

**HUMAN RIGHTS DEFENDERS
IN
BOSNIA AND HERZEGOVINA**

RIGHTS, POSITION, AND CHALLENGES
(2024 – 2025)

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RIGHTS, POSITION, AND CHALLENGES (2024 – 2025)

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Acronyms:

HRD – Human Rights Defenders

BiH – Bosnia and Herzegovina

RS – Republika Srpska

FBiH – Federation of Bosnia and Herzegovina

BD – Brčko District of BiH

WHC – West Herzegovina Canton

EU – European Union

UN – United Nations

OSCE/ODIHR – The Organisation for Security and Co-Operation in Europe/
Office for Democratic Institutions and Human Rights

MUP RS – Republika Srpska Ministry of Interior

European Convention – Convention for the Protection of Human Rights
and Fundamental Freedoms

CCRS – Criminal Code of Republika Srpska

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

Law on the Special Registry – Law on the Special Registry and Publicity of
Non-Profit Organizations

Lawyers; Lawyer – male and female lawyers; male and female lawyer

Helpline – Human Rights Defenders Helpline

INTRODUCTION

Before you is the third report on the position, challenges, and obstacles faced by human rights defenders (HRDs) in Bosnia and Herzegovina (BiH), entitled “**Human Rights Defenders in Bosnia and Herzegovina – Rights, Position, and Obstacles (2024–2025)**” (the Report).

The Report covers a one-year period, specifically from **1 June 2024 to 1 July 2025**. In certain sections, where necessary due to context or the standards being addressed, a broader time frame was also considered.

This text aims to outline the key problems and challenges faced by human rights defenders in Bosnia and Herzegovina during this period, particularly in the context of *shrinking space for their work and the declining level of human rights protection* provided by public authorities. The Report is not only focused on documenting and highlighting problems and challenges, but also on *affirming the importance of the role played by HRDs* in safeguarding the fundamental rights of all individuals and groups.

As with our previous report, we observed a further increase in **institutional non-transparency and pressures** on HRDs in BiH. Authorities in Republika Srpska (RS) in particular advanced legislative proposals that make it more difficult for HRDs to operate. In addition, many HRDs experienced additional pressures through public statements by politicians and media aligned with the authorities, labeling them as “traitors,” “foreign mercenaries,” and “agents of foreign influence.” Such rhetoric fostered an “atmosphere of fear” and insecurity, further *restricting the space for HRDs to operate freely* in the country.

The interviews we conducted point to a **complex and inconsistent institutional environment** for HRDs in BiH. The attitude of institutions toward HRDs is not uniform: it *depends on the nature of the case, the specific right at stake, and the level of political sensitivity of the issue*. Where there is no conflict with the interests of public officials or dominant narratives, cooperation can be adequate; otherwise, delays and defensiveness prevail. At the same time, there is *an ongoing, established pattern of structural weakness in the administration* and its bodies, characterized by inertia,

slowness, and limited capacities, along with pronounced transparency deficits.

Access to information is a particularly problematic area. In certain cases, HRDs can obtain requested documentation or information from public authorities only through a court decision, which *hinders* their work, *consumes their time*, and *imposes unnecessary costs*. For lawyers and civil society organizations, this leads to *longer deadlines*, *more complicated case preparation*, and *reduced effectiveness of legal protection*.

Regarding **police conduct**, experiences vary, but multiple testimonies show that authorities implement practices that restrict space for activism and put pressure on activists, *discouraging HRDs from participating publicly* in advocacy and human rights work. Police often act to protect the system and the interests of specific groups, while neglecting the rights and protection of HRDs.

HRDs' experiences with **threats and attacks** differ. Some *did not face direct threats* during the observed period, while others *experienced violence, threats, and warnings*. Institutions still fail to respond to attacks in accordance with human rights standards and positive law in BiH.

In public discourse, particularly in RS, authorities follow **a recurring pattern of stigmatizing HRDs**. Certain public officials treat civil society, activists, and journalists derogatorily and repeatedly label dissenters without facing consequences. Recorded cases also show that individuals representing organizations face insults and targeted attacks, most often through social media.

This situation is compounded by significant **normative controversies**. In this regard, the reporting period was marked in particular by the adoption of the **Law on the Special Registry and Transparency of the Work of Nonprofit Organisations** (Law on the Special Registry) in Republika Srpska, through which the authorities directly sought to restrict freedoms of expression and association, as well as the activities of associations and foundations. The law became widely known as the "Law on Foreign Agents," the "NGO Law," the "Law on Agents of Foreign Influence," or the

“Law on Foreign Mercenaries,” to name a few. In practice, this represented a continuation of incitement of citizens against the civil sector, accompanied by allegations that it undermines the state, authorities, and ruling parties in Republika Srpska, portraying activists as “traitors,” “enemies of the Serbs,” and “foreign mercenaries.”

Like many other laws, the Law on the Special Registry and Transparency of the Work of Nonprofit Organisations was not based on a risk assessment or consultations with the associations and foundations affected by its adoption. This runs counter to the requirements set out in the *Joint Guidelines of the Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the European Commission for Democracy through Law on Freedom of Association*, as well as *Recommendation CM/Rec(2007)14* on measures affecting non-governmental organizations and the right to freedom of association. Such legislation should be adopted through a democratic, participatory, and transparent process, including extensive and inclusive consultations with civil society organizations and their members. Authorities should consult NGOs during the drafting of primary and secondary legislation that affects their status, funding, or area of activity (OSCE/ODIHR, Venice Commission 2014, Principle 9, § 106; Recommendation CM/Rec(2007)14 2007, § 7).

Furthermore, this approach runs counter to the *Guidelines for Public Consultations in the Drafting of Legislation and Other General Acts*, which set out the procedures for conducting consultations with the public. According to these Guidelines, the Government of Republika Srpska and its administrative bodies are required, among other things, to engage in *consultations with relevant stakeholders* before drafting legislation, particularly for laws and other general acts that have a significant impact on specific groups within society (Guidelines for Public Consultations in the Drafting of Legislation and Other General Acts of RS, paras. 13, 14, and others). In their joint opinion on the earlier draft of this Law, the OSCE Office for Democratic Institutions and Human Rights and the European Commission for Democracy through Law demonstrated that this approach to regulating associations and foundations fails to meet human rights standards (OSCE/ODIHR, Venice Commission 2023).

However, the Law targeting nonprofit organizations, along with the earlier criminalization of defamation through amendments to the *Criminal Code* (CCRS), is not the only potential threat to HRDs. There is now public debate about the possibility of **adopting new laws**—such as the law on the media—which has caused journalists and activists alike to fear that their freedoms will be further restricted. Although the Constitutional Court of BiH *struck down* the so-called “Foreign Agents Law,” uncertainty persists about how the authorities will move forward, especially given the increasingly hostile climate toward HRDs and their organizations.

A continued **lack of dialogue and participation in shaping public policies and laws** remains particularly concerning. On the rare occasions when consultative processes are organized, they often amount to *mere formalities* with little meaningful influence on the adoption of regulations. Examples in which civil society experts who act as human rights defenders are *marginalized* in working groups point to a trend in which dialogue with HRDs is becoming *increasingly less inclusive and substantive*. Unfortunately, this has been a recurring pattern for a long time. Such an approach prevents HRDs from contributing to certain legislative processes, which in the long term *undermines the quality of public policies and legislation*. The negative effects of political and institutional exclusion of HRDs *directly threaten* both the scope and the quality of human rights and freedoms for all citizens of BiH.

Overall, there is **no single position** in which all human rights defenders find themselves; rather, there is *a mosaic of experiences* that includes both constructive cooperation in certain cases and open obstruction by public authorities, institutional protection as well as complete inaction by competent bodies, progress in judicial practice alongside stagnation in the administrative sphere, and both support for HRDs and attacks against them. However, *what unites these experiences* is the **need** for consistent transparency, timely and professional procedures, and the protection of those who defend the rights of others.

This Report builds directly on these findings, without generalizing beyond what our research revealed or what our interviewees reported, aiming to highlight **recurring patterns and points where the system consistently fails**. Within this framework, the introductory findings

point to **three fundamental challenges**: *administrative inertia and lack of transparency that hinder access to rights, practices that effectively shrink civic space and discourage participation, and uneven institutional responses that result in unequal protection.*

METHODOLOGY

The methodology used to prepare this Report was agreed during a joint meeting of the research team from the member organizations of the Human Rights House Banja Luka and the Sarajevo Open Centre, held for the previous report on the situation, challenges, and obstacles faced by human rights defenders in Bosnia and Herzegovina [*Human Rights Defenders in Bosnia and Herzegovina – Rights, Position, and Obstacles (2023–2024)*]. The research relied on two primary methods: *desk analysis of available materials and semi-structured interviews* with individuals from the selected sample. The collected data served to produce descriptive findings on the observed phenomena or to draw causal conclusions about them.

Desk analysis of available materials involved collecting, organizing, and synthesizing existing information in order to gain an understanding of the context surrounding the issues under examination and to identify gaps that needed to be addressed during the subsequent data collection through interviews. The factual analysis was conducted by comparing academic studies and analyses, media reports, monitoring data, legislation, official statistics, and reports from both domestic and international institutions and organizations, as well as statistical data and other publicly accessible documents, including reports, studies, and analyses produced by domestic and international organizations working on the protection of citizens' rights and freedoms. These sources were used to clarify the key dimensions of the context and to identify the main actors and their roles in the issues addressed in this Report.

The second part of the research involved interviewing individuals who act as human rights defenders in Bosnia and Herzegovina, drawing on an **analysis of semi-structured interviews** conducted with representatives from the selected sample. The purpose of the interviews was to ensure that all key perspectives in the selected cases were covered by engaging

relevant actors. In selecting interview participants, we sought to include organizations and individuals who are active in the areas of human rights defenders' work that were the focus of our research.

To maintain a clear focus for the research, out of the 20 standards for the protection of human rights defenders—defined based on international human rights instruments and described in more detail in the following chapter—and the publication by the Human Rights House Foundation, *Rights of Human Rights Defenders – Principles and Standards for the Protection and Empowerment of Human Rights Work*, **we selected four standards** that we considered most relevant to the context of this report, focusing on *narrowly defined themes* representing specific parts of these standards and including, as a separate addition, an analysis of the activities of the Human Rights Defenders Helpline at the Human Rights House Banja Luka:

- **Standard 3 | Ensure Public Participation and Engagement**

Context: Lack of Transparency and Exclusion of Civil Society from Decision-Making Processes (Ena Kljajić Grgić)

- **Standard 10 | Accept Divergent/Oppositional Views**

Context: Adoption of the So-Called Foreign Agents Law and the Intimidation of Activists (Sonja Kosanović)

- **Standard 13 | Fight Against Impunity and Ensuring Accountability**

Context: Failure to Prosecute Attacks (Amil Brković)

- **Standard 16 | Protect Human Rights Lawyers**

Context: The Position of Lawyers Representing Human Rights Defenders (Dejan Lučka)

- **Analysis of the Human Rights Defenders Helpline**

(Željka Umičević)

The Introduction and Sections 1. *Who Are Human Rights Defenders?* and 2. *Legal Status of Human Rights Defenders in BiH* were written by Dejan Lučka, while the section *Instead of a Conclusion – Recommendations* was prepared collectively by all the researchers.

All terms used in this text to indicate a specific gender are intended to include all genders in those parts of the text that are not gender-specific and may refer to multiple genders.

The Report uses all three official languages of BiH equally, and no linguistic harmonization of the entire text has been carried out. Each topic is presented in the language chosen by the author of that section.

1.

**WHO ARE HUMAN RIGHTS
DEFENDERS?**

1. WHO ARE HUMAN RIGHTS DEFENDERS?

Human rights defenders are those actors in society who promote and **protect universally recognized human rights and fundamental freedoms**, ranging from *civil and political rights* to those in the *economic, social, and cultural spheres*. They recognize the universality of human rights for all, without discrimination on any grounds, and defend human rights by peaceful means (EU Delegation in South Africa, 3; OSCE/ODIHR 2015, 3).

The right to defend human rights “derives from universal human rights, which are indivisible, interdependent and interrelated,” and states, including BiH, are committed to respecting, protecting, and fulfilling these rights for everyone within their territory and under their jurisdiction (OSCE/ODIHR 2015, 3).

In the international context, human rights defenders are recognized by **general international instruments** related to human rights and fundamental freedoms. Accordingly, all human rights defenders enjoy **all the rights** across civil, political, economic, social, cultural, and other spheres, including, among others, the right to life, liberty, and security; respect for private and family life; equality and freedom from discrimination; freedoms of thought, conscience, religion, expression, assembly, association, and movement; the right to a fair trial; the right to work under just conditions; access to healthcare; social security; and a healthy environment, etc. (UDHR 1948; ICCPR 1966; ICESCR 1966; CEDAW 1979; Aarhus Convention 1998; ECHR 1950; ESC 1996).

However, human rights defenders also have a specific legal framework for protection and action. Of particular importance for understanding their rights is the declaration adopted by the United Nations General Assembly at the end of the 20th century. This document, commonly referred to as the **Declaration on Human Rights Defenders** (the Declaration), defines who human rights defenders are, the rights they enjoy, and the attacks from which they must be protected (DRII 1998).

The Declaration establishes that **everyone has the right**, individually and in association with others, *to promote and advocate for the protection and realization of human rights and fundamental freedoms*, and that each state must take all necessary measures to **ensure the effective guarantee** of these rights and freedoms. Human rights defenders can include **anyone working to promote human rights**, whether as individuals advocating for human rights or as members of a group, organization, or association (DRI 1998, Arts. 1–2). In other words, anyone who advances human rights and strives for their realization qualifies as a human rights defender, regardless of profession, age, or other circumstances, whether they act individually or collectively, as part of an informal group or a non-governmental organization, or in a voluntary or professional capacity. In this sense, lawyers, activists, trade union members, medical professionals, civil servants, and students, among others, can be human rights defenders (OSCE/ODIHR 2015, 27).

Human rights defenders have the right, among others, to promote and defend human rights, to establish and join organizations and groups, to meet and assemble, to seek, receive, and possess information on human rights, to offer and provide qualified legal assistance in the defense of human rights, to communicate freely with other organizations, and to participate in peaceful activities against human rights violations (DRI 1998, Arts. 1–20).

The State, among other obligations, is **required** to ensure that *all persons under its jurisdiction enjoy human rights*, to carry out *prompt and impartial investigations of human rights violations*, to promote public understanding of human rights, and to *advance and facilitate the teaching of human rights* and fundamental freedoms at all levels of education (DRI 1998, Arts. 12, 14–15).

2.

**LEGAL POSITION OF
HUMAN RIGHTS
DEFENDERS IN BIH**

2. LEGAL POSITION OF HUMAN RIGHTS DEFENDERS IN BIH

Bosnia and Herzegovina is characterized by a specific state structure and multi-level legislation, meaning that provisions regulating and detailing the rights of human rights defenders exist at the state level, the entity level of Republika Srpska and the Federation of BiH (FBiH), the level of the Brčko District (BD), the ten cantons of the FBiH, as well as at the local level of municipal authorities.

Fundamental issues related to human rights and freedoms, including the rights of human rights defenders, are regulated by the highest legal acts of the state, entities, cantons, and the BD – namely, the constitutional texts of BiH. **The Constitution of BiH** enumerates human rights in a single article, which also prescribes the direct and priority application of the *Convention for the Protection of Human Rights and Fundamental Freedoms* (European Convention). A specific “supplement” to this catalogue of human rights is provided in *Annex I of the Constitution*, which lists international instruments for the protection of human rights that apply in BiH (Constitution of Bosnia and Herzegovina 1995, Art. II/2, Annex 1). In addition, BiH has ratified a large number of international human rights instruments.

The Constitution of the FBiH defines human rights and freedoms by enumerating them, supplemented by an annex listing human rights instruments that carry the legal force of constitutional provisions. In contrast, **the Constitution of RS** provides a much more detailed treatment of human rights and freedoms than the constitutions of BiH and FBiH. This Constitution includes a catalogue of human rights covering all three generations of rights, set out in a dedicated section of the RS constitutional act (Constitution of FBiH 1994, II/A/2, Annex; Constitution of RS 1992, Arts. 10–49).

The Statute of the Brčko District prescribes certain rights, referencing the *Constitution* and laws of BiH and BD, while the **constitutions of the FBiH cantons** similarly establish that full protection of human rights and freedoms guaranteed by the Constitutions of BiH and FBiH will be ensured within the cantonal territories, albeit with differing technical and normative legal arrangements (Statute of the Brčko District of BiH 2010, Arts. 13/1–3; Constitutions of the FBiH cantons).

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

Of particular importance for human rights defenders in BiH is Annex 6 – the **“Agreement on Human Rights”** of the *General Framework Agreement for Peace in BiH*. It establishes the *duty to promote and support* the activities of non-governmental and international organizations for the protection and promotion of human rights. It also obliges the authorities to ensure *full and effective access* for NGOs to investigate and monitor the human rights situation in BiH, as well as the duty to *refrain from obstructing or interfering* with the performance of these functions (Dayton Agreement 1995, Annex VI).

The rights of human rights defenders in BiH are further elaborated through **laws and secondary legislation** at all levels of government, and the legal framework related to the protection of human rights defenders is applied through general norms that apply equally to all citizens.

3.

**ENSURE PUBLIC
PARTICIPATION AND
ENGAGEMENT**

3. ENSURE PUBLIC PARTICIPATION AND ENGAGEMENT

“The United Nations has acknowledged the important contribution of civil society, human rights defenders, journalists and media workers, to the promotion of human rights, democracy and the rule of law. States are furthermore urged to promote good governance at all levels and to develop effective, accountable and transparent institutions and more responsive, inclusive, participatory and representative decision-making processes, including for human rights defenders. States can foster the public participation and engagement of human rights defenders by implementing legislation that protects the freedoms of expression, assembly, and association. States should ensure a transparent and inclusive decision-making process, and actively invite human rights defenders to contribute. [...] Human rights defenders must be able to engage in meaningful and results-oriented participatory processes with State institutions and must not be excluded from the government cooperation formats due to their critical positions. (HRHF 2023, 11).

Context: Lack of Transparency and Exclusion of Civil Society from Decision-Making Processes

Under the *Law on Administration of BiH*, administrative bodies are required, when preparing drafts and proposals of laws or other regulations within their competence, to seek the opinions of relevant administrative authorities, standing bodies of the Council of Ministers, and expert institutions, and **to carry out public consultations** whenever these are important for defining specific issues (Law on Administration of BiH, art. 18).

The procedure for public consultations with the interested public at the state level is regulated by the *Rules for Consultations in the Drafting of Legal Regulations*. The term “interested public” includes private legal entities (associations, foundations, commercial companies, etc.), international organizations, informal groups, and individuals participating in the consultation process during the drafting of regulations (Rules for Consultations in the Drafting of Legal Regulations, Art. 2, para. 1, item a).

In Republika Srpska, when the Government is the proposer of a draft law or regulation, consultations with the interested public are required, and the procedure for these consultations is governed by the *Guidelines for Consultations in the Drafting of Regulations and Other General Acts*. The purpose of these guidelines is to contribute to public participation in lawmaking, improve public information, enhance decision-making efficiency, and strengthen social responsibility. The term “interested public” includes legal and natural persons, citizens’ associations, employers’ associations, chambers of commerce and law, other professional chambers, representative trade unions, subject-matter experts, the media, and the academic and professional public (Guidelines for Consultations in the Drafting of Regulations and Other General Acts, pp. 4–5).

The *Regulation on Rules for the Participation of the Interested Public in the Preparation of Federal Legal Regulations and Other Acts* in the Federation of BiH establishes the procedures of the FBiH Government, federal ministries, federal administrations, and federal administrative organizations in preparing preliminary drafts/drafts/proposals of laws, strategies, programs, and other acts adopted or proposed by federal authorities and the Government, with the aim of ensuring the participation of the interested public. For the purposes of this regulation, the “interested public” includes citizens, civil society organizations, representatives of the academic community, chambers, public institutions, and other legal entities performing public functions or affected by legal regulations and other acts adopted, or involved in their implementation (Regulation on Rules for the Participation of the Interested Public in the Preparation of Federal Legal Regulations and Other Acts, Art. 1).

3.1. Urgent Procedures: Bypassing Dialogue and Critical Voices

Between 1 June 2024 and 1 July 2025, no fewer than twenty-four draft laws were placed on the agenda of the Government of Republika Srpska and considered under urgent procedures, without providing the opportunity for the interested public to participate. Drafts reviewed under urgent procedure included, for example, the *Law on the Special Registry and Publicity of Non-Profit Organizations*, the *Law on Economic Incentives*,

and the Law on a Special Expropriation Procedure for the Construction of an Airport in Trebinje, as well as amendments to key sectoral laws such as the *Law on Health Care*, the *Law on Companies*, the *Law on the Protection of Whistleblowers*, the *Law on Police and Internal Affairs*, the *Law on Weapons and Ammunition*, and many others. Most of these regulations have a significant impact on specific groups within society, and, as such, there is an obligation to **conduct consultations with the interested public**.

It is indicative that in the *Draft Law on Amendments to the Law on Health Care of RS*, as many as 75 articles were amended or supplemented, and the National Assembly of RS adopted this law at its fifteenth regular session, held on 3 July 2025, under urgent procedure. The interested public was therefore **not given the opportunity to participate in consultations**, despite the fact that the amendments concerned a law that affects the health status of RS citizens and has a significant public impact. One of the numerous articles changed in the law is Article 16, which further clarifies terms and concepts used in the law. The new amendments removed the clarification of the term “rare diseases,” replacing it with the definition of “antiageing medical procedures” in aesthetic medicine. This specific amendment indicates a worrying shift in health policy, *diverting attention from matters of general public interest and the protection of the most vulnerable patients* toward issues primarily serving commercial interests and the aesthetics industry (Draft Law on Amendments to the Law on Health Care of RS, Art. 16, para. 1, item 22).

The Rules of Procedure of the National Assembly of RS stipulate that urgent procedure may only be used for laws regulating matters and relations **arising from unforeseen circumstances**, where failure to adopt the law urgently could cause harmful consequences for the life and health of people, the security of the RS, or the functioning of authorities and organizations, and when it is in the public interest (Rules of Procedure of the National Assembly of Republika Srpska, Art. 213). In this particular case, the stated reason for adopting the law under urgent procedure was briefly noted as the fact that healthcare is an activity of general interest, through which the health protection of citizens is ensured.

Non-transparent decision-making has become common practice at all levels of government in BiH, with urgent or shortened procedures used to *avoid public debates and prevent public participation*. Even when consultations are formally organized, they often serve merely to *legitimize the process*, while proposals from civil society are generally ignored.

“This is not just a practice in Republika Srpska, but an increasingly common approach at all levels, where urgent procedures—or shortened procedures, in the case of state-level authorities in Bosnia and Herzegovina—bypass public consultations and prevent any meaningful contribution from the public. Moreover, a particular problem is the lack of transparency in government work at all levels, where materials under consideration—or even those already adopted—are not published. In Republika Srpska, this went to extremes in certain cases, such as when the Draft Law on the Transparency of Nonprofit Organizations was adopted. There were concerns that the Draft was adopted retroactively because the deadline had passed, considering that this item was not even on the agenda. Public consultation mechanisms, when they are used, often serve only to legitimize the process formally, while proposals coming from civil society are very frequently ignored.” (Korajlić 2025).

Ivana Korajlić, Transparency International BiH

The Law on the Special Registry and Publicity of Non-Profit Organizations was adopted at the end of February 2025 during an extraordinary session of the National Assembly of RS under urgent procedure, with the justification that failing to adopt it would create conditions undermining the constitutional order. In response, 41 civil society organizations from BiH issued a statement emphasizing that this move represented a *retaliatory attack against all critical voices* in Republika Srpska and was directed at associations not under government control, the media, and opposition voices (Online Editorial Team - Media Center 2025).

The Constitutional Court of BiH found that the Law on the Special Registry was not in accordance with the *Constitution of BiH* and Article 11 of the European Convention, noting that its adoption did not correspond

to an urgent social need and was therefore not necessary in a democratic society (Constitutional Court of BiH Decision 2025, No. U-6/25). Further discussion on this issue can be found in Chapter 4, titled *Accept Divergent/ Oppositional Views Context: Adoption of the so-called Foreign Agents Law and the Intimidation of Activists*.

The increasing use of urgent procedures for passing laws, combined with a decreasing number of regular sessions, suggests a weakening of legislative transparency as well as citizen participation in the decision-making process in Republika Srpska (Vučetić 2025). In the specific case of the adoption of the Law on the Special Registry, the materials for the extraordinary session—including draft laws to be considered by MPs—were made public *only a few hours before* the session began. Opposition party MPs warned that this method of distributing materials violated the procedure prescribed by the *Rules of Procedure of the National Assembly of RS*.

“The materials arrived just three hours before the official start of the session, and it’s unbelievable that, in all this chaos, they were still going ahead with the new draft law on the NGO sector and the whole foreign agents narrative.” (Vučinić 2025).

Đorđe Vučinić, Member of Parliament

3.2. Transparency as an Obstacle and (Non)Existent Participation

An online platform, eConsultations, has been established at the state level to allow the interested public to participate in consultations on regulations prepared by administrative bodies. Despite the legal requirement to publish preliminary and draft regulations on this platform, some administrative bodies **refuse to upload certain regulations**. For example, due to the non-publication of the *Draft Law on the Court of BiH*, *Transparency International BiH* contacted the Ministry of Justice in 2024, requesting access to this draft. Access was denied on the grounds that disclosure could seriously undermine the drafting process.

In the appeal procedure, the second-instance body—the Appeals Council at the Council of Ministers—rejected Transparency International BiH’s complaint, stating that the draft law had gone through the eConsultations process, even though the version published on the eConsultations portal was the *Draft Law on Courts in BiH*, not the requested Draft Law on the Court of BiH. An administrative lawsuit was filed before the Court of BiH in August 2024, which has not yet been resolved, despite the law prescribing a 60-day deadline for resolving this type of administrative dispute. The organization filed another lawsuit against the Ministry of Justice in 2025 for the same reason, as the ministry had in the meantime prepared a new *Draft Law on the Court of Bosnia and Herzegovina*, which was also not published on the eConsultations platform.

Although the entry into force of the new *Freedom of Access to Information Act at the Level of BiH* provides for the proactive publication of draft regulations as one of the obligations of these institutions, practice has shown that this is often not the case.

“Our day-to-day experience in obtaining public information for the purpose of informing the public indicates that most institutions have done very little to improve proactive transparency. The websites of state institutions remain largely underused as a space for publishing documents and information sets that everyone has the right to access, and they generally do not contain relevant documents — which are becoming increasingly difficult to obtain even through formal requests. Getting information held by public authorities is becoming more and more challenging, despite institutions claiming the opposite. Unfortunately, this usually remains only rhetoric, as institutions do not refrain from a range of negative practices: from ignoring requests, to unfounded and unreasoned refusals, and to a problematic appeals process. A lack of responsibility, as well as a lack of understanding and respect for the public’s right to access information, is becoming increasingly visible in this area of institutional work.” (Popović 2025).

Mirjana Popović, Center for Investigative Reporting

In practice, even when the obligations to hold public consultations are observed, proposals from civil society are often **disregarded** without adequate justification, with reports on the conducted consultations merely noting what was taken into account or not, *without providing concrete explanations* for why certain proposals were accepted or rejected. On the other hand, it is common practice for the executive authorities to *adopt amendments* to initial drafts at the last minute during meetings—especially in the case of the Council of Ministers—and sometimes not even provide the drafts upon request, resulting in situations where the content of a law is substantially changed at the last moment in meetings, leaving no further opportunity for intervention (Korajlić 2025).

Although formally provided for, **civil society representatives** in Bosnia and Herzegovina are, in practice, **effectively excluded from decision-making processes**.

“Civil society representatives are mostly absent in working groups for drafting laws and other acts. There are no procedures that mandate the inclusion of organizations at this stage. Upon requesting to attend, even as observers, we are usually refused. Moreover, formal mechanisms or bodies for cooperation between non-governmental organizations and institutions generally do not exist; and where they do, they are often neglected, or the selection of members is politically obstructed and influenced. One example is the appointment of members to the Advisory Body of the Council of Ministers for Cooperation with Non-Governmental Organizations: although members were selected in the most recent round, the Council of Ministers ultimately did not appoint them due to the political undesirability of certain individuals.” (Korajlić 2025).

Ivana Korajlić, Transparency International BiH

The Advisory Body to the Council of Ministers of BiH on Cooperation with Non-Governmental Organizations was established with the aim of improving cooperation with NGOs, in order to create a supportive legal, institutional, and financial environment for their work in BiH. This body has seven members, and its composition may include representatives of NGOs, the academic

community, the media, and individuals with experience in the development, monitoring, and implementation of public policies relevant to creating a supportive legal, institutional, and financial environment for NGOs in BiH.

Although the Ministry of Justice of BiH carried out a public call procedure and subsequently proposed candidates for the appointment of seven members, the Council of Ministers of BiH, at its 82nd session held on 16 June 2025, did not make a decision on the appointment of members of the Advisory Body, as the draft decision did not receive the required majority in both rounds of voting. The selection and appointment of the Advisory Body members are significant because this body is responsible for enhancing cooperation between the Council of Ministers and NGOs, and its establishment contributes to fulfilling one of the fourteen key priorities outlined in the European Commission's Opinion on Bosnia and Herzegovina's application for European Union membership.

3.3. Lack of Inclusiveness Across the Country

In the Federation of BiH, the *Regulation on the Unified Methodology for the Preparation of Planning Documents* establishes a legal obligation **to ensure public participation at every stage** of preparing and drafting planning documents, at all levels of spatial planning. Those responsible for preparing planning documents are required to develop a *Program for Public Participation in the Preparation and Drafting Process* for all planning documents. The Regulation identifies several methods of public involvement, including community forums, round tables, public hearings, and similar activities (Regulation on the Unified Methodology for the Development of Planning Documents of the Federation of Bosnia and Herzegovina, Article 7).

For human rights defenders, a key indicator of a shrinking civic space is when information and timely consultations are missing or delayed, which hinders oversight of decisions, advocacy for the public interest, and effective protection of rights. A telling example is that the **Regulatory Plan for “Kvadrant C” in the Municipality of Novo Sarajevo** was adopted in January 2020, while a public hearing for citizens to provide input was organized almost five years later (Dučić 2024).

Although delayed by several years, the public hearing on the Draft Plan “Kvadrant C – Marijin Dvor” was eventually held on 27 November 2024 in the Municipality of Novo Sarajevo, with a large number of citizens attending and raising numerous comments and suggestions. The official website of the Sarajevo Canton Institute of Development and Planning provides no information on whether the citizens’ comments from the public hearing were considered or adopted, but it does state that the plan is still under development (Sarajevo Canton Institute of Development and Planning 2025).

Since 1 February 2025, the *Law on Associations and Foundations of the Federation of BiH* has not been applied in the territory of the West Herzegovina Canton. The West Herzegovina Canton has regulated the establishment of associations, their governing bodies, legal status, registration, and other related matters through the ***Law on Associations in the West Herzegovina Canton***, which entered into force on 31 January 2025 (Istraga.ba 2025).

In the explanatory notes to the Draft Law, the primary reason given for adopting this legislation was that, during the previous period of implementing the federal law in this canton, certain inconsistencies and problems had arisen in applying specific provisions. Furthermore, it was noted that practical application of the law highlighted the need to regulate certain issues more precisely and comprehensively. However, the problems allegedly encountered in practice were not explained in detail. The second reason cited for adopting the law was that its enactment represents a further development of the legal system of this canton, and that the WHC would advocate for and undertake all available legal and political measures and actions to preserve the original competences of the canton defined by the *Constitution of the Federation of BiH and the Constitution of WHC* and to strengthen the constitutional and legal position and institutions of the canton through the enactment and implementation of laws in all areas of social life, in order to protect the integrity and status of the canton as a federal unit and prevent the continuous erosion of cantonal competences by the federal authorities (Draft Law on Associations and Foundations of the West Herzegovina Canton 2024).

The WHC Assembly tasked the Ministry of Justice and Administration with conducting a Public Hearing on the *Draft Law on Associations and Foundations of the WHC*. On 6 August 2024, this ministry published a public notice on its official website announcing the hearing, which was scheduled for 26 August 2024, and allowed for written proposals, comments, and suggestions on the draft law to be submitted electronically or by mail by 22 August 2024 (Ministry of Justice and Administration WHC 2024).

According to the Report on the Public Hearing held on 17 September 2024, submitted by the Ministry to the WHC Assembly, in addition to posting the public notice online, the ministry sent electronic invitations to the Assembly and the cantonal government, all cantonal ministries, the cities and municipalities in the canton, as well as the Cantonal Prosecutor's Office, and Public Attorney's Office. **Only fifteen participants attended** the public hearing, of whom *just two* represented associations, while the remaining thirteen participants represented institutions and public bodies (Report of the Ministry of Justice and Administration of WHC on the Public Hearing on the Draft Law on Associations and Foundations of the WHC 2024).

The consultation process on the *Draft Law on Associations and Foundations of the WHC* revealed **serious limitations** regarding the *inclusion of the interested public and the genuine participation of civil society*. Although the WHC Ministry of Justice and Administration *formally fulfilled* the legal obligation to conduct a public hearing and allowed for the submission of written comments, the available data indicate that the consultation process *did not constitute a substantive dialogue* between institutions and the civil sector. It is particularly problematic that the ministry sent *additional electronic invitations* exclusively to institutions, while citizen associations did not receive invitations of this kind. Such an approach contradicts the basic principles of transparency and inclusiveness, as associations represented the most important segment of the interested public in this process.

4.

**ACCEPT
DISSENTING VIEWS**

4. ACCEPT DISSENTING VIEWS

“States must ensure that dissenting opinions may be expressed peacefully. [...] Human rights defenders must feel safe, protected and empowered to express their opinions peacefully, without pressure, self-censorship or fear of reprisals. This implies creating an environment in which a strong and dynamic civil society can flourish. Leaders should avoid stigmatizing those who express dissenting views and prevent attacks on human rights defenders who hold such opinions, including by conducting adequate investigations into these attacks.” (HRHF 2023, 25).

Context: Adoption of the So-Called Foreign Agents Law and Intimidation of Activists

Freedom of expression and the acceptance of different opinions constitute one of the essential foundations of a democratic society, forming the basis of public dialogue and the development of public policies. This is important both for the growth and progress of each individual and for the existence of a democratic and pluralistic society (ECHR 1976).

However, in the context of Bosnia and Herzegovina, and particularly in Republika Srpska, the reporting period witnessed a trend of shrinking space for expressing critical and opposing views, as well as increasing pressure on activists fighting for human rights.

4.1. The Law as a Tool of Silencing

This trend became particularly pronounced when the **Law on the Special Registry and Publicity of Non-Profit Organizations** was once again considered at a session of the National Assembly of Republika Srpska in February 2025, after the draft of this law had previously been suddenly withdrawn from the agenda in May 2024. Ultimately, the law was adopted through an urgent procedure at the February parliamentary session. The stated reason and primary objective for adopting this law was the “transparency of the work of nonprofit organizations,” which, according to the law’s proponents, had not been regulated, and whose activities “create conditions for undermining the constitutional order and legal system of

Republika Srpska and cause harmful consequences for the functioning of the authorities and organizations of Republika Srpska" (Draft Law on the Special Registry and Publicity of Non-Profit Organizations). However, no concrete explanations or examples of these harmful consequences were provided or justified.

The Law on the Special Registry mandates the compulsory registration of all non-profit organizations in a separate registry. The first question raised by human rights defenders when analyzing this provision, while the law was still in draft form, was: why maintain a special registry of associations when associations **are already required to be registered in various registries** maintained by competent authorities? Why is an additional registry necessary? *No answer* to this question was provided in the legislative rationale for this law.

Furthermore, the Law on the Special Registry introduced definitions of terms that have not previously appeared in the regulatory practice concerning associations, such as the definitions of "foreign influence agent," "political engagement" and "political activity." Thus, a "foreign agent" is defined as any non-profit organization that receives financial or other assistance from abroad and simultaneously engages in what the Law on the Special Registry calls "*political engagement*" or "*political activities*." *Political engagement* under this law includes participation in election campaigns, the collection or donation of funds to political parties, as well as any activity aimed at influencing public opinion to achieve political objectives. *Political activity* encompasses any actions directed at authorities or elected representatives of Republika Srpska with the intention of influencing decision-making, policy formulation, and the creation of public interest in RS (Law on the Special Registry, Articles 3(1–2)).

These definitions caused general confusion among associations, as policy formulation—that is, participating in shaping and implementing the public interest—is precisely the **purpose and goal of their existence**. Moreover, the penal provisions stipulated by this law have been assessed as overly harsh by the public and human rights defenders (RSE 2024). Formally, according to the rationale provided in the draft, the law's objective, as well as its supervisory measures and penal provisions, is to increase transparency in the work of

civil society organizations, namely associations and foundations. In practice, however, strict enforcement of the law can easily produce *(self-)censorship* within the civil society sector. Human rights experts, including specialists from OSCE/ODIHR, the Venice Commission, and the United Nations, had already warned about this risk when the law was still in draft form.

“If adopted in its current form, the draft law entitled ‘Republika Srpska Law on the Special Registry and Publicity of the Work of Non-Profit Organizations’ will profoundly affect freedom of association in the country.” (Romero, Lawlor, Saul 2025).

Gina Romero,
Special Rapporteur on Freedom of Peaceful Assembly and of Association

Mary Lawlor,
Special Rapporteur on Human Rights Defenders

Ben Saul,
Special Rapporteur on the Promotion and Protection of Human
Rights and Fundamental Freedoms while Countering Terrorism

The warnings issued by United Nations mechanisms should be viewed within the broader context of an **increasingly restricted civic space** for expressing opinions, which has been marked by a series of initiatives whose consequences affect the freedom of association and expression. The criminalization of defamation in 2023, first through a draft, then a proposal, and ultimately through the adoption of the Law on the Special Registry, demonstrated a tendency to create an environment in which critical speech and activism are treated as a *threat to the political order* rather than as an integral element of democracy. According to last year’s report by the Human Rights House Banja Luka, the adoption of such legal solutions represents a step backward in the realization of the right to freedom of expression. The report highlighted that the application of such provisions allows for broad interpretation and selective enforcement of the law (Đukić 2024, 34–36). When this strict legal framework is considered alongside other political circumstances occurring during the reporting period, as well as a *set of laws* at the RS level that signal the undermining of the rule of law, it becomes

clear that these circumstances have *created a climate of fear* within civil society organizations. Although no cases have been documented in which an organization has faced severe consequences under the Law on the Special Registry – partly because its constitutionality was soon challenged – this environment has nonetheless had a chilling effect on activism, affecting both civil society organizations and individual actors.

The Law on the Special Registry was reviewed before the Constitutional Court of BiH, which passed a decision **to invalidate the law** on the grounds that it was inconsistent with the provisions of the BiH Constitution and the European Convention (MC Online Editorial 2025). In its reasoning, the Constitutional Court of BiH pointed to issues with the *broad definitions* contained in the law, which *create legal uncertainty and insecurity*, as well as stigmatizing terms such as “foreign agent.” The Court also noted that the law imposes strict controls on foreign donations, mandates labeling of materials, and *does not provide effective legal remedies*, thereby producing a deterrent and stigmatizing effect that hinders the work of associations. Ultimately, according to the Court, the sanctions, work prohibitions, and criminal liability foreseen by the law are *not necessary in a democratic society and violate the principle of proportionality and urgent social need* (Constitutional Court of BiH 2025).

The constitutionality of this law was also raised by **human rights defenders before the Constitutional Court of Republika Srpska**. Their initiatives further confirmed numerous deficiencies in the law itself, as well as in the legislative process, highlighting *procedural violations* during the law’s adoption—particularly the fact that the law was passed through an urgent procedure without adequate consultations with the organizations directly affected, which is contrary to OSCE/ODIHR guidelines and the Council of Europe’s standards on freedom of association (Lučka 2025; OSCE/ODIHR 2023). Human rights defenders emphasized the following key problems: *vague definitions* that leave room for arbitrary application, *disproportionate reporting and oversight obligations*, and *discriminatory treatment* of organizations receiving foreign funding compared to those financed from domestic public sources. Such regulation directly conflicts with Articles 10, 25, 32, 48, and 50 of the RS Constitution, as well as Articles 9, 10, and 11 of the European Convention (Lučka 2025).

4.2. Activism Under Pressure

The adoption and temporary application of the Law on the Special Registry, along with the growing trend of restrictive measures, has had a highly **negative impact** on the freedoms of association, expression, and overall activity of civil society organizations and individual activists, namely human rights defenders. Although the Constitutional Court of BiH declared this law unconstitutional and annulled it, the very *fact of its adoption and the period during which it was in effect* created an atmosphere of fear, (self-) censorship, and legal uncertainty, resulting in a narrowing of the space for public action and critical dialogue.

Furthermore, the environment created by this law **contributes to a loss of trust in institutions**. In practice, such a legal framework indicates that *differing opinions and critical attitudes toward institutions are increasingly difficult to tolerate* in the public sphere, even when they are aimed at improving institutions and enhancing their efficiency. By labeling human rights defenders as “mercenaries” or “agents of foreign influence,” mutual distrust among citizens is encouraged and a *hostile attitude toward those advocating for human rights is normalized*. These narratives often originate from *political authorities and media outlets close to them*, creating the impression that actions which essentially constitute human rights advocacy are in fact aimed at attacking the state or the people. For human rights defenders, these narratives and the environment they create have multiple consequences: from psychological pressure not only on them but also on those close to them, to social stigmatization and labeling, and even to real economic impacts on their property, ultimately significantly reducing their quality of life and infringing upon their rights.

As a consequence of this legal environment and pressures, **human rights activism inevitably comes under strain**. This is evidenced by various proceedings initiated against defenders, such as administrative cases filed against activists for an artistic performance in which they held a symbolic “funeral for democracy” in front of the National Assembly of Republika Srpska prior to the session where the Draft Law on the Special Registry was considered (Kovačević 2025).

Following this performance, a series of administrative fines were issued for “disturbing public order,” which the human rights defenders challenged through judicial review. During the reporting period, the competent court issued several acquittals in this case, demonstrating that the fines were instruments of pressure and intimidation, as they were unfounded. At the same time, these rulings illustrate good judicial practice in rejecting convictions of human rights defenders for exercising their constitutional freedoms (Padalović 2025).

Another example of pressure on human rights defenders is the ongoing case of attacks on defenders advocating for LGBT+ rights, in which *journalists were physically assaulted and injured*. Although the perpetrators were identified and reported, and evidence exists regarding both their identities and the criminal act, this case **has not yet reached a judicial resolution**. This demonstrates *deliberate slowness and delays* in the work of the competent authorities, as well as secondary victimization of the crime victims (S.S./Federalna Televizija 2024). More on this will be discussed in Chapter Five, titled *Fighting Against Impunity, Show Accountability (Context: Failure to Prosecute Attacks)*.

Pressure is not only exerted by institutions but also by private investors who make extensive use of available legal tools as a method of intimidation. This is evidenced by the ongoing case of alleged defamation in which a **private company sued two human rights defenders for environmental protection** after they expressed concerns about the potential harms of small hydroelectric plants constructed by the said company. The defenders were sued in civil proceedings through so-called SLAPP lawsuits, intended to intimidate and prevent the defendants—and the wider public—from participating in matters of public interest. The preparatory hearing for this case was held in 2023, and to date it has not been concluded, once again confirming the practice of attempting to intimidate and silence human rights defenders through prolonged and exhausting legal procedures (Pekmez 2023).

4.3. Who Dares to Speak Out and Protest...

A notable example of pressure is the misdemeanor proceedings initiated against Jovan Lekanić, an environmental human rights defender, after he participated in a spontaneous and peaceful gathering in 2023 to express civic protest against the “Bukova Kosa” mine. The Center for Environment followed the case closely and offered him legal support.

“The gathering of local residents—the community’s last attempt to protect the environment and prevent violations of fundamental human rights — was obstructed and dispersed unlawfully. We identified this as a violation of the fundamental freedoms of the accused, as well as of the broader community. [...] A misdemeanor proceeding was then initiated against him because, during the gathering, he attempted — using his vehicle and his own body — to prevent the final *de facto* legalization of an unlawful concession award and its implementation, which threatens the right to a healthy environment and the fundamental personal rights of an indefinite number of citizens. By doing this in a symbolic manner, he was expressing his views through a spontaneous assembly together with other residents.” (Skomorac 2025).

Redžib Skomorac, Center for the Environment

This case illustrates the **range of pressures** human rights defenders face in their work, both personally and through the impact on their family members, who often become secondary victims of repression directed at activism.

“We were all subjected to various types of threats and attacks because of our activism, both directly and indirectly. This included ignoring our requests and demands to bring the mine’s activities within legal limits; being told that the mine would bring economic revival to the village and improve everyone’s standard of living; attempts to persuade and bribe individuals; monitoring the movements of our vehicles by members of the Gendarmerie police unit [...] and dragging out misdemeanor proceedings to psychologically harass me and my family [...]” (Lekanić, 2025).

Jovan Lekanić, environmental rights defender

What is both telling and disheartening is that human rights defenders themselves often **expect to face pressure** when engaging in the fight for human rights, highlighting how such pressures—and operating in this environment—have become *normalized* among citizens.

“Various types of threats didn’t come as a surprise, because the state has shown in recent years how it treats activists. A fabricated misdemeanor case, which could have been resolved in fifteen minutes, was dragged out for over a year and a half just to psychologically harass me and my family and to intimidate other activists. It took a huge toll on me and significantly undermined my well-being. What made it even harder was the constant worry about my family, who were affected by the pressure far more than I was.” (Lekanić, 2025).

Jovan Lekanić, environmental rights defender

Such proceedings reveal patterns of **institutional attempts to silence** human rights defenders and **discourage** civic initiatives, as well as public **criticism**. Prolonging proceedings and using legal mechanisms as a form of pressure not only drains individuals’ resources, but also sends a broader message that engaging in human rights protection carries *potential risks* to one’s mental and physical well-being, as well as to one’s financial security. This significantly restricts the space for civic action, which should be an integral part of any healthy, democratically oriented state.

This case was strategically significant for environmental human rights defenders because it created an opportunity to establish *case law* that would strengthen their legal protection.

“We recognized that it was in the particular interest of the public for the case to reach a favorable judicial outcome. We provided the defendant with adequate legal representation because it was necessary to demonstrate that the standards of the European Convention on Human Rights, guaranteed in the Constitution of BiH, are binding and must be implemented in BiH. Thanks to close cooperation with the Center, as well as the significant professional

experience of the lawyers, particularly in criminal law, this was ultimately achieved.” (Skomorac, 2025).

Redžib Skomorac, Center for Environment

The case of Jovan Lekanić exemplifies how legal and institutional frameworks can be *misused* to exert pressure on human rights defenders. Although an acquittal was ultimately secured, the fact remains that human rights defenders and their families are vulnerable in such cases and often lack *adequate protection*, especially if they do not have contact with organizations that can provide legal support or with other human rights defenders. *Threats, pressure, and fear* are an almost daily reality for human rights defenders, depending on the level of their activism and the specific area of human rights in which they work. As reported by Radio Free Europe, human rights defenders – particularly environmental activists – across Bosnia and Herzegovina, including those from Mount Ozren, frequently face lawsuits and discrediting campaigns, most often through social media and the press (Augustinović 2025).

Similar patterns are evident in the case of Zoran Poljašević, a human rights defender advocating for the preservation of Mount Ozren, who, after exercising his guaranteed right to freedom of expression and publicly opposing geological explorations on Mount Ozren, **lost his job** and **became the target of a media smear campaign**.

“During this period, I was subjected to a **targeted smear campaign** by the online portal ‘Tanjug Srpske’ and its editor, as well as by several fake profiles on Facebook. They spread the most severe lies and insults about me and my family, which I regularly reported to the authorities; however, I have not received any positive response so far.” (Poljašević, 2025).

Zoran Poljašević, human rights defender

The case of Zoran Poljašević came under United Nations scrutiny as an example of repression against environmental activists (Rakita 2025). After speaking out publicly, Poljašević lost his job, clearly demonstrating

that **institutional intolerance toward activism carries significant consequences**, not only through potential administrative, civil, or criminal proceedings but also through *attacks on an individual's standard of living and right to work*. In addition, human rights defenders face serious *health impacts*, as this case illustrates.

“The culmination of the pressure came when I lost my job, just two days after participating in the public hearing on the amendments to the Law on Geological Explorations of RS” (Poljašević, 2025).

“After months of daily harassment and losing my job, I suffered a burst ulcer and developed depression. These attacks affected not only me but also my family, who struggled to cope with everything” (Poljašević, 2025).

Zoran Poljašević, human rights defender

These cases demonstrate that the work of activists in Republika Srpska is burdened with numerous risks, ranging from reputational and economic to psychological and health-related. Such conditions create an environment of fear and often self-censorship, seriously undermining the fundamental freedoms and rights guaranteed by the *Constitution of Bosnia and Herzegovina* and international conventions. Cases like these clearly illustrate patterns of both institutional and extra-institutional pressure, including administrative proceedings, attacks on the reputation of human rights defenders, and socio-economic consequences. Ultimately, they point to systemic challenges in protecting human rights defenders, as well as the risk of further demoralization and discouragement, which over the long term could jeopardize the work of the civil society sector and the culture of public dialogue.

5.

**FIGHT AGAINST IMPUNITY,
SHOW ACCOUNTABILITY**

5. FIGHT AGAINST IMPUNITY, SHOW ACCOUNTABILITY

“States must combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights. To fight against impunity, States should ensure an enabling environment for the work of human rights defenders. States must also ensure that there exists effective protection against acts of intimidation and reprisals against HRDs. Finally States must ensure that effective investigations into actions of intimidation and reprisal against human rights defenders are conducted. The fight against impunity will only be effective if ‘those responsible for violations and abuses against human rights defenders, including against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations.’” (HRHF 2023, 31).

Context: Failure to Prosecute Attacks

Over the past two decades, global crises – from terrorism and economic instability to pandemics and wars – have contributed to the rise of far-right policies that offer seemingly simple and attractive solutions, while perceiving democratic institutions as slow and ineffective (Seyidov 2023). Such policies threaten human rights and the rule of law, with human rights defenders bearing the heaviest burden, as they are exposed to violence, threats, and criminalization. Following acts of violence and threats against defenders, there is often **institutional silence or inaction**, characterized by the failure to prosecute the perpetrators.

A comprehensive understanding of the situation of environmental human rights defenders in this regard requires looking at a broader time frame than just 2024–2025. In fact, certain cases of attacks or judicial proceedings are often long-term and develop over several years, with causes and consequences extending beyond a single reporting period. The legal and institutional processing in BiH, as well as the societal reactions such events provoke, typically take multiple years. Therefore, to gain a

comprehensive understanding of the dynamics and patterns of threats against human rights defenders, it is justified to also examine cases of attacks that did not occur during the reporting period, but whose (non) prosecution occurs within it. These cases thus have lasting significance and a direct impact on the current situation.

5.1. Between Law and Reality: Global Instability and Local Attacks

Although states have an obligation to protect human rights defenders and ensure their safety and dignity, attacks against them remain part of a **broader strategy aimed at suppressing critical voices**. International standards call on states to “conduct a prompt and impartial investigation or ensure that such an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction,” and to “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration” (UN Declaration on Human Rights Defenders, 1998).” (UN Declaration on Human Rights Defenders, 1999).

In practice, however, the applicability of these standards is often contradicted by reality: in 29 out of 57 analysed states, cases of intimidation and attacks have been recorded, frequently accompanied by *impunity* for perpetrators. These actions have been carried out by both state and non-state actors, enabled by the lack of adequate accountability mechanisms (OSCE/ODIHR 2017, pp. 13, 19).

The legal framework in Bosnia and Herzegovina does not explicitly recognise human rights defenders or their specific needs (Brković et al. 2024, pp. 10–11). With regard to safeguarding their security, aside from general legal provisions applicable to all citizens, only the RS Criminal Code prescribes sanctions for those who “persecute an individual or an organisation for their engagement in the protection of human rights” (Criminal Code of RS, Article 139(2)). Given that Bosnia and Herzegovina is a post-conflict state

marked by high levels of corruption and a fragile rule of law, these systemic weaknesses have contributed to persistent impunity for attacks on human rights defenders – particularly those working on transitional justice (Xhaho et al. 2020, p. 32), LGBTI rights (UN BiH 2025), and journalists (U.S. Embassy in BiH 2024, pp. 5–6).

Between 2008 and 2018, dozens of attacks on human rights defenders were documented, many of which were not adequately processed and did not result in concrete sanctions against perpetrators (Čehajić-Čampara 2018, pp. 14, 18–19, 23–24). This negative trend continued during the 2020–2024 period, with particularly worrying attacks against journalists, environmental activists, gender-equality defenders, migrant-rights activists, and LGBTI activists. What is especially alarming is that these attacks were not adequately investigated, nor were the perpetrators held accountable (OSCE/ODIHR 2024, pp. 11–13).

5.2. Impunity as a Message

Of the attacks directly threatening the safety of human rights defenders in BiH, two stand out as especially significant.

The first concerns the **systemic attacks on activists gathered around the “Justice for David” group**. After the unresolved circumstances surrounding the death of David Dragičević, citizens of Banja Luka began a series of protests that took place from March to December 2018. Starting in 2019, these protests were banned by the Ministry of Interior of Republika Srpska (MOI RS), accompanied by repression directed at members of the group (OSCE Mission to BiH 2021, pp. 17 and 23).

“I had several negative experiences where police officers in the Ministry of Interior offices would ask, ‘Who’s paying you?’ ‘Do you know what you’re doing?’ ‘You’d better stop gathering here.’ There were also threats: ‘If you show up here again, you’ll see what will happen; the response will be much harsher.’ Mostly, it was suggestive pressure, implying that it would be smartest for us to stop, to withdraw, to focus on our own lives and daily activities, and to stop what we were doing; comments like, ‘Do you know who you’re talking to?’ or ‘Do you

know that you're criticizing and insulting the President and the Prime Minister?" (Perdub 2025).

Ozren Perdub, human rights defender with the "Justice for David" group

Members of the 'Justice for David' group have, over the past years, used various legal protection mechanisms in an attempt to defend themselves from the repression of public authorities in relation to their exercise of the right to freedom of peaceful assembly. In this regard, four complaints were submitted to the Internal Control Unit within the Ministry of Interior of Republika Srpska.

"Their response was on a single A4 page—not on both sides, but just one page covering all four complaints; of course, they were rejected as unfounded, stating that there were no elements to support them and that the police had acted in accordance with their legal authority." (Perdub 2025).

Ozren Perdub, human rights defender with the 'Justice for David' group

In addition, several criminal complaints were filed against police officers of the RS Ministry of Interior for various criminal offences: "violation of equality of citizens", "abuse of official position or authority", and "unlawful deprivation of liberty".

"Unfortunately, we were either met with resistance at the District Prosecutor's Office here in Banja Luka, or the complaints had been sitting there for a long time. In most cases, orders were issued not to open investigations. Charges were brought in only one case; however, that indictment was not confirmed by the Basic Court. The Prosecutor's Office reportedly appealed, but the appeal was rejected, and ultimately the case did not reach a court decision." (Perdub 2025).

Ozren Perdub, human rights defender with the 'Justice for David' group

The appeal mechanism of the Institution of the Human Rights Ombudsman of BiH was also used. In 2018, a total of four cases were

registered with the Ombudsman in which the appeals concerned alleged excessive use of force by officers of the RS Ministry of Interior. In 2019, an additional 11 cases were registered in which the appeals concerned alleged excessive use of force in relation to the right to peaceful assembly by the informal citizen group “Justice for David.” Of the total 15 cases considered by the Ombudsman regarding excessive use of force against activists of the “Justice for David” group, only one disciplinary procedure was initiated against an RS Ministry of Interior officer, which resulted in acquittal. In all other cases, conflicting claims between the activists and the RS Ministry of the Interior were noted (Mitrović et al. 2020, pp. 32, 37, 44-45).

However, one of the few mechanisms that proved genuinely useful for members of the “Justice for David” group were **anti-discrimination lawsuits**.

“It is important to note that, because of everything I experienced and went through, I filed a lawsuit against the Ministry of Interior for discrimination, and the first-instance proceedings were recently completed. I won that lawsuit; the judgment states that the Ministry of Interior of Republika Srpska engaged in systemic, continuous, multiple discrimination and torture against me personally. I am not the only one who received such a decision—Davor Dragičević and Suzana Radanović, as the parents of the murdered young man, also won similar rulings. Several other members of the group received comparable decisions as well. In this way, we obtained a certain level of institutional protection from the court, but absolutely none from the police or the Prosecutor’s Office.” (Perduv 2025).

Ozren Perduv, human rights defender with the ‘Justice for David’ group

However, although the Basic Court in Banja Luka issued a first-instance judgment in July 2025, both the plaintiff and the defendant filed appeals. At the time of writing this report, the second-instance judgment in this case is still pending.

On the other hand, the RS Ministry of Interior **initiated multiple proceedings against activists** for alleged legal violations. In Banja Luka alone, over 100 administrative proceedings were launched against supporters of the “Justice for David” group and human rights organizations such as “Oštra Nula” and “Kvart.” During one week in May 2019, the police filed 82 complaints for alleged public order violations. However, the Basic Court in Banja Luka acquitted the protest organizers in 2019 and early 2020, including the group leaders and three opposition leaders. Of the 82 complaints, the court acquitted 12 individuals, dismissed four proceedings, and returned six for reconsideration. The court concluded that the RS Ministry of Interior had not proven that the group’s activities caused public disturbance (OSCE Mission in BiH 2021, 27).

The second case concerns an **attack on LGBTI activists in Banja Luka** in March 2023. After activists from the BiH Pride Parade announced an event for the LGBTI community in Banja Luka, domestic media sensationalized the news to the broader public, especially in Republika Srpska. This sensationalism led to populist and discriminatory statements from RS politicians, harming the human rights of LGBTI persons (Brković et al. 2023, 11). Following the attack, various protection mechanisms were activated with the assistance of lawyers.

“Everything has been initiated, but nothing has been concluded. To the best of my knowledge, no one has been prosecuted, nor has anyone been formally charged” (Halilčević 2025).

Mirza Halilčević, human rights defender for LGBTI persons

Although two years have passed since the attack, **no indictment has been filed during this long period**. At present, *three cases* remain open, while all other administrative and criminal proceedings have been concluded after all legal remedies were exhausted, and without success. The ongoing cases include a criminal proceeding against unidentified individuals for the attack on activists, as well as an appeal before the Constitutional Court of BiH. Seven proceedings were initiated based on complaints submitted to the Human Rights Ombudsman of BiH. One recommendation was issued regarding access to information that had been obstructed by the RS Ministry

of Interior. In six proceedings, investigations were closed due to a lack of consensus among the ombudsmen. Complaints were never submitted for response to the parties against whom they had been filed.

Criminal complaints against Milorad Dodik and Draško Stanivuković for alleged offenses of violating citizens' equality under Article 139 of the RS Criminal Code and publicly inciting hatred and violence under Article 359 of the RS Criminal Code were dismissed as unfounded. Human rights defenders used all available legal remedies, but with negative outcomes. The judgment of the Basic Court in Banja Luka, which ordered the RS Ministry of Interior to provide data on the police officers on duty the night of the attack, as well as the Ombudsman's recommendation, **were not complied with**. The RS Ministry of Interior subsequently issued an identical decision. In October 2024, activists from the BiH Pride Parade issued a public statement criticizing the work of the Institution of the Human Rights Ombudsman of BiH, arguing that, based on their experience with the specific proceedings, the institution is increasingly *straying from its primary function* and *becoming a tool of political disputes* among the three ombudsmen, to the detriment of the protection of human rights and freedoms in BiH (Adilović et al. 2025, 9-10).

"Institutions of Republika Srpska have no willingness to proactively address attacks on LGBTIQ activists. On a personal level, I find this very disappointing, because, in the broader social context, it sends a very clear message that perpetrators do not face legal consequences. This could potentially encourage future attackers, as the absence of an institutional response can be interpreted as suggesting that attacks on LGBTIQ activists or individuals are permissible." (Halilčević 2025).

Mirza Halilčević, human rights defender for LGBTI persons

5.3. When Institutions Turn a Blind Eye

These two examples specifically highlight the threats to the safety of human rights defenders, the inadequate prosecution of attacks against them, and the lack of timely and fair sanctioning by public authorities. Such (in)action by the competent authorities has **similar consequences for human rights defenders**.

First and foremost, it fosters **distrust in the rule of law** among human rights defenders, as institutions have for years failed to make sufficient efforts to prosecute attacks against them.

“I can definitely say that we are deeply disappointed with the outcome of all this. Everyone knows what happened, but it seems that it is neither important nor significant; or perhaps even worse, it is being used to blackmail us and trade for other, more significant and bigger matters. We believe this sends a disastrous message to all activists, including the next generation, about how to achieve goals here in our country. We are convinced – and firmly believe – that there is complete lawlessness, and that anything can be bought. Those who are supposed to protect us, uphold the law, and ensure that everyone is equal before it clearly do not do so.” (Perdub 2025).

Ozren Perdub, human rights defender with the ‘Justice for David’ group

There is also a strong **fear for future activism**, as institutions have not demonstrated a commitment to protecting the rights of human rights defenders.

“Immediately after the attack, we received messages and calls from LGBTIQ individuals in Banja Luka and across Republika Srpska, in which they expressed their fear. This is telling, as even a year after the attack, IDAHOBIT in Banja Luka was organized with heightened security measures and less public promotion, which can be seen as a consequence of the atmosphere created by the attack, which makes the continuation of holding the LGBTIQ events of particular importance.” (Halilčević 2025).

Mirza Halilčević, human rights defender for LGBTI persons

In addition to the failure to prosecute attacks on human rights defenders and the harmful consequences, human rights defenders are particularly affected by the fact that **individuals who participate in rights violations later “receive promotions,”** which is perceived by human rights defenders as a “reward” for those who violate rights.

“It happened that many of these police officers were even promoted to higher positions. Not to mention the top ranks—someone even went on to become the director of SIPA, another was promoted to the position of police chief, so all of them advanced in their careers.” (Perdub 2025).

Ozren Perdub, human rights defender with the ‘Justice for David’ group

Attacks on human rights defenders in Bosnia and Herzegovina, as well as the lack of adequate institutional response, reveal a **pattern of impunity** that seriously undermines the rule of law and public trust in institutions. The cases analyzed – from the repression of the “Justice for David” group to attacks on LGBTI activists in Banja Luka – clearly illustrate how the rights to freedom of expression and peaceful assembly are *systematically restricted*, while human rights defenders face *prolonged and inefficient procedures*, and perpetrators remain *unpunished* or are even *rewarded with promotions*. This practice creates a sense of fear and insecurity among human rights defenders, discourages future activism, and sends a dangerous message that violence and repression are legitimate means of silencing critical voices.

During 2024 and 2025, this pattern of impunity has been further reinforced through the continuation of lengthy, ineffective, or formally open but *in practice inactive procedures*. Numerous cases of reported attacks and threats from previous years remain at the stage of preliminary or investigative actions, without concrete indictments or court outcomes, while some proceedings have been prolonged to the point of losing their purpose. At the same time, new cases of attacks on human rights defenders continue to emerge, showing that institutions neither learn from past failures nor establish preventive mechanisms. Such a situation perpetuates a cycle of impunity, from inaction to delays, demonstrating that in certain cases the judicial system functions less as a protective mechanism and more as a

vehicle of inaction, sustaining the prevailing climate of fear, insecurity, and discouragement among human rights defenders.

Impunity for attacks is not merely a failure of individual institutions but part of a broader political and social framework marked by the rise of far-right politics, weak rule of law, and high corruption. In this environment, human rights defenders remain on the front lines of the struggle to uphold democracy and human rights, yet **without adequate systemic protection**.

6.

**PROTECT HUMAN
RIGHTS LAWYERS**

6. PROTECT HUMAN RIGHTS LAWYERS

“Lawyers play a critical role in upholding human rights and should be able to discharge their functions freely, independently and without any fear of reprisal. To guarantee the independence of lawyers, States must take effective legislative, law enforcement and other appropriate measures, enabling lawyers to duly carry out their professional functions. States should adopt legislation to provide for independent and self-governing professional associations of lawyers and to recognise the vital role played by lawyers in upholding the rule of law and promoting and protecting human rights. [...] To guarantee fair trial rights, governments must avoid interfering with the rights of lawyers to represent the clients of their choice and to work on the issues they choose. They must ensure human rights lawyers have the same level of access and possibility to communicate in confidence with their clients as any other lawyers” (HRHF 2023, 37).

Context: The Position of Lawyers Representing Human Rights Defenders

Lawyers who specialize in human rights and represent human rights defenders constitute one of the most important links in the rule of law and the protection of fundamental rights and freedoms. Their work *ensures*, on one hand, *access to institutions* with professional legal assistance, and on the other, *serves as a form of oversight over those parts of institutions* that abuse their powers or laws.

In Bosnia and Herzegovina, there is no state-level Bar Association. **Bar Associations exist** in Republika Srpska and the Federation of BiH. By law, the legal profession is defined as an *independent* and *self-governing service* that provides legal assistance to individuals who require it. The independence and autonomy of the legal profession are achieved through the independent and autonomous practice of law, the right of clients to freely choose their lawyers, the organization of lawyers into bar associations, the adoption of their statutes and other general acts, decisions on admission to the legal profession, the accountability of lawyers, and the termination of

the right to practice law (Law on the Legal Profession of RS 2015, Art. 2; Law on the Legal Profession of FBiH 2025, Art. 3).

This report examines the position of lawyers handling cases of human rights violations against human rights defenders, as well as the societal, institutional, and professional responses to their work and advocacy as both lawyers and defenders. Central to the treatment of these lawyers are questions concerning the quality of the *legal framework, institutional relations, security and pressures, the role of public authorities and bar associations*, and working conditions, including access to clients and information.

6.1. Between the Legal Framework and External Pressures

The legal framework for lawyers in BiH is **formally adequate**, but in practice it shows certain **weaknesses**, particularly in ensuring equal protection for lawyers across different parts of the country. There are also issues related to the *legal protection of lawyers under criminal law*. The criminal justice system in BiH does not recognize specific criminal offenses that protect lawyers, for example, when they perform their duties within the scope of the legal profession, nor are there specific offenses for attacks on lawyers. In the criminal laws of BiH, apart from the *offence of insulting the court and participants in the proceedings* – under which an individual may be punished for publicly disparaging a lawyer in Republika Srpska during court proceedings (Criminal Code of RS 2017, Art. 340) – there are no specific provisions that offer stronger or dedicated protections for lawyers. This differs from the legal framework in neighboring Serbia, where threats to lawyers' security constitute an aggravated form of the offense of *endangering security*, and there are specific offenses such as *attacks on a lawyer* and *obstruction of justice* that protect lawyers in carrying out their legal duties (Criminal Code of the Republic of Serbia, Arts. 138, 336b, 336v).

However, the basic condition for the free practice of law is not only normative protection but also the *active application of existing laws* against those who violate them, particularly against officials who abuse their powers. BiH does not have a **systemic state practice** of *physical attacks* against lawyers, nor are there *mechanisms of domestic reprisals to prohibit them from practising law* because they take on cases involving

attacks on human rights defenders. This is in line with the *Guidelines on the Protection of Human Rights Defenders* issued by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR 2015, p. 8). At the same time, **there is a lack** of *proactive protection measures, suppression of undemocratic actions* by authorities and certain parts of society, and *adequate prosecution of attacks on lawyers* that occur because of their activism, which is not fully in line with these *Guidelines* (OSCE/ODIHR 2015, 9, 58). There is also a notable difference between the entities in this regard. In the Federation of BiH, lawyers representing human rights defenders operate in a relatively freer and safer environment, while in Republika Srpska, repressive trends create an atmosphere of fear and pressure, which also affects lawyers.

Over the past few years, international actors have regularly reported on the deterioration of the environment for human rights defenders in BiH, particularly in Republika Srpska (Lawlor 2025; OSCE/ODIHR 2024; Venice Commission 2023). This indirectly, and sometimes directly, increases risks for their legal representatives. Legislative changes in Republika Srpska (criminalization of defamation, adoption of the so-called Law on Foreign Agents, etc.), combined with the targeting of individuals working to protect human rights and the overall creation of a hostile environment for citizens advocating for human rights have produced a kind of “chilling effect” on human rights defenders, affecting both activists on the ground and their legal representatives.

“I became a target in a state campaign against the civil sector and all forms of activism and criticism, simply because I represent activists and organizations in courts and administrative bodies. The usual tags, like ‘traitor’ and ‘foreign mercenary,’ that were used for them were pinned on me too.” (Kisin Zagajac 2025).

Jovana Kisin Zagajac, lawyer from Banja Luka

Over the past several years, **human rights defenders** in Republika Srpska—including activists, journalists, and organizations working in the field of human rights, especially those critical of the authorities or relying on international support—**have faced increasing stigmatization**. They have

been subjected to public attacks, accusations of betrayal, and labeled as “enemies” of the state or nation. Lawyers who, in addition to representing clients in court, publicly voice their legal opinions and criticisms of the authorities and rights violations, have also been targeted in similar ways.

Some lawyers representing human rights defenders have faced verbal attacks, threats, and warnings because of their legal activism and their work with human rights defenders. A further concern is the *absence of an adequate institutional response* to these developments, leaving those who work to uphold the law and human rights in a situation where the very institutions responsible for protection fail to safeguard their rights. In this context, prosecutors and the police generally show a degree of inaction when it comes to attacks on human rights defenders (Vujinović 2024). This reflects a form of structural *inertia*, in which legal protections are formally guaranteed but, in practice, remain unenforced.

“There were verbal attacks, threats, and warnings from disturbed individuals within institutions. And the institutions do absolutely nothing in response to attacks on the legal representatives of human rights defenders, nor regarding attacks on the defenders themselves.” (Kisin Zagajac 2025).

Jovana Kisin Zagajac, lawyer from Banja Luka

Stigmatizing the legal representatives of activists is a form of intimidation *aimed at discouraging* lawyers from taking on future cases involving human rights defenders. It should also be considered in terms of the *professional environment in which lawyers operate*. As already noted, there is a degree of asymmetry in the way lawyers who work on human rights cases are treated, depending on where they live and practice. The situation appears more difficult for lawyers who primarily work in Republika Srpska, while in the Federation of BiH, defending human rights is generally viewed positively by the public, although this is by no means an absolute rule. Public perception, as well as the attitudes of public officials, also plays a significant role. Lawyers are often conflated with their clients and their cases, which is contrary to the *United Nations Basic Principles on the Role of Lawyers* (1990, § 18).

“I think that when you represent cases like these, people see you as being on the right side. The public seems to recognize and appreciate that, looking at it in a positive way.” (Efendić 2025).

Ahmet Efendić, lawyer from Sarajevo

“Very often, when I represent civil society organizations, they ask if, for example, I get paid directly by Soros. Usually, I get called out and labeled for some so-called ‘mercenary influence,’ and they put me in that same category – ‘foreign agent’ or ‘agent of foreign influence’ – simply because people and the public in general still don’t understand what it means to be a lawyer. So if my client, for example, is discriminated against or labeled, I get tagged along with them too.” (Kisin Zagajac 2025).

Jovana Kisin Zagajac, lawyer from Banja Luka

This public perception is somewhat correlated with the broader political context: while power in the Federation of BiH is fragmented and more pluralistic, in Republika Srpska it has become centralized in the hands of a few individuals over the past several years. On one hand, these individuals *target* human rights defenders, *frequently labeling them with pejorative terms* for their advocacy; on the other hand, *they create a legal framework* in which defending human rights is framed as a harmful, subversive, and even treasonous activity. Within such a setting, critical actors – such as human rights defenders and their legal representatives – are exposed to **greater risks**. International organizations, including *Freedom House and Amnesty International*, have expressed similar concerns, describing Republika Srpska as a place where pressure on freedom of expression and the independent civil sector is increasing (Freedom House 2024; Amnesty International 2025, 100–101).

6.2. Working Conditions

When it comes to working with clients who are human rights defenders, lawyers generally have **unobstructed communication and access to case files**, aside from issues involving the police. During the reporting period, there were no recorded instances of systematic, direct interference with lawyer–client communication (such as surveillance or a continuous ban on contact). Nonetheless, lawyers still experience difficulties and obstacles in carrying out their duties when interacting with **police authorities**, who in certain cases *fail to act* in accordance with the required legal standards, thereby preventing lawyers from having unhindered communication with their clients.

“I always run into problems at the police station. They often say, ‘Wait until we finish questioning him, then you can come in.’ The prosecutor’s office and the court, however, don’t cause any issues.” (Kisin Zagajac 2025).

Jovana Kisin Zagajac, lawyer from Banja Luka

“I can access my clients freely. I’ve never had problems meeting or communicating with them.” (Efendić 2025).

Ahmet Efendić, lawyer from Sarajevo

There are also no clear or noticeable differences in how courts and prosecutors handle cases in which lawyers defend human rights or human rights defenders, compared with other types of cases. However, this applies only to prosecutors’ offices and courts. With police authorities, the relationship with lawyers is different, reflecting the broader context of pressure on civil society and critical voices. This context creates an atmosphere that is “hostile” toward those who act as “critics of the authorities” or as defenders of others who hold different views.

“Some cases just remain pending, not because I represent human rights defenders, but because the case involves, say, a police officer, and that’s the reason. Judicial bodies end up protecting the person

who violates human rights, and that has nothing to do with who the lawyer is. That's why cases remain unresolved and aren't processed as they should be. Personally, in my experience as a lawyer representing human rights defenders, I haven't seen any worse treatment in the prosecution or the courts. With the police and administrative bodies, though, it is generally a different story." (Kisin Zagajac 2025).

Jovana Kisin Zagajac, lawyer from Banja Luka

In practice, it is also noticeable that court decisions **show some progress in recognizing cases** involving elements of human rights violations, which is particularly important for lawyers working on these issues. Through their work, they can gradually build "case law" and establish standards for representing clients in human-rights-related cases. The situation is somewhat different in prosecutors' offices, where *there has not yet been sufficient progress* toward stronger human rights protection. A general problem that hinders lawyers working on human rights cases is the sluggishness, slow procedures, and limited capacity of certain institutions, which complicates the lawful and effective protection of citizens' fundamental rights.

"Regarding the relationship with institutions, I have many complaints about their work in terms of inertia, slowness, and lack of capacity to perform the tasks mandated by law and that they are paid to perform." (Efendić 2025).

Ahmet Efendić, lawyer from Sarajevo

A significant problem for lawyers working on cases involving human rights defenders is the **withholding of information** by institutions that are legally obliged to provide it. Institutions often *misuse* personal-data-protection legislation, as well as other laws they invoke to justify denying access to information. Although these decisions are later overturned in most administrative disputes, the issue of delayed access to information remains. Such conduct, which leads to delays and potential complications in cases, may run counter to the *United Nations Basic Principles on the Role of Lawyers*, which state that competent authorities must provide lawyers

with appropriate information in time to ensure effective legal assistance to their clients (Basic Principles on the Role of Lawyers 1990, § 21).

Administrative bodies are often *non-transparent*, and there is also the previously mentioned broader problem of institutional “sluggishness, delays, and insufficient capacity.” Institutional inertia and/or non-cooperation in certain cases **directly affects the work of lawyers**, as it *hinders access to information*, slows down proceedings, and *undermines confidence* in rights-protection mechanisms. This is an issue faced not only by lawyers but also regularly by human rights defenders working within civil society organisations, especially those focused on environmental protection. Similar patterns have been documented in relevant reports by international institutions monitoring developments in Bosnia and Herzegovina. (OSCE/ODIHR 2024, 11–12, 17–19; European Commission 2024, 27; SIGMA 2024).

“As for documentation, problems pop up from time to time, despite the Law on Free Access to Information. Some institutions either ignore requests or refuse to provide information for various reasons, sometimes wrongly citing the Law on Personal Data Protection or similar arguments. But even then, these decisions can usually be overturned through administrative disputes, and in the end, the information is obtained” (Efendić 2025).

Ahmet Efendić, lawyer from Sarajevo

6.3. Professional Community and Initiatives

The legal community **generally** maintains a **professional** attitude toward lawyers representing human rights defenders. However, the professional community does not respond uniformly to lawyers defending human rights. While there is a core group of colleagues who share knowledge and strategies in solidarity, *patterns of distancing* are also present, particularly when the cases a lawyer is handling are politically sensitive. Although a dismissive attitude existed in certain cases, it has gradually begun to change, particularly following the first judgments in favor of clients and the protection of human rights. In this way, *legal recognition* has effectively shifted both the professional and broader social

perception of lawyers representing human rights defenders. Nevertheless, lawyers defending human rights still hear from colleagues and the public the question: “Why do you take on these cases?” (Kisin Zagajac, 2025).

The engagement of lawyers in defending human rights and protecting human rights defenders should be viewed as morally correct and socially beneficial, providing an important counterpoint to the perception of human rights defenders as “enemies of the state.” Although bar associations have a mandate to protect the integrity of the profession, there is currently **no formal initiative** or *publicly documented mechanism within them specifically dedicated to protecting* lawyers working on sensitive human rights cases or representing human rights defenders. According to the response provided by the Bar Association of Republika Srpska, this association does not have insight into which lawyer specializes in which branch of law and, accordingly, could not answer questions regarding whether a formal initiative or publicly documented special protection mechanism exists within the association (Bar Association of Republika Srpska, 2025). The Bar Association of the Federation of BiH did not respond to the questions we submitted. Based on our research, it is evident that bar associations primarily operate within disciplinary and ethical frameworks, without preventive tools for security, prompt legal assistance, or public advocacy in cases of targeted stigmatization or any form of attack against lawyers representing human rights defenders. The absence of such specific tools does not mean that a response never exists, but it does mean that it is neither predictable, measurable, nor consistent for all.

Meanwhile, a draft law, emerging from the non-governmental sector, is expected to enter the legislative process. Among other measures, it would protect lawyers working on human rights cases and representing human rights defenders, addressing issues regarding the status and protection of defenders identified during 2024 and 2025, as well as in previous years.

“A promising law has been proposed, and its adoption would be a welcome development: the Law on the Protection of Human Rights Defenders.” (Kisin Zagajac 2025).

Jovana Kisin Zagajac, lawyer from Banja Luka

Lawyers continuously engage in professional development to respond to challenges and keep pace with the ongoing evolution of the legal system. In this regard, during 2024 and 2025, there were **no reported bans by public authorities on human rights training** for lawyers defending human rights. Moreover, it is important to note the positive efforts within programs and training aimed at equipping lawyers who work on human rights and represent human rights defenders. The Council of Europe, the NGO sector, and other actors have conducted workshops for lawyers to enhance their understanding of human rights and procedural standards, including training on the application of European Court of Human Rights case law (Council of Europe 2025; Council of Europe 2021, 9-10, 16-17, 24). These initiatives have particularly contributed to strengthening lawyers' capacities to handle human rights-related cases.

Additionally, lawyers also **freely join forces and collaborate** to provide better and more effective support to human rights defenders. Within the non-governmental sector, this collaboration has led to the creation of specialized legal teams that handle cases involving human rights defenders, such as the Human Rights Defenders Helpline (Human Rights House Banja Luka 2025). More details on the work of this line will be provided in Chapter Seven, titled *Analysis of the Work of the Human Rights Defenders Helpline*.

7.

**ANALYSIS OF THE HUMAN
RIGHTS DEFENDERS
HELPLINE**

7. ANALYSIS OF THE HUMAN RIGHTS DEFENDERS HELPLINE

The Human Rights Defenders Helpline (the Helpline) was established in **response** to increasingly frequent *authoritarian practices, institutional non-transparency*, and growing pressures on human rights defenders, who are ever more often targeted by political, administrative, and judicial structures in Bosnia and Herzegovina.

The Helpline is a **specialised support mechanism** composed of a legal team and trained lawyers who provide continuous (24/7) legal and professional assistance to activists and organisations facing threats, pressure, or other forms of repression due to their work in the field of human rights protection. In addition to its *advisory function*, the Helpline also provides *direct legal representation* in proceedings stemming from the public and social engagement of human rights defenders.

7.1. Helpline Statistics

The Helpline was established in March 2024, and by July 2025 a total of **seventeen (17) cases** had been opened, twelve (12) of which were directly related to human rights defenders, including individuals and organisations exposed to pressure due to public engagement, freedom of expression, environmental protection, the rights of marginalised groups, and other forms of activism.

Within the Helpline's work, **ten (10) cases have been closed**, with varying outcomes:

- two (2) cases were resolved *successfully*, with the human rights defenders' objectives achieved and legal redress secured;
- three (3) cases were closed *unsuccessfully*, due to the withdrawal of affected persons or unfavourable institutional responses;
- three (3) cases were *partially successful*, where partial objectives were met or further harm was prevented;
- one (1) case was *referred* to a relevant organisation for further action;

- seven (7) cases *remain ongoing*, with active monitoring and legal steps currently in progress.

Analysis of open and closed cases has identified the following institutions and structures as responsible or jointly responsible for alleged or actual rights violations:

- *administrative bodies* (ministries and other administrative services) in five (5) cases;
- *local self-government bodies* in seven (7) cases;
- *judicial bodies* (courts and prosecutor's offices) in five (5) cases;
- *police* (most frequently the RS Ministry of Interior) in four (4) cases;
- *other organisations and legal entities* (including legal entities) in five (5) cases.

These findings point to a broad spectrum of institutional pressure, ranging from local authorities to judicial and police structures.

Table: Institutions and Structures Responsible or Co-Responsible for Alleged or Actual Rights Violations

Institutions	Case No.
Administrative bodies	5
Local government bodies	7
Courts and prosecutor's offices	5
Police	4
Other organizations	5

With regard to the rights that were violated, human rights defenders and organizations contacting the Helpline pointed to a **wide range**, from *the right to a fair trial* (in seven cases), to *the right of access to institutions* (in four cases) and to *information* (in three cases), as well as *environmental rights* (in three cases) and the *rights of persons with disabilities* (in two cases).

Table: Alleged and/or Confirmed Rights Violations

Violated Rights	Case No.
Right to a Fair Trial	7
Right of Access to Institutions	4
Children's Rights	4
Environmental Rights	3
Freedom of Expression (Access to Information)	3
Prohibition of Discrimination	3
Rights of Persons with Disabilities	2
Freedom of Expression (Public Expression/Artistic Performance)	1
Freedom of Expression (Media)	1
Freedom of Movement	1
Freedom of Assembly	1
Right to Work	1
Cultural and Educational Rights	1

These rights violations often occurred in conjunction, with a single action or omission by an institution potentially leading to the *infringement of multiple rights simultaneously*.

7.2. Voices of Those Seeking Protection: Insights from the Helpline

The analysis of selected cases vividly illustrates the human rights situation of defenders. Their experiences and struggles reveal a clear pattern showing how the institutional framework works in practice whether through direct violations of rights or the failure to provide effective protection to those defending them.

The **“Kupusište”** case exemplifies the Helpline’s work, highlighting how civic and environmental activism encounters institutional obstacles, as seen through the efforts of the Kupusište Park Protection Committee in Banja Luka. In this case, citizens responded to the decision of the Banja Luka City Administration to transform a public green space into the so-called

Cyrillic Park without public consultations and amid numerous procedural irregularities. Their requests for information and participation in the decision-making process were *systematically ignored*, despite obligations under domestic and international laws and standards.

Multiple rights violations occurred in this case: access to information was denied despite two final rulings of the Banja Luka District Court; public participation in environmental decision-making was blocked; citizens were denied effective legal remedies as competent authorities failed to act on their complaints and requests; and administrative silence and disregard for court rulings became standard practice.

Furthermore, there are serious concerns that installations placed in the park lack the necessary certifications, attestations, and safety checks, potentially endangering children's health and the right to a healthy environment. At the same time, ongoing *administrative obstructions and refusal to cooperate* with the Institution of the Human Rights Ombudsman of BiH directly impacted the right to access information while discouraging civic activism. Despite court rulings and recommendations from the Ombudsman, the City Administration had not complied with obligations or provided complete documentation as of July 2025.

The “Kupusište” case demonstrates how institutional opacity and disregard for legal obligations create a *hostile environment* for human rights defenders and *undermine the exercise of rights and the pursuit of the public interest*.

In the case of “**Funeral of Democracy** – Žolja, Blagić, and Komljenović vs. the Ministry of Interior of RS”, the matter involved the unlawful restriction on freedom of movement and the issuance of unfounded misdemeanor tickets for participation in the performance “Funeral of Democracy,” during which the police abused their authority by identifying and sanctioning participants without legal grounds or evidence of public order violations.

The Ministry of Interior of RS issued misdemeanor tickets against three individuals. In all cases, judicial review was sought, citing violations of fundamental rights including freedom of movement, freedom of expression

through art, and freedom of assembly. The Basic Court in Banja Luka *acquitted all defendants*, but the Ministry filed an appeal in one case, and the proceedings are still ongoing.

The legal proceedings around “Funeral of Democracy” raised concerns about *abuse of authority and institutional intimidation of activists* through misdemeanor measures, threatening freedom of expression, assembly, and personal liberty. More broadly, this case illustrates the troubling trend of using administrative sanctions as a tool to control civic freedoms and critical public expression, particularly when authorities are unwilling to accept criticism expressed through art.

In the case of **the Association of Citizens “UNSA GETO” vs. the Ministry of Interior of RS**, users of “UNSA GETO” space reported intensive and intrusive police checks. These often involved inappropriate remarks and unprofessional behavior by officers, particularly during events organized for the LGBT+ community. The incidents led to lower attendance, a sense of insecurity, and fear of further institutional harassment.

“Instead of protecting us, the police identified us, searched us, and forced people to strip almost completely. They asked humiliating questions – whether you’re gay or a lesbian, why you’re coming into the premises, and so on. They detained people, tested them, and held them. The fear and humiliation they imposed outweighed our ability to speak out publicly.” (Malešević, 2025).

Vesna Malešević, Association of Independent Creators and Activist GETO

Despite clearly expressed concern and an initial willingness to report the case to relevant institutions, the *process ended unsuccessfully*, as the affected individuals refused to file formal complaints out of fear of repercussions. According to the explanation provided to the Helpline, the decision to forgo formal proceedings stemmed from fears of prosecution, institutional retaliation, further victimization, and the inability to maintain anonymity in cases against the police. The decision was also influenced by changes in the political context, including increased political pressure in Republika Srpska, the announcement and adoption of the Law on a

Special Registry, as well as the loss of financial support and organizational exhaustion.

This case clearly demonstrated how a combination of police pressure, political repression, and fear can *effectively prevent civil society organizations from operating*, particularly those protecting the rights of marginalized communities such as LGBT+ individuals. It also shows how a repressive climate can paralyze human rights defenders, render legally guaranteed rights unenforceable in practice, and create an environment in which freedoms of assembly and expression, as well as civil society activities, are *suppressed without formal bans*, but with equal or even more severe long-term consequences.

In the case of “**Leptir and the Local Community**”, the issues involved the Association of Parents of Children and Young People with Disabilities “Leptir” from Srebrenica, specifically violations of the rights of children and persons with disabilities in Srebrenica and Bratunac. During 2024 and 2025, the association’s members, mostly children and young people, were *stripped of their social protection rights* without due process, notification, or any opportunity to appeal. Guardianship authorities failed to conduct individual assessments or explain legal remedies, violating both domestic and international standards. The application of the so-called Bartel test, which discriminates based on type of disability, was particularly problematic.

Institutional responses to the association’s legal and administrative actions remained formal and lacked substantive solutions. The Ministry of Health and Social Welfare of RS and the RS Inspectorate acknowledged receipt of requests but took no measures, while the Institution of the Human Rights Ombudsman of BiH closed most cases without recommendations. Local authorities and social welfare centers shifted responsibilities, *avoiding accountability*.

This case revealed *institutional passivity and structural discrimination* against persons with disabilities, especially children and youth, confirming the need for social protection system reform and effective safeguards for the most vulnerable.

The Helpline's ongoing work confirms that human rights defenders in BiH face serious challenges, often involving *legal uncertainty, institutional passivity, and political instrumentalization of rights*. The cases analyzed clearly show that **standards for the protection of human rights defenders** in Bosnia and Herzegovina are repeatedly violated, characterized by institutional obstruction, impunity, and a lack of effective protection mechanisms.

“When institutions ignore citizens, they demonstrate not only a lack of sensitivity but also a form of institutional and political violence. Such practices undermine the rule of law and the principles of good governance, leaving citizens without the means to exercise their fundamental rights – the right to a dignified life, access to publicly relevant information, environmental protection, and more. This creates a climate of mistrust and alienation, weakening social cohesion and the legitimacy of democratic institutions.” (Novaković, 2025).

*Filip Novaković,
Legal Team Coordinator for the Human Rights Defenders Helpline*

This situation, illustrated through the selected cases, highlights the **gap** between the state's *formal obligations* and *their practical implementation*. It confirms that Bosnia and Herzegovina *does not adequately* ensure basic standards of public participation, protection of vulnerable groups, or the safety of human rights defenders, thereby directly undermining human rights, the rule of law, and democratic processes.

7.3. Table Overview of Selected Cases, Rights Violations, and Relevant Standards

Case	Identified violations/problems	Applicable Standards (HRHF 2023)	Context Explanation
Kupusište Park	Violations of the right to access information; public exclusion from environmental decision-making; non-compliance with court rulings and Ombudsman recommendations; administrative obstruction and institutional resistance to activism.	<i>3. Ensure public Participation and Engagement</i> <i>18. Protect Environmental Defenders</i>	Citizens attempted to protect the park through legal and public channels, but the authorities ignored their obligations regarding transparency and participation, thereby discouraging public engagement. The Committee was subjected to systemic pressure, which clearly falls within the context of protecting environmental human rights defenders.
Leptir and Local Community	Illegal revocation of social rights of children with disabilities; lack of legal remedies and protection; discrimination based on disability; institutional passivity and formalism in case handling.	<i>3. Ensure Public Participation and Engagement</i> <i>17. Protect Defenders of Minorities</i>	Human rights defenders associated with the “Leptir” association and the local community advocate for the rights of one of the most vulnerable groups: children and persons with disabilities. Institutional irresponsibility and systemic discrimination have led to violations of social and procedural rights, undermining dignity and equality.

UNSA Geto vs. MOI RS	Police checks and intimidation during cultural events; indirect restriction of freedom of assembly; fear of reprisals prevented formal legal actions; pressure on the organization protecting the rights of the LGBT+ community.	<i>1. Publicly Support Human Rights Defenders</i> <i>8. End Reprisals Against Human Rights Defenders</i> <i>10. Acknowledge Dissenting Views</i> <i>17. Protect Defenders of Minorities</i>	The organization faced institutional pressure due to its work with the LGBT+ community, leading to self-censorship and reduced public engagement. The lack of protection and support for minority human rights defenders directly threatens freedom of assembly and expression.
Funeral of Democracy – Žolja, Blagić and Komljenović vs. MOI RS	Violation of the right to peaceful assembly and public expression; prevention of an artistic performance as a form of political expression; police detention and registration of participants without clear legal basis; creating a chilling effect on human rights defenders and other citizens.	<i>10. Accept Dissenting Views</i> <i>12. Facilitate Peaceful Protest</i>	The performance symbolically critiqued the erosion of democracy, but authorities treated it as a threat to public order. The police response demonstrates a pattern of institutional repression against civic initiatives and critical expression, discouraging public activism and shrinking the space for freedom of assembly and artistic expression.

INSTEAD OF A CONCLUSION: RECOMMENDATIONS

Human rights defenders in Bosnia and Herzegovina play an **indispensable role in the struggle for a more inclusive, free, and equal society**. Their work and engagement are crucial for advancing democratic processes, strengthening institutions, and protecting citizens' fundamental rights.

However, human rights defenders face numerous challenges that hinder the fulfillment of their mission, ranging from legal obstacles and lack of institutional support to *legal threats, pressure, and negative public perception*. Some of these challenges, as in previous years, are presented in this report.

In last year's report, instead of concluding remarks, we began outlining specific recommendations to improve the situation of human rights defenders, and this year we continue on the same path. To strengthen their position and enable more effective work, concrete measures need to be adopted based on the recommendations presented below. The set of recommendations targets various sectors and encompasses regulatory changes, institutional interventions, the development of positive practices, and raising public awareness and support. These recommendations aim to provide a foundation for **creating a more favorable environment** in which human rights defenders can **operate freely and without fear of repercussions**.

Standard 3 | Ensure Public Participation and Engagement

- The use of urgent legislative procedures in Republika Srpska should be limited strictly to cases that genuinely meet legal criteria, to allow for meaningful public participation in the law-making process.
- Consistent application of the Guidelines for Consultations in Drafting Regulations and Other General Acts should be ensured so that all draft laws and regulations undergo public consultation before submission to the Government and the National Assembly of Republika Srpska.

- Mandatory publication of all regulations on the state web-platform (*eKonsultacije*) must be ensured, and administrative bodies that avoid publishing regulations should be monitored.
- Practices for considering public comments should be improved, with institutions providing clear and reasoned explanations for why specific civil society proposals are accepted or rejected.
- It is recommended to urgently appoint members to the Advisory Body of the Council of Ministers for Cooperation with Non-Governmental Organizations, as its functioning is important for strengthening dialogue between the authorities and civil society, as well as for fulfilling EU priorities.
- Transparency and accountability of institutions should be increased in the proactive publication of information, in line with the new *Freedom of Access to Information Act at the Level of BiH*.

Standard 10 | Accept Dissenting Views

- A requirement should be introduced for officials to refrain from labeling or targeting critics and human rights defenders, with potential legal consequences for any breach of this duty
- Authorities should be mandated to ensure that attacks and threats against human rights defenders are investigated as a priority, in an impartial and time-bound manner, with regular publication of statistics and case outcomes.
- Provisions that restrict the activities of human rights defenders should be repealed or thoroughly revised.
- It is necessary to implement procedural safeguards and cost-related measures to curb the abuse of the legal system intended to intimidate or silence activists and organizations.
- Police conduct at public gatherings should be standardized (prohibiting humiliating searches, ensuring proportionality of measures, *body-cam* recording, and independent oversight).

- Regular training should be provided for prosecutors, police, and officials on freedom of expression/association, prevention of secondary victimization, and stigma-free communication.

Standard 13 | Fight Against Impunity, Show Accountability

- Political leaders and institutions should clearly and unequivocally condemn violence, hate speech, and the stigmatization of human rights defenders. Democratic processes must be strengthened, and a culture of non-violent dialogue promoted to reduce space for extremist practices.
- The legal framework in BiH should explicitly recognize the status and role of human rights defenders and introduce specific protection mechanisms.
- Prosecutors and the police must ensure swift, effective, and impartial investigations of all attacks and threats against human rights defenders in BiH.
- All bodies receiving complaints from human rights defenders, including ministries of interior and prosecution offices, should collect and categorize data specifically related to threats against defenders to produce accurate statistics that can inform advocacy, policy development, and future legislative amendments.
- Zero tolerance must be introduced for officials involved in repression or concealment of attacks against human rights defenders, with disciplinary and criminal sanctions applied consistently. Promotion or rewards for those responsible for human rights violations must be prevented.
- Civil society organizations should continue documenting cases, advocating for institutional accountability, and building solidarity networks among activists.
- The international community should maintain pressure on domestic authorities and support initiatives that strengthen the safety and position of human rights defenders.

- Media outlets should cover attacks against human rights defenders responsibly, ethically, and impartially, avoiding sensationalism and stigmatizing narratives.

Standard 16 | Protect Human Rights Lawyers

- Stronger criminal law protection for lawyers should be introduced, following the example of the *Criminal Code of the Republic of Serbia*.
- It would be desirable for bar associations to become more actively engaged in creating specific protocols and support mechanisms for lawyers working on sensitive cases related to human rights and human rights defenders.
- Strengthening international cooperation and exchange of good practices among regional bar associations should be encouraged.
- It is imperative to promote partnership between the legal sector and NGOs monitoring mechanisms to safeguard against the use of laws as tools for curtailing access to information.
- A dedicated, publicly accessible mechanism within bar associations should be established for rapid support and protection of lawyers handling sensitive human rights cases.
- It is necessary to prioritize and impartially investigate threats and attacks against lawyers and human rights defenders, and to require prosecutors to submit annual reports on the handling of such cases.
- Authorities should ensure full and timely access to information, with sanctions applied in cases of “administrative silence”.

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Human Rights House Banja Luka serves as a platform to strengthen the collaboration of civil society organizations and enhance their impact on the state of human rights in the country and the wider region. The initiative to establish Human Rights House Banja Luka dates back to 2016 and was initially supported by 17 civil society organizations based in Banja Luka and its surroundings. In April 2023, Human Rights House Banja Luka officially became part of the Human Rights House Network, which operates across 11 Eurasian countries. The founding organizations of Human Rights House Banja Luka are: Helsinki Citizens' Assembly Banja Luka, Hi Neighbour, Transparency International in BiH, Center for Environment, and Banja Luka Center for Human Rights. Later, the following organizations also joined Human Rights House Banja Luka: Citizens Association Srce na dlanu, Genesis Project, Perpetuum Mobile – Institute for Youth and Community Development, United Women Foundation, and Association of Independent Creators and Activists Geto.

