

# BCSDN CIVIC SPACE BLOG



BALKAN CIVIL SOCIETY  
DEVELOPMENT NETWORK

August 2023

Despite ongoing efforts by civil society, activists, and academia, as well as strong international condemnation, the anti-defamation law was adopted in Republika Srpska on July 20. The **re-criminalization of defamation** represents a setback of over two decades. Critics argue that criminalizing defamation may stifle freedom of expression and media independence. It could also create unequal rights within the country, as defamation is not criminalized in other regions of Bosnia and Herzegovina. The hurried adoption without thorough consultations is troubling, as it undermines democratic principles and curtails citizens' rights. Proponents of the initiative maintain that it would protect the reputations of public figures and institutions and address the issue of misinformation, while disregarding protection of the public interest.

However, journalists and advocates of free speech, HRDs, and CSOs have all raised their concerns. They point out that this law could be used to **suppress dissent** and investigative journalism, thereby undermining the tenets of press freedom and freedom of expression as a whole, and demand a balanced approach that safeguards these freedoms while considering legitimate concerns surrounding defamation and its consequences.

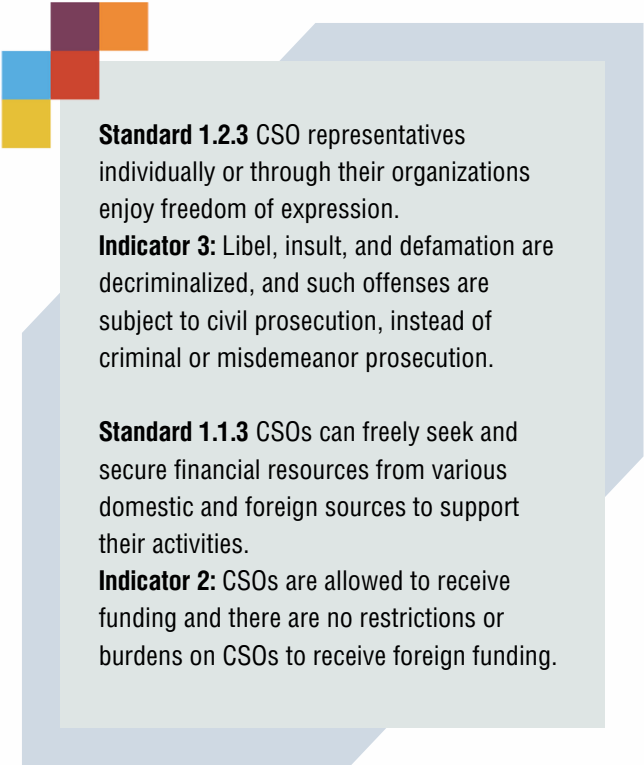
Sadly, the adoption of the anti-defamation law is not the only measure further corroding the already narrowed civic space in Republika Srpska. Another concerning initiative is the ongoing effort to introduce a **'foreign agents' law**, initiated in March 2023. The proposed act draws parallels with Russia's controversial law, aiming to regulate foreign-funded organizations operating within Republika Srpska. According to the proposed legislation, these organizations would be required to register as 'foreign agents' and disclose detailed financial information, activities, and affiliations, in addition to those already required by law.

This move has sparked fears among civil society media, and international observers that it could be **used to target and stigmatize** independent groups and media outlets critical of the government. Another red flag raised is that this law may be employed to suppress dissent and hinder the work of civil society organizations, including those working with vulnerable groups on environmental problems, and advocating for democratic values.

Both laws are **contrary to international standards** and good practices, reflected and adapted to the Balkan context in our [Monitoring Matrix for Enabling Environment for Civil Society Development](#).

WHY WOULD  
ANYONE  
CARE ABOUT  
SHRINKING  
OF CIVIC  
SPACE IN  
BIH?





**Standard 1.2.3** CSO representatives individually or through their organizations enjoy freedom of expression.

**Indicator 3:** Libel, insult, and defamation are decriminalized, and such offenses are subject to civil prosecution, instead of criminal or misdemeanor prosecution.

**Standard 1.1.3** CSOs can freely seek and secure financial resources from various domestic and foreign sources to support their activities.

**Indicator 2:** CSOs are allowed to receive funding and there are no restrictions or burdens on CSOs to receive foreign funding.

Despite Bosnia and Herzegovina gaining EU candidate status on December 15, 2022, the recent practices of introducing restrictive laws, such as the already adopted anti-defamation law and the proposed 'foreign agents' law, represent **major backslides in its path towards EU accession**. These practices are likely to present serious challenges during the screening process, especially concerning Chapter 23: Judiciary and Fundamental Rights, and Chapter 24: Justice and Security.

At this critical stage, it is imperative for Bosnia and Herzegovina to take into consideration the proposed **Anti-SLAPP Directive** by the European Commission in 2022, a directive aiming to address the growing problem of strategic lawsuits targeting journalists, activists, and other public watchdogs across Europe.

By adopting measures to protect freedom of expression and civic participation, Bosnia and Herzegovina can demonstrate its commitment to meeting the European Union's democratic standards and reinforcing its candidacy for EU membership. Implementing the proposed Anti-SLAPP Directive would signify the EU effectively exercising its **soft transformative power** in the candidate countries.

Collaborative efforts of national and regional CSOs, activists and media, as well as the international community, can be harnessed to raise awareness about the deteriorating media freedom and civic space in Bosnia and Herzegovina and **engage with policymakers**. Emphasizing the importance of democratic values and human rights in the EU accession process will be key to shaping a brighter future for media freedom and civic participation in the country. The networking we have been cultivating for years is now crucial in conducting effective advocacy at the state, regional, and EU levels.

This is why we are reaching out to you with the hope that **you can contribute** to mobilizing broader awareness, support, and pressure for a positive change. It is why we are also counting on the EU and the Office of the High Representative to exert sufficient political pressure to prevent the closing of civic space and free speech in Bosnia and Herzegovina.

While doing so, we urge you to **keep an open eye** on further similar developments in our region. The shrinking of the civic space in the Balkans region has been going on for a while and trends in one country easily spread to another. The phenomenon is quite complex and at the same time conditioned by many socio-political, cultural, and judicial circumstances, but the sure thing is that it directly correlates to the state of democracy in a country and can endanger the peace and prosperity of our region. We hope to see our countries making democratic progress, rather than steps back, for the good of our people.

Delve deeper into this by exploring our [annual report on civic space](#) in the region.

