

BCSDN Raises Serious Concerns About Closing Civic Space in BiH and Calls on all Actors to Reverse this Trend

The Balkan Civil Society Development Network expresses deep concerns regarding the shrinking of civic space in Bosnia and Herzegovina and calls on authorities to reverse harmful policies and actions targeting civic actors. The ongoing political crisis in Bosnia and Herzegovina (BiH) has led to increased pressures on civil society and media in the country, materializing in controversial laws and regulations that have the potential to undermine the foundations of democracy, erode fundamental rights, and severely limit the operations of civic actors.

A series of bills has been introduced aimed at silencing dissent, including amendments to the Republika Srpska Criminal Code that re-criminalize defamation, and the recently adopted draft “foreign agents’ law” which targets and stigmatizes foreign-funded organizations, while banning political activities vaguely enough to make all forms of advocacy a punishable offence. In addition, a draft law on financing CSOs in Federation BiH is another potentially dangerous law for civic space, currently under questionable pre-consultations. Not only do these laws pose a threat to CSOs, activists, and critical media, but their hurried adoption, without thorough consultations, directly undermines democratic principles and curtails citizens’ rights, guaranteed by international law and the Constitution of BiH.

The **recriminalization of defamation** represents a severe setback of over two decades in terms of freedom of expression, and most worryingly comes at a time when intimidation, harassment and attacks on activists and journalists are becoming a common practice throughout the country. The law has serious potential to stifle freedom of expression and media independence, having in mind that it could lead to arbitrary judicial proceedings that force journalists to refrain from covering certain subjects, or fines of up to 25,000 eur that, if imposed, could threaten the survival of some media outlets.

The draft **Law on the Special Registry and Publicity of Non-Profit Organizations, dubbed ‘foreign agents’ law**, imposes onerous reporting and compliance requirements on CSOs receiving foreign funding. The measures proposed go beyond international standards and hinder the CSOs’ free operations, as the ban on political activities is vague enough to encompass all forms of advocacy, and sanctions in the law include closure and criminal prosecution, while the “NPO mark” is inherently stigmatizing. With this, the law creates a chilling effect on the free expression of dissent and independent voice of civil society. Drawing parallels with Russia’s controversial law, this proposed act raises fears of targeting and stigmatizing independent groups and media critical of the government.

All these developments have **sparked major criticism** by civil society, activists, and academia, as well as strong international condemnation, confirmed in the BCSDN regional event organized on 9 November 2023. Yet, the actions and narratives of political leaders continue to fortify an environment where independent and critical voices are constantly under attack. No less, legislative efforts that undermine civic space are directly **endangering the country’s EU accession perspective**. We call 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 BiH and prevent further steps back on the EU path.

The Balkan Civil Society Development Network stands with civil society in Bosnia and Herzegovina. We are committed to providing our support to civil society in the country, a stronger regional voice to raise awareness and advocate for the protection of democratic values and human rights, and joint actions of solidarity, protest, and resilience.

We call for collaborative efforts among national and regional CSOs, activists, media, and the international community to raise awareness about the deteriorating civic space in BiH, and to minimize the corrosive effects of harmful legal provisions across the region. We reach out to the civil society community to mobilize broader awareness, support, and pressure for positive change.

We urge authorities to make sure all laws affecting civil society are in line with EU and international standards, and to ensure an inclusive and effective consultation process with civil society representatives and all relevant stakeholders. Emphasizing democratic values and human rights in the EU accession process is key to shaping a brighter future for media freedom and civic participation in the country. We demand a balanced approach that safeguards fundamental freedoms while addressing legitimate concerns surrounding defamation and its consequences, or transparency in the work of civil society.

To this end, **we are calling on the government in Bosnia and Herzegovina** to:

- 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 Organizations (i.e., the foreign agents' law) and involve civil society in further developing this and any other laws regulating the work of CSOs.
- Cease the intimidation and harassment of civil society and journalists and publicly denounce such actions at the highest level.
- Establish and maintain an enabling environment for freedom of association, assembly, and expression, without discrimination, and allow civil society and media to report on public interest matters unimpeded, so that this fundamental right can be enjoyed and advance civil society in fulfilling its watchdog role.

And through all of this, **we urge vigilance** of all actors on further similar developments in our region. The shrinking of civic space in the Balkans has significant implications for democracy, peace, and prosperity of our societies, and we must fight to keep civic spaces open throughout the region.

LIST OF BCSDN MEMBERS (in alphabetical order)

- Bulgarian Center for Non-Profit Law (BCNL)
- Center for Development of Non-Governmental Organizations (CRNVO)
- Centre for Information Service, Co-operation and Development of NGO (CNVOS)
- Center for Promotion of Civil Society (CPCD)
- Civic Initiatives Serbia
- Civil Society Development Foundation (FDSC)
- Diakonia Agapes (DA)-Foundation Spirit of Love
- Ecumenical Humanitarian Organization (EHO)
- Kosovar Civil Society Foundation (KCSF)
- Macedonian Center for International Cooperation (MCIC)
- Opportunity Associates Romania (OAR)
- Partners Albania for Change and Development
- TUSEV - Third Sector Foundation of Turkey

