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**Enhancing Institutional Capacities on Freedom of Expression and Information in Bosnia
and Herzegovina**

TECHNICAL PAPER

**FREEDOM OF EXPRESSION AND INFORMATION
STAKEHOLDER MAPPING AND ANALYSIS**

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Enhancing institutional capacities on freedom of expression and information in Bosnia and Herzegovina

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The views and opinions presented herein are those of the authors and should not be taken as to reflect the official position of the Council of Europe.

LIST OF ACRONYMS

BHN	BH Novinari (BiH Journalists' Association)
BiH CSA	BiH Agency for Civil Service
BHAS	Agency for Statistics of BiH
BIRN BiH	Balkan Investigative Reporting Network
CEC	Central Election Commission of BiH
CIN	Center for Investigative Reporting
COM	Council of Ministers of BiH
CRA	Communications Regulatory Agency of BiH
DEI	Directorate for European Integration
DPA	Personal Data Protection Agency of BiH
EUD	European Union Delegation in BiH
FBiH CSA	Federation BiH Agency for Civil Service
FBiH MET	Federation BiH Ministry of Environment and Tourism
FBiH MoJ	Federation BiH Ministry of Justice
FBiH OEI	Office of the Government of Federation BiH for European Integration
HJPC	High Judicial and Prosecutorial Council
HRO	Human Rights Ombudsman of BiH
JPTCs	Entity Judicial and Prosecutorial Training Centres
MCA	Ministry of Civil Affairs
MCT	Ministry of Communications and Transport
MFT	Ministry of Foreign Trade and Economic Relations
MHRR	Ministry of Human Rights and Refugees
MOJ	BiH Ministry of Justice
MOS	BiH Ministry of Security
OHCHR	Office of the High Commissioner for Human Rights
OHR	Office of the High Representative
OSCE	Organisation for Security and cooperation in Europe
PC BiH	Press Council in BiH
RS CSA	Republika Srpska Agency for Civil Service
RS MEI	Republika Srpska Ministry of European Integration and International Cooperation
RS MOJ	Republika Srpska Ministry of Justice
RS MSPCE	Republika Srpska Ministry of Spatial Planning, Construction and Ecology
TI BiH	Transparency International BiH
UNCT	United Nations Country Team in BiH
UNESCO	United Nations Educational, Scientific and Cultural Organization

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1. EXECUTIVE SUMMARY

This technical paper presents an overview of the principal stakeholders in the field of freedom of expression (FoE) and access to information (Fol), spanning state and entity level institutions and Brčko District, broader public sector, civil society and international bodies.

Bodies surveyed are divided into four categories:

1. institutions which are potentially well-placed to join the Ministry of Human Rights and Refugees of Bosnia and Herzegovina (MHRR)-led working group on freedom of expression and access to information;
2. institutions which may be well-placed to inform through the needs assessment exercise, the process of training development in the field of freedom of expression, access to information and treaty reporting methodology;
3. institutions with a range of interests in and capacities relevant to freedom of expression and information. Additional thought should be dedicated to determining whether and how to interact with each of these actors;
4. bodies whose interests in FoE and Fol may be more or less distant, but they are currently not recommended for further consideration at this stage.

The make-up of MHRR-led working group is likely to depend in large part on the terms of reference adopted. On the basis of the present survey, alongside the Ministry of Human Rights and Refugees, potential **core members** might include the following actors:

- BiH Ministry of Justice
- BiH Novinari
- Communications Regulatory Agency of BiH
- FBiH Ministry of Justice
- Human Rights Ombudsman
- Press Council in BiH
- Republika Srpska Ministry of Justice

In similar fashion, in respect of planning and conducting training on freedom of expression and access to information as well as treaty reporting methodology, it may be helpful to engage with:

- BiH Civil Service Agency
- BiH Ministry of Security
- FBiH Civil Service Agency, Judicial and Prosecutorial Training Centres
- Office of the Government of Federation BiH for European Integration
- Republika Srpska Civil Service Agency
- Republika Srpska Ministry of European Integration and International Cooperation

The range of core institutions – in respect of which the manner and extent of involvement should be considered further – is broad and arriving at recommendations in this regard is challenging given (as noted above) the “institutional architecture” of the working groups of FoE and Fol remains to be determined.

That said, in addition to the core stakeholders noted above, certain bodies may be worth including in a sub-working group specifically focusing on issues relating to FoI. These might include:

- The Personal Data Protection Agency of BiH
- Federation BiH Ministry of Environment and Tourism
- BiH Ministry of Civil Affairs
- BiH Ministry of Foreign Trade and Economic Relations
- Republika Srpska Ministry of Spatial Planning
- Construction and Ecology, Aarhus Centres / Centar za životnu sredinu.

Equally, some institutions in this category may be well-placed to participate in the core working group meetings (potentially e.g. the Directorate for European Integration), whereas others may be better-suited to ad-hoc engagement on particular aspects (e.g. Central Election Commission of BiH, Balkan Research Network, Center for Investigative Reporting). Others should be borne in mind for periodic exchanges of information (e.g. third country missions, international organisations), but without any particular expectation of formal participation in the working group on FoE and its sub-group on FoI or training activities.

2. INTRODUCTION

This technical paper is developed under the framework of the project **“Enhancing Institutional capacities on freedom of expression and information in Bosnia and Herzegovina” (EFEx)**, financed by the Swedish International Development Cooperation Agency (SIDA).

This paper provides an overview of the principal institutional, civil society and international stakeholders in the field of freedom of expression and access to information, considering key actors’ capacities to impact and potential to be impacted by EFEx,¹ and identifying and reviewing key duty-bearers relevant to FoE and FoI in line with the Bosnia and Herzegovina Council of Ministers Decision 24/18 of 2017 on Methodology of Human Rights Reporting.²

The information used to produce the paper has been gathered from a range of primary and secondary sources. The former includes notes made by the author during meetings with representatives of many of these institutions. Accordingly, while much of the information sourced is public record, certain elements of analysis are derived from non-public, unverified information. As such, this should be considered a *living* document, subject to evolution as information is obtained and analysis revised and refined. Nevertheless, subject to this qualification, the document is intended to function as a basis for planning for EFEx project components, reflecting information available at the time of writing.

The approach adopted to stakeholder identification and assessment in the report is twofold:

1. *Identification and classification of stakeholders, and*
2. *SWOT analysis in respect of the EFEx project, with regards to protection and promotion of FoE and FoI.*

The survey of institutions (see Annex 1) extends beyond bodies with close interests in the field of monitoring and reporting on FoE and FoI. This broad approach is designed to ensure that the survey is sufficient to identify the range of bodies with both close and more remote, but still relevant interests in the subject matter.

What may be termed as core bodies on FoE and FoI on the basis of this analysis, with cross-cutting and/or a range of interests in EFEx and its subject matter, and which accordingly may be prioritised

¹ This focus reflects Freeman’s understanding of stakeholders as: “individuals, groups, or organizations that affect or are affected by organizational activities”, adapted to the setting of EFEx within BiH’s institutional architecture. (Freeman, R. E. (1984). *Strategic management: A stakeholder approach*. Boston: Pitman, p. 46.) See also more generally: Phillips, Robert A., Jay B. Barney, R. Edward Freeman and Jeffrey S. Harrison. “Stakeholder Theory.” In *The Cambridge Handbook of Stakeholder Theory*, edited by Jeffrey S. Harrison, Jay B. Barney, R. Edward Freeman and Robert A. Phillips, 1-16, Oxford: Oxford University Press, 2019; Freeman, R. E., Harrison, J. S., Wicks, A. C., Parmar, B., & de Colle, S. (2010). *Stakeholder theory: The state of the art*. Cambridge: Cambridge University Press.





² Official Gazette of Bosnia and Herzegovina (“OG BiH”) 24/18. The 2017 decision identifies the following categories of stakeholders as relevant to human rights monitoring and reporting: elected and appointed political office holders, competent ministries and public authorities (as “the main source for a wide range of administrative data”), national human rights institutions, institutions for context-specific vulnerable groups, national institutions for statistics, national and international tribunals and courts, civil society, relevant international organisations, and the media.

for membership in the FoE and FoI working groups, are explored in the narrative below (see Section 3) and highlighted in **green** in the accompanying table in Annex 1.

A further series of bodies, often with more specialised and narrowly focused interests on FoE and FoI, or with broader cross-cutting interests, but in respect of which consideration should be given as to whether and/or how best to include these in EEx project activities, are highlighted in **blue**.

Of the remaining surveyed, a further series are highlighted in **yellow** include bodies that do not necessarily fall into one of the preceding categories, perhaps as their interests in the subject matter of EEx are relatively remote, but with which it may nevertheless be valuable to engage in respect of planning training within the ambit of the project.

Last, Annex 1 also includes a further range of institutions which are not highlighted. As noted above, these have been included in the survey to minimise the risk of overlooking potentially relevant bodies: while they are accordingly included in Annex 1, unless/until other reasons emerge, at this time the report does not recommend that they should be prioritised for consideration for engagement in EEx planning or programming.

-  core stakeholders with priority for membership in FoE and FoI working groups led by MHRR
-  other stakeholders, whose involvement in working groups and/or project activities should be further considered.
-  stakeholders valuable to inform the training needs assessment exercise.
-  stakeholders, whose involvement falls outside the scope of the EEx project.

The following narrative accordingly reviews the principal categories of and stakeholders identified, with corresponding observations in respect of more or less integral bodies amongst these. The concluding section includes initial recommendations for how these bodies may be accommodated in planning EEx activities and programming.

3. BOSNIA AND HERZEGOVINA GOVERNMENT INSTITUTIONS AND PUBLIC BODIES

1. Under Article III of the Constitution of Bosnia and Herzegovina, BiH state institutions are responsible for foreign policy matters.³ Reflecting the focus of the EEx project to include international human rights treaty reporting and associated obligations, these bodies accordingly form the principal set of stakeholders.
2. Amongst these institutions, the key stakeholder of the EEx project is the Ministry for Human Rights and Refugees (see further below). There are a range of other government and state bodies, which also have the capacity to impact and/or be impacted by the project. The foremost amongst these are considered below, reflecting Annex 1.

Core bodies on freedom of expression and access to information

3. The key set of state stakeholders in the field of freedom of expression and access to information are BiH government ministries. These are established under the 2003 Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina (the “Law on Ministries”),⁴ and are in turn responsible to the Council of Ministers (CoM), the composition of which is governed by the Law on the Council of Ministers of Bosnia and Herzegovina.⁵ Article 7 of the former provides for the establishment of nine ministries: Ministry of Foreign Affairs; Foreign Trade and Economic Relations; Communications and Transport; Finance and Treasury; Human Rights and Refugees; Justice, Security, Civil Affairs; and pursuant to 2006 amendments, Defence.
4. Amongst these institutions, the **Ministry for Human Rights and Refugees (MHRR)** is the central partner of the EEx project, reflecting its roles, per Article 12 of the Law on Ministries, in (inter alia) “co-ordination and preparation of reporting to the competent ... international human rights treaty bodies” and “collecting, systematising, publicising and disseminating all data from within the competence of the Ministry.”
5. While the MHRR has extensive experience in its areas of core expertise, including FoE, in planning future work in respect of EEx project – given the ministry’s centrality – it would be helpful to understand more closely:
 - a) the ministry’s experience and familiarity with international and domestic FoI frameworks;
 - b) the in-practice operation of (and challenges encountered with) the 2017 CoM Decision on Human Rights Reporting and
 - c) its involvement in broader FoE legislative issues (including the Ministry of Communications and Transport Working Group on laws on electronic communications and electronic media).

³ See Article III(1)(a),(e) at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/BH/BH%20CONSTITUTION%20.pdf>.

⁴ OG BiH, 5/03, as subsequently amended. Available at: <http://www.ohr.int/laws-of-bih/public-institutions/>.

⁵ OG BiH, 30/03, as subsequently amended. See generally: <http://www.ohr.int/laws-of-bih/public-institutions/>.

It would also be helpful to consider MHRR's own internal training needs, which may be delivered during the EEx project.

6. While the MHRR is the core partner for the EEx project, there are also other stakeholders within central BiH government, including both ministries and non-ministerial agencies.
7. Foremost amongst these is the state **Ministry of Justice (MOJ)**. Under Article 13 of the Law on Ministries, the MoJ has a broad role, encompassing "administrative functions related to the judicial institutions at the state level", generally "ensuring that legislation and implementation by Bosnia and Herzegovina at all levels is in compliance with the obligations of BiH deriving from international treaties". As such, the EEx project provides a valuable opportunity to mainstream a human rights-based approach into the ministry's work in respect of FoE and FoI.
8. Centrally, the MoJ is also principally responsible for FoI issues at state level, including Tromsø Convention reporting, and the current draft state law on freedom of information. That said, as the EEx project develops it will also be important to understand how the state ministry's competencies in this regard sit alongside those of respective entity ministries, as well as across the broader BiH public sector.
9. Beyond government ministries, the **Communications Regulatory Agency of Bosnia and Herzegovina (CRA)** emerges as a further central stakeholder. This principally reflects the CRA's roles under Article 37 of the 2002 BiH Law on Communications to "promulgate rules on broadcasting and telecommunications and ensure adherence thereto" and to "license broadcasters and telecommunications operators pursuant to the provisions of this Law and monitor their compliance with licence conditions". The CRA's roles in hearing complaints (per Article 45) and issuing penalties/applying enforcement measures (Article 46) further underline its centrality to freedom of expression. Moreover, the CRA holds central broadcasting licence data, with a potentially significant role in respect of freedom of information.
10. As a state, but not government, entity, the **Human Rights Ombudsmen of Bosnia and Herzegovina (HRO)** is a further central stakeholder. Established under the 2000 Law on the Human Rights Ombudsman of Bosnia and Herzegovina, this reflects both the HRO's broader role in respect of human rights promotion and protection, as well as its narrower competences (per Article 2 of the 2000 Law) in respect of complaints involving "the poor functioning of, or violations of human rights and liberties committed by, any government body", and its discretion to undertake "general investigations" and to "recommend appropriate individual and/or general measures".
11. In addition, the HRO also has longstanding experience, as BiH's National Human Rights Institution, in submitting reports to international human rights monitoring bodies, accompanying BiH state reports. Under current BiH legislation it also has an oversight role in respect of freedom of information.

Determining effective ways of engaging other BiH stakeholders on FoE and FoI in EEx project programming and activities

12. Beyond the above-mentioned core institutions, there are a further range of BiH state stakeholders with particular interests related to aspects of FoE, FoI, and broader human rights

monitoring and reporting, and/or capable of making possible contributions to the EEx project. While the working group membership will ultimately depend on the relevant terms of reference, and as such these bodies may or may not be included in such groups, consideration should in any event be given as to whether/to what extent and how best to ensure that these interests can be taken into account and potential contributions realised. It may be valuable to gather further information from/about these institutions before coming to a view in this regard.

13. These institutions, highlighted in blue in Annex 1, include the following:

14. **Ministry of Foreign Trade and Economic Relations (MFT):** Reflecting its broader role under Article 9 of the Law on Ministries, this ministry is principally responsible at state level for implementation of the Aarhus Convention, including its FoI provisions and related reporting. While further information would be helpful in respect of the operationalisation of this role, as well as how the MFT (including its Department for Environmental Protection) manages BiH's Aarhus obligations and works to this end with relevant entity bodies, the EEx project also provides a potentially valuable opportunity to support/mainstream a human rights approach to the FoI-related issues falling within its remit.
15. **Ministry of Communications and Transport (MCT):** Like the MFT, the MCT has a broad role, in this case encompassing (per Article 10 of the Law on Ministries) "policy and regulation of common and international communication facilities" and "preparation and drafting of strategic and plan documents in the field of international and inter-Entity communications". While potentially marginal to the core of the MCT's work, some of its activity is nevertheless closely related to FoE and FoI, in particular its role in convening the inter-ministerial working group responsible for drafting legislation on Electronic Communications and Electronic Media, with potential implications for media regulation and ownership transparency. Given this, engagement may enable more effective information sharing as well as an enhanced, human rights-based approach to legislative drafting in this/other areas.
16. **Ministry of Civil Affairs (MCA):** The MCA is responsible for personal data protection, per Article 15 of the Law on Ministries, including oversight of the 2006 Law on Protection of Personal Data, and would accordingly be the ministry principally responsible for the preparation of any revisions to that regime, in particular to reflect its inconsistencies with the EU's GDPR requirements. Given the engagement of data protection issues in FoE and in particular FoI contexts in Bosnia and Herzegovina, the participation of the MCA has the potential to support the mainstreaming of a human rights-based approach to FoI and data protection issues, both in respect of current and future legislative arrangements.
17. **Personal Data Protection Agency of Bosnia and Herzegovina (DPA):** The DPA is included in this category for similar reasons to the MCA. As the body responsible for "ensuring the protection of personal data" in Bosnia and Herzegovina (Article 2(1) of the 2006 Law on Protection of Personal Data), the DPA is specifically tasked with supervising the implementation of the 2006 Law (Article 40(1)) and with "giving proposals as to enacting or amending legislation governing the data processing, give opinions on the proposed laws and take care of fulfilment of the criteria relevant to data protection originating from international treaties". The agency has also extensive associated powers, including record keeping and (per Article 40(2)(g)) providing "advice and opinions in the area of personal data protection". As

such, the DPA has a central role in the operation and development of BiH's data protection regime and, by extension, in the protection (and promotion) of FoE and FoI, including (see below) regarding transparency of media ownership.

18. **Directorate for European Integration (DEI):** Under Article 18 of the Law on Ministries, the DEI is principally responsible for "coordination of activities concerning the harmonisation of the BiH Legal System with European *acquis communautaire* standards", including "participating in activities or drafting draft laws, other regulations and directives relating to the carrying out of activities that BiH is required to take in the European integration process." While the focus of this body is on EU requirements rather than Council of Europe standards per se, in respect of Chapter 23 (Judiciary and Fundamental Rights) of the *acquis*, the 2022 Commission Report emphasised that BiH should "in particular ... ensure full respect, protection and promotion of freedom of assembly and expression, and refrain from further action that adversely impacts the exercise of these rights".⁶ Reflecting this interest, and the DEI's broader interest in strengthening law-making and implementation in respect of European standards, the DEI has a potentially important role to play in mainstreaming human rights-based approaches to FoE and FoI-related issues across BiH governance, including in respect of monitoring and reporting. Equally, the EEx project provides an opportunity to mainstream a human rights-based approach within the DEI's work more generally.
19. **Agency for Statistics of Bosnia and Herzegovina (BHAS):** The BHAS operates under the 2006 Law on Statistics of BiH, Article 8 of which charges the Agency to "[c]ollect, process and disseminate Statistics of Bosnia and Herzegovina in accordance with internationally accepted standards based on data submitted by the Entity Institutes and/or data collected directly by the Agency". Noted in line with the 2017 Decision on Methodology of Human Rights Reporting, the BHAS has relatively little direct interest in the substantive subject matter of EEx – namely, FoE and FoI. However, as the national statistical agency, engagement holds out the potential to explore the extent to which the HBAS either already collects, or if not, may be able to participate in or facilitate the collection of FoE and FoI-related data in support of monitoring and international reporting. The HBAS may also be well-placed to advise on methods of gathering/collating information to ensure optimally comprehensive and reliable outputs.
20. **Central Election Commission of Bosnia and Herzegovina (CEC):** The CEC's principal role is in relation to the management and oversight of elections in BiH. As part of this, however, the CEC is also charged with applying elements of the 2001 BiH Election Law which relate to the conduct of the media and political parties and associated candidates and others around elections. In respect of FoE, in particular, Article 7.3(1) of the Election Law states that candidates, supporters of political parties and others "are not allowed [inter alia] to ... use hate speech, and/or, publish or use pictures/images, symbols, audio and video recordings, SMS messages, Internet communications, social networks and mobile applications or any other materials that can have such effect". Hate speech is in turn defined in Article 1 of the Election Law.
21. Reflecting this role, while the CEC's role is limited to elections, it nevertheless has potentially valuable experience, particularly in applying the provisions in the 2001 Law relating to hate

⁶ EU Commission BiH Report 2022 (<https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Bosnia%20and%20Herzegovina%20Report%202022.pdf>), At p. 28. See also generally pp. 30-32.

speech. As such, it has the potential to be a valuable partner, both in terms of sharing data gathered, as well as in lessons learned in respect of the regulation of hate speech in political contexts. More generally, participation in EEx programming would also hold out the prospect of mainstreaming a rights-based approach to FoE in the CEC's work.

Training partners

22. In addition to the institutions identified above, the current mapping exercise also highlighted that it may be valuable also to consult with the **BiH Ministry of Security (MoS)** and **BiH Agency for Civil Service (BiH CSA)** in planning EEx training activities (see highlighted in yellow in Annex 1).

While the direct interests of these bodies in the subject matter of EEx may be relatively remote, such engagement may nevertheless be valuable to garner insight as to potential topics/issue areas where EEx may be able to assist by provision of training and capacity building support.

4. ENTITY/SUB-STATE BODIES

23. Reflecting the distribution of legislative and operational prerogatives in Bosnia and Herzegovina, there are also a range of relevant entity and sub-state government bodies to consider and include in planning and operations of the EEx project and beyond.

Core entity/sub-entity bodies on freedom of expression and access to information

24. In respect of core bodies within the Federation of Bosnia and Herzegovina (FBiH), the **FBiH Ministry of Justice (FBiH MoJ)** is likely to have a central role. Following Article 7 of the Law on Federation Ministries and Other Bodies of Federation Administration (hereafter: Law on FBiHM), the FBiH MoJ's responsibilities include: "exercising the competencies of the Federation in areas, and in particular those of judicial institutions and administration... assisting in judicial and prosecutorial training associating in political organisations and citizens' associations..." The FBiH MoJ also has statutory responsibilities, including ensuring effective oversight of the FBiH Law on FoI. As such, this ministry has both a broad interest in topics covered under EEx, including relating to the conduct/training of justice-sector institutions, as well as specific duties in respect of (at least) FoI.
25. In similar fashion in respect of the Republika Srpska (RS), the **RS Ministry of Justice (RS MOJ)** is likely to have an important role in EEx. Comparable to the role of the FBiH MoJ in the Federation, the RS MOJ is responsible, under Article 7 of the Law on Ministries of the Republika Srpska (Law on RSM) for "exercising of competencies of Republika Srpska over ... judicial institutions and administrative supervision over the work of the administration of justice". Again, more specifically, the RS MOJ is also responsible for ensuring "proper and effective implementation" of the RS under Article 24(2) of the entity's Freedom of Access to Information Act.

26. Also, and as a more general observation in respect of both entities' institutions, notwithstanding political (and in the RS potentially legal) weaknesses, non-engagement of entity bodies in EEx planning and activities risks limiting the potential impact of the project, and in consequence impacting on the overall quality of monitoring and reporting, as well as the protection and promotion of FoE and FoI more generally in Bosnia and Herzegovina.

Other entity/sub-entity bodies to consider for potential engagement in EEx project programming and activities

27. The range of bodies potentially to consider for engagement in EEx also extends beyond the respective entity ministries of justice. In the FBiH, for example, the **FBiH Ministry of Environment and Tourism** (FBiH MET) has a key role in Aarhus Convention implementation: this ministry has, for example, a general responsibility under Article 20a of the Law on FBiHM for "administrative, professional and other tasks from within the responsibility of the Federation referring to: environmental protection of air, water, and soil, formulation of environmental strategy and policy in protection of air, water and soil..." More specifically, under Article 23(c) of the Law on Environmental Protection of FBiH (2021), the FBiH MET also "establishes and manages the system of environmental reporting and information" in FBiH, indicating a central role in FBiH Aarhus Convention FoI implementation.
28. In similar fashion once again, comparable responsibilities are also held by the RS. In this case Article 15 of the Law on RSM charges the **RS Ministry of Spatial Planning, Construction and Ecology** (RS MSPCE) to "carry out administrative activities and other professional tasks related to ... overall protection of the quality of the environment and its improvement..." Article 12 of the Law on Environmental Protection of the Republika Srpska in turn also provides that the RS MSPCE "shall be obliged to help and raise public awareness, by facilitating the availability of information to the general public."
29. In respect of a further range of relevant sub-state bodies, mention should also be made of the potential relevance of Brčko District bodies and of those of the cantons of the FBiH. As noted in Annex 1, the latter have a range of potentially relevant competencies. The relevant legislative frameworks in respect of FoE and FoI are principally set out at state or entity level, including laws regulating freedom of information as well as broader criminal and civil legislation relating to FoE. As such, and notwithstanding the potential benefits of engaging directly with cantonal institutions, this may not be an effective or optimal use of EEx resources, particularly where other projects may already be in place or planned to work with relevant cantonal bodies – especially police – in respect of FoE, FoI and/or human rights protections more broadly.
30. The position of Brčko District in respect of FoE and FoI and associated monitoring and reporting obligations, is somewhat different. The Brčko District lacks its own legislation concerning freedom of access to information. As a result, the Law on Freedom of Access to Information in BiH is enforced. However, there is an Instruction on implementation of the Law on Freedom of Access to Information in BiH in Brčko District of BiH⁷. As for the freedom of expression, the Constitution of BiH explicitly (Article II/3h) and the Statute of Brčko District

⁷ "OG of Brčko District of BiH", no. 36/2004; accessible here: https://www.ombudsmen.gov.ba/documents/obudsmen_doc2013041706072894eng.pdf

implicitly (Article 13, Paragraph 4) ensure the right to freedom of expression (as the ECHR is directly applicable in BiH). Additionally, other laws within Brčko District, such as the Law on the Protection Against Defamation of the Brčko District of BiH and the Labor Law of the Brčko District of BiH, also regulate freedom of expression. As such, it may be valuable to consider engaging with the Brčko District Mayor's office and associated District institutions when planning and conducting EEx activities.

Training partners

1. Last, the survey also indicates a number of entity and Brčko District bodies which may be valuable to consult with and potentially include when planning and conducting the training. In the FBiH these include the **Office of the Government of FBiH for European Integration** (FBiH OEI) and the **Agency for Civil Service of the Federation** (FBiH CSA), and in the Republika Srpska the **RS Ministry of European Integration and International Cooperation** (RS MEI) and the **RS Civil Service Agency** (RS CSA). In the case of the FBiH OEI and RS MEI, while their areas of interests may be comparable to the one of DEI, it may be sufficient – not least owing to considerations of efficiency – to consult the former in relation to relevant training needs and conduct, given the DEI's principal role in respect of European integration at national level. In contrast, though, it may be helpful to engage with the FBiH CSA and RS CSA alongside the BiH CSA, given comparable responsibilities and roles in respect of their areas of operation.

5. JUDICIAL AND PROSECUTORIAL BODIES

2. Similar considerations to the last above apply also in respect of judicial and prosecutorial institutions, where there are a range of relevant bodies throughout BiH with often-comparable functions. However, while courts and prosecutors throughout BiH are key duty-bearers in respect of FoE and FoI, there are also in-train/completed projects – including via the Council of Europe⁸ – in place to strengthen the capacity of these institutions/office bearers. As such, it may not be an optimal use of EEx project resources to risk (in effect) replicating these efforts.

Training partners

3. That said, it may nevertheless be valuable to bear in mind the potential need for specific judicial and/or prosecutorial training or other needs in respect of FoE/FoI monitoring and reporting. Given that, to assist in identifying training needs given its role in “Supervising the advanced professional training of judges and prosecutors”, but perhaps more pertinently in light of its role in “Initiating, coordinating and supervising the use of information technology by courts and prosecutors’ offices” (see Article 17, Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina) it may be helpful to consider how closely the **High Judicial and Prosecutorial Council of BiH** (HJPC) might be included in EEx initiatives.

6. CIVIL SOCIETY: DOMESTIC

4. Civil society organisations are not direct duty-bearers under international human rights regimes. Nevertheless, given their scope to both impact and to be impacted by the topics covered under the EEx project, and by the performance of BiH public institutions in protecting and promoting FoE and FoI, including in national performance of associated monitoring and reporting obligations, such bodies form a key group of stakeholders.

Core civil society bodies on freedom of expression and access to information

5. Foremost amongst these is **BiH Novinari** (BHN), the BiH Journalist Association. Along with the BiH Press Council (see below), BHN has a central role in protecting and promoting FOE for journalists in BiH, in particular operating the “Helpline for Journalists / Free Media Help Line” service and holding associated data. EEx presents a valuable opportunity in this regard to explore scope to integrate the data held by BHN into national FOE monitoring and reporting processes.
6. **The Press Council** in BiH (PC BiH) is a further potentially core EEx civil society partner. As the self-regulatory body for print and online media in Bosnia and Herzegovina, the PC BiH operates the Press Complaints Commission and holds associated data. The PC BiH also has a quasi-statutory role in respect of media complaints, recognised under the 2001 Election Law

⁸ See e.g. <https://www.coe.int/en/web/freedom-expression/promoting-freedom-of-expression-in-south-east-europe>.

(see below). There are, however, also potential limitations on the contribution of the PC BiH to EEx activities: in particular, its activities are limited to print and online media. Moreover, its published complaints tracking records at present extend only to 2019. As such, while the PC BiH is certainly well-placed to participate in and support EEx activities in respect of monitoring and reporting on FoE and FoI, in the course of the project it may also be helpful to explore the scope to better enable the PC BiH to carry out its complaint-handling (and tracking) function.

Other civil society bodies to consider for potential engagement in EEx project programming and activities

7. The four OSCE-supported **Aarhus Centres** represent a further range of potential civil society partners, potentially able to provide further insight into the operation of FoI issues in Bosnia and Herzegovina. While further consideration should be given as to how best to engage with these bodies, individually or collectively, they are each committed to supporting transparency and to facilitating access to environmental information in line with the Aarhus Convention provisions on FoI. Given this, it will be helpful to understand better how the various centre bodies carry out this function: the **Banja Luka-based Centar za životnu sredinu**, for example, has been noted as having collaborated with the Centre for Investigative Journalism and Transparency International BiH in respect of FoI-related issues,⁹ though other Aarhus Centres may also be engaged in similar activities.
8. A further series of civil society bodies the participation of which – to one or another degree – may be valuable comprise: **Media Centar Sarajevo**, **Vasa Prava BiH**, the **Balkan Research Network of Bosnia and Herzegovina** (BRN BiH), and the **Centre for Investigative Reporting** (CIN). The latter two are perhaps of relatively less direct relevance – both appear to be focused principally on conducting investigative journalism rather than on monitoring and/or reporting on issues related to FoE and/or FoI. At the same time, however, these bodies may nevertheless be well-positioned to provide insights regarding first-hand experiences of issues encountered in conducting investigative journalism in BiH.
9. **Media Centar Sarajevo**, in contrast, has amongst its areas of focus “improving the working environment of journalists, and protecting and promoting media freedom in Bosnia and Herzegovina”. Media Centar also publish on [Diskriminacija.ba](https://www.diskriminacija.ba/), a portal focusing on minority rights. Accordingly, while the extent to which Media Centar itself might conduct related/methodical monitoring is unclear. It may in any event be helpful to consider how/whether it might be possible to draw on Media Centar’s familiarity with FoE and FoI issues in Bosnia and Herzegovina throughout the implementation of the EEx project.
10. In similar fashion, it may also be helpful to consider engaging more or less closely with **Vasa Prava BiH**. In contrast to the other bodies identified above, Vasa Prava is not principally – or necessarily closely – concerned with issues relating to FoE, FoI or media freedom. It does, however, have specific experience – including through a collaborative project with UNESCO – in “legal advice, legal representation before courts and comprehensive advocacy support”¹⁰

⁹ See reference at note 122.

¹⁰ See: <https://www.unesco.org/en/articles/assisting-refugees-legal-defense-journalists-bosnia-and-herzegovina>.

relating to freedom of expression and media. As such, as with Media Centar, it may be valuable to explore the extent to which EEx activities could draw on Vasa Prava's experience and familiarity with these issues.

11. The current exercise also identifies two further civil society bodies in respect of which it may be helpful to consider collaboration within the scope of the EEx project. The first of these is the association **Zašto ne**: while active in a range of issues areas, Zašto ne's "Istinomjer" ("Truthmeter") and Raskrinkavanje ("Unmasking") initiatives are particularly notable as efforts to promote political and media integrity. In contrast, though, Zašto ne's FoI-related initiative – PravoDaZnam.ba (Right to Know) – appears to be inactive. Again, it would be helpful to understand better Zašto ne's areas of interest and potential capacity to support and engage in EEx project activities.¹¹
12. Last, and in similar vein, **Transparency International Bosnia and Herzegovina** (TI BiH) – the BiH branch of Transparency International – is also engaged in areas related to those of interest to EEx, including FoI. Again, though, the extent of the fit between TI BiH and EEx project remains to be determined, not least as TI BiH have a more specific focus on corruption rather than on issues relating to FoE more broadly.

7. OTHER: INTERNATIONAL ORGANISATIONS AND CIVIL SOCIETY, THIRD STATE MISSIONS

13. The international community are not principal duty-bearers for the purposes of EEx. International organisations, international civil society and third-state missions do, however, have interests that are more or less closely engaged in the subject matter of EEx, including – in some instances – capacity to affect the success of the project. As such, these international bodies constitute a further category of stakeholders whose engagement throughout EEx project implementation should be considered.
14. In respect of international organisations, foremost amongst this category is the **European Union Delegation in Bosnia and Herzegovina** (EUD). The EUD has considerable capacity to affect the focus of BiH state (and sub-state) government activities. In similar fashion, EUD also operates a range of projects in partnership with BiH state institutions, reflecting EU priorities and interests. Given scope for these projects to also – directly or indirectly – address areas in which EEx is concerned, as well as the broader importance and role of EUD in BiH, it is likely to be helpful to coordinate during the EEx project implementation, as well as to better understand related EU programming/planning.
15. **The Organization for Security and Cooperation in Europe** (OSCE) also has a longstanding and prominent presence in Bosnia and Herzegovina, grounded in Annex 6 to the General Framework Agreement for Peace (GFAP),¹² and with close interest in (and experience in

¹¹ A further potentially relevant media-checking portal is: <https://analiziraj.ba> (see Annex 1).

¹² See Article XIII of Annex 6 to the GFAP: "The Parties join in inviting the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina, including through the establishment of local offices and the assignment of

supporting) freedom of expression and associated issues. The latter has encompassed both focused capacity-building initiatives,¹³ as well as indications of specific and broader concern.¹⁴ Reflecting this interest and experience, the OSCE may be able to contribute to the prospects of EFEx, including through dialogue and exchanges of information and analysis. As with the EUD, it will also be important for the same reasons to coordinate with the OSCE to avoid overlap and maximise overall international efficiency and efficacy.

16. **The Office of the High Representative (OHR)**, established under the GFAP and with associated Bonn Powers,¹⁵ has historically been the central international agency engaged in Bosnia and Herzegovina, with significant elements of the legal framework regulating FoE and FoI, originating within the organisation. As a result of the enhanced EU engagement (including via EUD) and progress made in developing the capacity of local institutions in the last several years, OHR has reduced head count and capacities in Bosnia and Herzegovina. Nevertheless, OHR retains a significant formal and substantive role in the governance of Bosnia and Herzegovina: as such, while the issues on which EFEx project focuses may be relatively remote from OHR's day-to-day activities, it may nevertheless be valuable to engage/collaborate with OHR where there are areas/activities of potentially common interest.

17. **The United Nations Country Team in Bosnia and Herzegovina (UNCT)** represents a further international actor with an interest on FoE. Within the UNCT, the Office of the Resident Coordinator has in-house human rights capacity with extensive familiarity with issues in BiH, while the UNCT more broadly also includes **UNESCO**, which has experience also of FoE-related projects and programming in BiH, including in partnership with local civil society as well as with OHCHR.¹⁶ More generally, **OHCHR** also has extensive experience of and expertise in human rights monitoring and reporting (including training materials), on which it may be helpful to draw in the course of EFEx.¹⁷

18. In respect of international civil society organisations, it may be helpful to consider how and whether the EFEx project might benefit from the expertise of **Article 19**, which has previously also been engaged in Bosnia and Herzegovina, including with UNESCO.¹⁸

observers, rapporteurs, or other relevant persons on a permanent or mission-by- mission basis and to provide them with full and effective facilitation, assistance and access." Available at:

<https://www.osce.org/files/f/documents/e/0/126173.pdf>.

¹³ See e.g. <https://www.osce.org/mission-to-bosnia-and-herzegovina/526585#:~:text=OSCE%20Photo%20details-,On%2022%20September%202022%2C%20the%20OSCE%20Mission%20to%20Bosnia%20and,of%20expression%20on%20social%20networks;>
<https://www.osce.org/mission-to-bosnia-and-herzegovina/532484>.

¹⁴ See e.g. <https://www.osce.org/representative-on-freedom-of-media/538404>.

¹⁵ See: <http://www.ohr.int/pic-bonn-conclusions/#11>.

¹⁶ See esp. <https://bosniaherzegovina.un.org/en/198198-safety-journalists-and-access-information-bosnia-and-herzegovina>. Also e.g.: <https://articles.unesco.org/en/articles/building-trust-media-south-east-europe-and-turkey-phase-2>; <https://www.unesco.org/en/articles/assisting-refugees-legal-defense-journalists-bosnia-and-herzegovina>.

¹⁷ See e.g. <https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition>.

¹⁸ See: <https://www.article19.org/wp-content/uploads/2022/06/bosnia-herzegovina-country-report-content-moderation.pdf>.

19. Last turning to third-state missions, the missions in Bosnia and Herzegovina of Sweden, the US and Netherlands are worth noting as relatively closely engaged in issues relating to freedom of expression. This has manifested in various ways: the **Swedish mission**, for example, and more broadly **SIDA** – the Swedish International Development Cooperation Agency – are principal donors to the EEx project. Similarly, the **Netherlands** has taken interest in issues relating to FoE, including in Bosnia and Herzegovina, through supporting the UNESCO/OHCHR “Global Drive for Media Freedom and Safety of Journalists” initiative.¹⁹
20. Last, the local mission of the **United States** has also taken a close interest in issues relating to FoE in Bosnia and Herzegovina.²⁰ This has included specific interventions, for example, in respect of the potential criminalisation of defamation, where the US has also cooperated with other missions, including those of **Germany** and the **UK**, as well as EUD, OHR and the OSCE.²¹

¹⁹ See: <https://www.unesco.org/en/articles/unesco-and-ohchr-launch-global-drive-media-freedom-and-safety-journalists>.

²⁰ For recent example, see e.g. <https://ba.usembassy.gov/ambassador-murphys-remarks-at-investigative-journalism-awards-ceremony/>. Also e.g. <https://ba.usembassy.gov/u-s-embassy-statement-threats-freedom-expression/>.

²¹ See variously e.g. <https://ba.usembassy.gov/joint-statement-by-embassies-of-the-u-s-germany-the-uk-and-the-ohr-on-draft-legislation-in-the-republika-srpska/>; <https://n1info.ba/english/news/eu-us-warn-criminalising-of-defamation-jeopardises-fundamental-human-rights/>; <https://www.osce.org/mission-to-bosnia-and-herzegovina/487708>.

8. CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

21. Reflecting the constraints of the General Framework Agreement for Peace, governance in Bosnia and Herzegovina is highly fragmented, with associated implications for the functioning of government and public sector institutions generally. This fragmentation in turn also makes it challenging to identify a core group of stakeholders concerned with freedom of expression and information, particularly when there are a variety of state, sub-state, civil society and international actors with more or less close interests in different aspects covered under the EEx project.

The same set of challenges make it all the more crucial to carefully select optimal stakeholders to participate in MHRR-led core working group on FoE and sub-group on FoI and EEx project planned activities.

22. As the preceding discussion illustrates, it is possible to identify a range of bodies with relatively close interest in FoE and FoI monitoring and reporting, reflecting variously combinations of areas of interest, experience and expertise, and/or capacities to affect project sustainability of results.

This paper suggests that in addition to **MHRR**, potential core members of the working group on FoE and FoI may include:

- Bosnia and Herzegovina Ministry of Justice
- BiH Novinari
- Communications Regulatory Agency of Bosnia and Herzegovina
- Federation of Bosnia and Herzegovina Ministry of Justice
- Human Rights Ombudsmen
- The Press Council in BiH
- Republika Srpska Ministry of Justice.

23. To be clear, this is not to suggest that including these bodies closely in EEx project activities is likely to be sufficient to ensure the success of the project. The preceding review does, however, suggest that reflecting their relatively close interests in the subject matter of EEx – that is, in monitoring and reporting in respect of FoE and FoI – it would prove valuable ensure the results of the project remain relevant and sustainable.

24. The review has also highlighted a further category of bodies with **relatively more remote interests in the specific subject matter** covered under the EEx project, but with which it may nevertheless be valuable to engage particularly in respect of **assessing training needs** and conducting training activities.

These are:

- Bosnia and Herzegovina Civil Service Agency
- Bosnia and Herzegovina Ministry of Security
- Federation of Bosnia and Herzegovina Civil Service Agency
- Judicial and Prosecutorial Training Centres
- Office of the Government of Federation BiH for European Integration
- Republika Srpska Civil Service Agency

- Republika Srpska Ministry of European Integration and International Cooperation

25. Again, this is not to suggest that it will suffice to consult with these bodies alone in planning EFEx project-associated training activities. It is, however, to highlight that these bodies may be well-placed to contribute to and participate in EFEx activities by way of informing the training needs assessment exercise and participating in training activities.
26. The third category of stakeholders identified in the preceding discussion is in some ways more challenging to consider. This group includes a wide variety of bodies, encompassing a range of interests in the subject matters covered by EFEx project, and with varying capacities to contribute to and/or affect project success.
27. An additional factor to be borne in mind in considering whether and if so to what extent and how to engage with these bodies during the course of the EFEx project, is that the terms of reference (ToRs) of MHRR-led working groups remain to be determined. As working group ToRs are developed, there is likely to be a degree of recursivity in identifying bodies more or less well-positioned to participate in working group activities in light of EFEx project goals related to monitoring and reporting on FoE and FoI.
28. Certain of these bodies, for example, may not be particularly well-suited to participating as members of MHRR-led core working group on FoE, but would be potentially valuable contributors in a sub-grouping focused on FoI. Such bodies include:
 - Ministry of Foreign Trade and Economic Relations
 - Ministry of Civil Affairs
 - Personal Data Protection Agency of Bosnia and Herzegovina
 - Federation BiH Ministry of Environment and Tourism
 - Republika Srpska Ministry of Spatial Planning, Construction and Ecology
 - Aarhus Centres
29. Others may, in contrast, have sufficiently broad cross-cutting interests and scope to impact the project's prospects that it may be helpful to include them in the working group on monitoring and reporting, notwithstanding that FoE and FoI may not necessarily lie at the heart of their activities (e.g. DEI, HJPC), whereas yet others may be particularly relevant to certain aspects of EFEx but sufficiently less to others to warrant only selective engagement (e.g. CEC, BRN, CIN, Vasa Prava BiH).
30. Last, in respect of – perhaps particularly but not solely – international organisations and third country missions, it may be helpful to periodically exchange information and update on EFEx project, but without expectation of any particularly formal or substantive engagement beyond that.
31. With that in mind and given the range of institutions falling into this category, it is perhaps worth setting out these bodies in sub-categories.

Accordingly:

Bosnia and Herzegovina Government Institutions and Public Bodies

- Ministry of Foreign Trade and Economic Relations
- Ministry of Communications and Transport
- Ministry of Civil Affairs
- Personal Data Protection Agency of BiH
- Directorate for European Integration
- Agency for Statistics of BiH
- Central Election Commission of BiH

Entity/Sub-State Bodies

- the FBiH Ministry of Environment and Tourism
- the RS Ministry of Spatial Planning, Construction and Ecology
- Brčko District Mayor / institutions

Judicial and Prosecutorial Bodies

- High Judicial and Prosecutorial Council of BiH

Domestic Civil Society

- Aarhus Centres (inc. Centar za životnu sredinu)
- Balkan Research Network of BiH
- Center for Investigative Reporting
- Media Centar Sarajevo
- Transparency International BiH
- Vasa Prava BiH
- “Zašto ne” (“Istinomjer”, “Raskrinkavanje”).²²

International Organisations

- European Union Delegation in BiH
- Organization for Security and Cooperation in Europe
- Office of the High Representative
- United Nations Country Team in BiH (including OHCHR, UNESCO)

International Civil Society

- Article 19

Third State Missions

- Germany
- Netherlands
- Sweden (including SIDA)
- United Kingdom
- United States

32. Again, this is not to suggest that all of these bodies should be considered for membership of the working group on FoE and sub-working group on FoI. This list does, however, indicate the range of potential bodies, agencies and institutions with interests in issues covered by the EEx project, and/or broader issues around FoE and FoI in Bosnia and Herzegovina. As such, it

²² And also potentially in same vein: <https://analiziraj.ba>

may be helpful to consider whether and if so how it may be helpful for the EEx project to engage with these different constituencies as the project moves forward.

ANNEX 1: SCHEMATIC OVERVIEW/ANALYSIS OF STAKEHOLDERS

Bosnia and Herzegovina Government Institutions

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
Ministry of Human Rights and Refugees ("MHRR") (inc. Agency for Gender Equality, and Office of the Agent of BiH CoM before ECHR)	Per Art. 12 of the Law on Ministries, responsible (inter alia) for: - "monitoring and implementation of international conventions and other documents on human rights and fundamental freedoms"; - "co-ordination and preparation of reporting to the competent... international human rights treaty bodies"; - "co-operation with non-governmental organisations on the issues from within the competence of the Ministry"; - "collecting, systematising, publicising and disseminating all data from within the competence of the Ministry." ²³ Per Rules of Procedure of the Council of Ministers of BiH, responsible for:	FOE/FOI (per human rights generally): monitoring, implementation, coordination/preparation reports, data collection/analysis.	S1. Extensive experience of and familiarity with relevant human rights regimes, esp. FOE, and reporting. S2. Close relationships with civil society, international stakeholders. W1. Relatively less familiar with specialist FOI regimes (Aarhus, Tromsø). W2. Internal resource challenges. W3. External structural (technical, political) constraints from constitutional framework. O1. Capacity to demonstrate leadership and develop best practices in respect of FOE/FOI substantively and international monitoring and reporting obligations across BiH institutions. O2. Opportunity to identify/coordinate training needs and strengthen HRBA in BiH governance. T1. Broad, demanding (and challenging) mandate, with potential implications for long-term impact and success of EFEx.	Saliha Đuderija, Amela Hasić, Vanja Vujadin	Information would be helpful on: - Engagement on FOI issues – legal and substantive (inc. draft BiH Law on FOI). - Manner of implementation of 2017 CoM Decision on Human Rights Reporting (practical strengths, weaknesses). - Involvement in broader FOE legislative issues (e.g. MCT WG on laws on electronic communications and electronic media). - Internal training needs.

²³ See at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Ministries/BH/BH-LAW-ON-MINISTRIES%205-03.pdf>

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	- “review[ing] the compliance of regulation with regulations on exercising civil rights and freedoms and fundamental freedoms of the international humanitarian law.” ²⁴				
Ministry of Justice (“MOJ”)	Per Art. 13, Law on Ministries, responsible for: - “administrative functions related to the judicial institutions at the state level, ... ensuring that legislation and implementation by BiH at all levels is in compliance with the obligations of BiH deriving from international treaties, ... administrative proceedings and special administrative proceedings, ... other tasks	Principally responsible for FOI issues at state level (inc. Tromsø Convention reports), inc. draft FOI law. Specific responsibility under Art. 22b of 2000 Freedom of Access to Information Act for “inspection control of the implementation of this Act” (to be conducted by Administrative Inspectorate). ²⁵ FOE: Oversight of administration of justice, inc.	S1. Experience in areas of expertise, inc. administration of state-level judiciary, FOI legislation. W1. Potential limitations of coordination/expert input (see e.g. re. draft BiH FOI Law). O1. Opportunity to strengthen general oversight rule/joined-up government re. human rights-based approach to FOE/FOI. T1. Prospect of weakened FOI protection (removal of judicial protection in draft law)?	Nikola Sladoje / Emir Mehmedović / Nina Šantić	Would be helpful to understand how FOI issues handled across broader BiH public sector, inc. non-state bodies.

²⁴ NB. To verify against original RoP. Observation here noted at:

<http://www.mpr.gov.ba/aktuelnosti/propisi/konsultacije/13%204%20Izvjestaj%20o%20primjeni%20Jedinstvenih%20pravila%20u%20institucijama%20BiH%20-%20EJ.pdf>. p. 12.

²⁵ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/New2015/BH%20Law%20on%20Amendments%20to%20the%20Freedom%20of%20Access%20to%20Information%20Act%20100-13.pdf>.

Though note that per Art. 25(1) of the 2000 Freedom of Access to Information Act for Bosnia and Herzegovina (OG BiH 28/00) as amended, “The Council of Ministers shall take all appropriate measures, including but not limited to the issuing of Decisions, to ensure the proper and effective implementation of this Law.” (See at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/Freedom%20of%20Access%20to%20Information/BH/BH%20Freedom%20of%20Access%20to%20Information%20Act%20for%20Bosnia%20and%20Herzegovina%2028-00.pdf>).

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	and duties which are not within the competence of other Ministries of BiH and which are related to the tasks and duties of this Ministry.”	criminal code (relevant re. hate speech).			
Ministry of Foreign Trade and Economic Relations (“MFT”)	Per Art. 9, Law on Ministries, responsible for: “carrying out tasks and discharging duties which are within the competence of BiH and relate to defining policy, basic principles, co-ordinating activities and harmonising plans of the Entity authorities and bodies at the international level in the fields of... protection of the environment, development and use of natural resources”	FOI: Principally responsible for implementation of Aarhus Convention, inc. reporting. Per MFT website: “The Department for Environmental Protection carries out legal, analytical, expert-operational and informational and documentary activities in the field of proposing policies, basic principles, coordination and harmonization of entities’ plans and those of the Brčko District, and co-ordinates at the international level in the field of environmental protection for BiH.” ²⁶	S1. Department for Environmental Protection established with emphasis on coordination with entity/BD activities/plans. W1. Query engagement with/role re. Aarhus Convention monitoring/reporting. More information would be helpful. O1. Opportunity to mainstream HRBA into Aarhus/FOI activities. T1. Non-engagement may risk overall impact of project re. FOI.	Senad Oprašić	To make contact with MFT/initiate discussion. Query role re. implementation of Aarhus Convention provisions re. FOI.

²⁶ <http://www.mvteo.gov.ba/Content/Read/vodni-resursi-turizam-zastita-potrosaca>

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
Ministry of Communications and Transport ("MCT")	Per Art. 10, Law on Ministries, MCT is responsible for: - "policy and regulation of common and international communication facilities, ... preparation of treaties, agreements and other acts in the field of international and inter-Entity communications, ... preparation and drafting of strategic and plan documents in the field of international and inter-Entity communications... and information technologies."	FOE: General responsibility for state-level legislation governing cross-entity communications. Convenes inter-ministerial working group responsible for Draft Law on Electronic Communications and Electronic Media, with potential to regulate media ownership transparency / concentration (esp. relevant re. hate speech / defamation) though to be restricted to online [and broadcast] media only. ²⁷ Broader relevant laws on communications and public broadcasting within ambit of MCT include: 2003 BiH Law on Communications, ²⁸ 2005 Law on the Public Broadcasting System of Bosnia and Herzegovina, ²⁹ 2005 Law on Public Broadcasting Service of Bosnia and Herzegovina. ³⁰	S1. Extensive experience in areas of expertise/responsibility. W1. Potentially limited capacity, engagement in online communication content regulation. W2. Query capacity to implement HRBA in drafting Law on Electronic Communications and Electronic Media (MHRR participation?) O1. Engagement in EFEx may enable more effective information sharing (monitoring / implementation) and HRBA inc. in legislative drafting. T1. Potentially limited capacity/interest in project: may impact capacity to mainstream HRBA to online/broadcast media regulation.	Adis Šehić / Vlatko Drmić / Borjan Simić/ Bojan Skakavac	What is current status and scope of Draft Law on Electronic Communications and Electronic Media?

²⁷ See e.g. <https://www.media.ba/en/magazin-novinarstvo/legal-framework-transparency-media-ownership-hold>

²⁸ <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/RTV-Communications/BH/HR%20DECISION%20ENACTING%20THE%20LAW%20ON%20COMMUNICATIONS%20OF%20BH%2052-02.pdf> as amended.

²⁹ <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/RTV-Communications/BH/BH%20PBS%20SYSTEM%20LAW%2078-05.pdf> as amended.

³⁰ <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/New2015/BH%20Law%20on%20Public%20Broadcasting%20Service%2092-05.pdf> as amended.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
Ministry of Security (“MOS”)	<p>Per Art. 14, Law on Ministries, responsible for:</p> <ul style="list-style-type: none"> - “prevention and tracing of perpetrators of criminal offences... with an international or inter-Entity element; ... international co-operation in all areas within the remit of the Ministry; collection and use of data relevant for security of BiH; organisation and harmonisation of the activities of the Entity Ministries of Internal Affairs and of the District of Brčko of BiH in accomplishing the tasks of security in the interest of BiH”. <p>The MOS also includes the State Investigation and Protection Agency.³¹</p>	<p>FOE: Substantive interest in hate speech/crimes, inc. data collection, cross-state coordination.</p> <p>Previous participation (along with MHRR, MoJ) in preparation of 2017 CoM-mandated Report on Freedom of Speech and Media Freedom.³²</p>	<p>S1. Key BiH ministry, central to gov’t.</p> <p>W1. FOE/FOI likely of marginal interest.</p> <p>O1. Opportunity to mainstream HRBA to FoE in MoS operations (inc. via training).</p> <p>T1. Given relatively marginal interest in subject area, too-close involvement may impede project?</p>	Mario Janeček	In meeting MOS identified potential training interest/needs re. systematic data gathering, private/public collaboration.

³¹ See: Law on Amendments to the Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina (OG BiH 35/09), at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Ministries/BH/BH%20Law%20on%20Amendments%20to%20Law%20on%20Ministries%2035-09.pdf>. See also: Law on the State Investigation and Protection Agency (OG BiH 27/04), at <http://www.sipa.gov.ba/assets/files/laws/en/sipa27-04.pdf> as amended (see also generally at: <http://www.sipa.gov.ba/en/documents/laws/>.)

³² Reference at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/ContentRegulation/BosniaHerzegovina.pdf>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
Ministry of Civil Affairs (“MCA”)	Per Art. 15, Law on Ministries, responsible for “personal data protection”.	Re. FOE/FOI: Legal framework re data protection principally set out in 2006 Law on Protection of Personal Data. ³³ Understood to be non-GDPR compliant.	S1. Established, long-standing DP regime and associated Personal Data Protection Agency of BiH (see below). W1. Current technical and operational issues with current DP legislative regime. O1. Opportunity to enhance HRBA to DP issues within understanding/operation of current regime and re. future legislative planning. Scope for related training? T1. Query capacity to engage with project/associated challenges.	Aleksandra Kolar / Zorica Rulj	It would be helpful to understand current legislative / operational initiatives here, esp. re. DP law revisions.
Council of Ministers (“CoM”)	Paragraph 4, Art. V of Annex 4 GFAP (Constitution of Bosnia and Herzegovina) provides that: “[t]he Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of	Overall responsibility for BiH executive leadership re. FOE/FOI, human rights generally, inc. approval of international treaty/mechanism reports (per 2017 Decision on Human Rights Reporting Methodology).	S1. Established operational infrastructure. W1. Political risk. W2. Limited operational capacity in areas of sub-state authority. O1. With new CoM in place as of January 2023, opportunity to reaffirm human rights engagement, inc. via commitment to EFEx project (inc. MHRR ministerial engagement). T1. Potential to impede legislative/regulatory change, inc. via ministries. T2. Potential to affect BiH FOI protection via weakening judicial protections.	N/A	To clarify status/operations of “Appeals Committee at the Council of Ministers of Bosnia and Herzegovina” per new draft FOI Law.

³³ Law on Protection of Personal Data (OG BiH 49/06) available at <http://www.sipa.gov.ba/assets/files/laws/en/lp49-06.pdf>, as amended per OG BiH 76/11 (see: <http://www.sipa.gov.ba/assets/files/laws/en/lp76-11.pdf>).

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>Representatives. Together the Chair and the Ministers shall constitute the Council of Ministers, with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina...”³⁴</p> <p>2003 Law on the Council of Ministers of Bosnia and Herzegovina (the “Law on CoM”), imposed by High Representative Paddy Ashdown,³⁵ as since amended.³⁶</p> <p>Law on CoM specifies state ministerial portfolios (mirroring the range of ministries subsequently established under the Law on Ministries), requirements for distribution of ministerial roles amongst constituent peoples, and more broadly sets out working methods</p>				

³⁴ See: <https://www.nato.int/ifor/gfa/gfa-an4.htm>

³⁵ See at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Council%20of%20Ministers/HR%20DECISION%20ENACTING%20THE%20LAW%20ON%20THE%20COUNCIL%20OF%20MINISTERS%2079-02.pdf>.

³⁶ See generally: <http://www.ohr.int/laws-of-bih/public-institutions/>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	for decision-making within the CoM, with emphasis on working by consensus where possible (Art. 18, as amended in 2007) on issues where the CoM (rather than the Parliamentary Assembly) has final decision-making competence.				
Directorate for European Integration (“DEI”)	<p>Art. 22, Law on CoM: CoM “shall establish” (inter alia) the DEI and Legislative Office of BiH.</p> <p>Per. Art. 23, DEI to “perform... the tasks and duties relating to the coordination of activities... [and] supervision... concerning all relevant activities required for European integration... [to] participate in the preparation of drafts, policy proposals, laws [etc.] ... relating to the carrying out of tasks that BiH is obliged to undertake in order to join the process of European integration...</p>	None explicitly, but general oversight of all BiH legislation for <i>acquis</i> consistency, inc. re. Chapter 23 (Judiciary and Fundamental Rights): note 2022 Commission Report emphasising BiH should “in particular... ensure full respect, protection and promotion of freedom of assembly and expression, and refrain from further action that adversely impacts the exercise of these rights.” ³⁸	<p>S1. Authoritative, expert in areas of responsibility.</p> <p>W1. Potentially less familiar with non-EU FOE (esp. FOI) issues/standards.</p> <p>O1. Potential to mainstream EU-standard HRBA in activities.</p> <p>O2. Scope to participate in identification of training needs/gaps across BiH public institutions.</p> <p>T1. Risk of overlooking HRBA elements re. FOE/FOI in activities, with attendant risks to project success/impact.</p>	Nejra Hiroš	Possible interest to support training to mainstream of HRBA inc. European standards (ECHR+) (inc. re. FOE/FOI) in legislative/regulatory drafting generally.

³⁸ EU Commission BiH Report 2022 (<https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Bosnia%20and%20Herzegovina%20Report%202022.pdf>), At p. 28. See also generally pp. 30-32.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>[as well as] giving of [associated] advice.”</p> <p>Further elaborated Art. 18, Law on Ministries.³⁷ Specified competencies inc. “coordination of activities concerning the harmonisation of the BiH Legal System with European <i>acquis communautaire</i> standards; ... harmonisation of activities of bodies and institutions in BiH relating to the relevant activities necessary for European integration; ... co-ordinating implementation of decisions taken by the competent authorities and institutions of BiH, of the Entities and of the District Brčko of BiH with respect to all activities required by BiH for European integration; [and] participating in activities or drafting draft laws, other regulations and directives relating to the carrying out</p>				

³⁷ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Ministries/BH/BH-LAW-ON-MINISTRIES%205-03.pdf>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	of activities that BiH is required to take in the European integration process.”				
BiH Legislative Office	Art. 25, Law on CoM establishes Legislative Office as “responsible for rendering legal opinions on materials forwarded to the Council of Ministers pertaining to methodological uniformity during the preparation and harmonization as to the Constitution and laws of Bosnia and Herzegovina.” ³⁹	Minimal substantive relevance re. FOE/FOI, but general role re. legislative drafting technical oversight (per Uniform Drafting Rules). ⁴⁰	S1. Longstanding experience. W1. Role formally limited to technical legislative drafting oversight. Potentially limited capacity. O1. Opportunity to mainstream/strengthen HRBA in legislative drafting processes via e.g. training. T1. Potentially minimal.	N/A	More information needed on work/role and capacity of Legislative Office, but on basis of information currently available seemingly relatively low relevance to protection of FOE/FOI specifically or to project generally.
Communications Regulatory Agency of BiH (“CRA”)	Per 2002 HR Decision enacting the Law on Communications of BiH: ⁴¹ Art. 36, Law on Communications: “1. The Agency is a functionally independent and a non-profit making institution with the status of a legal person under the laws of	Per. Art. 3, 2003 Law on Communications: “The Agency shall be responsible for: a) regulating broadcasting and public telecommunications networks and services, including licensing... and defining the basis conditions for the provision of common and international communications facilities”.	S1. Lengthy experience in licencing/oversight/enforcement. W1. Limitations of role to broadcast (and associated online) media. O1. Opportunity to better align operations with HR/HRBA standards and enhance cooperation with MHRR/associated BiH bodies, inc. revisiting transparency of media ownership /liaison with DPA.	Jovana Čolić / Amela Odošević / Azra Maslo	Extensive role re regulation of broadcast media. Transparency of media ownership: CRA holds some partial, relevant data re broadcast / associated online licences granted. Query status of broader

³⁹ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Council%20of%20Ministers/HR%20DECISION%20ENACTING%20THE%20LAW%20ON%20THE%20COUNCIL%20OF%20MINISTERS%2079-02.pdf>.

⁴⁰ See generally: https://www.vijeceministara.gov.ba/stalna_tijela/zakonodavstvo/default.aspx?id=7562&langTag=hr-HR&template_id=92&pageIndex=1.

⁴¹ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/RTV-Communications/BH/HR%20DECISION%20ENACTING%20THE%20LAW%20ON%20COMMUNICATIONS%20OF%20BH%2052-02.pdf>

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>Bosnia and Herzegovina. The Agency shall carry out its duties pursuant to the objectives and regulatory principles as enumerated in Articles 3 and 4 of this Law and the Council of Ministers' sector policies. In fulfilment of its duties, the Agency shall act in accordance with the principles of objectivity, transparency and non-discrimination. Members of the Agency's bodies, its officers and staff shall act in the interests of Bosnia and Herzegovina as a whole. ... 3. Neither the Council of Ministers, nor individual Ministers nor any other person shall in any way interfere in the decision-making of the Agency in individual cases."</p> <p>Art. 37: "1. Pursuant to the provisions of this Law the duties of the Agency shall be: a) To promulgate rules on broadcasting and telecommunications, and</p>	<p>Art. 4: "1. The regulatory principles of broadcasting shall include: a) The protection of freedom of expression and diversity of opinion while respecting generally accepted standards of decency, non-discrimination, fairness, accuracy, and impartiality; ... c) That broadcasters shall be separate from political control and manipulation, so as to strengthen democratic principles and the foundations of a market economy; ... d) That licences shall be awarded on the basis of a process by which appropriate professional standards of programme content, technical operation and financing are ensured; e) That broadcast advertising shall be regulated so as to be consistent with best European practice."</p> <p>Re. FOE: responsible for setting and overseeing observance of broadcasting licence conditions, inc. ability to hear complaints (per Art. 45, 2002 Law on</p>	<p>T1. Query susceptibility to political capture: potential attendant risks re. operations?⁴⁹</p>		<p>initiatives (inc. MCT legal drafting working group).</p>

⁴⁹ See e.g. <https://sarajevotimes.com/cra-financially-fines-local-tv-for-allegedly-calling-for-the-murder-of-milorad-dodik/>

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>ensure adherence thereto; b) To license broadcasters and telecommunications operators pursuant to the provisions of this Law, and monitor their compliance with licence conditions; ... d) To require the disclosure of such information as is necessary for the due performance of its regulatory obligations; ... and g) Such other duties as are assigned to it under this Law or by the Council of Ministers.”</p> <p>Recognised under Art. 17 of Law on Ministries, per 2009 amendments (OG BiH 103/09) as an “independent administrative organization”.⁴²</p>	<p>Communications) and issuing penalties / applying enforcement measures (per Art. 46).</p> <p>Licencing conditions/criteria set out re. radio/audiovisual media services in CRA Rule 77/2015 (AV)⁴³ and Rule 76/2015 (Radio),⁴⁴ including (from 2021) responsibility of broadcast licence holders for associated online websites.⁴⁵</p> <p>Also see Art. 16 Law on BiH Public Broadcasting System: “The public broadcasting services shall comply with the rules and regulations of the Agency...”⁴⁶</p> <p>(And more generally also see Arts. 26, 27, 28 Law on BiH Public Broadcasting System re. programming principles,</p>			

⁴² See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Ministries/BH/BH%20Law%20on%20Amendments%20to%20The%20Law%20on%20Ministries%20and%20Other%20Bodies%20of%20Administration%20103-09.pdf>. [Though query status: was some/all of relevant language deleted per Art. 2 of 2017 amendments to Law on Ministries? (Ref to Art. 17(1) sub-para. 9)].

⁴³ See: <https://rak.ba/en/articles/111>

⁴⁴ See: <https://rak.ba/en/articles/112>

⁴⁵ Per: <https://www.rak.ba/en/news/7673>.

⁴⁶ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/RTV-Communications/BH/BH%20PBS%20SYSTEM%20LAW%2078-05.pdf>

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	According to the Law on Amendments to the Law on Ministries and Other Bodies of Administration of BiH ("OG of BiH", no. 83/17), Article 17(1)(9) has been revised, resulting in the removal of the Communications Regulatory Agency of BiH from the roster of independent administrative organizations.	realisation, programming restrictions.) Re. FOI: CRA holds register of audiovisual broadcasting user licences (per licensing authority). ⁴⁷ Historically publication of direct/indirect media ownership data prevented by DPA (see below) on basis of ECHR. ⁴⁸			
Personal Data Protection Agency of BiH ("DPA")	Established per Art. 35 of 2006 Law on Protection of Personal Data as body responsible for "ensuring the protection of personal data" in BiH. ⁵⁰ Re. scope (per Art. 2(1)): "This Law shall apply to personal data that are processed by all public authorities, natural and	Responsible for overseeing / enforcement of data protection issues across BiH. Close relevance re. FOE and FOI. Specific competencies: DPA competencies (per Art. 40(1) 2006 Law): "a) To supervise the implementation of this Law and	S1. Long-established national body with extensive jurisdiction/powers. W1. Legal framework widely recognised to be out of date (GDPR non-compliant). O1. Opportunity to enhance/strengthen HRBA to DP issues, legislatively (with MCA) and operationally. T1. Non-engagement may pose risk to EFEx FOE/FOI ambitions.	Vesna Pehar / Željka Vasković	Query 1. whether DPA approach to data protection unduly conservative (see e.g. re. media ownership / register transparency) – legal basis for opinion to CRA? Qu 2. status of planning re. upgrading 2006 law to reflect GDPR.

⁴⁷ See: <https://rak.ba/en/rf-licenses> and <https://rak.ba/en/brdsct-others-data>) or <https://rak.ba/bs-Latn-BA/brdsct-others-data> (local language version) / though nb. As at date of writing, latter appears blank in English version].

⁴⁸ See e.g. November 2022 report in: <https://fena.ba/article/1293801/cra-more-than-40-percent-of-online-media-do-not-contain-an-imprint-and-cannot-be-held-accountable>.

⁵⁰ See: Law on Protection of Personal Data (OG BiH 49/06) at: http://azlp.ba/images/PropisiEN/Law_on_Protection_of_Personal_Data.doc. Subsequent Amendments to the Law on the Protection of Personal Data (OG BiH 76/11) available at: <http://www.azlp.ba/images/PropisiEN/Law%20on%20Amendments%20to%20the%20Law%20on%20the%20Protection%20of%20Personal%20Data.doc>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>legal persons, unless otherwise stipulated by other legislation.”</p> <p>Recognised under Art. 17 of Law on Ministries, per 2009 amendments (OG BiH 103/09) as an “independent administrative organization”.⁵¹</p>	<p>other laws on personal data processing;</p> <p>b) To act on data subject’s complaints; ...</p> <p>d) To follow the personal data protection requirements by giving proposals as to enacting or amending legislation governing the data processing, give opinions on the proposed laws and take care of fulfilment of the criteria relevant to data protection originating from international treaties that are binding for Bosnia and Herzegovina.”</p> <p>And associated powers (Art. 40(2)) to:</p> <p>“a) Perform supervision, through inspection, over fulfilment of obligations stipulated by this law;</p> <p>b) Keep the Central Registry;</p> <p>c) Accept incentives and complaints of citizens concerning breaches of this Law;</p>			

⁵¹ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Ministries/BH/BH%20Law%20on%20Amendments%20to%20The%20Law%20on%20Ministries%20and%20Other%20Bodies%20of%20Administration%20103-09.pdf>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
		d) Adopt implementing regulations, guidelines or other legal documents in line with the Law; e) Order blocking, erasing or destroying of data, temporarily or permanent ban of processing, issue warning or reprimand to the controller; f) File a request for filing the misdemeanour proceedings pursuant to this Law; g) Provide advice and opinions in the area of personal data protection; h) Co-operate with similar authorities in other countries; i) Exercise other duties as foreseen by law; j) Supervise the transfer of the personal data out from Bosnia and Herzegovina."			
Agency for Civil Service ("CSA")	Per Art. 62, 2002 BiH Law on Civil Service in the Institutions of Bosnia and Herzegovina: ⁵² - "1. The Council of Ministers shall establish an Agency for Civil Service and shall appoint its Head... 2.	None specifically. General responsibility for civil service training.	S1. Established training body. W1. Unknown capacity/interest. O1. Opportunity to mainstream HRBA re. FOE/FOI into BiH civil service training. T1. Non-engagement may impede project ambitions esp. re training.	Neven Akšamija	Potentially valuable training partner. Further information / engagement would be helpful to assess potential scope of involvement.

⁵² Available at: <https://advokat-prnjavorac.com/legislation/Law-on-civil-service-in-the-Institutions-of-BiH.pdf>. Note subsequent amendments, per: <http://www.ohr.int/laws-of-bih/public-institutions/>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	The Agency for Civil Service shall: a) Ensure: ... 3) The training and the development of the Civil Service;"				
Agency for Statistics of BiH ("BHAS")	Established by CoM 1997. Generally, operates under 2004 Law on Statistics of BiH. ⁵³ Per. Art. 8: "1. The Agency is the competent body to process and/or disseminate and/or endorse Statistics of Bosnia and Herzegovina within the meaning of Article 2... (e) Collect, process and disseminate Statistics of Bosnia and Herzegovina in accordance with internationally accepted standards based on data submitted by the Entity Institutes and/or data collected directly by the Agency. For these purposes the Agency may (i) where it considers necessary for the	None directly. Published statistics gathered inc. re. crime, communications (inc. IT usage), SDGs, though all at relatively high-level. ⁵⁴ BHAS does, however, have a potentially wide-ranging mandate.	S1. Established body with strong mandate inc. re. cooperation from/with entity statistical institutions. W1. Query granularity of information collected/available re. HR. O1. Opportunity to support mainstreaming of HRBA into operations, support enhancement (esp.) of SDG-related data. O2. Potentially well-placed to advise on ensuring reliability of data gathered for national HR monitoring/reporting purposes. T1. Failure to engage HBAS may risk cutting across existing statistical initiatives, potentially with costs from failure to join-up.	Jasna Samardžić	- Query extent of BHAS involvement in HR-relevant data gathering / analysis to date. - Scope to advise on monitoring FOE/FOI?

⁵³ See: <https://unstats.un.org/unsd/dnss/docViewer.aspx?docID=420#start>.

⁵⁴ See generally at: <https://bhas.gov.ba/Home/>

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>performance of its statutory functions provided herein collect statistical data from any Statistical Unit in the Entities; and (ii) collect data for its statutory functions provided herein from BiH Institutions; legal entities at the State level; international organisations operating within BiH borders and foreign owned and controlled companies; (f) require (where necessary for compiling statistics at the level of Bosnia and Herzegovina) Entity Institutes to provide data at the level of individual Statistical Units. Such data may include Confidential Data within the meaning of this Law or data that Entity legislation may classify as confidential.... (g) Require Entity Institutes to collect and provide statistical data that the Agency determines necessary for Statistics of Bosnia and Herzegovina.</p>				

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>(h) disseminate the Statistics of Bosnia and Herzegovina to all Users including Governments, Institutions, social and economic operators and the public in general as soon as they are established in such a way that access is rendered simple and impartial using appropriate media and without divulging any Confidential Data; (i) foster co-operation between Entities' Institutes and provide a venue for routine exchange of information between these Institutes;"</p> <p>"Statistics of Bosnia and Herzegovina within the meaning of Article 2." These are (nb. Reference intended to Art. 3?): "information collected from a given field of statistical units and processed and/or disseminated to implement the Program or other statistics required for Bosnia and Herzegovina or any other statistics</p>				

Institution	Basis/limits of authority	Mandate re. FOE/FOI, esp. monitoring/reporting	SWOT	Focal point/s	Observations
	<p>compiled by state bodies and endorsed by the Agency. For these purposes, Statistics of Bosnia and Herzegovina shall exclude statistics that are disseminated and/or published by the Entities of Bosnia and Herzegovina for their purposes ("Entity Statistics").</p> <p>Notwithstanding, the Agency may require the Entities to provide any or all data within the Entity Statistics including cells of individual Statistical Units and which the Agency deem relevant to implement the Program to be transmitted to it in accordance with the provisions of this Law."</p>				

Other BiH public bodies

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
Human Rights Ombudsman of BiH ("HRO")	Established under 2000 BiH Law on the Human Rights Ombudsman of Bosnia and Herzegovina	<p>General competence re. human rights promotion/protection.</p> <p>Principal powers set out at Arts. 2-7 of Law on the HRO. Primarily focused on the examination of complaints involving</p>	S1. Established body with strong mandate, inc. both FOE and FOI. W1. Query extent of established cooperation	Alma Mehonić Kišić / Ivona Ražnatović	Re. FOI – would be helpful to understand risks from removal of statutory HRO oversight of FOI under proposed new draft BiH law.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<p>(the “Law on the HRO”).⁵⁵</p> <p>Per Art. 1, HRO is established as “an independent institution set up in order to promote good governance and the rule of law and to protect the rights and liberties of natural and legal persons...”</p> <p>*The basis for the work and functioning of Human Rights Ombudsman of Bosnia and Herzegovina is enshrined by Annexes IV and VI of the General Framework Agreement on Peace for BiH and the HRO started to function in 1996.</p>	<p>“the poor functioning of, or violations of human rights and liberties committed by, any government body” (Art. 2(1)) concerning government authorities in BiH.</p> <p>Per. Art. 2(3) HRO has discretion to undertake “general investigations” and per Art. 2(4) to “recommend appropriate individual and/or general measures”.</p> <p>Longstanding submission of NHRI reports to accompany BiH state reports.⁵⁶</p> <p>Close oversight role re. FOI role under current BiH legislation (see esp. Art. 22(1)(c) scope to consider “proposing instructions on the implementation of [this] Act to all competent ministries within Bosnia and Herzegovina, in coordination with the ombudsman institutions of the Federation of Bosnia and Herzegovina and the Republika Srpska.”</p>	<p>with state/entity institutions.</p> <p>W2. Limited formal powers.</p> <p>O1. Opportunity to support closer collaboration between HRO and BiH/entity institutions in international reporting.</p> <p>T1. Potential scope for weakening of HRO role re. FOI with draft BiH law, with knock-on effects for HRBA to FOI.</p>		

⁵⁵ See at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/008%20-%20HUMAN%20RIGHTS%20OMBUDSMAN%20OF%20BOSNIA%20AND%20HERZEGOVINA/BH%20Law%20on%20the%20Human%20Rights%20Ombudsman%2032-00.pdf> with subsequent amendments.

⁵⁶ See e.g. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNHS%2FBIH%2F26481&Lang=en

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
Central Election Commission of BiH ("CEC")	BiH Election Law 2001 (extensively amended). ⁵⁷	<p>Close formal oversight of FOE inc. (explicitly) hate speech, and media in respect of elections.</p> <p>Re former see <i>inter alia</i> esp. Art. 7.3: "(1) Candidates and supporters of political parties, lists of independent candidates, list of members of national minorities and coalitions, as well as independent candidates and their supporters, and election administration officials or those otherwise hired in the election administration are not allowed to...</p> <p>3. prevent journalists from carrying out their duties, in accordance with the rights of their profession and the election rules;</p> <p>7. use hate speech, and/or, publish or use pictures/images, symbols, audio and video recordings, SMS messages, Internet communications, social networks and mobile applications or any other materials that can have such effect." Penalties set out at Art. 19.9(1)(11).</p> <p>"hate speech" defined in Art. 1.1(2) as: "any form of public expression or speech that provokes or encourages hatred,</p>	<p>S1. Highly experienced institution operating under detailed legal regime.</p> <p>S2. Helpful legal definition of hate speech.</p> <p>S3. May hold records of incident/ prevalence of e.g. hate speech, media conduct around elections.</p> <p>W1. Mandate limited re. election contexts.</p> <p>O1. Opportunity to mainstream HRBA in CEC operations.</p> <p>O2. Opportunity to disseminate CEC experience/lessons re. FOE across BiH/entity institutions.</p> <p>T1. Failure to engage may constrain longer-term prospects for EEx/sustainable FOE/FOI enhancement.</p>	Suad Arnautović	<p>Valuable experience re. operationalisation of definition of hate speech within legislative framework.</p> <p>Query: Article 16(17) of 2001 Election Law provides that "...political entities shall refer to the Press Council of BiH with their complaints to the content in the printed media concerning coverage of the electoral campaign." To note quasi-statutory role of Press Council: possible implications for e.g. responsibility of central BiH institutions to maintain PC?</p>

⁵⁷ See generally: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/004%20-%20Election%20Law%20of%20Bosnia%20and%20Herzegovina/BH%20Election%20Law%2023-01.pdf> and <http://www.ohr.int/laws-of-bih/election-legislation/>. For unofficial English translation (preceding most recent October 2022 amendments), see: https://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version.pdf

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>discrimination or violence against any person or group of persons, based on race, skin color, nationality, sex or religion, ethnic origin or any other personal characteristic or orientation that incites to discrimination, hostility and violence.”</p> <p>Re. media/FOE in respect of elections see generally Art. 16, including extensive requirements for e.g. media impartiality, balance, transparency, fairness.</p> <p>See generally e.g. Art. 16(1): “The media in BiH shall cover election activities in a just, professional and competent manner, consistently respecting the journalists’ code of conduct and generally accepted democratic rules and principles, especially the basic principle of freedom of expression.”</p>			

Entity/sub-state bodies

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
Federation BiH Government ⁵⁸	<p>General: FBiH concurrent responsibility (with Cantons) for “Guaranteeing and enforcing human rights” per FBiH Constitution (III. Art. 2),⁵⁹ though per Art. 3. “As appropriate, the responsibilities in Article 2 may be exercised jointly or separately, or by the Cantons as coordinated by the Federation Government.”.</p> <p>Per Constitution, FBiH institutions have limited exclusive responsibility inc.: “(c) Making economic policy, including planning and reconstruction, and land use policy on the federal level ... (e) Combating terrorism, intercantonal crimes, drug trafficking and organized crime.</p>	<p>Various: reflecting GFAP arrangements, FBiH and institutions are responsible – to greater or lesser degrees concurrent with Cantonal authorities – for extensive areas of regulation affecting FOE and FOI.</p> <p>Re. responsibilities of FBiH institutions per Law on Federation Ministries and Other Bodies of Federation Administration No. 56/02 (Law on FBiHM):⁶⁰ FBiH Ministry of Justice has general responsibility for: “exercising the competencies of the Federation in areas, and in particular those of judicial institutions and administration... assisting in judicial and prosecutorial training associating in political organisations and citizens’ associations...” FBiH MoJ also includes FBiH Institute for Public</p>	<p>S1. Re. FOE legal issues (inc. civil/criminal) and FOI (entity-level law) potentially more familiar with concrete issues than state-level bodies. W1. FBiH bodies’ competence shared in respects with cantons. Potentially challenging to identify / manage relations with relevant bodies. O1. Opportunity to mainstream HRBA into legislative/oversight activities, and bolster participation in monitoring/reporting. T1. Non-engagement may limit potential impact of project / promotion of FOE/FOI.</p>	<p>FBiH Ministry of Justice (“FBiH MOJ”): Anja Galić</p> <p>Federation Ministry of Environment and Tourism (“FBiH MET”): Nasiha Pozder / Mehmed Cero</p> <p>Office of the Government of FBiH for European Integration (“FBiH OEI”): Vjekoslav Čamber</p> <p>Agency for Civil Service of the Federation</p>	<p>Review indicates:</p> <ul style="list-style-type: none"> - FBiH MoJ central re. FOI. - FBiH Ministry of Environment and Tourism potentially key re. Aarhus Convention (further information required). - Office of the Government of FBiH for European Integration, and Agency for Civil Service of the Federation potentially valuable re. planning/conducting training. - Potential for further relevant FBiH bodies?

⁵⁸ See generally Law on Changes and Amendments to the Law on Federation Ministries and Other Bodies of Federation Administration, FBH, 48/11, 01/08/2011at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/New2015/FBH%20Law%20on%20Amendments%20to%20the%20Law%20on%20Federation%20Ministries%2048-11.pdf> as amended.

⁵⁹ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/FBH/FBH%20CONSTITUTION%20FBH%201-94%20and%2013-97.pdf>

⁶⁰ <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Ministries/FBH/HR%20DECISION%20ENACTING%20THE%20LAW%20ON%20FEDERATION%20MINISTRIES%2056-02.pdf>

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	... (g) Making energy policy, including inter-cantonal distribution matters, and providing and maintaining the related infrastructure.”	<p>Administration, responsible for: “organisation of vocational training and upgrading for [FBiH administration] employees”.⁶¹</p> <p>Per Art. 10 Law on FBiHM, “The Federation Ministry of Traffic and Communications” is responsible for “telecommunications and postal affairs with the exception of establishment and operation of common and international communications facilities.” (In practice CRA role applies across BiH, inc. FBiH.)</p> <p>Per Art. 18 Law on FBiHM, “The Federation Ministry of Environment and Tourism” is responsible <i>inter alia</i> for “directing long-term sustainable development of use of natural resources”. Per Art. 20a (inserted per Art. 4, Law on Amendments to Law on FBiHM, BiH OG 8/06) also responsible for “administrative, professional and other tasks from within the responsibility of the Federation referring to: environmental protection of air, water, and soil, formulation of environmental strategy and policy in protection</p>		(“FBiH CSA”): <i>Samra Ljuca</i>	

⁶¹ Per Art. 7, Law on Federation Ministries and Other Bodies of Federation Administration.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>of air, water and soil... ” Ministry also has interest in subject matter of Aarhus Convention (see below).</p> <p>Office of the Government of FBiH for Legislation and Harmonization with European Union Regulations: “The section cooperates with the designated EU coordinators (civil servants) employed in the FBiH Government ministries. Its main focus is the review of draft legal acts/bylaws prior to their submission to the FBiH government as to the conformity of the draft legal act/bylaw conformity with the EU acquis, as well as its conformity with the Constitution FBiH and the FBiH legal system.”⁶²</p> <p>Office of the Government of FBiH for European Integration (established 2013).⁶³ This body is charged, inter alia, with “Development of methodologies and guidelines, as well as the overall coordination of the</p>			

⁶² <http://bih-parliamentary-twinning.eu/en/office-of-government-of-federation-of-bih-for-legislation-and-harmonization-with-eu-regulations>

⁶³ Regulation on Office of Government of FBiH for European Integration, published in the Official Gazette of FBiH on 13 November 2013, no. 89/2013. Not readily available in English. Though generally see also: http://80.65.161.138/english/uredi%20i%20sluzbe_v2/zaknodavstvo.php and http://80.65.161.138/english/uredi%20i%20sluzbe_v2/integracije.php on these bodies.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>process of European integration within the jurisdiction of the Government of the Federation, Federal Ministries and other bodies of the federal administration, in addition to harmonization work of the acquis.”⁶⁴</p> <p>Agency for Civil Service of the Federation:⁶⁵ Responsible inter alia (per Art. 64 FBiH Law on Civil Service) for “organization and realization of education, professional training, and in-service perfecting of the civil servants... “</p> <p>Institute of Statistics of the Federation of BiH: Recognised as an “independent Federation Administrative Organization” per Arts. 24, 25 Law on FBiHM. Per Art. 25: “The Federation Institute of Statistics shall carry out professional and other tasks from within the competencies of the Federation referring to statistical research within the Federation and particularly referring to: establishment of a single</p>			

⁶⁴ See: http://80.65.161.138/english/uredi%20i%20sluzbe_v2/integracije.php.

⁶⁵ Established per Law on Civil Service of the Federation of Bosnia and Herzegovina (OG BiH 29/03), as amended. See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Civil%20Service/FBH/FBH%20LAW%20ON%20CIVIL%20SERVICE%2029-03.pdf>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>methodology of statistical research; single statistical standards; development of statistical information system as a part of a single information system; introducing and keeping administrative and statistical records (space units, population, enterprises, private shops, etc.), records prescribed by law, exchange of statistical data with other states and international organisations arising from the obligations established by international treaties and in accordance with any State level law on this matter.”</p> <p>Re. explicit <u>legislative responsibilities</u>:</p> <p>Re. FOI: Law on Freedom of Access to Information in the Federation of Bosnia and Herzegovina (FBiH OG 32/01, 48/11).⁶⁶ Per. Art. 24 FBiH Ministry of Justice responsible for ensuring effective implementation of FBiH Law on</p>			

⁶⁶ Available at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/Freedom%20of%20Access%20to%20Information/FBH/FBH%20-%20Freedom%20of%20Access%20to%20Information%20Act%2032-01.pdf>

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>FOI.⁶⁷ (Note also HRO – as successor to FBiH HRO – oversight role.)</p> <p>See also: Law on Environmental Protection of FBiH (2021),⁶⁸ with provision on “access to environmental information and public participation in the field of environmental protection”. Per Art. 23(c), FBiH Ministry of Environment and Tourism “establishes and manages the system of environmental reporting and information” in FBiH.</p> <p>Re. FOE/public broadcasting: Law on Radio-Television of the Federation of Bosnia and Herzegovina No. 158/02⁶⁹ Per. Art. 7: “RTV FBiH shall comply fully with the rules and regulations of the Communications Regulatory Agency (hereinafter: CRA) inasmuch as they are not inconsistent with this Law. RTV FBiH shall be subject to all</p>			

⁶⁷ “(1)The Federation Minister of Justice shall take all appropriate measures, including but not limited to the issuing of instructions, to ensure the effective implementation of this law.”

⁶⁸ OG FBiH 15/21. See at: <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC204063>. (Text not found in English.)

⁶⁹ Available at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/RTV-Communications/FBH/LAW%20ON%20THE%20RTV%20OF%20THE%20FBH%2025-02.pdf>, note amendments.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>sanctions available to CRA for non-compliance therewith except licence revocation and/or suspension.”</p> <p>Re. FOE/defamation, see: Law on Protection against Defamation of FBiH (2002).⁷⁰</p> <p>FBiH Criminal Code and Code of Criminal Procedure, nor Ministry of Internal Affairs, not considered in current scope.</p>			
Federation BiH Cantonal Governments	<p>Per FBiH Constitution, III. Art. 4:</p> <p>“The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:</p> <p>(a) Establishing and controlling police forces... (i) Making policy concerning radio and television facilities, including decisions concerning regulation and provision thereof.”</p>	<p>Regulatory arrangements vary across cantons, encompassing <i>inter alia</i> constitutional,⁷¹ policing, and RTV facilities. Cantons also have, for example, own environmental protection agencies.</p> <p>Re. FOI: FBiH cantons covered by FBiH law on Freedom of Information.⁷²</p> <p>Re. FOE: Re. civil defamation, see relevant FBiH law. FBiH legal</p>	<p>S1. Likely close on-ground familiarity with key FOE and FOI operational issues.⁷³</p> <p>W1. Varying regulatory arrangements. Key aspects of FOE and FOI operations covered by FBiH legal regimes.</p> <p>W2. Scope/capacity challenges in engagement given potential numbers of potential bodies involved.</p>	N/A	<p>Generally difficult to identify particularly key stakeholders at cantonal level given range of bodies/responsibilities involved. Preferable approach may be to explore scope for participation in training activities via FBiH institutions.</p>

⁷⁰ Law on Protection against Defamation of FBiH (OG FBiH 59/02). See: <https://advokat-prnjavorac.com/legislation/Law-on-protection-against-defamation-of-the-Federation-Bosnia-and-Herzegovina.pdf> and <http://www.ohr.int/decision-enacting-the-law-on-protection-against-defamation-of-the-federation-of-bosnia-and-herzegovina/>. Also: http://english.vzs.ba/index.php?option=com_content&view=article&id=209%3Azakon-o-zatiti-od-klevete-fbih&catid=9%3Ajournalists-laws&Itemid=12&lang=en

⁷¹ See e.g. cantonal constitutions and amendments at: <http://www.ohr.int/laws-of-bih/constitutions-2/>.

⁷² See e.g. <https://pravosudje.ba/vstvfo/E/10/article/106654>

⁷³ See e.g. <https://safejournalists.net/bh-journalists-public-protest-to-the-moi-of-tuzla-canton-over-illegal-treatment-of-rtv-slom-crew/>

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		regimes also apply re. criminal code /procedure.	O1. Opportunity to mainstream HRBA into FOE/FOI operations. T1. Non-engagement risks impeding effective adoption of HRBA to issues given operational roles, esp. re. policing, courts.		
Republika Srpska Government	FOE-related rights guaranteed per Arts. 25, 26, 27 RS Constitution. ⁷⁴ Government and ministries' roles/responsibilities set out in Law on Ministries of the Republika Srpska: ⁷⁵	Re. <u>responsibilities of RS institutions</u> per Law on Ministries of the Republika Srpska ("Law on RSM"): ⁷⁶ Per Art. 7, RS Ministry of Justice "carries out administrative and other professional activities related to exercising of competencies of Republika Srpska over ... judicial institutions and administrative supervision over the work of the administration of justice... offering help in education of judges and prosecutors ... taking care of	S1. Re. FOE legal issues (inc. civil/criminal) and FOI (entity-level law) potentially more familiar with concrete issues than state-level bodies. W1. Political context may make effective engagement challenging. ⁸⁴ O1. Opportunity to mainstream HRBA into legislative/oversight activities, and bolster participation in monitoring/reporting.	RS Ministry of Justice ("RS MOJ"): Slobodan Zec RS Ministry for Urban Planning, Civil Engineering and Ecology / Spatial Planning, Construction and Ecology ("RS MSPCE"): [X]	Review indicates: - RS MOJ central re. FOI. - RS MSPCE role/activities re. Aarhus Convention: further information would be helpful. - RS MEI and RS CSA potentially valuable re. planning/conducting training.

⁷⁴ See: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/RS/RS%20CONSTITUTION%20OF%20REPUBLIKA%20SRPSKA.pdf> subsequently amended.

⁷⁵ OG RS 70/02. See at: <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/RS-Law-on-Ministries.doc> (Note: note officially listed on OHR website. No indication of potential subsequent amendments.)

⁷⁶ <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/001%20-%20Constitutions/RS/RS%20CONSTITUTION%20OF%20REPUBLIKA%20SRPSKA.pdf>

⁸⁴ See observations in: https://ec.europa.eu/commission/presscorner/detail/en/country_22_6093 ("During a significant part of the reporting period, the Republika Srpska entity pursued to unilaterally take over state competences (including on taxation, the judiciary, defence and security) and dismantle state institutions, endangering the country's EU accession perspective as set out in the Commission Opinion. Some legislative steps were taken to withdraw the Republika Srpska entity from key state bodies and set up parallel bodies at entity level; these laws are suspended and under constitutional review."). Associated ongoing issues.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>implementation of organizational norms and collection of statistical data on transgressions ... participates actively in procedures of implementation, production and adoption of legal projects from the area of its competencies; provides expert opinion on legal projects upon the request of the other ministries and other authorized bodies ..."</p> <p>Per Art. 13 Law on RSM, "The Ministry of Transport and Communications shall carry out administrative activities and other professional tasks related to... communication systems; radio communications, postal, telegraphic and telephone traffic telecommunications, telecommunications infrastructure of the radio broadcasting system; management of coordination policy ..."</p> <p>Per Art. 15 "The Ministry for Urban Planning, Civil Engineering and Ecology shall carry out administrative activities and other professional tasks related to ... overall protection of the quality of the environment and its improvement through research,</p>	<p>T1. Non-engagement may limit potential impact of project / promotion of FOE/FOI.</p>	<p>RS Ministry of European Integration and International Cooperation ("RS MEI"): <i>Dajana Stupar / Nada Pejnović</i></p> <p>Civil Service Agency ("RS MCA"): Daria Milošević / Dalibor Čopić</p>	

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>planning management and protection measures; protecting assets of general interest, natural resources, natural and cultural heritage; inspection supervision in the field of urban planning, civil engineering, utilities and environment protection, realizes action of cooperation with relevant ministries and institutions of the Federation of BiH.”⁷⁷</p> <p>Per Art. 17 “The Ministry of Economic Relations and Coordination performs administrative and other professional activities related to: ... monitoring and coordination of activities that fall under the RS obligations concerning fulfilment of requirements for inclusion into European integration trends, by establishment of integrated economic sphere aiming to make BiH a valid member of European Union ...”</p> <p>In accordance with the 2018 Law on the Republic Administration of the RS, the Ministry of Economic Relations and Coordination has</p>			

⁷⁷ Current RS Government website refers to “Ministry of Physical Planning, Civil Engineering and Ecology”. In absence of English-language amendments to Law on RSM, this is assumed for present purposes to refer to the same ministry. (See: <https://www.vladars.net/eng/vlada/ministries/MSPCEE/aboutministry/Pages/default.aspx>.)

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>ceased its operations and its responsibilities have been transferred to the Ministry of European Integration and International Cooperation and the Ministry of Economy and Entrepreneurship.</p> <p>Re. the former, responsibilities include: “administrative and other expert tasks related to the following: monitoring implementation of the Stabilization and Association Agreement (hereinafter: the SAA), fulfilling obligations arising from the SAA and reporting thereabout; implementing and coordinating activities on fulfilment of obligations in the EU association and accession process within Chapters 1, 3 and 22 of the Acquis Communautaire of the European Union and Political Criteria; coordinating RS administrative authorities in implementing the activities in the field of European integration in compliance with RS regulations; ... coordinating harmonization of RS legislation with the regulations of the European Union and the practice and standards of the Council of Europe; participating in the preparation of normative acts aimed at their harmonization with</p>			

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>the regulations of the European Union and the practice and standards of the Council of Europe; coordinating preparation and monitoring of RS plans and programs of harmonization of RS legislation with the EU Acquis and the practice and standards of the Council of Europe; providing expert support to RS administrative authorities and other RS institutions, and coordinating their participation in the process of harmonization of legislation; cooperating with the working bodies of the National Assembly in the field of harmonization of RS legislation with the Acquis Communautaire of the EU and the practice and standards of the Council of Europe; ... planning and organizing trainings in the field of European integration...</p> <p>coordinating RS administrative authorities in the field of implementation of BiH post-accession obligations arising from membership in the Council of Europe and cooperating with the bodies of the Council of Europe; issuing opinions on the acts of the Council of Europe; drafting laws and bylaws within the competence of the Ministry and</p>			

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>other tasks in accordance with the law.”</p> <p>Art. 27 of the Law on RSM also specifies the following “Republican Administrative organizations”: “1. Republican Institute for Statistics, 2. Republican Secretariat for Legislation, 3. Civil Service Agency”.</p> <p>Per Art. 28, the “Republican Institute for Statistics performs professional and other tasks which refer to: statistical researches in the Republic; collection, processing, analyzing and publishing of the statistic data and the issuing of the statistical publications within a framework of a uniform statistic system and programs of statistical researches, which are of interest for the Republic, chambers of commerce and other associations; studying and improving a uniform methodology of statistical researches; development of a statistical informative system; organization and functioning of the statistical service and keeping uniform registries (of population, enterprises, institutions, independent stores, urban units,</p>			

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>etc.) and records prescribed by the law; cooperation with the Agency for the Statistic of the BiH and Federation of BiH and performs other tasks. in accordance with law and other regulations of the Republika Srpska and Bosnia and Herzegovina.”</p> <p>Per Art. 38, “The Republican Secretariat for Legislation performs professional tasks related to: establishment, monitoring and upgrading of the legal system; providing harmonization of regulations and general acts within the legal system, over the process of their production, and taking care of their normative-technical and linguistic validity... “</p> <p>Last, per Art. 41 “The Civil Service Agency is an independent and autonomous expert body, which (inter alia) ... performs administrative and other professional tasks related to: ... prepare and conduct a Program for Training and Advancement of Civil Servants; establish and promote the highest standards, rules and procedures in management of civil service</p>			

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>bodies ... performs other activities in compliance with law and other regulations of the Republika Srpska and Bosnia and Herzegovina.” Role/competencies reflected in Art. 6 of the Law on the Civil Service in the Republika Srpska Administration (2002) as amended.⁷⁸</p> <p>Re. explicit <u>legislative responsibilities</u>:</p> <p>FOI: Freedom of Access to Information Act (Republika Srpska).⁷⁹ Per. Art. 24(2) RS Ministry of Justice responsible for ensuring “proper and effective implementation” of RS Law on FOI.⁸⁰ (Note also HRO – as successor to RS HRO – oversight role.)</p>			

⁷⁸ OG RS 16/02. See at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/009%20-%20PUBLIC%20ADMINISTRATION/Civil%20Service/RS/RS%20LAW%20ON%20CIVIL%20SERVICE%20IN%20THE%20RS%20ADMINISTRATION%2016-02,%2062-02,%2038-03.pdf> with subsequent amendments.

⁷⁹ OG RS 20/01. Available at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/011%20-%20PUBLIC%20INFORMATION/Freedom%20of%20Access%20to%20Information/RS/Freedom%20of%20Access%20to%20Information%20Act%2020-01.pdf>.

⁸⁰ “(1) The Federation Minister of Justice shall take all appropriate measures, including but not limited to the issuing of instructions, to ensure the effective implementation of this law.”

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>See also: Law on Environmental Protection of RS (2012).⁸¹ This includes provision for with provision on “access to environmental information and public participation in the field of environmental protection”. Article 12(2) of this law provides that: “The Ministry in charge of Spatial Planning, Civil Engineering and Ecology ... and local governments (hereinafter: competent authorities) shall be obliged to help and raise public awareness, by facilitating the availability of information to the general public.” (See also generally Arts. 33-42 of 2012 law.)</p> <p>Re. FOE/public broadcasting: Law on Public Broadcasting of Republika Srpska (RS OG 49/06).⁸² Per Art. 11 (as per RTV FBiH) “[Public Broadcasting Service of Republika Srpska] shall be required to comply with the rules and regulations of the [CRA]...”</p>			

⁸¹ 2012 RS Law on Environmental Protection available at: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mgr/Documents/The%20Law%20on%20Environmental%20Protection_297371538.pdf.

⁸² See at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/New2015/RS%20Law%20on%20Public%20Broadcasting%20Service%2049-06.pdf> with amendments.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>Re. FOE/defamation, see: RS Law on Protection against Defamation (2001).⁸³</p> <p>RS Criminal Code and Code of Criminal Procedure, nor Ministry of Internal Affairs, not considered in current scope.</p>			
Brčko District: District Mayor, Vice Mayor, Government Chief Coordinator, Heads of Department⁸⁵	Statute of Brčko District. ⁸⁶ Art. 8 prescribes relevant competence of District authorities re. environment, judiciary and legal services, and “other competences necessary for the functioning of the District as a single administrative unit of local self-government...”.	<p>Generally: Statute of Brčko District (Art. 1(4)) indicates that where Entities do not exercise functions/powers, “relevant laws and decisions of the institutions of Bosnia and Herzegovina, are directly applicable throughout the territory of the district.”</p> <p>Re. <u>responsibilities of Brčko District institutions</u>:</p> <p>Generally, per Art. 52(2) Statute of Brčko District (Responsibilities of the Mayor): “The Mayor is responsible for implementing the laws of Bosnia and Herzegovina and the District”.</p>	<p>S1. Close familiarity with on-ground issues in Brčko District.</p> <p>W1. Potentially limited capacity.</p> <p>O1. Opportunity to mainstream HRBA into Brčko District approaches to FOE/FOI.</p> <p>T1. Difficult to ascertain extent of challenges posed / to right-size engagement with Brčko District. Further information would be helpful (See Observations.)</p>	Željko Antić	<p>Likely to be helpful to include Brčko District bodies in (at least) training, inc. planning.</p> <p>Also query what data (re. FOE and FOI) Brčko District authorities hold re. monitoring/reporting.</p> <p>Further information would be helpful.</p>

⁸³ Law on Protection against Defamation of Republic of Srpska (OG RS 37/01). See: http://english.vzs.ba/index.php?option=com_content&view=article&id=210%3Azakon-o-zatiti-od-klevete-rs&catid=9%3Ajournalists-laws&Itemid=12&lang=en

⁸⁵ For helpful background, see: Karnavas, Michael G. “Creating the Legal Framework of the Brčko District of Bosnia and Herzegovina: A Model for the Region and Other Postconflict Countries.” The American Journal of International Law 97, no. 1 (2003): 111–31.

⁸⁶ OG Brčko District BiH (“OD BD-BiH”) 3/07, available at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/002%20-%20Statute%20of%20the%20Brcko%20District%20of%20Bosnia%20and%20Herzegovina/BDBH%20Statute/BD%20Statute%20of%20the%20Brcko%20District%20of%20Bosnia%20and%20Herzegovina%203-07.pdf>. See also amendments.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>Civil Service Agency: no English language legislation/regulations found.</p> <p>Re. explicit <u>legislative responsibilities</u>:</p> <p>Re. FOI, generally per. Art. 17 Statute of Brčko District: “(1) All District institutions shall respect freedom of information. District officials shall ensure public access to the District’s activities, public documents, decisions and official meetings by providing information in a timely, accurate and thorough manner.” See also: Instruction on implementation of Freedom of Access to Information Act of BiH in Brčko District.⁸⁷</p> <p>Similar provisions to FBiH/RS laws included in Art. 10 Brčko District Law on Protection of the Environment re. access to environmental information (at Art. 10).⁸⁸</p> <p>Re. FOE, see (inter alia): Law On Protection Against Defamation Of</p>			

⁸⁷ OG BD-BiH 26/04. Available at: <https://ombudsmen.gov.ba/Download.aspx?id=124&lang=EN>. (Citations via Google Translate.)

⁸⁸ See: OG BD-BiH 24/04. Available at: <https://skupstinabd.ba/3-zakon/sr/Zakon%20o%20zas--titi%20z--ivotne%20sredine/000%2024-04%20Zakon%20o%20zas--titi%20z--ivotne%20sredine.pdf> with subsequent amendments.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		Brčko District Of Bosnia And Herzegovina. ⁸⁹			

Judicial and prosecutorial bodies

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
Judicial: Various	<p>Acts establishing judicial bodies variously at:</p> <ul style="list-style-type: none"> - State level <ul style="list-style-type: none"> • Constitutional Court • Court of BiH <p>(Constitution of BiH, Law on Court of BiH)</p> <ul style="list-style-type: none"> - Entity level <p>(a) FBiH</p>	<p>Various per relevant civil/criminal laws and competencies.</p> <p>Re. FOE see e.g. Criminal Code of Bosnia and Herzegovina: “Whoever publicly incites or inflames national, racial or religious hatred, discord or hostility among the constituent peoples and others who live in Bosnia and Herzegovina shall be punished by imprisonment for a term between three months and three years.” (Article 145a, 1).⁹¹</p> <p>Reflected also in FBiH,⁹² RS,⁹³ and BD BiH⁹⁴ criminal codes.</p>	<p>S1. Close experience with FOE (especially)-related issues across various courts/levels.</p> <p>W1. Longstanding issues with judicial independence, impartiality.⁹⁵</p> <p>W2. Difficult to identify most-central/relevant courts/judicial figures directly via courts.</p> <p>O1. Opportunity to more closely embed HRBA to FOE in operations.</p> <p>T1. Attempting to engage directly with extensive range of courts in course of project without careful, informed</p>	N/A	Engagement potentially helpful, but already engaged re. FOE via other (inc. CoE) projects.

⁸⁹ OG BD-BiH, 14/03. Available at: https://www.vzs.ba/index.php?option=com_content&view=article&id=2418:zakon-o-zatiti-od-klevete-brko-distrikta-bih&catid=9:novinarski-zakoni&Itemid=12.

⁹¹ See at: <https://rm.coe.int/bih-criminal-code-consolidated-text/16806415c8>

⁹² See at Art. 163: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/005%20-%20Criminal%20Code,%20Criminal%20Procedure%20Codes%20and%20Criminal%20Sanctions/Criminal%20Codes/FBH/FBH%20CRIMINAL%20CODE%2036-03.pdf>.

⁹³ See at Art. 359: http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/New2019/RSCC_64-17.pdf.

⁹⁴ See at Art. 160: https://www.ecoi.net/en/file/local/1179432/1226_1389950880_bdbih-cc-2013-en.pdf.

⁹⁵ https://ec.europa.eu/commission/presscorner/detail/en/country_22_6093

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<ul style="list-style-type: none"> • FBiH Constitutional Court • Supreme Court • Cantonal Courts • Municipal Courts <p>(Established variously per: Constitution of FBiH, Law on Law on Proceedings before the Constitutional Court of the FBiH, Law on Courts in the FBiH).</p> <p>(b) RS</p> <ul style="list-style-type: none"> • Constitutional Court of RS • Supreme Court of RS • Five District Courts of RS • 19 Basic Courts⁹⁰ • Higher/District RS Commercial Courts <p>(Law on the Constitutional Court of the RS, Rules of Procedure of the Constitutional Court of RS, Law on the Supreme Court of RS, Law on Courts in RS)</p> <p>(c) Brčko District</p>	See also BiH Election Law (ref. above).	selection could prove counter-productive / inefficient.		

⁹⁰ [To check status of draft law increasing number to 25]

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<ul style="list-style-type: none"> Brčko District Appellate Court Basic Court of the Brčko District <p>(Statute of Brčko District, Law on Courts in Brčko District)</p>				
Prosecutorial: Various	<p>Acts establishing prosecutorial bodies variously at:</p> <p>- state level:</p> <ul style="list-style-type: none"> Office of the Prosecutor of BiH <p>(Law on the Prosecutor's Office of BiH)</p> <p>- Entity level:</p> <p>(a) FBiH</p> <ul style="list-style-type: none"> FBiH Prosecutor's Office Cantonal Prosecutor's Offices <p>(Law on the Prosecutor's Office of the FBiH, Cantonal laws)</p>	Various per relevant criminal laws and competencies.	<p>S1. Close experience with FOE (especially)-related issues across various courts/levels. W1. Longstanding issues with prosecutorial discipline (inc. BiH, RS).⁹⁶ W2. No obvious means of identifying most-central offices across BiH. O1. Opportunity to more closely embed HRBA to FOE in operations. T1. Attempting to engage directly with extensive range of prosecutors in course of project without careful, informed selection could prove counter-productive / inefficient.</p>	N/A	Engagement potentially helpful, but already engaged re. FOE via other (inc. CoE) projects.

⁹⁶ See e.g. https://ec.europa.eu/commission/presscorner/detail/en/country_22_6093. Also e.g. <https://sarajevotimes.com/hjcp-decides-to-remove-kajmakovic-from-the-position-of-the-deputy-chief-prosecutor/>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<p>(b) RS</p> <ul style="list-style-type: none"> Prosecutor's Office of the RS Five District Prosecutors' Offices Special Prosecutor's Office for Prevention of Organised and Most Severe Forms of Crimes <p>(Law on the Prosecutors' Offices in the RS, RS Law on combating of corruption, organized and the most serious forms of economic crime)</p> <p>(c) Brčko District</p> <ul style="list-style-type: none"> Prosecutor's Office of Brčko District <p>(Law on the Prosecutor's Office of Brčko District)</p>				
High Judicial and Prosecutorial Council of BiH ("HJPC")	Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (2004) ⁹⁷	Per Art. 17(7-9) Law on HJPC, competencies include: "(7) Supervising the advanced professional training of judges and prosecutors and advising the Entity Centres for Judicial and	S1. Oversight of use of IT/recording systems by courts/prosecutors. S2. Advanced training supervision role.	Lejla Hadžić	Note: Judicial Commission of Brčko District responsible generally for oversight /

⁹⁷ OG BiH 25/04, available at: <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/006%20-%20Judiciary%20System/High%20Judicial%20and%20Prosecutorial%20Council/BH%20Law%20on%20HJPC%2025-04.pdf> with subsequent amendments.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>Prosecutorial Training and the Brčko District of Bosnia and Herzegovina Judicial Commission in their adoption of programmes of advanced professional training for judges and prosecutors; (8) Determining the minimum amount of advanced professional training to be undertaken by every judge and prosecutor each year; (9) Determining the induction training for candidates chosen for judicial and prosecutorial office and supervising the provision of such training;”.</p> <p>Per Art. 17(24): “Initiating, coordinating and supervising the use of information technology by courts and prosecutors’ offices in order to achieve and maintain uniformity in this area between and among courts and prosecutors’ offices throughout the country. No court or prosecutors’ office shall adopt an automated case-tracking registration, tracking or related system, including backup and storage systems, without obtaining the prior approval of the Council;”.</p>	<p>W1. Historic issues with functioning/leadership of HJPC.⁹⁸</p> <p>O1. Opportunity to facilitate FOE/FOI monitoring / reporting via enhanced judicial/prosecutorial record-keeping.</p> <p>O2. Opportunity to enhance judicial/prosecutorial training.</p> <p>T1. Risk of fragmented approach to judicial/prosecutorial management across Entities.⁹⁹</p>		management of District Judiciary / Prosecutor’s Office. ¹⁰⁰

⁹⁸ See e.g. <https://www.reuters.com/article/bosnia-judiciary-resignation-idUSL8N2IQ2ZY>

⁹⁹ See: <https://www.aa.com.tr/en/europe/bosnian-court-rules-major-decisions-made-by-republika-srpska-lawmakers-null-and-void/2624714#>. Also generally: https://ec.europa.eu/commission/presscorner/detail/en/country_22_6093.

¹⁰⁰ See Art. 71, Statue of Brcko District. Supra, note 86.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
Entity Judicial and Prosecutorial Training Centres (“JPTCs”)	<p>Law on the Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina (2002)¹⁰¹</p> <p>Law on the Centre for Judicial and Prosecutorial Council of Republika Srpska (2002)¹⁰²</p>	<p>None specifically, but generally responsible for provision of induction and advanced training to judges and prosecutors.</p> <p>Re. FBiH, JPTC Steering Board competent per Art. 8 of 2002 Law, inter alia: “2) To establish, in accordance with the direction and under the supervision of the High Judicial Council, an induction training programme for those persons considering a career as a judge or prosecutor; 3) To establish, in consultation with the High Judicial Council, programmes of advanced professional training for judges and prosecutors, including judges of minor offence courts; 4) To establish specialised training programmes in consultation with the High Judicial Council;”</p> <p>Re. RS JPTC, similar provisions at Art. 8 of RS Law.</p>	<p>S1. Key institutions in respect of conduct of judicial / prosecutorial training in BiH.</p> <p>W1. Not clear how close interest may be in FOE/FOI / EFEx more broadly.</p> <p>O1. Engagement may assist in identifying any specifically EFEx-related training gaps / opportunities.</p> <p>T1. Engagement may distract from effort better focused elsewhere / where other assistance projects (inc. CoE) may be better placed.</p>	Mila Čolić / Bojana Jeremić, Ramiz Šahić / Almir Tabaković	How is training provided for Brčko, BiH courts/legal systems?

1. By the same token, given their specific roles in respect of judicial and prosecutorial training, it may be helpful to engage with entity Judicial and Prosecutorial Training Centres (“**JPTCs**”) to assist in determining any judicial or prosecutorial training needs that EFEx may be well-placed to address.

¹⁰¹ OG FBiH 40/02. Available at: https://www.ecoi.net/en/file/local/1019016/1226_1335525388_bih-law-on-judicial-and-prosecutorial-training-2002-en.pdf.

¹⁰² OG RS 34/02, 49/02. Available at: <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/LAW-ON-THE-CENTRE-FOR-JUDICIAL-AND-PROSECUTORIAL-TRAINING-OF-THE-RS.doc>.

Civil society: Domestic

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
BiH Novinari / Journalists' Association ("BHN")	"non-political, non-profit organization whose members are journalists, freelance journalists, journalism students and other media employees whose basic profession is journalism." ¹⁰³	<p>FOE (inc. FOI) core to activities: "The main goals of [BHN] are: (a) protect and improve the freedoms, rights and responsibilities of journalists as well as protect the reputation and dignity of the journalistic profession and (b) improve the right of the public to be informed about events in society, as well as the right of every person to freedom of opinion, expression and access to the media."¹⁰⁴</p> <p>Per Art. 8, Statute of BHN: "The goals of the Association are: ... protecting freedom of speech and freedom of the press ... improvement of the legal framework for the work of the media in BiH..."¹⁰⁵</p> <p>Operates "Helpline for Journalists" ("domestic,</p>	<p>S1. Long-established, central civil society organisation re. journalism / FOE in BiH.</p> <p>S2. Operates Free Media Help Line, holds associated data.</p> <p>W1. Possible limitations on data held.</p> <p>O1. Opportunity to integrate data held by BHN into national monitoring / reporting function.</p> <p>O2. Opportunity to strengthen role/capacity of BHN, inc. highlighting importance of organisation.</p> <p>T1. Need to ensure BHN (and FMHL) independence / credibility maintained / unaffected by collaboration with state bodies.</p>	Borka Rudić	

¹⁰³ See: <https://bhnovinari.ba/bs/about-us-2/>.

¹⁰⁴ See: <https://bhnovinari.ba/bs/about-us-2/>.

¹⁰⁵ See: <https://bhnovinari.ba/bs/statut/>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		Bosnian institution for support and assistance to journalists in the performance of their daily tasks, as well as in the protection of their rights and freedoms.” ¹⁰⁶			
Press Council in BiH (“PC BiH”)	<p>Legal basis: Statute of Press Council (2014).</p> <p>Responsible for operation of self-regulatory Press and Online Media Code of BiH.¹⁰⁷</p> <p>Per website: “Self-regulatory Body for Print and Online Media: Mediates between unsatisfied media readers, and print and online media; Supervises the application of the BH Press Code; Improves professional standards in print and online media of Bosnia-Herzegovina; Protects the Public from unprofessional and manipulative journalistic reporting; Protects the media from political, economical or any other pressures that jeopardize freedom of informing and freedom of media”¹⁰⁸</p>	<p>FOE (inc. FOI) core to activities. Per. Art. 12 Statute of Press Council: “Objectives and activities of the Association: 1. Improvement and protection of the journalism profession through improvement and protection of ethics standards in print and online media, as well as through strengthening self-regulation in print and online media in Bosnia and Herzegovina; 2. Monitoring the implementation of professional standards in newspaper and online coverage in Bosnia and Herzegovina; 3. Advocating for media freedom and freedom of information; 4. Providing expert assistance and advice to members of the</p>	<p>S1. Long-established, central civil society organisation re. journalism / FOE in BiH. S2. Particular role re. hearing/tracking complaints via Press Complaints Commission, inc. statutory reference at Art. 16(17), 2001 Election Law. W1. Limitation in scope to print and online media. W2. Re. complaints tracking – published records appear to extend only to 2019. O1. Opportunity to strengthen PC BiH institutional role. T1. Need to ensure PC BiH independence/credibility not negatively affected by cooperation with state bodies.</p>	Dženana Burek / Maida Bahtić Kestendžić	<p>Query: does statutory reference to PC BiH in 2001 Election Law imply any obligation on BiH central institutions to maintain institution?</p>

¹⁰⁶ See: <https://bhnovinari.ba/bs/linija-za-pomoc/>.

¹⁰⁷ See: <https://english.vzs.ba/index.php/press-council-in-bih/press-and-online-media-code-of-bih>.

¹⁰⁸ <https://english.vzs.ba/>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	Operates Press Complaints Commission. Per Art. 42, Statute of Press Council: "The duties and responsibilities of the Complaints Commission are to: - consider public complaints about the writings of the press and online media in Bosnia and Herzegovina; - consider the monitoring results of the press and online media; - monitor the implementation and initiate issues of breaches of the Press Code of BiH in all newspaper editions and internet portals in Bosnia and Herzegovina; - publically react to breaches of ethical journalism standards foreseen by the Press Code of BiH."	Association and the general public; ... 6. Starting the initiative towards the relevant authorities to create conditions for undisturbed development of a sustainable self-regulatory body for print and online media in Bosnia and Herzegovina, through legislative and other legal regulations ..." ¹⁰⁹ Via Complaints Commission manages and tracks complaints re. editorial content/internet portal visitor comments. ¹¹⁰			
Aarhus Centres ("ACs")	BiH Network of Aarhus Centres established 2013 under auspices of OSCE Mission to BiH. ¹¹¹ Generally: "The Network represents a platform for exchanging information between competent authorities on the one hand and the public on the other. It encourages transparency within the work of public bodies and enables	Generally, per OSCE: "The Aarhus Centres help to strengthen public access to justice in cases pertaining to: access to environmental information; public participation in the decision-making process; and denial of proceedings and evidence of omissions by private individuals and public authorities, which are	S1. Network of established, OSCE-supported civil society organisations with institutional commitment to support access to environmental information. W1. Not clear how ACs – together or individually – support FOI in individual cases. ¹²² O1. Opportunity to mainstream (and learn from)	<i>Emina Veljović</i>	All ACs concerned to support access to information, though relatively little information seems to be available on how this is achieved in practice – e.g. is information obtained published centrally by network / individual ACs?

¹⁰⁹ See: <https://english.vzs.ba/index.php/press-council-in-bih/about-us/statute>.

¹¹⁰ See e.g. https://english.vzs.ba/images/stories/ba_word_slike_pdf/prigovori-gradjana/pregled-slucajeva/ENG_2019_232019.pdf.

¹¹¹ For background generally see also OSCE, Aarhus Centre Guidelines, Nov. 2009, at: <https://www.osce.org/files/f/documents/7/c/40506.pdf>.

¹²² Though see: <https://media.ba/bs/magazin-novinarstvo/iscrpljujuci-pravni-postupci-za-dobijanje-informacija-od-javnog-interesa>, referencing Centar za životnu sredinu collaboration with Centre for Investigative Journalism, Transparency International BiH.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<p>citizens to voice their views and concerns on decisions that may have an impact on the environment... They work to: facilitate citizen access to information; support citizen involvement in decision-making on environment issues; provide support to the legal protection of human rights in the area of the environment. As well as: promote democratic values and procedures in environmental protection; promote transparency and accountability at all levels of decision-making; actively contribute to the improvement of the environment and the protection of the rights of citizens and future generations to live in an environment that does not endanger their health and well-being.”¹¹²</p> <p>Comprises:</p> <ul style="list-style-type: none"> Centar za životnu sredinu, Banja Luka <p>Minimal information found in English on legal status/organisation. Self-described as “a non-profit and non-partisan association that argues for changes in society by influencing</p>	<p>contrary to the provisions of domestic environmental legislation. The Aarhus Centres provide free legal assistance to all interested parties and initiate court proceedings when necessary. Through legal clinics and workshops, the Aarhus Centres educate the public on using the law to protect environmental rights.”¹¹⁸</p> <p>Re. individual centres:</p> <ul style="list-style-type: none"> Centar za životnu sredinu, Banja Luka <p>Re. Aarhus role: “The Aarhus Center Banjaluka office is an integral part of the Center for the Environment and is open to citizens, representatives of associations and institutions who want to get quality and timely information on issues in the field of environmental protection and to adequately prepare for inclusion in decision-making processes.”¹¹⁹</p>	<p>AC activities into national FOI monitoring/reporting. O2. Opportunity to mainstream HRBA to FOI into AC activities. T1. Environmental information constitutes only one type of information where FOI obligations apply: risk from too-close engagement of distracting from overall EEx focus on FOI (and FOE) generally?</p>		

¹¹² See: <https://www.osce.org/files/f/documents/f/4/445741.pdf>

¹¹⁸ <https://www.osce.org/files/f/documents/f/4/445741.pdf>

¹¹⁹ <https://czzs.org/programi/aarhus-centar/>

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<p>relevant policies and public awareness of the environment in Bosnia and Herzegovina and at the international level.”¹¹³</p> <ul style="list-style-type: none"> • Udruženje "Resursni Aarhus centar u BiH", Sarajevo <p>Minimal information found in English on legal status/organisation, though organised as registered NGO.¹¹⁴ Re. background: “Responding to the request of the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina to establish an Aarhus Center in Bosnia and Herzegovina, the OSCE Mission to Bosnia and Herzegovina in partnership with the City of Sarajevo established the first Aarhus Center in Bosnia and Herzegovina, in Sarajevo on May 30, 2012. From May 2012 to February 2013, the Aarhus Center operates as part of the OSCE project, and the project activities are carried out with the support of the implementing partner organization Center for Development, Management and Planning (MDPI). In February 2013, the Aarhus Center was registered as a non-governmental association under the</p>	<ul style="list-style-type: none"> • Udruženje "Resursni Aarhus centar u BiH", Sarajevo <p>“Aarhus Center Sarajevo fulfills its mission by:</p> <ul style="list-style-type: none"> - It helps the authorities to fulfill the obligations and duties specified in the Aarhus Convention, - It promotes the introduction of regulations and methods aimed at enabling access to information, public participation and access to justice in the environmental field, - It represents a bridge between state authorities, civil society, business and the public, - It promotes the implementation of the Convention by developing the awareness and capabilities of stakeholders, - It serves the wider community by providing 			

¹¹³ <https://czzs.org/o-nama/organizacija/>

¹¹⁴ Per: http://aarhus.ba/sarajevo/images/docs/strateski_plan_udruenja_2016_2018.pdf.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<p>name Association "Resource Aarhus Center in Bosnia and Herzegovina", abbreviated Association "Aarhus Center in Bosnia and Herzegovina"... "Aarhus Center Sarajevo supports and promotes the implementation of the Aarhus Convention in the area of the City of Sarajevo and indirectly in the area of Bosnia and Herzegovina."¹¹⁵</p> <ul style="list-style-type: none"> Centar za ekologiju i energiju, Tuzla <p>Minimal information found in English on legal status/organisation. Organised as registered NGO.¹¹⁶</p> <ul style="list-style-type: none"> Eko forum Zenica, Zenica <p>Established as "Citizens' Association Eco Forum", 2020.¹¹⁷</p>	<p>services from its field of activity."¹²⁰</p> <ul style="list-style-type: none"> Centar za ekologiju i energiju, Tuzla <p>"In June 2013, with the support of the EU and the OSCE Mission to BiH, the Center for Ecology and Energy established the Aarhus Center Tuzla, whose tasks are:</p> <ul style="list-style-type: none"> - facilitate citizens' access to information, - to support the participation of citizens in decision-making processes on environmental issues, and support the protection of human rights in the field of environment. <p>Also, through its work, CEE:</p> <ul style="list-style-type: none"> - promotes democratic values and procedures in environmental protection, promotes transparency and 			

¹¹⁵ See: http://aarhus.ba/sarajevo/images/docs/strateski_plan_udruenja_2016_2018.pdf.

¹¹⁶ See: <https://ekologija.ba/o-nama/>

¹¹⁷ See statute at: <https://www.ekoforumzenica.ba/o-nama/statut/>.

¹²⁰ <http://aarhus.ba/sarajevo/en/onama/misija.html>

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		<p>accountability at all levels of decision-making and actively contributes to the protection of the environment and the protection of the rights of citizens and future generations to live in an environment that does not endanger their health and well-being.”¹²¹</p> <ul style="list-style-type: none"> Eko forum Zenica, Zenica <p>Per Art. 9 of Association Statute: “The goals and activities of the association are as follows: ... - raising the level of knowledge of the citizens of Zenica-Doboj Canton about environmental issues of the community; - raising the level of knowledge of citizens of the Zenica-Doboj Canton about renewable energy sources ... - encouraging citizens to participate in the ecological life of ZDK, especially within their community;”</p>			

¹²¹ See: <https://ekologija.ba/o-nama/>

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
Media Centar Sarajevo	<p>Information available online notes “Mediacentar was founded by Open Society Fund of B-H in 1995 in Sarajevo, Bosnia-Herzegovina. In 2000 it was registered as a separate education and research institution owned by Open Society Fund of B-H.”¹²³</p> <p>“Mediacentar Sarajevo supports the development of independent and professional journalism in Bosnia and Herzegovina. Over time, activities have been expanded to include:</p> <ul style="list-style-type: none"> - training programmes; - publishing; - media research; - PR training and consulting services; - AV production; - event management” 	<p>Per website: “Mediacentar Sarajevo is an organization dedicated to improving journalism standards, improving the working environment of journalists, and protecting and promoting media freedom in BiH and the Western Balkans region.”¹²⁴</p>	<p>S1. Long-standing, established civil society organisation concerned with media capacity in BiH, inc. FOI.¹²⁵</p> <p>W1. Engaged in range of projects: query capacity to focus specifically on EFEx issues related to monitoring/reporting.</p> <p>W2. Not clear if any specific standing capacity/role re. methodical monitoring / reporting.</p> <p>O1. Valuable opportunity to collaborate with experienced civil society organisation, with extensive familiarity with FOE and FOI issues as encountered in journalism in BiH.</p> <p>T1. Potentially minimal, but potentially helpful to better understand Media Centar institutional capacity to contribute to EFEx given broader activities.</p>	Anida Sokol	Publish (maintain?) portal on minority rights. ¹²⁶

¹²³ <https://www.media-diversity.org/media-centre-bosnia-and-herzegovina/>

¹²⁴ <https://media.ba/bs/o-mediacentru>

¹²⁵ See e.g. <https://media.ba/bs/magazin-novinarstvo/iscrpljujuci-pravni-postupci-za-dobijanje-informacija-od-javnog-interesa>.

¹²⁶ See: <https://diskriminacija.ba/>.

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Vasa Prava BiH	<p>“The Vaša prava Bosne i Hercegovine Association is a local, non-governmental and non-profit organization based in Sarajevo, Bosnia and Herzegovina. It was originally established in 1996 as a network of information and legal aid centers under the auspices of the United Nations High Commissioner for Refugees (UNHCR), whose mandate is to ensure the safe, legal and dignified return of refugees and displaced persons to their pre-war homes. The project was implemented by four international and domestic NGOs until December 2003, when the Network became a domestic NGO “Your Rights” - the Legal Aid Network that incorporated the work, mandate and goals of the previous UNHCR-funded Network of Information and Legal Aid Centers.</p> <p>Registered at the state level in 2005, the Vaša prava Association of Bosnia and Herzegovina is today the largest legal aid organization and one of the largest non-governmental organizations in the region. It has developed into an efficient network</p>	<p>Broad organisational goals, inc. “protection and effective exercise of individual rights of service users through the provision of free legal aid... informing and educating about legal regulations, rights and obligations of service users; contributing to the strengthening of the rule of law, the rule of law and the development of civil society.”</p> <p>Re. FOE, cooperation (2020-) with UNESCO via Global Media Defence Fund on “legal advice, legal representation before courts and comprehensive advocacy support (including public statements condemning attacks on freedom of expression and/or media professionals).”¹²⁸</p> <p>Production of April 2022 “Report on cases of protection of media freedoms and security of journalists”¹²⁹</p>	<p>S1. Long-established civil society organisation with broad experience in provision of legal aid, inc. reported experience of FOE issues. W1. Focus generally on provision of legal aid: query specific expertise on FOE/FOI. O1. Opportunity to benefit from first-hand experience of litigating issues relating to FOE. T1. Query capacity to contribute specifically to EFEx activities given broader scope/focus of activities on provision of legal aid.</p>	<i>Peđa Đurasović</i>	

¹²⁸ <https://www.unesco.org/en/articles/assisting-refugees-legal-defense-journalists-bosnia-and-herzegovina>.

¹²⁹ https://storage.googleapis.com/strapi-vasaprava/lzvjestaj_zastita_medisjkih_sloboda_i_sigurnosti_novinara_2022_a35598e3df/lzvjestaj_zastita_medisjkih_sloboda_i_sigurnosti_novinara_2022_a35598e3df.pdf

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	of legal and information assistance centers with 35 employees in 9 offices and over 120 mobile teams throughout BiH. ¹²⁷				
Balkan Research Network of BiH (“BRN BiH”)	“The Balkan Research Network of Bosnia and Herzegovina (BRN BiH) is a media non-governmental organization based in Sarajevo, specializing in monitoring and reporting on trials for war crimes, corruption and terrorism. BRN BiH journalists have been leading sources for the public in the areas of transitional justice, rule of law and extremism for years.” ¹³⁰	“BRN BiH provides training to journalists and students on professional reporting on court processes and missing persons, investigative journalism and other topics, thereby supporting the development of media and non-governmental organizations with maximum respect for human rights.” ¹³¹	S1. Extensive experience in conducting investigative reporting and training/supporting journalism. W1. Broader focus on conduct of investigative journalism with unknown capacity/experience in monitoring/reporting on associated human rights (FOE/FOI) issues. O1. Opportunity to benefit from first-hand experience of issues encountered in conducting investigative journalism. T1. Query capacity to contribute specifically to EFEx activities given broader scope/focus of activities on conduct of journalism, inc. in specific areas.	Minja Kršmanović	Member of Initiative for Monitoring the European Integration of BiH, along with CIN.

¹²⁷ <https://pravnapomoc.app/en/about>

¹³⁰ See: <https://detektor.ba/o-radu-birn-bih/>

¹³¹ <https://detektor.ba/o-radu-birn-bih/>

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
Center for Investigative Reporting ("CIN")	"CIN was started in 2004 with a USAID grant and technical assistance and support from the New York University School of Journalism and the Journalism Development Group. Today, CIN is an independent media agency; its investigative pieces are regularly published by local and regional media in printed and electronic formats. CIN stories are published on major web portals in BiH and in the region, and the number of individual visitors on www.cin.ba is increasing..." ¹³²	None specifically, but experience in politically-sensitive reporting, and associated issues.	S1. Extensive experience in conducting investigative reporting. W1. Broader focus on conduct of investigative journalism with unknown capacity/experience in monitoring/reporting on associated human rights (FOE/FOI) issues. O1. Opportunity to benefit from first-hand experience of issues encountered in conducting investigative journalism. T1. Query capacity to contribute specifically to EEx activities given broader scope/focus of activities on conduct of journalism.	Mirza Avdić	Member of Initiative for Monitoring the European Integration of BiH, along with BRN BiH.
UG Zašto ne / Istinomjer (Truthmeter) ("Zašto ne")	"The Association of Citizens (UG) "Why not" is an organization that deals with the creation of a safe, healthy, active, efficient and responsible BiH... The organization was founded as a youth peace organization with the aim of working on the demilitarization of Bosnia and Herzegovina society and the establishment of the right to conscientious objection in Bosnia and Herzegovina, but during the work the mission of the organization was	Fact-checking and civic participation agendas closely related to FOE/FOI issues at heart of EEx.	S1. Wide-ranging interest in issues relating to FOE and FOI. W1. Query capacity across FOE and FOI. Istinomer appears highly active, though PravoDaZnam.ba not obviously active. O1. Opportunity to reflect Zašto ne / Istinomjer in EEx activities, and potentially strengthen Zašto ne / PravoDaZnam.ba.	Dalio Sijah/Lamija Haračić	See also Raskrinkavanje.ba re. media fact-checking, PravoDaZnam.ba (Right to Know) re. FOI (though query activity?). Note: "Istinomer is an initiative that focuses on promoting the responsibility of political parties that participate in the executive power, as well as public office holders who have

¹³² <https://cin.ba/en/about/>

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	<p>expanded, and it is currently adapted to the current wishes and values of our founders and members...</p> <p>The goals of the organization are grouped into seven main program areas...</p> <p>1. Fact-checking and promotion of responsibility - promotion of responsibility by checking the accuracy of statements made by politicians and public officials, as well as claims published in the media. The projects within this program are: Istinomjer - verification of work and promises of public officials and monitoring of governments (www.istinomjer.ba); and Raskrinkavanje - media fact-checking (www.raskrinkavanje.ba).</p> <p>2. Civic participation... – we encourage and facilitate civic participation of various kinds. The projects within this program are: Public debate - facilitating the public debate of citizens and parliamentarians on the laws that are currently under discussion (www.javnasprava.ba); The right to know - portal for sending requests</p>		T1. Query capacity to contribute specifically to EFEx activities given broader range/focus of activities.		<p>responsibility towards the citizens of BiH... The truth checker checks and evaluates: statements of public office holders (foreign and domestic); fulfillment of the pre-election promises of parties in power; Statements are evaluated daily, in terms of their truthfulness, consistency and fulfillment .”¹³⁵</p> <p>Query – to explore also – “analiziraj.ba”: “media watchdog”? (“The analyzej.ba platform was founded with the aim of monitoring, analyzing and evaluating media content in Bosnia and Herzegovina... The project was established with the support of the USAID Independent Media Support Project (SIM).”¹³⁶</p>

¹³⁵ <https://istinomjer.ba/o-istinomjeru/>

¹³⁶ See: <https://analiziraj.ba/o-nama/>. (Though query focus more on content production compared with Raskrinkavanje.ba.)

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
	<p>for access to information (www.pravodaznam.ba)...</p> <p>3. Monitoring of government and political processes...</p> <p>4. Research and Advocacy...</p> <p>5. Encouraging the use of technology – we promote the use of technology by all participants to improve democratic processes...</p> <p>6. Citizen education about elections...</p> <p>7. "Why not" knowledge factory - we share experiences and knowledge in order to increase the quality of work of other organizations and groups."¹³³</p> <p>"Istinomer is a project of the Association of Citizens and Citizens "Why not" ["UG Zašto ne."], founded in 2001. It is a non-profit media whose work, since its inception, has been financially supported by the National Endowment for Democracy (NED)."¹³⁴</p>				

¹³³ <https://zastone.ba/organizacija/>.

¹³⁴ <https://istinomjer.ba/o-istinomjeru/>.

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Transparency International BiH ("TI BiH")	BiH branch of Transparency International, established 2001. Statute available online. ¹³⁷	<p>Per Statute, objectives and activities include:</p> <p>“- combating corruption, supporting the development of good governance, accountability and transparency of public institutions, common democratic values and fair competition; - organisation of specialised seminars, roundtables and other forms of public and professional debate and training; - collection of data on experiences in combating corruption; - preparation of proposals for legislation and other documents... - collection, processing and public dissemination of data on corruption; - provision of free legal assistance to citizens in the fight against corruption and protection of human rights; - conducting public opinion surveys; - cooperation and exchange of experiences with similar institutions and organisations at home and abroad... - professional activities and</p>	<p>S1. Local branch of highly reputable, long-established international NGO, with interests related to FOE and FOI.</p> <p>W1. Some overlap in area of interests with focus of EFEx, but specific focus on corruption rather than specialisation in FOE (though some focus on FOI).</p> <p>O1. Opportunity to reflect TI BiH insights in EFEx activities, and potentially strengthen TI BiH via participation in EFEx activities.</p> <p>T1. Query capacity to contribute specifically to EFEx activities given general focus of activities.</p>	Ivana Korajlić/Ena Kljajić Grgić	

¹³⁷ See: <https://ti-bih.org/publikacije/statut-transparency-international-u-bih/?lang=en>.

Institution	Basis/limits of authority	Mandate re. FOE/FOI	SWOT	Focal point/s	Observations
		provision of expertise in the field of rule of law and fight against corruption..." Specific interest <i>inter alia</i> in FOI. ¹³⁸			

¹³⁸ See: <https://ti-bih.org/oblast/transparentnost-i-sloboda-pristupa-informacijama/?lang=en>.