethno-nationalist political parties (and their close allies) that started the war have been ruling the country, almost uninterrupted, for the last 26 years.

Since the end of the Bosnian War, parties representing the three main ethnic groups have dominated BiH politics. The same conservative, ethno-nationalist political parties (and their close allies) that started the war have been ruling the country, almost uninterrupted, for the last 26 years. Changing or overthrowing the existing order is extremely challenging—the system itself discourages cross-ethnic affiliation and co-operation among "ordinary" people.[84] Consequently, political parties have no incentive to create cross-ethnic and trans-ethnic coalitions or to appeal to the voters of other ethnicities, as such alliances would bear political costs.

The major political parties have ethnic prefixes and are seen as the representatives of the three constituent peoples. Ideologically, the dominant parties are centre-oriented, with some policy aspects leaning to the right (such as ethno-cultural politics) and others (such as welfare) to the left. BiH's largest political party is the Party of Democratic Action (SDA, *Stranka demokratske akcije*), a conservative, nationalist party of Bosniaks. Its leadership has frequently been associated with pro-Islamic discourse and is supportive of the regimes in Turkey and Iran. In March 2021, the SDA's president Bakir Izetbegović called for solidarity with the Muslim population in Palestine and for sanctions against Israel.[85] The second largest BiH political party is a nationalist Serb political party, Alliance of Independent Social Democrats (SNSD, *Savez nezavisnih socijaldemokrata*). It is the dominant political player in the Republika Srpska, pushing for independence of this entity, often embracing a nationalist and exclusionary discourse which threatens the sovereignty of the state.[86] This became especially visible in fall 2021, when the party's leader Milorad Dodik (also serving as the current member of the Presidency of Bosnia and Herzegovina) threatened to declare Republika Srpska's independence and to establish its separate army and institutions. The third major political party in BiH, Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH, *Hrvatska demokratska zajednica Bosne i Hercegovine*), represents ethnic Croats. Similar to SDA and SNSD, the HDZ BiH is a nationalist conservative political player. While nationally exclusive to the ethnic Croatian population, its discourse has become more moderate than it was in the 1990s.[87]

The political party landscape is dominated by these three political parties, each representing one of the constituent peoples. Since the bulk of the electorate is divided by ethnic cleavage, there are only a few minor political parties promoting diversity, inclusion and pluralism. These include the Social Democratic Party of Bosnia and Herzegovina (SDP BiH, *Socijaldemokratska partija Bosne i Hercegovine*), the Democratic Front (DF, *Demokratska Fronta*) and Our Party (NS, *Naša stranka*). Unlike the SDA, SNSD and HDZ BiH, these minor political parties promote diversity and pluralism. Equally, the names of these political parties are stipulated in different languages and scripts used in BiH. The Statute and the Program of SDP BiH clearly orients the party toward a commitment

to multi-ethnic values.[88] The DF has been established as a secular and civic political party,[89] and the NS promotes civic values and equality of all citizens and is more socio–economically committed in its rhetoric than the other parties. These parties' programs also emphasize their commitment to gender equality and non-discrimination based on race, ethnicity, sex or social class. The DF forms part of the current government of BiH (4/42 seats in Parliament). In 2018, the DF's president Željko Komšić was elected to the presidency as the representative of Croats in BiH. In the 2014 general election, the DF put forward a Bosniak and a Croat candidate for the presidency, but neither was elected. The SDP BiH and the NS are opposition parties at the state level. Most recently, during the November 2020 elections, the vice president of NS Srdjan Mandić was elected the mayor of the Sarajevo Centar Municipality. This points to a potential for pluralist actors to gain salience in urban centers due to the dissatisfaction of BiH's population with the socio–political deadlocks created by ethnic cleavages and with the pervasive state capture and corruption that developed in the post-war period.[90]

Regarding transnational migration, no party has issued a formal position related to the "migrant crisis." Rather, most tried to manipulate the migrant situation and its discourse for political gain. On several occasions, Milorad Dodik, one of the BiH's current presidents, expressed his objection to having migrant reception centers in the RS. In terms of political discourse, Serb and Croat politicians frequently frame the migrant crisis as a Muslim invasion.[91]

8. NEWS MEDIA
AVERAGE SCORE: 3.5

A. Representation | Score: 4

ETHNO-RELIGIOUS | **SCORE: 5**

CLASS | **SCORE: 4**

TRANSNATIONAL MIGRATION | **SCORE: 3**

However, rather than being a sign of pluralism, it is an example of multiple unidirectional views.

The mass media landscape in BiH is diverse. It represents a plethora of ethnic, political and economic interests. However, rather than being a sign of pluralism, it is an example of multiple unidirectional views. Online media, television, radio and print media are either state or privately owned. In the post-war period, the development of media outlets has been strongly driven by international actors, which contributed to media diversity and professionalization. Even so, the development of a pluralist and diverse media landscape has been restricted by domestic ethno-political elites and their business interests, which is reflected in media partisanship.[92] This is especially visible during election campaigns,[93] since the media are financed by political or business elites to help them achieve their political or economic goals.[94] These media owners are frequently close to political and economic elites, and they serve as loudspeakers for their interests. This is particularly pronounced at entity and cantonal levels. Notably, the public broadcaster in the RS, Radio-Television of Republika Srpska (RTRS, *Radio-Televizija Republike Srpske*), is seen as an outlet representing the interests of the ruling SNSD. These tendencies reveal an

While the Law on Gender Equality and existing regulations on media provide adequate protection from discrimination, media continues to promote stereotypes.

intimate relationship between ethno-political elites and class in the country, where those more economically privileged, including magnates such as Fahrudin Radončić[95] in the FBiH and Mile Radišić[96] in RS, enjoy maximum political protection for their questionable economic maneuverings. Therefore, in BiH, the ethno-political elites and corrupt economic actors openly collaborate and are frequently the same people who largely control media coverage.

The Constitution of BiH and the entity legislative frameworks guarantee freedom of expression. This freedom is protected by laws on public service broadcasting (Law on Public Service Broadcasting of BiH, Law on Public Service Broadcasting of FBiH and Law on Public Service Broadcasting of RS), by anti-defamation legislation (Law on Protection against Defamation of FBiH, Law on Protection against Defamation of RS, Law on Protection against Defamation of the Brčko District), as well as by a series of entity and cantonal subsidiary acts protecting the freedom of access to information. Despite the existence of such legal guarantees for the freedom of expression, this right is limited in practice. Several international observers have noted political pressures, harassment and assaults on journalists. The harassment and an arrest of "pro-migrant" journalists in BiH, such as *Nidžara Ahmetašević,* is a recent instance of this practice.[97]

Media content offers coverage of the main socio–political issues. However, it does not capture the plurality of languages and views that exist in the country. When it comes to the availability of news media in the groups' native languages, this mainly exists due to the minor linguistic differences in the languages of the constituent peoples. Differences are notable in the use of Cyrillic or Latin script, in the Bosnia/Croatian/Serbian coverage.[98] A 2019 UNESCO report notes that the use of language on public broadcasters is related to staff divisions along ethnic lines.[99] That is, journalists choose the language in which they will speak. There are only a few media outlets that provide coverage for some of the 17 national minorities that are recognized in BiH. Foreign media, such as Turkish Radio and Television, Radio Free Europe or Al Jazeera Balkans offer reporting in different languages but largely cover international and regional affairs (an exception being Al Jazeera which also focusses on the country-level of reporting issues). Due to the pervasive ethno-political divisions in society, commentators have noted that to objectively capture the socio–political events in the country, it would be necessary to "follow four or five media outlets to reach a somewhat balanced image of what is happening in the country."[100]

While the Law on Gender Equality and existing regulations on media provide adequate protection from discrimination, media continues to promote stereotypes. For example, the media in BiH frequently uses sensationalism and exploits violence against women when producing their media content.[101] The 2015 Global Media Monitor reports that news stories on women received 14–18 percent of coverage, as opposed to stories on men representing 82–86 percent of all media coverage.[102] The Global Media Monitor indicates that this discrepancy is particularly notable in the coverage of politics, where men are frequently cited as credible sources. Topics related to the economy have the lowest representation of women as subjects. Also, women are underrepresented as experts, commentators and spokespersons in the media.[103]

There is no media content in the Romani language, and awareness of Roma culture among the rest of the population is very limited.[104] Similarly, coverage of issues pertaining to the population of people with disabilities, as well as the LGBTQ+ population, is extremely low.

Transnational migration is covered in the BiH media in a limited and unilateral way. The reports mostly focus on the number of migrants residing in the BiH territory. Migrants and refugee voices are absent from these reports; they are treated as "speechless emissaries."[105] In addition, media reports do not distinguish between types of migrants, asylum seekers and refugees. Most media create a negative image of these groups by reporting on alleged crimes committed by them.[106]

B. Prominence of Pluralistic Actors | Score: 3

ETHNO-RELIGIOUS | **SCORE: 3**

CLASS | **SCORE: 3**

TRANSNATIONAL MIGRATION | **SCORE: 3**

The public and private broadcasters in BiH mostly represent the views of the political elites and tycoons, and they have frequently been criticized for not being in touch with their audiences.

While there are no public print daily newspapers in BiH, there are three public radio stations and 19 public TV stations (national, entity, cantonal and local broadcasters).[107] Information delivered to the public is free of charge and widely accessible, but households are subject to the Radio Television (RTV) tax of about €45 euros annually. Public broadcasters are underfinanced and face challenges related to sustainability and digitalization. The ethics code of public broadcasters binds them to commit to core democratic values, promote human dignity, social justice and human rights, as well as to ensure balanced and diverse coverage. The public and private broadcasters in BiH mostly represent the views of the political elites and tycoons, and they have frequently been criticized for not being in touch with their audiences.[108]

The regulatory framework for the media in BiH is legally independent. The Law on the Public Broadcasting System of Bosnia and Herzegovina regulates the public media system and has primacy over the entity regulation in this domain. Even if formally independent and committed to pluralism and objective information, the public broadcasting system is frequently partial to particular ethnic, political and commercial interests. Public TV broadcasters, including those at the entity levels, are associated with the ruling nationalist elites. Consequently, while there is a horizontal plurality of media, they represent the national interests of the dominant ethnic communities, which obstructs true media pluralism.

This is particularly pronounced in the case of the Radio-Television of Republika Srpska, the public broadcaster of the RS, which has been directly funded by the RS government since 2013 (as opposed to being funded through the RTV tax). The RTRS is an extended hand of the ruling SNSD, which is also reflected in the leadership structure of the broadcaster (Milan Trbojević, the RTRS's director, had previously been the head of public relations for RS's president). Over the course of 2018 and 2019, the BiH media regulator fined RTRS at least six times. Further exposing partiality, foreign observers have noted instances of hate speech directed toward other ethnic communities in the country (mostly in relation to war crimes during the 1990s) as well as frequent misinformation and fake news.[109] In the same vein, RTV Herceg-Bosne is a public broadcaster closely connected to the HDZ BiH leadership, and it frequently favors reporting positive news on the party. Funding of this TV broadcaster from the federal budget reserve has caused concern.[110]

Unlike in the media overall, there is a high percentage of women in leadership positions in public broadcasting media. Women constitute 63 percent of radio and 78 percent of TV station directors.[111] However, this has not resulted in a higher degree of coverage of news related to women, and men still provide the main sources of information, especially related to politics and economics.

The combination of these factors has resulted in low trust of citizens in media and media freedoms. Data from a 2016 survey showed that 78 percent of citizens disagreed with the statement that freedom of expression and freedom of the media existed.[112] More than half of the survey respondents identified political dependence and influence as the main obstacle to free and impartial media.

9. CIVIL SOCIETY
AVERAGE SCORE: 5

ETHNO-RELIGIOUS | SCORE: 5

CLASS | SCORE: 5

TRANSNATIONAL MIGRATION | SCORE: 4

Second, having been developed in a post-war, post-partition country, civil society is institutionally and financially weak, fragmented and largely dependent on the political and monetary support of foreign donors.

There are over 23,000 registered civil society organizations (CSOs) in BiH, and their operation is regulated by four Laws on Associations and Foundations (at the state and entity levels and in the Brčko District). Overall, there is a large civil society sector in the country—official data from the entity statistics bureaus state that there are between 3,000 and 4,000 employees working in the sector—and it bears four key characteristics. First, sports clubs and interest groups dominate over actors pushing for progress on socio–political issues. Second, having been developed in a post-war, post-partition country, civil society is institutionally and financially weak, fragmented and largely dependent on the political and monetary support of foreign donors. The most recent Progress Report of the European Commission has noted that a number of municipalities do not have legislation for transparent funding of CSOs, making them vulnerable to political influence.[113] As a result, the state's institutions and the private sector do not see CSOs as relevant political actors that could meaningfully contribute to the development of the country and actively support its democratic development. The inclusion of CSOs in public consultations regarding the legislative processes is spotty, and the BiH authorities largely disregard the 2017 charter on collaboration with CSOs. Third, CSOs established with the goal of sustaining political parties or religious organizations are partisan and show little commitment to diversity. Finally, there is very limited networking and co-operation among CSOs in BiH.[114]

A recent study has shown that a third of BiH's population are members of a CSO and that 25 percent are active members.[115] Given the overall mistrust of citizens of transitional societies, this level of membership is high. Citizens mostly participate in youth, religious and sports organizations that have humanitarian purposes. There exist quite a few religiously affiliated civil society actors, mostly charities (e.g., Merhamet, Caritas, La Benevolencija) that aid economically vulnerable people.

Only 5 per cent of the country's population takes part in CSOs that are active in promoting democratization and that play a role in political processes in the country. As a result, a vast majority of BiH citizens (over 70 per cent) see the political impact of CSOs as limited, and they perceive CSOs as representatives of donor interests. Compared to other Western Balkan states, the perception of irrelevance of civil society in BiH is much higher.

CSOs working on social issues include those that focus on post-conflict peacebuilding (e.g., Network for Building Peace as an umbrella organization), LGBTQ+ associations, as well as initiatives focussing on transitional justice and reconciliation. These organizations reach out mostly towards younger generations but face criticism as there is scarce continuity in their activities (e.g., continuation of projects depends on donor support). When it comes to issues related to gender, Women's Network (*Ženska mreža*) is the largest umbrella association gathering the main non-governmental organizations (NGOs) working on women's rights in BiH. Women's rights also fall under the activities of other organizations, including Rights for All (*Prava za sve*). Organizations supportive of LGBTQ+ population rights have gained more visibility since the first Sarajevo Pride Parade in 2019. Organizers of the Pride Parade indicate a broad societal inclusion of different ethnic communities, people with disabilities, as well as socially disadvantaged groups. Even if their activities are constrained by the fact that Bosnian society is captured by ethno-political and religious divisions and by a lack of resources, these organizations are promoting a narrative of peace, human rights and democratic society. Their resonance, due to the constraints described, remains limited.

The main organizations dealing with the transnational "migrant crisis" in the country include the IOM and local Red Cross, as well as some smaller local associations and volunteer initiatives. Furthermore, international organizations such as UN High Commissioner for Refugees[116] and IOM[117] co-lead the migration response in support of BiH authorities and especially the BiH Ministry of Security. According to IOM, this support covers both "the provision of humanitarian assistance and the strengthening of the overall migration and asylum management in the country."[118] These organizations are working in concert to develop a framework that would help asylum seekers navigate the country's complex administrative system, improve access to education, vocational and language training, and social services. Local governments and populations, however, are skeptical and critical of these organizations and their top-down attitudes and their supposedly elitist approaches to the challenges on the ground.

10. PRIVATE SECTOR
AVERAGE SCORE: 2.5

ETHNO-RELIGIOUS | SCORE: 3

CLASS | SCORE: 3

TRANSNATIONAL MIGRATION | SCORE: 1

As a result of the conflicts of Yugoslav disintegration, the private sector in BiH is marked by two significant trends: post-conflict economic recovery and transitioning

These processes highlight class as one of the most salient but overlooked cleavages in today's BiH.

from a previously state-owned to a market economy. The private sector in BiH has been established through the mass voucher privatization in the early 2000s. Privatization was initiated in 1990 but halted during the war. Only 8 percent of the state's assets had been privatized at the time.

The transition to a market economy allowed for post-war ethno-national elites, the rulers of the state and the monopolists of the privatization process, to realize mass personal interests at the expense of an increasingly impoverished, disadvantaged and worn-out citizenry.[119] It is exactly the privatization of state-owned (formerly collective) property that arises as the most critical moment of Bosnian "transition" to peace and democracy. In BiH, this story of massive, (il)legally orchestrated dispossession of collective ownership by the local ethno-national elites has been displaced and masked by discourses of war and ethno-nationalism that elide this history. More specifically, the overwhelming scholarly and diplomatic focus on post-war reconstruction and ethnic reconciliation obscures concurrent "peace"-induced violence that shape Bosnian's everyday lives and their political landscape. Meanwhile, ethno-nationalist elites employ and nurture the politics of ethnic hatred, division and mistrust, while through their "embedded networks," they control access to employment, donations, tenders, alternative jobs and wages. The effects of this structural violence is painfully present in the everyday lives of "ordinary people" who, through taxes, pay the costs of these processes, including the "irrational costs of business operations, their subsidies, and the salaries of employees in a vast public sector infected with nepotism."[120] These processes highlight class as one of the most salient but overlooked cleavages in today's BiH.

Importantly, the post-war privatization has been implemented at the entity level, which correlates access to shares to the ethnic communities dominant in their respective entity. Most of the vouchers in the privatization process have been made available to war veterans and war widows "from their 'side of conflict.'"[121] As a result, the private sector in BiH displays all the characteristics and cleavages of an ethnically and territorially divided society. This is particularly visible in the leadership structures of major companies, where diversity is trumped by ethno-religious divisions and political partisanship.

Similar to leadership, the workforce in BiH reveals substantial inequalities. The low education standards pose an obstacle to employability as they mismatch the demand of the market for particular professions. Educational inequalities, which are amplified by low post-primary education (89 percent secondary education, 34 percent tertiary education) also reflect overall socio–economic inequalities in the country: children from poorer backgrounds are unlikely to pursue higher education; instead, they join the workforce at an early age thus hampering social mobility. World Bank data indicate that in the period between 1990 and 2020, the percentage of working women has been between 38 percent and 40.5 percent, peaking in 2020.[122] Furthermore, the structure of female employment follows traditional gender patterns—over 70 percent of female employees work in retail or trade and slightly over 20 percent in industry.[123] Cross-referencing data on educational inequalities with gender points to a striking lack of female participation in the private sector. Over 85 percent of women with primary education are economically inactive, and across all educational levels, the rates of employed women are one third lower than those of men. This is, in part, attributable to the poor welfare infrastructure, where the lack of adequate child care and elderly care constrains women from entering the workforce. These roles are more frequently taken up by women in rural areas, reflecting the intersecting urban-rural and gender divide in terms of income

According to these studies, employment rates among the Roma in BiH were the lowest among all Western Balkans states in 2011, and they further decreased in 2017.

inequality.[124] Moreover, BiH also has one of Europe's biggest gender wage gaps, with female employees earning only 54 percent of what male employees make.[125]

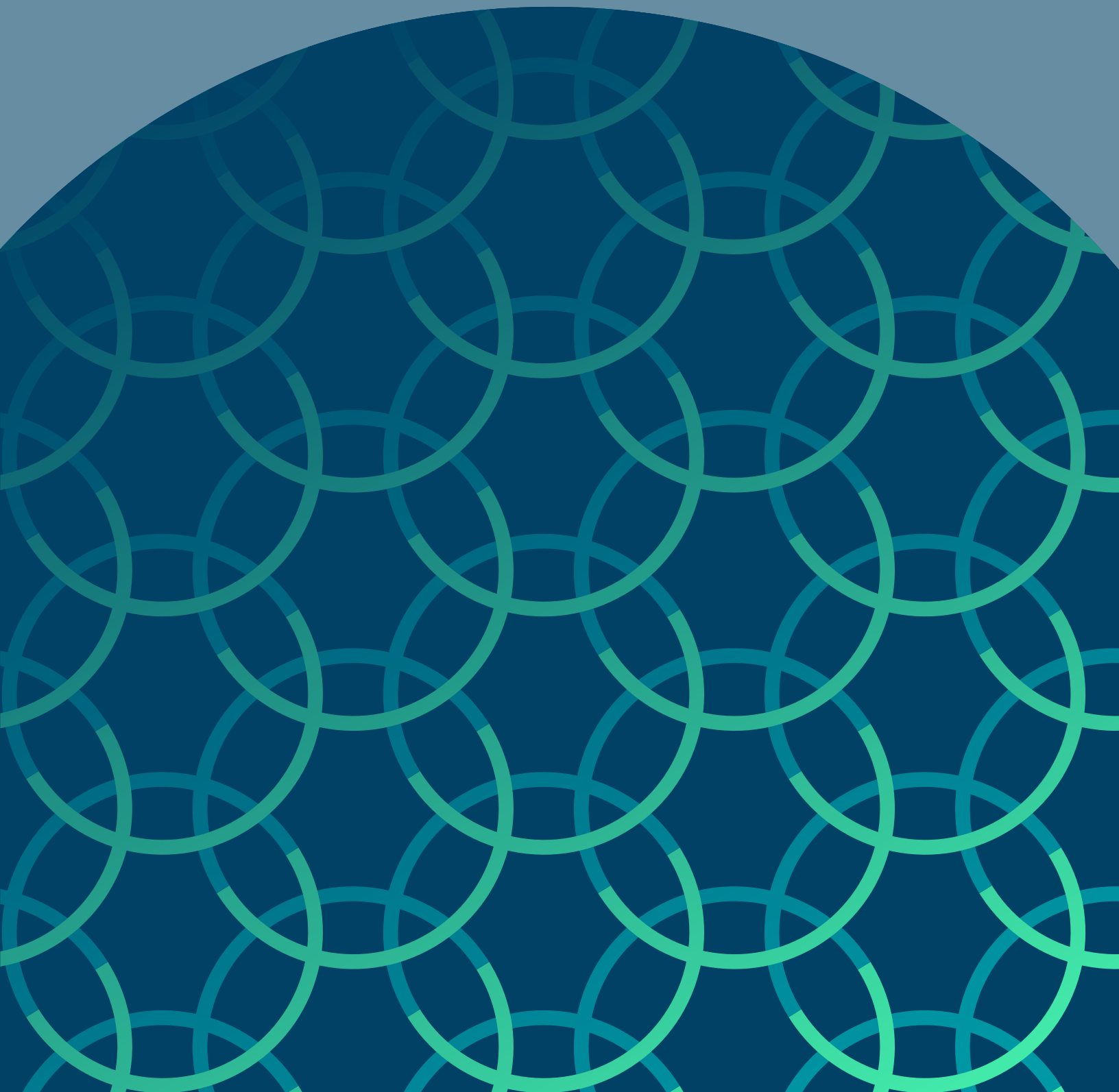
A further challenge to diversity in the private sector is posed by the brain-drain from BiH. The migration of highly educated youth has a negative effect on the qualified human resources for leadership positions. As a result, there is a significant gap between the low-skilled young workforce and the highly skilled workforce that does not belong to this group.[126]

The data on minority group employment was largely non-existent since in the official 2013 census, members of all minorities were classified as "others." The only minority population where some employment data is available are the Roma, whose numbers are projected to be around 80,000. The World Bank and the United Nations Development Program (UNDP) wrote reports on the living standard of this population, based on the UNDP-World Bank-European Commission Regional Roma Surveys.[127] According to these studies, employment rates among the Roma in BiH were the lowest among all Western Balkans states in 2011, and they further decreased in 2017. Most BiH Roma continue to work in informal, part-time jobs linked to the private sector. While both women and men have low levels of employment, Roma women's statistics are especially concerning since only 4 percent of eligible Roma women were employed in 2017 (versus 19 percent of Roma men). Also, in 2017, the labour force participation of Roma women was only 13 percent compared to 39 percent among their male counterparts. Unemployment also targets Roma females. Their unemployment rate stood at 72 percent in 2017 compared to 51 percent unemployment rate among Roma men.

The proportion of Roma youth (ages 18–24) who are not in the workforce, education or training is also high. Their participation in public education or vocational training is also lower than for the rest of the population: 87 percent of Roma youth are unemployed/not in school or training while the number is 60 percent for non-Roma youth. These numbers are high for both Roma and non-Roma groups and have been rising between 2011 and 2017, when the survey took place.[128] The numbers are especially concerning when it comes to young Roma women: 92 percent of young Roma females were not employed or enrolled in educational programs compared to 81 percent of Roma males.[129]

There is only anecdotal evidence of migrants/refugees managing business initiatives. One example that has been reported in the press is that of an asylum seeker living in the countryside who saw a chance to turn fertile land into a thriving agricultural business.[130] Another example includes an asylum seeker from Pakistan who opened a restaurant in Bihać in 2019. Finally, Chemseddine Berafta, an Algerian migrant locally known as Šemso, who, in 2018, worked as a hairdresser and went on to sign a contract to play soccer for the local team NK Krajišnik Velika Kladuša. In 2020, Berafta was able to leave BiH and go to France.[131]

PART IV.
GROUP-BASED INEQUALITIES



11. POLITICAL
AVERAGE SCORE: 3.5

ETHNO-RELIGIOUS | **SCORE: 3**

CLASS | **SCORE: 4**

TRANSNATIONAL MIGRATION | **SCORE: NA**

While the right to cast a vote in the elections is based on universal suffrage and is generally well-respected, candidacy rights in BiH are deeply unequal and exclusionary.

The BiH constitutional framework foresees the participation of the constituent communities in the country's institutional and political setup. At the same time, it poses limitations to members of other communities to fully enjoy their voting rights. While the right to cast a vote in the elections is based on universal suffrage and is generally well-respected, candidacy rights in BiH are deeply unequal and exclusionary. The Dayton Peace Agreement foresaw a legislative architecture with a bicameral parliament consisting of the House of Representatives and the House of Peoples. The 42 political representatives in the lower house are elected by proportional representation, while the 15 in the House of Peoples are appointed by entity parliaments (five Serbian delegates from the Republika Srpska, five Bosniak and five Croat delegates from the Federation of BiH). Equally, Article 5 of the Constitution sets out that the presidency of the country consists of three members: one Bosniak and one Croat elected by the voters in the Federation of BiH and one Serb elected by the Republika Srpska. This situation poses significant obstructions to representatives of the 17 national minorities taking part in the House of Peoples and the presidency but also to members of the constituent peoples residing in a different entity (e.g., Bosniaks or Croats in the Republika Srpska, Serbs in the Federation).

This deficiency has long been debated in the political set-up of BiH, mostly in view of the Sejdić and Finci vs. Bosnia and Herzegovina judgement from the ECtHR. Dervo Sejdić and Jakub Finci, representatives of the Roma and Jewish communities, lodged their cases before the ECtHR claiming that BiH's Constitution violates the ECHR, which, paradoxically, is integral to the Constitution itself. More specifically, the challenged provisions are those related to the institutional architecture of post-conflict BiH, which precludes non-constituent peoples (or constituent peoples residing in a different entity) from exercising their rights to be elected. The ECtHR ruling confirmed that the relevant provisions constituted a manifold violation of human rights: they constituted a violation of the general prohibition of discrimination (Article 14 ECHR) in conjunction with the right to free elections (Article 3 of the first Protocol of the ECHR). Moreover, the ineligibility of Sejdić and Finci to run for the presidency has been ruled in violation of Article 1 of Protocol 12 to the ECHR.[132] Since the 2009 judgement, the ethno-political elites in BiH have been unable and unwilling to untie "Bosnia's Gordian Knot."[133] Hence the unevenness of political representation persists in the context of BiH.

After the Sejdić and Finci lawsuit against the state, there were similar lawsuits filed by other BiH citizens. For example, Azra Zornić successfully sued BiH at the ECtHR for not allowing her to run for the House of Peoples of the BiH Parliamentary Assembly and the BiH presidency after refusing to declare herself a member of the constituent peoples.[134] Similarly, Srebrenica surgeon Ilijaz Pilav sued BiH for not allowing him to run for presidency as a Bosniak living in Republika Srpska. The trial lasted several years,

with Pilav winning the case against BiH in June 2016.[135] Samir Šlaku, a citizen of BiH and a member of Albanian minority, sued BiH because he was not allowed to run for either the Parliament's House of Peoples or the presidency as a member of the national minority. In May 2016, the ECtHR ruled that the country's human rights record should be overturned in favour of Šlaku.[136] None of rulings have been implemented.

In terms of gender representation, women, who constitute 51 percent of the population of BiH, are significantly less represented than men in BiH politics. The Law on Gender Equality foresees a minimum of 40 percent of female candidates on electoral lists. However, the electoral system allows the sidelining of women candidates, resulting in 20 percent participation of women in government.[137] For example, in the post-2018 House of Peoples, out of 15 representatives, only three are women (two Croat delegates, one Serb delegate). Parliamentary statistical data also indicate that the percentage of women in the House of Representatives has ranged from 1.75 percent (1996–98) to 19.3 percent (2010–14).[138]

There is no political representation for transnational migrants, and laws in regard to this do not exist. Their interests are not protected by any political faction.

12. ECONOMIC
AVERAGE SCORE: 3

ETHNO-RELIGIOUS | **SCORE: 3**
CLASS | **SCORE: 3**
TRANSNATIONAL MIGRATION | **SCORE: 2**

Economic inequalities intersect with gender and educational levels, and they reflect persistent urban-rural divides, with the rural population facing harsher economic conditions.

Economic inequalities in BiH are among the highest in Europe and have a major impact on democracy and social prosperity. According to the World Bank,[139] the level of inequality in BiH is higher than anywhere else in the region, except for North Macedonia. The 2003 World Bank study showed that 19.5 percent of the BiH population was living below the poverty level.[140] Average poverty rates varied substantially by location: urban municipalities had the lowest poverty levels (13.8 percent), while the mixed (urban and rural) municipalities had the highest (23.6 percent) poverty rates. The rural municipalities were in between (19.9 percent). According to the same study, the distance between the middle class and the poor was noticeably wider in the RS than in FBiH.[141] Furthermore, internally displaced persons and refugees had a significantly higher poverty rate than other groups. Contrary to common belief, elderly, retirement-receiving individuals were less likely to be poor than an average person in the country.

Partisanship, ethnic belonging and corruption in employment and resource redistribution are perceived as high. Economic inequalities intersect with gender and educational levels, and they reflect persistent urban-rural divides, with the rural population facing harsher economic conditions. In addition, the legacy of socialist industrialism, when combined with the new neo-liberal, market-oriented economy, has created numerous imbalances in the labour market. These imbalances are the product of and contribute

Discriminatory practices in labour markets based on ethnicity, religion, gender, age and education are frequent

to economic inactivity, labour precariousness and a shadow economy. Economic inactivity intersects with education levels, whereby those with primary and secondary education are more likely to be economically inactive than those with college degrees.[142] Individuals living in households where the head of household has primary-level education are three times more likely to live in poverty than those households where the head of household has a college-level education. Women with primary and secondary education levels often remain economically inactive and engage in significant yet unpaid household and care labour.

BiH has one of Europe's highest unemployment rates. In 2020, it was 33.7 percent.[143] The number of employed persons in BiH in 2020 was 813,942 and 43 percent of them were women.[144] The gender wage gap in BiH is the worst in Europe, with women making 46 percent less than men.[145] Similar to most other places in the world, BiH's gender wage gap is the product of women being paid less for the same positions, segregation in the labour market, a lack of women in senior and oversight positions and the burden of unpaid care work.

On a related point, the 2020 Balkan Barometer Study found out that more Bosnians and Herzegovinians prefer male supervisors (21 percent) than female ones (15 percent), with 64 percent being inconclusive. Close to a quarter of the respondent population denies the existence of a gender gap (26 percent). Dominant concerns for those who acknowledge the gender disparity in pay are: ensuring equality in salary (46 percent), better maternity benefits (40 percent) and enforcing hiring quotas for female and male staff (39 percent).[146]

Discriminatory practices in labour markets based on ethnicity, religion, gender, age and education are frequent.[147] Scarce data on the Roma people confirms their exclusion from the formal economy. There are also low percentages of persons with disabilities across the labour market.[148]

A good legal framework exists for the protection of property rights. However, implementation issues persist, mostly due to the outdated cadastre systems.[149] This mainly affects individuals reclaiming property confiscated during the conflict in the 1990s and individuals seeking repossession of property confiscated during communist rule (1943–90). While the former benefit from the current legislative framework, the latter are in a deadlock due to the inability of political elites to agree on the restitution of property formerly used for military purposes, preventing the adoption of a law on denationalization.

Legally, there are no obstacles to Roma or women owning property. However, housing conditions for the Roma population remain inadequate, with many Roma people living in informal settlements. The legalization of settlements is ongoing but uneven. When it comes to gender, only 15–20 percent of Bosnian women own property.[150] This situation is the product of traditional gender rules about property inheritance in which male children are favoured as inheritors of family property. There are also instances of women renouncing their property claims to the benefit of their brothers, husbands or sons.

The lack of land and resource ownership, in turn, is reflected in lower credit scores for women. Women face significantly more hurdles in obtaining a start-up loan for small and medium-sized enterprises: 80 percent of women were asked to provide a guarantee

for their loan (often a certificate of property ownership) compared to 65 percent of men.[151] If these data are cross-referenced with land ownership, they indicate stark economic gender inequalities.

Transnational migrants are not eligible to work in BiH. However, according to the BiH's Law on Asylum and its accompanying regulations, asylum seekers have the right to work if a decision on their asylum application is not made within nine months, and the burden of failure to make a decision cannot be placed on the asylum seeker.[152]

13. SOCIAL
AVERAGE SCORE: 3.5

ETHNO-RELIGIOUS | **SCORE: 4**

CLASS | **SCORE: 4**

TRANSNATIONAL MIGRATION | **SCORE: 2**

Less than a quarter of two-to-five-year-olds attend some form of early childhood education, while only 1.5 percent of Roma children attend these programs.

Education

The education system in BiH is a direct product of the Dayton Peace Agreement, and it reflects and reproduces the complex political and social divisions in the country.[153] Competence for regulating education is allocated to the entity of the Republika Srpska, the 10 cantons in the Federation BiH and the Brčko District. There are four educational levels: preschool, elementary, secondary and tertiary. The first two levels of education are compulsory and cost free; attendance at the secondary and tertiary education is optional.

Fifteen percent of all two-to-five-year-olds attend preschool. The Helsinki Committee noted that the main reason for such a low participation rate is the lack of preschool institutions, especially in rural areas.[154] Less than a quarter of two-to-five-year-olds attend some form of early childhood education, while only 1.5 percent of Roma children attend these programs.[155] Improvements were visible in the proportion of children attending one-year preparatory preschool programs (for five-to-six-year-olds), with approximately half of children entering first grade having participated in a preparatory program (FBiH 57 percent, Republika Srpska 35–45 percent).

The proportion of children of primary school age attending school was high for all groups across the country (98 percent for both boys and girls). There is good access to education for girls at the primary school level, but enrollment rates of secondary and tertiary education are significantly lower. The primary school attendance rate for families in the poorest income quintile was lower than the rest of the population (95.4 percent), and the social inclusion of Roma children was lower compared to other students. Also, Roma children enter primary school later (only 47 percent of Roma six-year-olds were enrolled in the first grade), although their number increases in the second and higher primary school grades (67 percent of seven-year-olds and 80 percent of eight-year-old Roma children are enrolled in elementary school). Dropout rates for

As a result, access to education is highly ethnicized, even if different groups are privileged in different ways. At all levels of education, there is lack of school materials in languages of national minorities.

Roma children are high, however, especially in the upper grades of elementary school. The secondary school enrollment for Roma children is significantly lower compared to the rest of BiH's population.

The 2010–11 UNICEF Multiple Indicator Cluster Surveys revealed that 92 percent of BiH children of secondary school age were enrolled in high schools.[156] The study also showed that high school enrollment for girls has increased and that attendance of children living in rural areas had also increased slightly in comparison to the organization's previous surveys. Yet, there is a sharp decline in the transition rate from elementary school to high school for vulnerable children. Place of residence and family standards also significantly impact secondary school enrollment.

While there are no fees for secondary education, annual tuition is required for attending all university levels (amounts vary depending on the discipline and location; tuition is substantially higher at private universities than at public ones). There are several categories of partial or full tuition waivers. In RS, these waivers are available to the children of veterans and fallen soldiers of the RS army, disabled students and children without parents. In different cantons of FBiH, there are fee waivers for the children of Bosniak and Croat veterans, children with special needs and other vulnerable groups. As a result, access to education is highly ethnicized, even if different groups are privileged in different ways. At all levels of education, there is a lack of school materials in languages of national minorities.[157] In regard to the education of transnational migrant children, there have been instances of inclusion. For example, 402 migrant children in Una-Sana Canton attended preparatory and regular classes at primary schools during the 2019–20 school year.[158]

Health Care

Similar to the educational system, health care is regulated through the cantons in the FBiH, the entity in Republika Srpska and in the Brčko District. As a result of being run through 13 different systems, access to health care across the country is nominally equal (discrimination based on gender, race, sex, etc. is prohibited by law) but inherently uneven and possibly exclusionary. The system is based on mandatory health insurance, paid through contributions (through welfare for the unemployed, through parents/guardians for children). Overall, 85 percent of citizens have health care coverage in the FBiH, compared to 70 percent in the Republika Srpska.[159] Although the percentage of health care coverage is high overall, the design of the system excludes some categories of vulnerable individuals. They include those engaged in the parallel economy who do not pay contributions, agricultural workers who are not registered as contributors, Roma populations and the homeless. In addition, health care is harder to access for those living in poor households, individuals without insurance, the unemployed, single elderly (especially women) and the inactive populations (especially housewives and persons with disabilities). The situation in smaller towns and rural areas is even worse than in larger towns and cities in terms of the existence and access to community-based social services.[160] The contribution system has been criticized as the key source of health care inequalities because of the low workforce participation rate (65.1 percent of population between 15 and 65 years old).[161]

Overall, only 1.9 percent of the population makes use of social benefits, and only 2.8 percent of individuals registered as unemployed received unemployment assistance.

Welfare

Overall, the welfare system in BiH is weak, and it does not offer equal protection to all vulnerable individuals across the country. Overall, only 1.9 percent of the population makes use of social benefits, and only 2.8 percent of individuals registered as unemployed received unemployment assistance. Even so, access to these benefits and the amounts thereof vary depending on the place of residence and social category.[162] Nursing homes for the elderly exist; however, many public nursing homes are in poor condition. Eleven percent of respondents in a survey said they were too expensive.[163] Private nursing homes are even more costly.[164] Vulnerable ethnic groups (mostly Roma) are commonly unable to access welfare benefits. In addition, parental leave is guaranteed by law. However, women in low-skill occupations often face indirect discrimination as employers do not renew their contracts, dismiss them upon learning of pregnancy or at the end of maternity leave.[165]

The Law on Asylum stipulates the basic rights to health care, social protection and education to all claimants. The full extent of these rights is available to those with the recognized status of person granted subsidiary protection or refugee status.[166] However, living conditions among the asylum seekers in BiH point to the vulnerability of this section of the population. Out of the 8,600 refugees and migrants stranded in BiH by 2019, about 3,500 were accommodated in temporary reception facilities, and nearly 5,000 were in private accommodation or squatting in the open. Insufficient and inadequate reception facilities and rising xenophobia expose asylum seekers to heightened protection risks, such as physical and gender-based violence, human trafficking and other forms of exploitation.[167]

Furthermore, welfare rights offered to asylum seekers, refugee and migrant children depend on the administrative side of the migrant/asylum process rather than on their real needs.[168] Registered migrants are permitted to legally remain in BiH for 14 days, and only a few formally apply for asylum within this period. To date, not a single applicant has been granted asylum status in BiH under the provisions of the Law on Asylum. Without a recognized status of asylum seeker, transnational migrants are unable to claim health care (though some were treated in local hospitals and urgent care centres), employment or welfare rights in BiH.[169] Many asylum seekers have experienced traumatizing events during their journey and show signs of depression, post-traumatic stress disorder (PTSD) and other mental health issues.[170] However, if the public health system were put under greater strain, there would be a risk that refugees, asylum seekers and migrants would be the first to be excluded from services and/or discriminated against.[171]

14. CULTURAL
AVERAGE SCORE: 3

ETHNO-RELIGIOUS | **SCORE: 4**
CLASS | **SCORE: 3**
TRANSNATIONAL MIGRATION | **SCORE: 2**

As a result, ethno-religious and linguistic categories have become the main dividing lines, which hamper social and cultural cohesion, and produce mistrust and antagonism across communities.

The institutional architecture created by the Dayton Peace Agreement legitimizes and solidifies ethnic, religious and linguistic affiliation throughout the political, social, economic and cultural landscapes in BiH. As a result, ethno-religious and linguistic categories have become the main dividing lines, which hamper social and cultural cohesion, and produce mistrust and antagonism across communities. These lines do not only naturalize homogenous Bosniak, Croat and Serb communities but also the "Others" recognized in the Constitution.[172] The "Others" are barred by law from numerous social and institutional activities and practices, and they are often forced into declaring their belonging to one of the three constituent peoples to realize their basic human rights.[173] This indicates that the marginalization and discrimination of non-constituent peoples are "invisible in law and ignored in practice."[174]

While BiH's institutional framework contains plurality,[175] it is neither a sign of diversity nor of pluralism. For example, legislative frameworks related to education and the use of languages are often used to draw further lines among the constituent peoples and between the constituent peoples and other communities.[176] The school system, through complex and segregated learning environments without a common core curriculum, nurtures ethnic belonging at the expense of nation-level citizen identification. This results in further divisions that are paradoxically created by the entrenchment of an ethno-religious and ethno-political agenda in the efforts to promote and protect cultural rights and identities.[177]

Cultural and class inequalities are interlinked in BiH. A study by Hofstede Insights has revealed that BiH has a power distance score of 90, indicating that power-holders are very distant from ordinary people, economically as well as culturally (e.g., political/economic elites often dominate and ethnicize "cultural" content at the expense of historically shared cultural practices).[178] While concrete data on the type of cultural inequalities that this produces across different socio–economic strata is unavailable, power holders in BiH are ethnic elites and their supporters, who have more privilege, support and access to spaces of normative cultural production than those who oppose such content.

Despite this pervasive and spatialized ethnicization of institutions and everyday life, many BiH citizens continue to be tolerant in their views. For example, the 2001 World Value Survey found out that 77 percent of the surveyed peoples agreed that they did not find people of a different culture to be undesirable neighbours (this included people of a different race, immigrants/foreign workers and people of a different religion).[179] Here, 77 percent indicates a high level of tolerance towards diversity. This can perhaps be explained by significant socio–cultural and linguistic similarities among ethnic groups and the history of ethnic-mixing in BiH, especially during socialism.

Furthermore, issues of cultural heritage are particularly complex in a post-conflict environment. During the 1990s, places that denoted heritage (be it religious, historical or cultural) have been systematically destroyed as they had been seen as symbols of other communities. The reconstruction of such symbols of culture, religion or history as places of pluralism and diversity has proven difficult, largely due to the consociational nature of the country. Institutions that had been created in the socialist Yugoslavia, including the National Gallery, the National and University Library, the Historical Museum of BiH, the Kinoteka, the Museum of Literature and Theatre Arts, and the Library for the Blind and Visually Impaired Persons, are not experienced as representative of all the country's citizens. In particular, parallel institutions have been created in the Republika Srpska, with the support of the entity's government.

Freedom of religion is guaranteed and discrimination on religious grounds is prohibited.[180] Entity legislation thus provides a second layer of guarantees of religious freedoms. However, Article 28 of the RS Constitution explicitly mentions the Serbian Orthodox Church as the church of the Serb people.[181]

Religious communities are officially separate from the state and equal before the law. The Law on Freedom of Religion and the Legal Status of Churches and Religious Communities recognizes the Islamic Community, the Serbian Orthodox Church, the Catholic Church and Jewish religious communities as those with legal personality. These constitute the Interreligious Council, serving as a forum for interreligious dialogue. While praised as a significant achievement in the post-conflict period, the Council has faced criticism for being insufficiently active in peacebuilding and reconciliation efforts.[182] The most recent European Commission's progress report noted that "while religious tolerance has been symbolically promoted on some occasions, cases of discrimination, hate speech and hate crimes on religious grounds continue to occur, as do incidents targeting religious sites."[183] In political discourse, especially among Serb and Croat politicians, the migrant crisis is framed as a Muslim invasion or Islamization, pointing to a degree of religious intolerance in the context of transnational migration.[184]

15. ACCESS TO JUSTICE
AVERAGE SCORE: 4

ETHNO-RELIGIOUS | SCORE: 4

CLASS | SCORE: 5

TRANSNATIONAL MIGRATION | SCORE: 3

The fragmented institutional framework in BiH precludes a functioning rule of law and hampers the efficiency of the country's judiciary. While all citizens should have access to justice, this is often not the case. It is estimated that approximately 12 percent of the population cannot run for president or parliament because of their religion, ethnicity or place of residence.[185] For example, in 2009, the European Court ruled that the Bosnian Constitution directly discriminated against minorities by not allowing their equal participation in democratic elections. Even though the Court ruled in three other cases

This shows how BiH's Roma, Jewish and other national minority groups, as well as those citizens who identify with the BiH state as a whole and not with one of its constituent groups, face constitutionally grounded ethnic discrimination that contradicts the international human rights commitments as well as international pressure to carry out legislative reforms.

that the Constitution violated minority citizens' rights to run for public office, none of the decisions have been implemented. This shows how BiH's Roma, Jewish and other national minority groups, as well as those citizens who identify with the BiH state as a whole and not with one of its constituent groups, face constitutionally grounded ethnic discrimination that contradicts the international human rights commitments as well as international pressure to carry out legislative reforms. Moreover, the EU administration continues to call on the authorities in BiH to fully respect the fundamental rights of all refugees and migrants.[186] However, these communities frequently face formal obstacles in accessing justice, given their unclear formal status in the country. While the information is anecdotal, transnational migrant communities are often at the receiving end of anti-migrant sentiment, which increases the risk of xenophobic violence.[187]

As in many other transitional countries, BiH's judiciary system is subject to structural reforms. The main issues in this regard include developing a culture of institutional transparency and accountability to citizens in both the civil and criminal justice systems.[188] The civil justice system is characterized by lengthy and excessively bureaucratic procedures, which increase legal uncertainty and reduce the trust of citizens in the judiciary. There is a backlog of almost 2 million cases, most of which are related to unpaid utility bills—a symptom of a wider economic struggle and increased poverty.[189] This backlog then adversely impacts the length of court proceedings, a deficiency of the system, also highlighted by the Constitutional Court of Bosnia and Herzegovina. Regarding the criminal justice system, domestic prosecution of war crimes has been inefficient and frequently influenced by politics. Observers have further noted deficiencies in dealing with corruption and organized crime. This is a major issue, particularly because there is low co-operation between the entities and the state-level judiciary. The "Justice for David" initiative, referenced earlier under claims-making, is indicative of the overall dissatisfaction of citizens with the criminal justice system and of the degree of institutional corruption. As a result, in 2020, only 52 percent of citizens believed that the process of accessing justice was fair, regardless of the outcome.[190] Members of Roma communities and the LGBTQ+ population have reported that authorities have frequently failed to investigate the discrimination, physical attacks and harassment that they face. Equally, the migrant and refugee population on the so-called Balkan Route—which, by 2019, had reached 50,000 people—face systemic abuse, even by local authorities. They are unable to access justice or receive the basic protection of their human rights.[191]

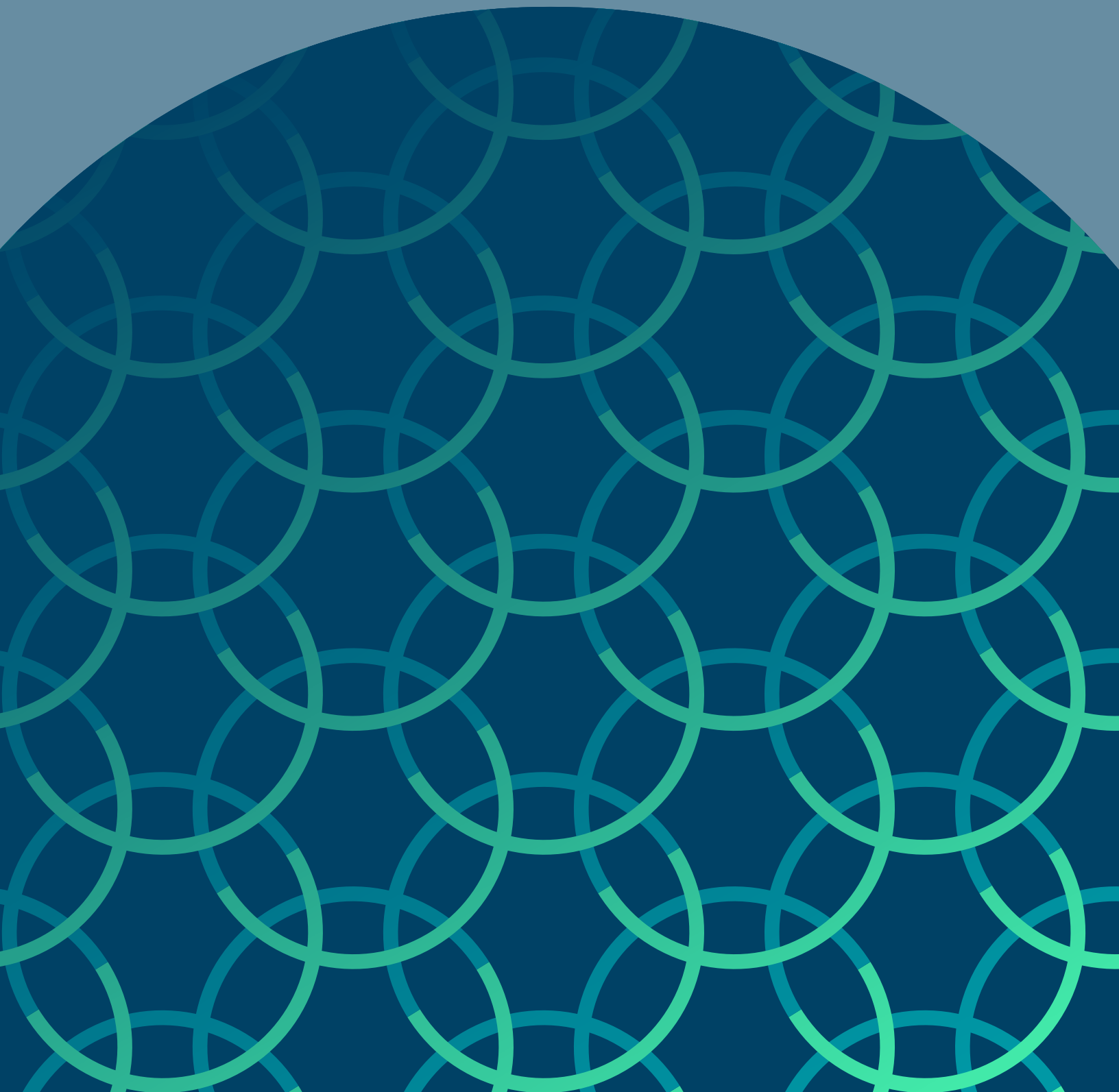
All citizens, regardless of their ethnic, religious or class background have the right to a fair trial.[192] For those who are not able to afford an attorney, the state provides free or partially free legal aid. In practice, however, access to justice is frequently obstructed by an intersection of factors, including socio–economic standing, ethnic origin and gender. As noted above, studies and media reports have shown that equal access to justice is thus particularly difficult for the Roma population who are often economically vulnerable and socially and educationally marginalized and thus less acquainted with their rights under the law. [193]

The Human Rights Ombudsmen is the main oversight body charged with the protection of human rights and fundamental freedoms in BiH. However, its powers are limited and mostly consist of non-binding recommendations. The Ombudsmen has also been criticized for a lack of independence and ethno-political favoritism. As pertains to gender-related issues, the Ombudsmen's 2019 annual report highlights that the rates of reporting on gender discrimination and violence against women are low.[194] Key reasons for this

include the normalization of gender-based violence, traditional gender roles and a lack of trust in institutions.

Since the early 2000s, the international community has been aiding in the reform of the BiH justice system, with projects focussing on both transitional justice and the strengthening of national judiciary institutions.[195] The results of these efforts remain limited. A national strategy for transitional justice had been initiated in 2010, but, more than a decade later, it has yet to materialize, indicating that the non-judicial mechanisms for accessing justice remain weak. The strategy has not been adopted due to objections of the representatives of the Republika Srpska, thus confirming the persistence of ethnic lines in this domain.

PART V. INTERGROUP RELATIONS AND BELONGING



16. INTERGROUP VIOLENCE
AVERAGE SCORE: 6.5

ETHNO-RELIGIOUS | **SCORE: 7**
CLASS | **SCORE: N/A**
TRANSNATIONAL MIGRATION | **SCORE: 6**

The main reason for such low levels of inter-ethnic and inter-religious violence in the post-war context is very much the structure of society created by the Dayton Peace Agreement.

During the Bosnian War (1992–95), the country experienced the greatest inter-ethnic and inter-religious violence that Europe has seen since the Second World War. After the war ended, there were sporadic ethnic and religious tensions which resulted in some hate crimes, including murders, bombings, destruction of property and major public order incidents. However, the levels of perpetrated violence have been low and very uncharacteristic of early post-war contexts where identities are "supercharged" and often radicalized.[196] The main reason for such low levels of inter-ethnic and inter-religious violence in the post-war context is very much the structure of society created by the Dayton Peace Agreement. While creating numerous socio–political inequalities, marginalizing minority communities and entrenching ethnic elites in the system, the agreement was successful in halting violence because it enabled "the ethnically defined, wartime regimes to consolidate their separate spheres of influence."[197] This process, coupled with the presence of 60,000 North Atlantic Treaty Organization troops and 2,000 members of UN police forces significantly lowered the incidence of violence.

Due to the state's fragmented system of governance, there are multiple police agencies responsible for dealing with hate crimes, including the State Investigation and Protection Agency (SIPA), two Ministries of Interior, 10 Cantonal Ministries of Interior and the Brčko District Police. However, mechanisms to properly record hate crimes have not been put in place. Therefore, data on hate crimes is minimal and inconsistent. For example, according to the OSCE,[198] in 2009, the Bosnian police reported only 15 hate crimes. In 2010, it reported 19 hate crimes. While there are no available data for 2011 and 2012, the number of hate crimes in 2013 and 2014 was 350 and 200, respectively. The sudden increase in 2013–14 is a result of the Ministry of Security of BiH taking a proactive role in gathering statistical data.[199] The most commonly reported crimes included racism and xenophobia, bias against Muslims, bias against members of other religions and sexual orientation. Among these, the most frequent types of motivation are based on racism and xenophobia and incidents based on religious identity, while incidents based on sexual orientation or gender identity are less frequent but nevertheless present (18 cases in 2019). The most common types of incidents were attacks on private property.

In recent years, inter-group violence mostly refers to gender and sexual orientation-based violence. Human Rights Watch and the WHO report that there is no systematic data on the incidence of such violence, however.[200] These types of violence are frequently unreported by victims and their families. In the run-up to the Sarajevo Pride March in August 2020, the LGBTQ+ community documented 13 incidents against the community, including cases of domestic violence. The Republika Srpska introduced a new Law on Protection from Domestic Violence in May 2020, criminalizing the incidence and failing to report violence in domestic situations. The equivalent legislation was pending before the FBiH Parliament (to be discussed in late 2021).

Moreover, there have been registered cases of violence against the migrant and refugee communities in BiH who are on the so-called Balkan Route.[201] In April 2021, the UN Mission in BiH urged the Bosnian and Croatian authorities to investigate allegations of violence perpetuated against migrants and refugees attempting to cross the EU border in Croatia. Data on the percentage of migrants experiencing physical violence does not exist.

17. INTERGROUP TRUST
AVERAGE SCORE: 3

ETHNO-RELIGIOUS | **SCORE: 4**

CLASS | **SCORE: 4**

TRANSNATIONAL MIGRATION | **SCORE: 2**

These percentages indicate a low level of comfort with intergroup marriage.

There are no recent systematic data on intergroup trust in BiH. An earlier study commissioned by Friedrich-Ebert-Stiftung reported low levels of social trust among the three dominant communities.[202] The general trust level was the highest for the Serb community, 18 percent of whom agreed that "the majority of people could be trusted," compared to 17 percent of Bosniaks and 10 percent of Croats.

A report on social capital in BiH takes "mixing" among different ethnic groups as a sign of intergroup trust.[203] This report shows that 42 percent of Bosniaks, 40 percent of Croats and 38 percent of Serbs would approve of marriage/partnership with a person of a different ethnic background. That said, 99 percent of Bosniaks, 96 percent of Croats and 97 percent of Serbs would approve of a marriage/partnership with a person of the same ethnic background. A total of 32 percent of Bosniak respondents would enter a marriage/partnership with a Croat, 22 percent with a Serb and 14 percent with a Roma. Moreover, 29 percent of Croat respondents would enter a marriage/partnership with a Bosniak, 26 percent with a Serb and only 9 percent with a Roma. Seventeen percent of Serb respondents would marry a Bosniak, 25 percent would do so with a Croat and 12 percent with a Roma person. These percentages indicate a low level of comfort with intergroup marriage. In addition, social distance in this regard is lesser among the three constituent peoples that engaged in conflict, than between either of these communities and the Roma who did not participate in it. This then reflects both cultural similarities between the three main ethnic communities and stigmatization of the Roma and persistence of prejudice against this community.

Salaj's (2009) study does not offer fine-grained data related to professional relationships.[204] However, a total of 86 percent of all respondents (of all ethnic backgrounds) would accept having a Bosniak or a Croat colleague, 89 percent would accept a Serb and 72 percent would accept a Roma colleague in their working environment.

The Global Centre for Pluralism's (the Centre) *Pluralism Perceptions Survey – Bosnia and Herzegovina* indicates that a plurality of respondents fully (19.5 percent) or partly (32.9 percent) support the statement that "most people can be trusted."[205] Intergroup

The survey suggests high inter-ethnic trust, with no gender differences but with some differences among ethnic groups.

trust levels were higher among male (23.17 percent) than among female (16.12 percent) respondents. Among the ethnic subsamples, the Croat group demonstrated the greatest trust (59 percent), followed by Bosniaks (52 percent) and Serbs (50 percent). The data on inter-religious trust showed no gender differences, but it did reveal some ethnic differences: the Croat group shows the most inter-religious trust (75 percent), followed by Bosniaks (74 percent) and Serbs (69 percent). The survey suggests high inter-ethnic trust, with no gender differences but with some differences among ethnic groups: Croats showed the most inter-ethnic trust (76 percent), followed by Bosniaks (72 percent) and Serbs (67 percent). About 54 percent of respondents think they are equally likely to be hired in a professional role as any other person from BiH. These numbers are somewhat lower for "Others" (44 percent). The attitudes about intergroup marriages show there are positive attitudes in general but with some ethnic differences: the Croat group shows the most interreligious trust (80 percent), followed by Serbs (76 percent) and Bosniaks (67 percent).

A study from 2004 on a representative sample of 1,500 adult BiH citizens showed that 15 percent of respondents said they trusted everyone, while 85 percent felt that they should be careful in contact with people.[206] Another study based on survey data from a stratified random sample of 681 Bosnian Serbs, Croats and Bosniaks (conducted between September 2003 and January 2004) explored community trust issues after the war.[207] Not surprisingly, the study concluded that respondents trusted members of their own ethnicity more than they trusted the members of the other two ethnicities. However, these differences were not as large as would be expected based on the recent history of conflict.[208] The 2009 survey conducted by PARTNER Agency Marketing in Banja Luka included a representative sample of 1966 respondents from BiH.[209] About 74 percent of respondents believed that, in relation to other people, one should be cautious, while only about 16 percent think that most people can be trusted, and these percentages are more or less equal within ethnic subsamples. For measures of ethnic distances, respondents (Bosniaks, Croats and Serbs) accept between 17 percent and 30 percent of the selected relations with each other, and only about 12 percent of the offered relations with members of the Roma community.

Research conducted in 2018 on a sample of young people in BiH dealt with various indicators of youth life, including indicators of social trust.[210] It showed that young people trust family, friends, peers and neighbours the most, followed by people of other religions and nationalities and people of different political orientations. Political leaders were the least trusted group.

Surprisingly, a recent survey has shown that economic hardship is inversely correlated with intergroup tension and violence.[211] More affluent citizens feel more tension towards other communities. Explanations for a higher tendency for intergroup tension and violence include the hypothesis that wealthier people feel more threatened by other ethnic groups[212] and that economic elites are associated with nationalists advocating for advantages for their own ethnic communities.[213]

Finally, a 2019 study researching relations of the domestic population with migrants/refugees found that about 26 percent of the migrants/refugees surveyed claimed that the domestic population had been unfair to them, and about 56 percent of migrants experienced the domestic population as pleasantly as members of their own people. Regarding the right to stay in the country, about 67 percent of the domestic population

would allow migrants to stay up to six months and then move them out of BiH, about 15 percent would allow them to stay long-term and 18 percent would expel them out of the country immediately. Domestic residents typically describe migrants using negative attributes, such as they are dirty and potentially violent.[214]

18. TRUST IN INSTITUTIONS
AVERAGE SCORE: 2.5

ETHNO-RELIGIOUS | **SCORE: 3**

CLASS | **SCORE: 2**

TRANSNATIONAL MIGRATION | **SCORE: NA**

An astounding 88 percent of the population in BiH view their government's handling of anti-corruption as unsatisfactory, which is the highest in the region.

There are no disaggregated data that show the levels of trust in public institutions per ethnic community. There are data, however, that shows that citizens across both entities ranked the national government as the least popular institution (19 percent approval in the FBiH and 21 percent approval in Republika Srpska, compared to a regional average of 30 percent).

According to the Balkan Barometer Report, 66 percent of respondents disagree or tend to disagree that the law is applied and enforced effectively, and only 3 percent have absolute confidence in the uniform and effective implementation of laws.[215] A striking 84 percent of respondents agree in full or in part that law enforcement and the police are corrupt. An astounding 88 percent of the population in BiH view their government's handling of anti-corruption as unsatisfactory, which is the highest in the region.[216]

According to the same report, the high level of mistrust—66 percent—is found regarding the judiciary, but a slightly higher percentage, 71 percent, believe in the competence of the courts. This mistrust of the judiciary is even higher regarding its independence—76 percent of respondents disagree or totally disagree that the law is applied to everyone equally. In addition, 5 percent of respondents declared that they engaged in bribery related to the judiciary, and 73 percent of respondents stated that they believe the institution is corrupt. What is more, 6 percent of respondents stated that they had engaged in bribery related to the educational system in the course of 2020 (e.g., to increase a child's grade), and 15 percent had engaged in bribery in order to access medical and health services (e.g., to obtain treatment faster). Despite the relatively small percentage of individuals who self-report engaging in bribery in the context of education and health care, most believe that institutions are corrupt. A total of 73 percent of respondents agree or tend to agree that the education system in BiH is affected by corruption. The percentage of perceived corruption in health care is the same, 73 percent.

A complementary Balkan Barometer Public Opinion 2020 survey[217] found that trust in education institutions is at 52 percent; trust in religious organizations is at 40 percent, with the police at 27 percent and media at 25 percent. There is even lower confidence in political parties (7 percent), the Parliamentary Assembly (7 percent) and the Council of Ministers (7 percent) and the BiH presidency (9 percent). An additional assessment

of BiH's transformation towards democracy and a market economy between 2006 and 2020 showed that during this period, BiH was very regressive in terms of political participation, freedom of expression, judicial independence and the stability of democratic institutions.[218]

The same report documents very low ratings for the country's leadership, at just 16 percent (compared to a regional average of 29 percent). Citizens across both entities ranked the national government as the least popular institution (with 19 percent approval in the FBiH and 21 percent approval in the RS, compared to a regional average of 30 percent). In addition, 3 percent of respondents trusted the judiciary, reflecting low levels of confidence across the region. In contrast, levels of trust in the police were higher—19 percent of respondents had a high level of trust, and 41 percent had "some" trust in the police.

Regarding other institutions, the survey showed that 67 percent of respondents distrust or tend to distrust the parliament, 71 percent distrust the government and 61 percent distrust the local authorities. The level of absolute trust in these institutions is at 5 percent for the parliament and the government and at 6 percent for the local authorities.

There are recent findings which show that 65 percent of the population distrusts the police and public law in BiH (the percentages are equally distributed among the ethnic subsamples).[219] Also, a high percentage (about 70 percent) of the population does not trust the justice system in the country to protect them against injustice.

These studies do not control for education and income. Whitt's 2010 survey, however, showed a very mild negative correlation between educational levels and urban-rural residence on the one hand, and trust in institutions, on the other.[220]

There are no data on trust in institutions by transnational migrants.

19. INCLUSION AND ACCEPTANCE
AVERAGE SCORE: 2.5

ETHNO-RELIGIOUS | SCORE: 3

CLASS | SCORE: 3

TRANSNATIONAL MIGRATION | SCORE: 2

The ethno-religious dimension of intergroup relations and belonging is very strong in BiH. Yet, the inability of the political elites to reach an agreement on changing the constitutional set-up of the country foreclosed the civic dimension of "belonging" to BiH. While there are no formal barriers for different groups to exercise their freedom of religion or ethno-cultural heritage, practical obstacles in the context of the ethno-territorial divisions in BiH persist. For instance, displays of ethno-religious belonging to the Muslim community are more accepted in the FBiH but much less so in the RS, which is nearly an ethnically homogenous entity. Other communities (including the Roma, Jews and other

While there are no formal barriers for different groups to exercise their freedom of religion or ethno-cultural heritage, practical obstacles in the context of the ethno-territorial divisions in BiH persist.

constitutionally recognized minority peoples) live on the margins of society. There are no official statistics, however, on the extent to which they feel included or accepted.

Even though ethnic groups are hyper-visible and protected in BiH, research from 2011 discovered that many young people fear for the future of their ethnic group. More specifically, 66 percent of Croat youth said they feared for the future of their people in BiH, compared to 49 percent of Serb, 45 percent Bosniak and 32 percent of respondents who declared themselves as Bosnians.[221]

Many people in BiH feel marginalized due to their socio–economic status. According to the 2020 Balkan Barometer, 13 percent of BiH residents feel looked down upon because of their employment status and/or income level.[222] Furthermore, 20 percent of respondents said they were anxious about falling below the poverty line and about 10 percent felt excluded from society for a variety of reasons. The main recorded reasons for feelings of exclusion included age (35 percent), the inability to secure gainful employment (31 percent), lack of family and friend support (18 percent), illness and disability (18 percent) and minority group status (15 percent). The survey also discovered that people in BiH, at least those surveyed for this study, support affirmative action in employment for individuals with disabilities as opposed to displaced persons or refugees, or members of the Roma community.[223]

The Roma are systemically excluded from the society. A 2019 World Bank study measured the social distance toward Roma, and it showed that 67 percent of surveyed BiH citizens are comfortable working with Roma, 62 percent are comfortable working for a Roma employer, 67 percent see no problem if their children go to school with Roma children, 24 percent would marry Roma/allow their children to marry Roma, 57 percent would buy products from Roma/made by Roma, 63 percent are open to having friends who are Roma, 56 percent would invite Roma to their house and 48 percent would rent a house to Roma.[224]

The 2019 Friedrich-Ebert-Stiftung study examined attitudes towards migrants and refugees in BiH. The study found that respondents largely supported migrants' short-term stay in BiH (about 67 percent), while 18 percent of the surveyed individuals felt migrants should be deported from the state. When describing migrants and refugees, respondents frequently emphasized negative traits such as dirtiness, aggression, messiness and rudeness.[225]

The Centre's *Pluralism Perceptions Survey* indicates that about 88 percent of the respondents identify as a person from BiH.[226] There are no gender differences, but there are some differences across ethnicities: 95 percent of Bosniaks, 83 percent of Croats and 76 percent of Serbs identify as a person from BiH. Close to 87 percent of respondents see themselves as persons from BiH. There are no gender differences, but there are differences across ethnicities: 93 percent of Bosniaks, 85 percent of Croats and 76 percent of Serbs see themselves as a person from BiH. About 74 percent of the respondents are glad to be a person from BiH. There are no large gender differences, with some differences across ethnicities present: 82 percent of Bosniaks, 66 percent of Croats and 60 percent of Serbs are glad to be a person from BiH. About 74 percent of the respondents feel strong ties with other people from BiH. There are some gender differences, with 77 percent of males and 71 percent of females feeling strong ties. Also, there are some differences across ethnicities: 80 percent of Croats, 74 percent of

Bosniaks and 74 percent of Serbs feel strong ties with other people from BiH. About 80 percent of respondents think other people in BiH think that they are a person from BiH. There are no gender differences, with some differences across ethnicities: 84 percent of Bosniaks, 78 percent of Croats and 78 percent of Serbs think other people in BiH think that they are a person from BiH.

20. SHARED OWNERSHIP OF SOCIETY
AVERAGE SCORE: 1.5

ETHNO-RELIGIOUS | **SCORE: 3**

CLASS | **SCORE: 2**

TRANSNATIONAL MIGRATION | **SCORE: 0**

As a result of the effectively low political participation, some voices are not present in the public sphere.

The overall feeling of shared society is low in BiH.[227] Political representation is one of the key elements in creating an inclusive and pluralist society, and the franchise has long been considered the lifeblood of democracy. As a result of the effectively low political participation, some voices are not present in the public sphere. If this is combined with the particularities of the political and constitutional set-up, the ownership of society at the state level is virtually non-existent and cuts across the ethno-religious and territorial cleavages. This is reflected in three ways. First, the "ownership" of society for the three constituent communities is guaranteed, but it is exclusionary and flawed. Even for the constituent peoples, the exercise of political and civic rights is tied to specific territories. Second, minority communities ("Others") are included in the constitutional definition of sovereignty and thus, at least formally, constitute the "people." Despite this formal constitutional recognition, the actual distribution of rights—even through the relevant secondary legislative framework—is a major barrier to the exercise of rights and the feeling of shared ownership. As a result, Jewish, Roma and other minorities are prevented from fully and equally participating in society's political and social life.[228] The gender cleavage does not exist in law, but—as stated above—there is a low degree of representation of women in public and political life in BiH. Third, non-settled communities, such as transitory migrants who have no stakes in the Bosnian context, indicate that they are nearly fully excluded from participating as legitimate and full members of society.

While there are no studies focussing on the relationship between socio–economic status and sense of ownership of BiH society, the fact that youth (and others) are leaving BiH in such high numbers is an indicator of the detachment of people from the state and society. Extreme unemployment is becoming a structural condition that stretches across generations, and only the politics of distribution and remittances from abroad that circulate among family and friends keep people fed and alive. This calamitous situation generates perpetual disappointment in the country and its future amongst youth. It also creates a sharp distinction between politically corrupt Bosnia, where one feels that they must either withdraw from the state and its dirty politics, or engage in corruption in order to survive, and an imagined "Europe" where rules of political economy are allegedly in place and where a person can choose not to engage in corrupt behavior

and still be a recognized, respected citizen. As a result, young Bosnians are leaving their state massively. Across Bosnia, classroom sizes are shrinking, schools are closing and teachers are losing jobs because there are no children to teach.[229] In this way, through the complicated, long-term effects of converging post-war and post-socialist forces, the Bosnian state continues to be emptied of its citizens, who are "normal people made of flesh and blood."[230]

The Centre's *Pluralism Perceptions Survey* confirmed a relatively low degree of trust in the workings of democracy in BiH. As many as 77.6 percent of respondents disagreed in full or in part that BiH is a functioning democratic country, with a mere 6.3 percent of respondents having full confidence in the workings of democracy in this country.

The report documents a significant gap between the substantial official commitments to pluralism on one side and a very limited implementation of these commitments on the other.

RECOMMENDATIONS

This report is the first attempt to assess social pluralism factors in Bosnia and Herzegovina. The report documents a significant gap between the substantial official commitments to pluralism on one side and a very limited implementation of these commitments on the other. The three biggest obstacles to democracy and pluralism are politicization of ethnic identities, high levels of political corruption and economic instability. Based on the report, we compiled the following list of recommendations that might be of interest to pluralism advocates, including the BiH government, civil society and relevant external actors.

GOVERNMENT

All levels of government should strive to enhance pluralist society in BiH not only by formally committing to an array of international instruments but also by putting them in practice. Eventually, a modification of the ethnic power-sharing structure should allow for greater inclusion; however, this issue might be contentious since it is currently seen as unacceptable to some communities.

Governments at all levels should address the issues faced by the most marginalized and vulnerable communities. Authorities should adopt policies targeting national minorities, especially the Roma, who often face discrimination across all social and economic spheres. Affirmative action could be considered in relation to educational, welfare and formal participation mechanisms. The policies that include (temporary) transnational migrants and refugees journeying to Europe should also be installed. Any act of violence should be investigated and perpetrators prosecuted. Furthermore, government at all levels should strive to achieve a greater socio–economic engagement of women and a greater acceptance of the LGBTQ+ communities. For women, particularly rural women, projects could be tailored to include them in economic life (e.g., micro-credits, agricultural subsidies, etc.), which could aid their empowerment. Educational actions on dismantling traditional gender roles should be beneficial both in view of women's empowerment and in the context of LGBTQ+ rights.

Government needs to enhance pluralism by more forcefully fighting corruption and by stripping away the huge and complicated bureaucracy that suffocates emerging businesses and exhausts tax-paying citizens, many of whom are sinking into poverty. Government also needs to act fast to protect significant natural resources which are falling prey to the malfunctioning system and to local and international business interests that take advantage of Bosnia's weak state. Also, authorities would have to make sure that some marginalized groups participate equally in the labour market and the distribution of social wealth.

CIVIL SOCIETY

Relevant civil society actors should work together on establishing initiatives for education on pluralism and diversity broadly conceived. Since most of the registered CSOs in BiH focus on activities related to sports, recreation and culture, these could be

Both socio–economic distinctions and transnational migration are crucial to understanding diversity and pluralism in BiH, the Western Balkans and the EU.

avenues for potential intercultural exchange (an example could be friendship games (*Igre prijateljstva*)).

Civil society actors need to be more proactive and insist on their inclusion in the policy-making process. With the key issue for these actors being limited and project-based funding, a possible venue for activities could be crowdsourcing and crowdfunding for broadly accepted initiatives. Examples of issues (in the short-to-medium term) could include those related to the rights of the child and the environment.

INTERNATIONAL ACTORS

The European Commission should consider giving more attention, recognition, commitment and a stronger push to its conditionality mechanism by establishing a clear system and timeline of rewards for progress and sanctions for stagnation or backsliding. The rewards mechanism has been reasonably successful in the context of visa liberalization, and a similar model could be implemented in other aspects of the EU's political conditionality. With BiH currently facing its biggest crisis since the war, this commitment to BiH sovereignty by the EU as well as the US is paramount.

UN agencies should engage more with the local communities and establish long-term initiatives, especially in the area of institutional reform and civil society engaged in the promotion and protection of human rights.

International and local actors need to broaden their focus—data collection, engagement and policy—from solely engaging with ethno-political formations to including issues related to class and transnational migration. Both socio–economic distinctions and transnational migration are crucial to understanding diversity and pluralism in BiH, the Western Balkans and the EU. International and local actors need to develop better policies, monitoring mechanisms and data collection about class disparities and transnational migration in BiH.

NOTES

1 Shallow state refers to the fact that the postwar Bosnian state ends up holding too little—it exists primarily to harbor ethnically conceived and managed populations, while leaving the interconnected histories, economic solidarities, and hybrid lives socially marginalized and politically uncultivated. Hence, the Dayton-produced state in Bosnia-Herzegovina materializes as an "empty container," which, due to its ideology and (ir)rationality, fails to recognize, provoke, and nurture panethnic identification and economic solidarity or to successfully "contain" citizens who belong to it territorially and historically. Azra Hromadžić, *Citizens of an Empty Nation: Youth and State-Making in Postwar Bosnia and Herzegovina* (Philadelphia: University of Pennsylvania Press, 2015), 185-86.

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