

Preliminary Remarks by Mr. Clément Nyaletsossi Voule, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

Visit to Bosnia and Herzegovina, 14 – 22 April 2024

Sarajevo, 22 April 2024

1. Good morning everyone and thank you for attending this press conference. Today I conclude my official visit to Bosnia and Herzegovina in my capacity as United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
2. As a Special Rapporteur, I am mandated by the United Nations Human Rights Council recommendations to ensure the promotion and protection of the human rights to freedom of peaceful assembly and of association. The purpose of my visit to Bosnia and Herzegovina is to assess the implementation of these rights, to identify challenges and promising practices, and to offer recommendations as to measures needed to comply with international human rights law and standards.
3. I wish to express my appreciation to Bosnia and Herzegovina for agreeing to my visit, and to all the authorities which met with me in both Sarajevo and Banja Luka. I met with relevant authorities at the State, entity, cantonal and district levels, including: the Bosnia and Herzegovina Ministry of Foreign Affairs, Ministry of Human Rights and Refugees, and Ministry of Justice; advisors to the Presidency of Bosnia and Herzegovina; the Joint Committee on Human Rights of the Parliamentary Assembly of Bosnia and Herzegovina; the Federation of Bosnia and Herzegovina Ministry of Internal Affairs and Ministry of Justice; Republika Srpska Ministry of Internal Affairs and Ministry of Justice; Republika Srpska National Assembly's Committee for Political System, Judiciary and Administration; the Canton of Sarajevo Ministry of Internal Affairs; and Banja Luka's Chief District Prosecutor. I also met with the Constitutional Court of Bosnia and Herzegovina; the Bosnia and Herzegovina Human Rights Ombudspersons; the Principal Deputy High Representative; international organisations; and representatives of embassies.
4. I would also like to thank the civil society representatives, including lawyers, unionists, journalists, and human rights defenders and activists who met with me, including members of the association 'Movement of Mothers of Srebrenica and Žepa enclaves', who shared with me the important role their association has played in pursuing justice and truth regarding the Genocide perpetrated in Srebrenica. Their role and that of many other associations of victims across the country has been essential and remains critical to advance and maintain peaceful transition.
5. My sincere appreciation to the United Nations Country Team, in particular the Senior Human Rights Advisor and her team for the excellent support they provided to my visit.

Legacy of conflict and fragile governance and transition

6. Since the end of the 1992-1995 conflict in Bosnia and Herzegovina almost 30 years ago, meaningful progress has been made towards transitioning to a peaceful society. However, Bosnia and Herzegovina continues to endure the legacy of the deeply ethnically divisive armed

conflict, which was marred by grave international crimes, including war crimes, crimes against humanity and genocide.

7. The General Framework Agreement for Peace in Bosnia and Herzegovina ('the Dayton Peace Agreement'), signed on 14 December 1995, put an end to several years of hostilities and atrocity crimes. Through the Agreement, a consociational form of power-sharing has been institutionalised. As a result, Bosnia and Herzegovina has a complex, highly decentralised system of power-sharing governance based on ethnicity, which has in effect entrenched ethnic divisions as well as discrimination, including in access to elected and other public functions.
8. As per the Constitution, established through the Dayton Agreement, the State of Bosnia and Herzegovina is composed of two entities (the Federation of Bosnia and Herzegovina and Republika Srpska), and the Brčko District. The Federation of Bosnia and Herzegovina is composed of 10 cantons. There are executive and legislative authorities at the State level, as well as in each entity and in the Brčko District, and within the Federation of Bosnia and Herzegovina, in each of the 10 cantons. There are three Constitutions in Bosnia and Herzegovina: the Constitution of the State which is an integral part of the Dayton Peace Agreement, the Constitution of the Federation of Bosnia and Herzegovina, and the Constitution of Republika Srpska; while Brčko District has a separate Statute.
9. According to the Constitution of Bosnia and Herzegovina, each entity has its own prosecutor's offices jurisdiction, whereas the Prosecutor's Office of Bosnia and Herzegovina has special jurisdiction over crimes including war crimes, and most serious crimes related to organised crime and corruption, among others. While the entities have their own separate judicial bodies, the Constitutional Court in Bosnia and Herzegovina is the highest judicial body, comprised of nine members, including three international judges. The international judges are appointed by the President of the European Court of Human Rights, after consultation with the tripartite Presidency of the State. Currently, the Constitutional Court has been understaffed and its work seriously obstructed as the Federation has failed to appoint one of the retired judges while Republika Srpska, intentionally refuses to fill the positions of the two judges as part of their quota.
10. The Dayton Peace Agreement established the mandate of the High Representative to oversee and facilitate the implementation of the Agreement. Under the Bonn Powers, established in 1997, the High Representative has the authority to impose, suspend and annul legislation deemed contrary to the Dayton Peace Agreement and to dismiss elected and public officials considered threatening peace. The High Representative most recently used his Bonn powers to enact technical changes to the Election Law of Bosnia and Herzegovina ahead of the October 2024 Municipal Elections, to enhance the integrity and transparency of the electoral process. One of the amendments includes the long overdue ban on individuals convicted by international and domestic courts of genocide, crimes against humanity and war crimes to run for elections and other public offices.
11. The Republika Srpska entity leadership has been contesting the legitimacy of the current High Representative and has systematically rejected his decisions as illegal.
12. Decision-making processes at the State-level are frequently hampered by the divergent positions of political parties and by political blockages.

13. The Constitution of Bosnia and Herzegovina and the Constitutions of the two entities guarantee the rights to peaceful assembly and of association. Bosnia and Herzegovina is also a State party to the International Covenant on Civil and Political Rights, as well as the European Convention on Human Rights and Fundamental Freedoms, which protect these rights. However, the legislation of Bosnia and Herzegovina is fragmented and laws related to freedom of peaceful assembly and association in many areas of the country are uneven as well as inconsistent with international human rights standards.
14. The Constitution and electoral system are discriminatory regarding the system of participation and representation. It only allows for persons identifying themselves as one of the three "constituent peoples" - Bosniak, Croat and Serb - to run for key elected functions, notably the Presidency of Bosnia and Herzegovina and the House of Peoples of Bosnia and Herzegovina elections. The European Court for Human Rights - as well as United Nations human rights mechanisms - assessed that the electoral system of Bosnia and Herzegovina is undemocratic and that the combination of territorial and ethnic requirements amount to discriminatory treatment. The Court ordered that the State revise the Constitution and electoral system of Bosnia and Herzegovina to ensure that all citizens have equal rights to be elected and to vote for any candidate of their choice regardless of their ethnicity and place of residence. The jurisprudence of the European Court of Human Rights on this matter, initiated in 2009, remains unimplemented. The representation of women in elected positions is low, including due to violence against women in public spheres.

Key developments and political crisis

15. Bosnia and Herzegovina has been marred by continuous political crises, which have intensified recently and have been stalling progress towards a fully functional democracy. The current crisis follows the High Representative's enactment of amendments to the Election Law, implementation of individual sanctions, and a draft United Nations General Assembly resolution that would declare 11 July as "The International Day of Reflection and Remembrance of the 1995 Srebrenica Genocide", to be considered for adoption on 2 May.
16. The leadership of the Republika Srpska has repeatedly threatened secession, which has intensified recently. Renewed calls have been made with regards to the High Representative proposed amendments to the Election Law. In March 2024, the Republika Srpska legislature demanded the annulment of the High Representative's decision and adopted a Republika Srpska Election law. In 2023, Republika Srpska legislature adopted a law banning the publication of the High Representative's decision in the entity's Official Gazette, resulting to the indictment by the Court of Bosnia and Herzegovina of Republika Srpska's President Milorad Dodik in September 2023. The Republika Srpska legislature also adopted a law on the non-implementation of the decisions of the Constitutional Court of Bosnia and Herzegovina.
17. In reaction to the draft General Assembly resolution on the Srebrenica Genocide, the legislative body of the Republika Srpska adopted a report denying the genocide, and the ruling coalition in Republika Srpska organised a protest against the resolution in Banja Luka, the main city in Republika Srpska.

18. These developments are undermining efforts and gains made so far by Bosnia and Herzegovina and the international community, with decades of investments - the country is one of the largest post-conflict recipients of aid provided by the international community.

Transitional Justice and reconciliation deficit

19. Bosnia and Herzegovina has experienced an uneasy peace transition and is still in a post-conflict state. The International Criminal Tribunal for the Former Yugoslavia, established by the United Nations Security Council in 1993, and domestic proceedings have provided important accountability; however much remains to be done to achieve justice. There has also been significant obstacles to the promotion of truth, reparation and guarantees of non-recurrence and to reconciliation in the absence of a comprehensive transitional justice framework and process due to ethno-nationalist politics. Revisionism, the denial of genocide, war crimes and crimes against humanity, and glorification of war criminals have persisted, and identity-based politics continue to deepen polarization in society.

General observations

20. The rights to freedom of peaceful assembly and of association are key foundations for healthy democracy, for ensuring sustainable peace building, reconciliation and democratic transition. These rights further facilitate the right to participation and ensure transparent, inclusive and accountable institutions and processes. In post-conflict societies, they are also key to advance inclusive, victims-centred transitional justice processes.
21. However, my initial assessment is that these rights are not sufficiently guaranteed and protected by the majority of the relevant legislation in Bosnia and Herzegovina and in practice in many jurisdictions.
22. Despite some progressive laws, many laws in other parts of the country are inconsistent with the international human rights law and standards related to the rights to freedom of peaceful assembly and association. I am especially concerned by the proliferation of restrictive laws and bills in Republika Srpska related to the freedom of association, opinion and expression, and peaceful assembly. I am also concerned about hate speech and hostile political rhetoric towards some civil society actors and the opposition, and the promotion of ethno-nationalist, anti-gender, and homophobic narratives stigmatising those seen as critical or expressing dissent, which is creating a chilling effect. This rhetoric affects the ability of civil society organisations, as well as journalists and environmental defenders, to continue to freely and safely function, perform their essential and even vital roles, including in delivering essential services to the communities and people facing marginalised and in vulnerable situations.
23. In addition, across the country, the glorification of convicted war criminals and denial of atrocity crimes, including the Srebrenica genocide, creates an extremely hostile environment for civil society working on transitional justice and peacebuilding, supporting victims of war, or advocating for truth, justice, memorialization, reparation, reconciliation and non-repetition. Such narratives are also re-victimizing the affected communities and further threaten the fragile trust building achieved. Further, the refusal that victim's associations mark sites of atrocity crimes for the purpose of memorialization undermines the collective historical memory, and is further weakening the resilience and cohesion necessary for building a democratic and peaceful society.

24. The need of harmonisation of various and often contradictory laws between different entities and cantons is evident and urgent, to overcome the current discrimination faced by citizens of Bosnia and Herzegovina and to ensure everyone has access to equal rights everywhere irrespective of their identity and place of residence. I am especially concerned about the apparent inability of institutions to provide accountability, including for key cases related to police use of force or failure to protect participants in peaceful assembly and association.
25. Although Bosnia and Herzegovina has so many levels of representation, I have observed that there is a predominant lack of effective representation and participation of all citizens in political processes and decision-making. There is a lack of effective, inclusive and broad consultation with civil society and communities to ensure proposed laws and other decision-making processes do not impact human rights and civic freedoms. There is also a lack of transparency regarding some legislative processes. In addition, due to power-sharing modalities, the ethnically-based institutions and decision-making arrangements exclude those not belonging to or not identifying with any of the constituent peoples. The non-implementation of the European Court of Human Rights rulings relating to the rights to vote and to be elected is of serious concern as it violates the fundamental principles of equality and non-discrimination that should be the foundation of any democratic society. The failure to implement these judgments, also raised by United Nations human rights mechanisms, disenfranchises many people in the country.

Freedom of association

26. Civil society associations in Bosnia and Herzegovina have played, and continue to play, a critical role in many areas, including women's rights, anti-corruption, legal assistance, freedom of expression, the rights of minorities, transitional justice and peacebuilding, the environment, or the protection of migrants, asylum-seekers and refugees. I met with associations working towards greater transparency and accountability from their elected representatives, community groups advocating against projects harmful to the environment, and others providing crucial services to their communities, including safety shelters for women and children survivors of domestic violence, education, and legal assistance.
27. The right to freedom of association is guaranteed by the State Constitution of Bosnia and Herzegovina and the constitutions of the two entities. State-level and entity laws on association and foundations are liberal, allowing individuals and legal entities to join and form various types of organisations. An organisation registered under one jurisdiction can operate throughout the country. Associations and foundations can independently determine their goals and activities, with some restrictions, including the prohibition against contravening or violently dismantling the constitutional order, and against inciting national, racial, religious, or any other form of hatred or discrimination prohibited by the Constitution and the law. The registration process is generally perceived as straightforward and efficient in all jurisdictions, and if a request for registration is rejected, there are appeal options to courts.
28. I note that a Draft Law on Financing of Civil Society Organisations in the Federation of Bosnia and Herzegovina was published by the Ministry of Justice of the entity for consultation, on 29 August 2023. Generally, the draft does not raise significant concerns regarding the right to freedom of association. However, some improvements would be desirable, including to allow unregistered associations to access funds and resources, and to require greater transparency from authorities as to how they fund civil society associations.

29. The major threat to freedom of association in Bosnia and Herzegovina is the Republika Srpska Draft Law on the Special Registry and Transparency of the Work of Non-Profit Organisations, often referred to as a 'Foreign Agents Law'. If this draft law is adopted, it will significantly restrict the right to freedom of association in Republika Srpska.
30. In October 2023, fellow United Nations independent experts and I sent a letter to authorities outlining our concerns regarding the draft law: [BIH 3/2023](#). On 29 March 2024, media reported that the executive of Republika Srpska, through a process that remains unclear, had accepted the draft and sent it to the Republika Srpska legislature. On 3 April 2024, the Ministry of Justice of Republika Srpska published the proposed law, which contains some amendments from the initial draft. These amendments do not address the concerns that I and fellow experts outlined in our open letter, and include additional concerning aspects. If adopted, the law is to come into force on 1 January 2025.
31. This law would have a detrimental impact on civil society associations, and on the important role they play and vital services they provide. Such concerns have also been expressed by several local civil society associations and international organisations, including the Council of Europe's Venice Commission and the OSCE Office for Democratic Institutions and Human Rights.
32. While authorities are responsible for countering money laundering and terrorism, this must be done in a way to ensure the right to freedom of association is not disproportionately limited. I asked authorities to explain the problem/s the draft law is aiming to address but did not receive an adequate explanation. Existing laws in Republika Srpska already contain reporting obligations regarding the work and finances of civil society associations. Any amendments to these laws, or the development and implementation of new laws, should be subject to genuine consultation with all affected stakeholders, in particular civil society associations themselves.
33. If adopted, the new law would discriminate against civil society associations receiving foreign funding and assistance by registering them in a distinct registry, imposing additional reporting requirements on them, and preventing them from performing many activities, including 'political activities'. The definition of political activities remains broad and subject to arbitrary interpretations that could lead to terminating associations. I am also concerned about such vague formulations, which are open to abuse, such as prohibiting activities against the Republika Srpska Constitution or the interests of the Republika Srpska entity.
34. Civil society associations receiving any kind of foreign support, including non-financial forms of cooperation, including from international organisations, may be labelled as an 'agent of foreign influence'. The draft law grants the Ministry of Justice the authority to propose to the judiciary the termination of registration, and I am concerned about the lack of criteria based on which the Ministry can make such proposals. I am also concerned about the vague provision foreseeing that the Ministry of Justice 'monitor' activities of civil society associations registered in Republika Srpska across the country.
35. The mere announcement and then existence of this draft law has had a chilling effect on civil society actors who have been feeling increasingly threatened and insecure, especially in the context of the re-criminalisation of defamation and the announcement of a media law. It is also important to note the context in which this law is being proposed, namely, an

environment increasingly hostile to civil society, and narratives and rhetoric against rights and freedoms, which is inhibiting criticism and dissent, and more broadly civic space. Civil society associations expressed to me their concern that due to narratives by some politicians and the media, they can be viewed by members of the communities they work for as traitors or enemies of the entity of Republika Srpska. Some civil society associations reported that they are facing difficulties recruiting staff, due to the fear of being labelled and stigmatised under the new law as foreign agents and traitors.

36. I am concerned about obstacles to forming and joining trade unions, which appears to be an issue throughout the country. It is critical for employees to be able to independently and freely voice their concerns and demands to improve their working conditions.

Freedom of peaceful assembly

37. The right to peaceful assembly is guaranteed by the State Constitution of Bosnia and Herzegovina and the constitutions of the two entities. However, the ability to exercise the right to freedom of peaceful assembly varies depending on where in the country one attempts to exercise this right. There are 12 separate laws governing peaceful assembly: one at the entity level in Republika Srpska, one in each of the ten cantons of the Federation of Bosnia and Herzegovina, and one in the Brcko District. There is no legislation regulating peaceful assembly at the State level or at the level of the Federation of Bosnia and Herzegovina.

38. The legislation is only partially harmonised with applicable international human rights standards. In July 2020, the Brcko District adopted a Law on Public Assembly in line with international standards, which has prompted the adoption of similar legislation in several cantons in the Federation of Bosnia and Herzegovina - the Zenica-Doboj canton (December 2023), the Una-Sana canton (January 2024), and Canton 10 (April 2024). Such laws allow organisers to electronically notify the authorities of the assembly, do not automatically exclude certain venues, and do not impose obligations on organisers to arrange and pay for security and emergency services. The Special Rapporteur is encouraged to hear about these positive developments, and he encourages other authorities to harmonise their laws with international human rights obligations.

39. The majority of public assemblies take place in the two largest cities: Sarajevo and Banja Luka, where legislation is inconsistent with international human rights standards and best practices. I heard concerns about the excessive burden imposed on organisers, including to provide security and arrange medical assistance which are incompatible with article 21 of the ICCPR (as stated by the UN Human Rights Committee's General Comment 37). The laws also require organisers to obtain permission from relevant traffic authorities. Such arrangements should be the responsibilities of law enforcement authorities as part of their duty to facilitate peaceful assemblies. I also heard concerns about restrictions on places for holding assemblies, most often in locations that are not highly visible or accessible, hence violating the principle of facilitating the conduct of assemblies within the sight and sound of their target audience. I am also concerned that generally there is a regime of authorisation of peaceful assemblies which is in contradiction to international best practices and standards. I also note that laws lack guarantees providing for reasonable timelines for courts to make decisions on appeals against refusals to hold assemblies, meaning decisions may be issued after the proposed assembly was scheduled to take place.

40. I share the opinion of the Venice Commission and ODIHR that many of the laws on public gatherings impose a regulatory, rather than facilitative approach, to public assemblies. The Human Rights Ombudsman institution of Bosnia and Herzegovina also issued recommendations on several occasions to law enforcement agencies to conduct training for proper policing and behaviour towards organisers and participants of public assemblies. I echo this call and encourage the implementation of the [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#) which I have developed in collaboration with the UNODC and OHCHR, following the request by the UN Human Rights Council Resolution 50/21.
41. There are also discriminatory approaches in the way authorities have applied such regulations depending on the objective of protests. I received reports that organisers are treated differently depending on the topic of the assembly, or the organisers' relationship with authorities or their political affiliations. For example, on 18 March 2023, local authorities in Banja Luka banned an event organised by the Organizing Committee of the Pride March and non-governmental organisations, claiming they would not be in a position to guarantee the protection of participants. There have also been restrictions regarding the planned venue of assemblies, with the authorities imposing a relocation to isolated areas of assemblies held for example by the opposition political parties. At the same time, in Banja Luka, Republika Srpska, public rallies organised by the ruling political party have taken place in the centre of the city without any restrictions.
42. One recent and prominent protest movement, known as 'Justice for David', was formed in Banja Luka following the death of a student, David Dragicevic, to demand the truth and justice for the murder. David's parents and other citizens have been holding regular peaceful assemblies daily at the main square in Banja Luka, which was initially tolerated by authorities. The largest gathering took place on 5 October 2018, on the eve of the general elections. According to some estimates, around 40,000 participated in the peaceful assembly that day, making it one of the largest protests in the post-war history of Bosnia and Herzegovina. However, there are reports that police blocked some parts of the city, stopping buses and private cars to prevent citizens from participating.
43. Leading members of the "Justice for David" movement reportedly faced harassment for their participation in the protests, and soon after the election, police began increasing pressure on protesters. In December 2018, the police removed an improvised memorial dedicated to David at the main square where gatherings were held. As citizens sought to protect the memorial, on 25 December 2018 and on the following days, the police used excessive force (batons) against peaceful protesters, including some elderly people. Due to the tense climate in Banja Luka, the City Administration cancelled the public New Year celebration. Until the end of 2018, the "Justice for David" movement and its supporters however continued to hold large protests. The police deployed excessive forces, including special units, to systematically disperse all peaceful gatherings. It arrested some prominent members of the movement as well as opposition politicians who expressed support for the movement.
44. On 31 December 2018, the Minister of Interior of Republika Srpska publicly stated that all gatherings of the "Justice for David" movement would be prevented and restricted 'due to the frequent violation of public order and peace, the commission of criminal acts, violations of the normal flow of traffic and non-compliance with the Law on Public Gatherings'. The

heavy police reaction created fear within the movement as well as among citizens of Banja Luka. In early 2019, the 'Justice for David' movement began gathering in small groups in the garden of the central Orthodox Church, holding candles. From December 2018, the police started issuing reports for misdemeanours to members of the movement. In October 2021, over 160 such reports were issued, mostly for violations of public peace and order. In most of the subsequent proceedings, initiated by the activists who received reports for misdemeanours, the courts did not determine any violation and rejected the cases. In June 2019, several members of the movement filed a request to the District Court of Banja Luka for the protection of their fundamental rights, including the right to freedom of peaceful assembly and the right to freedom of movement. This case has been before the Constitutional Court of Bosnia and Herzegovina since August 2021, with a decision still pending.

45. Notable restrictions to the right to peaceful assembly have also occurred in relation to the Pride March and activities of LGBTI activists in both Sarajevo and Banja Luka. In Sarajevo, the major issues relate to the disproportionate obligations on organisers to provide security and emergency services during assemblies. In Banja Luka, authorities banned a public movie screening organised by the Bosnia and Herzegovina Pride March organisers, claiming the police would be unable to ensure the safety of participants. Instead, a group of human rights defenders, including LGBTI activists, held an internal meeting at the premises of an NGO, Transparency International BiH. They were physically attacked and assaulted by a group of football supporters in front of the premises of Transparency International. Over a year later, the perpetrators of this attack have not been identified and brought to justice. There has also been no investigation and accountability for the alleged failure of the police to prevent the attack and protect the victims, despite the police presence close in the vicinity and despite that police were aware of the immediate threat. It is especially worrying to note that the attack was preceded and followed by publicly expressed strong hate speech and homophobic comments, including by some political leaders and on social media.
46. I encourage the State of Bosnia and Herzegovina to draft, in a broad and inclusive consultation with civil society, experts and relevant stakeholders, a State-level framework law for all authorities across the country to ensure the effective promotion and protection of the right to peaceful assembly across the country, regardless of where this right is being exercised. This framework should also serve as a basis for harmonisation of legislation across the country in compliance with the international human rights law and standards. In addition, I encourage authorities to develop or revise any existence guidance and protocols in line with the [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#) and ensure such guidance and protocols are made public. My mandate remains available to provide technical assistance as requested.

Media freedom and the re-criminalisation of defamation

47. I received reports of attacks and threats against journalists, especially online, and the persistent lack of accountability for such attacks. Journalists across Bosnia and Herzegovina are subject to political pressure, discrediting campaigns, verbal attacks by politicians, online threats, some physical attacks, and administrative harassment. Women journalists are particularly exposed to online violence, including sexist comments. I am also concerned about a reported rise of strategic lawsuits against public participation (SLAPPs) targeting independent journalists and environmental activists.

48. The re-introduction of the criminal offence of defamation in Republika Srpska is a serious threat to freedom of opinion and expression. Over 20 years ago, Bosnia and Herzegovina had set a good example in the region by decriminalising defamation. However, in July 2023, the Criminal Code of Republika Srpska was amended to criminalise defamation and other activities. This is despite calls from local civil society and the international community to abandon such proposals. This includes an open letter by fellow United Nations independent experts and I sent to authorities, in March 2023: [BIH 1/2023](#). The re-criminalisation of defamation is a significant slip backwards for human rights in the country, and has a negative impact on free and inclusive speech, including political discourse, and on the right to seek, receive and impart information and press freedom. In my discussions with competent authorities, I enquired about the rationale for the re-criminalization of defamation but did not receive any clear response.
49. I also learnt that there is a proposal to introduce a new media law in Republika Srpska. While the text is not available, there are concerns this could include further restrictions to silence voices critical of the authorities or expressing different opinions and narratives. It would also be important for the process of drafting this draft law to be transparent and open to civil society.
50. I also note with concern that on 27 April 2023, the Sarajevo Canton Government adopted a Draft Law on Misdemeanors against Public Peace and Order, defining the internet as a public space and spreading 'false news' as a misdemeanour. I understand that the draft has been put on hold, and I encourage the Sarajevo Canton Government to abandon the draft and to ensure that any future proposal complies with the right to freedom of peaceful assembly and the right to freedom of expression and opinion.

Effective remedies and oversight bodies

51. I am very concerned about the current situation faced by the Constitutional Court of Bosnia and Herzegovina, which, due to political disputes, is unable to function effectively, noting that over 8,000 cases are awaiting a decision. The effective functioning of the Constitutional Court is vital to ensuring the rights of citizens, including the rights to freedom of peaceful assembly and association, are guaranteed and protected, and that victims have access to effective remedy. Access to effective remedy and justice is essential for these rights to be enabled.
52. State human rights institutions play a key role in protecting the rights to freedom of peaceful assembly and of association. I received reports that the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina is not able to provide an effective response to individuals or associations who make submissions to the institution, including due to a need for consensus.
53. As stated in the Marrakech Declaration on the role of National Human Rights Institutions in expanding civil space and promoting and protecting human rights defenders, national human rights institutions such as the Human Rights Ombudsman of Bosnia and Herzegovina should also: 'Interact with human rights defenders and civil society in a regular manner and include them in the planning and implementation of, as well as follow-up on, the NHRI's activities, in a gender and disability-sensitive manner'. I encourage the Ombudsman to work towards building a comprehensive civic space, where civil society can contribute to progress on civil,

political, social and economic rights for all, in line with the pledge it made in the context of the 75th anniversary of the Universal Declaration of Human Rights.

Conclusions and recommendations

54. To overcome the deepening political crisis and social divisions which Bosnia and Herzegovina is facing today, authorities at all levels, should urgently prioritise revoking any restrictions on the exercise of fundamental freedoms and participation. Authorities must guarantee an enabling civic space and meaningful inclusion of all voices. To ensure an environment conducive for dialogue, safe, free and enabling space for participation of all citizens must be guaranteed so everyone, without any discrimination, irrespective of ethnicity, religion, gender, sexual orientation, geographical location, can have a say for their common future. This is also important to address the current crisis of youth leaving the country as many have lost hope for perspective.
55. The meaningful inclusion and participation through free and enabling civic space is also a key prerequisite for preserving the gains made so far by Bosnia and Herzegovina through its long transition period and for continuing the path towards building a resilient, peaceful and inclusive society. To protect the right to freedom of peaceful assembly, authorities also should ensure that those raising their legitimate concerns are heard and taken into account, including those advocating for advancing and protecting human rights.
56. I note the urgent need for human rights framework legislation at the State level, including for the protection of the rights to freedom of assembly and of association in line with the international human rights law and standards. This would overcome the current gap and inconsistencies that result in unequal enjoyment of these freedoms , and would strengthen their protection, ensuring equal legal protection and guarantees.
57. The country needs thorough and effective reform, including of its law enforcement and justice system, rather than just performing tick box exercises, including in the context of accession to the European Union. Effective oversight and accountability of these institutions is crucial. Decisive steps should be taken to ensure effective accountability of law enforcement conduct with regard to the “Justice for David” Movement and the attack on human rights defenders and LGBTI activists in Banja Luka in March 2023.
58. To ensure accountability and the rights to freedom of peaceful assembly and of association, I urge the concerned entities to implement judgements and recommendations of the Courts and the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina. I further invite the concerned entities to ensure the proper and effective functioning of the Constitutional Court as a key guarantor of the rights and freedoms provided by the Constitution of Bosnia and Herzegovina, including by ensuring appointment of judges.
59. Dialogue to ensure the long overdue implementation of the European Court of Human Rights Sejdic-Finci jurisprudence is also essential to eliminate long-standing discrimination in relation to the right to vote and to be elected.
60. I call on political leaders, and all members of society, to refrain from the use of propaganda, stigmatisation, harmful rhetoric and hate speech targeting groups on the basis of their ethnic background, religion, gender, sexual orientation and other grounds, and to refrain from the

denial of atrocity crimes, including the Srebrenica genocide, and from the glorification of individuals convicted of atrocity crimes by international and domestic courts .

61. In order to change the negative narratives and practices, to overcome deepened societal and ethnic divisions and build bridges, it is important to revisit and harmonise the education system.
62. Lastly, I stress the importance of increased United Nations human rights capacity in Bosnia and Herzegovina, including to support transitional justice efforts, in this highly complex and fragile context and to contribute to addressing the issues raised in this report, through additional human and financial resources. Strengthened international coordination is essential to support the country in this crucial moment of transition.