

Bosnia and Herzegovina

Synthesis of the monitoring year 1 brief

Component 1: Conducive environment

Objective 1: An enabling legal and policy environment for the exercise of the rights of freedom, expression, assembly and association

Result 1.1.: All individuals and legal entities can express themselves freely, assemble peacefully and establish, join and participate in non-formal and/or registered organisations

	Freedom of association is guaranteed by the constitutional and legal framework and by recognised international documents. The Laws on Associations and Foundations at the state, entity, and Brčko District (BD) levels stipulate that any person or legal entity can form an association or foundation for any purpose in accordance with the Constitution and legislative framework. An association may be established by a minimum of three physical or legal entities. A foundation may be established by one or more physical or legal entities. The Executive Board of the foundation must have at least three members. To establish a foundation in BiH and FBiH, an initial capital of 2000 BAM is required (approx... 1000 EUR).
	There is no adequate legislation on humanitarian organisations.
	Associations may establish networks or other forms of collaboration, and freely affiliate and cooperate with international organisations to promote the same rights and interests
	Registration is voluntary and clearly governed by state, entity, cantonal and BD laws and regulations. Upon registration, the association or foundation acquires the status of legal entity. There is no single registry for CSOs in BiH and the option of online registration does not exist at any level. CSOs are registered at the administrative level, according to the scope of their activities provided by the relevant statutes. Fees for registration differ between administrative levels.
	In some cases the registration procedure for associations/umbrella associations was extremely prolonged, and citizens continued with their activities as informal associations.
	In most cases, CSOs find registration simple (56% of surveyed CSOs), and the process is completed within the prescribed 30 days (FBiH) and 15 days (RS). A significant number of CSOs still face different restrictions during the registration process (additional requirements, name changes, different interpretations of the law). The majority of CSOs find registration expensive (60% of surveyed CSOs found costs for registration disproportionately high). Additional costs for registering can vary significantly.
	When registered at the state level, CSOs can operate throughout the country while registration in one entity only can hinder activities in the other entity, particularly if the CSO is involved in employing people in the other entity (due to problems with different tax authorities). A CSO can also register at both the state and entity level. ¹
	There are more than 50 CSO networks and coalitions in BiH.
	The legal framework provides guarantees against state interference in the internal matters of associations and foundations, but there is no explicit legal provision exists to ensure protection from interference by third parties when exercising freedom of association.
	Registered CSO are obliged to comply with entity laws and regulations on accounting, as prescribed by International Accounting Standards, and are required to send yearly financial reports in standardized forms to the entity level Agencies for Finance and Informatics Services. These forms

¹ BiH Need Assessment Report, TACSO, December 2013

	vary between entities, as to which aspects of the specific nature of CSOs are taken into consideration. Most CSOs are categorized as small legal entities, and thus are not subject to the statutory audit of financial statements.
	Control over the legality of association and foundation activities is administered by the competent administrative body, and involves monitoring the situation as it relates to association or foundation activities.
	The association or foundation can be terminated voluntary, or by force of law.
	Most CSOs reported that the government did not interfere in their internal affairs, although there were isolated cases of direct state interference in the internal matters of associations. There is no record of a CSO being terminated by force of law. There are some examples of intrusion by competent bodies, usually politically motivated and mainly expressed through repeated inspections (financial, labour, trade, sanitary). Sanctions that CSOs or individuals incur in this manner are most often based on legal provisions, which are rarely, if ever, enforced. Most CSOs did not experience any form of inspection by competent authorities.
	In most cases, CSOs do not initiate administrative disputes against the decisions or sanctions of authorized bodies.
	Freedom of peaceful assembly is guaranteed by the constitutions, ECHR, positive regulations and international documents. This freedom may only be restricted by the law. Peaceful organised assemblies are regulated by cantonal laws on public assembly in the FBiH (2012), and by the RS Law on Public Assembly (2008). These laws recognize peaceful and organized assemblies, but contain a broad range of restrictions regarding the public spaces citizens can use to exercise their rights in this regard. Peaceful assembly may be prohibited pursuant to these laws.
	According to information obtained from the media, in the last two years there have been several cases of interrogations and harassment of citizens and civil society activists by the police, related to their participation in peaceful assemblies.
	In most cases, there is a clear process for obtaining authorization for organizing an assembly. Restrictions based on laws, and the organizer may file a complaint if he or she is denied permission for a peaceful assembly.
	There are frequent organized protests throughout BiH, as well as an increasing number of simultaneous and spontaneous citizen-led assemblies/protests.
	Generally no excessive use of force is exercised by law enforcement agencies and assemblies are reported on by the media.
	The right to freedom of expression, and the collection and dissemination of information is guaranteed by the BiH Constitution and relevant laws. Existing criminal laws do not encompass the positive obligations of Article 10 of the ECHR, which stipulate that the state must guarantee freedom of expression by creating a safe environment in which this can take place.
	While the legislative framework prohibits hate speech, it does not categorically or comprehensively define it, or the means of protection against it. Existing regulations do not comply with international laws and standards. Denial of Holocaust, genocide and war crimes is not punished.
	In terms of public criticism, state and government authorities do not have a higher level of protection within the legal framework than citizens, CSOs, activists or journalists.
	The authorities in FBiH and RS did not express a readiness to accept amendments to criminal laws for the definition of hate crimes, as proposed by the Coalition for Combatting Hate Speech.
	BiH was the first country in the region to decriminalise libel (the Law on Defamation) removing the possibility of criminal conviction for any person publicly expressing an opinion
	In practice, there is greater legal and institutional protection of public officials than of citizens and CSO activists. CSO activists and journalists are exposed to many forms of open and/or concealed pressure and obstruction to their work, because of their critical observations on public authorities.
	National minorities are not guaranteed the right to use their native languages in public communication, nor to obtain information.

	In most cases, the courts follow the standards and judgments of the European Court as they relate to the protection of freedom of expression. There are examples of unequal treatment by courts when applying the Law on Defamation. This is the result of the political and administrative organization of the country, which has two parallel judicial systems in its entities
	CSOs representatives are victims of hate speech in a significant number of cases. They are subjected to verbal and other attacks, because of their willingness to speak critically in public. For example, Štefica Galić, a CSO representative and journalist, was beaten and verbally abused in her hometown of Ljubuški (predominantly populated by Bosnian Croats) after a screening of "Neđo from Ljubuški", a film about her late husband, who saved many Bosniak families during the war.
	Freedom of expression and freedom to obtain information as well as access to all channels of communication are guaranteed by the national judicial system and the Law on Communications. Proposed amendments to the Law on Free Access to Information (LFAI) reduce the right to access to public information by reversing the right to access information. The Rule Prohibiting Access to Information defines only a short list of information freely available. Access to information defines only a short list of information freely available. It is evident that the usage of a significant number of laws is contrary to the provisions of the LFAI. The Rulebook of the Court of BiH stipulates that only anonymous court verdicts should be published.
	According to the rules of the Communications Regulatory Agency and the Press Council in BiH, as well as to internal legal acts and media editorial principles, the media should uphold the principles of equal access to media space for CSO activists.
	There are no restrictions on legislative and technical grounds to access the internet and its various social networks.
	There are clear legal principles by which channels of communication (internet, phone service and the media) can be subject to special surveillance by the police and security/intelligence agencies in BiH.
	Application of the Law on Free Access to Information does not have satisfactory public popularity, or promote the perception of information as a "public good".
	Pluralism of media exists in BiH; there are approximately 250 traditional media outlets, hundreds of web portals, and approximately 2.18 million (57% of the total population) internet users.
	Media and other public communication channels do not have profiled and continuous presentations and promotion of CSO results, nor do they have adequate public evaluation of their actions.
	There is a "closure" of media and other communication channels towards minority and vulnerable groups, including CSOs representing their interests.
	Media, social networks, the official web platforms of public authorities and a number of CSOs are not fully protected from political and other influences especially at the local level.
	The Internet is widely accessible, available on favourable terms to the whole country, and is regulated in a unique way meaning that data of public interest are not sufficiently available.
	In the last two years, cases of social network monitoring, interrogation of CSO activists, tapping of phone lines, and monitoring of the activities and correspondence of online social groups were recorded.
	Supervision of security agencies is performed within the Parliament by the Joint Security and Intelligence Committee on Supervision of the work of Intelligence and Security Agency of BiH.
	CSO activists and journalists expressed distrust towards public authorities and security agencies, because of their surveillance of social networks and incidences of phone tapping, reported by the media as well as the legality of such actions.

Result: 1.2. The policies and legal environment stimulate and facilitate volunteering and employment in CSOs

	There is a lack of regular statistics maintenance (by entity employment institutes) regarding the number of non-profit sector employees. Agencies cannot provide available data on the total number
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	of CSO employees. Based on analysis of current incentives, it was concluded that CSOs did not appear in the majority of them. ²
	Entity employment services do not keep records on numbers of CSO employees. This information can be obtained from the entity tax administration offices, but is not free of charge.
	70% of the surveyed CSOs do not think the legal regulations are stimulating for the development of volunteerism and engagement of volunteers, while 27% believe the regulations are stimulating.
	Civil Society Organisations are treated the same way as other employers according to laws and bylaws.
	The majority of CSOs consider that they do not have equal treatment with other employers.
	The RS Law on Volunteering was passed in 2008, and the FBiH Law on Volunteering in 2011. , but there are no legal provisions for volunteering in BD. There are clearly defined volunteering contractual relationships in RS and FBiH, but not in BD. Government of the Republika Srpska adopted “Strategy on development and improvement of volunteering in Republika Srpska” There is, as yet, no legal framework defining the respective rights and responsibilities of volunteer and volunteer-involving organisations at the state level.
	Existing laws regulate the basic terms related to volunteering; the principles of volunteering; contracts; the rights and obligations of volunteers and organisers of volunteer work; and overseeing applications. However, laws on volunteering are still largely unknown to CSOs who do not see their significance due to insufficient implementation on the ground. Transparency in encouragement of volunteers is poor.
	In order to prevent volunteer abuse, profitable companies can no longer offer volunteer programmes. The term “volunteer intern” exists in different labour laws and enables the creation of unpaid internships.
	Many of the CSOs are confused by administrative procedures related to volunteering. Only 45% of CSOs familiar with the procedures claim that they are not complicated. CSOs questioned were confused by the topic of restrictions in volunteering. Many of them were not familiar with any complaints filed in that regard.
	Encouragement is mainly provided at a local level, although RS has entity mechanisms for giving incentives for volunteering.

Result 1.3. National and/or local authorities have enabling policies and rules for grassroots organisations and/or civic initiatives.

	Registration is voluntary and clearly governed by state, entity, cantonal and BD laws and regulations. There is no single registry for CSOs in BiH; CSOs are registered at an administrative level, according to the scope of their activities as provided by the relevant statutes.
	Fees for registration differ between administrative levels. In some cases the registration procedure for associations and umbrella associations was extremely prolonged, and citizens continued with their activities as informal associations. Registration of CSOs is voluntary. Upon registration, the association or foundation acquires the status of legal entity.
	The option of online registration does not exist at any level
	In most cases, CSOs find registration simple, and the process is completed within the prescribed thirty days.
	A significant number of CSOs still face different restrictions during the registration process such as additional requirements, name changes and different interpretations of the law. The majority of CSOs find registration expensive. Additional costs for registering can vary significantly.
	Peaceful, organised assemblies are regulated by cantonal laws on public assembly in the FBiH, and by the RS Law on Public Assembly. These laws recognise peaceful and organised assemblies, but contain

² The survey was conducted in October 2013 by the Youth Communication Center from Banja Luka, and included 47 CSOs.

	a broad range of restrictions regarding the public spaces citizens can use to exercise their rights in this regard. Peaceful assembly may be prohibited pursuant to these laws
	Freedom of expression and freedom to obtain information, as well as access to all channels of communication, are guaranteed by the national judicial system and the Law on Communications.
	Proposed amendments to the Law on Free Access to Information (LFAI) reduce the right to access of public information by reversing the right to access information: the Rule Prohibiting Access to Information defines only a short list of information freely available.
	It is evident that the usage of a significant number of laws is contrary to the provisions of the LFAI. The Rulebook of the Court of BiH stipulates that only anonymous court verdicts should be published.
	According to the rules of the Communications Regulatory Agency and the Press Council in BiH, as well as to internal legal acts and media editorial principles, the media should uphold the principles of equal access to media space for CSO activists.
	There are no restrictions on legislative and technical grounds to access the Internet and its various social networks.
	In the last two years, cases of social network monitoring, interrogation of CSO activists, tapping of phone lines, and monitoring of the activities and correspondence of online social groups were recorded. CSO activists and journalists expressed distrust towards public authorities and security agencies because of their surveillance of social networks and incidences of phone tapping reported by the media as well as the legality of such actions.

Objective: 2. An enabling financial environment, which supports the sustainability of CSOs.

Result: 2.1. Easy to meet financial rules for CSOs, which are proportionate to their turnover and non-commercial activities

	83% of the surveyed CSOs evaluate the prescribed financial rules and obligations of bookkeeping and accounting as clear and understandable. 43% claim that the rules are completely clear and understandable; 14% evaluate the clarity of these rules negatively.
	71% of the surveyed CSOs less likely to state that these rules are simple to implement; 3 out of 10 state that it is completely simple to implement the rules
	Registered CSOs are obliged to comply with entity laws and regulations on accounting as prescribed by International Accounting Standards and are required to send yearly financial reports in standardised forms to the entity level agencies for finance and information services. These forms vary between entities, as to which aspects of the specific nature of CSOs are taken into consideration. Most CSOs are categorized as small legal entities, and thus are not subject to the statutory audit of financial statements.
	There are some examples of intrusion by competent bodies, usually politically motivated and mainly expressed through repeated inspections (financial, labour, trade, sanitary). Sanctions that CSOs or individuals incur in this manner are most often based on legal provisions, which are rarely, if ever, enforced. Most CSOs did not experience any form of inspection by competent authorities.
	CSOs in BiH have the option to acquire income through economic activities. In FBiH, unlike in RS, this income is not subject to taxation...
	For performance of non-similar economic activities, CSOs operate as a component of the profit sector. The profit can be used exclusively for statutory determined objectives.
	CSOs can be financed by individuals, corporations and other sources, which may be based outside BiH. The funding of CSOs is conducted in accordance with state, entity and cantonal legislation.
	There are no restrictions on CSOs regarding funding they may receive from outside BiH.
	Exemption of sport clubs of paying taxes and partial writing off a debts – making inequality among associations registered under the same law

Result: 2.2. Donations are stimulated with adequate legislation and regulations

	The Law on Property Tax in the Sarajevo Canton provides exemption for traffic of immovable properties and their ownership only to foundations, religious foundations and pious endowments, while other CSOs are not tax exempt for property ownership or traffic of immovable.
	The law does not explicitly specify the time frame in which a donation must be used nor does it provide a percentage of the donation that may be used to cover administrative expenses.
	Pursuant to the Law on Corporate Income Tax of Legal Entities and the Law on Corporate Income Tax of Physical Entities in both RS and FBiH, activities such as strengthening of democracy, rule of law, fighting corruption, sustainable development, protection of nature, etc. are not recognised as activities of general interest. Thus, donations for these purposes do not count as tax-admissible expenditures.
	Provided companies are within the distribution donation margin of up to 3% of total annual income, and within the categorization specified in the Law donation expenditure is not subject to taxation. VAT is paid on donations in the form of goods/products.
	CSOs complain that tax exemptions are too low to stimulate a culture of giving in BiH, and also that, as far as individual giving is concerned, as the scheme is only available to individuals who submit annual tax returns (in effect the self-employed), it is far too restricted in scope to generate significant revenues for CSOs. ³
	If an economic body wishes to donate funds to CSO acting in the general good, it is almost certain that this body will be a circle of organizations designed to fall into a certain category of the Law in which donation expenses can be calculated into the tax base; specifically, the donation would be recognized as expenditure.

Result: 2.3. Financial (e.g. tax or in-kind) benefits are available

	In FBiH, associations and foundations are exempted by law from the payment of profit and income tax, while in RS this exemption applies only to public institutions and humanitarian organisations. Monetary donations are not directly taxable either for the donor or receiver (CSO).
	Gifts and donations made in the form of goods and/or services, and given to CSOs by economic entities are subject to taxation of donors and donations only if the donor is registered in the VAT system.
	Monetary donations from physical entities, as well as monetary donations and gifts of goods and services given to CSOs by different institutions, are not subject to taxation.
	Unlike in RS, income from membership fees is not subject to taxation in FBiH. CSOs are fully equal to the profit sector
	Laws on associations and foundations on state and entity level in BiH and FBiH provide for a minimum means test to establish a foundation up to the amount of BAM 2,000 (approximately EUR 1,000). RS law does not deem a means test necessary for the establishment of a foundation.
	Parliament of Federation BiH adopted the Law on tax payment and partial writing off a debts for sport clubs in Federation BiH
	Pursuant to the FBiH Law on Corporate Income Tax, CSOs do not pay tax on income realized through similar economic activities, while in RS similar economic activities cannot be commercial in nature. Only humanitarian institutions are exempted.
	In general, CSOs are fully equal with the profit sector regarding performance of economic activities.
	Exemption of sport clubs of paying taxes and partial writing off debts – making inequality among associations registered under the same law.

³ Ibid 1, pg. 15

Result 2.4.: Government support to CSOs is available and provided in a transparent, accountable, fair and non-discriminatory manner

	In terms of domestic institutions, financial support is provided by all levels of authorities, municipal, cantonal (in FBiH), entity and state level. Funds allocated to CSOs have always amounted to some 0.5 - 0.6 percent of country Gross Domestic Product (GDP) in line with trends in other countries in the region.
	The total of 100,006,470.48 BAM allocated for the non-governmental sector in 2012 was divided as follows: <ul style="list-style-type: none"> ○ 675,000.00 BAM by BiH at state level ○ 57,602,954.51 BAM by FBiH ○ 30,538,566.15 BAM by RS ○ 11,189,949.15 BAM on BD level.
	It is also important to note that, in accordance with entity laws on lotteries, 50 percent of revenue generated from fees paid by lottery organisers is set aside for funding/co-funding CSOs projects and programmes. In FBiH, it is budgetary revenue paid by the BiH Lottery as a public company, while in RS, the RS Lottery and organizers of other games of chance contribute to funds for these purposes. In accordance with entity laws on lottery and games of chance, 50% of revenue generated from fees paid by lottery organizers is set aside for funding/co-funding CSOs projects and programs
	In 2012, a total of 47.6 percent of institutions participated in the co-funding of CSO projects on the basis of pooled funds in partnership with other BiH government institutions or foreign partners. The practice of pooling funds is most common at the municipal level (62.9% of total allocated funds), followed by state institutions (50%), then cantonal institutions (25%) and finally, entity-level institutions, at 22.6%.
	The sums allocated for CSOs can be identified in the budget. But, reduced allocations to the civil sector and CSOs have been visible in the last five years.
	Strategies exist in several areas including commitment of state policy towards the institutional development and support of CSOs and co-funding of projects that contribute to this development.
	There is no unified mechanism for allocation of public funds to CSOs. Mechanisms/manners of fund allocation depend on the level of authority, and on the institution allocating funds, and are based on the publishing of public calls for funding and regular budget allocations to CSOs.
	Public funds for CSO are planned within the budget at different authority levels. Funding is mainly predictable and the sums allocated for CSOs can be identified in the budget.
	Procedures vary with the level of authority, and the institution allocating the funds and publishing public calls for funding. Some of those institutions have clear and developed procedures while some do not.
	Available funds reflect the needs of CSOs by their size and amounts (e.g. for 2012 the amount of 100,006 470.48 BAM was allocated to NGOs), but they are not adequate for CSO needs in their areas of activity, priority issues and problems of civil society and society in general. The majority of funds for CSOs are allocated to sports organizations (38). However, reduced allocations to the civil sector and NGOs have been visible in the last five years. Funds allocated to CSOs were: 107 219 316.05 BAM in 2007; 118 033 390.43 BAM in 2008; 114 078 193.73 BAM in 2010; and 100 006 470.48 BAM in 2012.
	There are no state bodies with a clear mandate for allocation and/or monitoring of state funds. Monitoring of fund allocation and spending is the responsibility of the institutions allocating the funds and is dependent on these institutions as well as on the reports of CSOs using the funds.
	Participation of CSOs in the public funding cycle is transparent, in the way that calls for allocation of funds are mainly public and available to all CSOs, and that names of CSOs receiving financial support are by and large public. However, there is no access to the process of project proposal selection, and specific reasons and explanations as to why certain projects have been selected or rejected. For this reason, the process of project proposal selection, and decision-making regarding allocation of funds

	to CSOs is not open to participation.
	The public funds allocation procedure is transparent to the extent that a specific part of funding is allocated through public calls at all authority levels. The criteria published in public calls are to a large extent clear, and are published on time. Information related to funding procedures is made public and limited to information published in the public call. However, there have been situations where documents the applicant must provide in the application for allocation of funds are not accurately explained, and civil servants are not able to provide a precise additional explanation.
	The laws on conflicts of interest in institutions (BiH, FBiH, RS) regulate issues of conflict of interest in decision-making, but situations related to conflict of interest are not announced prior to the procedure.
	Information related to the results of public calls is generally available to the public and information related to implementation of the project on the ground, project results and influences is generally inaccessible.
	There is no coordinated manner of procedure monitoring; it varies by institution and level of authority.
	Conditions are generally not difficult, although this depends on the capacities of individual CSOs.
	It is considered that a large number of decisions related to public calls are not based on transparent and fair treatment, but rather on personal relations and acquaintances.
	Procedures for allocation of public funds do not generally provide clear measures for accountability, monitoring and evaluation; while the most clearly provided measure are those related to monitoring, and comprise the submission of financial and/or narrative CSO reports to institutions allocating the relevant funds. It is not known if monitoring is performed constantly and in accordance with previously defined objective and measurable indicators. Monitoring is mainly performed through the submission of CSO narratives and/or financial reports to the institutions allocating the funds.
	It is not known if state bodies perform evaluation of public fund effects/influences and the information on effects/influences is not made public.
	The law allows state authorities to grant CSOs non-financial support through state assets, the renting of space without financial compensation (to a certain limit), free training, consultation and other resources. Generally, CSOs use non-financial state support at the local level. Non-financial support mainly comprises use of workspaces or premises for the organisation of particular events.
	There is favourable and preferential treatment to certain groups, for example, veterans' organisations, organisations of civilian victims of war. CSOs do not have equal treatment neither among themselves, nor with public institutions, while receiving non-financial support. In the majority of cases, allocation of financial support is based on personal connections and acquaintances. For that very reason, a large number of CSOs receive non-financial support based on political affiliation and loyalty.
	BiH law allows CSOs to provide certain services, mainly in the area of social services, but also in the areas of health and education. There are no obstacles for health and educational institutions that provide services related to their primary activities.
	Services that fall outside CSOs' registered activities, and whose main objective is financial profit, can be provided only through a separate legal entity. CSOs are able to obtain contracts in competition with others in terms of necessary expertise and skills. However, provision of many services (education, health and social protection) is under state jurisdiction, so CSOs providing these services appear to supplement the work of state institutions, and are usually engaged on a project basis. CSOs generally only provide one part of services required by projects.
	The tender procedure is carried out in accordance with the Law on Public Procurement in BiH.
	Operation of CSOs is equivalent to that of other legal entities.
	CSOs are generally not included in needs assessments, determination of specific services, or monitoring and evaluation.

	Registration/licensing procedures depend on the competent issuing institution. Established registration/licensing procedures are less complicated and shorter than procedures for those licenses and programs that competent institutions have not previously encountered.
	State financing of services provided by CSOs is mainly based on the allocation of funds through projects, while there are no known cases of multi-year funding, there are no barriers preventing CSOs from receiving public funds.
	There is no data showing that CSOs can sign long-term contracts for the provision of services. Contracts signed by CSOs are mainly short- or medium-term (six months to a year). The signing of long-term contracts is not possible in practice, as the government's budget allocation takes place on an annual basis.
	CSOs generally receive funding for the provision of certain services through projects, although they also receive part of their funds via regular budget allocations.
	CSOs do not receive sufficient funding from the state to cover their basic service costs. State funding is most often combined with much higher funding from foreign donors. CSOs are not able to cover proportional overhead costs with funds allocated to them by the state. Payment dynamics largely depend on the competent institution through which funds are awarded. Some CSOs experienced irregular or late payments.
	The Law on Public Procurement determines procedures, and guarantees transparency in the process of selecting service providers. But, there are no clear procedures when funding for services is distributed through different mechanisms.
	It is generally considered that state institutions have priority or precedence in certain service provision, compared with CSOs and many services are not contracted to CSOs. CSOs generally provide auxiliary or supplementary assistance in the provision of services usually supplied by the state. Alternatively, they provide services for which the state does not have the capacity or interest to supply itself.
	Price is a criterion that separates public and private sector services, but there is no indication that a higher price guarantees higher quality.
	Transparency of processes is mainly provided through application of the Law on Public Procurement, and by public calls for the financing of projects, which may include the provision of certain services by CSOs. Candidates have the right to appeal competition results, but overall opinion and experience shows that results of public calls will not be revised or changed after receipt of an appeal. However, it is believed that open competitions are unfair in many cases, because applicants have no access to feedback, or the reasons and criteria according to which certain contracts were awarded as well as there not being a procedure in place to prevent conflicts of interest. Additionally, it is believed that government officials are not competent enough to organize procedures, or to offer the additional explanations and guidelines required by applicants, although this varies between institutions.
	There is no regular monitoring or evaluation of the quality and effects of services provided, although there are legal possibilities for monitoring service provision by CSOs. Information about the services provided by CSOs is rarely available to the public. Quality standards and monitoring procedures are not strictly defined and depend on sector legislation and the state institution in question. General opinion and experience is that there is inadequate quality control of services provided by CSOs.
	Monitoring is mainly based on the submission of financial and/or narrative reports by CSOs to the state institutions that awarded funds for the provision of certain services.

Changing relations, CSOs and government

Objective 3: Civil society and public institutions work in partnership through dialogue and cooperation based on willingness, trust and mutual acknowledgment around common interests

Result: 3.1. Public institutions recognise the importance of CSOs in improving good governance through CSO inclusion in decision-making processes

	Of the surveyed CSOs, 39% participated in consultations for strategies on the local level; 32% for action plans on the local level; 29% on specific laws; 24% on strategies on the national level 17% on policy documents; 16% on action plans on the national level; and 14% on IPA programming of EU financial support.
	The Cooperation Agreement between the BiH Council of Ministers and the NGO Sector in BiH, signed in 2007, represents the key mechanism of cooperation between CSOs and the Council of Ministers in BiH, through clearly stated principles and goals, however it is not being realized and there is currently no clearly defined mechanism or methodology for monitoring and evaluation.
	The Strategy and Action Plan for the Creation of an Enabling Environment for the Development of a Sustainable Civil Society was initiated by the BiH Ministry of Justice but was stopped. The Council of Ministers passed the Decision on the Establishment of the Working Group for the Strategy for Creation of an Enabling Environment for the Development of a Sustainable Civil Society, along with an Action Plan for its implementation. Civil society representatives, proposed by the BiH Ministry of Justice, were not elected in a transparent manner.
	Cooperation between CSOs and governance has been particularly improved at the local level. The agreement between the Municipal Council, the Mayor and non-governmental organisations was signed in 100 municipalities in BiH. Additionally, agreements were signed between the governments of Sarajevo Canton and Bosnian Podrinje Canton, and the non-governmental sectors within their jurisdictions.
	The Law on Freedom of Access to Information stipulates exceptions in terms of justifiable reasons why certain information cannot be communicated. The legal framework prescribes publicly exposed policies and drafting laws. The Law on Free Access to Information in BiH, FBiH, and RS regulates procedures for disclosure of information over which public authorities have control. According to the Law on Free Access to Information in BiH, a stipulated sum is required to be paid if a public body or official does not comply with the Law. Entity laws do not prescribe sanctions/penalties for non-compliance with the Law.
	Drafts of laws and policies are published on websites by some institutions at state level. At entity level, the practice of publishing draft policies is common in RS, while in FBiH only a small number of institutions comply. In BD, legislation of interest to the public is announced. At cantonal level, a percentage of draft laws are published on official websites, while at the municipal level most draft laws and policies are published on the relevant municipality's website. Adopted laws and regulations are not always published on the web sites of competent ministries, which are not regularly updated. In practice it is very difficult for CSOs to obtain accurate information.
	Most institutions do not adhere to the timeframe regarding the announcement of deadline extensions. In 80% of cases, delivery of requested information in the form of solutions is omitted, which indicates that there is great legal uncertainty in the process of seeking information in BiH. According to available data, no one has yet been charged with a criminal offense for violations of the Law on Free Access to Information in BiH
	Institutions are not legally obliged to involve CSOs in the work of advisory or other bodies. There are examples of good practice (BiH Ministry of Human Rights and Refugees) regarding CSO involvement in working groups for certain laws, regulations and strategies. Despite these examples, there are still no clear and transparent mechanisms by which representatives of CSOs are elected to work in

	decision-making and policy-making bodies.
	Ministry of Human Rights and Refugees) regarding CSO involvement in working groups for certain laws, regulations and strategies. Despite these examples, there are still no clear and transparent mechanisms by which representatives of CSOs are elected to work in decision-making and policy-making bodies. Representatives of CSOs in these bodies are allowed to freely represent and defend their attitudes without sanction. Participation in these bodies does not prevent CSOs from using alternative means of public advocacy or promoting their views in other ways.
	In order to strengthen cooperation between authorities and civil society, establishment of SECO mechanisms (non-institutional mechanisms) was initiated for five sectors of civil society to be involved in the consultation process on IPA Funds II (2014-2020).
	At state level, the Sector for Legal Aid (Sector for Civil Society until late-2013) operates within the BiH Ministry of Justice, and is responsible for activities aimed at creating a favourable environment for civil society development in BiH.
	The Regulations on Consultations in Legislative Drafting ensures the participation of citizens and CSOs in the consultation process and participation in the formulation and implementation of public policy. Council of Ministers started the process of redefining the Agreement to CS by establishing a working group consisting of both state and entity representatives. BiH Council of Ministers has taken some concrete steps aimed at improving the consultations process and bringing it closer to the citizens. Thus, a web portal for public consultations at the level of BiH CoM is currently under construction. ⁴
	Resources and authorities of the (former) Sector for Civil Society within the BiH Ministry of Justice have not been, nor are (as the current Sector for Legal Aid) sufficient for facilitating dialogue between CSOs and the government. There is no adequate system of communication and cooperation with CSOs, nor is there regular reporting or monitoring on the situation of civil society in BiH. The Sector relied on foreign projects' resources or external experts to prepare its relevant documents. CSOs are occasionally and selectively consulted and included in decision-making processes on behalf of institutions.
	The cooperation between authorities and CSOs at the level of FBiH remains quite limited. In spring 2013, the FBiH Parliament created a CSOs register in order to consult them when a legal act is drafted. Having in mind that this register has been introduced recently, it is still too early to assess the actual use of this register. ⁵
	There are no legislative or institutional mechanisms in place regulating cooperation with civil society for FBiH. In the RS, the legislative framework for engagement of citizens in decision-making process has been set up in form of Guidelines for action of Republic bodies of management on participation of public and consultation in drafting laws and to a certain extent it is being implemented. ⁶ Still, those Guidelines need further amendments in order to ensure efficient consultations with the public. ⁷
	Existing standards for the participation of CSOs in decision-making processes include: Uniform Rules for Legislative Drafting in BiH; Rules for Consultation in Legislative Drafting in BiH institutions; Guidelines for Actions of the Republic's Administrative Bodies on Public Participation in Legislative Drafting; public hearings; initiatives for proposing legislation; public debate; local communities; open days; municipal mayors' days (municipality statutes); and a presence in municipal assemblies/councils (municipality statutes). Existing policies are insufficient in regard of educational and training programs and are not harmonized with the needs of civil servants to actively involve civil society organizations in the decision-making process.

⁴ Ibid 1 pg. 28

⁵ Ibid 1 pg. 30

⁶ RS Official Gazette, 123 year XVII

⁷ Ibid 1 pg. 30

	Strategy for Improvement of FBiH Civil Servants does not recognize this subject in its Action Plan Based on review of education programs of Civil Service Agency for 2014, it has been found that specific program for training for civil servants on participation of OCDs in work of public institutions does not exist.
	The Rules for Consultation in Legislative Drafting in BiH institutions, Regulation on rules of participation of interested public in creation of federal legal and other acts and the Guidelines for Actions of the Republic's Administrative Bodies on Public Participation in Legislative Drafting require the appointment of a coordinator to invite CSOs to participate in the consultation process.
	The Council of Ministers adopted new Rules of Consultations in September 2014
	Institutions do not routinely invite all interested CSOs to comment on the process of policy and law creation. The list of interested CSOs is held by three state ministries, and partially fulfils obligations arising from the Rules for Consultation. With regard to public participation, ministries in RS follow the Guidelines for RS Administrative Bodies. Consultations are carried out only for those laws and regulations that should be under monitoring of the public. Selected cantons also perform consultations with CSOs, some of them for all relevant laws. The Parliament of FBiH has a CSO database, but as yet it has not been used.
	The abovementioned Rules and Guidelines envisage obligatory publication of draft documents on the website of the institution involved. In practice, three state ministries and all RS ministries fully comply with this obligation. Documents are also posted on most cantonal and municipality websites, as well as that of the Government of BD. On a municipality level, the municipality itself enables insight into draft documents concerning the organization of assemblies of citizens. The deadline for submission of comments is 21 days after the original posting, which does not always allow enough time to write qualitative comments for further analysis.
	Written feedback to applicants' comments should include information on which of the recommendations were taken into account, why some were not, and whether recommendations were summarized and elaborated on with the comments of other CSOs. In practice, institutions rarely send this feedback.
	Persons appointed to coordinate the consultation process (including all resulting tasks and obligations) are expected to add this work to their existing duties and obligations. There is an evident lack of time and material resources, and of adequate training to improve the work of these coordinators with CSOs.
	Despite some improvements, capacities and procedures for strategic planning, coordination and public policies development, as well as monitoring and evaluation at all authority levels are still insufficient and very limited.
	80% of the surveyed CSOs who had experience with participation in the mentioned processes state that they had adequate access to information during the process
	74% of the surveyed CSOs claim to have had enough time for giving comments during the consultations
	16% of the surveyed CSOs did not have any of their comments and suggestions taken into account; 3% state that during the consulting processes all of their proposals and suggestions were taken into account; 22% state that this was the case with the majority of their proposals and suggestions. The highest percentage of CSOs (three fifths) claim that just some of their proposals and suggestions were taken into account during the consultation processes on the national or local level
	33% of the surveyed CSOs state that they received no feedback and results of the consultations were not published; 17% state that government institutions gave detailed enough feedback information and that results of consultations were easily accessible to all interested parties; while remaining 50% claim to have received feedback information and that the results were published, but not in all consulting processes
	86% of the surveyed CSOs claim to be aware of the current structures and mechanisms for dialogue and cooperation with state institutions, however 68% believe that these mechanisms exist only pro-

	forma
	87% of the surveyed CSOs claim to be aware of the current structures and mechanisms for dialogue and cooperation with the local institutions, however 62% believe that these mechanisms exist only pro-forma

CSOs Capacities

Objective 4.: Capable, transparent and accountable CSOs

Result 4.1.: CSOs' internal governance structures are transparent and accountable to members/constituents/beneficiaries

	Of the surveyed CSOs, 2 out of 10 believe that the majority of CSOs in BiH are managed in compliance with the prescribed rules and they include consultations with the employees and volunteers
	Of the surveyed CSOs, 4 out of 10 claim that in their organisation in the majority of cases the decisions are in compliance with the prescribed rules and they include consultations with the employees and volunteers
	94% of the surveyed CSOs state that there is, by internal acts, defined an obligation to inform their members, stakeholders or broader public about the results of their work.

Result 4.2.: CSOs are able to communicate the results of their activities to the public

	Of the surveyed citizens, they have the most confidence in the police (67%); media (66%); NGOs (50%) Of the surveyed citizens, they have the least confidence in political parties, 14%; parliament 22% and the government 24%.
	Of the surveyed citizens, they believe that police are most trying to solve the country's problems at 65%, followed by the media at 63% and NGOs at 50%. They believe that political parties, 17%; the parliament, 23% and the government at 26% are least trying to solve the country's problems.
	Of the surveyed CSOs, three fifths believe that CSOs in BiH are not sufficiently present in the public, while 6% believe that they are too present in the public. For those who consider the presence insufficient, half believe that the key reason is due to an insufficient interest of the media in reporting on CSO activities; while the other half blame the CSOs for not doing enough (or in the right way) on increasing their presence in the public.
	The surveyed citizens believe that employment (88%); education and safety (83%); and violence (80%) are the most important topic areas. Whereas, rural development (52%); animal protection (53%); and culture and art (54%) are the least important topic areas.
	In terms of the perception of active CSOs in the topic areas, the surveyed citizens believe that CSOs are most active in education (56%); rights of women (55%) and human rights (53%). They are seen as least active in employment (33%), the most important topic area, followed by overseeing government and local governments (37%) and right against corruption (39%). There are discrepancies between the importance in the topic areas and in the activity area.
	Surveyed CSOs believe that employment is the most important topic at 86%; followed by education and the fight against corruption at 82% and the young and their problems at 74%. The least important topic areas are animal protection at 38%; culture and art at 55%; and overseeing government and local governments 63%.
	Surveyed CSOs believe that CSOs are most active in human rights, 67%; rights of women at 63% and social care and humanitarian activities at 61%. They are least active in employment and rural development at 34%; safety at 36% and the fight against corruption and overseeing government and local governments at 40%. Similarly to the citizens, there are discrepancies between the important

	areas and level of activity – in that the most important areas are perceived to be either the least active or among the least active, whereas topics that further down in the list of importance are seen as more active.
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Result 4.3.: CSOs are transparent about their programme activities and financial management

	One out of four of the surveyed CSOs claim that their organisation’s statute is not accessible to the public
	14% of CSOs stated that they have a rulebook and it available on their web page, 27% stated that they have a rulebook, 14% stated that have a rulebook, but it is not accessible to the public, and 30% stated that they do not have a rulebook One out of three of the surveyed CSOs claim to have a rulebook which is accessible to the public on their Web site; 3 out of 10 state that they do not have a rulebook and 3 out of 10 have a rulebook, but it is not accessible to the public.
	Surveyed CSOs believe that in the NGO sector, 71% of organisation do not publish or make publicly available their Annual Program Statement of Work.
	35% of the surveyed CSOs claim that the organisation in which they are engaged does not have an Annual Program Statement of Work which is accessible to the public in any way.
	The surveyed CSOs believe that a significant number of CSOs in BiH do not publish their financial statements, 73%
	40% of surveyed CSOs openly admit that they do not publish their financial statements
	The surveyed CSOs believe that a significant number of CSOs in BiH do not publish their audited financial statements, 76%
	49% of surveyed CSOs openly admit that they do not publish their financial statements which have been audited

Result 4.4.: CSOs monitor and evaluate the results and impact of their work

	30% of the surveyed CSOs openly claim that evaluations of projects are done only pro forma; while 70% claim that the projects are evaluated only in order to determine the effectiveness and draw lessons for further projects
	One in five of the surveyed CSOs use the services of external evaluators when they evaluate the realization of conducted projects
	One in seven, of the surveyed CSOs, (16%) state that they do not have an established system for the evaluation of the realization of conducted projects

Objective 5.: Effective CSOs

Result 5.1.: CSO activities are guided by strategic long-term organisational planning

	88% use internal evaluation when employing staff in their organisation Only 6% of the surveyed CSOs use an external evaluator for the evaluation of the employees’ performance
	One in two, of the surveyed CSOs, do not practice the evaluation of the performance of the employees
	One in four of the surveyed CSOs (26%) have available a plan for the development of human resources aimed at attracting and keeping talented associates; 53% openly admit that they do not have this plan; while one fifth (22%) state that they are currently preparing the plan for development of human resources. According to CSO representatives, one in five CSOs (20%) with a plan, claim to

	not be able to keep talented associates; while those without one report that 36% are not able to keep talented associates. Those CSOs with a plan, 8% report that they are not able to attract new members, while those without one, claim that 28% are not able to attract new members
	81% of the surveyed CSOs say that their organisations succeed in attracting new members; while 72% succeed in keeping talented associates
	One out of 10, of the surveyed CSOs state that they use an external evaluator when evaluating the implementation of the organisation's strategic plan
	45% of the surveyed CSOs do not evaluate the implementation of the organisation's strategic plan

Result 5.2.: CSOs use research and other forms of evidence to underpin their activities

	Three fifths of the surveyed CSOs (60%) use research results and analysis for their advocacy activities often; while four out of 10 CSOs rarely use results of surveys and analysis for public lobbying.
	Surveyed CSOs single out areas with missing information, primarily information on target groups, 13%; statistical data 10% and some organisations state that they lack information in all areas 7%.
	Surveyed CSOs most frequently use official data of national statistical offices, ministries, etc. (43%); 38% conduct their own studies; 8% use international institutions; 5% use academic studies; 1% order studies and/or use various data sources

Result 5.3.: CSOs regularly network within and outside country borders and make use of coalition-building for increased impact in campaigning and advocacy

	One in two, (49%) of the surveyed CSOs state that their organisation is not a member of any international network. Those CSOs which belong to at least one international network are active in 1.75 international CSO networks on average
	One in three of the surveyed CSOs are not members of any national network. Those CSOs which belong to at least one national network, are active in 2.56 national CSO networks on average
	Almost 4 out of 10 (38%) of the surveyed CSOs state that their organisations are not members of any local network. Those CSOs which belong to at least one local network are active in 2.52 local CSO networks
	54% of the surveyed CSOs consider networks efficient, while 4% consider them useful and one in eight (12%) state that CSO networks are of no use
	Surveyed CSOs single out the major benefits of participating in CSO networks are access to information and their exchange, 26%; opportunity to exchange experiences and knowledge, 13%; and mutual activities and cooperation, 12%.

Objective 6.: Financially sustainable CSOs

Result 6.1.: Fund-raising activities are rooted in CSOs' long-term strategic plans and the core mission of the organisation

	Surveyed CSOs believe that four fifths (83%) of organisations within the NGO sector mainly adapt to donors' priorities and collect funds for other activities not in line with their strategic plan
	41% of surveyed CSOs state that the organisations they are personally engaged in mainly adapt to the donors' priorities.

Result 6.2.: CSO have a diversified funding base, including membership fees, corporate/individual giving and social entrepreneurship

	Average number of sources of income per CSO in BiH is 2.4 sources, which is somewhat about the average for the region.
	Surveyed CSOs claim the following as the most common source of finance: 59% members; 40% citizens; 28% EU funds; 26% other Foreign resources; 24% government/ministries/state administration bodies; 22% local administration and/or regional administration; 22% private companies and 11% public companies.