



CIVICUS MONITOR WATCHLIST

BOSNIA AND HERZEGOVINA

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS



INTRODUCTION

Bosnia and Herzegovina's civic space is rated Narrowed by the CIVICUS Monitor. Recently, an ongoing political crisis caused by secessionist threats from one of the country's two constituent entities, Republika Srpska (RS), has led to increased pressure on civil society and media in its territory, threatening civic space in the country as a whole.

The crisis peaked in June 2023, when the RS parliament passed [a law](#) rejecting the authority of the state-wide Constitutional Court. The president of Republika Srpska, Milorad Dodik, [described](#) the move as "cleansing Bosnia and Herzegovina of foreign influence" and has gone on to champion a series of authoritarian bills aimed at silencing dissent, including a draft law on "foreign agents" and "[draconian](#)" amendments re-introducing criminal defamation into the legal system. Meanwhile, institutions in RS have failed to protect LGBTQI+ activists from increased violence.

Dodik's moves to separate from Bosnia's central institutions have put him on the sanctions lists of the [US](#) and [UK](#) governments. In July 2023, [members](#) of the European Parliament called on the EU to do the same, warning his actions undermine the 1995 Dayton Peace Accord, which ended the civil war in the country. In spite of the backlash, Dodik has continued to escalate his conflict with the international community. On 6th September 2023, he vowed to [ban](#) international peace envoy Christian Schmidt, who is tasked with overseeing the civilian implementation of the Dayton agreement, from entering RS territory under threat of arrest.

Alongside the events in Republika Srpska, civil society [has warned](#) of concerning developments at the national level, with the central government of Bosnia and Herzegovina adopting restrictive amendments to the Access to Information Law in April 2023. [Violence](#) and [threats](#) against journalists are [common](#) nationwide, and environmental activists face pressure from [private companies](#).

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in [Bosnia and Herzegovina](#) as "**Narrowed**".

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED**REPRESSED****OBSTRUCTED****NARROWED****OPEN**

LGBTQI+ ACTIVISTS AND SPACES ENDANGERED

Heightened tensions in Republika Srpska have contributed to an increasingly dangerous environment for LGBTQI+ organisations and their allies. In March 2023 alone, four [instances](#) of violence against activists were reported, with civil society attributing these attacks to the inflammatory language used by politicians.

In Banja Luka, the administrative capital of Republika Srpska, a rally for International Women’s Day saw two attendees verbally and physically attacked for displaying a [rainbow flag](#). Rather than denouncing this act of homophobia, high-ranking politicians used the incident to advocate for a ban on upcoming events associated with the country’s fourth annual Pride March, set to be held in Sarajevo, the capital of Bosnia and Herzegovina.

At a press conference on 16th March 2023, RS president Milorad Dodik [announced](#) he expects authorities to ban any LGBTQI+ gatherings in Banja Luka, citing requests from humanitarian and religious organisations opposed to the [“deadly ideology and practices”](#) of the movement. The city’s opposition mayor, Draško Stanivuković, [supported](#) this stance, saying that, unlike Sarajevo, the city strives to maintain “patriarchal, traditional family relationships”. Despite this, the organising committee of the Bosnian Pride March [vowed](#) to go ahead with their planned activities, stating that they have been active in Republika Srpska for many years, with several events taking place in Banja Luka in 2022 without incident.

On 18th March 2023, the Banja Luka police [banned](#) the first event in the series, an indoor movie screening and panel discussion on LGBTQI+ rights. The police first appealed to the organisers to cancel the event, claiming they could not guarantee their protection, before issuing a formal ban the day the event was supposed to be held. Hours later, as the organisers gathered at a [secret location](#), they were confronted by police, who warned them to leave the city for their safety. After exiting the building, the group was assaulted by dozens of masked individuals armed with metal poles and bottles. According to the [activists](#), a police patrol standing nearby refused to intervene, despite their pleas for assistance. Two journalists who were present were also attacked, requiring urgent medical attention. The venue where the movie projection was to take place was [vandalised](#) the same day, its entrance barricaded with construction material and defaced with anti-LGBTQI+ stickers.

Domestic civil society, EU officials and UK and US embassies strongly [condemned](#) the attack. However, Republika Srpska authorities continued to espouse homophobic rhetoric, blaming the organisers for the violence. RS president Dodik [stated](#) that, while criminal behaviour must be sanctioned, he feels “no remorse”, as the organisers “were told not to gather.” For his part, Banja Luka mayor Draško Stanivuković [called](#) it “symptomatic” that a number of the organisers are from Sarajevo, accusing them of provoking the incident in a plot to “make the city seem unsafe”. The Bosnian Pride March organisers have [announced](#) they would file criminal charges against both Dodik and Stanivuković for incitement to commit a crime, stating they believe the attack was a direct consequence of messages sent from the highest level of government, directed at discrediting and intimidating human rights defenders.

On 22nd March, unidentified individuals [vandalised](#) the premises of the Banja Luka Social Centre, breaking windows and stealing an LGBTQI+ Pride flag. The venue has been targeted in the past, with two attacks reported in 2022.

REPRESSIVE LAWS THREATEN FREEDOM OF ASSOCIATION

On 23rd March 2023, the Government of Republika Srpska [approved a draft bill](#) on non-profit organisations that has drawn [comparisons](#) to Russia’s notorious “foreign agents law”.

If passed in Parliament, the [draft](#) law on the Special Registry and Publicity of the Work of Non-Profit Organisations would forbid civil society organisations and non-profit media receiving foreign funding or assistance from participating in “political activities”. Violators would face closure and, in some cases, criminal prosecution. The draft’s definition of political activities includes any actions to influence institutions or shape policies, essentially making advocacy a punishable offence.

Foreign-funded non-profits would also face more stringent inspection requirements, with provisions allowing citizens to initiate inspections if they believe an organisation to be in breach of the law. Furthermore, non-profit organisations would be required to include an “NPO mark” on any materials they publish, raising concerns about further stigmatising civil society in an already hostile environment.

The Venice Commission, an expert body of the Council of Europe, and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) have jointly [criticised](#) the draft, urging authorities to reconsider its adoption due to “serious deficiencies”. The European Union has also strongly condemned the proposed law, [deeming](#) it “unacceptable” and accusing RS authorities of being “afraid of civil society”

President Dodik has denied any resemblance between the draft and Russia’s law, asserting that it is identical to the United States’ Foreign Agents Registration Act (FARA). However, the US embassy in Bosnia has [contradicted](#) this claim, describing the draft as “repressive” and “undemocratic” while warning that it would “severely undermine the rights and freedoms of people living in Republika Srpska.”

This is just one of several authoritarian laws recently announced by RS President Milorad Dodik, including a law [prohibiting LGBTIQ+ activists](#) from entering schools and a “law on [enemies of Republika Srpska](#)”.

DEFAMATION RE-CRIMINALISED AFTER 20 YEARS

On 18th August 2023, President Dodik [approved](#) changes to the Criminal Code of Republika Srpska re-criminalising defamation. This decision has been met with protests from [civil society](#), [journalists’ associations](#) and [international organisations](#). UN experts have [described](#) this as a “major setback” for freedom of expression in the entire country. Previously, Bosnia and Herzegovina had set a positive example in the region by removing defamation from criminal law in [July 2001](#).

Under these changes, defamatory speech can result in fines of up to EUR 3,000, with the harshest penalties being reserved for remarks made through media or at a public gathering. Freedom of expression watchdog Article 19 has also [raised](#) concerns about the introduction of two new privacy-related offences associated with defamation that carry potential prison sentences.

Civil society and media organisations plan to [challenge](#) these amendments in the Constitutional Court of Republika Srpska. However, Transparency International Bosnia and Herzegovina, the leading civil society organisation contesting this repressive law, has warned that any decision to overturn it may come too late. They anticipate that media outlets and civil society organisations in the territory will soon be bombarded with criminal charges as a way to discourage them from reporting on matters of public interest.

These amendments have worsened an already perilous environment for journalists in Bosnia and Herzegovina. On 9th March 2023, two journalists had their cars [vandalised](#) after speaking out against the defamation law. In August, just before signing the changes into law, Dodik [threatened](#) to sue four independent media outlets, [accusing](#) them of being enemies of Republika Srpska and collaborating with foreign intelligence agencies. In 2022, journalists’ associations in Bosnia and Herzegovina [reported](#) a 40% increase in political pressures against media compared to the previous year, with threats and hate speech rising by 137%.

Observers have also warned that restrictions on freedom of expression in Republika Srpska could easily spread to the rest of the country. In April 2023, the government of the Sarajevo canton [proposed](#) amending local public order legislation to penalise the spread of fake news and “disparaging state authorities”. The draft bill was [withdrawn](#) in June following public outcry, but the authorities have reiterated their commitment to introducing some version of the amendments in the future.

RECOMMENDATIONS

TO THE GOVERNMENT OF REPUBLIKA SRPSKA:

- Repeal the changes made to the Criminal Code and make sure all existing and proposed laws related to defamation, insult or privacy follow international freedom of expression standards.
- Immediately withdraw the proposed law on the Special Registry and Publicity of Non-Profit Organisations and involve civil society in further developing this and any other laws regulating non-profit entities.
- Cease the intimidation and harassment of journalists and civil society, publicly denounce such actions at the highest level and ensure fair and unbiased prosecution for all crimes committed against them and their property.
- Respect the rights of LGBTQI+ individuals, including their right to freedom of expression and peaceful assembly. Make sure all cases of discrimination and hate crimes are prosecuted according to the state-wide Law on the Prohibition of Discrimination and the Criminal Code of Republika Srpska.

TO THE AUTHORITIES AT ALL LEVELS OF GOVERNMENT IN BOSNIA AND HERZEGOVINA:

- Refrain from all actions and rhetoric that could contribute to heightening tensions in the country, and engage with civil society to find a path out of the current political crisis.
- Take all necessary measures within their authority to ensure that every citizen of Bosnia and Herzegovina can fully enjoy the rights to freedom of expression, peaceful assembly and association, without discrimination.
- Publicly condemn at the highest levels all instances of intimidation and harassment against civil society and journalists, and send a clear message that such acts are unacceptable.
- Establish and maintain an enabling environment for freedom of expression, allowing civil society and media to report on public interest matters unimpeded, including ensuring that access to information laws follow international standards.

TO THE INTERNATIONAL COMMUNITY:

- Closely monitor the civic space situation in Bosnia and Herzegovina to ensure that all legislative proposals align with the country's international human rights obligations.
- Urge authorities at all levels of government in Bosnia and Herzegovina to establish and maintain an enabling environment for the work of journalists and civil society, in both legislation and practice.