

HUMAN RIGHTS DEFENDERS

IN

BOSNIA

AND

HERZEGOVINA

Rights, position, and obstacles



HUMAN RIGHTS DEFENDERS IN BOSNIA AND HERZEGOVINA

- RIGHTS, POSITION, AND OBSTACLES -

Banja Luka, 2023

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Abbreviations

BASOC – Banja Luka Social Center

BD – Brčko District of BiH

BiH – Bosnia and Herzegovina

BIRN – Balkan Investigative Reporting Network Bosnia and Herzegovina

HRD – Human Rights Defenders

Declaration – Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

FBiH – Federation of Bosnia and Herzegovina

SC – Sarajevo Canton

MIA – Ministry of Internal Affairs

P&J – People and Justice

RS – Republika Srpska

RTV – Radio and Television

SDA – Party of Democratic Action

SOC – Sarajevo Open Center

FOIA – Freedom of Information Act

1. INTRO- DUCTION



Before you is the first national report on the status, challenges, and obstacles faced by human rights defenders in Bosnia and Herzegovina. The report covers a period of three and a half years (2020 - June 2023) and presents the personal experiences of 21 human rights defenders from various civil society organizations - ranging from the organizations that work on preventing and combating corruption, preserving cultural memory, and protecting the environment, to those that are promoting and safeguarding the rights of marginalized and vulnerable groups in our society, such as women, LGBTI individuals, or national minorities.

The motivation for compiling such a report stems from the fact that the space for the work of human rights defenders (HRDs) in Bosnia and Herzegovina is constantly shrinking, and there is a growing concern about the increasingly frequent attacks on HRDs, which are inadequately prosecuted and not publicly condemned. The narrowing space for human rights defenders' work is evident through the adoption or announcement of restrictive laws limiting some of the basic human rights, such as freedom of expression, access to information, or freedom of association. Without these rights, the work of human rights defenders is virtually unthinkable. For example, in July 2023, the National Assembly of Republika Srpska adopted amendments to the Criminal Code of RS criminalizing defamation, which will significantly impact the work of journalists and activists who critically report on and point out the shortcomings of the current government. Simultaneously, the Parliamentary Assembly of BiH adopted the Freedom of Information Act of BiH, making it impossible to access a large amount of information of public interest, as it contains a long list of exceptions or possible limitations to access information held by public authorities. Additionally, the RS authorities have announced the adoption of the law that labels citizen associations receiving foreign donations as "foreign agents," a stigmatizing legal qualification that can harm associations and even expose them to threats or attacks in public. This controversial law also restricts engagement in "political activities," which are so broadly defined that they can prevent any action by citizen associations to improve legal regulations and better protect citizens - the very reason why associations are formed in the first place.

Furthermore, the initial months of 2023 witnessed a surge in both physical and verbal assaults targeting activists and journalists in Bosnia and Herzegovina. This unsettling trend included incidents of writing offensive and threatening slogans ("kill," "you don't belong in this city"), as well as attacks on the facilities of various civil society organizations. (UNSA GETO, Banja Luka Social Center, Sarajevo Open Center).

While the UN High Commissioner for Human Rights calls for the protection and expansion of civic space,¹ that space in BiH continues to shrink. Therefore, it is important to recognize negative trends and clearly address those responsible for encouraging them. In fact, this was the second determining factor for preparing this report: to draw attention that the state must take responsibility for internationally undertaken obligations, recognize the role of human rights defenders in protecting and advocating for human rights, and create a safe and supportive environment for their work.

In the first part of the report, we provide a brief overview of international principles and standards for the protection of human rights defenders and the local legal framework. The second part of the report includes the most significant findings from interviews with 21 human rights defenders, reflecting the situation in BiH and the numerous obstacles activists face from the perspective of five protection standards. These challenges are manifested in the absence of public support for their work, exposure to verbal threats, slanderous campaigns and hate speech, as well as laws that are not clear or are poorly designed, making it difficult for them to work on promoting and protecting human rights and freedoms.

¹"Civic space is a human rights issue, it is a peace issue, it is a development issue. It is key for sustainable and resilient societies, yet it is under increasing pressure from undue restrictions and repressive laws. From threats and attacks on journalists and human rights defenders, online bullying and harassment, crackdowns on peaceful assembly, to internet shutdowns," said Volker Turk, the UN High Commissioner for Human Rights, adding that States must step up efforts to protect and expand civic space as the precondition for people to be able to sustainably enjoy all other entitlements enshrined in the Universal Declaration of Human Rights.

2. Methodology

The methodology for preparing the report was agreed upon at a joint meeting of representatives from the Human Rights House Belgrade, Human Rights House Zagreb, Human Rights House Banja Luka, Sarajevo Open Center, and representatives of the Human Rights House Foundation based in Oslo. It involved qualitative research, namely, 21 in-depth interviews with human rights defenders from different cities in BiH. We tried to select those organizations and activists who are active in those spheres of social life that serve as reflections of burning issues for the future of BiH, and which are the focus of political and economic debates (dealing with the past, exploitation of natural resources, the fight against corruption, discrimination, and gender-based violence). The report covers the period from 2020 to August 2023.

Out of the 16 standards for the protection of human rights defenders defined based on international documents,² the BiH research team selected five that we considered relevant to our context:

- Publicly Support Human Rights Defenders
- Don't Criminalise Defending Human Rights
- Ensure Free Access to Media and Protection of Media Pluralism
 - Facilitate Peaceful Protests
 - Protect Defenders of Minorities

The greatest contribution to this report was generously provided by the human rights defenders with whom we conducted interviews, and we extend our heartfelt gratitude to them.: **Marin Bago**, "Futura" - Life Quality Improvement Association, Mostar; **Aleksandar Žolja**, Helsinki Citizens' Assembly Banja Luka; **Tamara Zrnović**, Center for Nonviolent Action, Sarajevo; **Leila Bičakčić**, Center for Investigative Reporting, Sarajevo; **Jadranka Miličević**, CURE Foundation, Sarajevo; **Emina Bošnjak**, Sarajevo Open Centre, Sarajevo; **Vesna Malešević**, Association for Independent Creators and Activists GETO, Banja Luka; **Ozren Perduv**, the civic initiative "Justice for David", Movement of Justice, Banja Luka; **Milica Plavšić**, Center for Informational Decontamination of Youth, BUKA, Banja Luka; **Edin Ramulić**, Foundation for Building a Culture of Remembrance, Prijedor; **Tihomir Dakić**, Center for Environment, Banja Luka; **Dražen Crnomat**, Banja Luka Social Center (BASOC), Banja Luka; **Ivana Korajlić**, Transparency International BiH, Banja Luka; **Dragan Joković**, The Association of Citizens for Promotion of Roma Education "Otaharin", Bijeljina; **Vanja Stokić**, Citizens' Association eTrafika, Banja Luka; **Milica Pralica**, Oštra Nula, Banja Luka; **Tanja Boromisa**, Hi Neighbour, Banja Luka; **Lejla Huremović**, BH Pride Parade, Sarajevo; **Sunčica Kovačević**, Coalition for the Protection of Rivers in Bosnia and Herzegovina, East Sarajevo; **Štefica Galić**, Tačno.net Portal, Mostar; **Semir Mujkić**, Balkan Investigative Reporting Network Bosnia and Herzegovina (BIRN), Sarajevo.

3. International Law and Human Rights Defenders

In the international context, the rights of human rights defenders (HRDs) are defined by core international instruments related to human rights and freedoms. Therefore, all HRDs have all the rights from civil, political, economic, social, cultural, solidarity, and other spheres, including, among others, the right to life, liberty, and security, respect for private and family life, equality and the right not to be discriminated against, freedom of thought, conscience, religion, expression, assembly, association, and movement, the right to a fair trial, work under fair conditions, healthcare, social security, a healthy environment, etc.³

A crucial document for HRDs and the specifics of their rights is the declaration adopted by the United Nations General Assembly at the end of the 20th century. This document, abbreviated as the Declaration on Human Rights Defenders, defines who HRDs are, what rights they have, and against whose attacks they must be protected.⁴

The Declaration stipulates that everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms. Also, each state must implement all the necessary steps to ensure that the rights and freedoms are effectively guaranteed. HRD is anyone who works to promote or protect human rights, whether alone or as part of a group, organization or institution.⁵

Human rights defenders, inter alia, have the rights to promote and defend human rights, to establish and join organizations and groups, to meet and assemble, to seek, obtain, and possess information about human rights, to offer and provide expert legal assistance in defending human rights, to communicate freely with other organizations, to participate in peaceful activities against violations of human rights and fundamental freedoms, etc.⁶

The state is obligated, inter alia, to ensure that all individuals under its jurisdiction enjoy human rights, to conduct prompt and impartial investigations of human rights violations, to promote public understanding of human rights, to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education, etc.⁷

3 See: Universal Declaration of Human Rights, [A/RES/217, 1948]; International Covenant on Civil and Political Rights, [United Nations General Assembly, Res. A/RES/21/2200, Paris: 1966]; International Covenant on Economic, Social and Cultural Rights, [United Nations General Assembly, Res. A/RES/2200, New York: 1966]; Convention on the Elimination of All Forms of Discrimination Against Women, [United Nations General Assembly, 34/180, New York City: 1979]; Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, [Aarhus: 1998]; Convention for the Protection of Human Rights and Fundamental Freedoms, [Council of Europe, European Treaty Series Nos. 005, 009, 044, 045, 046, 055, 114, 117, 118, 140, 146, 155, 177, 187, 194, 204, 213 and 214]; European Social Charter (Revised), [Council of Europe, ETS 163, 1996]; and others.

4 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms – DRR1, [A/RES/53/144, 1998].

5 DRR1, Articles 1-2.

6 DRR1, Articles 1-20.

7 DRR1, Articles 12, 14-15.

4. Constitutional Structure of Bosnia & Herzegovina and Human Rights Defenders

Bosnia and Herzegovina is characterized by a specific state structure and legislation at multiple levels, including provisions regulating and elaborating the rights of HRDs at the level of the state of BiH, Entities of the Republika Srpska and Federation of BiH, Brčko District of BiH, ten cantons in the FBiH, as well as the level of local self-government bodies.

Basic issues related to human rights and freedoms, including the rights of HRDs, are regulated by supreme acts of the state, entities, cantons, and BD – the constitutions of BiH. In the **Constitution of BiH**, human rights are defined by enumeration in one article, which prescribes both the direct and priority application of the Convention for the Protection of Human Rights and Fundamental Freedoms. A specific "addition" to this enumeration of human rights is given in Annex I to the BiH Constitution, which contains a list of international instruments for the protection of human rights to be applied in BiH.⁸ In addition, BiH has ratified a large number of international documents related to human rights. However, the practice of the Constitutional Court of BiH has indicated that the practical realization of the rights contained in the agreements in Annex I is limited since these agreements are not being fully implemented, and are limited only to the prohibition of discrimination.⁹

The Constitution of the FBiH specifies human rights and freedoms by enumeration, along with an Annex to the FBiH Constitution containing a list of instruments for the protection of human rights that have legal force as constitutional provisions. In the **RS Constitution**, human rights and freedoms are elaborated in much more detail than in the constitutions of BiH and the FBiH. This Constitution provides a catalog of human rights, which covers all three generations of rights outlined and defined in a special part of the constituent act of RS.¹⁰

8 Constitution of BiH – Annex IV – The General Framework Agreement for Peace in BiH – Constitution of BiH, [https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf], Article II/2, Annex I;

9 See, inter alia, Decision on Admissibility, [Constitutional Court of BiH, AP 2772/07]; Decision, [Constitutional Court of BiH, U 22/01]; Decision on Admissibility, [Constitutional Court of BiH, AP-379/07]; Nedim Ademović, Joseph Marko, Goran Marković, Constitutional Law of BiH, [The Konrad Adenauer Foundation e. V. Office in BiH, Sarajevo: 2012], page 18; Christian Steiner et al., Constitution of BiH – Commentary, [Konrad Adenauer Foundation e. V. Office in BiH, Sarajevo: 2010], pages 148-152.

10 Constitution of FBiH, [Official Gazette of FBiH, 1/1994, 13/1997, 16/2002, 22/2002, 52/2002, 60/2002, 18/2003, 63/2003, 9/2004, 20/2004, 33/2004, 71/2005, 72/2005, and 88/2008], II/A/2, Annex; Constitution of RS, [Official Gazette of the RS, 21/1992, 28/1994, 8/1996, 13/1996, 15/1996, 16/1996, 21/1996, 21/2002, 31/2002, 31/2003, 98/2003, and 115/2005], Articles 10-49.

The **BD Statute** prescribes certain rights with references to the Constitution and BiH and BD laws,¹¹ while the cantonal constitutions in the FBiH similarly, albeit with different technical normative-legal regulations, determine that the cantons must ensure full protection of those human rights and freedoms that are stipulated by the constitutions of BiH and FBiH.¹²

None of the constitutional texts in BiH directly mention HRDs in the sense of the Declaration and their specific protection. However, all the rights enjoyed by other citizens also apply to human rights defenders.

Of particular importance for HRDs in BiH is Annex 6 – the "Human Rights Agreement" of the General Framework Agreement for Peace in BiH, which designated the current constitutional structure of the state. It marks the duty to promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights. It also stipulates the obligation to provide full and efficient access to non-governmental organizations for the purpose of investigating and monitoring the state of human rights in BiH and refraining from preventing or obstructing the performance of these duties.¹³



11 Statute of the Brčko District of BiH – consolidated text, [Official Gazette of BD of BiH, 2/2010], Articles 13/1, 2, and 3).

12 Constitution of the Sarajevo Canton, [Official Gazette of the Sarajevo Canton, 1/1996, 2/1996, 3/1996, 16/1997, 14/2000, 4/2001, 28/2004, 6/2013, and 31/2017], Article 7; Constitution of the Herzegovina-Neretva Canton, [Official Gazette of the Herzegovina-Neretva Canton, 3/1996, 9/2000, 9/2004, and 10/2005], Article 12; Constitution of the Posavina Canton, [Official Gazette of the Posavina Canton, 1/1996, 3/1996, 7/1999, 3/2000, 5/2000, and 7/2004], Article 12; Constitution of the West Herzegovina Canton, [Official Gazette of the West Herzegovina Canton, 1/1996, 2/1999, 14/2000, 17/2000, 1/2003, and 10/2004], Article 12; Constitution of the Central Bosnia Canton, [Official Gazette of the Central Bosnia Canton, 1/1997, 7/1998, 5/1997, 6/1997, 2/1998, 8/1998, 10/2000, 8/2003, 2/2004, and 14/2004], Article 9; Constitution of the Unsko-Sanski Canton, [Official Gazette of the Unsko-Sanski Canton, 1/2004 and 11/2004], II/Article 1; Constitution of the Zenica-Doboj Canton, [Official Gazette of FBiH, 7/1996, and Official Gazette of the Zenica-Doboj Canton, 1/1996, 10/2000, 8/2004, and 10/2004], Article 10; Constitution of the Tuzla Canton, [Official Gazette of the Tuzla-Podrinje Canton, 7/97 and 3/99, and Official Gazette of the Tuzla Canton, 13/99, 10/00, 14/02, 6/04, and 10/04], Article 7; Constitution of the Herzegovina-Neretva Canton, [Official Gazette of the Herzegovina-Neretva Canton, 2/1998, 4/2000, and 7/2004], Article 9; Constitution of the Bosnian-Podrinje Canton Goražde, [Official Gazette of the Bosnian-Podrinje Canton Goražde, 8/1998, 10/2000, 5/2003, and 8/2004], Article 9.

13 Agreement on Human Rights, Annex VI – General Framework Agreement for Peace in BiH [https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf], Article XIII

5. Principles and Standards of Protection: General Analysis and Findings from Interviews

5.1. General Analysis of Standard 1 - Public Support for Human Rights Defenders

1. PUBLIC SUPPORT FOR HRDs

Political leaders – as well as business, media, and religious leaders – must “acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law.” They should do so through “public statements, policies or laws... including by condemning publicly all cases of violence and discrimination against human rights defenders.” In cases of violence and discrimination, “leaders in all sectors of society... should take a clear stance in rejection of such practices.” This includes “political, military, social, and religious leaders and leaders in business and the media.”¹⁴

Bosnia and Herzegovina's legal framework related to the protection of HDRs is implemented through general norms that apply equally to all citizens. However, public support for HDRs by politicians is sporadic and does not represent a consistent pattern of behavior among authorities and politicians. This is particularly noticeable in RS, where top government representatives often verbally attack HDRs, discredit their role in society, label them as "traitors," "foreign mercenaries," and "enemies." Statements made by these high-ranking officials are rarely questioned or condemned by other officials.

Regarding their involvement in the processes of policy making and lawmaking, the Constitution of BiH currently does not contain any basic mechanisms that HDRs can apply for utilising direct democracy instruments. Therefore, human rights defenders cannot initiate changes to the Constitution, nor can they conduct a specific popular or civic initiative based on the supreme state legal act. Consequently, direct democracy at the state level of government is practically non-existent.

The RS Constitution provides a good basis for direct democracy, and RS also has a legal framework governing the organization and conduct of referendums, along with how civic initiatives come into action. In the FBiH, human rights defenders can directly decide on issues within the competence of local self-government bodies through referendums, local assemblies of citizens, and other forms of direct expression of opinion. Since the FBiH has a specific internal (federal) structure, certain cantons have their own regulations regarding local self-government, defining forms of citizen participation at the local level.¹⁵

¹⁴ Rights of Defenders – Principles and Standards Protecting and Empowering Human Rights Work – RD, [Human Rights House Foundation, <https://humanrightshouse.org/wp-content/uploads/2018/08/Rights-of-Defenders.pdf>], page 7.

¹⁵ The Law on Referendum and Civic Initiative, [Official Gazette of RS, 42/2010 and 46/2010]; The Law on Local Self-Government, [Official Gazette of RS, 97/2016, 36/2019, and 61/2021]; The Law on Principles of Local Self-Government in the FBiH, [Official Gazette of FBiH, 49/2006 and 51/2009].

It is significant that laws regulating environmental protection also define the participation of citizens or interested public in specific procedures (which definitely includes HRDs in the field of the environment), such as procedures for environmental impact assessments of projects or the issuance of environmental permits.¹⁶ Throughout BiH, local government bodies determine specific forms of citizen participation in local self-governance, depending on the self-government in question and its regulations. These can include citizen assemblies, local communities, citizen hours in assemblies, public discussions, citizen panels, "citizen hours," accountability forums for elected officials, and other forms of participation.

Parliamentary bodies in BiH also have the obligation to hold public discussions on particularly important issues. Human rights defenders, along with interested bodies, scientific and professional institutions, and other citizens and representatives of various organizations, can participate in these public discussions.¹⁷ However, public discussions are not held nearly often enough, and the proposals made by HRDs are often not adopted.

¹⁶ The Law on Environmental Protection, Article 39; The Law on Environmental Protection of the FBiH, Article 40; The Law on Environmental Protection of the Brčko District, Article 35.

¹⁷ Rules of Procedure of the House of Representatives of the Parliamentary Assembly of BiH [Official Gazette of BiH, 79/2014, 81/2015, 97/2015, 78/2019, and 26/2020], Article 114; Rules of Procedure of the House of Peoples of the Parliamentary Assembly of BiH, [Official Gazette of BiH, 58/2014, 88/2015, 96/2015, and 53/2016], Article 105; Rules of Procedure of the National Assembly of RS, [Official Gazette of RS, 66/2020], Article 197; Rules of Procedure of the House of Representatives of the Parliament of the FBiH, [Official Gazette of FBiH, 69/2007 and 26/2020], Article 173; Rules of Procedure of the House of Peoples of the Parliament of the FBiH, [Official Gazette of FBiH, 27/2003, 21/2009, and 24/2020], Article 165.



5.2 Findings from Interviews

Public Support

Human rights defenders play a crucial role as the link between the state and citizens; they "mediate" between citizens' needs and interests and the state apparatus - by monitoring, criticizing, and alerting decision-makers to respect and adhere to domestic and international laws and standards concerning human rights and freedoms. Through their activities, reports, analyses, and public statements, they seek to contribute to the democratic nature of society and the rule of law. Therefore, it is important for them to be publicly recognized and supported in their work.

However, public support for human rights defenders by officials of governments or parliaments in BiH either does not exist or it is declarative, or selective. Activists point out that, on one hand, public officials do not want to be associated with individuals from the non-governmental sector because "anyone causing a stir is automatically labeled as a traitor and an undesirable person, and they simply do not want to be connected with such individuals." (**Vanja Stokić, eTrafika**) On the other hand, some say that support is "pretty meager, more incidental than a rule" (**Emina Bošnjak, Sarajevo Open Centre**) or just "neutral."

"When it comes to support from institutions, it is very limited and rather neutral, such as the Ministry of Human Rights and Refugees of BiH or the ombudsmen have had very brief statements, mostly related to holding the Pride Parade or if there was an attack, which is, I would say, insignificant because it is all somehow generic since LGBTI human rights and the Parade are not mentioned, just general support. What was explicit and direct was the support of Our Party, which has been providing concrete and very clear support since around 2020, and it is willing to participate and assist in the ongoing processes to a certain degree."
(**Lejla Huremović, LGBTIQ+ activist and member of the Organizational Committee of the BH Pride Parade**)

From the perspective of environmental activists, public support from officials is often linked to the interests of investors, and "there is a greater chance that they will support you if you want to protect an area rather than if you oppose the construction of something, because in that case, they have to butt heads with the investors. In the meantime, while you are protesting, the investor and the government have often already established certain mutual relationships through the process of obtaining permits, usually to the detriment of the public interest." (**Sunčica Kovačević, The Coalition for River Protection in BiH**)

Some interviewed organizations have highlighted that they had never been supported by the authorities, neither at the local nor at the entity nor state level. "I think that nobody supports us specifically because of the topics we deal with, such as social justice - including feminism and the fight for LGBT rights, culture of remembrance and dealing with the past. When you work on these topics, you are immediately characterized as enemies and traitors of the state from the very beginning. Anyone who would provide us assistance or support would be sanctioned and segregated, and quite a number of people employed in public institutions actually told us that. Some of them have loans, some have children, and there were professors at the university who first told us, 'turn off all your phones, put them in your bag,' and then they said, 'we appreciate your work, what you do is great, but we cannot publicly support you.'" (**Milica Pralica, "Oštra Nula"**)

"When we organize commemorations or visits of war veterans in smaller communities, we invite local officials. Some support the event by showing up, some give suggestions, or direct us to other instances; all of this varies from place to place. Generally, we have the support of religious communities, but it is much easier to work with representatives of the religious community that is a minority in the local community. They are much more cooperative and understanding. The significant support for us was the attendance of the Federal Minister of Displaced Persons and Refugees and his deputy at the commemoration in Mostar in 2020. We had been trying to come to Mostar and organize a visit of the veterans of all armies for ten years. We were ignored, they would hang up their phones on us, but we persevered, and after ten years, we succeeded."
(Tamara Zrnović, activist at the Center for Nonviolent Action Sarajevo)

Selectivity in Providing Support

Almost all interviewed individuals are of the opinion that there is selectivity in providing public support, depending on the topic addressed by civil society organizations. "Everything that is not controversial, such as veterans' rights, women, and similar, receives support. However, other organizations dealing with some other rights, such as LGBT rights, right to information, or access to justice and institutions, do not receive support. This is evident through attacks on the activists or gatherings that are not considered a part of traditional values that are propagated." **(Ivana Korajlić, TI BiH)**

"The main problem is that, among civil society organizations, there are those formed and led by members of political parties or political officials. In Prijedor, two associations of camp survivors are led by active politicians, representatives of the assembly, or, in the case of the Association Familija [Eng. Family], the vice president of the city assembly. Such associations receive all kinds of support from the authorities when needed, be it funding or getting spaces for work or something else. All organizations stemming from the war are funded and established as part of the system; they are a direct extended arm of the authorities. Organizations that do not belong to this spectrum are labeled as traitors and foreign agents. The rest of us do not have support, even though we work on issues of general social interest, such as solving the issue of the missing persons or supporting witnesses in war crimes cases."
(Edin Ramulić, Foundation for Building a Culture of Remembrance, Prijedor, 'Because It Concerns Me' Initiative)

Marin Bago, from the Futura Association, emphasizes that recently many non-governmental organizations under the control of political parties have emerged. "They have long realized that they can allocate funds to civil society organizations they create and run by their members. We mostly do not notice any support for organizations with critical opinions and stances. We are on the margins, we haven't received anything from the city for 15 years, the same goes for the canton. They completely ignore us." **(Marin Bago, Futura Association)**

"The selectivity is so terribly clear and visible. I think when we talk about LGBTI activism in general, institutions, government representatives, and even the non-governmental sector calculate in terms of public support, where they might support women's rights activism, Roma, Romani women, and the like, but when it comes to LGBTI activism, there's a serious calculation going on, considering personal interests and potential backlash they might face, without thinking about how difficult it is for activists fighting for LGBTI human rights."
(Lejla Huremović, LGBTIQ+ activist and member of the Organizational Committee of the BH Pride Parade)

Public Condemnation of Attacks

Not only is there a lack of public support from decision-makers for activists working on specific socio-political issues such as minority rights, facing the past, exploitation of natural resources, or fighting corruption, but there is also a lack of public condemnation of attacks on human rights defenders in BiH, which is the reason for failing to send a clear message that violence is unacceptable. In fact, high-ranking public figures, such as the President of Republika Srpska, the mayors of Banja Luka and Sarajevo, were the ones who "called for a lynching" of the activists or "expressed support and recognition to the individuals directly threatening us on the streets."

When the attack on LGBT activists happened in March 2023 in Banja Luka, "only three public figures in the entire Republika Srpska publicly condemned that attack," while others supported the attackers. "Dodik and Stanivuković were like, 'OK, we're sorry people got beaten, but Banja Luka will remain a stronghold of traditional values, and there's no place for this in our city.'" (**Vanja Stokić, Citizen Association eTrafika**)

"In March (2023), there was an attack on our space, which wouldn't have happened if public officials, the President of Republika Srpska and the Mayor of Banja Luka, hadn't, I'll say it, called for a lynching. It sounds harsh, but that's how it was, as seen from media headlines. Even though the President of RS didn't directly mention our organization's name, he referred to it as 'that space where LGBT activities take place,' which led to us being closed for our safety for around a month, a month and a half. We had to work on new security protocols and it took time for us to assess what was happening in society before we could start working again." (**Vesna Malešević, Association for Independent Creators and Activists GETO**)

"If they do condemn the attacks, it's just for show. Instead of conducting an investigation, they trivialize and downplay the violence. If something like that happened to them, it would be a big deal, but when it happens to us, it's just a clash that lasted only 45 seconds, so it's nothing." (**Dražen Crnomat, Banja Luka Social Center**)

"Last year (2022), we had a very serious verbal and physical attack on journalists by a high-ranking police officer. Many government officials publicly condemned the attack and expressed explicit support for CIN journalists and journalists in general. Although the attacker was close to political structures, they had a clear stance that the attack on journalists was unacceptable. We also received support from police officers who provided protection for both our organization and individual journalists. On the other hand, the Federal Police Administration exposed us to unpleasant situations where they questioned our integrity to protect their colleague. This is what often happens to human rights defenders - the system always protects its representatives at the expense of human rights protection" (**Leila Bičakčić, Director of the Center for Investigative Reporting**).

"When I faced the most threats from 'Antidejton' and 'Bosnjaci.net portal', the Mayor of Sarajevo awarded them gold medals as recognition. So not only do they not support us, but they support something that directly endangers us in the field." (**Edin Ramulić, Foundation for Building a Culture of Remembrance, Prijedor, 'Because It Concerns Me' Initiative**)



Discrediting and Intimidation

Decision-makers and public officials often stand behind attempts to discredit the work of human rights defenders in BiH. "I specifically mean the SDA, which criticizes the work of the Sarajevo Open Centre and how we operate, demanding the banning of events we organize, and calling for sanctions against people who provide us, for example, with space. And it's not just coming from politicians but also from certain groups that can be described as extremist, and then, if someone from the party doesn't say anything, someone from these organizations, which are their 'mouthpiece,' their megaphone, speaks out."
(Emina Bošnjak, Sarajevo Open Centre)

In attempts to devalue or diminish the significance of civil society organizations' work and activists, qualifications such as 'foreign mercenaries,' 'spies,' 'traitors' are often used, which can have long-term consequences on the professional as well as private lives and reputation of human rights defenders."It's constantly there, it may waver a bit, but it's constantly there. Milorad Dodik and the people around him are at the forefront in this kind of criticism against non-governmental organizations or anyone who criticizes the government's work. This has been present since he came to power. And he is further supported by individuals from his inner circle, including his daughter and people from his party, and this is reflected on social media. Also, public attacks continue through statements to the media and press conferences."
(Ivana Korajlić, Transparency International BiH)

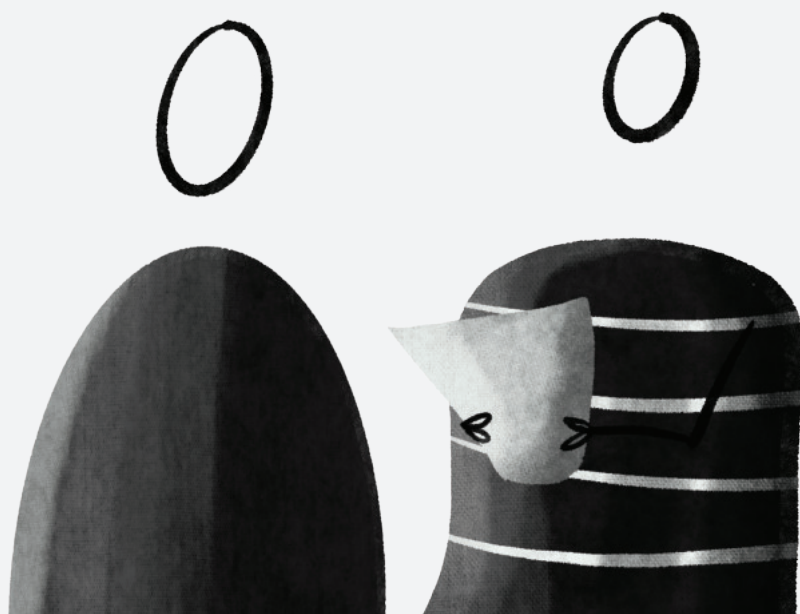
"When the attacks on LGBT activists happened in Banja Luka, we made posts on Twitter condemning those attacks and the campaign against LGBT people that was unleashed during that time. Then editors of certain portals, journalists, then the President's daughter, and also editors of public services shared our tweet and called for an open lynching, basically saying if someone runs into us on the street they should give us a good beating. We really didn't feel safe at that time, neither us nor our family members, because you never know if a taxi driver, someone in a store, while walking your dog, or just sitting in town having coffee would attack you."
(Milica Pralica, Oštra Nula)

"We were personally subjected to discrediting, targeting, being marked as foreign mercenaries, enemies of RS, and we even ended up on a list of organizations described as underminers of RS in a publication. This publication was released under the auspices of the SNSD (Alliance of Independent Social Democrats) and it was on their official website for a long time. Our editor was openly criticized by the President of RS, he even accused him of damaging his own car."
(Milica Plavšić, Center for Informational Decontamination of Youth, BUKA)

"We have been quite stigmatized and it has been done systemically, specifically by high officials, like the former president and prime minister. If it comes from them, it trickles down to everyone below, it's a sycophantic network they've created, those below by default just copy their story, it's the same matrix. Various qualifications have been made that created a very negative tone and image in the public about us. Lies and untruths were spread that we never had the opportunity to deny through the same media from where they were disseminated, especially the public service broadcasting. I've never been asked for a statement by the public service, even if it's just to be edited out later. We've sent them denials, but they have never published them."
(Ozren Perduv, Civic Initiative "Justice for David", Justice Movement)

Edin Ramulić was often the target of campaigns, sometimes labeled as an 'extremist Bosniak,' sometimes as a 'the guardian of Serb interests.' "These were systemic campaigns in which some well-known and dangerous people participated, like Muderiz Halilović, who is very influential in Salafist circles. That's where I felt the greatest danger, from these people who are religious fanatics. If you are travelling through different parts of the country, you can face various unpleasant situations; that's when I felt real unease. I reported all those threats on social media to the police, but the police didn't find a reason to take any action, because social media threats are not regulated yet."

(Edin Ramulić, Foundation for Building a Culture of Remembrance, Prijedor, 'Because It Concerns Me' Initiative)



5.3 General Analysis of Standard 6 - Elimination of All Forms of Reprisals

6. ELIMINATION OF ALL FORMS OF REPRISALS

States must “refrain and ensure adequate protection from any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates.” The UN “strongly condemns the reprisals and violence against human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses.” Further, the UN condemns “all acts of intimidation and reprisal by State and non-State actors... against human rights defenders and their legal representatives, associates, and family members, and urges all States to give effect to the right to cooperate with international bodies.” The Parliamentary Assembly of the Council of Europe calls upon States to “refrain from any acts of intimidation of and reprisals against human rights defenders, and in particular from physical attacks, arbitrary arrests, and judicial or administrative harassments.”¹⁸

Constitutions and laws in BiH stipulate that all citizens de jure enjoy the same legal protection, i.e., they prescribe the prohibition of all discrimination, and thus, HRDs are protected by all laws on an equal basis with other citizens.¹⁹

In this regard, murders, severe bodily injuries, endangerment of safety, abuse, torture, threats, and attacks that can happen against HRDs are regulated and punishable according to criminal regulations, criminal codes, and laws regulating public order and peace. Therefore, reprisals against HRDs should be prosecuted.²⁰

However, despite legal prohibitions, HRDs face intimidation and pressure from certain representatives of authorities at the executive and legislative levels.

¹⁸ RD, page 17.

¹⁹ The Constitution of RS, Article 10; The Constitution of FBiH, Article II/A/2/d; The Constitution of BiH, Article II/4; and others.


²⁰ Criminal Code of BiH, [Official Gazette of BiH, 3/2003, 32/2003, 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015, 35/2018, 46/2021, and 31/2023], Articles 145-151, 190-190a; Criminal Code of FBiH, [Official Gazette of FBiH, 36/2003, 21/2004, 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016, 75/2017, and 31/2023], Articles 166-193; Criminal Code of BD of BiH, [Official Gazette of BD of BiH, 19/2020], Articles 163-190a; Criminal Code of RS, [Official Gazette of RS, 64/2017, 104/2018, 15/2021, and 89/2021], Articles 124-164; Law on Public Order and Peace, [Official Gazette of RS, 11/2015 and 58/2019], Articles 8, 11-12; Law on Public Order and Peace, [Official Gazette of BD of BiH, 2/2009 and 14/2010], Articles 5, 7, 9; Law on Offenses against Public Order and Peace, [Official Gazette of Sarajevo Canton, 18/2007, 7/2008, and 34/2020], Article 8; and others.

5.4 Findings from Interviews

This standard pertains to all forms of reprisals, intimidation, pressure, defamation campaigns, and all negative actions aimed at **intentionally harming** human rights defenders, whether by state or non-state actors. The state and its actors, i.e., decision-makers and individuals in positions of power, have at their disposal a whole range of measures and mechanisms they can utilize if they wish to silence or discredit activists – from extraordinary tax audits, filing baseless lawsuits to using public space and media to discredit the work of human rights defenders, while citing protection of national interests, public safety, or traditional values. Some of these measures have been experienced by the human rights defenders we interviewed.

Criminal and Misdemeanor Reports and Threats of Lawsuits Against HRDs

Ozren Perduv, as an activist of the civic initiative "Justice for David," which the authorities of RS prevented from organizing public gatherings, received dozens of misdemeanor and criminal charges. All of them were dismissed in court but left a mark on Ozren's physical and mental health.



"These were proceedings related to alleged disturbance of public peace and order, alleged violations of the Law on Public Gatherings, violations related to laws on infectious diseases during the COVID-19 pandemic. All of this was used to target us, intimidate us, and stifle our work. I've been keeping records and archives of all these proceedings; I wanted to preserve all of this for the future, precisely because of conversations like these and because of us, and literally all of these fell in court, and we were acquitted of any responsibility. I also had numerous informative meetings to which I was invited by individuals in police uniforms. I duly responded and would lose several hours of my time on each occasion. The stress I went through affected both my physical and mental health, no matter how hard I tried to remain calm and composed."

(Ozren Perduv, Civic Initiative "Justice for David", Movement for Justice)

"We have received threats of lawsuits, but they were mostly dropped. In any case, these are standard situations; someone is not pleased when we publish something and then they come with threats of lawsuits." (Ivana Korajlić, TIBIH)

"When we work on investigative stories on our portal about crime, corruption, and so on, then we receive defamation lawsuits. So far, we haven't lost a single one, although it takes about 5-6 years of legal proceedings. The essence is that I would never publish anything without evidence or if it's not in the public interest. I adhere to that, and I would publish it even if it involved a family member. I'm just like that; I want us to serve the truth, and that's it."
(Štefica Galić, activist and chief editor of the web portal Tačno.net)

The Center for Investigative Reporting faced surveillance and wiretapping not only of office phones but also of private phones of its employees. "We received information about serious surveillance when we were investigating the work of forensic experts, with the specific focus on construction land surveying. We received information from the banking sector that due to some of our investigations and stories we published, additional checks were made on our bank accounts. A similar situation occurred after last year's attack by a high-ranking police official on CIN employees. We received a friendly warning from the Federal Police Administration that our office, as well as our private phones, were being wiretapped. We had suspected it, but it was not pleasant once it was confirmed."
(Leila Bičakčić, director of the Center for Investigative Reporting)

Tax Audits

Several organizations faced extraordinary tax audits.

"Yes, we had an extraordinary tax audit, and although it's difficult to assess whether we were singled out compared to other organizations, it did happen and it covered only a certain number of non-governmental organizations." **(Ivana Korajlić, TIBIH)**

"We recently had a tax audit, and we linked it to the announced Law on NGOs - so called 'Foreign Agents Act' - in RS because it is clear that they are trying to stigmatize and target organizations critical of the government's work. Tax inspectors 'combed' through our documentation for months, looking for something, but they didn't find anything significant."

(Milica Plavšić, Center for Informational Decontamination of Youth, BUKA)

The Aarhus Center in Sarajevo also had a tax inspection after a report was filed against them, as did an association that is a member of the Coalition for the Protection of Rivers, "where the tax inspectorate came, and a penalty of over 100,000 BAM was determined, and it's now in the appeals process, so we don't know the outcome, but we believe that they visited them and conducted the audit not through the regular procedure but precisely because of our public expression of opinion."

(Sunčica Kovačević, Coalition for the Protection of Rivers in BiH)

"They often sent us tax inspections that falsely represented themselves as regular checks. However, it wasn't a regular inspection. They came on someone's orders. Their observations during tax inspections neither align with the laws nor the opinions of the Ministry of Finance, Auditors, and tax agencies. Or they would exempt all our documentation from the last five years, but they would not audit the Service Contracts, and then accuse us only of those contracts. Then an inspector comes, and when we ask, 'how should we work if it's not like this?' he answers, 'I don't know,' and then they issue fines against us. This later consumes a lot of our energy and nerves because we have to write appeals and file lawsuits, as we have no other option but to sue them. So, really, it's a repression that surely takes away 30% of our energy and time." **(Marin Bago, Life Quality Improvement Association Futura)**

SLAPP Lawsuits

SLAPP (Strategic Lawsuits Against Public Participation), although of more recent origin, have quickly become commonplace in BiH. These lawsuits, backed by political and economic powerbrokers, are used as tools to silence, intimidate, and discourage journalists and activists who question, criticize, and expose illegal or criminal activities. In the Western Balkans, BiH ranks second in the number of SLAPP lawsuits – 43, right behind Croatia with 54 such lawsuits.²¹ One characteristic of these lawsuits is that those who file them have the resources to pay lawyers and time, unlike the defendants, who are exhausted in every way by these lawsuits.

"I was sued once, and my colleague Sara was sued twice for defamation. After these lawsuits, we received new pre-lawsuit warnings for organizing a photo exhibition of Kasindol River. We decided to organize the exhibition in response to three lawsuits, with the principle that the photos speak for us. The goal was to show how the Kasindol River canyon looked before and after the construction works. However, even after that, we received pre-lawsuit warnings for defamation, demanding that we refrain from activities that aim to endanger the business activities of the investor, and that we take these warnings extremely seriously, or they would be forced to use all legally available means against us. Imagine pointing out illegal works by an investor, which were done without a building permit or valid environmental permits, documented by inspection reports and decisions, and then receive warnings with such threatening tones." **(Sunčica Kovačević, Coalition for the Protection of Rivers in BiH)**

"In our context, it's difficult to decide what constitutes defamation lawsuits and what are SLAPP lawsuits. We did a story about a company close to one of the ruling parties. They refused to talk to us while we were working on the story, and immediately announced a lawsuit, which has been dragging on for two years due to the selection of local jurisdiction. The company is close to the ruling political party, so it chooses the local jurisdiction that suits the political situation. This practice is becoming more common; they don't respond during the investigation; instead, they want to tell their side of the story through denials. There is a judgment where an editor was convicted for not publishing denials under the Obligations Law. This controversial practice can become a serious problem." **(Leila Bičakčić, director of the Center for Investigative Reporting)**

"We had lawsuits that may fall into the category of SLAPP lawsuits. I don't remember the exact year the lawsuit was filed, but recently, in 2022, the case was resolved in our favor. This happened after we published a story about Nikola Špirić, one of the political leaders in RS who has been part of the government for many years and who owns an apartment in Vienna. However, the sources he used to buy that apartment were not subject to any scrutiny and the origin of those funds is unknown. After we published that story, he filed a lawsuit against us, and the court proceedings took a long time. In one trial, our editor said that other portals had also reported the news, and Nikola Špirić said, 'I wanted to sue BUKA.'" **(Milica Plavšić, Center for Informational Decontamination of Youth, BUKA)**



²¹ <https://autonomija.info/slapp-tuzbe-alat-u-borbi-protiv-demokratije/>

Refusal of Public Institutions to Cooperate

"When we applied for some working groups or commissions working on corruption issues, which are our narrow field of action and where we are the only organization practically dealing with that, we couldn't get into those working groups. The situation is a bit different at other levels, at the state, even at the federal and cantonal levels, but in RS, everything is much more closed off. Everyone stopped cooperating in RS at one point, and then that cooperation was reduced to whether they would appear at an event we organized or not. Essentially, it hinges on the specific subject matter, although there is also a consistent trend at the entity level where, for some who are willing to cooperate, there is a fear that they will be criticized for cooperating with us." **(Ivana Korajlić, TIBiH)**

"In the Federation of BiH, we have a kind of refusal of cooperation of another type, for example, a comment from someone in Western Herzegovina: 'What do you from RS have to worry about Western Herzegovina?' I don't know what to call that." **(Tihomir Dakić, Center for Environment)**

The CURE Foundation encountered a "subtler" way of terminating cooperation when the director of the Bosnian Cultural Center (BKC), instead of the usual market prices for renting space in this center, requested a staggering 12,000 BAM, "because we openly supported the holding of the BH Pride Parade."

"We saw it as pressure; he didn't want to reject us so that we wouldn't accuse him, so I wouldn't be able to say now that we were rejected because we supported the LGBTI population; he wrapped it up in such a nice reply that due to the enormous cost increases, due to COVID, etc., he had to raise the price. And suddenly, something you paid, honestly, 4000 BAM for four days, now it's 12,000 BAM for less than three and a half days." **(Jadranka Miličević, CURE Foundation)**

"We are no longer welcome in the Council for Children of Republika Srpska; we've known that for some time, because our associate, who was then in the Council, insisted on cooperation with the FBiH at that time and on unlocking the cooperation process and jointly drafting documents at the national level and so on." **(Tanja Boromisa, Hi, Neighbour)**

"RS institutions have been refusing cooperation for years, especially the Geodetic Institute in RS, which is responsible for land registries. It's a completely closed institution. After writing about certain judicial officials, we were denied access to any documents held by the Sarajevo Municipal Court. The issuance of land registry extracts is banned, although it is a commercial activity. This is a direct violation of access to information. Sometimes, officials of institutions reject this kind of approach, so one person enabled us to access land registries 'through the back door.' So, sometimes it happens that the officials do use their powers in our favor." **(Leila Bičakčić, director of the Center for Investigative Reporting)**

Freedom to Speak and Act Publicly / Fear of Retaliation

Some of the interviewed human rights defenders have mentioned that they are not entirely free to speak and act publicly and critically. "I worry about it, but I don't refrain from criticizing. However, I try not to give grounds for a lawsuit, and so far, I haven't had any lawsuits. But after this law criminalizing defamation, I'll have to be much more cautious because I can't afford to be sued, although I have never been forced to pay a fine as no one has ever proven that I lied." **(Edin Ramulić, Foundation for Building a Culture of Remembrance, Prijedor, "Because It Concerns Me" Initiative)**

Some fear for their close ones who might 'suffer' because of their public activism and speaking out. "After my friend and I organized a protest because we didn't have regular water supply, where the whole local community was actually up in arms because people didn't have water for 8 hours a day, my sister came and said, 'You will ruin this family.' She said this out of fear that due to my activities, they might use their influence and somehow harm our family because my parents are private business owners. They can send inspections; they have mechanisms to silence you. So, I fear for people close to me and how this might affect them." **(Sunčica Kovačević, Coalition for River Protection in BiH)**

"Yes, we are afraid, especially if there is an amendment to the NGO Law; then we will be totally limited, from controlling donations to the people working on projects. This could affect our autonomy and freedom. And currently, I can't say that we're completely free to 'bark around' - that's how I'll put it - but we haven't had any issues yet. On the one hand, when we write press releases, we carefully choose our words not to attract too much attention, and on the other, I think our topics and areas of interest are under the radar of local and ruling structures, which would change if the Law were to come into effect." **(Vesna Malešević, Association for Independent Creators and Activists GETO)**

5.5 General Analysis of Standard 9 - Ensure Free Access and Choice of Media

9. ENSURE FREE ACCESS AND CHOICE OF MEDIA

States must ensure that human rights defenders have “access to and use of information technologies and the media of one’s choice, including radio, television, and the Internet.” This “should be promoted and facilitated at the national level... as an integral part of the enjoyment of the fundamental rights to freedom of opinion and expression.” States should avoid hindering people’s access to and use of media.²²

Bosnia and Herzegovina does not have the rights and obligations of the media regulated in a legally satisfactory manner, and media law is not aligned with international and European standards. This is due to the absence of a unified and comprehensive media and/or information law, with parts of media law found in laws related to communications, protection against defamation, freedom of access to information, public radio and television systems, elections, etc.²³

Public authorities do not prohibit the establishment of independent media services, but it is noticeable that in RS, human rights defenders find it difficult to be properly represented in public media services and are often targeted by them. There is also a trend of pressure and attacks on journalists coming from holders of power, as well as pressure and verbal attacks on journalists - HRDs who deal with specific issues such as LGBT+ rights, refugee and migrant rights, culture of remembrance, etc.

Regarding **freedom of access to information**, there are different laws at the levels of RS, FBiH, and BiH,²⁴ which are somewhat harmonized. However, due to poor practices and the attitudes of certain institutions, it is not uncommon for information not to be provided or for institutions to avoid answering specific questions.

Additionally, obtaining certain information, such as ecological data, is regulated by other laws, such as environmental protection laws.²⁵

²² RD, page 23.

²³ The Law on Communications, [Official Gazette of BiH, 31/03, 75/06, 32/10, and 98/12]; The Law on Protection from Defamation of RS, [Official Gazette of RS, 37/2001], Article 10; The Law on Protection from Defamation of the FBiH, [Official Gazette of the FBiH, 59/2002, 19/2003, and 73/2005], Article 9; The Law on the Public Radio-Television System of BiH, [Official Gazette of BiH, 78/2005, 35/2009, 32/2010, 51/2015, and 25/2016]; and others.

²⁴ Freedom of Access to Information Act, [Official Gazette of RS, 20/2001]; Freedom of Access to Information Act, [Official Gazette of the FBiH, 32/2001 and 48/2011]; Freedom of Access to Information Act, [Official Gazette of BiH, 61/2023].

²⁵ The Law on Environmental Protection, [Official Gazette of RS, 71/2012, 79/2015, and 70/2020], Articles 34-38; The Law on Environmental Protection of FBiH, [Official Gazette of the FBiH, 15/2021], Articles 36-42; The Law on Environmental Protection, [Official Gazette of BD of BiH, 24/2004, 1/2005, 19/2007, and 09/2009], Articles 32-36.



5.6. Interview Findings

Media is an important channel through which civil society organizations inform the public about their work, issues, solutions they advocate for, and social changes they promote. As intermediaries in information dissemination, media plays a crucial role in shaping citizens' attitudes, with particular responsibility falling on the three public services we have in BiH, which should be accessible to everyone, and be at the forefront of reporting, promoting and advocating for human rights and freedoms, as well as contribute to the transparency and accountability of state institutions by confronting them with citizens' questions, research, recommendations and demands of the civil society.

According to statements from interviewed activists in BiH, access to public services is limited, and one of the three public services in BiH – Radio Television of Republika Srpska (RTRS) – is almost entirely inaccessible to human rights defenders. It is also concerning that many of those interviewed have been targeted in hacking attacks in the last three and a half years.

Access to Public Services

"Journalists from the public service RTRS do not contact us. It is symptomatic as we are quite present in the media. Others frequently call us for statements, opinions, and appearances on shows, but I don't remember ever being on RTRS. Our editors regularly appear on programs of public services in the FBiH and BiH."
(**Milica Plavšić, Center for Informational Decontamination of Youth, BUKA**)

"I think there is simply no place for us on the public service, partly out of fear, because they don't know what we would say, especially when it comes to social activities, roundtable discussions, book promotions, movies, they find these intimidating, they don't know what to expect. And yes, they often edit out our guests from Sarajevo. This happened with RTRS and Grafit Jam; they were all recorded, but the statements from guests from Sarajevo were not aired." (**Vesna Malešević, Association for Independent Creators and Activists GETO**)

"I can't say that the media is unavailable to us, but the problem is that they give space to everyone indiscriminately. If someone threatens me, that person will get the same space as I do. For example, Antidejton, they have threatened us, cursed us, and caused us significant harm, and they come from these right-wing and militant positions, but they get the same space. Some media simply give too much space to policies that are very harmful, promote hate speech, even produce it literally. I made a selection and no longer give statements to certain media because of their reporting on White Ribbons, the content they present, and the long-term damage they cause." (**Edin Ramulić, Foundation for Building a Culture of Remembrance, Prijedor, "Because It Concerns Me" Initiative**)

"In essence, the public media service came to our press conference only once, right at the beginning, when they probably weren't aware of what we were doing, but that report was never aired. So, we don't have access to the main service in RS, and this largely prevents us from achieving the goal for a certain media campaign, as our ultimate aim is mobilizing people in the local community and at the entity level where decisions related to our case are made. So, you actually don't have access to the main resource to achieve the goal you want. The situation is different in the Federation; there we had quite a few invitations."
(**Sunčica Kovačević, Coalition for River Protection in BiH**)

"I would say that access to public services is satisfactory. It seems to get better year by year. Most media understand what the Pride Parade is and the need to report about it from various perspectives."
(Lejla Huremović, LGBTIQ+ activist and member of the Organizing Committee of the BH Pride Parade)

"It is interesting that we have support from BHT and Federal Television; they have asked for our statements countless times, invited us to their shows, made specials and documentary programs. On the other hand, RTRS from Republika Srpska, where we operate, where we live and work, where all this happened, absolutely does not support us. Not only do we lack support, but we also face attacks from them. BHT and Federal TV always respond to our calls; when we have a trial, they are always interested in what happened. RTRS, on the other hand, does not follow us in any way."
(Ozren Perduv, Civic Initiative "Justice for David", Justice Movement)

"What we have are not public services. These are television channels paid for with public money, but they are under political influence and do not produce content in the way expected from public services. Based on the content of the news they publish, it seems that BHT is not completely under control, while FTV appears to be under greater influence, and the worst situation is at RTRS, which is subordinate to one man, or one political party. Citizens have lost that service. They don't invite us to their programs, even though there were stories about crimes against Serbs, while FTV and BHT regularly use our expertise and call us to comment on the topics we work on."
(Semir Mujkić, investigative journalist and editor of the Balkan Investigative Reporting Network of Bosnia and Herzegovina)

"As far as the media is concerned, we received a call from a journalist for censorship, asking us not to talk about political matters but focus on the environment. I was personally censored by the public service RTRS for wearing the 'Park is Ours' t-shirt and the 'Justice for David' t-shirt. They didn't allow me to give an interview in the Justice for David t-shirt; I had to take off that shirt and wear a hoodie, and since then, they don't take statements from me anymore."
(Tihomir Dakić, Center for the Environment)

"Public services often invite us and request statements. Most commonly, it's BHT, and FTV to a lesser extent. RTRS contacted us only once, during the pre-election campaign, regarding our story about the opposition candidate Mirko Šarović. That was the first and only time RTRS came to interview the story's author. I would like to mention an uncomfortable situation we had with N1 television. They generally published all our activities, but after an investigative piece about Fahrudin Radončić, they received an order from Luxembourg to end their collaboration with us. We were on their blacklist for a long time, but they started sporadically publishing our stories again. There are business interests involved that prevent current affairs from being transparently disclosed. The media problem is that they do not distance themselves from daily political events, dedicate little time to creating topics, or initiating social debates. They have yet to find space to create narratives and are mostly reactive. The political affiliation of the media is even no longer hidden."
(Leila Bičakčić, Director of the Center for Investigative Journalism)

"RTRS has not invited us to appear in the last 3 years. Even when they call colleagues from other organizations, they invite them to be 'straw men' in the studio. We worked with RTRS on the Srđan Aleksić award, so we had a moral dilemma about this collaboration. It is an award that honors professional journalists, so working with such a public service seemed immoral. We often appear on BHT because they usually lack speakers from Banja Luka, and a similar situation occurs with Federal TV; they try to find civil society organizations that provide a different perspective. I don't know how RTRS ensures the other side of the story."
(Aleksandar Zolja, Helsinki Citizens' Assembly Banja Luka)

Hacker Attacks

"We are constantly exposed to hacker attacks; we have several of them every year, lasting on average 10-15 days each. The most serious and recent example is the summer of 2022 when our Facebook page was hacked. We managed to recover the page, but it was very difficult, and it took us two weeks. Our Facebook page has over 350,000 members; it is an extremely important resource for reaching our audience that was inaccessible for two weeks, causing significant damage. We reported the attack to the police, but we've never received any report."
(Milica Plavšić, Center for Informational Decontamination of Youth, BUKA)

"We have a website, pravdazadavida.info, where we publish information, and everything was fine until one moment when a young programmer working for us noticed something strange happening with the website as it was difficult to access it. He said that the attack was pretty serious, but we didn't know who was behind it. This was not the only time it happened; we barely managed to recover the site once, so we had implemented additional security measures, but it was breached again at some point. Interestingly, this happened during significant moments for the group when new information related to the case was released. It indicates that our work is closely monitored, although it might not seem that way, it is indeed being tracked."
(Ozren Perduv, Civic Initiative "Justice for David", Movement for Justice)

"Our Facebook page was taken down, and five years of our work, archives, videos, pictures, reports, were irreversibly destroyed. We reported the case to Facebook, but so far, we haven't received any response from them. We think it was a random takedown, not a targeted hacker attack. Nevertheless, we would like have a report from Facebook explaining what happened."
(Dražen Crnomtat, BASOC)

"The Pride Parade and I personally have been subjected to hacker attacks. I think there were more attempts to hack the social media profiles of other activists too, and the email of the Parade and our website have been frequently attacked. We sent reports, but absolutely nothing came out of it, at least as far as we know."

(Lejla Huremović, LGBTIQ+ activist and member of the Organizing Committee of the BH Pride Parade)

"At the Center for Investigative Journalism, we had an unresolved situation with a potential hacker attack in 2021 when our website was down for two days. In 2022, our Twitter profile was hacked, and it took us several months to recover it. CIN also warns about the concerning practice of the EU, which hires commercial firms to check online content for copyright protection purposes. Although we are cautious about this, paying for copyright for music usage, etc., a company from Bulgaria hired by the EU blocked our video content, and it was inaccessible for 24 hours until we proved that we had paid all the necessary fees. This seems legitimate, but it's a company that has targeted our colleagues in the region several times in the same way, always focusing on content featuring prominent political figures. The release of the video that was a current topic at that moment was delayed for 24 hours."

(Leila Bičakčić, Director of the Center for Investigative Journalism)



Free Access to Information

When it comes to information of public interest and its accessibility, activists point out various problems, from disregarding deadlines, not providing any responses, to delivering unclear and vague answers just to fulfill formal requirements. "Only 50% of public authorities provide information within the prescribed deadline and in the prescribed form. Everything else requires further steps—utilizing legal mechanisms available to us - such as appeals, and even lawsuits." **(Ivana Korajlić, TIBiH)**

They mention that sometimes it's challenging to obtain even "ordinary" statistical data, let alone more "sensitive" information related to procurement contracts, concessions, or disciplinary proceedings against police officers. "Currently, we have lawsuits against police administrations and Ministries of Interior because they do not provide information about disciplinary proceedings against police officers. They invoke personal data protection, although we are not seeking such information. We've won some judgments, but for some, we might have to wait for years." **(Semir Mujkić, investigative journalist and editor of the Balkan Investigative Reporting Network of Bosnia and Herzegovina)**

"It always takes a significant effort. We wait for information, file repeated requests, and even if we get responses, they are often very vague. Sometimes they claim they cannot share certain private information when we are simply requesting statistics... and usually, we have to invest a lot more effort and insist on getting any response, which is incomplete in most cases." **(Emina Bošnjak, Sarajevo Open Centre)**

"I think the situation was better five years ago, but since then, it has drastically worsened. Certain institutions, like the City of Banja Luka, already 'know the drill' to a certain degree - we receive information and even communicate via email. However, regarding information related to highway construction, we have sued the Ministry of Transport and Communications of RS for the third time, as they were not willing to provide us with the Economic Feasibility Study or other documents, or, what's worse, they would allow us access to the information but would not provide us with copies; they would ask us to transcribe the information. Selectivity exists; some adhere to deadlines, some don't, depending on the type of information. We've initiated legal proceedings, and in most cases, they have been resolved positively." **(Tihomir Dakić, Center for Environment)**

"The rule is, the more sensitive the information, especially when it comes to certain procurement contracts or concessions, there is resistance to providing the information and exceptions prescribed by laws are often misused. Even what is of public interest is not disclosed. The last example concerns the contract for the construction of the Prijedor-Banja Luka highway. We've received two court rulings, but the ministry still hasn't provided the requested information, i.e. the contract, citing commercial interests of the Chinese and the like. The court clearly stated that citizens have the right to know, and even when the Chinese approved the publication of part of the contract, the ministry still refused. We initiate at least 20 legal proceedings annually due to denying access to information." **(Ivana Korajlić, TIBiH)**

The Center for Investigative Journalism also emphasizes the low percentage of requests that receive responses within the legal deadline. It's especially difficult to obtain information related to finances and tenders, forcing them to use inspection as a mechanism against administrative silence. "In entities, the first-instance decision takes 5-6 years, which means it takes 7-8 years to obtain the information, rendering the law meaningless. Even after court rulings, institutions don't immediately respond, so we have to initiate enforcement proceedings as a separate process. Nobody fears the law."

(Leila Bičakčić, Director of the Center for Investigative Journalism)

"The Freedom of Access to Information Act was good in the beginning; it was helpful, and now we've reached a point where it is of no use. If they were to say that the law is no longer applicable, we would hardly notice the difference. We hardly receive any information under FOIA; there are no fines, so they can violate the law however they want." **(Semir Mujkić, investigative journalist and editor of the Balkan Investigative Reporting Network of Bosnia and Herzegovina)**

5.7 General Analysis of Standards 10 – Facilitate Peaceful Protests

10. FACILITATE PEACEFUL PROTESTS

States should ensure that “human rights defenders can perform their important role in the context of peaceful protests.” To do so, they should facilitate peaceful protests by “providing protestors with access to public space and protecting them, without discrimination, where necessary, against any form of threat and harassment.” In this regard, no one should be subject to “excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman, or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings, or threats of such acts.” In the context of peaceful protests, States must ensure “accountability for human rights violations and abuses through judicial or other national mechanisms,” and provide victims with “access to a remedy and redress.” Legislation designed to guarantee public safety and public order should not be used to “impede or restrict the exercise of any human right, including freedom of expression, association and peaceful assembly, which are essential for the promotion and protection of other rights.”²⁶

Bosnia and Herzegovina currently has a significant diversity of laws that directly or indirectly define the freedom of peaceful assembly, such as the laws on the freedom of assembly at the entity level in RS, BD, and cantons in FBiH. These laws are not harmonized, and with all the differences between them, most do not meet the highest human rights standards.²⁷ Such diversity, along with excessive legal limitations in certain regulations, sometimes hinders and/or has a chilling effect on the effective exercise of the right to peaceful assembly. Therefore, this right is not equally accessible to all HRDs in the country, as legal provisions are differently regulated in different parts of the country. Additionally, there is usually no presumption in favor of holding an assembly. Besides basic laws, there are other regulations that touch on this right, such as laws on public order and peace or the protection of the rights of national minorities.²⁸

²⁶ RD, page 25.

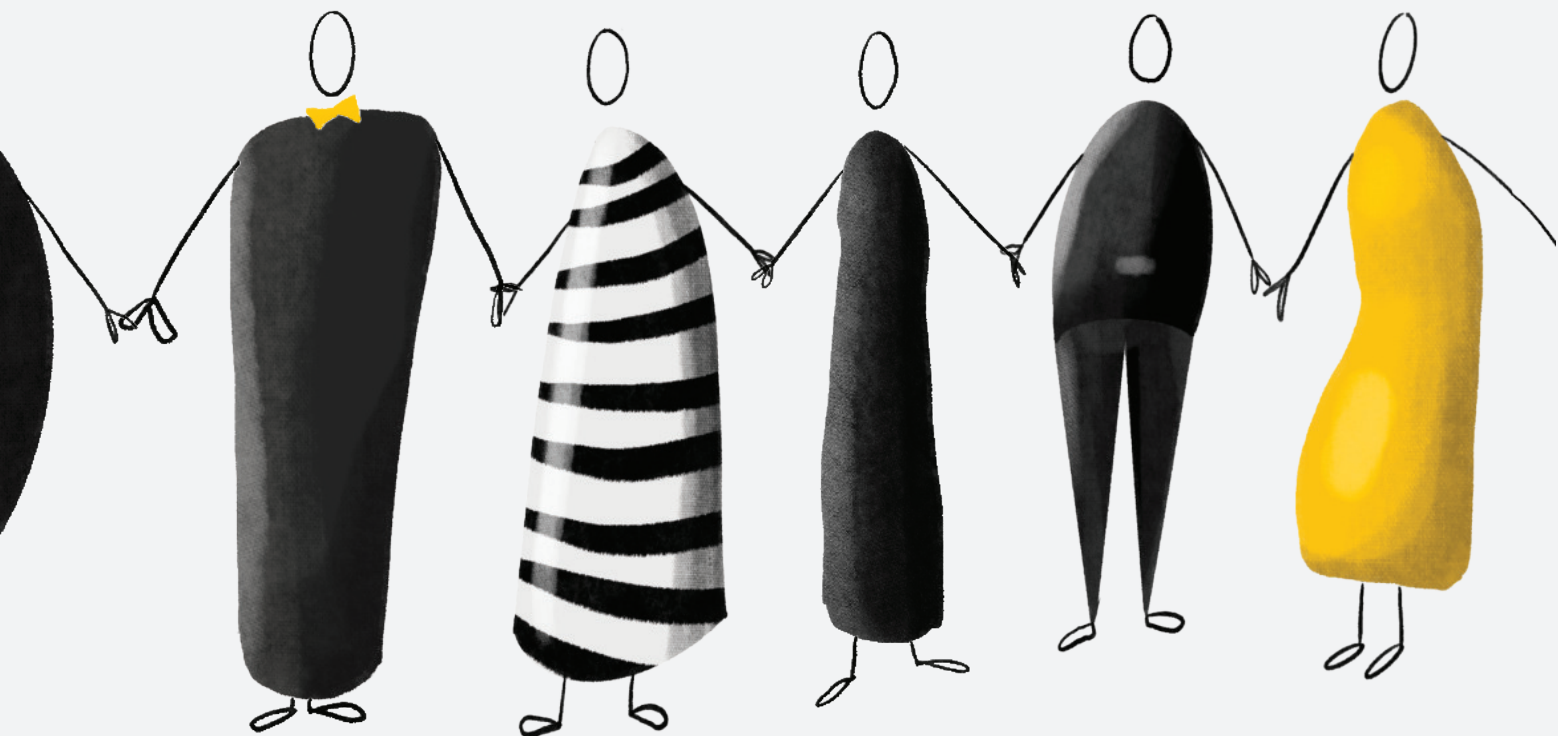
²⁷ The Law on Public Assembly of RS, [Official Gazette of RS, 118/2008]; The Law on Peaceful Assembly of the Brčko District, [Official Gazette of the Brčko District of BiH, 29/2020]; The Law on Public Assembly of the Sarajevo Canton, [Official Gazette of the Sarajevo Canton, 32/2009 and 11/2011]; Election Law of BiH, [Official Gazette of BiH, 23/2001, 7/2002, 9/2002, 20/2002, 25/2002, 4/2004, 20/2004, 25/2005, 77/2005, 11/2006, 24/2006, 33/2008, 37/2008, 32/2010, 48/2011, 63/2011, 18/2013, 7/2014, 31/2016, 54/2017, 41/2020, 38/2022, 51/2022, and 67/2022], Articles 16.1-16.18; and others.”

²⁸ The Law on Rights of National Minorities of RS, [Official Gazette of RS, 2/2004], Article 4; The Law on Right of National Minorities in the FBiH, [Official Gazette of FBiH, 56/08], Article 5; and others.

Specific problems include: competent authorities have been narrowing down the right to peaceful assembly to precisely defined places, excessive bureaucratization in the exercise of this right, shifting responsibility to organizers, excessively broad powers of institutions regarding the approval of gatherings, the issue of non-recognition of "spontaneous gatherings," and the significant financial and logistical burdens imposed on organizers in certain cases, such as events related to the rights of LGBT+ individuals.

The criminal offense of violation of citizens' equality criminalizes the denial or limitation of freedom or human rights established by the constitution, law, or ratified international treaty, including the freedom of assembly and peaceful protests. The criminal offense of violation of the right to public assembly, or prevention or obstruction of public assembly, directly prescribes punishment for denying or limiting citizens' right to peaceful assembly or public gatherings in accordance with the law.²⁹

²⁹ Criminal Code of RS, articles 139 i 164; Criminal Code of FBiH, Articles 177 i 190; Criminal Code of BD, Articles 174 i 187.



5.8 Interview Findings

It is the responsibility of the state and its bodies to ensure that human rights defenders can participate in peaceful protests without hindrance by providing them access to public space and, if necessary, protecting them from any form of threat and harassment, without discrimination.

Most interviewees stated that the procedures for holding public gatherings and protests in BiH are neither simple nor clear. They observe that organizers are constantly faced with new requirements, "previously, we needed four documents, then seven, and this year twelve documents for organizing the Pride Parade, but we managed to fulfill all the requirements" (**Jadranka Miličević, CURE Foundation**), and that there are significant differences depending on where the public gathering is organized, both between entities and cantons in FBiH, and between larger cities and smaller communities.

Procedures for Holding Public Events or Protest Marches

"The procedures are actually very often unclear, and often, when we organize public gatherings, new requirements that we didn't have before start emerging. Every time we organize public gatherings, we have to contact a large number of institutions, even some private companies and whatnot... Then, there are requirements for security agencies, emergency services, firefighters, and these are things that we, as an organization, have to pay for, things that are required of commercial public events organizers. I don't think it should be the case for protests, non-commercial public gatherings, but they treat everything the same way. It's really an area that is bureaucratized, so to say burdened, with obligations for anyone who wants to organize a public protest, that I believe many people can get confused and may give up because it's not at all simple." (**Emina Bošnjak, Sarajevo Open Center**)

"We've organized numerous events, but we only got permission to use public space once. In all the other occasions we were either given oral approval, or most often, no one responded to our request, neither orally nor in writing. In spite of that, we would just keep working and have an internal agreement that if there are problems, we would go to court as we have never received an official decision, although we would duly submit the request." (**Vesna Malešević, Association of Independent Creators and Activists GETO**)

"In Prijedor, we have this specific situation where city authorities once made a decision about where public assemblies could be held, but they didn't include the possibility of holding a march in that decision, although it is provided for in the Law on Public Assemblies of RS. And the police always refer to that decision. They didn't allow us, both last and this year, to organize a peaceful protest walk on the occasion of White Ribbon Day. Just a day earlier, there was a march in the city, with the roads blocked and a procession for the so-called Defense of the City Day. And when we asked on what basis they allowed that, they said they didn't need to approve it. They aren't even required to seek permission; it is implied that they can do it because city authorities and veterans' organizations organize it. Part of the program happens in the high school courtyard, although the law strictly states that public gatherings cannot be held during school hours. This is tolerated to the maximum if the organizers are the authorities and veterans' organizations. For years, we have been prevented from doing what we are entitled to by law. Another example, on January 8th (before January 9th, celebrated as the Day of Republika Srpska), a procession of 100 people passed through the city. The organizers of that procession were never revealed, and it was terrifying for all minority communities. It was a demonstration of power, and they were the loudest passing by the city mosque. However, the police are very tolerant towards some and try to limit what rightfully belongs to others according to the law."

(Edin Ramulić, Foundation for Building a Culture of Remembrance, Prijedor, "It Concerns Me" Initiative)

"The procedures are very complicated. They demand things from us that nobody else is asked for, from additional fees to various lists we need to submit to the Ministry of Interior regarding the diplomatic corps, security staff, which cars will be at the beginning and end of the route, what the wristbands look like, accreditations, etc. - we have to submit all of this to the Ministry of Interior, which they don't demand from anyone else. This takes up our time and capacities. Not to mention that we would usually have 4-5 informative meetings with the police, something no one else does. You report a protest, you go to the protest, and that's it."

(Lejla Huremović, LGBTIQ+ activist and member of the Organizing Committee of the BH Pride Parade)

Limitation of Places Where Protests Can Be Held

"It is absolutely limited, in Banja Luka, we have Krajina Square and Mladen Stojanović Park. For instance, if you need to protest in front of the court or the prosecutor's office, you are formally forbidden, which is beyond reason. We have organized protests in front of the prosecutor's office, and even though the police accused us of violating the Law on Public Assemblies, the courts acquitted us of responsibility. I had also organized a press conference in front of the Prosecutor's Office where the media and many citizens came. A month after, the police accused me of violating the Law on Public Assemblies and not filing a request.

(Ozren Perduv, Civic Initiative "Justice for David", Movement for Justice)

"It is limited, for example, when we applied for a protest, I received a call from the police to come for a meeting. I asked why they were calling me, they said it was because of the protest, but they didn't specify anything. Then they told me that the protest could not take place at the desired location because there is a Decision, I don't know from what year, which prohibited the gathering there, and how we had to hold the gathering in the parking lot near the Health Center, where no one could see you, and the whole point of the public gathering was lost. We wanted to hold the protest in the main square in Lukavica, and we ended up in a parking lot where there were not many people walking around." **(Sunčica Kovačević, Coalition for the Protection of Rivers in BiH)**

"... so it's impossible to do anything on Krajina Square in Banja Luka during elections, and it remains the same to this day." **(Milica Pralica, Oštra Nula)**

žAdditional Financial Costs

"Only if we can include the once we have in the context of submitting requests to hold a public assembly and additional security measures that the Pride Parade organizers receive to a certain extent every year. We have established through internal research, supported by existing research texts, that the Pride Parade is the only protest in the Sarajevo Canton for which additional security measures are required because it is characterized as a high-risk event. Although some other protests have also been characterized as high-risk, no additional measures were imposed on them. That burden always falls on the organizers, usually in financial terms. Let's put it this way - in the context of these additional impositions, we are at the mercy of whoever is the Prime Minister at that moment. Tomorrow, if the Prime Minister of the Sarajevo Canton is not someone from Our Party, there is a high probability that we would not receive support, meaning we would not be given additional financial resources to cover these impositions. Our principle is that we will never again be the ones to spend any money for security measures because we believe that the freedom of assembly is our human right that the state is obliged to provide without asking for anything from the people organizing the Pride Parade."

(Lejla Huremović, LGBTIQ+ activist and member of the Organizing Committee of the BH Pride Parade)

Obstructions

"The two most important institutions we communicate with are the Ministry of Internal Affairs of the Sarajevo Canton and the Ministry of Transport of the Sarajevo Canton. We have experienced various attempts to obstruct and complicate the process of obtaining approvals from both of them. Throughout the years, the Pride Parade was treated very restrictively with militaristic measures, where the Parade was isolated, and no one could approach the walk and the route. Half of the city was blocked, and this reflected on the activists, as if they were to blame for it, not the authorities. This is one of the problems we are trying to solve and address. This year (2023) was somewhat more open, but it still wasn't ideal because some parts of the city were closed. We still had entrances to the Parade that no other protest had, and until we open the Parade so that anyone can join, we would never be an equal protest." **(Lejla Huremović, LGBTIQ+ activist and member of the Organizing Committee of the BH Pride Parade)**

Spontaneous Gatherings

"We have experienced activists being sued for these spontaneous gatherings. A group from Doljanka received, I think, over 10,000 BAM in fines because they disrupted the work of an investor for 15 minutes. Similarly, another group was fined 100,000 BAM for trespassing. So, spontaneous gatherings, in practice, can be problematic." **(Sunčica Kovačević, Coalition for the Protection of Rivers in BiH)**

Police Procedures

"We are waiting to see what will happen with the recent incidents in the case of the March attack on activists that occurred in front of our premises. First, there was a delay in issuing the order to conduct an investigation related to the attack, and we are still not at the point where anything related to investigating police responsibility has been initiated. We submitted records that clearly show what the police did, but I don't believe they will initiate anything ex officio; it will have to go through an activist's complaint." **(Ivana Korjalić, TIBIH)**

Milica Pralica from Oštra Nula had several negative experiences with the police. "When one inspector was so rude and disrespectful that her colleague had to remove her" or "when it took the police 14 days to identify the attackers, even though we gave them photos, the USB stick with recordings, and everything."

"... I think 14 days... and they were minors, and then they told us that they investigated in schools, but - you know - the incident happened outside of school, and we can't do anything... it was an attack during the March 8th march. There were 3 older 'Vultures' ([translator's note: hooligans, supporters of 'Borac' football club], I remember it well, and they were kids recruited for hooliganism, the ones who would become criminals, murderers, and so on in the future... and you can't prosecute them because they are minors, you literally can't do anything to them. Our system found a way to attack you, to degrade you, to do anything to you, while the perpetrators go unpunished, and that's a problem of our judicial and legislative system." **(Milica Pralica, Oštra Nula)**

5.9 General Analysis of Standard 15 - Protection of Minority Defenders

15. PROTECTION OF MINORITY DEFENDERS

*Human rights defenders working on issues affecting minorities play a legitimate and important role. “Individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs or views” should not face “stigmatisation and discrimination.” States should “ensure that legislation, policies, and practices do not undermine the enjoyment by such persons of their human rights or the activities of civil society in defending their rights.”*³⁰

Members of national minorities have the right to freedom of association and assembly, as well as protection under laws safeguarding the rights of members of national minorities.³¹

Expressing hatred in front of members of minorities is legally prohibited. The criminal codes of the FBiH, BD, and BiH criminalize various forms of incitement or fanning of only three forms of hatred—national, racial, or religious, while in RS, calls for violence or hatred directed towards specific individuals or groups based on their national, racial, religious, or ethnic affiliation, as well as gender, sexual orientation, disability, gender identity, origin, or any other characteristic, are criminalized.³²

The Law on Prohibition of Discrimination of BiH prohibits discrimination applied to all public bodies as well as to all natural or legal persons against any person or group of persons on grounds of race, color, language, religion, ethnic affiliation, disability, connection with a national minority, gender, sexual orientation, gender identity, and any other circumstance.³³

However, in practice, mostly verbal but also physical attacks occur against minority defenders, primarily those defending the rights of LGBT+ individuals as well as migrants and refugees.

30 RD, page 35.

31 The Law on Rights of National Minorities in BiH, [Official Gazette of BiH, 12/2003, 76/2005, and 93/2008], Articles 2-6; The Law on Rights of National Minorities in the Brčko District of BiH, [Official Gazette of the Brčko District of BiH, 41/2020 and 13/2021], Articles 3-6; The Law on Rights of National Minorities in RS, Articles 2-4; The Law on Rights of National Minorities in the FBiH, Articles 2-6.

32 Criminal Code of BiH, Article 145a; Criminal Code of RS, Article 359; Criminal Code of FBiH, Article 163; Criminal Code of BD, Article 160.

33 The Law on Prohibition of Discrimination, Articles 1-2.



5.10 Interview Findings

Some activists face greater and more specific risks than others, including defenders who challenge social and cultural norms, do not fit into stereotypes and prescribed roles, or challenge power structures in the society. This includes defenders of sexual minorities, national minorities, people in motion, or individuals reporting corruption.

Because of the group whose rights they protect or promote, human rights defenders in BiH are often exposed to hate speech and hate crimes, which, as they emphasized, are not documented and sanctioned as such but are characterized as physical attacks or bodily harm, "considerably diminishing the significance of what happened, although it was, in fact, a hate crime" (**Vanja Stokić, eTrafika**). Interviewed activists do not have much confidence in institutions responsible for providing protection that they will respond in an appropriate manner.

Hate Speech Motivated By the Identity of the Group Whose Rights are Protected

President of the Citizens' Association for the Promotion of Roma Education "Otaharin," Dragan Joković, says that they have not had the experience of being labeled as an association, but their members "feel it every day - discrimination and anti-gypsyism are very present and worrying."

"In the previous elections, we had a colleague who posted his candidacy on his Facebook profile and received terrible comments. It was evident that people do not hesitate to leave very nasty comments when it comes to the attempt of a man who is a BiH citizen, was born here, of Roma nationality, to engage in politics. He faced mass condemnation, stereotypes, prejudices, and hate speech. Our activities of helping the vulnerable do not provoke so much hatred because they do not interfere with others' affairs, which is the trigger - in this case some felt threatened by members of the Roma minority getting involved in politics, so they left such comments."

(Dragan Joković, The Association of Citizens for Promotion of Roma Education "Otaharin")

Vanja Stokić was among the activists for LGBTI rights who were attacked in March 2023 in Banja Luka, by a group of masked hooligans. "So, first of all, the state allowed the attack to happen, then the state failed to protect us after the attack, and we had to protect ourselves by leaving Banja Luka. In the end, we received legal protection by a group of lawyers who, while having a drink at a cafe, saw what was happening on social media and came to our rescue. These lawyers are still with us and are being funded by our donors. Regarding the state, I received no protection whatsoever." (**Vanja Stokić, Citizens' Association eTrafika**)

In March, the premises of the Association for Independent Creators and Activists GETO was also attacked. "The space was covered with posters and stickers 'Stop LGBT,' 'No to the parade,' 'Not in my town'. Hooligans knew exactly where to go, they knew locations and who was there, what they were doing, and the location of the assembly point. They destroyed our doors and windows, tried to break in, threw construction materials at the entrance, pipes, stones, tables, chairs, and barricaded the entrance. The space was physically attacked, solely motivated by hatred. We call it a hate crime, but it is up to the institutions to qualify the act."

(Vesna Malešević, Association for Independent Creators and Activists GETO)

Vesna added that they reported the attack, but no one contacted them afterward. "The police didn't completely ignore us, but they didn't pay any additional attention to us either. ... In that initial moment, they should have not only called to see how we were but also had us go to the police station to give a statement. I, as a representative, was not even invited to give a statement at all."

(Vesna Malešević, Association for Independent Creators and Activists GETO)

"We had an online attack by the Antidayton group after we started marking unmarked places of war suffering. Over time, it diminished because they saw that we were not selective. We had different approaches over time. Sometimes we would leave hate speech on our posts, and followers who supported our work defended us. At one point, we started deleting curses because we didn't want to give them space. A colleague from Livno who was marking unmarked places of war suffering with us was subjected to severe attacks for 3-4 days in his inbox, in comments, on local news, he was told he would never find a job, and so on. He was not physically attacked, but he felt threatened. We did not seek institutional protection because he decided not to. He realized that involving institutions would not change anything. He believed that involving institutions would create an even bigger problem, as he did not trust that they would react in an adequate way." **(Tamara Zrnović, Center for Nonviolent Action Sarajevo)**

"The latest attacks on our premises (2023) were hate-motivated attacks. On one occasion, they broke a window and took away the LGBT flag; another time, they broke in and left graffiti that said 'KILL.' In one of the break-ins, they stole our projector. We reported everything to the police, and they came and conducted an investigation. All the tearing down of posters, breaking windows, overturning furniture... some of these intimidation attempts were motivated by hatred and connected to LGBT, and others were because we, as a group, are not rooted in the nationalist narrative but, on the contrary, challenge it and openly criticize it. All of this has greatly affected us. All of this is stressful; all of these are pressures - so either you go underground or leave the country."

(Dražen Crnomat, BASOC)

"Our billboards had been crossed out 3-4 times with messages that we are not welcome in this city; on every one of our posters along the river bank, there was a sticker 'faggots yuck,' and similar insults. All of this is part of the same package of organized campaigns against the Parade, as well as the counter-protest that has been organized for years. I think it's important to mention that all campaigns against LGBTI activists make organizing planned activities more difficult, generally causing psychological and physical consequences for activists, and then the whole process becomes much harder than it should be in the context of enjoying rights guaranteed by our Constitution, including the right to freedom of peaceful assembly and the right to protest and point out the inequality and injustice that is happening."

(Lejla Huremović, LGBTIQ+ activist and member of the Organizing Committee of the BH Pride Parade)

Processing, Protection, and Sanctions

"We always report hate speech. When we asked for updates on the progress of those reports under the Law on Freedom of Access to Information, we were informed that out of 15 reports, only a few people were called in for interviews. We have not received any additional information about whether anyone was prosecuted, etc. We rarely get responses from institutions unless there is a judicial procedure. The only positive example is the case Sarajevo Open Centre handled related to Samra Ćosović Hajdarević."

(Lejla Huremović, LGBTIQ+ activist and member of the Organizing Committee of the BH Pride Parade)

"We recently had threats coming from Turkey, directed at our colleagues, causing one of them to change their address. Recently, charges were filed against a man from Zenica who threatened us almost 3 years ago because of an article about returnees from foreign battlefields. He sent a message from an anonymous profile: 'You all need to be dealt with quickly.' The police found him fast enough, but the prosecution was too slow. The indictment was filed after more than 2 years. If he wanted to do something, he could have done it by now. He pleaded guilty and was sentenced to probation. We were surprised by this indictment; we hope it would encourage others to prosecute such threats. Jasmin Mulahusić has been one of the individuals attacking our journalists. After a recent investigation about a group in Bijeljina, we received a call that we interpreted as a threat."

(Semir Mujkić, investigative journalist, and editor of the Balkan Investigative Reporting Network of Bosnia and Herzegovina)

"It wasn't until 2022 that the Buka portal editorial team received a police report regarding the complaint they filed in 2019 due to threats received by the portal's editor-in-chief Aleksandar Trifunović. In March this year (2023), the editor-in-chief's vehicle was damaged. 'The police did find the perpetrator, and he admitted to doing it, but he defended himself by saying he was mentally unstable at the time, that he was intoxicated, and had taken pills. What is important to mention here is that these attacks were preceded by shameful statements by the President of RS Milorad Dodik about journalists, creating such an atmosphere towards our profession that can certainly incite unstable individuals to attack someone."

(Milica Plavšić, Center for Informational Decontamination of Youth, BUKA)

"We expect institutions to be more proactive in protecting human rights. First and foremost, the Ombudsman for Human Rights, the Ministry of Human Rights and Refugees, the judiciary... It's disheartening to observe the work of institutions in the case of attacks on activists in Banja Luka. They did nothing! This group of human rights defenders has also appealed to international institutions, and even then, nothing happened... Whichever way you look at it, no one reacts appropriately. I imagine what I would do if I were a victim of an attack... I would probably use all mechanisms and seek protection, but I doubt I would get it."

(Tamara Zrnović, activist, Center for Nonviolent Action Sarajevo)

"In the last 4 years, I have often been to the police, reporting various incidents that happened to me. Most of them remained unprosecuted, even unreported according to their protocol because when I go to report it and bring everything someone sent to me - what they said to me, how they threatened me - and they say: 'This is Facebook. Did anyone say this to you on the street? No, they didn't. Then nothing.' So much has remained undocumented; several cases have reached the prosecutor's office, and the prosecutor did not recognize criminal elements. For example, one man threatened to cut off my head; she said it was not a threat but an expression of personal opinion and dissatisfaction. Currently, we have one active case for which the prosecutor is interested in filing an indictment, where a man sent messages to everyone in the editorial office for 2 months that he would kill us, spill blood, that we would be annihilated, and he referred to Albanian blood revenge and such nonsense, and maybe this case will be finalized and have a happy ending for us, but I am not very optimistic."

(Vanja Stokić, Citizens' Association eTrafika)

Collaboration with Institutions Responsible for Protecting Human Rights and Freedoms

The experiences of those interviewed with institutions responsible for providing protection, such as ombudsmen, police, courts, the Regulatory Agency for Communications of Bosnia and Herzegovina, the Press Council of Bosnia and Herzegovina, the European Court of Human Rights, UN mechanisms, etc., vary from organization to organization. Some say they have no collaboration, others say they have been collaborating with prosecutors, police, and courts for years, "because it is part of our job to train them and enhance their capacities, and recently we have seen significant progress in terms of their behavior when we report cases" **(Emina Bošnjak, Sarajevo Open Centre)**, while a number of those interviewed pointed out that institutions often fail to do the job within their responsibility.

"Institutions that should be responsible for protecting whistleblowers are not proactive and don't even use all the authorities available to them. For example, the Agency for the Prevention of Corruption is responsible for granting whistleblower status and ensuring that no harmful actions are taken against them, but despite that, we had a situation where people suffered layoffs and disciplinary proceedings, and the Agency did not do everything that was within their jurisdiction." **(Ivana Korajlić, TIBIH)**

"We have not had refusals of cooperation; we have not encountered situations where state bodies deny us cooperation. We only had one situation in Western Herzegovina where they told us we had no business there. Since we work a lot in local communities, you get in very touchy situations. One example is the Sana River, when we protested against the construction of a mini hydro power plant, they said to us, 'What are you from Banja Luka doing here?' The same happened in Medna, Bistrica, and Bukova Kosa. It's very difficult to work in such a divided society in Bosnia and Herzegovina. We have to accept that de facto BiH is a completely divided country, a terribly divided country." **(Tihomir Dakić, Center for Environment)**

"We publicly defended journalists and LGBT activists who were recently attacked, so I don't believe we will get to use the premises of the Youth Center and other public spaces in the future because of the mayor and his attitudes towards this minority. [...] Some because of the name - Helsinki Assembly - think we are a foreign organization, so they respect us to a certain degree but still deny us access to institutions. [...] So far, they have mostly ignored us, prevented us from having media space, but we generally expect to have increasingly more problems with the topics that the NGOs work on in the public space (LGBT, corruption). Authorities will react more and more radically, instead of just ignoring us, as they did in the past." **(Aleksandar Žolja, Helsinki Citizens' Assembly Banja Luka)**

"I will never use the European Court of Human Rights again. They responded to my appeal that BiH has done enough for the missing, and my brother is still not found. All of these are political mechanisms. And when you see how those judges are appointed, they fundamentally don't want to deal with human rights; we can see that their decisions are made on the political spectrum."

(Edin Ramulić, Foundation for Building a Culture of Memory, Prijedor, 'It Concerns Me' Initiative)

"Roma marriage does not exist in our legal system as a category, but our complaint that Roma marriage does not exist was dismissed. Imagine receiving a judge's decision that it is a Roma marriage. What kind of marriage is that? There is child marriage, which is a criminal offense, and we intervened against such a decision. Due to one of our complaints and the ombudsman's intervention, cooperation with the court in Bijeljina was terminated, where the prosecutor and judge acted against the best interests of the child and made a decision that does not align with the best interests of the child. In that case, we appealed through the Ombudsman for Children, and now we are somewhat ignored. I would highlight this too as a problem where our criticism was taken personally, so there is a lot of room for changes in that regard."

(Dragan Joković, Association of Citizens for the Promotion of Roma Education "Otaharin")

"It is interesting that the Mayor of Sarajevo gave gold coins to the Anti-Dayton Movement, which publicly called for the ban of the Kvirhana Festival that we organized and the dismissal of the director of the Historical Museum. We have not gotten any public support for LGBT people since she took office." **(Emina Bošnjak, Sarajevo Open Centre)**

6. Conclusion and Main Findings

Human rights defenders are not recognized as a distinct category within the state's legal system. There is no specific record at any administrative level of attacks on defenders and advocates of human rights, thereby obscuring the connection between attacks on human rights defenders and their work or activities, which is inherently linked to the protection of specific groups in the society or the safeguarding of rights that are denied or violated. There is no sensitivity in recognizing specific threats and intimidation faced by human rights defenders, thereby resulting in hate crimes being categorized as "inflicting bodily harm" or, as in the case of activist Vanja Stokić, threats of beheading being interpreted as "expressing personal opinion and dissatisfaction."

None of the five analyzed standards have been met or respected in BiH. The environment in which human rights defenders work can be described as uninspiring and intimidating: there is no public support for the work of HRDs; violence against them is not condemned and is even encouraged by top government officials and other public servants; the legal framework within which they operate is fragmented, laws are not harmonized, leading to unequal access to certain rights for all HRDs in the country; there is little trust in institutions responsible for protection to respond adequately, and there is a general fear that publicly expressed views or opinions might harm HRDs, their organizations, or their families.

This is not an environment conducive to advocating for and protecting human rights and freedoms.

Main Findings

Public support for human rights defenders from government officials or parliaments in BiH is either nonexistent, declarative, or selective.

Activists point out that, on one hand, public officials do not want to be associated with people from the non-governmental sector because "anyone who makes a fuss is automatically labeled as a traitor and an undesirable person, and they simply do not want to be connected with such individuals." On the other hand, some say that the support is "pretty modest" or "neutral."

Almost all interviewees believe that **there is selectivity in providing public support**, depending on the topic addressed by the civil society organization, therefore "everything that is not controversial or is considered part of the favoured traditional values has support."

They also emphasize that some civil society organizations are under the direct control of political parties, formed and led by party members or political officials, and, as such, enjoy public support and receive various forms of assistance.

There is a lack of public condemnation of attacks on human rights defenders, especially those working on specific socio-political issues, such as minority rights, facing the past, natural resource exploitation, or anti-corruption efforts. Instead of publicly condemning, highly positioned public figures, such as the President of RS, the Mayor of Banja Luka, and the Mayor of Sarajevo, are labeled as those who "called for lynching" of activists or "supported and praised individuals who directly endanger them."

Efforts to discredit and intimidate human rights defenders by public officials are constantly present, "they may ease up a bit, but they are always present." In an attempt to devalue or diminish the importance of the work of civil society organizations and activists, qualifications like "foreign mercenaries," "spies," and "traitors" are frequently used, which can have long-term consequences on the professional and private lives and reputation of human rights defenders and their families.

Experiences of the interviewed HRDs regarding **the cooperation with institutions** vary, but it is clear that this collaboration is sporadic, and some institutions are entirely closed to cooperation.

Interviewed human rights defenders and their organizations have personally experienced various **unjustified actions by authorities** that could be characterized as intentionally causing harm to activists. These actions include filing misdemeanor and criminal charges that were dismissed in courts, filing defamation lawsuits and especially SLAPP lawsuits, extraordinary tax audits, surveillance, and wiretapping, which is "truly a repression" that drains activists of energy, time, and nerves.

It is alarming to find that activists are **not entirely free to speak and act publicly**, as they fear not only for themselves but also for close individuals who might "suffer" because of their public activities and statements.

One of the three public services in BiH - **Radio Television of Republika Srpska (RTRS)** - is almost entirely inaccessible to human rights defenders.

It is also concerning that many of those interviewed have been targeted by **hacking attacks** in the last three and a half years, and they do not have information about the perpetrators behind these attacks.

Access to **public interest information** that human rights defenders need for analysis, advocacy, or reporting is challenging. Deadlines for providing information are mostly not respected, and they often receive vague or undefined responses, especially when it comes to "sensitive" financial matters, public procurement, or concessions. Initiating mechanisms against administrative silence, including lawsuits for failure to provide data, further exhaust and complicate the work of activists.

Organizers of public gatherings are constantly faced with new requirements, and most of those interviewed believe that procedures for **holding public gatherings** and peaceful protests in BiH are neither simple nor clear. They believe that this area is so bureaucratized that it discourages human rights defenders from practicing their freedom of assembly.

he **Pride Parade** is the only protest in Sarajevo Canton for which additional security measures are demanded.

Due to the group whose rights they protect or promote, human rights defenders in BiH are often subjected to hate speech and hate crimes, which, as they emphasize, are not recorded and penalized as such but are characterized as "physical assault or inflicting bodily harm." Interviewed activists do not have much confidence in institutions responsible for protection to respond adequately.

7. Recommendations

- Representatives of institutions at all levels of government in BiH, as well as business, media, and religious actors, should provide clear, non-selective, and non-discriminatory support to the activities and work of human rights defenders.
- The response of public officials and institutional representatives, especially the Ombudsman Institution for Human Rights Protection in BiH, to attacks on human rights defenders must be timely and accompanied by concrete measures to sanction the perpetrators of these attacks.
- In line with the principles of nurturing and developing a pluralistic and democratic society, the practice of public labeling and devaluing the efforts and actions of activists, especially those working on specific socio-political issues such as minority rights, facing the past, natural resource exploitation, or anti-corruption efforts, must be rejected. Public office holders must be aware of all consequences that their public statements and labels can have on the professional and private lives of human rights defenders and their families.
- For the sake of transparency, better communication, and the creation of higher-quality legislative solutions and other regulations, the cooperation between institutions and civil society organizations must be continuous, partnership-oriented, more open, and inclusive.
- Due to the nature of their work, public officials must be more receptive to criticism, which should not and must not be an excuse for suppressing freedom of expression and taking any form of reprisal against human rights defenders.
- Public broadcasting services in BiH, especially Radio Television of Republika Srpska, must ensure media space for all human rights defenders, regardless of whose rights they promote and protect.
- Relevant institutions in the field of cybercrime must timely recognize, investigate, and sanction cyberattacks on HRDs.
- Public authorities must be open and transparent. Procedures for free access to information should be consistently implemented in accordance with applicable regulations.
- Law enforcement agencies responsible for freedom of public (and peaceful) assembly must ensure clear and transparent procedures for exercising this right and refrain from imposing restrictive and limiting measures on event organizers.
- Laws on freedom of public assembly must be harmonized with international standards in this area (Council of Europe, OSCE, UN), with the aim to abandon the practice of spatial and temporal limitations of the right to peaceful assembly.
- Harmonize the Entities' criminal codes regarding hate speech.
- In the process of prosecuting hate crimes, it is imperative for relevant institutions to give extra scrutiny and consider the motives for committing such acts.



**HUMAN
RIGHTS
HOUSE**
Banja Luka

Human Rights House Banja Luka is a platform for strengthening associated civil society organizations and their influence on the state of human rights in the country and the surrounding area. The initiative to establish the Human Rights House Banja Luka has existed since 2016. The initiative was supported by 17 civil society organizations based in Banja Luka and its surroundings. In April 2023, the Human Rights House Banja Luka officially became part of the Network of Houses of Human Rights, which operates in 11 Eurasian countries. The founders of the Human Rights House Banja Luka are Helsinki Citizens' Assembly Banjaluka, Hi Neighbour, Transparency International BiH, Center for Environment, and Banjaluka Centre for Human Rights.

