BOSNIA AND HERZEGOVINA

Handbook on Open Local Government and Public Ethics

Council of Europe

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Handbook on Open Local Government and Public Ethics in Bosnia and Herzegovina (English version)

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The Handbook is part of the series of country-specific Handbooks that aim to preserve and share the lessons learnt and best practices identified during the implementation of co-operation projects. The contents of the Handbook are available online on the bE-Open tool that has been developed by the Congress to support local and regional governance actors in their efforts to improve the quality of local democracy in their villages, towns, cities, and regions, as well as any citizen interested in public ethics, accountability, transparency and citizen participation. The tool is available at https://www.coe.int/en/web/congress/beopen.

** All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.*

Table of Contents

FOREWORD 7

PURPOSE AND STRUCTURE OF THE HANDBOOK 9

CHAPTER 1 PUBLIC ETHICS AND ACCOUNTABILITY 11

Introduction **11**

General domestic context **12**

1.1. CODES OF ETHICS AND PROFESSIONAL CONDUCT **13**

1.2. COMPLAINTS MECHANISMS **17**

1.3. GRIEVANCE REDRESS MECHANISMS **19**

1.4. PROTECTION OF WHISTLE-BLOWERS **23**

1.5. DISCLOSURE: DECLARATION OF ASSETS AND CONFLICTS OF INTEREST **27**

CHAPTER 2 TRANSPARENCY 30

Introduction **31**

General domestic context **32**

2.1. ACCESS TO INFORMATION **32**

2.2. OPEN DATA **36**

2.3. PUBLIC PROCUREMENT **39**

2.4. EXTERNAL AUDIT **42**

2.5. FINANCING OF POLITICAL PARTIES **45**

CHAPTER 3 CITIZEN PARTICIPATION 49

Introduction **49**

General domestic context **50**

3.1. OPEN POLICY MAKING **50**

3.2. PARTICIPATORY BUDGETING **54**

3.3. PUBLIC CONSULTATION **56**

3.4. PUBLIC PETITIONS **59**

3.5. LOCAL REFERENDA **62**

CHAPTER 4 CORRUPTION RISKS 65

Introduction **65**

General domestic context **66**

4.1. BRIBERY	**67**
4.2. CONFLICT OF INTEREST	**70**
4.3. EMBEZZLEMENT	**72**
4.4. FRAUD	**74**
4.5. NEPOTISM	**75**
4.6. MISUSE OF ADMINISTRATIVE RESOURCES IN ELECTION CAMPAIGNS	**77**
4.7. EXTORTION	**80**
4.8. CLIENTELISM	**81**
4.9. PATRONAGE	**83**
CONCLUSION	85
ENDNOTES	87

Foreword

Governments can function effectively only if they enjoy and sustain the trust of citizens in their commitment to delivering services and policies that serve the citizens. Open local government and a high level of public ethics are key to building confidence in the institutions of government. Local government, municipalities and their elected representatives and civil servants have a crucial role in fostering and sustaining trust-building and participatory decision-making, since they have a certain degree of autonomy over the distribution of resources, play an intermediary role with regards to central governments, and usually represent the first interface between citizens and elected representatives. The professionalism and integrity of elected local government officials and local administrations, and their ability to function in a transparent, responsive and accountable manner, are a prerequisite for the delivery of enhanced, fair and equitable services to citizens. Local and regional elected representatives must therefore act as role models in the areas of public ethics, transparency, accountability, and participatory decision-making.

In order to fulfil this role, elected representatives must be well versed in the principles and standards underpinning public ethics. Furthermore, they should understand the legislation in force and the mechanisms and institutions through which the laws are implemented and enforced at the local level. The government authorities should also raise awareness among the public so that they also understand their legal rights and know where they should turn to make a complaint.

However, we cannot ignore the fact that local authorities, as any public authority, are susceptible to corruption, which poses a major threat to the legitimacy of democratic institutions, as well as to the degree of trust that citizens place in their representatives and public officials. A deficit of transparency and shortfalls in public ethics are problems faced by all levels of government, including the local and regional levels. They undermine the provision of services to citizens and businesses alike and pose a threat to the universal access to basic services and to sustainable local economic development. The fight against corruption needs to be a long-term priority for local and regional governments and their associations. Concerted preventive action and the monitoring of corruption risks are both paramount in order to foster economic growth, improve living conditions, and develop citizens' trust.

Where the decentralisation of power and financial resources advances, the quality of local governance becomes even more crucial. Therefore, along with the introduction and consistent application of criminal law provisions against corruption, it is essential to promote public ethics, transparency, accountability and participatory decision-making in order to reduce the risk of corruption and boost citizens' confidence in local and regional authorities.

The Congress of Local and Regional Authorities of the Council of Europe took a firm step in the promotion of ethical governance by adopting in 1999 the European Code of Conduct for the Political Integrity of Local and Regional Elected Representatives. An advisory group revised this Code, which

was then adopted as the European Code of Conduct for all Persons Involved in Local and Regional Governance in November 2018. The updated text addresses new challenges, including new forms of communication, the impact of digital technology and the need to respect the privacy of data, and enlarges the scope of its application to all actors involved in local and regional governance, and not just elected officials.

In its priorities for 2021-2026[1], the Congress underlines the importance of promoting the quality of local and regional democracy and citizen participation. At the same time, the Congress devotes its attention to the challenges arising from the Covid-19 pandemic and underlines the necessity of adapting work and activities to a new situation, including corresponding social, economic, and political changes. The thematic priorities of the Congress also include reducing social inequalities, and ensuring that digitalisation and artificial intelligence enhance citizen participation. The Congress underlines that local and regional authorities should be the main actors for change and points out the importance of the fight against corruption and clientelism, and the participation of citizens in decision-making processes, for the proper functioning of local and regional democracies.

The Congress is determined to sustain a comprehensive, long-term engagement in corruption prevention, and in this spirit has established the position of Spokesperson on Promoting Public Ethics and Preventing Corruption at the Local and Regional Levels. The publication of this *Handbook* and our intention to actively promote its use are further demonstration of our determination to make this a priority activity for the years to come.

The attitudes and expectations of our citizens with regards to public governance are changing. To renew and sustain confidence in public administration, we need to set up effective mechanisms for the implementation of, and compliance with, standards of ethical conduct. Preventing corruption, reducing its risks, and developing effective, accountable, and transparent institutions at all levels are key components of just and inclusive societies.

With this in mind, this *Handbook on Open Local Government and Public Ethics* is aimed at local authorities, mayors, local councillors and civil servants, to support them in their efforts to improve the quality of local governance in their villages, towns and cities. The *Handbook* provides local authorities with practical guidelines on transparency and citizen participation, identifying the relevant international standards and domestic legislation, and providing case-law examples and good practices that can be applied and promoted by all local authorities.



Andreas Kiefer
Secretary General
Congress of Local and Regional Authorities
of the Council of Europe

PURPOSE AND STRUCTURE OF THE HANDBOOK

Transparency and citizen participation are key concepts in the development of good governance. Both help to create the conditions for citizens to understand and evaluate the decisions that the government is taking on their behalf, as well as to ensure that their own needs and views are taken into account in the decision-making process.

Effective application of tools to promote transparency and citizen participation, coupled with stronger accountability and public ethics, can help to drive out corruption and government malpractice. Both concepts also serve to help generate positive and enabling momentum to foster increased trust in public governance.

Finally, they help governments to draw on the skills, knowledge and experience of citizens to enable more informed decision-making, early identification of negative impacts of prospective policies, greater ownership of the resulting decisions, and the delivery of more effective public services.

The *Handbook on Open Local Government and Public Ethics in Bosnia and Herzegovina* aims to support local authorities in their efforts to improve the quality of local governance in line with the principles of the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the Right to Participate in the Affairs of a Local Authority (CETS No. 207). It provides them with practical guidance on public ethics and accountability, transparency, citizen participation, and countering corruption, based on Council of Europe principles and guidelines, and drawing on international standards and examples of model legislation.

To fulfil its purpose as a practical reference guide to support local authorities in their daily work, the *Handbook on Open Local Government and Public Ethics in Bosnia and Herzegovina* includes specific information about domestic anti-corruption legislation and provides examples of mechanisms and tools to raise standards in public ethics and accountability, transparency, and citizen participation. The *Handbook* provides a concise assessment of the most prevalent corruption risks and a set of good practices to introduce and implement public ethics and open government.

The implementation of the mechanisms included in this *Handbook* will also help local authorities contribute to attaining the United Nations' Sustainable Development Goals (SDGs)[2] of the 2030 Agenda for Sustainable Development,[3] namely goals 5 (gender equality), 11 (sustainable cities and communities), 16 (peace, justice and strong institutions) and 17 (partnerships for the goals). In this regard, the implementation of open local government will serve as a powerful driver for deepening the commitment to good governance in the context of sustainable development.

The *Handbook* is structured in four main chapters:

- Chapter 1 – Public Ethics and Accountability
  This chapter highlights the importance and challenges of public ethics and accountability in Bosnia and Herzegovina. It demonstrates the essential role that public ethics and accountability play in bringing about effective, transparent and participatory governance.

- Chapter 2 – Transparency
  This chapter introduces five transparency mechanisms, which have been selected to represent the diversity of approaches to transparency. The account of each mechanism includes an introductory description and an outline of international standards. This is followed by four sections summarising key domestic laws and presenting practical guidelines and best practices which can serve as examples for local authorities in their efforts to enhance transparency.

- Chapter 3 – Citizen Participation
  This chapter introduces five citizen participation mechanisms, which have been selected to represent the diversity of approaches to citizen participation. Following the same structure as in the previous chapter, an introductory description is provided for each mechanism followed by an outline of relevant international standards. The concluding four sections summarise key domestic laws and present practical guidelines and best practices which can serve as examples for local authorities in their efforts to foster and improve inclusive citizen participation.

- Chapter 4 – Corruption Risks
  This chapter introduces the most common corruption risks identified in Bosnia and Herzegovina and outlines relevant international anti-corruption standards, along with the domestic legal framework pertinent to each form of corruption. This is then supplemented with examples of case law and good practices related to each type of corruption.

Chapter 1

PUBLIC ETHICS AND ACCOUNTABILITY

Introduction

Public ethics and accountability are essential concepts underpinning an effective local or regional authority. They refer to the culture, processes, structures and rules that ensure those in public office act in the wider public interest, rather than their own self-interest. They are an essential feature of good governance, and it is important that they are respected and monitored by relevant organisations.

Ethics embody the rules that define the conduct of public officials[4] in order to ensure that the public is treated fairly and equitably. Ethics help officials make better decisions in the public interest and help people evaluate the decisions taken on their behalf by public officials.

Public accountability ensures that officials are openly answerable for the decisions they are taking on behalf of the public.

In the absence of public ethics and accountability, corruption and malpractice are able to thrive. As outlined in the final chapter, corruption is damaging to individuals, society, the economy and government in a number of respects. The prioritisation of public ethics and accountability can help curb the worst excesses of power and encourage more responsible and fairer decision-making by local authorities.

Even where corruption is not endemic, the absence of public ethics and accountability can be corrosive to public trust in government, public institutions and officials. While the relationship between public ethics and accountability is complex, consistent and timely application of both can help to build and strengthen trust between the public and government.

Furthermore, public ethics and accountability can contribute to a positive environment where it is recognised that citizens and other stakeholders contribute to the quality of the decision-making process. Combined with citizen participation tools, public ethics and accountability can help to ensure that citizens' personal experiences, expertise, knowledge and scrutiny add value to, and strengthen, decisions taken by government and public officials.

Elected representatives should be aware of the process by which declarations of assets are monitored and by which body, and which sanctions can be applied, and how, in the event that an office-holder makes a false or incomplete declaration. They should know the rules governing whistle-blowing and which official or officials are responsible for considering whistle-blowers' complaints and reports of wrongdoing. Local authorities need to ensure in-house training for newly elected representatives and provide regular refresher training for all elected officials. Knowledge

and understanding of the legal and institutional framework are essential if elected representatives are to succeed as role models of political integrity.

Finally, public ethics and accountability are key to improving public services because public services that are more responsive and accountable to people – and benefit from their insights, ideas, energy, and scrutiny – will work better for people and the community as a whole.

Taken together, public ethics and accountability help to ensure that decision-making and resource allocation are fair, efficient and effective, which in turn helps to enable a flourishing democracy, economy and society. To this end, the Congress of Local and Regional Authorities of the Council of Europe adopted the European Code of Conduct for all Persons Involved in Local and Regional Governance,[5] encouraging local and regional authorities and associations of local and regional authorities to design appropriate educational programmes in integrity management and to implement advisory services to help their staff to identify and deal with potential ethical risk areas and conflict-of-interest situations.

Transparency and citizen participation are important mechanisms for promoting public ethics and accountability in central and local government. A recent report for the European Committee of the Regions on "Preventing Corruption and Promoting Public Ethics at the Local and Regional Level in Eastern Partnership Countries" found that lack of transparency was the main vulnerability in all of the cases assessed.[6] This handbook outlines a range of transparency and citizen participation mechanisms that can be adopted by local and regional authorities.

General domestic context

Bosnia and Herzegovina has a complex system of governance. The administration is divided into state level, two entities (Republika Srpska and the Federation of Bosnia and Herzegovina), and the Brčko District of Bosnia and Herzegovina. The Federation of Bosnia and Herzegovina consists of ten cantons, and the cantons comprise 79 municipalities and cities. Republika Srpska entity is divided administratively into 64 municipalities and cities. The Brčko District of Bosnia and Herzegovina is a self-governing administrative unit. The division of competences between government levels in Bosnia and Herzegovina has been a major contributor to the slow pace of reforms and governance progress.

The internal organisation of the state itself leads to a huge fragmentation of the approach to resolving any issue - especially important ones such as the rule of law, transparency, accountability, openness, ethics, conflicts of interest and the fight against corruption. Citizens face numerous challenges every day when exercising and enjoying the rights guaranteed to them by the constitution, laws, and other regulations. The level of trust in government institutions in Bosnia and Herzegovina is very low[7] and the understanding of the governance system remains a challenge for the bodies of different administrative levels.

This chapter covers five sub-areas (Codes of Ethics and Codes of Conduct, Complaints Mechanisms, Grievance Redress Mechanisms, Whistle-Blower Protection, and Declaration of Assets and Conflicts

of Interest) and provides an overview of legislation, guidelines, and good practices – to the extent that they exist. In most cases, an ordinary citizen does not know which level of government is responsible for what, and in what way (s)he can communicate with administrative bodies and exercise her/his rights. Such knowledge is extremely important at the local government level, which is usually the first point of contact with government authorities for citizens. In general, most local governments in Bosnia and Herzegovina have institutionalised standards for ethical conduct through the adoption of code of ethics and the establishment of ethics commissions within the local assemblies. These commissions are responsible for the adequate implementation of the Code of Ethics. When it comes to the citizens' complaints about the work of government institutions, the legal framework is in place across all government levels. However, the implementation is fragmented and sporadic and depends on the public institution or government level where it should be implemented. There are examples of good practices in Bosnia and Herzegovina across all chapters that can serve as guidelines for other public institutions at all government levels on how to approach solving specific issues and problems in society and improve transparency and ethical behaviour in public administration.

1.1. CODES OF ETHICS AND PROFESSIONAL CONDUCT

Codes of ethics establish basic principles by which public servants must abide, such as integrity, selflessness and openness. A code of conduct draws on the code of ethics to formulate standards and practices that should be applied to the particular circumstances of an institution.

A code of conduct sets out specific standards of professional behaviour expected in a host of situations and provides public officials with guidance for handling them. In addition, codes of conduct bring transparency and public accountability into governmental operations.

International standards

Well-designed codes of ethics and codes of conduct will help meet the growing expectations from the public, business leaders and civil society for greater transparency and integrity in government and will place an onus on governments to ensure high ethical standards amongst public officials and elected representatives. As such, they can support the development of trust between the public and government institutions and officials. It is important that codes of conduct are in place for both civil servants and elected officials, and that training and guidance is provided to ensure a full understanding of the codes by all office-holders. Disciplinary measures and sanctions should be clearly stipulated and consistently applied in the event of noncompliance with the codes.

The following international conventions and standards relate to codes of ethics and professional conduct:

- The **Committee of Ministers of the Council of Europe's Recommendation on Codes of Conduct for Public Officials**[8] and the **European Code of Conduct for all Persons Involved in**

Local and Regional Governance[9] are the reference texts for local and regional authorities in Europe for ensuring political integrity.

- The **Committee of Ministers of the Council of Europe's Guidelines on Public Ethics**[10] consolidate in one single document Council of Europe core principles, standards and recommendations in this field, covering all categories of public officials, be they elected, appointed or employed. They are complemented by the **Guide on Public Ethics: Practical steps to implementing public ethics in public organisations**,[11] a living document which provides case studies and examples from Council of Europe member states.
- The **OECD Recommendation on Public Integrity**[12] shifts the focus from ad hoc integrity policies to a context-dependent, behavioural, risk-based approach with an emphasis on cultivating a culture of integrity across the whole of society.
- The **Transparency International paper on Implementing Effective Ethics Standards in Government and the Civil Service**[13] provides practical mechanisms for institutionalising high standards of ethical integrity for elected officials and civil servants.

Domestic context

The development of the public ethics system in Bosnia and Herzegovina is primarily related to public administration reform projects and the support of various international donors to the development of administration in BiH. Taking into account the very complex constitutional and administrative structure, a number of laws and bylaws are in force in Bosnia and Herzegovina that regulate the obligations of competent (local, cantonal, entity, state) bodies to adopt codes of ethics and codes of conduct for elected officials and civil servants. This especially relates to local authorities, which follow the entity or cantonal governments' regulations, which are fragmented and uneven. From 2018, the Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina includes ethical behaviour in building public bodies' broader concept of building integrity. The lack of a code of ethics or ignorance of its content from the side of elected officials or civil servants is one of the systemic risk indicators that can lead to the development of corrupt behaviour, ethical and professionally unacceptable procedures and other irregularities in the work of public administration bodies.[14] Although codes of ethics and codes of conduct in public institutions have been adopted in Bosnia and Herzegovina, more attention needs to be given to their role and implementation.

Legislation

The legal framework for the adoption of codes of ethics and codes of conduct in Bosnia and Herzegovina should be observed in relation to the level of government at which the regulation is adopted and whether it is intended for civil servants or elected officials.

The provisions of all applicable laws on civil service in BiH state-level institutions, [15] the Federation of BiH,[16] Republika Srpska,[17] Brčko District of Bosnia and Herzegovina[18] and cantons prescribe the

obligation of the competent Civil Service Agencies to develop a code of conduct for civil servants adopted by the competent governments.

For elected officials at the level of Bosnia and Herzegovina, the Republika Srpska, the Federation of BiH and the cantons, the drafting of codes of ethics or codes of conduct is prescribed by the Rules of Procedure of the competent legislative bodies, assemblies, or parliaments.

It should be noted that all executive and legislative power levels have adopted codes of ethics or codes of conduct for civil servants or elected officials. In addition, ethics commissions or committees have been set up within the legislature to report the unethical conduct of elected officials according to the rules of procedure.

When it comes to the legal framework for local authorities, Article 39, paragraph 2, item 27 of the Law on Local Self-Government of the Republika Srpska[19] stipulates that the Assembly of the local self-government (municipality or city) is responsible for adopting codes of ethics for elected officials.

In Republika Srpska, a special *Law on Civil Servants and State Employees in Local Self-Government Units*[20] has been adopted. Article 33 of this Law stipulates that an official is obliged to act in accordance with the law and the Code of Conduct issued by the Minister of Administration and Local Self-Government of Republika Srpska.

The Law on Principles of Local Self-Government[21] has been in force in the Federation of BiH since 2006, but it does not explicitly prescribe the obligation to adopt a code of ethics or a code of conduct for elected officials. This is a framework law defining the principles under which cantonal levels of government should harmonize existing cantonal laws on local self-government enacted before 2006 or enact new ones to be harmonised with the federal law. The current laws on local self-government of the Federation of BiH do not prescribe the obligation to adopt a code of ethics or code of conduct. The practice is varied, given that a large number of local governments follow standards in this area and have adopted codes of ethics or codes of conduct for elected officials, which have been adopted based on strategic documents, statutes and other bylaws of local self-government units.

The provisions of Article 17, paragraph 7, of the Law on Civil Service in the Federation of BiH, which prescribes the adoption of the Code of Ethics, and cantonal laws on civil service apply to civil servants in the bodies of local self-government units. Out of a total of 10 cantons in BiH, seven cantons have adopted civil service laws. [22] Some cantonal laws prescribe the adoption of cantonal codes of ethics, and some require the application of the Code of Ethics for civil servants in the Federation of Bosnia and Herzegovina.[23]

Guidelines

The Anti-Corruption Strategy 2015-2019 of Bosnia and Herzegovina and the accompanying Action Plan[24] recognize the strengthening of ethics and integrity in public administration as one of the key preventive mechanisms in the fight against corruption.

Back in 2015, Transparency International Bosnia and Herzegovina, with the financial support of the Embassy of the Kingdom of the Netherlands, developed the *Manual: Introduction of Integrity Plans at the Local Level*[25] to design effective methods for creating ethical and professional quality of work in public institutions.

Through their strategic plans for the fight against corruption, all levels of government in Bosnia and Herzegovina have recognised the importance of improving ethical behaviour and strengthening integrity. For example, the Tuzla Canton Anti-Corruption Strategy for 2021-2024 envisages the introduction of programme plans to strengthen ethics and integrity in primary, secondary, and higher education.[26]

In 2018, the Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina developed the *Manual: Rules for Development of Integrity Plans in BiH Institutions* with the aim of providing guidance to institutions at all levels of government on how to approach the development of internal plans to prevent corruption, unethical behaviour and strengthen integrity of public institutions.[27]

Good practices

The Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina, in cooperation with relevant institutions and international donors, regularly organises training and capacity building activities in the field of integrity, conflict of interest, ethics, and the fight against corruption for public institutions and the private sector.

The Civil Service Agencies of state-level Bosnia and Herzegovina, the Republika Srpska and the Federation of BiH include training in integrity, corruption prevention, and application of codes of ethics within the annual training programs. Every year, the Civil Service Agency of the Federation of Bosnia and Herzegovina prepares special training programs for local self-governments, within which training in the field of application of codes of ethics and integrity are provided.[28]

As already pointed out, local self-governments in Bosnia and Herzegovina have adopted codes of ethics and an institutional framework for their implementation. For example, the City of Trebinje has adopted and published on its website the Code of Conduct for Elected Representatives in the Administrative Service and the Assembly of the City of Trebinje.[29] For that purpose, the Ethics Commission of Honour[30] was formed, whose task is to monitor and analyse the Code of Conduct of Elected Officials. The Commission has drafted and published the Rules of Procedure of the Ethics Commission of Honour[31], which regulate the competencies and composition of the commission, procedures before the Commission, execution of measures and recording of the deletion (expiration) of measures. The Commission consists of seven members and the sessions of the Commission are public.

In June 2021, the Stari Grad Sarajevo Municipal Council adopted by a majority vote the Conclusion of the Ethics Commission by which Mr Damir Saračević, Vice-Chairman of the Stari Grad Municipal Council, was sanctioned for violating the provisions of Article 11 of the Code of Ethics for elected officials in the Municipality of Stari Grad Sarajevo. Namely, the report against Mr Saračević was filed to the Ethics Commission by Ms Adela Plakalo, Assistant Mayor, for a verbal attack, intimidation,

violent behaviour, insulting human dignity, abuse of authority and violation of the provisions of the Code of Ethics. The Ethics Commission confirmed that Mr Saračević violated the Code of Ethics and proposed the monetary sanction by which Mr Saračević's monthly lump sum was reduced by 50 %. On this occasion, Mr Mirza Balatović, the Chairman of the Municipal Council of Stari Grad, stated, "the sanction imposed today should indicate to all councillors that any violation of the Code of Ethics shall not be tolerated, just as a violation of anyone's rights or provoking any conflict and violation of the culture of dialogue."[32]

1.2. COMPLAINTS MECHANISMS

Complaints mechanisms allow citizens to provide feedback to public authorities on the standards of services they receive. They provide an important accountability mechanism which allows civil servants and elected officials to identify where public services are being delivered ineffectively, inefficiently or inequitably. When such mechanisms result in the prompt and effective handling of complaints , they can help to create the conditions for increased trust of citizens in government administration.

International standards

To ensure confidence in the mechanisms, local authorities should endeavour to consider and resolve each complaint promptly and comprehensively. Complaints mechanisms can be made more accessible by applying a one-stop-shop approach so that citizens do not need to search among different offices and websites.

If government takes a proactive approach to pre-empt the repeat of similar causes for complaint, complaints mechanisms can also help governments to identify new approaches to service delivery and to increase citizen participation. To this end, complaints mechanisms should be combined with periodic evaluations of service delivery, including the use of public opinion surveys, and exchange of experience and tools with other local authorities to encourage wider adoption of good practice and tried and tested tools.

There are no specific international standards for complaints mechanisms relating to public services. However, mechanisms and procedures for responding to complaints are incorporated into an international legal guarantee to the right to participate in the affairs of a local authority, and there are a number of helpful civil society guidelines and handbooks. See for example:

- The **Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)**[33] provides an international legal guarantee to this right, including the establishment of mechanisms and procedures for dealing with and responding to citizen complaints and suggestions.
- **Transparency International's Complaints Mechanisms: Reference Guide for Good Practice**[34] sets out guiding principles and good practices for establishing and implementing complaint mechanisms that provide safe channels for citizens to alert a public or private institution about any corruption risks or incidences.

- The **Danish Refugee Council's Complaints Mechanism Handbook**[35] describes how to set up and manage a complaints mechanism.
- **World Vision's Overview of NGO-Community Complaints Mechanisms**, with an overview of mechanisms and tools used by development agencies to receive complaints.[36]

Domestic context

Complaints mechanisms about the work of administrative bodies belong to the segment of service delivery, that is they form a significant pillar of the reform area related to the creation of a citizen-oriented administration. Through SIGMA/OECD[37] reports and European Commission reports for Bosnia and Herzegovina, it is continuously pointed out that public administration in Bosnia and Herzegovina is inefficient and that the legal framework for citizen-oriented administration differs significantly from one level of government to another. In general, the perception of citizens about public services, namely services provided by public administration bodies, is very low.[38] Although it is stated that the territorial and administrative structure significantly affects the differences in administrative procedures, not only between the entities and the Brčko District of Bosnia and Herzegovina, but even between individual cantons in the case of the Federation of Bosnia and Herzegovina,[39] citizens' trust in local government is growing. [40] According to the findings of the TI BiH *Perception of Public Administration*, in 2014 30.4% of citizens stated they mostly have trust in local administration, compared to 2017 when this percentage was 42.3%. Asked if they have complained about the work of public administration officials, in 2014 11% of surveyed citizens replied that they complained orally to the superior of the public administration official, while in 2017 8.9% of surveyed citizens provided this answer. In 2014, 2.5% of surveyed citizens complained in written form, while in 2017 this percentage was 1.4%.[41]

Legislation

The mechanism of citizens' complaints about the work of administrative bodies in Bosnia and Herzegovina should be viewed from different levels of government that communicate with citizens in the performance of their constitutionally and legally defined competencies. Thus, the mechanism of citizens' complaints about the work of the state, entities and Brčko District bodies is regulated by the current laws on administration of Bosnia and Herzegovina,[42] the Federation of Bosnia and Herzegovina, [43] Republika Srpska[44] and Brčko District of Bosnia and Herzegovina.[45] These laws prescribe the obligation of administrative bodies to enable all natural and legal persons to submit petitions and complaints about the work of administrative bodies and the improper attitude of employees in those bodies when citizens turn to them to exercise their rights and interests, or fulfil their civil obligations.

When it comes to the mechanism of citizens' complaints about the work of local authorities, it is guaranteed by Article 46 of the Law on Principles of Local Self-Government of the Federation of Bosnia and Herzegovina[46] and Article 117 of the Law on Republic Administration of the Republika Srpska.[47]

The state-level administration law and the law of the Federation of BiH each define sanctions for the responsible person in the administrative body and administrative organisation if (s)he does not act upon petitions or complaints of citizens (Article 104 BiH Law on administration prescribes sanctions as fines ranging from BAM 150 to BAM 500; Article 150 of the Federal Law on Administration prescribes sanctions as fines ranging from BAM 300 to BAM 2000). In contrast, the laws of the Republika Srpska and Brčko District of Bosnia and Herzegovina do not prescribe any sanctions. Based on the above-mentioned laws on administration and laws on local self-government, local governments issue rulebooks, instructions, guidelines, and other similar acts that regulate in detail the procedures for citizens' complaints about the work of local government institutions.

Guidelines

As previously mentioned, there is no centralised approach to the system of citizens 'complaints about the work of administrative bodies and their employees. Each local government regulates the system independently, adopting, based on the previously mentioned laws, its procedures, guidelines, and instructions for citizens' complaints. Some local governments publish their guides on their websites along with a "form" for citizen complaints. Thus, for example, the Municipality of Ugljevik has published Instructions for submitting and resolving citizens' complaints on its website.[48] The City of Bijeljina published Instructions for submitting and resolving complaints on its website, together with the form for submitting complaints.[49] The Municipality of Tomislavgrad[50] and other cities and municipalities have done likewise.

Good practices

An excellent example of digitalisation of complaint and grievance procedures and general communication of citizens with local government is the mobile application *eCitizen*, developed for 18 local governments in Bosnia and Herzegovina within the Municipal Environmental and Economic Management Project (MEG) funded by the Government of Switzerland and implemented by the United Nations Development Program (UNDP). In this way, citizens can send an inquiry or complaint to the local government in just five steps and receive a response from the administration within 48 hours. In addition, through the *eCitizen* application, citizens can be informed about unforeseen disruptions and emergencies, such as service interruptions and service information. The application is adapted for Android and iOS devices and is also available as an online platform www.ecitizen.ba, which will soon activate modules for communication between citizens and councillors, a module for public hearings, a module for preparing council sessions/assemblies, and the like.[51]

1.3. GRIEVANCE REDRESS MECHANISMS

Grievance redress mechanisms (GRMs) are tools that go beyond complaints mechanisms and other feedback channels as citizens can use a GRM to address government institutions and local municipalities with concerns about the impact of policies and their implementation on the citizens themselves. When the policy of a public agency affects the interests of the citizens, or the decision made by the central or local governmental bodies causes a grievance on the part of the citizens,

interested parties can use the redress system created by the government agencies and local municipal bodies to present their grievance. A grievance redress mechanism is not used to replace the court or audit system or formal investigation; nor is it the appropriate mechanism for grievance about potentially criminal acts, such as instances of corruption. GRMs are designed for collaborative solutions of grievances.

International standards

Redress mechanisms serve as a frontline service to be used by citizens to effectively resolve complaints and/or grievances. Furthermore, business organisations can use GRMs to mitigate risks to their business operations and GRMs can become a prompt and effective mechanism for dispute settlement short of legal action.

Effective redress mechanisms can serve to identify patterns of corruption and malpractice, and to forge corruption prevention policies. To ensure greater access, it is important to raise public awareness about GRMs and to provide free advice to citizens on the formulation of grievance claims and how to proceed when seeking redress.

Standards for grievance redress mechanisms are mostly set by international organisations such as the World Bank, Asian Development Bank (ADB), Organisation for Economic Co-operation and Development (OECD), United Nations Development Program (UNDP) and European Commission. These standards are mostly connected with setting the legal framework for the protection of citizens' rights. These standards are presented in the following guidelines:

- **Reliability of Public Services: Ensuring Citizens' Rights**[52] from the OECD addresses citizens' rights to be heard using the legal framework established by state institutions.
- **OECD, Recommendation of the Council on Public Service Leadership and Capability, OECD/LEGAL/0445**[53] – the recommendation has 14 principles and defines the responsiveness of public service.
- **How to make a complaint at EU level by European Commission**[54] is a pamphlet outlining the opportunity for citizens to contact and submit a complaint to the European Commission.
- Guidance developed by the international institutions on the protection of citizens' rights during the implementation of a business project includes the **ADB's Building Capacity for Grievance Redress Mechanisms**.[55]

Domestic context

The grievance redress mechanism falls under the concept of institutional accountability. The organisation of public administration has a significant impact on its general functioning and its democratic legitimacy in terms of citizens' expectations. The responsibility of public administration implies, in fact, several segments within which administrative bodies must act to perform their functions efficiently and adequately (rationality, transparency, accountability, accessibility). Responsible institutions should provide citizens with a fair resolution in cases of wrongdoing or illegal actions. This is one of the five SIGMA principles within the area of liability. It implies that public bodies take responsibility in cases of violations and guarantee redress and/or appropriate compensation.[56] This institute is partially regulated by law in Bosnia and Herzegovina, and even less is known in practice.

Legislation

The Yugoslav Law on Obligations of 1978, adopted by Bosnia and Herzegovina, the entity levels of government and the Brčko District of Bosnia and Herzegovina, [57] and ultimately applied by local levels of government, is the most comprehensive legal framework for public accountability, regulating in detail the principles of liability and redress procedures. In the context of the right to seek compensation for damages caused by illegal actions or omissions of administrative bodies, Article 172 of the Law on Obligations is relevant, which, however regulates "only" the liability of legal entities for damage caused by its bodies. This article does not explicitly refer to the responsibility of public bodies. It does not explicitly state the responsibility of public administration bodies for adopting public policies and regulations that harm citizens or liability for violating regulations. However, its application includes liability for detriment caused by actions or omissions of administrative bodies and private bodies performing public functions.

In addition to the above, the Bosnia and Herzegovina Law on Administration and the Law on Republic Administration of the Republika Srpska[58] established the general principle of liability of administrative bodies for damages caused to a natural or legal person by their illegal actions.

The Strategic Framework for Public Administration Reform in Bosnia and Herzegovina for the period 2018-2022 envisages the measure entitled "*Improve the mechanism for protection of the right of individuals to good governance and public interest*". It means ensuring functional internal and external mechanisms for protecting this right, including providing consistent and fair handling of administrative disputes guaranteed through administrative appeals and judicial control, as well as improvement of procedures and mechanisms for public bodies to take responsibility in cases of violations of regulations with redress and/or adequate compensation.[59] The accompanying Action Plan for Public Administration Reform envisages a number of steps to implement the Strategic Framework measure in question. [60]

Guidelines

A well organised and functional public administration is a key precondition for transparent and effective democratic governance. Good public administration is the foundation of the functioning of the state because it is the administration that determines the ability of the governments to implement key reform processes and provide quality services to citizens. The criteria for the accession of countries to the European Union (EU), including Bosnia and Herzegovina's aspirations for membership, emphasize the need to create and have strong public administrations that will have the capacity to follow the principles of good public administration. SIGMA Principles of public administration are the result of the European Commission's focus on reforming the public administrations of countries aspiring to membership in the EU. The SIGMA principles cover six key areas, including the area of "Responsibility". The basic requirement of this area implies the existence of appropriate mechanisms that will ensure the accountability of public administration bodies, including transparency of action.

The latter implies that:

1. the legislation contains a requirement to correct or compensate the damage to individuals who suffer damage from illegal actions of public bodies,

2. the regulation on public responsibility is coherent, complete, logically structured, formulated in a simple and clear manner, and easily accessible,
3. the scope of public accountability is wide and includes the exercise of powers by the public and the performance of other public duties, regardless of who performs them (a public body or a private person performing public duties),
4. the rules concerning time limits and the burden of proof do not jeopardize the effective exercise of the right to bring an action for damages. [61]

One of the key recommendations of SIGMA in the 2017 Report for Bosnia and Herzegovina is to simplify and clarify the official typologies of administrative bodies at all levels of government. It is crucial to ensure that all bodies subordinate to the government are subject to a single and comprehensive accountability scheme in the context of planning, reporting and monitoring. Given that the legal framework for public accountability exists, but there is no information on its practical application, one of the recommendations is that governments at all levels establish mechanisms to monitor court cases that result in increased government accountability to improve administrative procedures and decisions and reduce the risk of cases of public liability in the future. [62]

Good practices

The issue of stray dogs is a long-standing issue in Bosnia and Herzegovina. Although the Law on the Protection and Welfare of Animals was adopted in 2009, to date no conditions have been created for the proper implementation of the law. Hygiene services have not been established (or exist in rare cases), nor have shelters for abandoned animals been introduced, and the competencies and obligations of the cantons, cities and municipalities related to animal shelters, hygiene services and financing are not delimited and precisely defined. All the above further complicates the implementation of this law.

However, there are cases in which citizens are *de facto* provided with the right to compensation due to inadequate implementation of regulations, namely the competence of local authorities in the obligation to take care of stray dogs. Some local authorities have enacted regulations that allow the payment of compensation for damage caused by an attack or bite by a stray dog. For example, in 2019, the Board of Directors of Public Company "Komunalno Brčko" adopted the *Rulebook on the Procedure and Manner of Resolving Citizens' Requests for Compensation for Damage Caused by Stray Dogs*. This is non-pecuniary damage caused by stray dogs to natural persons – citizens in the Brčko District of Bosnia and Herzegovina – while material damage on this basis is still being resolved through the Basic Court of Brčko District of Bosnia and Herzegovina. If such a case occurs, the injured citizen can initiate a procedure for compensation of damage caused to Public Entity "Komunalno Brčko" by submitting a request with basic data, supported by appropriate documentation (police, medical, veterinary inspections, bank account number). The commission decides on the claim for damages within 15 days. If the commission concludes that the claim for damages is founded, the injured party will agree on one-time compensation, without going to court.

In this way, the procedure for payment of damages to injured persons, who suffered dog bites, was shortened because they no longer have to seek justice in court so that both parties save on legal and/or court costs and claims are resolved in record time. In 2019, there were six such requests, all of which were accepted and resolved in favour of the injured citizens.[63]

1.4. PROTECTION OF WHISTLE-BLOWERS

Corruption and other actions harmful to the public interest, including to public health, are more prevalent in organisations that lack a culture of transparency and oversight. A whistle-blower is a person who exposes information on illegal or unethical activities in a private or public organisation, and the rights of a whistle-blower who discloses wrongdoing, or acts and omissions harmful to the public interest, should be protected under "whistle-blowing" laws. Although usually an employee, the whistle-blower could also be a sub-contractor, supplier, unpaid trainee or volunteer. The protection of whistle-blowers is important also in the private sector, not least where they might uncover bribery to public officials or practices damaging to the environment or public health and safety.

International standards

Most whistle-blowers raise their concerns internally or with regulatory or law enforcement authorities rather than blowing the whistle in public. The protection of whistle-blowers, and an organisational culture that prioritises transparency and dialogue, serves to promote accountability, builds confidence in the integrity of government, and encourages the reporting of misconduct and corruption. Whistle-blower protection can motivate employees to report wrongdoing without fear of reprisals, and fosters transparency and trust within an organisation as well as outwards to citizens that ethics are upheld and misconduct detected and remedied.

The rights of whistle-blowers can be strengthened by stipulating clear processes and providing secure confidential channels for disclosure. Explicit remedies, including penalties, to redress reprisals against whistle-blowers should be introduced and consistently applied. Training of human resources staff in local government and government agencies needs to be complemented by awareness-raising among the public so that citizens and government employees alike understand the positive results from whistle-blowing in terms of sustained value for money, trust in public authorities, and quality of services.

The following international conventions and standards relate to the protection of whistle-blowers:

- Creating comprehensive and effective mechanisms to protect those who disseminate information in the public interest is a recommendation of both the United Nations and the Council of Europe,[64] as well as the Organization for Economic Co-operation and Development (OECD).[65]
- The **Congress of the Council of Europe's resolution and recommendation on *The protection of whistle-blowers Challenges and opportunities for local and regional government*** call on "local and regional authorities to establish and disseminate a whistleblowing policy, with appropriate internal and anonymous reporting channels and to ensure that independent designated institutions exist to oversee and process the disclosure of information."[66]
- The **United Nations Convention against Corruption**[67] is the only legally binding universal anti-corruption instrument.
- It is supported by the **Technical Guide to the Convention**.[68]
- The **EU Directive on the Protection of Persons who Report Breaches of Union Law** requires

EU governments to meet minimum standards for establishing reporting channels and ensuring legal protection for whistle-blowers.[69]

- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[70] aims to co-ordinate criminalisation of corrupt practices and to improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[71] defines common international rules for effective remedies for persons affected by corruption.

Domestic context

Back in 2019, the European Commission published the Opinion on Bosnia and Herzegovina's application for membership of the European Union,[72] which identified 14 key priorities that Bosnia and Herzegovina must meet in order to open membership negotiations and gain candidate status. The opinion emphasizes in particular that corruption is widespread and that the strategic policy framework and the institutional and legal framework for the fight against corruption are fragmented and show significant shortcomings. In this regard, one of the key priorities within the "rule of law" area that BiH must meet is the adoption and implementation of regulations on conflicts of interest and the protection of whistle-blowers.

This was confirmed in the independent report of experts on the rule of law in BiH ("Priebe's report") from 2019, where it was emphasized that the criminal justice system in BiH does not fight corruption. Although there are preventive institutional mechanisms in BiH to fight corruption, their role is minimal. The Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina is the umbrella institution for adopting and implementing key policies in the fight against corruption. However, the role of the Agency is very limited. Priebe's report states that the Agency failed to impose itself as a central institution in the fight against corruption, including in the field of whistle-blower protection, where whistle-blower protection is cited as a key mechanism in the fight against corruption.[73]

The field of whistle-blower protection in BiH is fragmented and limited – in both the legal and institutional framework. Currently, there are three laws in force in Bosnia and Herzegovina related to the protection of whistle-blowers – in the Republika Srpska, in the institutions of Bosnia and Herzegovina (state level), and in the Brčko District of Bosnia and Herzegovina. When it comes to the Federation of Bosnia and Herzegovina, in the past few years, there have been several attempts to adopt a law, but it has not passed the necessary parliamentary procedure. The drafting of the new Law on the Protection of Whistle-Blowers in the Federation of Bosnia and Herzegovina is currently underway. Its drafting is planned by the Work Programme of the Federal Ministry of Justice in the third quarter of 2021.[74]

Legislation

The Law on Protection of Persons Reporting Corruption in the institutions of Bosnia and Herzegovina Institutions,[75] which entered into force in January 2014, regulates the status of persons reporting corruption only in state-level institutions and legal entities established by Bosnia and Herzegovina institutions. It regulates the reporting procedure, obligations of institutions regarding reporting corruption, protection procedure and sanctions for violations of the provisions of this law.

Therefore, this law applies only to whistle-blowers within the institutions of Bosnia and Herzegovina, which represents a relatively "small number" of potential whistle-blowers and it is not applicable to other levels of government (and thus not to local levels of government).

The Law on Protection of Persons Reporting Corruption of the Republika Srpska,[76] adopted in 2017, regulates the protection of persons reporting corruption, the procedure for reporting corruption, the obligations of the responsible person and competent authorities regarding the reporting and protection of persons reporting corruption, and other issues important for persons who report corruption. Unlike the state law, the Law on Protection of Whistle-Blowers of the Republika Srpska prescribes protection for all natural and legal persons who report corruption in the public or private sector in the Republika Srpska, as well as local authorities in the Republika Srpska.

The Law on Protection of Whistle-Blowers of the Brčko District of Bosnia and Herzegovina[77] was adopted in 2018 and is very similar to the state law. It protects a broader number of persons – all employees in public institutions and other legal entities in the Brčko District of Bosnia and Herzegovina.

On the other hand, the Law on the Protection of Whistle-Blowers in the Federation of Bosnia and Herzegovina has not yet been adopted but is being drafted. According to a report by Transparency International Bosnia and Herzegovina, the analysis of the draft law that is being prepared indicates a great similarity with the legal solution adopted in Republika Srpska.[78] Therefore, with the draft Law still under discussion, the legal protection of whistle-blowers is not yet regulated in the Federation of Bosnia and Herzegovina, and it is not known, once enacted, what level of whistle-blowers protection will law provide. This means that potential whistle-blowers in the Federation of Bosnia and Herzegovina do not enjoy legal protection, as in Republika Srpska, the Brčko District or institutions at the level of Bosnia and Herzegovina.

Guidelines

There is no single legal and institutional framework for whistle-blower protection in Bosnia and Herzegovina. The existing legal framework is inconsistent, and whistle-blower protection rights are uneven in the context of internal or external protection. In addition, the current laws in force cover "half" of the territory of Bosnia and Herzegovina, so persons who are and work in the Federation of Bosnia and Herzegovina do not enjoy legal protection in accordance with the prescribed standards. Despite the lack of a legal framework for protection, whistle-blowers in the Federation of Bosnia and Herzegovina can also turn to the Centre for Free Legal Aid of Transparency International, providing protection to all persons who report corruption since 2003. According to the last published Report for 2020, out of 240 reports acted upon by the Centre, 18 reports were categorised as "whistle-blowing".[79]

The existing laws in force stipulate that the institutions to which the application of the law applies must issue instructions or other internal acts regulating the procedure upon internal reporting of corruption and protection of the person who reported corruption. When it comes to state law, in 2015 the Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina published an example of the Rulebook on Internal Reporting of Corruption and Protection of Persons Reporting Corruption in State-Level Institutions[80] to facilitate its

adaptation and adoption in all BiH institutions. In addition, the Agency published a short brochure explaining the procedure for reporting corruption.[81]

In Bosnia and Herzegovina, civil society organisations have a very important role to play in promoting and advocating for whistle-blower protection activities. *The Manual for the Protection of Whistle-blowers in State-Level Institutions*[82] was developed within the project Anti-Corruption Network of Civil Society Organisations in BiH - ACCOUNT with the financial support of the United States Agency for International Development (USAID). In addition to the review of key international standards of protection and the review of the legal framework in Bosnia and Herzegovina, the manual contains a special section dedicated to providing explanations and instructions on the procedure for reporting corruption and the protection procedure covered by the law on reporting corruption in state-level institutions.

Good practices

Although existing laws provide for internal and external protection of whistle-blowers, there is very limited data on the number of reported cases. In Republika Srpska, according to available data, one case of judicial protection of whistle-blowers was recorded in 2018. while at the state level, since the law came into force in 2014, the Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina, as the competent institution, has granted formal whistle-blower status to 11 out of 24 reports.[83] In this regard, the good practice of whistle-blower protection is very limited, because in the reported cases people encountered very difficult and lengthy institutional processes and a kind of institutional "retaliation" in the form of disciplinary proceedings, degradation in the workplace, and ultimately in some cases dismissal.

One of the first examples of good practice is the case of Mr Danko Bogdanović, Head of the Brčko Customs Office, Indirect Taxation Authority of Bosnia and Herzegovina. Namely, Mr Bogdanović reported corruption in good faith in 2013, followed by police actions "Master" and "Pandora", which resulted in the arrest of dozens of people. However, Mr Bogdanovic went through illegal disciplinary proceedings as a form of retaliation for reporting corruption, resulting in a two-year suspension from his job. The Agency for Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina, as the competent institution for the protection of whistle-blowers in the institutions of Bosnia and Herzegovina, only after half a year, granted Mr Bogdanović, in accordance with the Law, the status of a whistle-blower. This initially had no significant effect because the suspension lasted for two years. In March 2015, the Agency for Prevention of Corruption and Coordination of the Fight against Corruption issued the first Instruction on the elimination of harmful actions committed against the protected whistle-blower that was delivered to the Indirect Taxation Authority. After the Agency's Instruction, as well as media and civil society pressure Mr Bogdanović returned to work in June 2015, a year after acquiring the status of a whistle-blower. Although most of those arrested in the "Master" and "Pandora" actions were released, Mr Kemal Čausević, former Director of the Indirect Taxation Authority, was sentenced in May 2021, after a seven-year trial, to nine years in prison and confiscation of illegally acquired property. In addition, in the same proceedings, Mr Anes Sadiković was sentenced to two years in prison.[84]

1.5. DISCLOSURE: DECLARATION OF ASSETS AND CONFLICTS OF INTEREST

Disclosure is the act of routinely publishing and updating particular types of information, sometimes required by law, such as the financial interests of public officials. It can support anti-corruption measures by requiring the routine publication of assets and interests that could represent a conflict of interest. A conflict of interest arises, or can be perceived to arise, when the private assets or interests of public officials can improperly influence policies and decisions taken during the exercise of their official duties.

International standards

Disclosure requirements can build citizens' trust in the transparency and integrity of local decision-making. They also assist public officials in having regularly updated information that prevents conflicts of interest arising among employees. Disclosure of financial assets also provides important information to help clarify if elected officials or civil servants do not have wealth that is disproportionate to their income, either protecting them from false accusations or serving as evidence in the case of suspected illicit enrichment.

Service delivery at the local government level, whether it be construction or tendering of waste-management services, is often subject to conflicts of interest due to the proximity of local entrepreneurs to government officials. Confidence of the public and business that competition for local government tenders, for instance, is open to all without discrimination will be much greater if both elected officials and civil servants involved in design of the tenders and assessment of tender submissions have completed declarations of assets and interests (including of close family members).

It is important that the institutions responsible for gathering and monitoring declarations are provided with protection against political or other interference in their work, for instance through oversight by independent ethics committees. Likewise, local government officials should be provided with clear guidance on what to declare, and also on prevailing anti-corruption legislation. A well-implemented and regularly updated and monitored assets declaration system can complement the work of an effective prosecution service.

Disclosure is an important element in the conventions and standards against corruption listed elsewhere in this handbook. Of particular relevance are:

- The **Committee of Ministers of the Council of Europe's Recommendation on Codes of Conduct for Public Officials**[85] and the **European Code of Conduct for all Persons Involved in Local and Regional Governance**[86] require private interests to be declared, made public and monitored.
- The **Congress of the Council of Europe's Resolution and Recommendation on Conflicts of interest at local and regional level**[87] call on local and regional authorities to promote the

proactive disclosure of declarations of interest prior to public request and to ensure that disclosure policies are accompanied by appropriate measures for resolving conflicts of interest.

- The **OECD's Managing Conflict of Interest in Public Service: Guidelines and Country Experiences**[88] provides practical instruments for modernising conflict-of-interest policies.
- The **OECD's Asset Declarations for Public Officials: A Tool to Prevent Corruption**[89] identifies the key elements of asset declaration systems.
- **Consultation, Participation & Disclosure of Information,** International Bank for Reconstruction and Development / The World Bank[90]

Domestic context

When it comes to declarations of assets and conflicts of interest, it is necessary to distinguish between the obligation to report data on income and ownership of assets and financial interests on the one hand and the existence of a possible conflict of interest of public servants or employees in administrative bodies and elected officials on the other hand.

Depending on the level of government, the areas of disclosure of assets and conflicts of interest are regulated differently. At some levels of government, the obligation to report assets and the existence of conflicts of interest are regulated for both civil servants and all employees in administrative bodies, while at some levels of government, such as the level of institutions of Bosnia and Herzegovina, this is not the case. The obligation to report assets data for appointed officials is more or less centralised.

Legislation

The legal framework for conflicts of interest is regulated through several laws, primarily depending on whether it affects civil servants and employees or elected officials. All civil service laws at the level of institutions of Bosnia and Herzegovina (state level), the Federation of Bosnia and Herzegovina, the Republika Srpska, the Brčko District of Bosnia and Herzegovina and the applicable cantonal laws prescribe the incompatibility of certain functions with the work of a civil servant. In addition, when appointed as civil servants, civil servants are obliged to present all information on the property available to them or their family members, as well as on the activities and functions performed by the civil servant and his family members. Unlike the state law, which more broadly prescribes the obligation to provide property information, the Law on Civil Service in the Federation of Bosnia and Herzegovina stipulates the responsibility of a civil servant to present all information on property available only to the civil servant (without mentioning family members) when being appointed in civil service.

The Laws on Civil Service in the institutions of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina additionally prescribe the obligations of the competent authorities to keep this data in the records or registers of the civil service in accordance with the regulations on data protection.

Although the Law on Civil Servants of the Republika Srpska[91] similarly prescribes incompatibilities with the duties of a civil servant, it does not contain provisions on the obligation of a civil servant

to present all information about the property (s)he has at her/his disposal during his appointment. On the other hand, unlike other valid laws on civil service, articles 22 to 22b of the law of the Republika Srpska contain special provisions that define conflicts of interest, and appropriate actions in case of conflicts of interest. Article 22a stipulates that if a civil servant has kept silent about the existence of a conflict of interest during employment, the head of the institution is obliged to initiate disciplinary proceedings. In accordance with article 22b the same applies to the case when the civil servant has not eliminated the reasons leading to the conflict of interest within the prescribed time limit. Article 67 of the Law on Civil Servants and Employees in Local Self-Government Units of the Republika Srpska stipulates that a person can be employed in the city or municipal administration who, among other things, is not in a conflict of interest, namely does not perform a duty incompatible with duties of officials in the city or municipal administration.

The Election Law of Bosnia and Herzegovina[92] regulates the election of members and delegates of the Parliamentary Assembly of Bosnia and Herzegovina and members of the Presidency of Bosnia and Herzegovina and determines the principles that apply to elections at all levels of government in Bosnia and Herzegovina**.** When it comes to property statements of elected officials, Article 15.7 of the Election Law stipulates that "*candidates elected at all levels of government, including local self-government, are required to submit to the Bosnia and Herzegovina Central Election Commission, on a certain form, a signed statement of their total assets…*", and that "*the elected member at all levels is obliged to submit a report on the financial situation to the Central Election Commission of Bosnia and Herzegovina within 30 days after the expiration of the mandate for which he was elected, as well as in case of termination of mandate… within 30 days from the end of mandate* ". In accordance with article 19.10, in the case of non-compliance with the obligations, fines in the range of 300.00 to 3,000.00 KM are prescribed.

The issue of conflicts of interest of elected officials, executive office holders and advisers is regulated through four laws - the Law on Conflict of Interest in Government Institutions of Bosnia and Herzegovina, the Law on Conflict of Interest in Government Bodies in the Federation of Bosnia and Herzegovina, the Law on Prevention of Conflict of Interest Srpska, and the Law on Conflict of Interest in the Institutions of the Brčko District of Bosnia and Herzegovina.[93] Laws are enacted to prevent and / or sanction situations in which public officials may benefit themselves or persons with whom they are family or otherwise related may benefit through the performance of their functions.

The Central Election Commission of Bosnia and Herzegovina is responsible for law enforcement at the level of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Brcko District. In the Republika Srpska, there is a special Commission for the Prevention of Conflicts of Interest in the Republika Srpska authorities, as a first instance body formed by the Republika Srpska National Assembly and as a second instance body the Commission for Appeals[94]. Sanctions are envisaged for violating the law – including measures prohibiting candidacy for any elected position for four years, and fines ranging from BAM 1,000 to 10,000.

Guidelines

Aware of the risk of illegal acquisition of property and conflicts of interest and the need to fight corruption, a new Regulation on the manner of keeping the register of employees in the civil service of the Federation of Bosnia and Herzegovina[95] was adopted in July 2020. The new Regulation

expanded the scope of application, namely record keeping, not only for those who have the status of a civil servant but also for all employees in the civil service bodies in the Federation of Bosnia and Herzegovina. The Regulation also envisages the introduction of a card of assets for all employees. The same applies to all employees in the civil service bodies of the Federation of Bosnia and Herzegovina, cantons, cities and municipalities, and other bodies and services unless otherwise regulated by cantonal regulations. On the website www.adsfbih.gov.ba, in the section "Register" it is possible to download all the forms that constitute the so-called e-card of the employee, which is entered in the above-mentioned Register. [96]

On the other hand, when it comes to assets records and conflicts of interest of elected officials, on the website of the Central Election Commission (www.izbori.ba) the following are available: instructions on the appearance and manner of filling out forms of declarations of assets, forms of declarations of assets, and a user guide for completing the application to submit a statement of assets.[97] The Central Election Commission has also developed a manual in the field of conflict of interest laws, which explains in detail everything related to the laws, procedures, and case law.[98]

Good practices

Committed to the fight against corruption, increasing transparency and accountability of public office holders in Sarajevo Canton, in 2019 the Sarajevo Canton Assembly adopted the Law on Reporting and Verification of Data on Property of Public Office Holders in Sarajevo Canton.[99] This Law determines the obligations of elected and appointed officials, holders of executive functions and advisers, to report existing property and income, origin and changes of property and income, as well as gifts they receive during the performance of public office.

The Office for the Fight against Corruption and Quality Management of Sarajevo Canton is responsible for implementing this Law, which means that the Office has the authority to collect, verify and process property data of public office holders, and establish and maintain the Property Data Register. In addition, the Office can launch misdemeanour proceedings and initiate criminal proceedings for violation of the provisions of the Law. The Register of Data on the Assets of Holders of Public Functions in the Canton of Sarajevo is publicly available on the website www.anticorrupiks.com, as is the Form of Reporting Assets, the Table for Submission of Data Provided by Law, and the User's Guide for Filling in the Form of Reporting Data on the Property of Holders of Public Office in the Sarajevo Canton.[100] In addition, Sarajevo Canton is the only canton that has an established and publicly available Register of Public Sector Employees in Sarajevo Canton. [101]

Chapter 2

TRANSPARENCY

Introduction

The principle of transparency is applied to ensure that those affected by administrative decisions have comprehensive information about the results and implications of policies and about the process of decision-making. The public availability of information about government policies, programmes and activities enables citizens and local communities to gain a clear understanding of government actions, make informed choices, and participate in local decision-making processes. It also enables elected officials, those in government and those in opposition, to take informed decisions and to exercise effective scrutiny and hold the executive to account for their actions. In addition, access to information is essential for journalists and civil society representatives to effectively perform their watchdog functions and hold the government accountable.

Local government should make data available to the public in an accessible format and do so in a timely manner. This enables citizens and stakeholders to participate in decision-making processes from an informed perspective, and to monitor and evaluate government implementation of policies and decisions in order to hold public officials accountable for their actions. Transparency is achieved through a range of mechanisms, building on the right of citizens to access information. These include the disclosure of the financial assets and interests of senior public officials and elected office-holders, and the publication of information in accessible, inter-searchable open-data formats.

According to the definition of the Open Knowledge Foundation, "open data is data that can be freely used, re-used and redistributed by anyone – subject only, at most, to the requirement to attribute and share alike."[102] Therefore, the concept of open data goes beyond the availability of public information and focuses on its use, out of which additional economic, social and political benefits are generated.[103] To make it happen, the data published should be complete, permanent, non-exclusive, non-discriminatory, and non-proprietary, as well as provided by primary sources, in a timely manner and in machine-readable formats.[104]

Limited access to public information negatively affects public trust towards public institutions, increases potential corruption risks, and restricts opportunities for various stakeholders to monitor government performance. It also inhibits citizens and stakeholders' efforts to participate in policymaking and to design evidence-based policy recommendations for positive changes. The practice shows that access to information legislation and proper enforcement measures are an essential part of the enabling environment for citizens' access to information.

Public procurement is considered to be one of the key areas susceptible to corruption. It accounts for around 12 percent of global gross domestic product,[105] and in most high-income economies the purchase of goods and services accounts for one-third of total public spending. In short, public procurement is a significant area for potential corruption, collusion and other illegal practices. To avoid public procurement-related corruption risks, electronic means and platforms operating through open data solutions are increasingly available and used by government authorities to reform state procurement tendering procedures. Combined with open contracting (where bids and contracts are made public), the increase in fully accessible, well-publicised procurement processes opens tendering to more bidders and reduces the scope for anti-competitive practices and bribery.

Another important component of transparency principles is the openness of the financing of political parties and election campaigns, as it is important for the electorate to know the sources of financing, and how the money is spent, in order to make informed decisions and to understand which financial, political or other interests are supporting particular candidates or parties. The transparency of political donations is a preventive measure against the use of money emanating from illicit and criminal sources in politics and elections.

Finally, to ensure that state resources are used in an economical, efficient and effective way, the independence and institutional capacity of the body responsible for external audit should be secured. Members of the wider public should have the possibility to familiarise themselves with reports and major recommendations issued by the auditor. External audit is important to identify major challenges in the public sector, improve transparency and performance of public institutions, and design evidence-based policies.

General domestic context

Through a number of legal and strategic documents, Bosnia and Herzegovina has committed itself to respecting the fundamental principles of open public administration: transparency, accountability and civic participation. The right of citizens of Bosnia and Herzegovina to information held by public administration bodies in Bosnia and Herzegovina is guaranteed by laws adopted in the 2000s. Bosnia and Herzegovina has not followed the dynamics of the development of international institutional mechanisms and standards, so the laws on freedom of access to information in Bosnia and Herzegovina are outdated and do not follow modern trends in data disclosure. Proactive transparency has not been recognised within the current regulations, and the laws in force are uneven. No regulation defines the obligation to publish open data, but there is a strategic commitment of Bosnia and Herzegovina to establish open data mechanisms. Since 2014, there has been an accelerated development of the public procurement system, especially through the introduction of electronic public procurement and the adoption of new regulations. However, the regulations are not in line with the EU Public Procurement Directives from 2014. The strengthening of the capacity of the Public Procurement Agency of Bosnia and Herzegovina did not follow the dynamics of the development of the public procurement system. Legal and institutional reform of the public procurement system and strengthening the capacity of the Public Procurement Agency of Bosnia and Herzegovina are one of the key requirements that the European Union has set for Bosnia and Herzegovina to acquire the candidate status for membership. The legal and institutional framework for independent external audits has been established in accordance with international standards and the constitutional structure of Bosnia and Herzegovina. The impact of external audit and the implementation of audit recommendations remains a challenge, as does the financing of political parties, an area which is very susceptible to malfeasance and corrupt practices.

2.1. ACCESS TO INFORMATION

Access to information is the legal right for citizens to request and receive information from public authorities. It is often enacted by Freedom of Information legislation. As an integral part of the right of freedom of expression, access to information is a human right[106] and everyone should have the right to access information from public bodies and public agencies in accordance with the principle of maximum disclosure subject to only a narrow, clearly defined, set of exceptions proportionate to the interest that justifies them (e.g. grounds of security or data privacy).

International standards

Access to information supports accountability, oversight of government, and monitoring of corruption. It is also critical to informed citizen participation in decision-making and is therefore fundamental for the effective functioning of democracies. Free access to information empowers civil society to monitor and scrutinise the actions of local authorities, it serves to prevent abuse of power by public officials and provides data for informed public debate.

The proactive publication of the maximum amount of information in the most accessible formats serves to reduce the need for citizens and stakeholders to file individual requests for the release of information. As well as providing the maximum amount of information electronically, local authorities should prioritise the designation of Freedom of Information officers in their municipalities. Such officers should prepare and publish detailed recommendations for both citizens and local authorities and provide clear guidance on the appeals process in the event that a request for information is not granted. It is also important to analyse information requests from citizens and stakeholder groups, in particular trends and duplication, so that the authorities can subsequently release such information on a proactive basis.

Access to information is a fundamental component of a number of the conventions and standards against corruption listed elsewhere in this handbook. It also underpins a number of key UN human rights documents. The following specifically relate to Access to Information:

- The **Council of Europe's Convention on Access to Official Documents (CETS No. 205)**[107] affirms an enforceable right to information.
- The **Congress of the Council of Europe's Resolution and Recommendation on Transparency and open government**[108] call upon local and regional authorities to increase the use of open data and records management by their administrations, and to publish these in comprehensive, accessible and reusable ways.
- The **Aarhus Convention**[109] grants rights, including access to information, in decisions concerning the environment.
- The **OECD Recommendation of the Council on Open Government**[110] identifies on-demand provision of information and proactive measures by the government to disseminate information as an initial level of citizen participation.
- **Resolution 59 of the UN General Assembly** adopted in 1946, states that "freedom of information is a fundamental human right", and Article 19 of the **Universal Declaration of Human Rights** (1948) states that the fundamental right of freedom of expression encompasses the freedom to "to seek, receive and impart information and ideas through any media and regardless of frontiers".[111]
- **Directive 2003/98/EC on the re-use of public sector information, nowadays called the Open Data Directive,**[112] previously known as the PSI Directive, encourages EU member states to make as much public sector information available for re-use as possible.

Domestic context

As an integral component of the right to freedom of expression, the right to access to information is a human right guaranteed by the European Convention on Human Rights and other international conventions and declarations. Although the Constitution of Bosnia and Herzegovina does not explicitly guarantee it, the right to free access to information indirectly derives from Article 10 of the European Convention on Human Rights, [113] which is an integral part of the Constitution of Bosnia and Herzegovina and is directly applicable, and therefore has supremacy over all other regulations in Bosnia and Herzegovina.

Bosnia and Herzegovina was the first country in the Western Balkans to adopt regulations on free access to information in the 2000s. This was primarily the result of the international community's efforts to develop a democratic society and a functioning public administration in Bosnia and Herzegovina. However, since the 2000s, there have been no major developments in the context of the development of the legal and institutional framework for free access to information, which is why existing regulations have weaknesses and shortcomings in implementation. The regulations in force are not harmonised with international standards, which was confirmed by the institution of the Human Rights Ombudsman of Bosnia and Herzegovina[114] and the European Commission. Another problem is the inconsistency of laws and the lack of adequate institutional mechanisms for monitoring and enforcing laws in force in BiH. [115]

Legislation

The freedom of access to information in Bosnia and Herzegovina is regulated at the state and entity levels of government. The Law on Freedom of Access to Information of Bosnia and Herzegovina[116] was adopted in 2000, while the Law on Freedom of Access to Information of the Republika Srpska[117] and the Law on Freedom of Access to Information of the Federation of Bosnia and Herzegovina[118] were adopted in 2001.

The applicable laws on freedom of access to information of the Republika Srpska and the Federation of Bosnia and Herzegovina apply to all public bodies in the Republika Srpska or the Federation of Bosnia and Herzegovina, including all executive, legislative, judicial bodies, as well as bodies performing public office, or any other administrative body and legal entity owned by a public or administrative body. Thus, local governments in Bosnia and Herzegovina apply entity laws, depending on whether they are administratively located in the Republika Srpska or the Federation of Bosnia and Herzegovina. All laws regulate the procedure for access to information and the obligation of public authorities to provide the necessary information at the request of a natural or legal person, except for exceptions that are clearly defined by law, such as "crime prevention and any detection of crime." In addition, the applicable laws stipulate the obligation of all public bodies to appoint information officers, but also to publish or submit a guide on access to information, an indexed register of information, statistical data, and annual reports. The latest published Report of the Human Rights Ombudsman of Bosnia and Herzegovina shows that most of the surveyed public bodies meet these obligations under the law.[119]

Although the existing laws on freedom of access to information were amended and changed on several occasions, there was no significant harmonisation with international and European standards. Some of the key shortcomings of the three current freedom of information laws are:

- Lack of provisions on proactive transparency in all laws in force
- Lack of provisions on mandatory adoption of an administrative act (Decision) in case of denial of the right to access information in the Law on Freedom of Access to Information of the Republika Srpska, which prevents the right to appeal
- Very limited and inefficient supervisory and grievance mechanisms
- Lack of provisions on fines in the laws on freedom of access to information of the Republika Srpska and the Federation of Bosnia and Herzegovina
- impossibility of electronic submission of requests for free access to information

Guidelines

All laws on freedom of access to information in Bosnia and Herzegovina prescribe the obligation to issue instructions on the application of the law on freedom of access to information. In 2001, the Federation of Bosnia and Herzegovina issued the Instruction on the Implementation of the Law on Freedom of Access to Information[120] , which regulates issues that should contribute to the effective implementation of the law. Considering that the state law is applied in the Brčko District, the Instruction on the application of the Law on Freedom of Access to Information of Bosnia and Herzegovina[121] was adopted in Brčko.

In 2013, within the project "Monitoring and Advocacy for Good Governance in Municipalities in Bosnia and Herzegovina", Transparency International in Bosnia and Herzegovina developed a manual for local government representatives "*How to Improve Transparency and Accountability of Local Governments*".[122] The Manual has a section dedicated to the application of the law on freedom of access to information in local governments, with explanations and examples of guides for access to information, a model of the Decision on approval of a request for access to information, an example of an information access request form, a model of a Decision to reject a request for access to information, and an example of an information register index.

In the last Special Report on Freedom of Access to Information in Bosnia and Herzegovina from 2020, the Ombudsman for Human Rights of Bosnia and Herzegovina made a number of recommendations to the competent institutions to improve the current situation in the field of the right to free access to information. Among other things, it is recommended to all competent institutions to develop guidelines for applying applicable laws that will be intended for holders of information and to establish closer cooperation with civil society and media that can inform the public about the right to freedom of information.[123]

Good practices

In 2015, the Public Administration Reform Coordinator's Office of Bosnia and Herzegovina, prepared through the Program for Strengthening Public Institutions implemented in Bosnia and Herzegovina by the German International Cooperation Agency (GIZ), a report entitled *Policy and Standards for Proactive Transparency*.[124] In 2018, the Council of Ministers of Bosnia and Herzegovina adopted this

document and instructed all Bosnia and Herzegovina institutions to act according to it and update their websites.[125] To this end, a self-assessment questionnaire was developed containing 38 standards of proactive transparency and an accompanying online tool for research purposes. Data for 2021 show that the fulfilment of the proactive transparency standard is 67.57%,[126] which is an improvement compared with 2020, when the number was 64.04%.

The Directorate for European Integration of Bosnia and Herzegovina is an institution that strives to meet all the prescribed standards of proactive transparency. A register of all responses to requests for freedom of access to information from 2018 has been published on the website of the Directorate for European Integration https://www.dei.gov.ba/hr/pristup-informacijama, although this obligation is not prescribed by law.

The City of Gracanica can also be mentioned as an example of good practice. On the website of the city, https://gracanica.gov.ba/slobodan-pristup-informacijama/, there is a freedom of information section. Citizens can download the valid Law on Freedom of Access to Information in the Federation of Bosnia and Herzegovina, along with a Guide for Access to Information, Instructions on the Application of the Law on Freedom of Access to Information, Application Form for access to information as well as index register information. In addition, citizens can submit requests for access to information through an integrated online form on the website, with the possibility of receiving a response by e-mail.

2.2. OPEN DATA

Open data is the publication of data and information in a format that may be freely used, modified and shared. The OECD states that open data is *"a set of policies that promote transparency, accountability and value creation by making government data available to all"*. By making data generated through the activities of public bodies available, government becomes more transparent and accountable to citizens. It also supports business growth and the development of services centred on citizens, and provides important data for research and innovation by public bodies, the private sector, and civic stakeholders.

International standards

The promotion of open data through one-stop portals can further increase the scope for interoperability of datasets in terms of search and analysis. The results can improve the efficiency and reach of service delivery and reduce corruption. Awareness-raising among stakeholder groups, the media, businesses, and the wider public can result in effective co-operation among different stakeholders and improvements in solutions on transportation, recreation facilities, parking zones, health services, and much more.

It is important to adopt consistent open data standards for all open data to ensure maximum interoperability and searchability of data. Local authorities should also ensure that qualified staff

manage the municipality's open data publication, and train relevant employees in open data standards.

Open data is a relatively new phenomenon without officially endorsed standards. However, a number of useful guidelines exist:

- The **Congress of the Council of Europe's Resolution and Recommendation on Open data for better public services**[127] explain its importance for improving local democracy.
- The **Congress of the Council of Europe's Resolution and Recommendation on Transparency and open government**[128] call upon local and regional authorities to increase the use of open data and records management by their administrations.
- The **United Nations Guidelines on Open Government Data for Citizen Engagement**[129] introduce policy guidelines and good practice recommendations.
- This **World Bank Toolkit**[130] starts from the basics, through to planning and implement, as well as avoiding common pitfalls.
- The **Five Star Open Data Deployment Scheme**[131] provides five steps to fully opening data, explaining the costs and benefits of each.
- The **International Open Data Charter**[132] sets out six principles for open, timely and interoperable government data.
- The **OECD Recommendation of the Council on Open Government**[133] identifies on-demand provision of information and proactive measures by the government to disseminate information as an initial level of citizen participation.

Domestic context

Bosnia and Herzegovina is in the early stages of implementing open data standards. Although government institutions at all levels "produce" large amounts of data, currently in Bosnia and Herzegovina there are no regulations on the obligation to publish such data in an open format. Open data has been on the government agenda more actively since Bosnia and Herzegovina joined the Open Government Partnership (OGP) in September 2014. In addition to certain strategic documents prescribing the importance of open data, limited efforts have been made to implement open data standards in Bosnia and Herzegovina.

Legislation

No level of government in Bosnia and Herzegovina has adopted a regulation regarding the obligation to publish data according to an open standard. Some progress has been made at the state level, where several strategic documents have been adopted to recognize the importance of open data. In 2017, the Council of Ministers of BiH adopted the *Policy for the Development of the Information Society of Bosnia and Herzegovina 2017 - 2021*, within which the establishment of a database of public data for public use is envisaged.[134] Additionally, in 2018, the Council of Ministers of Bosnia and Herzegovina adopted the *Interoperability Framework of Bosnia and Herzegovina*, within which the concept of open standards and open codes in public administration was promoted.[135] The Strategic Framework also confirms open data as an important area of public administration reforms in Bosnia and Herzegovina, and the framework provides for the preparation of the Analysis of the Readiness of BiH institutions to open data and the adoption of Open Data Policy until 2022.[136]

Guidelines

Since Bosnia and Herzegovina's accession to the „Open Government Partnership" Initiative, the role of civil society in promoting open data standards has intensified. In 2016, two open data management manuals were adopted. CPI Foundation, in cooperation with the Centre for Budget Monitoring from Amsterdam, prepared the *Manual for Public Data Management*,[137] and in the same year through the project "Proactive Transparency of Public Institutions" funded by the Government of the United Kingdom, Transparency International in Bosnia and Herzegovina prepared an Open Data Readiness Assessment in the Federation of Bosnia and Herzegovina.[138] This analysis has shown that significant political, financial and institutional preconditions are needed to introduce open data.

New activities have been started through the Program for Strengthening Public Institutions in Bosnia and Herzegovina, funded by the German GIZ. In September 2020, the *Open Data Readiness Assessment in Bosnia and Herzegovina*[139] was published based on the recognised methodology of the World Bank. This is part of the activities envisaged by the Strategic Plan for Public Administration Reform in Bosnia and Herzegovina. The preparation of such an analysis is also planned for the Republika Srpska and the Federation of Bosnia and Herzegovina. This document provides an overview of key institutional shortcomings and the necessary steps for introducing open data into Bosnia and Herzegovina institutions.

Good practices

The first open data portal www.opendata.ba was the result of the work of the CPI Foundation with the financial support of the Embassy of the Netherlands in Bosnia and Herzegovina. Although this was the first open data portal in Bosnia and Herzegovina, due to the lack of financial resources and the need for government institutions to take responsibility for opening data, the portal has been shut down. The first commitments of the authorities on the introduction of open data were made through the first OGP Action Plan of the Council of Ministers of Bosnia and Herzegovina for implementation in 2019 - 2021.[140] This Action Plan envisages the introduction of open data standards in public procurement and statistical data in Bosnia and Herzegovina.

In October 2021, the Public Administration Reform Coordinator's Office of Bosnia and Herzegovina presented the first pilot open data portal for the level of institutions of Bosnia and Herzegovina, but it has not yet been officially published.[141]

Through the United Nations Development Program initiative in Bosnia and Herzegovina (UNDP) and with the support of the Embassy of Sweden in Bosnia and Herzegovina in September 2021, the beginning of the project "Open Data Portal of the City of Prijedor"[142] was announced. This is the first local community in Bosnia and Herzegovina to start activities on introducing open data.

2.3. PUBLIC PROCUREMENT

Public procurement refers to the process by which public authorities, including local authorities, purchase work, goods or services. It is an essential part of public service provision for local and regional authorities; efficient and cost-effective procurement is key to good governance.

International standards

As procurement involves a large proportion of public expenditure and the transfer of public resources to the private sector or non-profit organisations, it is particularly vulnerable to corruption. Public authorities should deploy new technologies to increase transparency over public procurement and encourage new economic actors to enter bidding processes in the confidence that free and fair competition is applied. By posting all tenders on a common online platform, the occurrence of unpublished tenders and direct awards will be minimised. Use of open contracting and open bidding solutions also allows greater scrutiny of the process, further reducing the scope for corrupt practices. Open contracting systems include a preventive effect, because officials will refrain from manipulating the contracting process if they know that comprehensive disclosure of the bidding and contracting processes will be revealed.

Local authorities should ensure that there is a comprehensive system in place to monitor compliance with public procurement legislation, and that there is a responsive mechanism for reviewing appeals and complaints, including prompt and comprehensive replies. Authorities should also monitor contract implementation, in particular time extensions and cost increases, to ensure that the benefits in terms of value for money and quality of delivery are not compromised during contract implementation.

The following international conventions and standards relate to public procurement:

- The **Congress of the Council of Europe's Resolution and Recommendation on Making public procurement transparent at local and regional levels**[143] and the **OECD Checklist for Enhancing Integrity in Public Procurement**[144] provide guidance for enhancing transparency and promoting integrity in procurement.
- The **OECD Recommendation of the Council on Public Procurement**[145] promotes a strategic and holistic use of public procurement systems across all levels of government and state-owned enterprises. The online **Public Procurement Toolbox**[146] provides policy tools, specific country examples as well as indicators to measure any public procurement system.
- The **WTO Agreement on Government Procurement**[147] establishes rules requiring that open, fair and transparent conditions of competition be ensured in government procurement.
- The **EU Directive on Public Procurement**[148] ensures the best value for money for public purchases and guarantees the respect of the EU's principles of transparency and competition.
- The **UNCITRAL Model Law on Public Procurement**[149] is a legal template available to governments seeking to introduce or reform public procurement legislation for their internal market.
- The **European Bank for Reconstruction and Development (ERBD) Guide to Electronic Procurement Reform**[150] provides information on and assistance with designing and implementing domestic eProcurement reforms.

- **Open Contracting Data Standard (OCDS)**,[151] providing open data standard for publication of structured information on all stages of a contracting process: from planning to implementation.
- **UNODC's (United Nations Office on Drugs and Crime) Guidebook on anti-corruption in public procurement and the management of public finances**,[152] which provides good practices in ensuring compliance with article 9 of the United Nations Convention against Corruption.
- **World Bank's Annual Reports**[153] – Benchmarking Public Procurement, which have been assessing public procurement regulatory systems in different countries

Domestic context

In Bosnia and Herzegovina, about BAM 2.5 to 3 billion are spent annually on public procurement, representing about 7-8% of GDP.[154] In the EU, it is estimated that about 13% of public procurement funds "disappear" due to corruption.[155] Although there are no reference data for Bosnia and Herzegovina, these percentages are estimated to be higher. The public procurement system in Bosnia and Herzegovina was significantly improved in 2014 with the adoption of new regulations and the gradual introduction of electronic public procurement. Although this was a significant improvement over the previous legal and institutional framework, significant irregularities and corrupt practices are still observed in public procurement procedures in Bosnia and Herzegovina, which was particularly evident in public procurement during the COVID-19 pandemic. Moreover, the public procurement system still shows shortcomings in legal and institutional terms. The need to harmonize the Law on Public Procurement with the EU Directives on public procurement from 2014 and strengthen the capacity of competent institutions is stated as one of the key priorities set by the European Commission for Bosnia and Herzegovina in order to gain the status of a candidate country for EU membership.[156]

Legislation

New regulations on public procurement in Bosnia and Herzegovina were adopted in 2014. The Law on Public Procurement of Bosnia and Herzegovina[157] and the accompanying bylaws were a significant step forward from the regulations in force since 2004. The law prescribed procedures and rules, defined the obligations of contracting authorities and bidders, legal protection and the role of competent institutions. The Public Procurement Agency of Bosnia and Herzegovina has the task of ensuring the adequate application of the Law and accompanying bylaws, while the Office for Review of Complaints is an independent and autonomous institution that handles complaints procedures in the second instance.

From the local to the state level, all contracting authorities in Bosnia and Herzegovina are obliged to conduct public procurement procedures through the central electronic public procurement portal https://ejn.gov.ba. According to the current level of functionality of the public procurement portal and in accordance with the law and accompanying regulations, information can be found on the portal: procurement notices, contract award notices, notices of cancellation of public procurement procedures, contract award notices through negotiated procedures without publication of notices, voluntary ex-ante transparency notices, reports on the public procurement

procedure in small value procedures, decisions of the Office for Review of Appeals and decisions of the Court of Bosnia and Herzegovina. The tender documentation is available to the public only for completed procedures, while only registered bidders have access to the tender documents for the ongoing procedures. It is the tender documentation that contains technical specifications and qualifications that are crucial for effective monitoring. However, although a good part of the data from the procedures has been published on the portal, the data were not published in an open format and as such are not machine-readable or cross-searchable. The Law on Amendments to the Law on Public Procurement of Bosnia and Herzegovina, which would further improve the public procurement system in Bosnia and Herzegovina, is currently under consideration in the Parliamentary Assembly of Bosnia and Herzegovina.

Guidelines

In accordance with Article 92 of the Law, the Public Procurement Agency of Bosnia and Herzegovina is, among other things, in charge of publishing manuals and instructions for more efficient application of the law, but also providing technical assistance and advisory opinions to contracting authorities and bidders regarding proper application of the law and bylaws. On its website https://www.javnenabavke.gov.ba/bs-Latn-BA/practical-application, the Public Procurement Agency has created a module with a list of questions and answers regarding the practical application of the Law on Public Procurement and the e- procurement portal. In addition, the Agency issued a series of instructions prescribing models of tender documentation and bids, publication of basic elements of contracts and contract amendments, conditions and methods of publishing notices and submitting reports in public procurement procedures in the e-procurement portal, instructions on managing and establishing qualification systems, minutes on the opening of bids and instructions on how to keep the minutes on the opening of bids.[158] In order to efficiently implement the e-procurement portal, the Instruction on how to use the information system for e-procurement was adopted.[159] In addition, the Public Procurement Agency has open telephone lines and e-mail addresses through which technical and advisory assistance to contracting authorities and bidders is provided twice a week within the prescribed period.

A significant number of manuals, guides, and instructions on the application of laws and bylaws in the field of public procurement in Bosnia and Herzegovina have been developed by civil society organisations. In cooperation with the Public Procurement Agency of Bosnia and Herzegovina, the Centre for Security Studies has published a *Guide to Public Procurement in Bosnia and Herzegovina* to promote transparency and accountability in the public procurement process.[160] For the purpose of more efficient prevention and abuse and more efficient prosecution and sanctioning of criminal acts of corruption in public procurement, in 2019 the Network of Civil Society Organisations "Account" presented the *Manual for Judges and Prosecutors: Corruption Risks in Public Procurement Procedures.*[161]

Good practices

With the introduction of electronic public procurement through the e-procurement portal https://ejn.gov.ba, a significant step forward has been made in public procurement procedures in Bosnia and Herzegovina. Additionally, a mobile e-procurement application for iOS, Android and

Windows devices has been developed. The e-procurement portal is gradually developing and improving, and in the next period it is planned to introduce functionality for submitting electronic bids and electronic evaluation of received bids, as well as the obligation to publish procurement plans on the e-procurement portal. In the OGP 2019 -2021 Action Plan, the Public Procurement Agency of Bosnia and Herzegovina proposed a measure introducing open contracting data standards in public procurement (OCDS) whose introduction will enable the implementation of effective monitoring mechanisms to prevent irregularities.[162] Although significant information and data on public procurement procedures are available on the e-procurement portal, some of the key information to achieve greater transparency is still missing. According to Transparency International BIH, it is necessary to make mandatory the publication of Procurement Plans and Reports on the implementation of public procurement contracts, the publication of notices on contract awards in competitive request procedure, and the publication of procurement contracts. The tender documentation for ongoing procurement procedures in the e-procurement portal is available only to registered bidders. In 2018, the Public Procurement Agency made the tender documentation for completed procurement procedures available to the public. However, in terms of procurement transparency, it is still crucial to make the tender documentation for ongoing procurement procedures available to the public in the e-procurement portal.[163]

Through the USAID project "Support to Citizens in the Fight Against Corruption", the Centre for Civil Initiatives, in partnership with Transparency International and the Association Centre for Media Development and Analysis, created a web portal https://pratimotendere.ba, which was launched in early 2021. This public procurement monitoring portal is based on a methodology within which seven risk indicators have been defined in seven phases of the procurement procedure. The level of risk is indicated by "red flags" – high, medium and low. By November 2021, 432 contracting authorities were monitored, covering 10,003 public procurement procedures with a total value of KM 182.5 million.[164] In that period, a total of 8,707 risky public procurements were identified. This portal is also supported by the Public Procurement Agency of Bosnia and Herzegovina, with which a Memorandum of Cooperation was signed in order to prevent corruption and irregularities in public procurement.[165]

2.4. EXTERNAL AUDIT

External audit is the regular, independent scrutiny of accounts and financial information to ensure that public money is used appropriately and effectively. External audits are undertaken in accordance with relevant laws and rules to support those external to government to hold it to account. As well as audit of the financial statements of local budget institutions, external audit can look beyond finances to assessing the performance of government against its own objectives, or in providing programmes and services.

International standards

- The **International Public Sector Accounting Standards**[166] focus on the accounting, auditing, and financial reporting needs of central, regional, and local governments, related governmental agencies, and the constituencies they serve.

- The **International Standards of Supreme Audit Institutions**[167] website contains a complete collection of professional standards and best practice guidelines for public sector auditors.
- A number of the conventions and standards for combatting corruption include provisions and clauses relating to external audit.

Domestic context

A legal and institutional framework for external audit has been established in Bosnia and Herzegovina. The external audit is performed through four institutions, the Audit Office of the Institutions of Bosnia and Herzegovina, the Audit Office of the Institutions of the Federation of Bosnia and Herzegovina, the Main Audit Service of the Republika Srpska, and the Audit Office of the Public Administration and Institutions of the Brčko District of Bosnia and Herzegovina in accordance with four accompanying laws.

Although the legislative framework is sound, SIGMA states[168] that one of the problems is that audit offices do not have a constitutional basis in accordance with international standards. This means that, although the laws guarantee the independence and autonomy of audit institutions, they are not adequately protected because laws can be changed more easily than the constitution. In the early 2000s, Bosnia and Herzegovina became a member of the international and European organisation of audit institutions – INTOSAI and EUROSAI. All audit institutions in Bosnia and Herzegovina have accepted the application of relevant International Standards of Supreme Audit Institutions (ISSAI) and other international audit standards. In accordance with the laws, the financial audit of local authorities is carried out by the competent entity audit institutions.

Legislation

Four laws regulate external audit in Bosnia and Herzegovina –Law on Audit of Institutions of Bosnia and Herzegovina,[169] Law on Audit of the Public Sector of the Republika Srpska,[170] Law on Audit of Institutions in the Federation of Bosnia and Herzegovina,[171] Law on Audit of Public Administration and Institutions in the Brčko District of Bosnia and Herzegovina.[172] All four laws are in line with relevant international regulations and standards. In order to more efficiently coordinate and implement joint internal and international activities, a Coordination Board of Audit Institutions of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina was established. All audit offices/services, in accordance with the four mentioned laws on external audit, conduct financial audits, performance audits, and special audits. Local levels of government are subject to external audit by the Audit Office of the Institutions of the Federation of Bosnia and Herzegovina or the Public Sector Audit Service of the Republika Srpska. Given a large number of institutions subject to mandatory annual audit, the audit of local levels of government in the Federation of BiH and the Republika Srpska is carried out according to annual plans. When adopting annual audit plans, risk analyses are performed to identify other agencies or institutions in need of audit. Indicators considered include financial significance, previous audits, available human resources, requests for audit from other competent authorities, collected business information, and other data.[173]

Guidelines

Improving the work of external audit institutions in Bosnia and Herzegovina is one of the strategic goals of public administration reform in Bosnia and Herzegovina. This primarily refers to strengthening the role and capacity of audit institutions and mechanisms for better implementation of audit recommendations.[174] Although parliamentary mechanisms for examining audit reports have been established at all levels of government, the level of control varies and is very limited. The European Commission states that the influence of all audit institutions in Bosnia and Herzegovina is limited, and that it is necessary to improve the level of implementation of recommendations. It further states that all audit institutions need to have better media coverage and develop their communication strategies to enhance the impact of their work.[175] In the period 2006-2016, the Coordination Board, within its competencies, adopted a number of guides and guidelines for financial audit, quality control in auditing, performance audit guide, IT audit guidelines and a guide for quality assurance of audit performance. SIGMA states that all audit institutions need to compile a document that would include all audit processes, listing templates and models to be completed alongside other supporting documents. Such a document would allow employees to understand better the processes and roles that each of them has.[176] In order to approximate the work of external audit, in May 2019, a Short Guide to the Audit Office of the Institutions of Bosnia and Herzegovina was published.[177]

Good practices

All audit offices of institutions in Bosnia and Herzegovina transparently publish all performance audit reports, financial audits and special reports on their websites. The Audit Office of the Institutions of Bosnia and Herzegovina and the Audit Office of the Institutions in the Federation of Bosnia and Herzegovina have also published the Registers of Performance Audit and Financial Audit Recommendations. These registers contain a systematic overview of all recommendations, responsible institutions and the degree of their implementation. Every year, the Audit Office of the Institutions of Bosnia and Herzegovina publishes abbreviated reports and infographics on the conducted audits with key findings in order to give the interested public a better insight into the results of the conducted external audits.

The Audit Office of the Institutions of Bosnia and Herzegovina holds regular consultative meetings with civil society organisations. The aim of these meetings is to acquaint civil society organisations with the procedures for creating annual performance audit programs and obtain information to identify topics of social importance that could be subject to audit.[178] At the Civic Initiatives Centre initiative, a Working Group for the Improvement of the Audit Process was formed in October 2020, which, in addition to the mentioned organisation, consists of representatives of the state-level legislative, judicial, and executive authorities.[179]

2.5. FINANCING OF POLITICAL PARTIES

Financing of political parties and election campaigns is a necessary component of the democratic process. It enables the expression of political support and competition in elections. Principles governing the financing of political parties should include fairness in the distribution of state funding, strict rules concerning the transparency and limits on the size of private donations, ceilings on campaign expenditure, full transparency of funding and expenditure, independent election commissions, independent audit of campaign finance, and the consistent imposition of proportionate sanctions on candidates and political parties that violate the rules (such as fines or a reduction in state contributions to future election campaigns).

International standards

Clear rules and transparent reporting of political campaign financing and expenditures are essential to sustain trust in political candidates, political parties and government institutions. An imbalance in funding of political parties may result in an unfair advantage, handing undue influence to powerful narrow interests, running the risk that policies will be "captured" by narrow private interests, serving their goals over the public interest.[180]

Mechanisms and rules on limits on party political financing, and on state financing of political campaigns, should be designed in a way that provides a level playing field for the different political candidates and parties competing in elections and serves to preserve the political forces' independence from financial supporters.

The following international conventions and standards relate to the financing of political parties:

- The **Congress Resolution 402 (2016) on "The misuse of administrative resources during electoral processes"**;[181]
- The **Guidelines and report on the financing of political parties** (Council of Europe, Venice Commission, 2001);[182]
- The **Compilation of Venice Commission Opinions and Reports concerning Political Parties** (Council of Europe, Venice Commission, 2013);[183]
- The **Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns**.[184]

Domestic context

In Bosnia and Herzegovina, the issue of financing political parties is attracting a lot of attention from politicians, officials of election bodies and commissions, and representatives of the academic community, especially civil society, which is closely following this issue. A democratic society can function successfully only if the access of political parties to resources is equal, fair and transparent because "*political parties not only create a political agenda but also shape the institutional, economic and overall social development of the country, and supervise the administration and control the distribution and management of public resources.*"[185] The greater the degree of control of political parties over state institutions and society, the greater the risk of corrupt practices. Bosnia and Herzegovina has a legislative framework regulating the financing of political parties. However, as in many other areas, the legislative framework is not sufficient to prevent abuses.

Articles 3 to 7 of the Law on Financing of Political Parties of Bosnia and Herzegovina stipulates that a political party can be financed from the membership fee, voluntary contributions from legal and natural persons, publishing activities, sales of propaganda material and organisation of party events, incomes generated by property owned by a political party; the budget of Bosnia and Herzegovina, entities' budgets, cantonal budgets, the budget of Brčko District of BiH, and from a budget of other units of local government in accordance with the law; profit from the income of the enterprise owned by a political party only for culture-related or publishing activities, loans from the banks.

The annual income of the political party generated by owning property or through the owned enterprise may not exceed 20% of the amount of the total annual income of the party. According to Article 4 of the Law, any income exceeding 20% for the above-mentioned activities shall be donated to one or more charitable organisations registered in Bosnia and Herzegovina.

The total amount of contributions to a political party:

- made by a natural person shall not exceed the amount of BAM 10.000,00
- made by the legal entity shall not exceed the amount of BAM 50.000,00
- made by a member of a political party during one calendar year shall not exceed the amount of
- BAM 15.000,00

The funds from the budget are allocated to political parties, namely to the coalitions of political parties in the manner that:

a) 30% of the total amount of funds is equally distributed to all political parties, namely the coalitions of political parties that won the mandate,
b) 60% of the total amount is distributed equivalent to the number of delegates' mandates that each political party, coalition of political parties, and/or independent candidate hold at the time of allocation.
c) 10% of the total amount is distributed to parliamentary groups proportional to the number of seats belonging to less represented gender.

Legislation

Financing of political parties and election campaigns is regulated by the Election Law of Bosnia and Herzegovina[186], the Law on Financing of Political Parties, [187] the Law on Financing of Political Parties from the Budget of the Republic, City and Municipality,[188] the Law on Financing of Political Parties in Brčko District of Bosnia and Herzegovina[189], laws on prevention of conflicts of interest (at the state, entity and Brčko District level of Bosnia and Herzegovina), laws regulating the issue of registration of political parties, laws related to the operations of all legal entities, including political parties in Bosnia and Herzegovina, as well as bylaws of the Central Election Commission of Bosnia and Herzegovina.[190] All these regulations address the issues of financing pre-election campaigns of political parties, their regular, annual financing, allowed sources of financing, allowed amounts and limits of financing from private sources, the obligation to report donations and financial reporting, and rules for allocating funds for political parties from the budget of political communities. In addition, the laws provide for sanctions for non-compliance with legal provisions.

Article 3, paragraph 1 of the Law on Financing of Political Parties lists the sources of financing of political parties, so that political parties can be financed from: a) membership fees, b) voluntary contributions of legal and natural persons, c) publishing, sale of propaganda materials and organisation of party events, d) income from property owned by a political party, e) budget of Bosnia and Herzegovina, entity budgets, cantonal budgets and the budget of the Brčko District of Bosnia and Herzegovina, and budgets of other local government units in accordance with law, and f) profits from enterprises owned by a political party. Article 8 of the same Law prescribes the so-called prohibited contributions, i.e. who is prohibited from financing political parties – administrative bodies of the state of Bosnia and Herzegovina, entities, cantons, Brčko District of Bosnia and Herzegovina, and city and municipal bodies; public institutions; public enterprises; humanitarian organisations; unnamed or anonymous donors; religious communities; trade unions, associations and other non-profit organisations that are financed with public funds, regardless of the amount of funds; legal entities in which the invested public capital amounts to at least 25%, and foreign states, foreign political parties and foreign legal entities.

Political parties have the obligation to keep accounting records and the obligation to submit an annual financial report to the Central Election Commission of Bosnia and Herzegovina. For that purpose, the Audit Service of Political Parties has been established, whose task is to review and control the submitted financial reports and audit political parties' financing. In case of non-compliance with the provisions of the law, the Central Election Commission may impose a fine on a political party in the range of KM 500.00 to 10,000.00 M.[191]

Guidelines

In 2010, the Konrad Adenauer Stiftung published the *Handbook for the Election Campaign*[192]. A special chapter is dedicated to finances during the election campaign within which issues such as financial planning, financial committees, and successful securing of donations or sponsorship are addressed.

In 2018, the International Foundation for Electoral Systems (IFES) published a report entitled *Abuse of State Resources Research and Assessment Framework – Bosnia and Herzegovina* ,[193] where special attention was paid to financing political campaigns. The report includes a detailed analysis of this and other areas susceptible to the misuse of state resources. It provides clear recommendations for overcoming a number of weaknesses of the existing system.

The Central Election Commission has developed an application for the electronic submission of financial reports of political parties. It serves to manage data on the financing of political parties and published a *User Guide for submitting financial reports via the application "FI CEC BiH" and* instructions for *assigning a code to access the application FI CEC BiH for electronic submission of financial reports*.[194]

Good practices

The Central Election Commission is authorised to submit proposals to the competent courts in Bosnia and Herzegovina to delete political parties from the court register if there is a suspicion that

they do not perform their activities and do not perform their duties for an extended period of time. In July 2009 to December 2018, the CEC submitted a total of 202 proposals for deleting political parties from the court register. According to the official records of the Central Election Commission, in the period from 2009 to March 2021, the competent courts deleted 178 political parties from the register.[195]

Chapter 3

CITIZEN PARTICIPATION

Introduction

"The right of citizens to participate in the conduct of public affairs", including at the local level, is explicit in the European Charter of Local Self-Government,[196] and the Additional Protocol which states that "the right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities".[197] When local authorities consult with, and engage, citizens on the design of, and evaluation of, public services, they pave the way for better policy outcomes and also for greater mutual trust between citizens and government.

Citizen participation involves outreach to a range of local stakeholders, such as civil society activists, journalists, members of academia, business representatives, local communities, and active citizens. It is important that it is inclusive, taking into consideration the views of the wider public, expert stakeholders, and representative groups, including the vulnerable and marginalised. Moreover, stakeholder engagement must include outreach to those whose lives and interests will be affected by the implementation of the decisions under consideration. To ensure that such stakeholders are identified, public consultations should be launched before a commitment to action has been made or before a draft decision has been tabled. A more open consultative process first invites stakeholders to discuss and identify the problems, challenges and opportunities, then examines the different policy scenarios, before any decisions are drafted.

Participatory mechanisms can be grouped in the following categories that reflect different levels of engagement:

– informing the public about local priorities, government programmes and plans;

– holding consultations with the public and/or particular groups of people regarding public policies and collecting their experience or expertise;

– collaborating with the public and/or particular groups of people to develop solutions to local problems (including co-creation processes such as in the formulation of Open Government Partnership (OGP) Action Plan commitments);

– engaging local communities in decision-making processes through deliberative processes, voting (such as participatory budgeting and referenda), and other decision-making tools.

According to the Additional Protocol, "the law shall provide means of facilitating the exercise" of the right of citizens to participate. In order to ensure that the above-mentioned forms of participation are genuine engagement rather than token exercises, the consultation process around the formation of new policies and legislation needs to be backed up by laws, regulations and guidelines, and also by strong political will.

Inclusive policymaking must at the same time be effective, and the public should be well informed about their rights, opportunities and ways they can participate in local decision-making. The policymaking processes need to be clearly stated well in advance to enable citizens and stakeholder groups to prepare their submissions and interventions. Timeframes with clear entry-points for citizen engagement need to be published to ensure that citizen participation is a meaningful exercise, and the local authorities should provide feedback to those who make policy proposals or recommendations. The local authority should ensure that the viewpoints and positions of stakeholders are properly reflected and considered when adopting policies, and feedback should provide clearly stated reasons for the decisions to adopt proposals, or not to adopt them. This inclusive approach ensures that policies are relevant, evidence-based, cater to intersectional needs, and are responsive to public demands.

Local authorities also need to employ officials trained in managing public consultations and ensuring that the feedback to citizens is prompt and comprehensive.

Such inclusive approaches ensure that local authorities make better and more relevant decisions that reflect public interests and are well understood by all citizens. In tandem, local communities can develop a sustained capacity to voice their concerns, design solutions and monitor their proper implementation, resulting in improved public trust towards local service delivery.

General domestic context

The Lisbon Treaty raised participatory democracy to the fundamental democratic principle on which the EU is founded, which significantly impacted understanding and developing the role of citizen participation in policy-making processes in Bosnia and Herzegovina. This is one of the political requirements of the EU towards Bosnia and Herzegovina on the path to EU membership, and the level of development is regularly monitored through the annual Progress Reports and Enlargement Strategies. Applicable entity laws provide direct mechanisms for citizen participation in local self-government, but the degree of implementation of these mechanisms varies, depending on the level of development of the municipality or city, strategic policies, and the work and activities of elected officials. There are examples of good practice at all levels of government in Bosnia and Herzegovina in implementing some of the mechanisms of participatory democracy, launching civic petitions or organizing local referendums. However, it is evident that a systematic approach to citizen engagement has not been applied; the practice is ad hoc, and reliant on individual initiatives in different localities.

3.1. OPEN POLICY MAKING

Open policy making is a broad term describing policy development that is transparent and participatory. It describes a way of making policy and decisions that draw on the latest interactive tools that open up policymaking to different stakeholders in an increasingly digital world. There is no one way to do open policy making: different policy decisions will need different approaches.

International standards

Open policy making approaches enable governments to reach more informed and better designed policy outcomes through collaborative approaches that draw on a variety of perspectives and expertise. Different digital tools and analytical techniques are deployed so that policy is more evidence-based and data-driven. Models of engagement can include a representative citizens panel, crowdsourcing of policy ideas, or the use of collective intelligence to draw on the knowledge and expertise of a diverse public.

By the use of open data and citizen engagement, more informed, inclusive decisions can be reached, and more innovation applied in both the policymaking process and the resulting policy decisions. To maximise the possible gains of open policy making, local authorities could set up an open policy making team that publishes the data used to inform and shape policy decisions, and trains public officials in working with data to inform policymaking.

Although there are no specific open policy making standards, the following are useful points of reference:

- The **Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)**[198] provides an international legal guarantee to this right, including the establishment of measures to ensure citizen participation.
- The **Council of Europe's Guidelines for civil participation in political decision making**[199] sets out standards for engaging with citizens and civil society.
- The **Committee of Ministers of the Council of Europe's Recommendation on the participation of citizens in local public life**.[200]
- The **Congress of the Council of Europe's Resolution and Recommendation on Transparency and open government**[201] provide standards and mechanisms to enhance transparency and promote the involvement and participation of citizens in the local public life.
- The **Code of Good Practice for Civil Participation in the Decision-Making Process,** adopted by the Conference of International NGOs of the Council of Europe.[202]
- **Civil Participation in Decision-Making Processes. An Overview of Standards and Practices in Council of Europe Member States**, European Center for Not-for-profit Law (ECNL) for the European Committee on Democracy and Governance.[203]
- The **OECD Recommendation on Open Government**[204] helps to design and implement successful open government strategies and initiatives.
- The **OECD's Guiding Principles**[205] support the development of a culture of openness.
- The **OECD's Focus on Citizens: Public Engagement for Better Policy and Services**[206] explores how to put open policy making into practice.
- The **OECD's Observatory of Public Sector Innovation**[207] lists useful toolkits and resources.
- The **Open Government Partnerships Guide**[208] and **Toolbox**[209] provide an extensive range of support.
- The **OECD Background Document on Public Consultation**[210] defines consultation and provides a summary of consultation tools.
- Both **Australia**[211] **and the UK**[212] have both produced useful **toolkits**.
- The Royal Society of the Arts, UK, and the Forum for Ethical AI addressed some of the AI challenges posed by new technology in **Democratising decisions about technology. A toolkit**.[213]

Domestic context

In the past 20 years, the international community has invested significant funding in projects to promote participatory democracy. The intention of institutions from the local to the state level in Bosnia and Herzegovina to involve the interested public in policy making is evident, primarily through working groups, public hearings, online tools or other participatory mechanisms. An increasing number of public administration bodies or levels of government recognize the importance of involving the interested public in policy making. For example, the Canton of Sarajevo has established a Cantonal Development Committee to draft the Development Strategy 2021-2027, which, in addition to representatives of institutions, also includes representatives of civil society organisations, academia and the professional community.[214] Participation in policy-making is particularly important at the local level, where decisions are made and implemented that directly impact the daily lives of citizens. The network of civil society organisations *Coalition to Work and Succeed Together*, which from 2001 to 2008 conducted a broad campaign to establish cooperation of civil society with local authorities, resulted in the signing of nearly 100 Agreements between on the government side the mayor and municipal council, and on the side of civil society associations and foundations.[215] These agreements regulate the area of dialogue, cooperation and ultimately partnership between these two sectors of society. As a result of the same advocacy activities, in 2007 the first Agreement on Cooperation was signed between the Council of Ministers of Bosnia and Herzegovina and non-governmental organisations. Although these agreements did not have a direct effect, they represented a significant first step in building trust between the governmental and non-governmental sectors. In Bosnia and Herzegovina, a culture of participatory democracy and the establishment of legal and institutional mechanisms for cooperation between the governmental and non-governmental sectors is increasingly developing. The development of participatory democracy reflects the very complex constitutional structure of Bosnia and Herzegovina and the division of competencies between different levels of government. Thus, the legal and institutional framework for participatory democracy is decentralised and fragmented, and examples from practice vary, from very successful to unsuccessful.

Legislation

Regulations at different levels of government define the involvement of citizens in policy making. Thus, at the state and entity level and the Brčko District of Bosnia and Herzegovina, this issue is regulated by bylaws which prescribe public participation in the process of creating laws, bylaws and other strategic policies. The involvement of citizens in decision-making processes at the local level is defined by the entity laws on local self-government and the Statutes and other acts of municipalities and cities. The Law on the Principles of Local Self-Government of the Federation of Bosnia and Herzegovina[216] and the Law on Local Self-Government of the Republika Srpska[217] prescribe the mechanisms of direct participation of citizens in decision-making in local self-government. Both laws state that the forms of citizen participation in decision-making are through referenda, citizens' panels civic initiatives, local communities (local neighbourhood councils) as well as other forms of participation that are in accordance with the law. Both laws provide for the direct

participation of citizens through local neighbourhood councils, but this institute of participation has been neglected and underused. In addition to those provided by law, a significant number of local authorities use other modern and innovative mechanisms of citizen participation in decision making and the creation of policies important for the development of local communities.

Guidelines

A significant number of analyses and manuals have been developed in Bosnia and Herzegovina, emphasizing the importance of public participation in policy making. Back in 2007, the Association of Citizens for the Development of Local Initiative ALDI developed a *Handbook for Policy Analysis: Introduction to the Process of Policy Making at the Local Level,* in which special attention is paid to the participation of citizens, civil society organisations, media and research groups in policy making.[218] In 2017, the Centre for Civil Initiatives published an *Analysis of Public Participation in the Programming of Work in Government Institutions in Bosnia and Herzegovina (Citizens at the Centre of Decision Making)*.[219] This analysis provides an overview of the current state of public participation in policy-making at all levels of government, with examples of good practice and recommendations for improvement. It should be noted that in 2017 a new Agreement on Cooperation was signed between the Council of Ministers of Bosnia and Herzegovina and non-governmental organisations in Bosnia and Herzegovina. This Agreement, among other things, states that activities will continue to involve citizens and civil society organisations in all phases of creating and implementing public policies within the competence of the Council of Ministers of Bosnia and Herzegovina.[220] One of the results of this Agreement is the establishment of the Advisory Body of the Council of Ministers for Cooperation with Civil Society, which consists of representatives of five civil society organisations.[221] Although this Agreement was signed at the state level, it can serve as an example and guide how to strategically approach the development of participatory mechanisms for cooperation between the governmental and non-governmental sectors.

Good practices

The Federation of Municipalities and Cities of the Federation of Bosnia and Herzegovina and the Federation of Municipalities and Cities of Republika Srpska, in cooperation with United Nations Development Programme (UNDP), analysed the practices of 21 local governments in 2020 in the areas of transparent financing of civil society organisations and involvement of citizens and civil society organisations in local decision-making processes.[222] This analysis showed that most of the surveyed local authorities had developed some tools for involving citizens and civil society organisations in policy making, although there was room for improvement. Examples of good practices are the City of Bijeljina, the Municipality of Centar Sarajevo, the City of Trebinje, the City of Banja Luka and the Municipality of Tešanj, which have implemented two-way mechanisms of communication and involvement of citizens and civil society organisations in local decision making. For example, the Rules of Procedure of the Tešanj Municipal Council[223] stipulate that working municipal bodies will also include representatives of non-governmental organisations and marginalised groups (national minorities, persons with disabilities, returnees) and that equal gender representation will be taken into account. Citizens can attend the meetings of the Municipal Council with prior notice. The mayor regularly holds meetings with representatives of civil society organisations, and regularly collects suggestions, remarks, complaints and compliments from

citizens and publishes reports on satisfaction surveys and measures taken. Since 2017, a "Civic Hour with Councillors" has been introduced, within which citizens can table various topics and discuss the same with councillors.[224] The Mayor of the Municipality of Tešanj has an open Facebook account where he regularly communicates and answers questions from citizens in various fields.

3.2. PARTICIPATORY BUDGETING

One of the crowdsourcing forms of citizen participation, participatory budgeting invites citizens and community groups to propose new initiatives or improvements to public services that should be funded by the local authority. Different models include voting by citizens, often online, on different projects. It provides a way for community members to have a direct say in how public money should be spent. It creates opportunities for engaging, educating, and empowering citizens. It can also promote transparency, which in turn can help reduce inefficiency and corruption.

International standards

Participatory budgeting began in Porto Alegre, Brazil, in the late 1980s and has spread worldwide. To ensure that participatory budgeting is inclusive and reaches out to different groups, including minority groups and the disadvantaged, both online and in-person information events need to be organised, and support provided to citizens and different community groups and stakeholders in how to prepare a proposal for consideration. The introduction of gender-sensitive participatory budgeting can increase outreach and accessibility and can be planned in close co-operation with local civic groups with a focus on inclusion.

Although there are no specific standards for implementing participatory budgeting, the following serve as important reference materials:

- The **Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)**[225] provides an international legal guarantee to this right, including the implementation of measures that would facilitate its exercise.
- The **Congress of the Council of Europe's Resolution on Gender budgeting**[226] recommends introducing gender budgeting methods in the annual budgets at local and regional levels.
- The **OECD Policy Brief No. 22**[227] provides a series of policy recommendations for how key stakeholders can contribute to successful participatory budgeting.
- The **World Bank's book *Participatory Budgeting***[228] provides an overview of the underlying principles, analyses current practice and includes seven in-depth case studies.
- The **UN Habitat's 72 Frequently Asked Questions about Participatory Budgeting**[229] explores how to implement participatory budgeting.
- The **World Atlas of Participatory Budgeting**[230] represents the widest compilation of data on the situation of these processes worldwide.
- The **UK's Participatory Budgeting Unit has a useful list of resources and toolkits**.[231]
- The **Subnational Open Budget Survey Questionnaire**[232] of the International Budget Partnership sets out a range of metrics for measuring the openness of local government budgets.

- The **Principles of Public Participation in Fiscal Policy**[233] of the Global Initiative for Fiscal Transparency.

Domestic context

Regulations in Bosnia and Herzegovina do not explicitly regulate participatory budgeting. Still, it fits into the broader concept of citizen participation in policy-making, which is defined by laws and bylaws, depending on the level of government. A significant number of local governments have published budgets on their websites, while recently more and more local governments are publishing "*Citizens' Budgets*". Budget transparency and promoting an understanding of the budget process is one of the important conditions for citizen participation in the process of budgeting, and for equipping citizens with knowledge to inform their ideas and suggestions for budget financing. About 50% of local authorities in Bosnia and Herzegovina – directly or through local communities – organise some kind of consultation with the interested public on draft budgets.[234] Public hearings on the draft budget are the most common form of participation where citizens can give their ideas, suggestions and proposals for improving the budget. However, in Bosnia and Herzegovina, there is a lack of a more proactive and inclusive approach. The interested public would be able to provide ideas and proposals in the programming and budget planning phase, but there are only a few examples of local authorities that have enabled the public to submit proposals, ideas, suggestions and projects for funding through the local government budget before the budget has been drafted.

Legislation

When it comes to the local level, participatory budgeting is related to the provisions of the Law on Local Self-Government of the Republika Srpska and the Law on Principles of Local Self-Government of the Federation of Bosnia and Herzegovina, which prescribe forms of direct participation of citizens in local government decision-making. Article 111, paragraph 4, of the Law on Local Self-Government of the Republika Srpska[235] explicitly stipulates that local authorities conduct a public debate on the draft statute, the draft decision on the budget and other acts determined by law. On the other hand, the Law on the Principles of Local Self-Government of the Federation of Bosnia and Herzegovina does not prescribe such a provision. Still, it does stipulate that public hearings on various issues of interest to the work of local government be organised through local communities. Therefore, citizens and the wider interested public have the opportunity through public hearings to submit their proposals, suggestions, ideas, and projects for inclusion in the budget.

Guidelines

In 2007, the Centre for Civil Initiatives published a guide, *Small School of Budget,*[236] intended for the general public, for example those who directly or indirectly participate in budgeting in the Federation of Bosnia and Herzegovina. In 2021, the Public Interest Advocacy Centre published a *Guide to Improving Budget Transparency*.[237] Although the Guide is intended for the institutions of Bosnia and Herzegovina, its guidance can be applied at the local level, mainly in the part related to citizen participation in the budget process and the contribution citizens can make to the phase of budget preparation, adoption, and execution. Most of the available manuals and guidelines on public participation in budgeting have been developed by civil society organisations.

Good practices

Almost half of the local authorities perform some kind of consultation in the budgeting phase. The most common form of public participation is through public hearings, where citizens can give their proposals, suggestions and ideas that would be included and funded from the local government budget. For this purpose, some local authorities also publish Reports on Public Hearings with a list of submitted, accepted and rejected proposals and the amount of funding. There are examples of good practice where the competent local authorities, before drafting the budget, invite the interested public to submit proposals and initiatives that would be included in the budget. For example, in 2021 the Municipality of Centar Sarajevo published a public call for project proposals in the field of environmental protection, communal infrastructure and local economic development, which would be included in the draft budget of the Municipality of Centar for 2022.[238] For this purpose, an online form for electronic submission of proposals was created: http://www.centar.ba/stranica/prijedlog-za-projekte. Proposals can be given by citizens, local community councils, institutions, entrepreneurs, and others, except for proposals of civil society organisations whose projects are the subject of other public calls.

3.3. PUBLIC CONSULTATION

Public consultation is a formal, often legally required, process for citizens and other stakeholders to give their views at key stages of the policy process. It can be both online and offline, or a mixture of both. Its main goals are to improve efficiency, transparency and public involvement in important decisions. Done in a timely and effective way, public consultation can increase the quality of decision making, improve cost-effectiveness, render more sustainable policy solutions, and generate greater public trust in decision-making.

International standards

Different forms of consultation range from informing and consulting citizens to crowdsourcing ideas for policies, deliberative debates and assemblies where citizens can develop potential policy solutions to inform decision-making, and collaboration where social enterprises, civil society organisations or expert groups either participate in the design or delivery of services.

To improve both the inclusiveness and efficiency of public consultations, each local authority should aim to have a unit that takes responsibility for co-ordinating the guidelines and procedures for implementing public consultations, and for ensuring that they are in accordance with the prevailing legislation. Such a unit could also train officers in different departments on running public consultations. In the case of smaller local authorities with more limited resources, a unit in the central government's responsible ministry, such as a ministry of regional development, could provide such training and support on co-ordinating and updating guidance and procedures for public consultations at the local level.

Although there are no specific standards for implementing public consultations, the following are useful reference materials:

- The **Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)**[239] provides an international legal guarantee to this right, including the establishment of measures to ensure citizen participation, such as consultative processes and local referendums.
- The **OECD Background Document on Public Consultation**[240] defines consultation and provides a summary of consultation tools.
- The **Council of Europe's Guidelines for civil participation in political decision making**[241] set out the different types of civil participation in decision making.
- The **Committee of Ministers of the Council of Europe's Recommendation on the participation of citizens in local public life**.[242]
- The **OECD Recommendation of the Council on Open Government**[243] supports initiatives for designing and delivering public policies and services, in an open and inclusive manner.
- **Reaching Out: Guidelines on Consultation for Public Sector Bodies** sets out good practice in the Republic of Ireland.[244]

Domestic context

The most comprehensive approach to conducting public consultations in Bosnia and Herzegovina is at the state level. The *Rules for Consultations in the Drafting of Legal Regulations of the Council of Ministers of Bosnia and Herzegovina*[245] have been adopted, and an online platform for conducting public consultations has been established. No regulation or other act (strategy, action plan) can be considered at a Council of Ministers of Bosnia and Herzegovina session unless public consultations have been conducted. Although regulations govern the implementation of public consultations at the level of the entities and the Brčko District of Bosnia and Herzegovina, their impact is limited. Public consultations depend solely on the willingness and decision of the competent public institution to conduct public consultations. The European Commission states in the Report on Bosnia and Herzegovina for 2021[246] that the legal framework for public consultations is uneven and necessary to ensure purposeful and systematic public consultations. The Strategic Framework for Public Administration Reform in Bosnia and Herzegovina 2018-2022 envisages activities on a more inclusive approach and public involvement in creating, implementing and monitoring strategic plans, public policies and regulations.[247] At the city and municipal level, there is no legal obligation to conduct public consultations. Still, there are examples of local authorities that consult with the interested public on specific issues within their competence.

Legislation

The obligation to conduct public consultations is regulated at the state, entity and Brčko District levels of Bosnia and Herzegovina. A legal framework for public consultations has been established and public consultations are systematically and centrally conducted at the state level through a web platform for public consultations https://ekonsultacije.gov.ba. The Rules for Consultations in the Drafting of Legal Regulations of the Council of Ministers of Bosnia and Herzegovina prescribe the obligation of all institutions of Bosnia and Herzegovina to conduct public consultations with the interested public in the drafting of legal regulations and other acts. To ensure the implementation of public consultations, Articles 22 and 25 of the Rules stipulate the obligation of institutions to submit, in addition to the material they submit to the Council of Ministers of Bosnia and

Herzegovina, a Statement that public consultations have been conducted and an explanation of possible additional consultations. Also, each institution is required to submit the Report on Conducted Consultations. If this Statement and the Report are not part of the material, the Secretary General of the Council of Ministers of Bosnia and Herzegovina shall return the draft or proposed regulation or any other act to the institution of Bosnia and Herzegovina and set a deadline for public consultations. At the local level, no regulations have been adopted that explicitly regulate conducting public consultations with the interested public. Although not a legal obligation, there are examples of local authorities conducting public consultations with the interested public on various issues within their jurisdiction.

Guidelines

Public consultations represent an organised and systematic approach to involving the interested public in the processes of creating, adopting and implementing public policies. Back in 2010, a comprehensive *Handbook for the Development of Public Policies for Civil Servants in Bosnia and Herzegovina*[248] was published, which in practical terms provides all levels of government in Bosnia and Herzegovina, among other things, with guidelines for public consultations and methods of consultation in public policy making. In November 2017, Western Balkan ministers in charge of public administration reform endorsed the *Recommendations for Public Participation in the Western Balkans Decision-Making Process*, [249] which set out a series of steps that countries should take to ensure the highest level of citizen participation in public consultations. The 2019-2021 OGP Action Plan of Bosnia and Herzegovina envisages the improvement of the public consultation process by raising the capacity of civil society organisations to engage in public consultation processes.[250]

Good practices

The Congress of Local and Regional Authorities of the Council of Europe, through the project "*Building Democratic Participation in the City of Mostar*,"[251] supported the city authorities in Mostar in implementing the first Citizens' Assembly in Bosnia and Herzegovina as one of the most effective mechanisms for consultation with the interested public. The Citizens' Assembly is the result of the dedicated work and cooperation of representatives of the city government, civil society organisations and the Congress of Local and Regional Authorities of the Council of Europe. A representative group of 47 randomly selected citizens of Mostar had the opportunity through four weekends in July 2021 to learn, discuss and develop 32 recommendations and guidelines sent to the competent city authorities to address the question: "How can the city of Mostar improve the cleanliness of public space and make it more pleasant?" This mechanism provided an opportunity to hear the needs of the citizens of Mostar through a transparent, participatory and inclusive mechanism and, in turn, to hear the views and plans of local government representatives on the implementation of these recommendations. In this regard, the Mostar City Council, at its 13th session held on 16 November 2021, unanimously adopted the Action Plan to implement the recommendations of the Mostar Citizens' Assembly.[252]

In January 2017, the Council of Ministers of Bosnia and Herzegovina adopted new Rules for Consultations in the Drafting of Legal Regulations. These Rules stipulate the obligation of all

institutions at the level of the Council of Ministers of Bosnia and Herzegovina to conduct public consultations with the interested public on all regulations and other acts (Strategies, Action plans, Policies, Work Program, Work Report, etc.) via the e-Consultation web platform (https://ekonsultacije.gov.ba). The platform is used by a total of 65 out of 72 institutions of the Council of Ministers of Bosnia and Herzegovina, which are obliged to conduct public consultations in a period of 15 or 30 days, depending on whether the regulation has or does not have a significant impact on the public. In the event that proposals are received from the interested public, the institutions are obliged to accept or reject them with a detailed explanation. All reports on the conducted consultations are available to the public and are an integral part of the material submitted to the Council of Ministers of Bosnia and Herzegovina for adoption. According to the latest data, in 2020 a total of 543 public consultations were conducted in the drafting of legal regulations and other acts, and 412 reports on the conducted consultations were published. A total of 2,695 natural and legal persons were registered on the web platform. All institutions appointed consultation coordinators (123 in total) and heads of consultations by organisational units (369 in total).[253] In cooperation with the Civil Service Agency, the Ministry of Justice of Bosnia and Herzegovina conducts annual training for consultation coordinators and heads of consultations on implementing the Rules for Consultations and using the e-Consultation web platform.

3.4. PUBLIC PETITIONS

Public petitions enable citizens to raise issues with public authorities. The number of signatures collected can indicate the level of support for the issues raised. They aim either to raise the profile of the issue or to demand that specific actions be taken. Petitions are often inspired by civil society activity, but they are increasingly submitted through official, often online, platforms whereby petitions with a defined number of signatures will receive an official response.

International standards

It is important that the official response is provided promptly, and that clear and well-argued reasons are provided for the decisions taken or not taken in response to a public petition.

For public petitions to become a tool that resonates with the wider public, local authorities and civil society organisations should raise awareness of the nature of petitions and the procedures for gathering signatures and submissions of the petitions in their municipalities. Clarity should also be given on the status of electronic signatures to ensure that there is full transparency about the conditions that a public petition must satisfy to receive an official response.

The following international conventions and standards relate to public petitions:

- The **Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)**[254] provides an international legal basis for this right, including the establishment of measures to ensure citizen participation, such as public petitions.

- The **OECD's Promise and Problems of e-Democracy**[255] provides information on the value and challenges of establishing an online petitioning platform.

Domestic context

A civic initiative or petition is recognised in Bosnia and Herzegovina in relevant laws or bylaws, depending on the level of government. The Constitution of Bosnia and Herzegovina does not explicitly provide for a provision on a civil petition. Still, it is recognised by the constitutions of the Federation of Bosnia and Herzegovina, the Republika Srpska and certain constitutions of the cantons. Although there is no official data or research on the effects of civil petitions, this mechanism is mainly used at the municipal level. The law prescribes the obligation to consider petitions in local authorities if all the necessary conditions are met. Given that electronic signatures have not yet been implemented in Bosnia and Herzegovina, there are no electronic tools for the legal submission of citizens' initiatives, except informal applications or websites that have no real effect.

Legislation

The Rules of Procedure of the House of Representatives of the Parliament of Bosnia and Herzegovina and the Parliament of the Federation of Bosnia and Herzegovina allow citizens to submit initiatives for amendments to laws. On the other hand, Article 32 of the Constitution of the Republika Srpska provides for the right of citizens to submit petitions and proposals and to receive answers to them.[256]

In this regard, the Law on Referendum and Civic Initiative was adopted in the Republika Srpska.[257] Chapter IV of this Law prescribes the procedures and steps that need to be taken to realize the civic initiative. For this purpose, it is necessary to form an initiative committee of at least three members who have the right to vote. Article 42 of the Law defines that if a change in the Constitution, laws, other regulations or general acts within the competence of the National Assembly of the Republika Srpska is requested, the list of signatories of the initiative must contain at least 3,000 signatures of citizens. If the civic initiative requires a change in regulations and general acts within the competence of the municipal or city assembly, the list of signatories of the initiative must contain the necessary number of signatures of citizens entered in the voter list of the municipality or city, determined by statute in accordance with local government regulations. The Law further stipulates that the competent authority checks the lists of signatories, the application, the number of signatures and other formal details. Suppose the citizens, namely the initiative committee, assess that the competent body did not correctly review the formal conditions for submitting the initiative, it can file an appeal to the Supreme Court of Republika Srpska within 15 days of receiving written notification from the competent body. The Supreme Court decides on the appeal within 30 days, and the court's decision is final. When the list of signatories and the initiative is compiled following the regulations, the competent body acts in accordance with the deadlines determined by law, the statute or rules of procedure. The citizens 'initiative is submitted in the form prescribed by the Republika Srpska Law on Referendum and Citizens' Initiative.

Thus, the City of Banja Luka Statute stipulates that a civic initiative must contain at least 1,000 signatures of citizens entered in the City's voter list. The civic initiative is submitted in a form

prescribed by the Law on Referendum and the Citizens' Initiative of the Republika Srpska. The City Assembly is obliged to decide on the submitted civic initiative no later than 60 days from the day of receipt of the initiative.[258]

In this regard, Article 106 of the Law on Local Self-Government of the Republika Srpska prescribes that a civic initiative is one of the forms of direct participation at municipal and city level. Citizens can submit proposals for amendments to the statute, adoption of new regulations or amendments to existing regulations, calling a referendum, initiative to establish a local community, initiative to establish cooperation to perform tasks of common interest, achieving common development goals in the interest of citizens and businesses in their area. Article 111, paragraph 3, stipulates that the number of citizens who submit an initiative is determined by the statute, provided that it amounts to at least 5% of voters registered in the voter list for the area of local self-government.

When it comes to initiatives submitted by citizens at the municipal and city level n the Federation of Bosnia and Herzegovina, Article 43 of the Law on Principles of Local Self-Government of the Federation of Bosnia and Herzegovina stipulates that citizens submit their proposals through civic initiatives, citizens' associations, NGOs and in other ways determined by the statute. In addition, Article 45 of the Law stipulates that citizens have the right to submit initiatives to a local authority, and that the Assembly Council must discuss such an initiative if it is supported by a certain number of citizens. The number of citizens' signatures shall not exceed 5% of registered voters in the local self-government unit which is determined by the statute.

Guidelines

Procedures and conditions for submitting civic initiatives are prescribed in more detail by the statutes of municipalities or cities. Thus, Article 94 of the Statute of the Municipality of Čitluk[259] prescribes that citizens may submit an initiative to adopt a particular act or resolve an issue within the competence of the Municipality. The initiative must be reasoned, include a proposal to secure funding if needed, and must be signed by at least 100 voters registered in the central voter list. The Municipal Council must decide on the initiative at the next session and within 60 days at the latest. There are only a few manuals or recommendations available for the implementation of civic initiatives, which are the result of the work of civil society organisations. Thus, in 2016, the analysis *Civic Initiative – Direct Participation of Citizens in the Democratic Development of Local Communities*[260] was published. This document also contains a number of recommendations for improving civic initiatives in local communities. At the end of 2017, the *Handbook on Civic Initiatives*[261] was published, created after implementing two civic initiatives, "Battle for Sutjeska" and "Civic Initiative for Borik". This Handbook aims to outline all regulations and procedures in Bosnia and Herzegovina to implement civic initiatives with an explanation of all steps to implement the civic initiative effectively. The association "Oštra Nula" published *A brief Introduction to the Formal and Informal Opportunities of Citizens to Act*, within which, among other forms of direct participation of citizens, the procedure for submitting a civic initiative is explained.[262]

Good practices

In July 2015, the City of Banja Luka adopted the Decision on referring for public inspection the Draft Plan on Changing the Part of the Regulatory Plan of the Borik Housing Settlement in Banja Luka. With this draft plan, an Orthodox church and an accompanying facility were planned to be constructed in the Borik green area and on the site of a children's playground in the Borik settlement. The local CSO, Centre for the Environment, organises the presentation of the Draft Plan within the local community of Borik, presenting all relevant information on the Amendments to the Regulatory Plan and collecting comments and suggestions from citizens. The collected comments were submitted to the City Administration of Banja Luka, and in September 2015 a public debate was organised in which over 100 citizens of Borik took part. Since the authorities did not accept the comments and suggestions of citizens during the public debate, the Centre for the Environment launched the civic initiative "For Borik" to collect the necessary signatures and advocate for the annulment of the Decision on amending the Borik Settlement Plan. Although the Law on Referendum and Civic Initiative of the Republika Srpska required the collection of 700 signatures, the petition was signed by over 5,000 citizens within 7 days. At the first session on this issue, the City Assembly of Banja Luka rejected the requests of the Civic Initiative. However, the citizens filed an appeal with the Supreme Court of the Republika Srpska, which decided in favour of the citizens of the Borik settlement. In its decision, the Supreme Court explained that the City Assembly did not allow citizens, respectively representatives of civic initiative "For Borik", to participate in the debate and present their views of the problem during the City Assembly session[263]. The Banja Luka City Assembly unanimously accepted the requests of the Civic Initiative "For Borik" at the second session.[264]

3.5. LOCAL REFERENDA

Local referenda, which are widespread in Council of Europe member States, provide a mechanism for local authorities to sound out the citizens' will on concrete issues that directly affect their everyday lives or for citizens to propose an initiative that they would like to see implemented, or even to block a planned decision.[265]

International standards

When initiated by citizens or groups of stakeholders, a referendum might form part of a campaign against a perceived harmful impact on their livelihoods or the natural environment, such as a plan for a new industrial park, a tunnel to re-route cars under a river or some other urban development.

Where there is both legislation providing for local referenda, and guidelines on how to hold referenda, there is usually a minimum percentage of the eligible voting population whose signatures are required to initiate a referendum. In some cases, the mayor or elected council can also decide to formulate a question for a local referendum. Depending on the legislative framework, the referenda may be binding on the local government or consultative, where the final decision rests with the elected council.

It is important that the legislation and procedures are clear, so that citizens know the framework within which the results of a referendum will be acted upon, and what response is required from the executive or elected council of the local authority. As with public petitions, it is important to raise awareness of the procedures for gathering signatures and the status of electronic signatures to ensure that there is full transparency about the conditions that need to be met before a referendum will take place. Transparency on political party financing should also be applied to the funding of a referendum campaign, including ceilings on expenditure, and an independent audit of funding and expenditure.

The following international conventions and standards relate to local referenda:

- The **European Commission for democracy through law (Venice commission), code of good practice on referendums**[266] – provides the principles of holding referendums and practical advice on how to implement those principles.
- **The Council of Europe Committee of Ministers' Declaration on the Code of Good Practice on Referendums**[267] – invites public authorities in the member states to be guided by the Code of Good Practice on Referendums.
- The **Congress of Local and Regional Authorities, Resolution 472 (2021) on Holding referendums at local level**[268] – provides guidelines for member States to use local referendums responsibly and according to Council of Europe standards,
- **UN Sustainable Development Goal 16: Peace, Justice and Strong Institutions; Target 16.7:**[269] Ensure responsive, inclusive, participatory and representative decision-making at all levels.

Domestic context

Neither the Constitution of Bosnia and Herzegovina nor the Constitution of the Federation of Bosnia and Herzegovina nor most of the Constitutions of the cantons[270] in the Federation of BiH contains explicit provisions on the referendum. On the other hand, Article 77 of the Constitution of the Republika Srpska[271] stipulates that the National Assembly may decide to make a decision on certain issues within its competence after the citizens have voted in a referendum. Therefore, a referendum in Bosnia and Herzegovina cannot be initiated on an issue to be decided by the institutions of Bosnia and Herzegovina, the institutions of the Federation of Bosnia and Herzegovina, or the institutions of eight of the ten cantons in the Federation of Bosnia and Herzegovina. However, the entity laws on local self-government in the Federation of Bosnia and Herzegovina and the Republika Srpska prescribe this possibility, while in the Republika Srpska a law has been adopted regulating the procedure for calling a referendum. Although mechanisms for initiating local referenda in Bosnia and Herzegovina have been established, they are used very rarely or not used at all.

Legislation

Articles 43 and 44 of the Law on the Principles of Local Self-Government in the Federation of Bosnia and Herzegovina stipulate that citizens can directly participate in matters within the competence of local authorities, among other things, through a referendum. Procedures are elaborated in more detail by law and the statutes of municipalities and cities. The decision made in the referendum is binding for the local government council. Also, the initiation of the referendum is envisaged by the

Law on Local Self-Government of the Republika Srpska. Their procedures are prescribed in more detail by the statutes of local authorities and the Law on *Referendum and Civic Initiative*, which was passed in 2010. This Law prescribes the procedures for calling referenda at the entity and local level, bodies for conducting referenda, protection of citizens' rights, the manner of citizens voting in referenda and other procedures for conducting referenda. According to the law, a proposal for calling a referendum at the local level can be submitted by one-third of the elected councillors, or by the mayor or city mayor, or with the signatures of at least 10% of voters registered in a municipality or city or 3,000 voters if more than 30,000 voters are registered. The referendum shall be conducted between 30 days and six months from the date of entry into force of the Decision on calling a referendum. The referendum can be initiated for different issues such as changes in municipal or city boundaries, adoption of spatial planning documents, adoption or amendments of regulations, community infrastructure projects, and other issues that are within the competences of the local authorities in accordance with the regulations.[272] In accordance with Articles 35 and 36 of the Law on Referendum and Civic Initiative, a referendum is valid if more than half of the citizens with voting rights have voted. The referendum question must receive the support of a simple majority of those who voted. If the referendum was successful and a majority of citizens voted for a specific issue, the competent body is obliged to conduct an appropriate action within six months of the referendum.

Guidelines

Detailed guidelines and procedures for initiating a referendum are prescribed by the statutes of municipalities or cities in the Federation of BiH, and by the Law and statutes of municipalities and cities in the Republika Srpska. For example, the Statute of the City of Zenica[273] stipulates that the initiative for a referendum may be submitted by one-third of councillors, the City Mayor, or one-third of local neighbourhood councils based on a decision made by the Assembly of Citizens of the local community. In contrast, the Statute of the City of Široki Brijeg[274] stipulates that a proposal can be submitted by the President of the City Council, the City Mayor, the majority of councillors or the council of the local community for whose territory a referendum is requested. Thus, there are different approaches and procedures by local authorities in the Federation of BiH. The statutes prescribe referendum procedures; however, the system is decentralised and inconsistent and depends on the provisions of the Statute in a particular local authority.

Good practices

There are sporadic cases of local referenda in Bosnia and Herzegovina. In the past three years, there have been several referenda on the recall of mayors in different municipalities across BiH at the request of municipal councillors. Thus, in 2018, 18 councillors of the Lukavac Municipal Council passed a Decision on initiating a referendum to recall Mayor Edin Delić. The referendum was held in May 2018, and about 48,000 citizens of Lukavac Municipality had the right to vote. A total of 48.06% of voters went to the referendum, with 77.56% voting for Edin Delić to remain mayor of Lukavac.[275]

Chapter 4

CORRUPTION RISKS

Introduction

In the absence of ethics and public accountability, corruption and malpractice are allowed to thrive, which undermines the foundations of a peaceful, prosperous and just society.

Corruption is a major challenge to democracy and the rule of law. It results in decisions and resource allocation that do not reflect the interests of the public and concentrates political power in the hands of the few. It in turn causes political leaders and institutions to lose legitimacy and public trust, which reduces their ability to govern.

Corruption poses a great threat to sustainable development, increasing poverty and inequality. Consequently, strengthening local self-government and their active participation in the fight against corruption is one of the essential preconditions for democratic development. Corruption at the local level is a specific phenomenon and requires a specific approach tailored to municipalities.

Corruption also causes local and regional authorities to be inefficient and ineffective in exercising their duties. It results in decisions being made not on the basis of what is in the interests of society at large, but what is in the self-interest of decision-makers and their associates. It leads to public money being misspent, with contracts being awarded to inferior providers and budgets being misallocated. At its worst, it enables public officials to misappropriate money and resources, using their position to get rich to the cost of those they have a duty to serve.

One of the major challenges for societies worldwide is the development of accountable and transparent systems that provide effective public services. Because of their proximity to the public, local governments are well positioned to deal with this challenge and to fight and prevent corruption at local level.

Under the current trend of decentralisation, local authorities are given not only resources, but also the discretionary power to use those resources. Thus, local governments have the potential to either reduce corruption and improve public services at the local level or, conversely, increase corruption and worsen the quality of service delivery.

Corruption can also result in public officials being appointed on the basis of favouritism rather than merit, meaning that local and regional authorities do not have access to the brightest and best talent. This in turn creates a fertile environment for further corruption and reduces even more the efficiency and effectiveness of the administration.

Inefficient and ineffective organisations, staffed by individuals who gained their positions on the basis of criteria other than merit, result in poor-quality public services and infrastructure, thereby

eroding public trust and the legitimacy of public institutions. More importantly, however, they result in significant human costs, including poverty, deaths, illness, and restricted life chances.

Finally, corruption harms economic development. It leads to public money being directed to uncompetitive businesses, rather than those that offer more innovative or cheaper products and services. Uncompetitive markets, coupled with the negative impact of corruption on the quality of local public services and infrastructure, means that businesses do not have a solid foundation (of staff, security, investment, etc.) on which to build. In the end, this may cause private and international investors to avoid investing in an area.

General domestic context

Bosnia and Herzegovina has signed and ratified the most important international legal instruments for the fight against corruption. In 2003 a comprehensive reform of the criminal code was carried out, which criminalised acts of corruption or bribery and acts against official and other responsible duties in almost the same way in the criminal law at all four levels of administration (state, entities and Brčko District of BiH). However, these laws were not further harmonised with international standards and recommendations set by the Council of Europe's Group of States Against Corruption (GRECO), the Financial Action Task Force (FATF) and European Commission (the entities and Brčko District are lagging behind). In addition, there are so-called "non-criminal" regulations that seek to ensure transparency of work, prevent conflicts of interest and reduce the possibility of corrupt practices in all spheres of government. Nevertheless, corruption and crime in Bosnia and Herzegovina are still extremely widespread and present in every segment of society. Decades ago, corruption was prevalent at all levels of government in Bosnia and Herzegovina.

Partial progress has been achieved in specific segments of society, but these advances are negligible in the face of indicators that show that the situation in today's Bosnia and Herzegovina remains an acute on. Corruption (in the form of bribery, abuse of office, conflict of interest, misuse of administrative resources) is present in every segment of BiH society, especially in public procurement, the judiciary, public administration, police, education, health sector, etc. Relevant research on the state of corruption from year to year indicates that Bosnia and Herzegovina is one of the countries with the highest level of corruption in Europe.[276] As reported by the Corruption Perception Index published by Transparency International for 2020, BiH is ranked among the countries of the world in which the state of corruption worsens the most. The Index ranks BiH 111th out of 180 countries, with a score of 35, which is also its worst score since 2012 (when it was 42).[277]The European Commission's reports for Bosnia and Herzegovina are becoming increasingly discouraging. According to the latest report of the European Commission for 2021, Bosnia and Herzegovina has a certain level of preparedness in the prevention of, and fight against corruption and organised crime, but no progress has been made in 2021.[278] According to the statistics of the Court of Bosnia and Herzegovina, in the period from 2004 to 30 June 2021 a total of 195 - first instance verdicts were passed for corrupt criminal offences (of which 112 verdicts agreed through a plea-bargaining process), and a total of 188 cases were finalised (of which 111 through a plea-bargaining). A total of 226 people were convicted and sentenced to a total of 226 years in prison.[279] Given that these statistics cover almost 17 years, and that corruption is a burning issue in Bosnia

and Herzegovina, such low figures are not encouraging. Many politicians in BiH have been prosecuted, but only a few have been convicted.[280] In 2020, in high-level corruption cases, 14 investigations were ordered, seven indictments were filed and there was only one conviction (with a suspended sentence in the case of the former Mayor of Bihać). As stated in the European Commission Report for BiH 2021, "*this trend shows that there is an alarmingly low number of final convictions in high profile cases.*"[281] "*Lack of commitment to judicial reform from political actors, and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime…The selective and non-transparent prosecution and judicial follow-up of corruption cases is a cause of concern.*"[282]

4.1. BRIBERY

Bribery is the promise, offer, acceptance or solicitation of a personal advantage (e.g. gift, loan, reward, favour, etc.) in exchange for an unethical or illegal action. Bribery results in decisions not being taken in the public interest, which reduces public trust in institutions and leads to poor public services.

International standards

The following international conventions and standards relate to bribery:

- The **OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions**[283] establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions. It is the first and only international anti-corruption instrument focused on the 'supply side' of the bribery transaction.
- The **International Anti-Bribery Standard 37001**[284] specifies a series of measures to help organisations prevent, detect and address bribery.
- The **OECD Good Practice Guidance on Internal Controls, Ethics, and Compliance**[285] which supports the convention on combating bribery.

Domestic context

In Bosnia and Herzegovina, corruption is widespread and systematically disrupts any reform processes aimed at establishing the functioning rule of law. A high degree of corruption causes enormous moral and material damage to society. "*Citizens and businesses face an inflexible legal system and significant corruption… About 10 per cent of companies say they had to bribe public officials in the previous year, between one- and two-thirds of citizens believe relations are necessary to get a job, to be enrolled in school or to obtain official documents.*"[286] A major problem is that in Bosnia and Herzegovina there are de facto four autonomous criminal justice systems, which result primarily in internal non-compliance with regulations and then non-compliance with international standards. While the Criminal Code of Bosnia and Herzegovina is relatively well harmonised with international standards, the entity criminal laws, as well as the Brčko District of Bosnia and Herzegovina, are lagging in the harmonisation process, and not even the GRECO's binding recommendations have been implemented.[287] The fact that bribery in the private sector is not

explicitly criminalised in criminal law is also very important, which is also one of GRECO's binding recommendations.

In addition to the institutional and legal framework, which have significant weaknesses, a major problem is non-enforcement of laws and a lenient penal policy, which has an insufficient impact on the prevention of corruption.

Legislation

Criminal laws in Bosnia and Herzegovina criminalize two offences separately, which fall under the notion of bribery. The criminal offence of *accepting gifts and other forms of benefits* (Criminal Code of the Federation of Bosnia and Herzegovina and of the Brčko District of Bosnia and Herzegovina)[288], or the criminal offence of accepting bribes (Criminal Code of Republika Srpska)[289] implies the act of extortion of some benefit, amounting to an act of corruption that is committed in connection with the performance or non-performance of a certain official act.

This criminal offence manifests itself in three forms:

a) *real passive bribery* in which the act of execution is reflected in requesting or receiving gifts or other benefits or receiving promises of gifts or other benefits, with the aim of committing an act within the public official's powers, which action an official or responsible person should not otherwise perform, or omission of an action that she/he would otherwise have to perform;
b) *false passive bribery* – a situation when an official or responsible person requests or receives a bribe or promise of a bribe, in order to act within the limits of her/his official authority and take legal actions that fall within her/his regular business, or not to take actions for which she/he is not authorised by the law;
c) *subsequent passive bribery* – demanding or receiving a bribe after a committed or unperformed (legal or illegal) official action.

Penalties for this criminal offence are prescribed in different ranges in the criminal laws in BiH.

Another form of corruption, functionally related to the aforementioned criminal offence, is the criminal offence of *giving gifts and other benefits,* regulated through all four criminal laws in Bosnia and Herzegovina. This act implies inducing an official or another responsible person to violate the lawful performance of his/her service. This, as well as the aforementioned criminal offence, manifests itself in three forms as:

a) a*real active bribery* - which means making or promising a gift or some other benefit to an official or responsible person for him/her to perform an action within his/her authority which he/she should otherwise not perform, or for him/her not to perform the action that he/she is otherwise obliged to perform;
b) *false active bribery*, which means making or promising a gift or some other benefit to an official or responsible person in order for him/her to perform, within his/her powers, an act

that he/she is obliged to perform, or not to perform an act that he/she should not otherwise perform;

c) *mediation of bribery*, which is an independent criminal offence that can be committed through various actions (by acquainting with each other the bribe-giver and recipient, for instance).

Penalties for the criminal offence of giving gifts and other forms of benefits or giving bribes and the previous criminal offence are prescribed in different ranges in the criminal laws in Bosnia and Herzegovina. In all criminal laws, except Republika Srpska, an alternative to a fine in addition to imprisonment is envisaged for a certain form of this criminal offence.

Example of case law

The problem of court practice for this criminal offence is reflected primarily in the imprecise legal definitions of corrupt criminal offences, which leads to a misunderstanding of the distinction between individual corrupt criminal offences. Although the legal definitions for the criminal offences of receiving or giving gifts or other forms of benefit or receiving or giving bribes are not defined too generally, it is the inability to distinguish one corrupt criminal offence from another that results in rare convictions. One such example is the case against A.Z. who was originally charged with the criminal offences of Abuse of Office and Acceptance of Gifts and Other Forms of Benefit, but the Prosecutor's Office of Bosnia and Herzegovina reclassified the offence as a criminal offence of illegal mediation after obtaining evidence through special investigative actions.[290]

On the other hand, there are also good practices in prosecuting this crime. One such example is the criminal proceedings conducted in 2010 against I.K. who, as an educator at the Semi-Open Penitentiary in Mostar and as the head of the Group for Rehabilitation-Treatment of Convicted Persons and the Head of the Sector for Rehabilitation-Treatment of Convicted Persons, repeatedly demanded and received gifts from convicts to give a positive response to their written requests for the use of various rights and benefits. Thus, abusing his official position, I.K. demanded and received gifts and other benefits in the form of money, works of art and other items. The first instance court found him guilty of the extended criminal offence of receiving gifts and other forms of benefit and sentenced him to two years and six months in prison. According to the analysis of Transparency International BiH, "*the court's approach to understanding the legal nature of criminal offences is also commendable because the explanation of the verdict explains in more detail the essence and quality of each committed criminal offence. Thus, it is emphasised that requesting a gift or other forms of benefit in the criminal offence of Receiving a gift or benefit should be interpreted broadly. A request recognizes not only an explicit request, but any statement or behaviour that results in a request to make a gift. When considering the existence of this element from the essence of the offence, the existence of undoubted intention or ultimate intention is determined.*"[291]

4.2. CONFLICT OF INTEREST

A conflict of interest is where an individual is in a position to derive personal benefits from the actions or decisions they take in an official capacity. Conflicts of interest – either if they are actual, perceived or potential[292] – result in decisions that are, or are considered to be, unfair and self-interested. This reduces public trust in institutions and results in worse outcomes for the public.

International standards

- The **Committee of Ministers of the Council of Europe's Recommendation on Codes of Conduct for Public Officials**[293] and the **European Code of Conduct for all Persons Involved in Local and Regional Governance**[294] cover the general issues normally thought to be necessary for avoiding such conflicts.
- The **Congress of the Council of Europe's Resolution and Recommendation on Conflicts of interest at local and regional level**[295] propose a set of measures to mitigate the risks of conflict of interest and ensure that it is identified at an early stage.
- The **OECD Guidelines for Managing Conflict of Interest in the Public Service**[296] identify principles and standards for developing policies.
- The **Congress of the Council of Europe's Resolution and Recommendation on Making public procurement transparent at local and regional levels**[297] and the **OECD Checklist for Enhancing Integrity in Public Procurement**[298] provide guidance for enhancing transparency and for promoting integrity in procurement.

Conflict of interest is also covered by the following international standards and guidelines:

- The **United Nations Convention against Corruption**[299] is the only legally binding universal anti-corruption instrument.
- It is supported by this **Technical Guide to the Convention**.[300]
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[301] aims to co-ordinate criminalisation of corrupt practices and to improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[302] defines common international rules for effective remedies for persons affected by corruption.
- The **European Union's Convention against Corruption Involving Officials**[303] aims to fight corruption involving officials from the EU or its Member States.
- The **OECD Recommendation on Public Integrity**[304] shifts the focus from ad hoc integrity policies to a context dependent, behavioural, risk-based approach with an emphasis on cultivating a culture of integrity across the whole of society.

Domestic context

Conflict of interest is a widespread corruption risk in Bosnia and Herzegovina. According to regulations, conflict of interest implies cases when elected officials, executive office-holders and advisers find themselves in a situation where their private interests affect or may affect the legality, openness, objectivity, or impartiality of the performance of public functions. The legal framework on conflicts of interest was adopted to prevent or to sanction situations in which public officials,

through their role, can benefit themselves or persons who are their family members or with whom they are otherwise related.

As mentioned earlier in Chapter 1, two segments need to be distinguished in Bosnia and Herzegovina. On the one hand, there are the conflicts of interest of elected or appointed officials, which is always in the public spotlight. On the other hand, there are the conflicts of interest of civil servants in administrative bodies.

At the end of 2020, Transparency International BiH published the Register of Public Officials,[305] which currently includes data on 763 office-holders. According to Transparency International BiH, 61 officials at the state, entity, and cantonal levels now hold additional positions in public institutions and public enterprises. Many of them are in direct or partial conflict of interest. Thus, the Register shows that many public officials perform two or three functions in the public sector where their private interests often intertwine with public ones.[306]

Legislation

Conflicts of interest of civil servants and employees in public administration bodies in Bosnia and Herzegovina are regulated by the laws on civil service at the state and entity level, and the level of the Brčko District of Bosnia and Herzegovina. The laws prescribe incompatibilities with the duties of civil servants in such a way that the functions, activities or positions that lead to a conflict of interest with the official duties of civil servants are listed exhaustively. Unlike the state and Federation of BiH law on civil service, the law of the Republika Srpska and the law of the Brčko District of Bosnia and Herzegovina contain special provisions that define conflicts of interest, and how to act in the event of a conflict of interest.[307]

The issue of conflicts of interest of elected officials, executive office-holders and advisers is regulated by four laws – *the Law on Conflict of Interest in Government Institutions of Bosnia and Herzegovina*[308]*, the Law on Conflict of Interest in Government Bodies in the Federation of Bosnia and Herzegovina*[309]*, and the Law on Prevention of Conflict of Interest Srpska*[310]*, and the Law on Conflict of Interest in the Institutions of the Brčko District of Bosnia and Herzegovina.*[311] Laws have been enacted to prevent and/or sanction situations in which public officials may themselves benefit or family members or persons otherwise related with them may benefit through the performance of their functions. The Central Election Commission of Bosnia and Herzegovina is responsible for law enforcement at the level of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina. At the same time, in Republika Srpska, there is a special Commission for Prevention of Conflicts of Interest in Republika Srpska authorities. The Commission is formed by the National Assembly of the Republika Srpska as a first instance body and the Appeals Commission as a second instance body. Sanctions are envisaged for violating the law – measures prohibiting candidacy for any elected position for four years and fines in the range of BAM 1,000 to BAM 10,000.

Example of case law

On the Central Election Commission's website www.izbori.ba, in part related to conflicts of interest, no decisions on determining the existence of conflicts of interest have been published. On the other hand, on the website of the Republic Commission for the Prevention of Conflicts of Interest in the authorities of the Republika Srpska, decisions of the Commission that established the existence of a conflict of interest have been published. One such decision is Decision No. 02-438-C / 18-5, G.J. from 28 September 2018, which determined the existence of a conflict of interest in the case of a member of the Municipal Assembly of Bileća, who was at the same time employed in the Municipal Administration of Bileća as a skilled driver. This case also received a court epilogue. The plaintiff challenged the Commission's decision for erroneously and incompletely established facts, substantial breach of procedure and misapplication of substantive law. In the lawsuit, he stated that he has been a councillor in the Municipal Assembly of Bileća since 2016, where he was legally elected by the citizens in the local elections and that since 2014, he is employed in the Municipal Administration of Bileća as a skilled driver. He stated that he was employed as a driver, which belongs to the category of technical staff, and that he did not have the status of an official, so he believed that there was a violation of the provisions governing conflicts of interest in government. The court dismissed the plaintiff's lawsuit as unfounded and ultimately upheld the Commission's decision.[312] In the explanation, the court stated that the part of the Law on Civil Servants and Employees in Local-Self Government Units, which speaks of incompatibility, stipulates that an official cannot perform the function of a councillor in the assembly of a local self-government unit and that the provisions of the law on prohibited functions also apply to employees (technical staff).

4.3. EMBEZZLEMENT

Embezzlement is the illegal appropriation of money, goods or other resources by an official to whom they have been entrusted. This results in the loss of public money, which reduces the capacity of authorities to act in the interests of the public, resulting in worse services and outcomes for people. It also undermines public trust in government.

International standards

As one type of corruption, embezzlement is covered by the following international standards and guidelines:

- The **United Nations Convention against Corruption**[313] is the only legally binding universal anti-corruption instrument.
- It is supported by this **Technical Guide to the Convention**.[314]
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[315] aims to co-ordinate criminalisation of corrupt practices and to improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[316] defines common international rules for effective remedies for persons affected by corruption.
- The **European Union's Convention against Corruption Involving Officials**[317] aims to fight corruption involving officials from the EU or its Member States.

Domestic context

In Bosnia and Herzegovina, embezzlement is one of the criminal offences of corruption, bribery and crimes against official and other responsible duties. Unlike some other criminal offences in this group, embezzlement is a criminal offence which, conditionally speaking, is "easier" to prove, in relation to criminal offences of "high corruption" (so-called white-collar corruption), for example, criminal offences committed by high political officials.

Legislation

Embezzlement in the service referred to in Article 221 of the Criminal Code of Bosnia and Herzegovina[318], Article 384 of the Criminal Code of the Federation of Bosnia and Herzegovina[319], or *Embezzlement* under Article 348 of the Criminal Code of Republika Srpska[320] and Article 378 of the Criminal Code of Brčko District of Bosnia and Herzegovina[321] implies the misappropriation of money, valuables or other movable assets by a person to whom they are entrusted in the service of or in general at work in public institutions at all levels of government in Bosnia and Herzegovina with the intention of obtaining illegal property gain for themselves or others. Thus, the act consists of the misappropriation of money, securities or other movable assets, and the consequence of the action consists of obtaining for oneself or for another person some benefit, or in causing some harm to another, or more severe violation of another's rights. The perpetrator of a criminal offence can only be an official or responsible person, and intent is required with regard to guilt. The prescribed sanction for this criminal offence is imprisonment in the range of six months to five years or, for a more severe form of the offence, imprisonment in the range of one to ten years.

Example of case law

One of the interesting examples of court practice for the criminal offence of embezzlement in the service is the case in which an employee of "Bosna-Sunce Osiguranje" d.d. Sarajevo was charged with illegal acquisition of property while working on the sale of insurance so that she successively appropriated the amounts she received from the insurance contract in the total amount of BAM 23,032.51, for which amount she damaged ""Bosna-Sunce Osiguranje" d.d. Sarajevo. Criminal proceedings were instituted against the employee at the Municipal Court in Zavidovići (Judgment No. 42 0 0 K 024046 14 of 17 June 2015), second instance proceedings before the Cantonal Court in Zenica (Judgment No. 42 0 0 K 024046 15 Kž of 5 February 2016), and finally an appeal was initiated before the Constitutional Court of Bosnia and Herzegovina (case number: AP 1551/16). The appellant (defendant) considered that "Bosna-Sunce Osiguranje" d.d. was not an institution in the Federation of Bosnia and Herzegovina because it was a company with 100% private capital in terms of the Criminal Code of the Federation of Bosnia and Herzegovina, and that the appellant's actions did not acquire elements of any criminal offence, primarily criminal offences that would fall under corruption and criminal offences against official and other responsible duties."[322] The appellant therefore considered that the first and second instance courts had arbitrarily interpreted the provisions of the Criminal Code of the Federation of Bosnia and Herzegovina as to what was meant by "work in the service", holding that the provisions of the Criminal Code of the Federation of Bosnia and Herzegovina could not be applied to companies, for example legal entities. The Constitutional Court concluded that it did not consider an arbitrary interpretation of the "*reasoning of the Municipal and Cantonal Courts which considered that the perpetrator of the criminal offence of embezzlement*

in the service is any person to whom money, securities or other movables are entrusted in the service, namely that this act can be committed in any legal entity in the Federation, so the appellant was found guilty and convicted of the criminal offense of embezzlement in the service under Article 384, paragraph 2 of the Criminal Code of the Federation of Bosnia and Herzegovina".[323]

Another similar example is the recently confirmed indictment of the Cantonal Prosecutor's Office of Zenica-Doboj Canton, which charges the accused with the criminal offence of embezzlement and that, to obtain illegal property, "*he appropriated the money entrusted to him in the service, in the way that the money from the treasury in the total amount of BAM 6,617.44, which he borrowed at the workplace, and which during his work, in accordance with the provisions of Article 5 of the Employment Contract for an indefinite period, he was required to deposit regularly in the form of a market deposit on account of the Society, he did not do that, but kept the money for himself, which he wanted, aware that the money was not his.*"[324]

4.4. FRAUD

Fraud is the use of deceit in order to gain an unfair or illegal advantage. Fraud erodes public trust in government and reduces the capacity of government to act. It often results in the loss of public money, which harms public services and the ability of governments to address the public's needs and aspirations.

International standards

As one type of corruption, fraud is covered by the following international standards and guidelines:

- The **United Nations Convention against Corruption**[325] is the only legally binding universal anti-corruption instrument.
- It is supported by this **Technical Guide to the Convention**.[326]
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[327] aims to co-ordinate criminalisation of corrupt practices and to improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[328] defines common international rules for effective remedies for persons affected by corruption.
- The **European Union's Convention against Corruption Involving Officials**[329] aims to fight corruption involving officials from the EU or its Member States.

Domestic context

All forms of corruption are practised in Bosnia and Herzegovina. Fraud (in-service) is often associated with abuse of office or authority, and forgery of documents, and is often prosecuted as multiple criminal offences.

Legislation

One of the corrupt criminal offences in Bosnia and Herzegovina is *fraud in service* under Article 222 of the Criminal Code of Bosnia and Herzegovina, Article 385 of the Criminal Code of the Federation of Bosnia and Herzegovina and Article 379 of the Criminal Code of Brčko District of Bosnia and Herzegovina, and Article 317 of the Criminal Code of Republika Srpska.[330] This criminal offence is a particular form of fraud committed by an official or responsible person with the intention of obtaining illegal property gain for himself or another by submitting false accounts or misleading an authorised person to make a prohibited payment. The difference between this crime and the ordinary crime of fraud is reflected in the fact that in this crime the focus is on the violation of the lawful performance of official duties. Thus, the act of the offence consists of misleading the authorised person in such a way as to create a misconception about specific facts, on the basis of which the authorised person would commit some illegal act during the performance of the service. For committing this criminal offence, imprisonment in the range of six months to ten years is envisaged, depending on the amount of illegally obtained property gain.

Example of case law

In 2011, criminal proceedings were instituted before the Court of Bosnia and Herzegovina against L.N., who was charged with the criminal offence of fraud in service. After considering and accepting a plea agreement during the main trial, the Court found the accused guilty. It imposed a suspended sentence of eight months' imprisonment, which will not be executed if the accused does not commit a new crime within three years from the day the verdict becomes final. The accused was obliged to pay into the budget of Bosnia and Herzegovina the amount of BAM 3,493.26 KM, an amount proportional to the proceeds of crime.[331]

In September 2019, the District Public Prosecutor's Office in Trebinje issued an order to conduct an investigation against a total of 19 people on suspicion of damaging parent companies by falsifying hotel accounts, thus committing the criminal offences of document falsification (Article 347 of the Republika Srpska Criminal Code) and fraud in service. An investigation was launched against one person on the suspicion that he procured the necessary equipment for counterfeiting and used it to create forged invoices, which invoices were used by other persons for the purpose of obtaining illegal property gain, while an investigation was initiated against the other 18 persons on the suspicion that they ordered the production of forged hotel invoices and that they were delivered to the parent companies along with travel orders, thus obtaining illegal property gain for themselves in the name of non-existent costs.[332]

4.5. NEPOTISM

Nepotism is the exploitation of an official position to unfairly benefit a family member or friend (e.g. through giving a job or favour). Nepotism, and other forms of favouritism, results in local and regional authorities not having access to the brightest and best talent. This in turn creates a fertile environment for further corruption and reduces the efficiency and effectiveness of the administration.

International standards

As one type of corruption, nepotism is covered by the following international standards and guidelines:

- The **United Nations Convention against Corruption**[333] is the only legally binding universal anti-corruption instrument.
- It is supported by this **Technical Guide to the Convention**.[334]
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[335] aims to co-ordinate criminalisation of corrupt practices and to improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[336] defines common international rules for effective remedies for persons affected by corruption.
- The **Congress of the Council of Europe's Resolution and Recommendation on Fighting nepotism within local and regional authorities**[337] sets out standards for good practice and presents strategies for preventing corruption in the recruitment procedures of European local and regional governments.
- The **European Union's Convention against Corruption Involving Officials**[338] aims to fight corruption involving officials from the EU or its Member States.

Domestic context

Nepotism has been a daily occurrence in Bosnia and Herzegovina for many years, but it is not explicitly criminalised. Nepotism, bribery, and corruption have become a way of life in Bosnia and Herzegovina, and the existing legislative framework is perfectly suited to those who practise nepotism. *"Political parties are trying in all possible ways to maintain control over employment in public institutions, public companies and the like, and are therefore not ready to improve the laws."*[339] On the other hand, the presence of political influence on the judiciary contributes greatly to the impunity of abuses. Arbitrary rulings mean that a blind eye is turned to the malpractice of putting private interests before the interests of the citizens of Bosnia and Herzegovina.

Legislation

There is no criminal offence of nepotism in the criminal laws of Bosnia and Herzegovina. Given that nepotism primarily refers to the employment of close relatives in public sector bodies, the law on civil service in administrative bodies of different levels of government in Bosnia and Herzegovina could be relevant and applicable if the provisions on the incompatibility of circumstances with the duties of civil servants, for example conflicts of interest, include provisions prohibiting work under the guidance of a close relative. On the other hand, conflict of interest laws indirectly define nepotism, stipulating that a conflict of interest exists in situations where an elected official, executive or adviser has a private interest that may affect the impartial and objective performance of his or her function, whereby private interest implies any advantage for her/him or her/his family or other persons or organisations with which he has had or has business, political and other connections.[340] Elected officials, executive office-holders and public advisers must not place their private interest above the public interest.[341]

The Sarajevo Canton has made a big step forward in this regard. Namely, in April 2021, the Assembly of Sarajevo Canton adopted the *draft Law on Prevention of Nepotism and Party Employment in Public*

Sector Bodies in Sarajevo Canton.[342] The law prevents work under the leadership of a close relative and other cases of conflict of interest. It prohibits nepotism and party employment in administrative bodies, public companies, public institutions and legal entities founded by the Sarajevo Canton. The law was drafted based on a comprehensive analysis of international and legal acts of EU member states that relate to the prevention of nepotism and party employment in public sector bodies. This move represents a significant step of the Sarajevo Canton Government towards transparency and openness in its work.

Example of case law

Examples of case law on cases of nepotism in Bosnia and Herzegovina do not exist, or at least cannot be found publicly. However, nepotism in practice and everyday life in Bosnia and Herzegovina exists, as evidenced by numerous newspaper articles and media reports. Thus, Radio Free Europe published on its website the story of several elected and appointed officials who employed their closest relatives in public sector bodies.[343]

One of the interesting examples at the local level is nepotism at the Zenica Medical School. Namely, the director of the school, Hamdija Čabaravdić, who was convicted of abuse of office at the beginning of 2020, managed to get Selvir Hadrović appointed in his place, who then appointed Hamdija Čabaravdić's cousin as the assistant director. In addition, the new director Hadrović employed his wife, who was a professor of geography, as a professor of "Healthy Diet".[344]

4.6. MISUSE OF ADMINISTRATIVE RESOURCES IN ELECTION CAMPAIGNS

The misuse of administrative resources[345] during the electoral processes involves unlawful or abusive behaviour on the part of politicians and civil servants, who use human, financial, material, *in natura* and other immaterial resources to influence the outcome of elections, and thus undermine the fairness of the election itself.

International standards

As one type of corruption, the misuse of administrative resources in election campaigns is covered by the following international standards and guidelines:

- The **United Nations International Covenant on Civil and Political Rights**[346] (Articles 19, 21, 22 and 25), further elaborated in paragraph 25 of the Human Rights Committee's General Comment No. 25.[347]
- The **Council of Europe's European Convention on Human Rights (ETS No. 5)**, in particular Articles 10 and 11, and Article 3 of the **Protocol No. 1** to the Convention **(ETS No. 9)**.[348]
- The **United Nations Convention against Corruption**,[349] in particular Articles 7, 17 and 19.
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**.[350]
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**.[351]

The misuse of administrative resources during electoral processes is covered by the following international standards and guidelines:

- The **Council of Europe's Venice Commission and the OSCE/ODIHR Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes**[352] specify a series of measures and laws to be adopted in that regard.
- The **Council of Europe's Venice Commission report on the Misuse of Administrative Resources during Electoral Processes**.[353]
- The **Congress of the Council of Europe's Resolution on The misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials** and its Explanatory Memorandum.[354]
- The **Congress of the Council of Europe's Resolution on Preventing corruption and promoting public ethics at local and regional levels** and its Explanatory Memorandum.[355]
- The **Congress of the Council of Europe's Checklist** for compliance with international standards and good practices preventing misuse of administrative resources during electoral processes at local and regional level.[356]
- The **Congress of the Council of Europe's booklet on *Administrative Resources and Fair Elections*** provides practical examples and guidance.[357]

Domestic context

The complicated political and electoral structure in Bosnia and Herzegovina, created by the Dayton Peace Agreement in 1995, still represents a fertile ground for various abuses, including the misuse of public resources in election campaigns. Due to ethnic divisions, the electorate is pre-divided and determined. After the election, "*politicians can 'return' the services received during the campaign by providing benefits and employment in the civil service, favouring procurement contracts and making other contributions to their supporters*". [358]

"*The misuse of public resources in the election campaign is also the use of public media services, which are public companies financed from the budget, and which the ruling parties use for propaganda purposes, not only through paid advertising, but, more dangerously, through control over the editorial policy of public services, which consequently represent the ruling party and its officials in a positive light.*"[359]

A striking example of misuse of official resources for political purposes is the case of the Director of the Clinical Centre of the University of Sarajevo visiting the Clinical Centre Tuzla in an official car registered to the Cabinet of the Bosniak member of the Presidency of Bosnia and Herzegovina – her husband Bakir Izetbegović.[360]

Another example of the misuse of official resources in election campaigns is the case of using the helicopter service of the Government of the Republika Srpska to visit pre-election rallies. Thus, the member of the Presidency of Bosnia and Herzegovina, Milorad Dodik, has appeared at at least seven SNSD election rallies since the beginning of the election campaign, whose place and time coincide with the destinations of helicopter flights "AV 119" (AW 119), which is owned by the Republika Srpska Government.[361]

Legislation

The legal framework in Bosnia and Herzegovina does not adequately identify the misuse of administrative resources in election campaigns because the regulations do not contain provisions regulating the conduct of civil servants, the use of state, or administrative and other resources during the election period.

Although civil service laws prescribe the professional impartiality of civil servants by prohibiting civil servants from membership in political parties and working under the instructions of political parties, no special provisions regulate *"the ability of civil servants to participate in campaign activities or participate in political work, either during or after business hours* ".[362]

Article 7.2 of the BiH Election Law[363] stipulates that the competent municipal authorities are obliged to ensure equal treatment of parties and candidates in their requests to "*use public places and public facilities for campaign purposes, including holding gatherings, displaying advertisements, posters and placards*". Paragraph 3 of this article stipulates that *"the competent authorities shall not allow political parties, coalitions, lists of independent candidates and independent candidates to place advertisements, posters, or to write their names or slogans related to the election campaign, within or on buildings housing authorities at all levels, public enterprises, public institutions and local communities, on religious buildings, on public roads and public areas, except in places provided for billboards and advertising ".*

Although Article 7.3 exhaustively lists what is not allowed for candidates and supporters of political parties, lists of independent candidates, lists of members of national minorities and coalitions, as well as independent candidates and their supporters, and employees or otherwise engaged in the election administration, it does not mention the *use of official vehicles (and even helicopters) for political purposes*, which is a very common occurrence in Bosnia and Herzegovina.

The Law on Financing of Political Parties in Bosnia and Herzegovina[364] explicitly prohibits the financing of political parties by public companies, but also by private companies that have concluded a public procurement contract with the executive authorities at all levels in Bosnia and Herzegovina if the value of the contract in one calendar year exceeds the amount of BAM 10,000.00.

Example of case law

There are numerous examples of misuse of administrative resources for electoral purposes, but there is no case law in this regard. Although, as previously stated, political parties were explicitly banned from financing by public companies, during the 2014 election campaign information was published that the public company *Elektroprivreda Republike Srpske* was providing support to the political party of the Alliance of Independent Social Democrats (SNSD). An employee of Elektrodistribucija Ugljevik publicly presented data on malversations that were carried out in that company, as well as in the company *Rudnik and Termoelektrana Ugljevik (RiTE).* On that occasion, he pointed out that "*the entire Elektroprivreda Srpske is preparing for the elections, and especially Ugljevik's RiTE for a year, maybe even two years ago*", that "*not a party, but RiTE is organizing the departure of the SNSD Youth to Guča, Jahorina, Zlatibor. And not a small number of people, but 500, and all at the expense of RiTE ", that "workers of public companies are engaged day and night in*

pasting posters, billboards, that's why they are employed 20 days before the elections", and that it is *"clear why individuals get a job in public institutions and state-owned companies about 20 days before elections – to collect votes – while permanent employees are sent on vacation, given the fact that there would not be enough space to accommodate the number of employees in RiTE. When the elections are over, those who came for a definite period will not get an extension to their contract, they will be fired, and the permanent ones will come back.*"[365]

4.7. EXTORTION

Extortion is the use of coercion to obtain money, goods, services or some other advantage from an individual or institution. Beyond the damage it does to the victim, extortion reduces public trust in government and can discourage business growth and investment in the area.

International standards

As one type of corruption, extortion is covered by the following international standards and guidelines:

- The **United Nations Convention against Corruption**[366] is the only legally binding universal anti-corruption instrument.
- It is supported by this **Technical Guide to the Convention**.[367]
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[368] aims to co-ordinate criminalisation of corrupt practices and improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[369] defines common international rules for effective remedies for persons affected by corruption.
- The **European Union's Convention against Corruption Involving Officials**[370] aims to fight corruption involving officials from the EU or its Member States.

Domestic context

The Global Corruption Barometer for 2013 showed that "28% of respondents stated that they gave bribes in connection with the provision of some public services, with health and the police leading the way. Most of these respondents – 41% – said they gave bribes to speed up the process of getting services, 30% gave bribes as a token of gratitude or as a gift, 18% because they could not otherwise get a service, and 11% to get a cheaper service."[371]

According to a 2015 Transparency International BiH survey, a quarter of citizens said they had the opportunity to be bribed. The research results showed that *"the professions that come in the most contact with bribery are doctors, politicians and police officers*". More than 800 citizens contacted the free hotline 0800 55555 operated by Transparency International BIH, seeking legal advice. The largest number of reported cases, as in previous years, related to the public administration sector - citizens mainly reported corrupt employment practices.[372]

Legislation

Extortion is a criminal offence according to the entity criminal laws and the Criminal Code of the Brčko District of Bi[373]H in such a way that someone who, in order to obtain illegal property gain by force or severe threat, forces another to do or not do harm to his or someone else's property, shall be punished by imprisonment for a term between three months and five years, and one and five years respectively.

Example of case law

In 2012, E.Č. came to give birth at the General Hospital in Brčko, where Dr. Petrović assisted the birth by performing a caesarean section. The doctor demanded 100 Euros from her husband for a job well done, even though the woman had health insurance that covered all expenses. When the husband told the doctor that he would not do that, the doctor replied that the woman would not receive the necessary injection if the husband did not bring him the money. The husband filed a criminal complaint against the doctor in question. He was found guilty and sentenced to three months in prison. The very next day, the doctor applied to the court to replace the prison sentence with a fine, which the court accepted, so the doctor paid 4,500 Euros instead of a three-month stay in prison. That was his only punishment.[374]

4.8. CLIENTELISM

Clientelism is the promise and acceptance of a personal benefit (e.g. gift, loan, reward, favour, job, etc.) in exchange for political support. It is often based on an unequal relationship between a patron (e.g. political leader) and client (e.g. voter). Clientelism results in decisions that reflect the special interests of a few, rather than the wider public interest, leading to unfair and unjust outcomes.

International standards

As one type of corruption, clientelism is covered by the following international standards and guidelines:

- The **United Nations Convention against Corruption**[375] is the only legally binding universal anti-corruption instrument.
- It is supported by this **Technical Guide to the Convention**.[376]
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[377] aims to co-ordinate criminalisation of corrupt practices and to improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[378] defines common international rules for effective remedies for persons affected by corruption.
- The **Congress of the Council of Europe's Resolution and Recommendation on Fighting nepotism within local and regional authorities**[379] sets out standards for good practice and presents strategies for preventing corruption in the recruitment procedures of European local

and regional governments.

- The **European Union's Convention against Corruption Involving Officials**[380] aims to fight corruption involving officials from the EU or its Member States.

Domestic context

Bosnia and Herzegovina is often called a "captive" state, in which systemic corruption controls all spheres of state organisation, political and social life. Thus, clientelism, as one of the manifestations of corruption, is very present in Bosnia and Herzegovina. "*The main actors of political clientelism are people from the top of political parties, the business world and individuals who at the same time occupy political functions and positions in public companies or private companies.*"[381] Clientelism involves the exchange of resources, such as money, positions, employment, laws and regulations, information, and other non-financial resources, to satisfy private interests.

Bosnia and Herzegovina is a "*dominant clientelist society ... without belonging to a political party it is not possible to get a job, do business successfully, and often access to justice itself depends on belonging to a political party*".[382] "*Completely subordinated to the cartel's interests in remaining in power and gaining personal gain, the public sector as such rests on clientelism and cronyism, through which fully effective control over it is ensured.*"[383]

In the overall ranking of an index measuring the level of clientelism in the media in southeast Europe, Bosnia and Herzegovina shares the lowest position with Romania with an index score of -0.67.[384]

Legislation

All the regulations cited in this *Handbook* (civil service laws, election law, laws on prevention of conflict of interest, political party financing laws, codes of ethics) contain – although not explicitly – provisions that should prevent the emergence and spread of clientelism. However, the regulations are only formally enforced. This is most evident in the sphere of employment in the public sector. "*Responsible jobs are given to politically eligible people, vacancies in the public sector are just a farce, and getting a job is agreed within parties and outside institutions – most often in pubs.*"[385]

Example of case law

In 2021, the Office for the Fight against Corruption and Quality Management of Sarajevo Canton filed a criminal complaint for abuse of employment in the civil service for striking violations of positive legal regulations in this area, due to suspicion that the criminal offence of abuse of office or authority under Article 383 Of the Criminal Code of the Federation of Bosnia and Herzegovina was committed.[386]

4.9. PATRONAGE

Patronage is the use of an official position to appoint a person in a public office based on favouritism, often in exchange of political support. It can be closely linked to the concepts of clientelism, cronyism and nepotism. Patronage results in decisions being made not on the basis of what is in the interests of society at large, but what is in the self-interests of the decision maker and their associates. It violates the boundaries of legitimate political influence and the principles of merit, and leads to public money being misspent.

International standards

As one type of corruption, patronage is covered by the following international standards and guidelines:

- The **United Nations Convention against Corruption**[387] is the only legally binding universal anti-corruption instrument.
- It is supported by this **Technical Guide to the Convention**.[388]
- The **Council of Europe's Criminal Law Convention on Corruption (ETS No. 173)**[389] aims to co-ordinate criminalisation of corrupt practices and to improve international co-operation in the prosecution of offences.
- The **Council of Europe's Civil Law Convention on Corruption (ETS No. 174)**[390] defines common international rules for effective remedies for persons affected by corruption.
- The **Congress of the Council of Europe's Resolution and Recommendation on Fighting nepotism within local and regional authorities**[391] sets out standards for good practice and presents strategies for preventing corruption in the recruitment procedures of European local and regional governments.
- The **European Union's Convention against Corruption Involving Officials**[392] aims to fight corruption involving officials from the EU or its Member States.

Since the misuse of administrative resources during electoral processes is the most widespread manner to use patronage as a form of corruption, the following international standards are of relevance:

- The **Congress of the Council of Europe's Resolution on the Misuse of Administrative Resources during Electoral Processes: The Role of Local and Regional Elected Representatives and Public Officials**[393] provide international standards and best practices to tackle the misuse of administrative resources.
- **Joint Guidelines of the Venice Commission and OSCE/ODHIR for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes**[394] aim to assist decision-makers in adopting laws and initiating concrete measures to prevent misuse of administrative resources.

Domestic context

Alongside nepotism, patronage is one of the most common forms of conflict of interest in Bosnia and Herzegovina. Nepotism, clientelism and patronage as *"a special phenomenon where a person is selected for employment or promoted to a better-paid job due to suitable political affiliation or political ties"*[395] form an unbreakable link in the corrupt chain of employment practices in the public

sector in BiH. This is particularly pronounced at the level of local communities. It often happens that *"office-holders, as well as officials who perform tasks in local communities, are related by family, friends and business. In such circumstances, the private interests of individuals and groups often prevail over the public interest and lead to nepotism, cronyism, and conflicts of interest, which due to inadequate mechanisms to prevent them inevitably open the door to the development of corruption. This is especially present in the field of labour relations in local self-government units where, due to deficiencies in regulations governing this area and inadequate mechanisms for preventing conflicts of interest, there are numerous abuses, both in the recruitment process and promotion and status of officials. which causes the emergence of nepotism and trade in political and other influences."*[396]

Legislation

The laws on civil service at all levels of government in Bosnia and Herzegovina contain provisions on the manner of employment in administrative bodies and positions and activities incompatible with the duties of civil servants. In addition, codes of ethics include provisions on the prevention of conflicts of interest and the prevention of abuse of office, which apply not only to civil servants but also to all employees in administrative bodies.

However, incoherent internal systems and the internal inconsistency of regulations in some cases openly legalize corruption and its manifestations. Thus, for example, according to the Law on Civil Service of the Federation of Bosnia and Herzegovina, which also applies to the local level of government in the Federation of BiH, a civil servant is appointed by the head of the civil service institution, after having obtained the opinion of the FBiH Civil Service Agency, "from the list of successful candidates who passed the public competition".[397] Such a provision opens space for unlimited arbitrariness of the heads of administrative bodies – who are politically appointed persons – to bring and employ persons close and suitable to them into the bodies and institutions headed by them in order to reward those who brought their party votes in the elections. Even in cases where the head of the administrative body is prescribed to nominate the first from the list of successful candidates after the competition procedure, the law is formally met, and practice shows that in public competitions "mostly the best advisers are elected officials, party activists and family members of politicians and senior civil servants".[398] Nepotism, clientelism and patronage are especially pronounced in employment in companies, institutions and organisations with public authority because the laws on public enterprises and regulations on institutions and organisations with public authority do not contain the institute of public competition in employment of workers.

Example of practice

One of the examples of the seriousness of this issue is the example given in the publication of Transparency International BiH on employment in the civil service, public companies and institutions with public authority in the Federation of BiH: "*Becoming the head of a cantonal health institution, the new Director amended the Rules of Procedure of the institution already in the first month in such a way that he abolished the provisions from the Rules of procedure on the employment of workers through a public competition, and immediately after that employed four new workers in the institution."*[399]

CONCLUSION

Local government plays a critical role in sustaining the well-being of citizens, delivering services, and providing the first point of contact between people and public administration. The proximity with citizens can help ensure that public authorities and services are truly responsive and accountable, attuned to people's needs and aspirations, improving people's lives and strengthening their trust and confidence in local institutions.

Local governments are taking important strides in improving the legal framework towards more open and inclusive decision-making. It is essential to involve citizens and other residents in decision-making from a very early stage in the policymaking process. Local governments should translate laws and policies on open government into practice and increase their efforts to ensure transparency, accountability and the meaningful participation of citizens in policy- and decision-making. As well as being important qualities of local democracy, transparency and civic participation can help deliver effective public services, combat and prevent corruption, and build citizens' trust in government.

The mechanisms outlined in this handbook present a variety of ways in which local and regional authorities can prevent corruption, reduce its risks, and develop effective and accountable institutions at all levels. Other reforms, such as the protection of whistle-blowers and support for independent media and civil society, are equally critical to building open government, public ethics and accountability.

The Congress of Local and Regional Authorities of the Council of Europe is committed to supporting local governments in their efforts to improve the quality of local democracy, prevent corruption, raise standards of public ethics and accountability, and promote transparency and citizen participation.

Endnotes

[1] Congress of Local and Regional Authorities of the Council of Europe (March 2021), *The 2021-2026 Priorities of the Congress of Local and Regional Authorities*, Strasbourg, available at: https://rm.coe.int/2021-2026-priorities-of-the-congress-of-local-and-regional-authorities/1680a1b0bd

[2] United Nations UN (2015), *Sustainable Development Goals*, available at: https://www.un.org/sustainabledevelopment/sustainable-development-goals/

[3] United Nations UN, General Assembly (October 2015), *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, United Nations, available at: https://undocs.org/A/RES/70/1

[4] For the purpose of this publication, the term "public officials" refers to elected representatives, public authorities and civil servants (either at local, regional or central government level) who hold a legislative, administrative or judicial office, and to any person exercising a public function, including for a public agency or a state-owned enterprise.

[5] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 433 (2018) on the European Code of Conduct for all Persons Involved in Local and Regional Governance*, available at: https://rm.coe.int/16808d3295

[6] European Committee of the Regions *COR (2017), Preventing Corruption and Promoting Public Ethics at the Local and Regional Level in Eastern Partnership Countries*, available at: https://cor.europa.eu/en/engage/studies/Documents/Preventing-Corruption.pdf

[7] OECD (2019) Government at a Glance: Western Balkans, available at: https://doi.org/10.1787/a8c72f1b-en

[8] Council of Europe COE (2000), Re*commendation No. R (2000) 10 of the Committee of Ministers to member States on Codes of Conduct for Public Officials*, available at: https://rm.coe.int/16806cc1ec

[9] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 433 (2018) on the European Code of Conduct for all Persons Involved in Local and Regional Governance*, available at: https://rm.coe.int/16808d3295

[10] Council of Europe COE (2020), *Guidelines of the Committee of Ministers of the Council of Europe on public ethics*, Strasbourg, available at: http://rm.coe.int/16809a59e7

[11] European Committee on Democracy and Governance CDDG, Council of Europe COE (2020), *Guide on Public Ethics: Steps to implementing public ethics in public organisations*, available at: https://rm.coe.int/16809a4ae7

[12] Organisation for Economic Co-operation and Development OECD (2017), *OECD Recommendation on Public Integrity*, OECD, available at: http://www.oecd.org/gov/ethics/recommendation-public-integrity/

[13] Whitton H., Transparency International TI (2001), *Implementing Effective Ethics Standards in Government and the Civil Service*, available at: https://www.oecd.org/mena/governance/35521740.pdf

[14] Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption (2018) *The Integrity Development Plan – Handbook*, available at: http://www.apik.ba/zakoni-i-drugi-akti/Plan_integriteta/Archive.aspx?langTag=bs-BA&template_id=196&pageIndex=1 on page 9, accessed 24 October 2021

[15] *Law on Civil Service in the Institutions of Bosnia and Herzegovina*, article 14., paragraph 5. available at: https://www.paragraf.ba/propisi/bih/zakon-o-drzavnoj-sluzbi-u-institucijama-bosne-i-hercegovine.html accessed 24 October 2021

[16] *Law on Civil Service in the Federation of Bosnia and Herzegovina*, article 17., paragraph 7. available at: https://advokat-prnjavorac.com/zakoni/Zakon-o-drzavnoj-sluzbi-u-Federaciji-Bosne-i-Hercegovine.pdf accessed 24 October 2021

[17] *Law on Civil Servants in the Republika Srpska administration*, article 5. available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavnim-sluzbenicima.html accessed 24 October 2021

[18] *Law on Civil Service in the Public Administration Bodies of the Brcko District of Bosnia and Herzegovina*, article 21 and article 22, available at: https://skupstinabd.ba/ba/zakon.html?lang=ba&id=/Zakon%20o%20drz--avnoj%20sluz--bi accessed 24 October 2021

[19] "Official Gazette of Republika Srpska " number 115/2018, available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-republickoj-upravi.html accessed 24 October 2021

[20] Official Gazette of Republika Srpska number 97/16, available at: https://www.narodnaskupstinars.net/?q=la/akti/usvojeni-zakoni/zakon-o-slu%C5%BEbenicima-i-namje%C5%A1tenicima-u-organima-jedinice-lokalne-samouprave accessed 25 October 2021

[21] "Official Gazette of Federation of BIH" number 49/06 and 51/09 available at: http://www.podaci.net/_gBiH/propis/Zakon_o_principima/Z-plsamo04v0649-0951.html accessed 25 October 2021

[22] The Civil Service Agency of Bosnia and Herzegovina (2018) *Comparative Analysis of Civil Service Laws in the Federation of Bosnia and Herzegovina,* available at: https://www.adsfbih.gov.ba/Content/DownloadAttachment?id=0067f533-7fd7-4521-a096-5caae5e7ee54, on page 5 accessed 25 October 2021

[23] "Official Gazette of Federation of BIH" number 63/20 available at: https://www.adsfbih.gov.ba/Content/DownloadAttachment?id=93598ae2-7df1-480b-9eb5-e2157430b263 accessed 26 October 2021

[24] The Agency for the Prevention of Corruption and the Coordination of the Fight Against Corruption (2014) *Strategy for Fight Against Corruption 2015 – 2019 and Action Plan for the Implementation of the Strategy, available at: http://www.apik.ba/zakoni-i-drugi-akti/strategije/default.aspx?id=412&langTag=bs-BA on page 28, accessed 26 October 2021*

[25] Transparency International BiH (2015) *Handbook on Introduction of Integrity Plans at the Local Level,* available at: http://apik.ba/zakoni-i-drugi-akti/Plan_integriteta/default.aspx?id=402&langTag=en-US accessed 26 October 2021

[26] Tuzla Canton Government (2021) Strategy on Fight Against Corruption 2021 – 2024 and the Action Plan for the implementation of the Strategy, available at: http://www.vladatk.kim.ba/Vlada/Dokumenti/2021/Strategija_za_borbu_protiv_korupcije_TK_2021-2024_godina.pdf , on page 27, accessed 28 October 2021

[27] Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption (2018) *The Integrity Development Plan – Handbook available at:* http://www.apik.ba/zakoni-i-drugi-akti/Plan_integriteta/Archive.aspx?langTag=bs-BA&template_id=196&pageIndex=1 accessed 28 October 2021

[28] The Civil Service Agency of Federation of BiH(2021) *Professional Training Programme for the Local Governments in the Federation of BIH,* available at: http://www.obuke.adsfbih.gov.ba/images/Dokumenti/Programi_obuke/Katalog_obuke_JLS_2021.pdf, on page 28 accessed 28 October 2021

[29] Code of Conduct of Elected Representatives in the Administration and the City Assembly (2013) available at: https://trebinje.rs.ba/wp-content/uploads/2019/11/Kodeks-ponašanja.pdf accessed 29 October 2021

[30] Ethics Commission (2007) *Rules of Procedure, available at: https://trebinje.rs.ba/wp-content/uploads/2019/11/Poslovnik-o-radu-etičke-komisije-časti.pdf accessed 29 October 2021*

[31] Ethics Commission (2007) *Rules of Procedure, available at:* https://trebinje.rs.ba/wp-content/uploads/2019/11/Poslovnik-o-radu-etičke-komisije-časti.pdf accessed 29 October 2021

[32] Stari Grad Municipality (2021) *"Damir Saračević (NIP), vice-chairman of MC Stari Grad, was sanctioned for attacking Asisstant Mayor Ms Adela Plakalo"* available at: http://starigrad.ba/v2/vijest.php?id=10725 accessed 29 October 2021

[33] Council of Europe COE (2009), *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207),*available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/207

[34] Transparency International TI (2016), *Complaint Mechanisms: Reference Guide for Good Practice*, available at: https://knowledgehub.transparency.org/product/complaint-mechanisms-reference-guide-for-good-practice

[35] Danish Refugee Council DRC (2008), *Complaints Mechanism Handbook*, available at: https://www.alnap.org/help-library/complaints-mechanism-handbook

[36] Wood A., World Vision (2011), *Overview of NGO – Community Complaints Mechanisms,* available at: https://www.alnap.org/help-library/overview-of-ngo-community-complaints-mechanisms-global-accountability-discussion-series

[37] SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the OECD and the European Union. Its key objective is to strengthen the foundations for improved public governance, and hence support socio-economic development through building the capacities of the public sector, enhancing horizontal governance and improving the design and implementation of public administration reforms, including proper prioritisation, sequencing and budgeting. We have been working with our partners on strengthening their public governance systems and public administration capacities since 1992.

[38] European Comission (2021) *Bosnia and Herzegovina 2021 Report*, available at: file:///C:/Users/laptop/Downloads/Bosnia%20and%20Herzegovina%202021%20report.PDF on page 15, accessed 29 October 2021

[39] SIGMA/OECD (2017) *Monitoring Report: The Principles of Public Administration, Bosnia and Herzegovina*, November 2017, available at: http://www.sigmaweb.org/publications/Monitoring-Report-2017-Bosnia-and-Herzegovina.pdf , on page 119, accessed 29 October 2021

[40] Transparency International BiH (2017) Perception of Public Administration, available at: https://ti-bih.org/wp-content/uploads/2018/05/Percepcija-Javne-Uprave-BiH-2017-1-3.pdf , on page 15, accessed 29 October 2021

[41] Ibid., on page 15 and 22

[42] Law on Administration of BiH, "Official Gazette of BiH" No 32/02, 102/09 and 72/17, Article 41, unofficially consolidated text available at: https://advokat-prnjavorac.com/zakoni/Zakon-o-upravi-Bosne-i-Hercegovine.pdf accessed 29 October 2021

[43] Law on Organisation of Administrative Bodies in FBIH, "Official Gazette of FBIH" no. 35/05, Article 76, available at: https://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/57zakon_o_organizaciji_organa_uprave_u_federaciji_bosne_i_hercegovine.pdf accessed 29 October 2021
[44] Law on Republic Administration, "Official Gazette of Republika Srpska" no. 115/2018, Article 117, available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-republickoj-upravi.html accessed 29 October 2021
[45] Law on Public Administration of Brčko District of BIH, "Official Gazette of Brčko District BiH" no. 25/2020 – consolidated text, Article 51, available at: https://www.paragraf.ba/propisi/brcko/zakon-o-javnoj-upravi-brcko-distrikta-bosne-i-hercegovine.html accessed 29 October 2021
[46] "Official Gazette of the Federation of BiH", no 49/06 and 51/09, Article 46, available at: https://propisi.ks.gov.ba/node?field_organizacija_value=All&field_vrsta_value=All&field_pravni_izvor_value=All&field_nadleznost_value=All&field_oblast_value=All&field_strate_ki_value=All&title=zakon+o+principima+lokalne+samouprave accessed 29 October 2021
[47] "Official Gazette of Republika Srpska", No 115/2018, Article 117, available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-republickoj-upravi.html accessed 29 October 2021
[48] Instructions for submitting and resolving complaints of citizens of the Municipality of Ugljevik, available at: http://www.opstinaugljevik.net/loc/files/Dokumenti/Upustva/VazniAkti/LAT/zalba_lat.pdf accessed 29 October 2021
[49] Website of the City of Bijeljina (n.d.) Citizen' Complaints, available at: https://www.gradbijeljina.org/lat/1569.prituzbe-i-zalbe.html accessed 29 October 2021
[50] Citizens 'Complaints Guide and Citizens' Complaints Form, available at: https://www.tomislavgrad.gov.ba/ba/stream.php?kat=204 accessed 29 October 2021
[51] UNDP (2020) *"Digital transformation for 18 local governments in BiH"*, available at: https://www.ba.undp.org/content/bosnia_and_herzegovina/bs/home/presscenter/vijesti/2020/MEGDigitalnaTransformacija.html accessed 29 October 2021
[52] OECD, *Reliability of Public Services: Ensuring Citizens' Rights* (2013), available at: https://www.oecd-ilibrary.org/governance/government-at-a-glance-2013/reliability-of-public-services-ensuring-citizens-rights_gov_glance-2013-55-en
[53] OECD, *Recommendation of the Council on OECD Legal Instruments Public Service Leadership and Capability* (2019), available at: https://www.oecd.org/gov/pem/recommendation-on-public-service-leadership-and-capability-en.pdf.
[54] How to make a complaint at EU level, available at: https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/complaints-about-breaches-eu-law/how-make-complaint-eu-level_en.
[55] ADB, *Building Capacity for Redress Grievance Mechanisms*, Fitzgerald K., (2010). available at: https://www.adb.org/sites/default/files/publication/29677/building-capacity-grievance-redress-mechanisms.pdf.
[56] SIGMA/OECD (2017) *The Principles of Public Administration*, available at: http://www.sigmaweb.org/publications/Principles-of-Public-Administration-2017-edition-ENG.pdf on page 56, accessed 30 October 2021
[57] "Official Gazette of BiH", no. 2/92, "Official Gazette of the Federation of BiH" no. 29/03, "Official Gazette of Republika Srpska" no. 17/93 and 74/04 accessed 30 October 2021
[58] Article 8 of the BiH Law on Administration and Article 10 of the RS Law on Republic Administration, accessed 30 October 2021
[59] Public Administration Reform Coordinator's Office (n.d.) Strategic Framework for Public Administration Reform for the period 2018-2022, available at: https://parco.gov.ba/hr/rju/o-rju-2/strateski-okviri-za-rju/ , on page 43, accessed 30 October 2021
[60] Public Administration Reform Action Plan (2020) pages 34 to 37, available at: https://parco.gov.ba/wp-content/uploads/2016/08/HRVATSKI-AP-JULI-2020-ver16072020-nov2.pdf, accessed 30 October 2021
[61] SIGMA/OECD (2017) *The Principles of Public Administration*, available at: http://www.sigmaweb.org/publications/Principles-of-Public-Administration-2017-edition-ENG.pdf on page 60, accessed 30 October 2021
[62] Ibid. on page 116
[63] „JU Komunalno Brčko", available at: https://komunalno.ba/17-02-2020-zahtjev-za-odstetu-za-ujed-psa-lutalice-rjesava-se-u-roku-od-15-dana/ accessed 30 October 2021
[64] Council of Europe, *Protection of Whistleblowers, Recommendation CM/Rec(2014)7 and Explanatory Memorandum* (30 April 2014), available at: https://rm.coe.int/16807096c7; also Recommendation 435 (2019) of the Congress of Local and Regional Authorities of the Council of Europe on *The protection of whistleblowers - Challenges and opportunities for local and regional government* (2019), available at: https://search.coe.int/congress/Pages/result_details.aspx?ObjectId=09000016809f740e
[65] OECD, 1998 *Recommendation on Improving Ethical Conduct in the Public Service, Including Principles for Managing Ethics in the Public Service*; OECD, 2003 *Recommendation on Guidelines for Managing Conflict of Interest in the Public Service*; OECD, 2009 *Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in*

International Business Transactions; OECD, *Committing to Effective Whistleblower Protection*, 2016. Resources available at: https://www.oecd.org/governance/ethics/whistleblower-protection/

[66] Congress of Local and Regional Authorities of the Council of Europe COE (2019), *The protection of whistleblowers. Challenges and opportunities for local and regional government*, available at: https://search.coe.int/congress/pages/result_details.aspx?ObjectId=09000016809312bd

[67] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/

[68] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

[69] European Parliament and EU Council, *Directive (EU) 2019/1937 of the European Parliament and of (EU) Council of 23 October 2019 on the Protection of Persons who Report Breaches of Union Law* (2019), available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937

[70] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[71] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[72] European Commission (2019), *Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union,* available at: http://europa.ba/wp-content/uploads/2019/05/20190529-bosnia-and-herzegovina-opinion.pdf accessed 30 October 2021

[73] *Expert Report on Rule of Law issues in Bosnia and Herzegovin*a (2019), available at: http://europa.ba/wp-content/uploads/2019/12/ExpertReportonRuleofLawissuesinBosniaandHerzegovina.pdf on page 12, accessed 30 October 2021

[74] Federal Ministry of Justice (2021) 2021 Work Plan, available at: https://www.fmp.gov.ba/bs/id-2021.html?file=files/PDF/2021/Plan%20rada%20FMP%202021.%20godinu.pdf on page 13, accessed 30 October 2021

[75] "Official Gazette of BiH" number 100/13, available at: http://www.apik.ba/zakoni-i-drugi-akti/zastita-prijavitelja-korupcije/default.aspx?id=936&langTag=bs-BA accessed 30 October 2021

[76] "Official Gazette of Republika Srpska" number 62/2017, available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-zastiti-lica-koja-prijavljuju-korupciju.html accessed 30 October 2021

[77] "Official Gazette of Brčko District BiH" number 25/18, available at: https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20zas--titi%20lica%20koja%20prijavljuju%20korupciju/000%2025-18%20Zakon%20o%20zas--titi%20lica%20koja%20prijavljuju%20korupciju.pdf accessed 30 October 2021

[78] Transparency International BIH (2020) *The legislation and Practice for the Whistle-blowers Protection in Bosnia and Herzegovina*, available at: https://ti-bih.org/wp-content/uploads/2020/09/Zakonodavstvo-i-praksa-zastite-uzbunjivaca-u-BiH.pdf on page 13, accessed 31 October 2021

[79] Transparency International BIH (2020) Annual Report of the Centre for Free Legal Aid, available at: https://ti-bih.org/wp-content/uploads/2021/04/ALAC-Godisnji-izvjestaj-2020.pdf, on page 3, accessed 31 October 2021

[80] Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption (2015), available at: http://apik.ba/zakoni-i-drugi-akti/zastita-prijavitelja-korupcije/Archive.aspx?langTag=bs-BA&template_id=196&pageIndex=1 accessed 31 October 2021

[81] Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption (n.d.) available at:, http://apik.ba/acms_documents/Apik_antikorupcija_brosura.pdf accessed 31 October 2021

[82] CRMA and Foundation Infohouse (2019) *The Manual for the Protection of Whistle-blowers in the institutions of Bosnia and Herzegovina,* available at: https://infohouse.ba/wp-content/uploads/2021/03/PRIRUCNIK_za-zastitu-prijavitelja-korupcije.pdf?x83022 accessed 31 October 2021

[83] Transparency International BIH (2020) *The legislation and Practice for the Whistle-blowers Protection in Bosnia and Herzegovina*, available at: https://ti-bih.org/wp-content/uploads/2020/09/Zakonodavstvo-i-praksa-zastite-uzbunjivaca-u-BiH.pdf on page 15 and 16, accessed 31 October 2021

[84] Al Jazeera Balkans (2021) "*First instance verdict: Čaušević will be sentenced to nine years in prison", available at:* https://balkans.aljazeera.net/news/balkan/2021/5/27/bih-kemalu-causevicu-devet-godina-za-pranje-novca-i-primanje-dara accessed 31 October 2021

[85] Council of Europe COE (2000), Re*commendation No. R (2000) 10 of the Committee of Ministers to member States on Codes of Conduct for Public Officials*, available at: https://rm.coe.int/16806cc1ec

[86] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 433 (2018) on the European Code of Conduct for all Persons Involved in Local and Regional Governance*, available at: https://rm.coe.int/16808d3295

[87] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 434 (2018) and Recommendation 423 (2018) on Conflicts of interest at local and regional level,* available at: https://rm.coe.int/16808d33d0

[88] Organisation for Economic Co-operation and Development OECD (2003), *Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences*, available at: https://www.oecd.org/gov/ethics/48994419.pdf

[89] Organisation for Economic Co-operation and Development OECD *(2011), Asset Declarations for Public Officials: A Tool to Prevent Corruption*, available at: http://www.oecd.org/corruption/anti-bribery/47489446.pdf

[90] International Bank for Reconstruction and Development / The World Bank, Consultation, *Participation & Disclosure of Information* (2017), International Bank for Reconstruction and Development / The World Bank, available at: https://openknowledge.worldbank.org/bitstream/handle/10986/28895/121756-WP-PUBLIC-ADD-SERIES-IPNConsultationReportFinalwebwithlinks.pdf?sequence=1&isAllowed=y

[91] "Official Gazette of Republika Srpska", No. 18/2008, 117/2011, 37/2012 and 57/2016, available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavnim-sluzbenicima.html accessed 31 October 2021

[92] Election Law of BiH, technically consolidated text, available at: https://www.izbori.ba/Documents/documents/ZAKONI/Tehnicki_precisceni_tekst/Tehnicki_precisceni_tekst_IZ_BiH-bos.pdf accessed 31 October 2021

[93] "Official Gazette of BiH" No. 16/02, 14/03, 12/04 and 63/08; Official Gazette of the Federation of BiH, No. 70/08; Official Gazette of Republika Srpska, No. 73/08; Official Gazette of Brčko District of BiH, No. 43/08 and 47/08, accessed 31 October 2021

[94] Transparency International BiH (2014) Conflict of interest, a Guide through terms and laws in BIH, available at: https://ti-bih.org/wp-content/uploads/2014/12/Sukob-interesa-vodic-kroz-pojmove-i-zakone-u-BiH.pdf on page 26

[95] "Official Gazette of the Federation of BiH", No. 51/20, available at: https://www.adsfbih.gov.ba/Content/DownloadAttachment?id=cf46139a-ac65-4d11-90b0-a5f1fa6b4b49 accessed 1 November 2021

[96] The Civil Service Agency of FBiH (n.d.) Form no.2 Employee Data includes also information on assets, available at: https://www.adsfbih.gov.ba/Content/Read/e-karton-zaposlenika accessed 1 November 2021

[97] Central Election Commission of BiH (n.d) *Delivery of the Statement of* Assets, available at: https://www.izbori.ba/Default.aspx?lang=3&CategoryID=1066 accessed 1 November 2021

[98] Kudić M., Vujičić T., Polovina-Mandić D. (2010) *Handbook on Laws on Conflict of Interests,* available at: http://izbori.ba/Documents/2011/Brosura-sukob-interesa/Brosura-ZOSI-HRV.pdf accessed 1 November 2021

[99] "Official Gazette of Canton Sarajevo", No. 18/19, available at: https://skupstina.ks.gov.ba/sites/skupstina.ks.gov.ba/files/zakon_imovina_nosilaca_javnih_funkcija.pdf accessed 1 November 2021

[100] All documents available at: https://www.anticorrupiks.com/sadrzaj/prijava-imovine accessed 1 November 2021

[101] Register available at: https://www.anticorrupiks.com/zaposleni-javnom-sektoru accessed 1 November 2021

[102] http://opendatahandbook.org/guide/en/what-is-open-data

[103] European Union/Capgemini Consulting, *Creating Value through Open Data: Study on the Impact of Re-use of Public Data Resources* (2015), European Union, available at: https://data.europa.eu/sites/default/files/edp_creating_value_through_open_data_0.pdf

[104] More details about open data principles, please check the following sources: Lessig L., *Open Government Data Principles*, available at: https://opengovdata.org; *10 Principles for Improving Federal Transparency*, Kundra V., available at: https://bit.ly/37b8Y4o
United Kingdom's Public Data Principles, available at: http://data.gov.uk/library/public-data-principles

[105] Bosio, E., Djankov S., *How large is public procurement?* (February 2020), available at: https://bit.ly/3k1QZHh

[106] In its first session in 1946, the UN General Assembly adopted Resolution 59(I), stating that "freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated." Available at: https://undocs.org/en/A/RES/59(I)
Article 19 of the Universal Declaration of Human Rights (1948) states that the fundamental right of freedom of expression encompasses the freedom to "to seek, receive and impart information and ideas through any media and regardless of frontiers". Available at: https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf
According to the International Covenant on Civil and Political Rights (1966), "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. Available at: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

[107] Council of Europe COE (2009), *Convention on Access to Official Documents (CETS No. 2015),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/205

[108] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 435 (2018) and Recommendation 424 (2018) on Transparency and open government,* available at: https://rm.coe.int/16808d341c

[109] United Nations Economic Commission for Europe UNECE (1998), *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*, , available at: https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf

[110] Organisation for Economic Co-operation and Development OECD (2017), *Recommendation of the Council on Open Government,* available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438

[111] United Nations, Calling of an International Conference on Freedom of Information [1946] UNGA 87; A/RES/59 (I) (14 December 1946), available at: http://www.worldlii.org/int/other/UNGA/1946/87.pdf; *Universal Declaration of Human Rights* (1948), available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights
[112] European Parliament and EU Council, *Dlirective (EU) 2019/1024 of the European Parliament and of the (EU) Council* (2019), available at: https://eur-lex.europa.eu/eli/dir/2019/1024/oj
[113] Council of Europe (2020) *Access to official documents is crucial – let's make it a reality*, available at: https://www.coe.int/en/web/commissioner/-/access-to-official-documents-is-crucial-let-s-make-it-a-reality accessed 1 November 2021
[114] The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (2019) *Special Report on Experiences in the Implementation of Legislation Governing Freedom of Access to Information in Bosnia and Herzegovina*, available at: https://ombudsmen.gov.ba/documents/obmudsmen_doc2020020515415139eng.pdf on page 75, accessed 1 November 2021
[115] European Commission (2021) *Commission Staff Working Document, Bosnia and Herzegovina 2021 Report,* available at: https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en, on page 15, accessed 1 November 2021
[116] "Official Gazette of Bosnia and Herzegovina" number 28/00, 45/06, 102/09, 62/11, 100/13 available at: https://advokat-prnjavorac.com/zakoni/ZAKON_O_SLOBODI_PRISTUPA_INFORMACIJAMA.pdf accessed 1 November 2021
[117] "Official Gazette of Republika Srpska" number 21/01 available at: https://advokat-prnjavorac.com/zakoni/Zakon_o_slobodi_pristupa_informacijama_RS.pdf accessed 1 November 2021
[118] "Official Gazette of Federation of Bosnia and Herzegovina" number 32/01, 48/11 available at: https://odvjetnistvo-ljubic.com/upload/download/zakon-o-slobodi-pristupa-informacijama-u-fbih-prociscen-tekst.pdf accessed 1 November 2021
[119] The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (2019) Special Report on Experiences in the Implementation of Legislation Governing Freedom of Access to Information in Bosnia and Herzegovina, available at: https://ombudsmen.gov.ba/documents/obmudsmen_doc2020020515415139eng.pdf accessed 1 November 2021
[120] "Official Gazette of Federation of Bosnia and Herzegovina" number 57/01, available at: http://www.pufbih.ba/v1/public/upload/zakoni/727a9-uputstvo-57_01-.pdf accessed 1 November 2021
[121] "Official Gazette of Brčko District of Bosnia and Herzegovina" number 36/2004, available at: http://www.podaci.net/_gBiH/propis/Uputstvo_za_provodjenje/U-pzspin05v0436.html accessed 1 November 2021
[122] Transparency International BIH (2013) *How to Improve Transparency and Accountability of Local Governments?,* available at: https://ti-bih.org/wp-content/uploads/2016/06/MAGG-Prirucnik-Kako-unaprijediti-transparentnost-i-odgovornost-jedinica-lokalne-samouprave-1.pdf accessed 1 November 2021
[123] The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (2019) Special Report on Experiences in the Implementation of Legislation Governing Freedom of Access to Information in Bosnia and Herzegovina, available at: https://ombudsmen.gov.ba/documents/obmudsmen_doc2020020515415139eng.pdf on page 107, accessed 1 November 2021
[124] Public Administration Reform Coordinator's Office (2015) *Policy for Proactive Transparency,* available at: https://parco.gov.ba/wp-content/uploads/2016/07/politika-proaktivne-transparentnosti-u-javnoj-upravi-u-bih-1.pdf
[125] *Council of Ministers of Bosnia and Herzegovina (2018) "The Council of Ministers held its 160th Session", available at:* https://www.vijeceministara.gov.ba/saopstenja/sjednice/ accessed 1 November 2021
[126] Public Administration Reform Coordinator's Office (2021) *Report on the Third Conducted Online Survey on the Application of the Proactive Transparency Policy and Standards,* available at: https://parco.gov.ba/2021/06/22/informacija-o-trecem-provedenom-online-istrazivanju-o-primjeni-politike-i-standarda-proaktivne-transparentnosti/ accessed 1 November 2021
[127] Congress of Local and Regional Authorities of the Council of Europe COE (2017), *Resolution 417 (2017) and Recommendation 398 (2017) on Open data for better public services,* available at: https://rm.coe.int/16806fbdbc
[128] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 435 (2018) and Recommendation 424 (2018) on Transparency and open government,* available at: https://rm.coe.int/16808d341c
[129] Department of Economic and Social Affairs, United Nations UN (2013), *Guidelines on Open Government Data for Citizen Engagement,* available at: https://bit.ly/3lCmju3
[130] http://opendatatoolkit.worldbank.org/en/
[131] http://5stardata.info/en/
[132] http://opendatacharter.net/wp-content/uploads/2015/10/opendatacharter-charter_F.pdf
[133] Organisation for Economic Co-operation and Development OECD (2017), *Recommendation of the Council on Open Government,* available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438
[134] "Official Gazette of Bosnia and Herzegovina" number 42/17, available at: http://www.sluzbenilist.ba/page/akt/LhPPM81UcxE= accessed 2 November 2021
[135] "Official Gazette of Bosnia and Herzegovina" number 53/18, available at: http://www.sluzbenilist.ba/page/akt/yTFlwJyPk0o= accessed 2 November 2021

[136] "Official Gazette of Bosnia and Herzegovina" number 18/21, available at: http://www.sluzbenilist.ba/page/akt/CnTN6RU69E0= accessed 2 November 2021
[137] CPI Foundation and Budget Monitoring Centre (2016) *Open Data Management Manual,* available at: http://ogp.ba/wp-content/uploads/2016/03/Prirucnik_za_upravljanje_javnim_podacima.pdf accessed 2 November 2021
[138] Transparency International BIH (2016) Open Data Readiness Assessment in the Federation of Bosnia and Herzegovina, available at: http://ogp.ba/wp-content/uploads/2016/06/Procjena-stanja-spremnosti-na-otvorene-podatke-u-FBiH.pdf accessed 2 November 2021
[139] Public Administration Reform Coordinator's Office (2020) Open Data Readiness Assessment in Bosnia and Herzegovina, available at: https://parco.gov.ba/wp-content/uploads/2020/12/Procjena-spremnosti-za-otvorene-podatke_HR.pdf *accessed 2 November 2021*
[140] Action Plan of the BiH Council of Ministers for the implementation of the Open Government Partnership in BiH for the period 2019-2021 (2019) available at: http://mpr.gov.ba/reload/default.aspx?id=10936&langTag=bs-BA accessed 2 November 2021
[141] Public Administration Reform Coordinator's Office (2021) "*The first open data portal in BiH presented,"* available at: https://parco.gov.ba/hr/2021/10/06/prezentiran-prvi-portal-otvorenih-podataka-u-bih/ accessed 2 November 2021
[142] Project "Open Data Portal of City of Prijedor" (2021) available at: http://prijedor24h.net/2021/09/08/projekat-portal-otvorenih-podataka-grad-prijedor-foto/ accessed 2 November 2021
[143] Congress of Local and Regional Authorities of the Council of Europe COE (2017), *Resolution 421 (2017) and Recommendation 405 (2017) on Making public procurement transparent at local and regional levels,* available at: https://rm.coe.int/168074cf72
[144] Organisation for Economic Co-operation and Development OECD (2008), *Enhancing integrity in public procurement: a checklist,* available at: http://www.oecd.org/gov/ethics/enhancingintegrityinpublicprocurementachecklist.htm
[145] Organisation for Economic Co-operation and Development OECD (2015), Recommendation of the Council on Public Procurement, OECD, 18 February 2015. Available at: http://www.oecd.org/gov/public-procurement/recommendation/
[146] OECD Public Procurement Toolbox: http://www.oecd.org/governance/procurement/toolbox/
[147] World Trade Organization WTO (2014), *Revised Agreement on Government Procurement*, available at: https://www.wto.org/english/tratop_e/gproc_e/gp_revised_gpa_e.htm
[148] European Union EU, (2014), *Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement*, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014L0024-20180101
[149] United Nations Commission on International Trade Law UNCITRAL (2°14), *UNCITRAL Model Law on Public Procurement*, available at: https://www.uncitral.org/pdf/english/texts/procurem/ml-procurement-2011/2011-Model-Law-on-Public-Procurement-e.pdf
[150] European Bank for Reconstruction and Development EBRD (2015), *Are you ready for eProcurement? Guide to Electronic Procurement Reform*, available at: https://www.ebrd.com/documents/legal-reform/guide-to-eprocurement-reform.pdf
[151] Open Contracting Data Standard (OCDS), available at: https://standard.open-contracting.org/latest/en/getting_started/
[152] United Nations Office on Drugs and Crime (UNODC), *Guidebook on anti-corruption in public procurement and the management of public finances* (2013), available at: https://bit.ly/3BkP1Ij
[153] World Bank. *Benchmarking Public Procurement 2017: Assessing Public Procurement Regulatory Systems in 180 Economies* (2018), available at: https://openknowledge.worldbank.org/handle/10986/32500
[154] Draganić A., Kovačević B., Martinović A., Vukajlović I., Miraščija M. (2020) Make Public Procurement in Bosnia and Herzegovina Truly Public, available at: https://osfbih.org.ba/images/Progs/17+/LP/Pubs/Da_javne_nabavke_u_BiH_postanu_javne_bs-en.pdf, on page 21, accessed 3 November 2021
[155] PwC and Ecorys (2013) Identifying and Reducing Corruption in Public Procurement in the EU, available at: https://ec.europa.eu/anti-fraud/sites/default/files/ , on page 26, accessed 3 November 2021
[156] European Commission (2019), *Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union,* available at: http://europa.ba/wp-content/uploads/2019/05/20190529-bosnia-and-herzegovina-opinion.pdf on page 15, accessed 3 November 2021
[157] "Official Gazette of Bosnia and Herzegovina" number 39/2014, available at: http://www.sluzbenilist.ba/page/akt/J6bozIhqbMs=, accessed 3 November 2021
[158] Public Procurement Agency of Bosnia and Herzegovina (n.d.) *Legislation*, available at: https://www.javnenabavke.gov.ba/bs-Latn-BA/legislation, accessed 4 November 2021

[159] Public Procurement Agency of Bosnia and Herzegovina (n.d.) *Brief Guidelines on How To Use E-Procurement Information System*, available at: https://www.ejn.gov.ba/content/manual/Pomoc%20e-Nabavke_bs.pdf accessed 4 November 2021
[160] Center for Security Studies-BiH (2017) Guidelines through Public Procurement in Bosnia and Herzegovina, available at: http://css.ba/wp-content/uploads/2017/05/Vodic_JN_ACroSS.pdf accessed 4 November 2021
[161] Tulić A., Porobić M., Golubović S. (2020) Handbook for Prosecutors and Judges: Corruption Risks in Public Procurement Procedures, available at: http://www.account.ba/upload/documents/Prirucnik, accessed 4 November 2021
[162] Open Government Partnership (2019) Bosnia and Herzegovina Action Plan 2019-2021, available at: https://www.opengovpartnership.org/documents/bosnia-and-herzegovina-action-plan-2019-2021/ accessed 4 November 2021
[163] Transparency International BIH (2018) Public Procurement Monitoring, available at: https://ti-bih.org/wp-content/uploads/2019/07/Policy_1.pdf, on page 4, accessed 4 November 2021
[164] Pratimo Tendere portal (n.d.) Monitoring Results, available at: https://pratimotendere.ba/bs-Latn-BA , accessed 4 November 2021
[165] Pratimo Tendere (2021) "Fight against corruption: *The Pratimo Tendere portal and the Public Procurement Agency have established cooperation*", available at: https://pratimotendere.ba/bs-Latn-BA/articles/4286/borba-protiv-korupcije-portal-pratimotendere-i-agencija-za-javne-nabavke-bih-ozvanicili-saradnju accessed 5 November 2021
[166] International Public Sector Accounting Standards (IPSAS), IPSAS Board, more information available at: https://www.iasplus.com/en/resources/global-organisations/ipsasb accessed 5 November 2021
[167] International Standards of Supreme Audit Institutions ISSAI, more information about the framework available at: http://www.issai.org/ accessed 5 November 2021
[168] Swarbrick A., Vrolijk J., Salgrave M. (2020) SIGMA-Peer Review Report of the Supreme Audit Institutions, available at: http://revizija.gov.ba/Content/DownloadAttachment?Id=ae344743-e8f0-480b-8b76-5b716344ea51&langTag=bs on page 11, accessed 5 November 2021
[169] "Official Gazette of Bosnia and Herzegovina" number 12/06, available at: http://www.sluzbenilist.ba/page/i/WJptwLvwDOw= accessed 5 November 2021
[170] "Official Gazette of Republika Srpska" number 98/05 and 20/14, available at: http://www.gsr-rs.org/static/uploads/zakon_o_reviziji/zakon_o_reviziji_javnog_sektora_rs_lat.pdf, accessed 5 November 2021
[171] "Official Gazette of Federation Bosnia and Herzegovina" number 22/06, available at: https://www.vrifbih.ba/zakon-o-reviziji/?lang=hr, accessed 5 November 2021
[172] "Official Gazette of Brčko District of Bosnia and Herzegovina" number 40/08, 29/14, 04/15, 23/16 available at: https://skupstinabd.ba/3-zakon accessed 5 November 2021
[173] Centre for Civic Initiatives (2020) Analysis of Local Governments' Audit Reports in Federation of Bosnia and Herzegovina, available at: http://www.cci.ba/download/docs/Analiza , on page 7, accessed 5 November 2021
[174] Public Administration Reform Action Plan (n.d.) available at: https://parco.gov.ba/wpcontent/uploads/2016 , on page 42, accessed 5 November 2021
[175] European Commission (2021) Bosnia and Herzegovina 2021 Report, available at: https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en, on page 62, accessed 5 November 2021
[176] Swarbrick A., Vrolijk J., Salgrave M. (2020) SIGMA-Peer Review Report of the Supreme Audit Institutions, available at: http://revizija.gov.ba/Content/DownloadAttachment?Id=ae344743-e8f0-480b-8b76-5b716344ea51&langTag=bs on page 65, accessed 5 November 2021
[177] Audit Office of the Institutions of Bosnia and Herzegovina (2019) A Brief Guide - Audit Office of the Institutions of Bosnia and Herzegovina http://revizija.gov.ba/Content/DownloadAttachment?Id=14ec80ec-4aad-43db-9072-37d96801abb1&langTag=bs , accessed 5 November 2021
[178] Audit Office of the Institutions of Bosnia and Herzegovina (2020) "*The Meeting was held between the Audit Office and Civil Society Organisations*", available at: http://revizija.gov.ba/Post/Read/odrzan-konsultativni-sastanak-sa-predstavnicima-organizacija-civilnog-drustva%202020 accessed 5 November 2021
[179] Audit Office of the Institutions of Bosnia and Herzegovina (2020) *"A Working Group has been Established to Improve the Results of the Audit Process"*, available at: http://www.revizija.gov.ba/Post/Read/formirana-radna-grupa-za-unapredjenje-rezultata-procesa-revizije accessed 5 November 2021
[180] Organisation for Economic Co-operation and Development (OECD), Financing *Democracy – Funding of Political Parties and Election Campaigns and the Risk of Policy Capture*, OECD, (2016) available here: https://bit.ly/3roNrAN.
[181] Congress of Local and Regional Authorities of the Council of Europe COE, *Resolution 402 (2016) on "The misuse of administrative resources during electoral processes"*, available here: https://rm.coe.int/1680719382
[182] Venice Commission, Council of Europe COE, *Guidelines and report on the financing of political parties,* Council of Europe, Venice Commission (2001), available at: https://www.venice.coe.int/webforms/documents/?pdf=CDL-INF(2001)008-e

[183] Venice Commission, Council of Europe COE, *Compilation of Venice Commission Opinions and Reports concerning Political Parties*, Council of Europe, Venice Commission (2013), available at: https://www.venice.coe.int/webforms/documents/?pdf=CDL(2013)045-e

[184] Council of Euorpe COE, *Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns*, available at: https://rm.coe.int/16806cc1f1

[185] Transparency International BiH *(2011)* Financing of Political Parties in BiH*,* available at: https://ti-bih.org/wp-content/uploads/2011/03/Finansiranje-politickih-partija-BiH-2010.pdf, on page 11, accessed 6 November 2021

[186] "Official Gazette of BiH" integral text available at: https://advokat-prnjavorac.com/zakoni/Izborni_zakon_BiH.pdf

[187] "Official Gazette of BiH" number 95/12 and 41/16, available at: https://www.parlament.ba/law/DownloadDocument?lawDocumentId=81ce8507-1dc7-480a-84e2-282277579605&langTag=bs accessed 6 November 2021

[188] "Official Gazette of Republika Srpska" number 65/08, available at: https://www.narodnaskupstinars.net/?q=la/akti/usvojeni-zakoni/zakon-o-finansiranju-politi%C4%8Dkih-stranaka-iz-bud%C5%BEeta-republike-grada-i-op%C5%A1tine accessed 6 November 2021

[189] "Official Gazette of Brčko District of BiH" numbers. 29/04, 14/07 and 19/07, available at: https://skupstinabd.ba/ba/zakon.html?lang=ba&id=/Zakon%20o%20finansiranju%20politic--kih%20stranaka accessed 6 November 2021

[190] Central Electoral Commission bylaws available at: https://www.izbori.ba/Default.aspx?CategoryID=59&Lang=3&Mod=4 accessed 6 November 2021

[191] Article 19.9 Par. (1) point s) of the Election Law of BiH available at: https://advokat-prnjavorac.com/zakoni/Izborni_zakon_BiH.pdf, Article 19 of the Law on Financing of Political Parties of BiH, available at: https://www.parlament.ba/law/DownloadDocument?lawDocumentId=81ce8507-1dc7-480a-84e2-282277579605&langTag=bs accessed 6 November 2021

[192] Konrad Adenauer Stiftung (2010) *Handbook on Election Campaign,* available at: https://www.kas.de/c/document_library/get_file?uuid=5f03ff1f-6160-bf21-0032-0ba1c71fac95&groupId=252038 accessed 6 November 2021

[193] International Foundation for Electoral Systems (2018) Abuse of State Resources Research and Assessment Framework - Bosnia and Herzegovina , available at: https://www.ifes.org/sites/default/files/bih_asr_final_report_bosanski_april_2018.pdf accessed 6 November 2021

[194] Central Electoral Commission of BIH (2017) avaliable at https://www.izbori.ba/Default.aspx?CategoryID=676&Lang=3 accessed 6 November 2021

[195] Central Electoral Commission of BIH (n.d.) "*Information on Deleted Political Parties from the Court Register*", available at: https://www.izbori.ba/Documents/2021/R/Informacija_o_brisanim_strankama accessed 6 November 2021

[196] Council of Europe COE, *European Charter of Local Self*-Government. Council of Europe (1985), available at: https://rm.coe.int/168007a088

[197] Congress of Local and Regional Authorities of the Council of Europe COE (2009), *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority,* available at: https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=207

[198] Council of Europe COE (2009), *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)*,available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/207

[199] Council of Europe COE, Committee of Ministers (2017), *Guidelines for civil participation in political decision making, CM(2017)83-final*, available at: https://rm.coe.int/16807626cf

[200] Council of Europe COE (2018), *Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life*, available at: http://rm.coe.int/16807954c3

[201] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 435 (2018) and Recommendation 424 (2018) on Transparency and open government,* available at: https://rm.coe.int/16808d341c

[202] Conference of International NGOs of the Council of Europe COE, *Code of Good Practice for Civil Participation in the Decision-Making Process*, adopted by the Conference of International NGOs of the Council of Europe (2009), available at: http://www.coe.int/en/web/ingo/civil-participation

[203] European Center for Not-for-profit Law (ECNL) for the European Committee on Democracy and Governance, Council of Europe COE, *Civil Participation in Decision-Making Processes. An Overview of Standards and Practices in Council of Europe Member States,* European Center for Not-for-profit Law (ECNL) for the European Committee on Democracy and Governance, Council of Europe COE (2016), available at: http://ecnl.org/wp-content/uploads/2016/10/Civil-participation-in-decision-making-processes_EN-An-Overview-of-Standards-and-Practices-in-CoE-Member-States.pdf

[204] Organisation for Economic Co-operation and Development OECD (2017), *Recommendation of the Council on Open Government,* available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438

[205] Organisation for Economic Co-operation and Development OECD (2010), *Guiding Principles for Open and Inclusive Policy Making,* available at: http://www.oecd.org/gov/46560128.pdf

[206] Organisation for Economic Co-operation and Development OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, available at: http://dx.doi.org/10.1787/9789264048874-en

[207] Organisation for Economic Co-operation and Development OECD, Observatory of Public Sector Innovation, more information available at: https://www.oecd.org/governance/observatory-public-sector-innovation/blog/page/findingtherighttools.htm

[208] Open Government Partnership OGP (2015), *The Open Government Guide* available at: https://www.opengovpartnership.org/documents/the-open-government-guide/

[209] Open Government Partnership OGP (2017), *OGP Toolbox*, available at: https://www.opengovpartnership.org/resources/ogp-toolbox

[210] Rodrigo D. and Andrés Amo P (2006)., *Background Document on Public Consultation*, Organisation for Economic Co-operation and Development OECD, available at: https://www.oecd.org/mena/governance/36785341.pdf

[211] Public Sector Innovation Network, Australian Government, available at: https://innovation.govspace.gov.au

[212] Cabinet Office of the Government of the United Kingdom (2017), *Open Policy Making Toolkit*, available at: https://www.gov.uk/guidance/open-policy-making-toolkit

[213] The Forum for Ethical AI, *Democratising decisions about technology. A toolkit* (2019), Royal Society of the Arts, United Kingdom, available at: https://www.thersa.org/globalassets/reports/2019/democratising-decisions-tech-report.pdf

[214] The Decision on the appointment of the Cantonal Development Committee for the development of Sarajevo Canon's 2021-2027 Development Strategy number 21/20 available at: http://www.glasila.ba/page/akt/jAYjohz4nh78h77gNbt2w= , accessed 8 November 2021

[215] Center for the Promotion of Civil Society (2013) *Report on Enabling Environment for Civil Society Development in BiH,* available at: https://civilnodrustvo.ba/wp-content/uploads/2021/02/izvjestaj-o-poticajnom-okruzenju-za-razvoj-civilnog-drustva-u-bih-2013.pdf accessed 8 November 2021

[216] "Official Gazette of the Federation of BIH" number 49/06 and 51/09 available at: http://www.podaci.net/_gBiH/propis/Zakon_o_principima/Z-plsamo04v0649-0951.html, accessed 8 November 2021

[217] "Official Gazette of Republika Srpska " number 115/2018, available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-lokalnoj-samoupravi.html, accessed 8 November 2021

[218] ALDI (2017) *Manual for Public Policy Analysis: Introduction to the Public Policy Making Process at the Local Level*, available at: https://www.aldi.ba/publications/Prirucnik%20za%20analizu%20javnih%20politika%20.pdf accessed 8 November 2021

[219] Centre for Civic Initiatives (2017) *Public Participation in the Process of Programming in Government Institution of BiH (Citizens in the Centre of Decision-Making)* , available at: http://www.cci.ba/download/docs/Analiza+Ucesce+javnosti+u+procesu+programiranja+rada+u+institucijama+vlasti+u+BiH.pdf/0ccd9172eaa8f6347b8371a97b8a3bfa accessed 8 November 2021

[220] Ministry of Justice of BiH (2018) *The Agreement on Cooperation between the Council of Ministers of BiH and non-governmental organizations in BIH, available at:* http://mpr.gov.ba/nvo/archive.aspx?langTag=bs-BA&template_id=116&pageIndex=1 accessed 8 November 2021

[221] "Official Gazette of BiH" number 89/18, available at: http://www.sluzbenilist.ba/page/akt/lhohz4nh78h77xgxJdKF8= accessed 8 November 2021

[222] SOGRS and SOGFBIH (2020) *Best Practices of Local Self Governments within the ReLOAD Project, available at: https://www1.undp.org/content/dam/bosnia_and_herzegovina/docs/News/AK/ReLOaD/Odabir%20najboljih%20praksi%20-%20bos.jezik.pdf* , accessed 8 November 2021

[223] Tešanj Municipality (2018) *Rules of Procedure of Tesanj Municipality Council*, available at: https://opcina-tesanj.ba/precisceni-tekst-poslovnika-o-radu-opcinskog-vijeca/ accessed 9 November 2021

[224] Tešanj Municipality (2017) *"Civic Time with Councillors*" available at: https://opcina-tesanj.ba/gradanski-sat-sa-vijecnicima/ accessed 9 November 2021

[225] Council of Europe COE (2009), *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)*,available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/207

[226] Congress of Local and Regional Authorities of the Council of Europe COE (2016), *Resolution 405 (2016) on Gender budgeting,* available at: https://rm.coe.int/1680718ce9

[227] Organisation for Economic Co-operation and Development OECD, Heimans J. (2002), *Strengthening Participation in Public Expenditure Management: Policy Recommendations for Key Stakeholders*, Policy Brief No. 22, available at: http://www.oecd-ilibrary.org/development/strengthening-participation-in-public-expenditure-management_640564834060

[228] The World Bank WB, Shah A. (ed.) (2007), *Participatory Budgeting*, Public Sector Governance and Accountability Series, Washington DC, available at:

https://documents.worldbank.org/curated/en/635011468330986995/pdf/394980REVISED0101OFFICIAL0USE0ONLY1.pdf

[229] UN Habitat (2004), *72 Frequently Asked Questions about Participatory Budgeting*, *Urban Governance Toolkit Series,* , Quito, available at: https://unhabitat.org/books/72-frequently-asked-questions-about-participatory-budgeting/

[230] Dias N., Enríquez S. and Júlio S. (eds.) (2019), *The World Atlas of Participatory Budgeting*, available at: https://www.oficina.org.pt/participatory-budgeting-world-atlas-2019.html

[231] PB Network (2013), *Participatory Budgeting Unit toolkits and how-to guides,* available at: https://pbnetwork.org.uk/participatory-budgeting-toolkits-and-how-to-guides/

[232] International Budget Partnership (2013), *Subnational Open Budget Survey Questionnaire*, Washington DC, available at: https://www.internationalbudget.org/wp-content/uploads/SN-OBS_Questionnaire_final020514vrquestions_em.pdf

[233] Global Initiative for Fiscal Transparency GIFT (2016), *Principles of Public Participation in Fiscal Policy,* available at: http://www.fiscaltransparency.net/pp_principles/

[234] Avdić S., (2020) *Openness of Local Self-Governments in Bosnia and Herzegovina*, available at: http://library.fes.de/pdf-files/bueros/sarajevo/16512.pdf, accessed 10 November 2021

[235] "Official Gazette of Republika Srpska" number 115/2018, available at: https://www.paragraf.ba/propisi/republika-srpska/zakon-o-lokalnoj-samoupravi.html, accessed 10 November 2021

[236] Centre for Civic Initiatives (2007) *Little Budget School,* available at: http://www.cci.ba/download/docs/Mala+škola+budžeta.pdf/3562a69f36f2c9f3709d18ec60692164 accessed 10 November 2021

[237] Tomic M., (2021) *A Guide to Improving Budget Transparency*, available at: https://parco.gov.ba/wp-content/uploads/2021/07/Vodic-za-unaprjedenje-budzetske-transparentnosti_ver_bos_web.pdf accessed 10 November 2021

[238] Municipality Centre Sarajevo (2021) "*Public call for project proposals",* available at: http://www.centar.ba/novost/17448/javni-poziv-za-dostavu-prijedloga-projekata-iz-oblasti-zastite-okolisa-komunalne-infrastrukture-i-lokalno-ekonomskog-razvoja accessed 10 November 2021

[239] Council of Europe COE (2009), *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)*,available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/207

[240] Rodrigo D. and Andrés Amo P., *Background Document on Public Consultation*, Organisation for Economic Co-operation and Development OECD (2006), available at: https://www.oecd.org/mena/governance/36785341.pdf

[241] Council of Europe COE, Committee of Ministers (2017), *Guidelines for civil participation in political decision making*, CM(2017)83-final, available at: https://rm.coe.int/16807626cf

[242] Council of Europe COE (2018), *Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life*, available at: http://rm.coe.int/16807954c3

[243] Organisation for Economic Co-operation and Development OECD (2017), *Recommendation of the Council on Open Government,* available at: https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438

[244] *Reaching Out: Guidelines on Consultation for Public Sector Bodies (2016)*, Republic of Ireland, available at: https://www.hpra.ie/docs/default-source/publications-forms/corporate-policy-documents/reaching_out_-_guidelines_on_consultation_for_public_sector_bodies.pdf?sfvrsn=2

[245] Official Gazette of Bosnia and Herzegovina number 5/17, available at: http://www.sluzbenilist.ba/page/akt/zLcnWynJShM= accessed 11 November 2021

[246] European Commission (2021) *Bosnia and Herzegovina 2021 Report*, available at: https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en on page 11, accessed 11 November 2021

[247] Public Administration Reform Coordinator's Office (2020) *Strategic Framework for Public Administration Reform for the period 2018-2022*, available at: https://parco.gov.ba/hr/rju/o-rju-2/strateski-okviri-za-rju/ on page 11, accessed 11 November 2021

[248] Škrabalo M. (2010) *Policy Development Manual for Civil Servants in BIH*, available at: https://www1.undp.org/content/dam/bosnia_and_herzegovina/docs/Research&Publications accessed 12 November 2021

[249] RCC and RESPA (2017) *Recommendation on Public Participation in Policy-Making Process for Western Balkans,* available at: https://www.rcc.int/download/docs/LEGAL%20MAX%20Public%20Participation accessed 12 November 2021

[250] Action Plan of the BiH Council of Ministers for the implementation of the Open Government Partnership in BiH for the period 2019-2021 (2019) available at: http://mpr.gov.ba/reload/default.aspx?id=10936&langTag=bs-BA accessed 12 November 2021

[251] Building Democratic Participation in the City of Mostar (2021) available at: https://mostargradimo.ba/en/home/ accessed 12 November 2021

[252] Mostar City Council (2021) *13th Session of the Mostar City Council*, available at: https://vijece.mostar.ba/hr/sjednice/sjednice-2020-2024/sjednice-2021/item/389-13-sjednica-gradskog-vijeca-grada-mostara-saziv-2020-2024 accessed 17 November 2021

[253] Ministry of Justice of BIH (2021) *The Report on the Implementation of Rules for Public Consultation,* available at: *http://mpr.gov.ba/web_dokumenti/default.aspx?id=11535&langTag=bs-BA* on page 4, accessed 13 November 2021

[254] Council of Europe COE (2009), *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207)*,available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/207

[255] Organisation for Economic Co-operation and Development OECD (2003), *Promise and Problems of E-Democracy: Challenges of Online Citizen Engagement*, available at: http://www.oecd.org/gov/digital-government/35176328.pdf

[256] Official Gazette of Republika Srpska numbers 21/92 –consolidated text, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05, available at: https://www.narodnaskupstinars.net/sites/default/files/upload/dokumenti/ustav/lat/ustav_republike_srpske.pdf accessed 13 November 2021

[257] "Official Gazette of Republika Srpska" number 42/10, available at: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Zakon%20o%20referendumu%20i%20gradjanskoj%20inicijativi.pdf accessed 14 November 2021

[258] "Official Gazette of Republika Srpska" number 97/16 available at: https://www.banjaluka.rs.ba/wp-content/uploads/2018/05/statut-grada-BL.pdf accessed 14 November 2021

[259] Čitluk Municipality (2008) Statute of the Čitluk Municipality, available at: https://www.citluk.ba/files/2021/02/Statut_Opcine_Citluk.pdf accessed 14 November 2021

[260] Bakić D. (2016) Citizens Initiative - Direct participation of citizens in the democratic development of local communities, available at: https://www.fli.ba/wp-content/uploads/2017/11/Gradjanska_inicijativa_Dajana_Bakic_2016.pdf accessed 14 November 2021

[261] Centre for Environment (2017) *"Are you Ready to Launch a Citizen's Initiative",* available at: https://czzs.org/jeste-li-spremni-pokrenuti-gradansku-inicijativu/ accessed 14 November 2021

[262] Stanković D., Pralica M. (n.d.) A Brief Introduction to Formal and Non-formal Opportunities for Citizens to Act, available at: https://ostranula.org/kratak-uvod-u-formalne-i-neformalne-mogucnosti-djelovanja-gradjana/ accessed 14 November 2021

[263] Nasastranka.com (2016) *"Nasa stranka Banja Luka: the Supreme Court confirmed that Decision to build a Church on a green area is illegal"*, available at: https://www.nasastranka.com/nasa-stranka-banja-luka-vrhovni-sud-potvrdio-da-je-odluka-o-gradnji-crkve-na-zelenoj-povrsini-nezakonita/4435/ accessed 14 November 2021

[264] Eko Online (n.d.) Citizens Initiative for Borik, available at: https://eko.ba/hotspots/127-gradanska-iniciativa-za-borik accessed 14 November 2021

[265] Council of Europe COE, *Holding Referendums at Local Level* (2021), Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee), available at: https://rm.coe.int/holding-referendums-at-local-level-monitoring-committee-rapporteur-vla/1680a287be

[266] Venice Commission, Council of Europe COE, Code of Good Practice on Referendums (2006), Euopean Commission for Democracy through Law (Venice Commission), available here: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2007)008rev-cor-e

[267] Council of Europe COE, *Committee of Ministers' Declaration on the Code of Good Practice on Referendum*s, available at: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2007)008rev-cor-e

[268] The Congress of Local and Regional Authorities of the Council of Europe COE, *Resolution 472 (2021) on Holding referendums at local level,* available at: https://rm.coe.int/res-472-2021-en-local-referendums-monitoring-committee-rapporteur-vlad/1680a2dfdf

[269] United Nations UN (2015), *Sustainable Development Goals*, available at: https://www.un.org/sustainabledevelopment/sustainable-development-goals/

[270] Only the Constitution of Tuzla and the Constitution of the Western Herzegovina Canton have provisions on a referendum.

[271] The Constitution of Republika Srpska number 21/92 –consolidated text, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05, available at: https://www.narodnaskupstinars.net/sites/default/files/upload/dokumenti/ustav/lat/ustav_republike_srpske.pdf accessed 17 November 2021

[272] Bakić D. (2016) Citizens Initiative - Direct participation of Citizens in the Democratic Development of Local Communities, available at: https://www.fli.ba/wp-content/uploads/2017/11/Gradjanska_inicijativa_Dajana_Bakic_2016.pdf accessed 17 November 2021

[273] The Statute of the City of Zenica (2015) Article 88., available at: https://www.zenica.ba/fileadmin/user_upload/PDF/Statut_Grada_Zenica.pdf accessed 17 November 2021

[274] The Statute of the City of Široki Brijeg (2016) Article 91. available at: http://sirokibrijeg.ba/index.php/dokumenti/finish/3-dokumenti/973-statut-grada-sirokog-brijega accessed 17 November 2021

[275] Radio Slobodna Evropa (2018) *"Victory of the citizens in Lukavac"*, available at: https://www.slobodnaevropa.org/a/referendum-nacelnik-lukavac/29226076.html accessed 17 November 2021

[276] Džihanović-Gratz, S. (2010) *Forms of Corruption in Bosnia and Herzegovina in the Privatisation Process*, Privredna štampa Sarajevo, on page 33, accessed 17 November 2021

[277] Transparency International BiH (2021) *Corruption Trial Monitoring Report, Second Report*, at: https://ti-bih.org/wp-content/uploads/2021/11/TIBIH-Izvjestaj-o-pracenju-sudjenja.pdf accessed 17 November 2021

[278] European Commission (2021) Bosnia and Herzegovina 2021 Report, available at: https://europa.ba/wp-content/uploads/2021/10/Bosnia-and-Herzegovina-Report-2021.pdf on page 4, accessed 17 November 2021

[279] Court of Bosnia and Herzegovina (n.d.) Verdicts for criminal offenses of corruption, available at: http://www.sudbih.gov.ba/stranica/104/pregled , accessed 17 November 2021

[280] FAKTOR.BA (2021) „*Trials of politicians: Covic is record holder, who has been convicted so far, and who has been released*", available at: https://faktor.ba/vijest/sudenja-politicarima-rekorder-covic-ko-je-do-sada-osuden-a-ko-osloboden-/53529 accessed 17 November 2021

[281] European Commission (2021) *Bosnia and Herzegovina 2021 Report,* available at: https://ec.europa.eu/neighbourhood-enlargement/bosnia-and-herzegovina-report-2021_en, on page 22, accessed 17 November 2021

[282] Ibid, pages 4 and 5

[283] Organisation for Economic Co-operation and Development OECD (2003), *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, available at: http://www.oecd.org/corruption/oecdantibriberyconvention.htm

[284] International Organisation for Standardisation IOS, *ISO 37001 – Anti-bribery management systems*, available at: https://www.iso.org/iso-37001-anti-bribery-management.html

[285] Organisation for Economic Co-operation and Development OECD (2010), *Good Practice Guidance on Internal Controls, Ethics, and Compliance*, available at: https://www.oecd.org/daf/anti-bribery/44884389.pdf

[286] Academy of Sciences and Arts of BiH and Faculty of Economics of the University of Sarajevo (2016) Roundtable *"Competitiveness Report 2015–2016: Reflection on the Reform Agenda: Working Paper"*, available at: https://www.anubih.ba/images/news/PDF/Radni%20materijal%20Izvjestaj%20o%20konkurentnosti%202015%202016_opt.pdf, accessed 17 November 2021

[287] GRECO (2016) *Third Interim Report on Bosnia and Herzegovina's Compliance with GRECO Recommendations: "Incriminations (ETS 173 and 191, GPC 2)"*, available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c4755 on pages 3 to 6; GRECO (2017), *Fourth Interim Report on Bosnia and Herzegovina's Compliance with GRECO Recommendations: "Incriminations (ETS 173 and 191, GPC 2)"* , available at: https://rm.coe.int/treci-krug-evaluacije-cetvrti-privremeni-izvjestaj-o-uskla-enosti-bosn/1680735d5a on pages 3 to 6, accessed 18 November 2021

[288] Article 217 of the Criminal Code of Bosnia and Herzegovina, Article 380 of the Criminal Code of the Federation of Bosnia and Herzegovina, Article 374 of the Criminal Code of Brčko District BiH, accessed 18 November 2021

[289] Article 351 of the Criminal Code of Republika Srpska, accessed 18 November 2021

[290] Court of Bosnia and Herzegovina, case No. S1 2 K 017004 14 K, judgements available at: http://www.sudbih.gov.ba/predmet/3369/show , accessed 18 November 2021

[291] Transparency International BiH (2014) *Best Practices in Detecting and Sanctioning Corruption*, available at: https://ti-bih.org/wp-content/uploads/2014/12/Najbolje-prakse-u-otkrivanju-i-sankcionisanju-korupcije-1.pdf, accessed 18 November 2021

[292] Organisation for Economic Co-operation and Development OECD (2003), *Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences*, page 24, available at: http://www.oecd.org/gov/ethics/48994419.pdf

[293] Council of Europe COE (2000), *Recommendation No. R (2000) 10 of the Committee of Ministers to member States on Codes of Conduct for Public Officials*, available at: https://rm.coe.int/16806cc1ec

[294] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 433 (2018) on the European Code of Conduct for all Persons Involved in Local and Regional Governance*, available at: https://rm.coe.int/16808d3295

[295] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 434 (2018) and Recommendation 423 (2018) on Conflicts of interest at local and regional level*, available at: https://rm.coe.int/16808d33d0

[296] Organisation for Economic Co-operation and Development OECD (2003), *Guidelines for Managing Conflict of Interest in the Public Service*, available at: http://www.oecd.org/gov/ethics/managingconflictofinterestinthepublicservice.htm

[297] Congress of Local and Regional Authorities of the Council of Europe COE (2017), *Resolution 421 (2017) and Recommendation 405 (2017) on Making public procurement transparent at local and regional levels*, available at: https://rm.coe.int/168074cf72

[298] Organisation for Economic Co-operation and Development OECD (2008), *Enhancing integrity in public procurement: a checklist*, OECD, available at: http://www.oecd.org/gov/ethics/enhancingintegrityinpublicprocurementachecklist.htm

[299] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/

[300] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

[301] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[302] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[303] European Union EU (June 1997), *Convention against Corruption Involving Officials*, Official Journal C 195 , 25/06/1997 P. 0002 – 0011, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33027

[304] Organisation for Economic Co-operation and Development OECD (2017), OECD Recommendation on Public Integrity, OECD, available at: http://www.oecd.org/gov/ethics/recommendation-public-integrity/

[305] The Registry is available at: https://registar.transparentno.ba/bs-Latn-BA, accessed 18 November 2021

[306] Transparency International BiH (2020) "*TI BIH published the Register of Public Office Holders in BiH: 61 officials hold two functions*", available at: https://ti-bih.org/ti-bih-objavio-registar-nosilaca-javnih-funkcija-u-bih-61-funkcioner-obavlja-duple-funkcije/ accessed 18 November 2021

[307] For more information see Sub-Chapter 1.5.

[308] "Official Gazette of BiH", numbers 16/02, 14/03, 12/04, 63/08 and 18/12, consolidated text avaiable at: https://www.izbori.ba/Documents/documents/ZAKONI/Zakon_o_sukobu_interesa_u_nesl_precisceni_tekst.pdf accessed 18 November 2021

[309] "Official Gazette of the Federation of BiH", number 70/08, available at: http://www.fbihvlada.gov.ba/bosanski/zakoni/2008/zakoni/28hrv.htm accessed 18 November 2021

[310] "Official Gazette of Republika Srpska", number 73/08, available at: https://www.narodnaskupstinars.net/?q=la/akti/usvojeni-zakoni/zakon-o-spre%C4%8Davanju-sukoba-interesa-u-organima-vlasti-republike-srpske accessed 18 November 2021

[311] "Official Gazette of Brčko District BiH", numbers. 43/08 and 47/08, available at: https://skupstinabd.ba/ba/zakon.html?lang=ba&id=/Zakon%20o%20sprec--avanju%20sukoba%20interesa%20u%20institucijama%20Brc--ko%20Distrikta%20BiH accessed 18 November 2021

[312] District court in Banja Luka (2020) Judgement No. 11 0 U 024063 19 U, available at: https://www.sukobinteresa-rs.org/attachments/article/442/Presuda%20Okru%C5%BEnog%20suda%20Banja%20Luka%20(1).pdf, accessed 18 November 2021

[313] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/ https://www.unodc.org/unodc/en/treaties/CAC/

[314] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

[315] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[316] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[317] European Union EU (June 1997), *Convention against Corruption Involving Officials*, Official Journal C 195 , 25/06/1997 P. 0002 – 0011, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33027

[318] "Official Gazette of BiH", numbers 3/2003, 32/2003 - correction 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015, 35/2018 and 46/21 of 7/27/2021 - (Decision of the High Representative for BiH)), available at: https://advokat-prnjavorac.com/zakoni/Krivicni_zakon_BiH.pdf accessed 19 November 2021

[319] "Official Gazette of FBiH", numbers 36/2003, 21/2004., 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 and 75/2017, available at: https://www.paragraf.ba/propisi/fbih/krivicni-zakon-federacije-bosne-i-hercegovine.html accessed 19 November 2021

[320] "Official Gazette of Republika Srpska", numbers 64/2017, 104/2018 – CC decision, 15/2021 and 89/2021, available at: https://www.paragraf.ba/propisi/republika-srpska/krivicni-zakon-republike-srpske.html accessed 19 November 2021

[321] "Official Gazette of Brčko District BiH" number 19/2020 – consolidated text, available at: https://www.paragraf.ba/propisi/brcko/krivicni-zakon-brcko-distrikta-bosne-i-hercegovine.html

[322] Constitutional Court of Bosnia and Herzegovina, Decision on Admissibility and Merit, No. AP 1551/16, 18 October 2018, available at: http://sluzbenilist.ba/page/akt/clJUD0nTcys=, accessed 19 November 2021

[323] Ibid.

[324] Cantonal Prosecutor's Office of Zenica-Doboj Canton, Indictment No. T04 0 KTPO 0045927 21, available at: https://portalfo2.pravosudje.ba/vstvfo-api/vijest/download/78685, information about the confirmation of indictment available at: https://kt-zenica.pravosudje.ba/vstvfo/E/101/article/105149, accessed 19 November 2021

[325] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/ https://www.unodc.org/unodc/en/treaties/CAC/

[326] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

[327] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[328] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[329] European Union EU (June 1997), *Convention against Corruption Involving Officials*, Official Journal C 195 , 25/06/1997 P. 0002 – 0011, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33027

[330] Criminal Code of Bosnia and Herzegovina, Official Gazette of BiH, numbers 3/2003, 32/2003 - correction 37/2003, 54/2004,61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015, 35/2018 and 46/21 of 7/27/2021 - (Decision of the High Representative for BiH)), available at: https://advokat-prnjavorac.com/zakoni/Krivicni_zakon_BiH.pdf; Criminal Code of the Federation of Bosnia and Herzegovina, Official Gazette of FBiH, numbers 36/2003, 21/2004., 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 and 75/2017), available at: https://www.paragraf.ba/propisi/fbih/krivicni-zakon-federacije-bosne-i-hercegovine.html; Criminal Code of Republika Srpska (Official Gazette of Republika Srpska, Nos. 64/2017, 104/2018 – CC decision, 15/2021 and 89/2021), available at: https://www.paragraf.ba/propisi/republika-srpska/krivicni-zakon-republike-srpske.html; Criminal Code of Brčko District BiH (Official Gazette of BD BiH, No. 19/2020 – consolidated text), available at: https://www.paragraf.ba/propisi/brcko/krivicni-zakon-brcko-distrikta-bosne-i-hercegovine.html, accessed 19 November 2021

[331] Court of Bosnia and Herzegovina (n.d) Court Case information, available at: http://www.sudbih.gov.ba/predmet/2805/show, accessed 19 November 2021

[332] Trebinje District Public Prosecutor's Office (2019) "*The prosecution has launched an investigation into forgery of documents and fraud in the service",* available at: https://pravosudje.ba/vstvfo/S/112/article/87519, accessed 19 November 2021

[333] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/ https://www.unodc.org/unodc/en/treaties/CAC/

[334] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

[335] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[336] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[337] Congress of Local and Regional Authorities of the Council of Europe COE (2018), *Resolution 434 (2018) and Recommendation 423 (2018) on Fighting nepotism within local and regional authorities*, available at: https://rm.coe.int/16809312c3

[338] European Union EU (June 1997), *Convention against Corruption Involving Officials*, Official Journal C 195 , 25/06/1997 P. 0002 – 0011, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33027

[339] Radio Slobodna Evropa (2016) "*Nepotism, Bribery and Corruption Lifestyle*", available at: https://www.slobodnaevropa.org/a/nepotizam-korupcija-bih/28145947.html, accessed 19 November 2021

[340] Article 2 of the Law on Prevention of Conflict of Interest in Government Bodies of Republika Srpska, available at: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Zakon%20o%20spre%C4%8Davanju%20sukoba%20interesa.pdf, accessed 19 November 2021

[341] Article 2 Paragraph 5 of the Law on Prevention of Conflict of Interest in BiH Government Institutions, available at: https://advokat-prnjavorac.com/zakoni/Zakon_o_sukobu_interesa_u_institucijama_vlasti_BiH.pdf, accessed 19 November 2021

[342] Canton Sarajevo Government (2021)The draft Law *on Prevention of Nepotism and Party Employment in Public Sector Bodies in Sarajevo Canton,* available at:

https://skupstina.ks.gov.ba/sites/skupstina.ks.gov.ba/files/nacrt_zakona_nepotizam.pdf, accessed 19 November 2021

[343] Radio Slobodna Evropa (2016) "*Nepotism, Bribery and Corruption Lifestyle*", available at: https://www.slobodnaevropa.org/a/nepotizam-korupcija-bih/28145947.html, accessed 19 November 2021

[344] Žurnal.info (2020) "*NEPOTISM IN MEDICAL SCHOOL (2): Hamdija appoints Selvir, Selvir appoints Hamdija's cousin and employs his wife*" available at: https://zurnal.info/clanak/hamdija-imenuje-selvira-selvir-imenuje-hamdijinu-rodicu-i-zaposljava-svoju-suprugu/23433, accessed 19 November 2021

[345]For the purpose of this handbook, *"administrative resources are human, financial, material, 'in natura' and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support"*, as defined in: "Report on the Misuse of Administrative Resources during Electoral Processes", Study No. 585/2010, European Commission for Democracy through Law (Venice Commission), Council of Europe (16 December 2013), available at: http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2013)033-e

[346] International Covenant on Civil and Political Rights, United Nations, available at: http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

[347] United Nations UN, General Comment No. 25, Addendum to the General Comment adopted by the Human Rights Committee under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights, CCPR/C/21/Rev.1/Add.7, United Nations (27 August 1996), available at: https://undocs.org/CCPR/C/21/Rev.1/Add.7

[348] Council of Europe CEO, European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), Council of Europe, available at: http://www.echr.coe.int/Pages/home.aspx?p=basictexts/convention

[349] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/ https://www.unodc.org/unodc/en/treaties/CAC/

[350] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[351] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[352] Council of Europe COE and Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights OSCE ODIHR (2016), *Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Processe", CDL-AD(2016)004*, European Commission for Democracy through Law of the Council of Europe and OSCE Office for Democratic Institutions and Human Rights, available at: http://www.osce.org/odihr/elections/227506

[353] European Commission for Democracy through Law of the Council of Europe COE (2013), *Report on the Misuse of Administrative Resources during Electoral Processes*, CDL-AD(2013)033, European Commission for Democracy through Law of the Council of Europe, available at: http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2013)033-e

[354] Congress of Local and Regional Authorities of the Council of Europe COE, *Resolution 402 (2016) on The misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials* (2016), Congress of Local and Regional Authorities of the Council of Europe, available at: https://rm.coe.int/168071a562

[355] Congress of Local and Regional Authorities of the Council of Europe COE, *Resolution 401 (2016) on Preventing corruption and promoting public ethics at local and regional levels*, Congress of Local and Regional Authorities of the Council of Europe (2016), available at: https://rm.coe.int/168071a737

[356]Congress of Local and Regional Authorities of the Council of Europe COE, *Checklist for compliance with international standards and good practices preventing misuse of administrative resources during electoral processes at local and regional level*, Report CG32(2017)12, Congress of Local and Regional Authorities of the Council of Europe, available at: https://rm.coe.int/16807000d1

[357]Congress of Local and Regional Authorities of the Council of Europe COE, *Administrative resources and fair elections: A practical guide for local and regional politicians and public officials*, Congress of Local and Regional Authorities of the Council of Europe, Strasbourg (April 2018), available at: https://rm.coe.int/16807b6b94

[358] International Foundation for Electoral Systems (2018), *Abuse of State Resources Assessment in Bosnia and* Herzegovina, available at: https://www.ifes.org/sites/default/files/bosnia_and_herzegovina_final_report_english_april_2018.pdf on page 1, accessed 20 November 2021

[359] Pod lupom (2015) *Elections in Bosnia and Herzegovina: characteristics and possible solutions, collection of authors' papers,* available at: https://podlupom.org/v2/bs/download/izbori-u-bih-karakteristike-i-moguca-unapredenja-zbornik-autorskih-radova/152, on page 57, accessed 20 November 2021

[360] Žurnal.info (2017) *"The State Privatisation: Sebija Izetbegović uses the Official Car of the Presidency of BIH"*, available at: https://zurnal.info/clanak/sebija-izetbegovic-koristi-sluzbeni-automobil-predsjednistva-bih/20421, accessed 20 November 2021

[361] Radio Sarajevo (2020) "*In 10 days of the campaign: Dodik flew seven times by helicopter of the RS Government to pre-election rallies*", available at: https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/za-10-dana-kampanje-dodik-sedam-puta-letio-helikopterom-vlade-rs-na-predizborne-skupove/394493, accessed 20 November 2021

[362] International Foundation for Electoral Systems (2018), *Abuse of State Resources Assessment in Bosnia and* Herzegovina, available at: https://www.ifes.org/sites/default/files/bosnia_and_herzegovina_final_report_english_april_2018.pdf on page 17, accessed 20 November 2021

[363] Election Law of Bosnia and Herzegovina, Official Gazette of BiH, numbers 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/13, 7/14 and 31/16, consolidated text available at: https://izbori.ba/Documents/documents/ZAKONI/Izborni_zakon_PRECISCENI_TEKST-bos.pdf accessed 20 November 2021

[364] Official Gazette of BiH, numbers 95/12 and 41/16, unofficial consolidated text available at: https://izbori.ba/Default.aspx?CategoryID=58&Lang=3&Mod=4, accessed 20 November 2021

[365] BN (2014) "*Elektroprivreda Srpske is financing the SNSD campaign",* available at: https://www.rtvbn.com/318594/Elektroprivreda-Srpske-finansira-kampanju-SNSD, accessed 20 November 2021

[366] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/ https://www.unodc.org/unodc/en/treaties/CAC/

[367] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

[368] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[369] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[370] European Union EU (June 1997), *Convention against Corruption Involving Officials*, Official Journal C 195 , 25/06/1997 P. 0002 – 0011, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33027

[371] Transparency International BiH (2013) Global Corruption Barometer 2013 – BiH, available at: http://ti-bih.org/wp-content/uploads/2013/07/GCB-2013-BiH.pdf, accessed 21 November 2021

[372] Transparency International BiH (2016) "*Almost a quarter of citizens were asked for a bribe*" available at: https://ti-bih.org/skoro-cetvrtina-gradana-bila-u-situaciji-da-im-se-trazi-mito/?lang=en, accessed 21 November 2021

[373] Article 295 of the Criminal Code of the Federation of BiH, Official Gazette of FBiH numbers 36/2003, 21/2004., 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 and 75/2017), available at: https://www.paragraf.ba/propisi/fbih/krivicni-zakon-federacije-bosne-i-hercegovine.html; Article 232 of the Criminal Code of Republika Srpska, Official Gazette of Republika Srpska numbers 64/2017, 104/2018 – CC decision, 15/2021 and 89/2021), available at: https://www.paragraf.ba/propisi/republika-srpska/krivicni-zakon-republike-srpske.html; Article 289 of the Criminal Code of Brčko District BiH, Official Gazette of BD BiH numbers 19/2020 – consolidated text), available at: https://www.paragraf.ba/propisi/brcko/krivicni-zakon-brcko-distrikta-bosne-i-hercegovine.html, accessed 21 November 2021

[374] Tuzlanski.ba (2014) "*Doctor blackmailed husband of woman in labor: If you do not bring money, she will not receive the injection*" available at: https://tuzlanski.ba/infoteka/doktor-ucijenio-muza-porodilje-ako-ne-doneses-pare-ona-nece-primiti-injekciju/, accessed 21 November 2021

[375] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/ https://www.unodc.org/unodc/en/treaties/CAC/

[376] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

[377] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173

[378] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174

[379] Congress of Local and Regional Authorities of the Council of Europe COE, *Resolution 441 (2019) and Recommendation 428 (2019) on Fighting nepotism within local and regional authorities* (2019), Congress of Local and Regional Authorities of the Council of Europe, available at: https://rm.coe.int/16809312c3

[380] European Union EU (June 1997), *Convention against Corruption Involving Officials*, Official Journal C 195 , 25/06/1997 P. 0002 – 0011, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33027

[381] ZaštoNe (2016) *"Clientelism is a way to obstruct development and a means of enriching political and economic elites "*, available at: https://zastone.ba/klijentelizam-je-kocnica-razvoja-sredstvo-bogacenja-politickih-ekonomskih-elita/, accessed 21 November 2021

[382] Blagovčanin, S. (2020) "*Vladavina kartela*", available at: https://ti-bih.org/wp-content/uploads/2020/06/Vladavina-kartela.pdf on page 29, accessed 21 November 2021
[383] Ibid., on page 41
[384] Safejournalists.com (2018) *"The index of clientelism in the media negative for all countries of Southeast Europe, BiH at the bottom"* available at: https://safejournalists.net/indeks-klijentelizma-u-medijima-negativan-za-sve-zemlje-jugoistocne-evrope-bih-na-zacelju-poretka/, accessed 21 November 2021
[385] BN (2016),*Political employment in BiH - an epidemic for which there is no cure*, available at: https://www.rtvbn.com/3838890/politicko-zaposljavanje-u-bih-epidemija-kojoj-nema-lijeka- , accessed 21 November 2021
[386] Faktor.ba (2021), *Charges were filed with the Prosecutor's Office against five holders of public office in KS*, available at: https://faktor.ba/vijest/tuzilastvu-podnesene-prijave-protiv-pet-nosilaca-javnih-funkcija-u-ks/112221, accessed 21 November 2021
[387] United Nations Office on Drugs and Crime UNODC (2004), *Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/ https://www.unodc.org/unodc/en/treaties/CAC/
[388] United Nations Office on Drugs and Crime UNODC (2009), *Technical Guide to the United Nations Convention against Corruption*, available at: https://www.unodc.org/unodc/en/treaties/CAC/technical-guide.html
[389] Council of Europe COE (2002), *Criminal Law Convention on Corruption (ETS No. 173),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173
[390] Council of Europe COE (2003), *Civil Law Convention on Corruption (ETS No. 174),* available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174
[391] Congress of Local and Regional Authorities of the Council of Europe COE, *Resolution 441 (2019) and Recommendation 428 (2019) on Fighting nepotism within local and regional authorities* (2019), Congress of Local and Regional Authorities of the Council of Europe, available at: https://rm.coe.int/16809312c3
[392] European Union EU (June 1997), *Convention against Corruption Involving Officials*, Official Journal C 195 , 25/06/1997 P. 0002 – 0011, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33027
[393] Congress of Local and Regional Authorities of the Council of Europe COE, *Resolution 402 (2016) on The misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials* (2016), Congress of Local and Regional Authorities of the Council of Europe, available at: https://rm.coe.int/168071a562
[394] Council of Europe COE and Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights OSCE ODIHR, *Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Processes", CDL-AD(2016)004* (4 March 2016), European Commission for Democracy through Law of the Council of Europe and OSCE Office for Democratic Institutions and Human Rights, available at: http://www.osce.org/odihr/elections/227506
[395] UNDP (n.d.), *Handbook For Fight Against Corruption At The Local Level*, available at: https://www.ba.undp.org/content/bosnia_and_herzegovina/bs/home/library/razvoj/priru_nik-za-borbu-protiv-korupcije-na-lokalnom-nivou.html, accessed 21 November 2021
[396] IPAK *(2021) Analysis and recommendations for the prevention of corruption in institutions and areas particularly prone to corruption in BiH*, available at: https://ipak.ba/documents/Analiza_i_preporuke_za_prevenciju_korupcije_u_institucijama_posebno_sklonim_korupciji_u_BiH_-_draft1620808878.pdf, on page 59, accessed 21 November 2021
[397] Article 31 of the Law on Civil Service in the Federation of BiH, available at: https://advokat-prnjavorac.com/zakoni/Zakon-o-drzavnoj-sluzbi-u-Federaciji-Bosne-i-Hercegovine.pdf, accessed 21 November 2021
[398] Klix.ba (2019) *These are the ways in which illegal employment in BiH institutions is most often performed*, article available at: https://www.klix.ba/vijesti/bih/ovo-su-nacini-na-koje-se-najcesce-vrsi-nezakonito-zaposljavanje-u-institucijama-bih/191031128, accessed 21 November 2021
[399] Transparency International BiH (2015) Review of regulations governing employment in the civil service and companies, institutions and organizations with public authority in BiH, available at: http://ti-bih.org/wp-content/uploads/2015/10/Ti-Parm-Policy-Brief.pdf, accessed 21 November 2021