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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Visit to Bosnia and Herzegovina

### Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor\*

#### *Summary*

In the present report on her visit to Bosnia and Herzegovina, from 10 to 20 June 2025, the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, assesses the situation of human rights defenders in the country. She highlights positive action taken by the authorities to improve the environment for promoting and protecting human rights, as well as areas of serious concern, and makes recommendations as to how the situation could be improved.

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\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



## **Annex**

# **Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, on her visit to Bosnia and Herzegovina**

## **I. Introduction**

1. The Special Rapporteur on the situation of human rights defenders, Mary Lawlor, conducted an official visit to Bosnia and Herzegovina from 10 to 20 June 2025. The purpose of her visit was to assess the situation of human rights defenders in the country in the context of the State's obligations under international human rights law, identifying positive developments and ongoing challenges in relation to the protection of human rights defenders and the environment in which they operate and analysing how the principles outlined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) are being upheld by the authorities.

2. The Special Rapporteur would like to express her gratitude and appreciation to the Government for accepting her visit request and for facilitating the visit.

3. While in Bosnia and Herzegovina, the Special Rapporteur visited Banja Luka, Bihać, Bijeljina, Kakanj, Lopare, Prijedor, Prnjavor, Sarajevo, Srebrenica and Zenica. She met with a diverse range of actors, including government officials in Sarajevo and Banja Luka, namely representatives of the Ministry of Justice of Bosnia and Herzegovina, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, including the Gender Equality Agency and the Advisory Body for the Protection of Women Human Rights Defenders, the Joint Committee on European Integration and the Joint Committee on Human Rights of the Parliamentary Assembly of Bosnia and Herzegovina, the Constitutional Court of Bosnia and Herzegovina, the Ministry of Justice and the Ministry of the Interior of the Republika Srpska, the Gender Centre of the Republika Srpska and the Ministry of the Interior of Sarajevo Canton. The Special Rapporteur also met with the three Ombudspersons of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina.

4. During her visit, the Special Rapporteur had meetings with over 70 human rights defenders, including members of non-governmental organizations (NGOs), individual human rights defenders, grass-roots activists, environmental defenders, journalists, media workers and human rights lawyers. She thanks all those who took the time to meet with her and share their valuable insights and recommendations, and those who provided information in advance of her visit.

5. She also thanks the staff of the Office of the United Nations High Commissioner for Human Rights in Bosnia and Herzegovina, the Resident Coordinator and the United Nations Development Programme for their excellent support prior to, during and after her visit.

6. The Special Rapporteur intends to continue to engage in constructive dialogue with the Government on the issues raised in the present report.

## **II. International and national legal frameworks**

### **A. International legal framework**

7. Bosnia and Herzegovina is party to all the major international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child.

8. Bosnia and Herzegovina extended a standing invitation to the special procedure mandate holders in 2010, and several of them have visited the country. It has participated in four cycles of the universal periodic review. Following the most recent review cycle, held in January 2025, it supported nine recommendations specifically focusing on human rights defenders as well as others related to civic space.<sup>1</sup> The recommendations concern, in particular, the need to take measures for the better protection of human rights defenders; the provision of guarantees for the exercise of their rights to freedom of expression, peaceful assembly and association and right to participation; the conduct of effective investigations into acts of intimidation, threats and attacks against them; and the need to abandon or repeal restrictive legislation hindering the work of human rights defenders.

9. Bosnia and Herzegovina has been a member of the Council of Europe since 2002 and has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. In 2016, it applied to become a member of the European Union, and it committed to fulfilling 14 key priorities, including to ensure an enabling environment for civil society. In March 2024, the European Council decided to open negotiations for the accession of Bosnia and Herzegovina.

## **B. National legal framework**

10. The Constitution of Bosnia and Herzegovina, in its article II, provides that Bosnia and Herzegovina and both entities are to ensure the highest level of internationally recognized human rights and fundamental freedoms (para. 1). It also establishes that the rights set forth in the European Convention on Human Rights and the protocols thereto apply directly in Bosnia and Herzegovina and have priority over other law (para. 2).

11. The same article recognizes several rights that are important for the work of human rights defenders, including the rights to liberty and security of person, the right to a fair hearing in civil and criminal matters, the right to private and family life, home and correspondence, freedom of thought, conscience and religion, freedom of expression, freedom of peaceful assembly and freedom of association with others (para. 3). The enjoyment of these rights and freedoms is to be secured to all persons without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (para. 4).

12. The Constitution of the Federation of Bosnia and Herzegovina, the Constitution of the Republika Srpska, the Statute of the Brčko District and the constitutions of the cantons of the Federation provide for similar guarantees in relation to human rights and non-discrimination.

13. Under article III (3) (b) of the Constitution of Bosnia and Herzegovina, the entities and any subdivisions thereof must fully comply with that Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and laws of the entities.

14. Other than the constitutions, relevant legislation for human rights defenders includes laws governing assemblies. There are 12 separate laws on this topic: one for the Republika Srpska, one for the Brčko District and one for each of the 10 cantons of the Federation of Bosnia and Herzegovina. Draft legislation is also under consideration at the level of the Federation, while there is no law at the State level. In the Brčko District, the Law on Public Assembly, adopted in 2020, complies with international human rights standards. The Special Rapporteur notes that this law could be a model for other legislators to follow, and that it has inspired some cantons of the Federation of Bosnia and Herzegovina to adopt similar legislation.

15. With regard to freedom of association, there are laws at the State level, in both entities and in the Brčko District that regulate the procedure for the registration of citizen associations. Civil society organizations can generally operate across the country regardless

<sup>1</sup> See [A/HRC/59/17](#) and [A/HRC/59/17/Add.1](#).

of where they are registered, and no major issues with registration were reported to the Special Rapporteur. However, the adoption, in February 2025, of the Law on the Special Registry and Transparency of the Work of Non-Profit Organizations (known as the “foreign agent law”) in the Republika Srpska represented a significant setback for civic space and risked jeopardizing the ability of human rights defenders to freely exercise their right to freedom of association, as it imposed additional burdens and restrictions on their work.

16. On 29 May 2025, the Constitutional Court of Bosnia and Herzegovina annulled the law. On 18 October 2025, the National Assembly of the Republika Srpska adopted a law that terminated the validity of certain entity-level laws, including the Law on the Non-Enforcement of Decisions of the Constitutional Court of Bosnia and Herzegovina, that undermined State-level institutions. The result, in practice, is that the authorities of the Republika Srpska authorities now recognize the decisions of the Constitutional Court of Bosnia and Herzegovina.

17. Laws on the right of access to information are also relevant for the work of human rights defenders.<sup>2</sup> In 2023, the new Law on Freedom of Access to Information at the Level of Institutions of Bosnia and Herzegovina was adopted to improve the proactive disclosure of information by State institutions. It is generally regarded as conforming with international standards. However, legislation at the entity level does not set the same obligation to proactively disclose information, which might create a certain fragmentation in the protection of this right.<sup>3</sup> Human rights defenders also highlighted challenges, encountered especially by environmental defenders and journalists, in relation to the implementation of laws regulating the right of access to information, with institutions and public companies reportedly ignoring requests or refusing to disclose information.

18. As outlined in more detail below, there are several pieces of legislation that have been described as problematic for human rights defenders, especially in the Republika Srpska, some of which have been changed or enacted recently. For example, the adoption in 2023 of amendments to the Criminal Code of the Republika Srpska that reintroduced the crime of defamation gave rise to concerns regarding the fulfilment of the right to freedom of opinion and expression.<sup>4</sup>

### III. Situation of human rights defenders

#### A. General context

##### 1. Governance structure and political context

19. The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement), formally signed in December 1995, established a system characterized by complex power-sharing dynamics.

20. The two entities comprising Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska, cover 51 per cent and 49 per cent of the territory of the country respectively. The Federation has a Bosniak and Croat majority, while most of the population of the Republika Srpska is Serb. There is also the Brčko District, a self-governing administrative unit, which remains under international administration.

21. The governance structure of Bosnia and Herzegovina is highly decentralized, with executive and legislative branches at the State level, in both entities, in the Brčko District and in each of the 10 cantons of the Federation. The Constitution of Bosnia and Herzegovina established several State-level institutions that are characterized by power-sharing arrangements, including a tripartite presidency composed of a Bosniak, a Croat and a Serb. The composition of the upper house of the Parliamentary Assembly of Bosnia and

<sup>2</sup> See <https://www.ohr.int/laws-of-bih/public-information/>.

<sup>3</sup> See <https://bosniaherzegovina.un.org/en/280047-op-ed-international-day-universal-access-information>.

<sup>4</sup> See <https://www.ohchr.org/en/press-releases/2023/07/bosnia-and-herzegovina-un-experts-alarmed-re-criminalisation-defamation>.

Herzegovina is also based on ethnicity and place of residence, and comprises five Croats, five Bosniaks and five Serbs. The European Court of Human Rights established, in 2009, that the Constitution of Bosnia and Herzegovina and the Election Law of Bosnia and Herzegovina included discriminatory provisions in that regard and requested that they be amended to ensure the equality of all citizens in exercising their electoral rights.<sup>5</sup> This ruling remains to be implemented. The United Nations human rights mechanisms, including special procedure mandate holders, have also noted and expressed concern about the system's entrenched discrimination.<sup>6</sup>

22. Furthermore, power-sharing dynamics have often hampered decision-making at the State level owing to political blockades and polarization, which has deepened in recent years.

23. Contributing to the generation of further tensions and divisions, the authorities of the Republika Srpska have recently been challenging State-level institutions, especially judicial institutions, seeking to transfer State-level competences to the entity.<sup>7</sup>

24. The Republika Srpska has also disputed the legitimacy of the current High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The mandate of the High Representative was created by the Dayton Peace Agreement to oversee and support the implementation of the civilian aspect of the Agreement. On the basis of the Bonn powers, granted in 1997, the High Representative has the authority to impose, suspend and annul legislation deemed contrary to the Dayton Peace Agreement. The current High Representative has frequently resorted to use of the Bonn powers to enact or annul legislation, including in October 2024, ahead of municipal elections, when he amended legislation to prohibit individuals convicted of genocide, crimes against humanity and war crimes from standing for elections.

25. In June 2023, the legislative body of the Republika Srpska adopted a law terminating the implementation of the decisions of the High Representative for Bosnia and Herzegovina in the Republika Srpska, together with a law prohibiting the application or implementation of rulings of the Constitutional Court of Bosnia and Herzegovina. The latter ceased to be in force after the adoption on 18 October 2025 of a law terminating its validity.

26. In September 2023, the former President of the Republika Srpska, Milorad Dodik, was indicted for signing the decrees enacting these laws, and in February 2025, the Court of Bosnia and Herzegovina issued a first-instance verdict, sentencing him to one year in prison and banning him from presidential functions for six years for the criminal offence of failure to implement decisions of the High Representative for Bosnia and Herzegovina. In August 2025, the Appeals Chamber of the Court of Bosnia and Herzegovina upheld this decision. On 12 August 2025, the Court of Bosnia and Herzegovina replaced Mr. Dodik's one-year prison sentence with a fine of 36,500 convertible marks (KM).

## 2. Steps towards accountability

27. Concerns remain about impunity and lack of accountability for threats and attacks against human rights defenders and journalists, and in the context of pervasive corruption and the paralysis of the political and judicial structures due to the political and constitutional configuration of the country. The reform of the High Judicial and Prosecutorial Council would be an important first step in this direction, along with more transparent appointments of judges and prosecutors, clear disciplinary procedures and protection from political influence. The reform of the Council should be accompanied by a strong anti-corruption policy at all levels – State, entity and cantonal – to ensure that judges and prosecutors carry out their functions without undue influence. The judiciary often appears to be susceptible to political influence, and in some cases is used to silence the voices of civil society.

28. Deadlock in the Constitutional Court of Bosnia and Herzegovina has created a delay in the processing of pending cases and may further erode public trust in the judiciary and the ability of the system to tackle high-profile cases. The Constitutional Court has been operating

<sup>5</sup> See European Court of Human Rights, *Sejdić and Finci v. Bosnia and Herzegovina*, Applications No. 27996/06 and No. 34836/06, Judgment, 22 December 2009.

<sup>6</sup> CERD/C/BIH/CO/9-11, para. 5. See also [A/HRC/59/44/Add.1](#).

<sup>7</sup> See [S/2021/912](#).

for over 30 years and was included in annex IV of the Dayton Peace Agreement, on the Constitution of Bosnia and Herzegovina. Under the Constitution, the Court is composed of six national judges – two Bosniak, two Croat and two Serb – and three international judges. However, the Republika Srpska did not appoint the two judges as required, resulting in a deadlock and an increasing backlog of cases. For the past year and a half, all matters have been resolved in plenary sessions, with international judges. While the decisions of the Constitutional Court are final and binding, and failure to comply with them is a criminal offence, the stance adopted by the authorities of the Republika Srpska has undermined the Court's standing.

29. The Constitutional Court of Bosnia and Herzegovina needs strengthened legitimacy to be able to resist political pressure. Judges' terms and reappointment procedures are used as tools for exerting political pressure, including the non-appointment of judges by the Republika Srpska. The procedures for the appointment of international judges need to be transparent and carried out under clear conditions in order to maintain the integrity and legitimacy of the Court.

30. The impunity reported by civil society concerning violations against human rights defenders and journalists, especially women, often relates to failure by the police to register complaints and to take such acts seriously. The Special Rapporteur heard in several meetings that defenders felt that there was no point in reporting the violations to which they had been subjected. While there is a possibility to request protection from the police, the effectiveness of such protection is often questioned. In some areas, the perceived connection of police officers with ultranationalist elements and "hooligans" further erodes trust.

### 3. Protection mechanisms and oversight bodies

31. During her visit, the Special Rapporteur was informed of some measures taken by Bosnia and Herzegovina to strengthen the protection of human rights defenders.

32. The Advisory Body for the Protection of Women Human Rights Defenders was established in January 2023 within the Gender Equality Agency of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina. It comprises representatives of certain State-level institutions, civil society organizations and the media. While its creation was referred to by several human rights defenders as a good practice, others described it as a box-ticking exercise of not much value. It was also noted that the Advisory Body could and should be empowered to do much more, ensuring wider participation and the full realization of its mandate.

33. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina informed the Special Rapporteur of a protocol on the protection of human rights defenders, signed in 2018 by the then Minister of Human Rights and Refugees with the Foundation of Local Democracy and the Network of Women Police Officers as part of a project supported by the Gender Equality Agency, aimed at supporting civil society organizations and human rights defenders and enabling the creation of protection mechanisms.<sup>8</sup> However, the reported establishment some years ago of a working group tasked with developing an action plan for the implementation of the protocol<sup>9</sup> did not, according to human rights defenders, result in the preparation of such a plan. The Special Rapporteur reserves the right to study the protocol further in order to be able to provide a more detailed analysis.

34. Another mechanism aimed at creating a more enabling environment for human rights defenders is the Advisory Body of the Council of Ministers of Bosnia and Herzegovina for Cooperation with Non-Governmental Organizations, first established in 2020.<sup>10</sup> This initiative is in line with the Government's commitments under the agreement on cooperation

<sup>8</sup> See <https://arsbih.gov.ba/potpisan-protokol-o-zastiti-braniteljica-braniteljica-ljudskih-prava/> (in Bosnian only).

<sup>9</sup> See <https://www.osce.org/files/f/documents/4/4/574852.pdf>.

<sup>10</sup> See [http://www.mpr.gov.ba/organizacija\\_nadleznosti/civilno\\_drustvo/default.aspx?id=1559&langTag=bs-BA](http://www.mpr.gov.ba/organizacija_nadleznosti/civilno_drustvo/default.aspx?id=1559&langTag=bs-BA) (in Bosnian only).

between the Council of Ministers and domestic NGOs, signed in 2017,<sup>11</sup> and the requirement to fulfil the key priority for accession to the European Union of ensuring an enabling environment for civil society.<sup>12</sup> The Advisory Body was part of a working group set up in 2023 by the Ministry of Justice of Bosnia and Herzegovina and responsible for drafting a strategy for the creation of an encouraging environment for the development of civil society for the period 2025–2029, which was adopted on 8 July 2025 by the Council of Ministers.<sup>13</sup> Defenders have highlighted the need for broader and more consistent participation of civil society organizations in this process,<sup>14</sup> and report that the developed strategy lacks concrete measures, fails to recognize non-registered initiatives and individual human rights defenders and does not include adequate safeguards related to the rights to freedom of expression, peaceful assembly and association and the right of access to information. Furthermore, the strategy applies to State-level institutions only and does not cover other levels of government. On 18 September 2025, the Ministry of Justice of Bosnia and Herzegovina issued a fresh call for the appointment of the seven members to the Advisory Body, which, at the time of writing of the present report, remained to be met.

35. To enhance the protection of journalists in Bosnia and Herzegovina, contact points for their safety have been created in prosecutors' offices and ministries of the interior across the country.<sup>15</sup> They are expected to provide support to journalists in case of attacks. A total of 32 contact points were appointed between November 2023 and the end of May 2024, and a portal on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has been established with the list of focal points. Their effectiveness, however, has been questioned.

36. The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina carries out important tasks in relation to the protection and promotion of the human rights of every person, including human rights defenders. It handles complaints regarding reported human rights violations by public bodies, issues recommendations to the authorities and advises complainants on possible legal remedies. The rate of implementation of the Institution's recommendations is low, but has increased in recent years, with 37.18 per cent of recommendations implemented in 2024.<sup>16</sup> The Law on the Human Rights Ombudsman of Bosnia and Herzegovina, which defines the powers and competences of the Institution, was last amended in 2023, when the Institution was officially designated as the national preventive mechanism.

37. The Institution is led by three Ombudspersons, one Bosniak, one Croat and one Serb. It is characterized by power-sharing arrangements and operates by consensus, which can sometimes hinder effective decision-making. In particular, the Special Rapporteur notes with concern the reluctance of the Institution to act on sensitive issues and its patchy support for the people working for the human rights of others. The Special Rapporteur urges the Institution to be much more proactive and unified. Independent human rights bodies play a key role in promoting and protecting human rights and should be able to operate without being subject to political pressure.

<sup>11</sup> See [http://www.mpr.gov.ba/nvo/archive.aspx?langTag=bs-BA&template\\_id=116&pageIndex=1](http://www.mpr.gov.ba/nvo/archive.aspx?langTag=bs-BA&template_id=116&pageIndex=1) (in Bosnian only).

<sup>12</sup> See [https://enlargement.ec.europa.eu/opinion-bosnia-and-herzegovinas-application-membership-european-union-0\\_en](https://enlargement.ec.europa.eu/opinion-bosnia-and-herzegovinas-application-membership-european-union-0_en).

<sup>13</sup> See, for example, <https://www.fena.ba/article/1634231/usvojena-strategija-vmbih-za-stvaranje-poticajnog-okruzenja-za-razvitak-civilnog-drustva> (in Bosnian only).

<sup>14</sup> See [https://civilnodrustvo.ba/wp-content/uploads/2024/10/88-4-BiH-MM-Report-2023-final\\_11.10.2024.pdf](https://civilnodrustvo.ba/wp-content/uploads/2024/10/88-4-BiH-MM-Report-2023-final_11.10.2024.pdf).

<sup>15</sup> See [https://www.eeas.europa.eu/delegations/bosnia-and-herzegovina/eu-and-osce-backed-contact-points-join-forces-combat-impunity-crimes-against-journalists-bosnia-and\\_en](https://www.eeas.europa.eu/delegations/bosnia-and-herzegovina/eu-and-osce-backed-contact-points-join-forces-combat-impunity-crimes-against-journalists-bosnia-and_en).

<sup>16</sup> See the annual report on the results of the activities of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina for 2024, available at [https://ombudsmen.gov.ba/documents/obmudsmen\\_doc2025042115250331bos.pdf](https://ombudsmen.gov.ba/documents/obmudsmen_doc2025042115250331bos.pdf) (in Bosnian only).

## B. Legislative developments and the adoption of restrictive legislation

38. In the Republika Srpska, recent legislative developments have had the effect of undermining the right to defend human rights in the entity, affecting the work of many human rights defenders.

### 1. “Foreign agent law” of the Republika Srpska

39. The Law on the Special Registry and Transparency of the Work of Non-Profit Organizations (often referred to as the “foreign agent law”) was passed by the legislature of the Republika Srpska on 27 February 2025. It provided for the creation of a separate registry, under the purview of the Ministry of Justice of the Republika Srpska, for civil society organizations that receive foreign funding and other assistance, and for strict rules on financial oversight and reporting. The law was passed in the wake of the sentencing of Mr. Dodik to one year of imprisonment.

40. The law regulated the permissible functions and activities of NGOs that received foreign funding and other foreign assistance, without establishing a minimum threshold for foreign funding, and required organizations to report regularly on the amount of funding received, specifying the donor. The law also banned NGOs from carrying out “political actions or activities”, which, given the lack of a definition of what would constitute “political” work, and given that a number of media outlets are registered as NGOs, entailed a risk of significant arbitrary interference in their activities.<sup>17</sup> The law created a special registry for such NGOs, managed by the Ministry of Justice of the Republika Srpska, which would act as arbiter as to which activities were considered “political” in the context of the law. NGOs on the register would be subjected to heightened scrutiny by the authorities, including inspections. The law was adopted under an emergency procedure, on the grounds of its supposed necessity to protect the “constitutional order”.

41. The law is technically not in force, the Constitutional Court of Bosnia and Herzegovina having annulled it on 29 May 2025. While the Minister of Justice of the Republika Srpska confirmed to the Special Rapporteur during the visit that the Ministry was working on drafting by-laws to implement the law, there have been no attempts, as at the time of writing of the present report, to set up the registry. With the adoption on 18 October 2025 of the law terminating the validity of legislation that prohibited the application or implementation of the Constitutional Court of Bosnia and Herzegovina, the authorities of the Republika Srpska now recognize the Court’s decisions.

42. At the same time, human rights defenders and media workers have told the Special Rapporteur that, while not been applied and despite its annulment by the Constitutional Court of Bosnia and Herzegovina, the law has created legal uncertainty and a chilling effect for civil society organizations, some of which are resorting to self-censorship.

43. Statements by high-ranking politicians, including the former President of the Republika Srpska, in the run-up to the adoption of the law, and immediately afterwards, have contributed to this climate of fear and appear to be aimed at discrediting civil society organizations that receive foreign funding. Statements such as “foreign mercenaries will no longer be able to find a job” and “we will keep track of everyone supported by foreign funding” have caused broader stigmatization of civil society in the wider population.

44. Civil society organizations in the Republika Srpska generally felt that the legal space for civil society is narrowing, further contributing to the overall shrinking of civic space.

### 2. Recriminalization of defamation in the Republika Srpska

45. The criminalization of defamation, through amendments adopted on 20 July 2023 to the Criminal Code of the Republika Srpska, was described as a watershed moment by local civil society. Defamation had been a civil offence for the previous 20 years. The amendments came into force in January 2024, and included a new chapter entitled “Criminal acts against

<sup>17</sup> See communication BIH 3/2023, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28581>.

honour and reputation”. Those found guilty of defamation face fines of up to KM 6,000, which, if not paid, may lead to a prison sentence of up to two years. The new provisions may be applied throughout the country by the Republika Srpska authorities.

46. Under the amendments, some exemptions from liability are provided, including where the statements in question are made in “the defence of rights”. However, the burden of proof is on the accused. The amendments are incompatible with article 19 of the International Covenant on Civil and Political Rights, as they do not meet the criteria of necessity, legal certainty or proportionality. Following the adoption of the amendments, six complaints were made to public prosecutors accusing journalists of defamation between August 2023 and June 2024, out of a total of 113 defamation complaints received during the same period. By May 2025, between 150 and 160 complaints had been made in total. At the time of the visit, there had been no indictments or convictions under the new provisions. Representatives of the government at various levels have stressed that the practical implementation of the new provisions will not restrict the right to freedom of opinion and expression in the country, despite civil society and United Nations human rights mechanisms fearing the opposite.<sup>18</sup>

47. The government of the Republika Srpska stressed that the provisions are not applicable to journalists.

### 3. Other legislation

48. The removal of references to “gender identity” as a protected characteristic from the Criminal Code of the Republika Srpska through amendments in February 2025 further added to the impression of the squeezing of space for human rights protection. The amendments concerned three articles of the Criminal Code: article 123 (21), on hate crimes; article 139, on the protection of human rights and people working for equality; and article 359, on hate speech. The term “gender identity” was deleted from each article and replaced with the term “other personal characteristics”, except in article 139, where this language was already in place. Article 139 provides for criminal penalties for anyone who, on various grounds, denies or restricts the human rights or freedoms enshrined in the Constitution, a law or a ratified international agreement, and for those who persecute individuals or organizations because of their advocacy of equality, thus also protecting human rights defenders and their advocacy work. The amendments could reduce the scope of the application of these articles, removing legal protection from people targeted in hate crimes on the basis of their gender identity and from defenders of their rights.<sup>19</sup>

49. Similarly to other recent legislative initiatives, there have also been concerns raised about the legislative process concerning these amendments, whereby civil society felt that the consultations were not adequate and inclusive. An online window for submissions of analysis and opinions on the bill was open for one week, but the observations submitted by civil society were not taken into account. Members of the legislature of the Republika Srpska arguing in favour of the amendments stated that the term “gender identity” does not appear in the Constitution of the Republika Srpska. On the same basis, the name of the Gender Centre of the Republika Srpska was changed in 2025. This move is another reflection of the growing influence of an anti-gender movement in the country.

50. The Special Rapporteur notes the position of the government of the Republika Srpska that the above-mentioned legislative developments are not linked, and that they were merely the result of a random sequence of events initiated by members of the entity’s legislature. However, the Special Rapporteur remains convinced that these developments cannot be assessed in isolation, and that their combined effect gives rise to legitimate concerns. The consequent chilling effect is considerable and has a significant impact on civil society in the entity and beyond.

<sup>18</sup> See <https://www.ohchr.org/en/press-releases/2023/07/bosnia-and-herzegovina-un-experts-alarmed-re-criminalisation-defamation>.

<sup>19</sup> See communication BIH 1/2024, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29473>.

## C. Groups of human rights defenders at risk

### 1. Environmental rights defenders

51. Environmental rights defenders are among the groups of defenders currently most at risk in the country. During the visit, the Special Rapporteur met with environmental human rights defenders working at grass-roots levels, with journalists reporting on environmental issues and with NGOs supporting grass-roots activists and organizations and carrying out research and advocacy with the local authorities. Environmental defenders are also those who are under the most pressure.

52. In the Republika Srpska, environmental defenders have been affected by the restrictive legislative developments outlined above. There are fears that they may be added to the register of foreign agents. Even though there is an exception in the relevant law for environmental NGOs, they are afraid that their work may be considered “political”. They also feel exposed to criminal sanctions for defamation and some have resorted to self-censorship.

53. Several grass-roots activists working on the protection of the environment have been targeted in smear campaigns, and strategic lawsuits against public participation are being brought by foreign and local companies against women human rights defenders active on environmental issues, with local political interests also often involved. Companies have also reportedly sent cease-and-desist letters to human rights defenders and NGOs, threatening undue legal proceedings in an apparent attempt to intimidate and silence them.

54. A number of environmental activists have been targeted with strategic lawsuits against public participation, including Sara Tuševljak and Sunčica Kovačević. In the case of these two young law students, a Belgian company, Green Invest, and its subsidiary in Bosnia and Herzegovina, BUK d.o.o., initiated civil lawsuits against them in connection to their work opposing the construction of small hydropower plants on the Kasindolska river, approximately 20 kilometres south of Sarajevo. The students, who grew up by the river, exposed the environmental damage caused by hydropower plants through an exhibition of photographs showing the area before and after the existing plants had been constructed. Following their advocacy, they won the support of local authorities in three municipalities affected by the projects. Green Invest brought three civil lawsuits against them for defamation, seeking nearly KM 15,000 in damages.<sup>20</sup> Although the company denied it,<sup>21</sup> many consider this case as a textbook example of strategic lawsuits against public participation. There have been several setbacks in the proceedings owing to procedural problems. The proceedings are not expected to be finalized before 2027, during which time the two environmental defenders remain under considerable duress and risk significant financial consequences.

55. Another environmental human rights defender, Hajrija Čobo, has been the target of strategic lawsuits against public participation, which are understood to be used as a tool of intimidation and pressure to force her to refrain from her activities. Ms. Čobo is a schoolteacher and woman human rights defender from Kakanj, who faced civil lawsuits brought by a mining company, Adriatic Metals, based in the United Kingdom of Great Britain and Northern Ireland. One civil lawsuit was brought by the company in December 2023, accusing her of defamation. The company had been given a concession for the exploration and extraction of iron ore in the Vareš area and accused the woman human rights defender of spreading false information about it on social media. The statements in question related to the dangers of water pollution from the discharge of heavy metals, and her exposure of the illegal construction of a concrete plant by a subcontractor of the company. The claim was dropped by the company in July 2024, but Ms. Čobo countersued it.

56. Other grass-roots environmental movements have also experienced pressure from local authorities. An example is a group of environmental defenders working on preserving Mount Ozren, which spans the two entities. Parts of the area are mined for stones, from a

<sup>20</sup> See communication BIH 1/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27759>.

<sup>21</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37311>.

quarry that has caused damage. In addition, in 2023, the Ministry of Energy and Mining of the Republika Srpska granted an Australian company, Lykos Metals, permission to explore the area for zinc, nickel, copper, cobalt and other minerals. Those fighting the prospecting of Ozren are warning against the environmental and health consequences of open-pit lithium and nickel mining. One of the environmental human rights defenders, Zoran Poljašević, an environmental engineer, was dismissed from his job at a State-owned company in Doboj, reportedly in retaliation for his opposition of lithium mining in the northern area of Ozren. He has faced a fierce media campaign against him for over 18 months and received serious threats.

57. Members of another grass-roots group, called Karton Revolucija (Cardboard Revolution), from Tuzla, are facing criminal proceedings as a result of their intervention at Prokoško Lake, where they caused minor damage to a water drainage sluice in an illegally built neighbourhood, with the goal of drawing attention to illegal construction in a protected area. They were indicted in January 2025 for damaging property.

58. In Prijedor, grass-roots environmental activists from a group called Prijedor Se Budi (Prijedor Is Waking Up) demonstrated every week for a number of months, starting in March 2025, against open-pit lignite mining in their area, in Bukova Kosa.<sup>22</sup> They received threats, including death threats, and were followed and pressured with a view to silencing them. They reportedly faced threats from criminal groups acting in collusion with mining companies. One of the defenders filed two criminal reports about these threats but was told by the prosecutor's office that there was insufficient evidence to open investigations.

59. What most of these situations have in common is the impact of corruption on the granting of licences for mining companies, hydroelectric plants and projects in similar industries without proper prior environmental impact assessments or consultations with the local communities. Even more concerning is the adoption in 2024 by the National Assembly of the Republika Srpska of a law that removed the requirements for consultation with local communities and for impact assessments of geological exploration.

60. The repression against environmental activism, in particular in the context of development projects and extractive industries, should be seen in the context of the widespread corruption in the country, which reports suggest is on the increase. Several interlocutors raised the issue of corporate capture, in particular at the local level, with defenders pointing to the influence of large multinational companies over the authorities.

61. Some environmental organizations reported good experience with regard to access to the courts and the administration of justice, and have increased their legal capacity to bring cases to court, particularly with regard to irregularities related to environmental permits.

62. Environmental protection holds huge potential for coordinated work across the entities. Indeed, it appears to be one of the few areas in which human rights defenders and grass-roots activists are able to work together across ethnic lines.

## 2. LGBTI+ rights defenders

63. Defenders advocating for the rights of the LGBTI+ community are under pressure in Bosnia and Herzegovina, with the situation being particularly difficult in the Republika Srpska.

64. In Sarajevo, where most LGBTI+ rights activism is centred, there seems to be a moderately favourable environment, and LGBTI+ rights defenders are able to express themselves more freely. The Bosnia and Herzegovina Pride March has been taking place every year in the capital since 2019, except for 2020 due to the coronavirus disease (COVID-19) pandemic, and is a testament to the important work of LGBTI+ rights defenders.

65. While they have been able to hold the assembly, organizers of the pride march have faced significant difficulties in the lead-up to it. Despite good lines of communication with local authorities, the organizers have been forced to overcome onerous obligations imposed by Sarajevo Canton when organizing the event. These obligations stem from the Law on

<sup>22</sup> See <https://hcabl.org/en/jelena-topic-this-is-really-a-fight-for-bare-life/>.

Public Assembly of Sarajevo Canton, which provides in its article 22 that the police can, if it deems necessary on the basis of its assessment of the application to hold a peaceful assembly, instruct the assembly organizers to take additional security measures. This provision has been consistently and seemingly exclusively applied to pride gatherings, which have been designated “high-risk protests”, and has led to the imposition of significant security costs on pride organizers (for example, for emergency services and the rental of security equipment). The Special Rapporteur notes that the requirement to pay for additional security measures not only is burdensome and problematic but also generates uncertainty as to the capacity of LGBTI+ defenders to hold the event. Reportedly, a working group has been established to look into a revision of the Law on Public Assembly of Sarajevo Canton, but has not made progress.

66. Human rights defenders have highlighted recurrent spikes in hate speech on social media and negative comments, including through private messages online, in the run-up to the pride march and around the International Day against Homophobia, Transphobia and Biphobia. Negative statements about pride and LGBTI+ rights by high-ranking government officials and politicians at the national, entity and cantonal levels, such as by the former Minister of Economy for Sarajevo Canton, Adnan Delić,<sup>23</sup> and pushbacks from anti-rights groups against pride events have also been reported as factors contributing to a shrinking of space for the work of LGBTI+ rights defenders and a deterioration of the climate in which pride takes place. In 2025, according to the information received, several individuals and associations sent letters to the Ministry of the Interior of Sarajevo Canton and the Cantonal Assembly of Sarajevo requesting that the pride march be cancelled, arguing that the event would have fallen on the anniversary of the deaths of civilians during the war. The Ministry reportedly noted that they had no legal grounds for cancelling or rescheduling the march, as it had been properly and lawfully registered.

67. The situation is significantly worse in the Republika Srpska, where stigmatization of LGBTI+ people and defenders of their rights is widespread.

68. On 18 March 2023, LGBTI+ rights defenders were attacked by a violent mob in Banja Luka. They had gathered for a private meeting at the premises of Transparency International Bosnia and Herzegovina, after local authorities, with only a few hours’ notice, had banned a film screening that they had organized. The reason provided for banning the event was that the police would not be able to keep participants safe. According to the information received, similar screenings had been taking place for several years without incident. Prior to the attack, police arrived at the premises of the NGO and warned participants to leave because of the impending threat. The attack occurred shortly afterwards in front of the premises and was captured on camera.<sup>24</sup> Despite being present on site and aware of the imminent risk, the police did not intervene. An investigation was opened but has not yet been completed, even though over two years have passed since the attack, and no one has been held accountable for the incident or for the lack of action by the police to prevent violence and protect participants.

69. This attack did not happen in isolation. Human rights defenders reported instances of vandalization of premises of LGBTI+ organizations and threatening comments and negative remarks on social media, particularly in the context of events on LGBTI+ rights. The Special Rapporteur is very concerned that hate speech and violence targeting the LGBTI+ community and defenders of their rights is often fuelled by remarks from high-level politicians and public figures.<sup>25</sup> Notably, the 2023 attack followed statements by the former

<sup>23</sup> See, for example, <https://balkaninsight.com/2022/07/06/pride-parade-spurs-spike-in-balkan-digital-violations/>.

<sup>24</sup> See Transparency International Bosnia and Herzegovina, “(NE)prijatelj Republike - Dokumentarni film”, 15 March 2025, available at <https://www.youtube.com/watch?v=cb08pZHSBfQ&t=2697s> (in Bosnian only).

<sup>25</sup> LGBTI+ rights defenders filed a case before the Constitutional Court of Bosnia and Herzegovina, claiming that the authorities had contributed to the climate leading to the attack in Banja Luka in March 2023 and that the police had failed to intervene to prevent it. For further information, see [A/HRC/59/44/Add.1](https://www.ohchr.org/en/hrdoc/bosnia/2023/03/A_HRC_59_44_Add.1.pdf).

President of the Republika Srpska and the Mayor of Banja Luka voicing opposition to LGBTI+ events, which, according to human rights defenders, generated further hatred and contributed to a tense and hostile environment overall.<sup>26</sup>

70. The widespread online hate speech, the occurrence of violent incidents and the complete impunity for the 2023 attack had a major impact on the LGBTI+ community in Banja Luka, instilling fear and a sense of insecurity among LGBTI+ rights defenders in the Republika Srpska. They appeared to be increasingly exposed to intimidation and threats, and some of them stopped publicizing their events or activities or even moved out of the entity or left the country. Although those who remain have a line of dialogue with the police, trust has been eroded, and LGBTI+ rights defenders do not feel safe or protected by the authorities. The recent amendments to the Criminal Code of the Republika Srpska, removing references to “gender identity” as a protected characteristic, have further contributed to the repressive climate.

### 3. Journalists

71. The environment in which journalists work in Bosnia and Herzegovina is not fully enabling, and journalists have described to the Special Rapporteur a number of concerns, from the gradually contracting legal environment in the Republika Srpska to smear campaigns and the lack of adequate protection by the police. Hate speech and toxicity in the media are also important factors.

72. The recriminalization of defamation in the Republika Srpska, detailed above, is the clearest expression of this situation. While to date there have been no convictions of journalists on the basis of the new crime, it has significantly undermined their work, with journalists reporting on human rights issues, such as in relation to corruption and to extractive industries, feeling the need to self-censor and take extra precautions in their work.

73. However, the concerns are not limited to the Republika Srpska. Similarly to environmental activists, journalists are also being targeted with baseless civil lawsuits – strategic lawsuits against public participation – and threats of legal action made in an attempt to silence them, and with physical attacks and online abuse. There appears to be widespread impunity for these attacks, with journalists reporting that efforts towards accountability grind to a halt when cases reach prosecutors’ offices, and retaliation against journalists is rarely, if ever, condemned by politicians.

74. Some high-ranking political figures, particularly in the Republika Srpska, have repeatedly singled out journalists for public vitriol, with threats and smears issued with impunity. As is clear from a 2017 special report of the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina on the status and cases of threats against journalists,<sup>27</sup> these issues are far from new.

75. Female journalists are particularly exposed to threats, attacks and smear campaigns. Many threats and attacks go unreported, often owing to lack of trust in the system: journalists feel that even when they report such violations, nothing happens. There is a detailed legislative framework in place, but laws are not harmonized and do not provide specific protection. Online violence is pervasive and needs to be tackled both in legislation and in practice.

76. Journalists exposing corruption are also often targeted by strategic lawsuits against public participation. There is general agreement among journalists and lawyers that legislation against such lawsuits is needed in order to protect certain areas of reporting. Some journalists working on corruption told the Special Rapporteur that they need to lead an isolated life in order to protect themselves and their family members.

<sup>26</sup> See <https://balkaninsight.com/2023/03/20/bosnian-pride-activists-blame-top-politicians-for-violent-attack/>.

<sup>27</sup> Available at [https://www.ombudsmen.gov.ba/documents/obmudsmen\\_doc2017082415202346eng.pdf](https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2017082415202346eng.pdf).

77. Journalists are often important allies for eco-activists, highlighting their causes and exposing the underlying issues. Such support, however, often comes at a high price: journalists working on environmental issues and a just transition often become targets themselves.

78. The lack of legal framework for the media was also mentioned by various interlocutors. Journalists do not have official status and do not enjoy enhanced protection under the law. There is a perception that the Government is reluctant to establish a registry of media outlets. Furthermore, there is a lack of improvement in the safety of journalists, with prevailing impunity for attacks against them.

79. As detailed above, contact points for the safety of journalists have recently been created in prosecutors' offices and ministries of the interior at various levels of governance, including in 18 prosecutors' offices and 13 police agencies. However, journalists made it clear to the Special Rapporteur that the mechanism was currently unable to offer them effective protection and should be strengthened.

#### **4. Defenders of the rights of persons with disabilities**

80. Human rights defenders with disabilities are insisting, justly, on the full implementation of the Convention on the Rights of Persons with Disabilities, which Bosnia and Herzegovina ratified in 2010, and on putting an end to their exclusion in society. They should be enabled to freely organize, protest and play their part in social movements.

81. During her visit, the Special Rapporteur was informed that persons with disabilities faced social exclusion, poverty and widespread barriers to the exercise and realization of their rights in the country, especially in rural areas outside of the capital. Despite some advances, the medical approach to disability appears still to be entrenched, significantly affecting the rights of persons with disabilities, including their right to defend human rights.

82. Human rights defenders with disabilities reported obstacles to the fulfilment of their right to public participation. Accessibility was described as one of the biggest problems, not only in terms of physical barriers and the availability of public services, but also in relation to their ability to obtain access to information and their meaningful inclusion in public consultations on laws and policies. Authorities at all levels must pay more attention to the problem of accessibility and enable the meaningful, inclusive and equal public participation of persons with disabilities and defenders of their rights.

83. Women with disabilities face intersectional discrimination and often receive little or no support. Among them, women human rights defenders with disabilities feel that they are left out of both the women's rights movement and the disability movement.

84. Access to justice for persons with disabilities, including defenders with disabilities, remains a major concern, with no institutional structure for systemic legal aid free of charge. NGOs are often relied upon for free legal assistance, although they have limited capacity. Despite receiving limited funding from authorities, often at the local level, most organizations working on the rights of persons with disabilities reportedly do not receive sufficient governmental support and rely on the assistance of international donors or international NGOs.

85. Under the Law on Organizations and Representative Organizations of Persons with Disabilities and Civilian Victims of War of the Federation of Bosnia and Herzegovina, associations may be formed and classified according to types of impairments only, which hinders the work of cross-disability and umbrella organizations of persons with disabilities, and of organizations focused on multiple and intersecting forms of discrimination, such as organizations of women with disabilities. Participation and involvement in public affairs are the right of all persons with disabilities and should not depend on their formal disability status or type of impairment.

#### **5. Defenders of the rights of migrants**

86. In previous years, human rights defenders working in solidarity with migrants, refugees and asylum-seekers, especially women defenders, were working in very difficult

conditions in Bosnia and Herzegovina, often being exposed to attacks, threats, harassment and intimidation, particularly in Una-Sana Canton, at the border with Croatia.<sup>28</sup>

87. With the drop in recent years in the number of people on the move transiting through Bosnia and Herzegovina to head towards the European Union, the number of activists supporting migrants, refugees and asylum-seekers on the ground has also decreased. In addition, a few individuals who were engaged in such work in the past have reportedly dropped out because of pressure from the local population, especially in border regions. However, some organizations and volunteers are still present, offering humanitarian and medical assistance inside or outside camps. They mostly come from abroad, as local people are reportedly often afraid to work on this issue.

88. While the situation has improved lately, defenders of the rights of migrants still face administrative obstacles and find themselves forced to put significant time and energy into bureaucratic struggles that could be resolved much faster with proper State support. For example, in 2024, teams from Collective Aid operating in Bosnia and Herzegovina were reportedly subjected to excessive scrutiny during the process of registering the organization, with the authorities allegedly raising unjustified suspicions and threatening inspections, which caused uncertainty for the organization with regard to its capacity to ensure the continuity and safety of its operations.<sup>29</sup>

89. In some cases, administrative requirements appear to be instrumentalized to threaten human rights defenders working at borders. Activists and volunteers coming from third countries have reportedly sometimes been accused of working without a permit and threatened with expulsion.

90. Defenders of migrants' rights have also allegedly faced harassment and intimidation. Since late 2022 and throughout 2023, organizations members of the Border Violence Monitoring Network and their volunteers in Velika Kladaša, a town in Una-Sana Canton, were subjected to frequent police checks without warning, during which they were asked to present their documents, and their vehicles were searched. At times, they were also reportedly brought to police stations.<sup>30</sup>

91. According to the information received, local hostility to the work of those supporting people on the move remains, with the situation considerably worse at the borders than in Sarajevo. Defenders have reportedly encountered acts of intimidation and vandalism, including car tampering, damage to private property or theft, and have faced verbal and physical threats from members of the local community.<sup>31</sup>

92. While defenders of migrants' rights are now working in a less hostile environment than before, the ongoing harassment and intimidation targeting them still puts pressure on organizations and activists providing support and humanitarian assistance to migrants, sometimes forcing them to take safety precautions and potentially hindering their ability to do their legitimate work. The Special Rapporteur stresses that solidarity should be supported, and never obstructed, repressed or criminalized.

## **6. Human rights defenders working on transitional justice and reconciliation**

93. Some of the most challenging work in the country in the defence of human rights is carried out by individuals and organizations seeking to address the wrongs of the war. It is lonely work, mainly done by women, with the authorities either providing little support or, often, actively opposing them. People are often afraid to support these defenders publicly.

94. Human rights defenders working on justice for atrocity crimes, truth-telling and memorialization face regular threats, including death threats, online and offline, and in some cases physical attacks. Women defenders working on transitional justice are particularly

<sup>28</sup> See <https://www.coe.int/en/web/commissioner/-/bosnia-and-herzegovina-must-urgently-improve-its-migrant-reception-capacities-improve-access-to-asylum-and-protect-unaccompanied-migrant-children> and <https://www.osce.org/files/f/documents/4/4/574852.pdf>.

<sup>29</sup> See [https://borderviolence.eu/uploads/document/file/475/Annual\\_Crim.\\_Report\\_2024.pdf](https://borderviolence.eu/uploads/document/file/475/Annual_Crim._Report_2024.pdf).

<sup>30</sup> See <https://borderviolence.eu/uploads/document/file/430/Criminalisation-report-2022-2023.pdf>.

<sup>31</sup> See *ibid.*

exposed. They have faced administrative harassment, including police inspections during the COVID-19 pandemic, where their organizations were reportedly the only ones singled out. Some have reported administrative hurdles, such as when applications to put up a billboard are rejected or proposals for reconciliation and peacemaking programmes are ignored. Activists in Prijedor have also faced threats after the annual commemoration of White Armband Day.

95. Authorities often fail to investigate or sanction these threats and attacks adequately, making impunity a prevailing problem. In some cases, human rights defenders have felt that the police not only failed to protect them, but may have acted in collusion with “hooligans” and ultranationalist groups.

96. Political polarization and ethnonationalist sentiments and policies, including efforts to minimize or deny atrocity crimes (notably efforts by politicians of the Republika Srpska to deny the genocide in Srebrenica) create a hostile environment for civil society organizations working in this field. Some women human rights defenders told the Special Rapporteur that they privately received support from the general public, but most supporters refrained from public action, owing to fears of economic consequences and social ostracism. The situation of women who testify against perpetrators from their own ethnic group is particularly complicated, as they are perceived as betraying their own.

97. This political climate constrains efforts to build shared processes for truth and reconciliation. Memorial sites and commemorations remain highly politicized. One of the crucial steps to reconciliation should be the erection of memorials for civilian victims of the war, including a memorial for child victims in Prijedor, which has been facing administrative obstacles and political opposition. Human rights defenders working on transitional justice and reconciliation should be able to work without fear of losing their jobs and without risking further ostracization and retraumatization.

## **7. Minority rights defenders**

98. Minorities form part of the rich fabric of society in Bosnia and Herzegovina, yet they face significant challenges resulting from the discrimination inherent in the Dayton Peace Agreement and its replication in society. It is more difficult for a person from a minority to speak up and organize in defence of human rights than it is for others. In some instances, however, they are supported by authorities, such as in Prnjavor.

99. In certain municipalities, minorities seem to be well accepted by both the majority population and the local authorities, while elsewhere they face difficulties. Organizations working on the rights of the Roma community reported that threats to their work often came not from institutions or society at large, but from Roma beneficiaries themselves. Some organizations also felt that Roma human rights issues were discussed without involving the Roma population. In addition, one of the grievances shared with the Special Rapporteur was the absence of any Romani media outlet in Bosnia and Herzegovina.

100. While there have been some notable success stories, challenges remain. Minority rights activists are also feeling the impact of the above-mentioned legislative initiatives in the Republika Srpska.

## **8. Women human rights defenders**

101. Women are at the forefront of the struggles for human rights and social justice in Bosnia and Herzegovina. They are present in environmental action, transitional justice, the protection of the rights of migrants, independent journalism and advocacy in defence of the rights of the LGBTI+ community, minorities and persons with disabilities. Yet being a woman is a risk multiplier when it comes to human rights activism in the country, and women are often targeted for exercising their right to defend human rights.

102. Women defenders working on women’s rights and providing support to other women are frequently stigmatized and face gendered and misogynistic remarks both in person and on social media. For example, they have been accused of “wrecking traditional families” and have been labelled as “crazy women” whose work must be shut down. Most negative comments are made through fake accounts on social media and by anti-rights or anti-gender

groups, but this rhetoric is often supported, in some cases even fuelled, by politicians and echoed in the media. In some instances, women human rights defenders working with victims of gender-based violence are under attack from the perpetrators of the violence and are forced to operate under enhanced patrolling by police.

103. Women defending the rights of people on the move at the borders have been subjected to threats, doxing and physical attacks for their human rights activism. An example is the case of a woman human rights defender and teacher from Una-Sana Canton, Zehida Bihorac, who has been active in documenting the human rights situation of people on the move in the region and providing humanitarian assistance to refugees and migrants around Velika Kladuša. In 2020, she was the target of repeated harassment and intimidation, including smear campaigns and gendered insults on social media. She was followed on several occasions, and personal information about her, including pictures of her, were posted online. Local police officers reportedly failed to take action in response to Ms. Bihorac's complaints about the attacks against her.<sup>32</sup> This case is not isolated, and the Special Rapporteur received information about several other women human rights defenders supporting migrants and refugees in the border regions who have experienced online threats and harassment.

104. Female journalists appear to be exposed to online smears and gender-based threats, especially when they are reporting on environmental issues, anti-corruption issues, migration or LGBTI+ rights, made in an attempt to silence them. For example, the editor of the online media outlet eTrafika, Vanja Stokić, has repeatedly been subjected to death threats since 2020, including on social media, seemingly because of her journalistic work. While she reported them to police, the threats were often not taken seriously and there was reportedly no accountability.

105. Women defenders and journalists engaged in investigative reporting are also being targeted with strategic lawsuits against public participation. These lawsuits are primarily being brought against women defending the right to a healthy environment. The above-detailed cases of Ms. Čobo, Ms. Kovačević and Ms. Tuševljak are illustrative of this trend. In another case, a woman human rights defender and investigative journalist, Sanja Vasković, was summoned on 9 October 2024 to Istočna Ilidža police station in East Sarajevo, following a complaint by a businessman accusing her of slander. She was questioned under the above-mentioned new provisions of the Criminal Code of the Republika Srpska, as amended, concerning the criminal offence of defamation. The complaint was based on a number of articles exposing alleged fraud attempts and corruption that had been released by the online news portal SPIN Info, owned by the journalist, since March 2024, including one that she had written and published on 3 October 2024 ahead of local elections.<sup>33</sup>

106. It appears that when human rights activism brings women defenders into the public eye, the risk of retaliation increases. Much of this risk is due to a deeply patriarchal society, in which women have traditionally been relegated to dealing only with matters of the family, and to the rise of anti-rights and anti-gender movements. Women human rights defenders have informed the Special Rapporteur that they often do not report threats or attacks to the police, as the authorities' response is often inadequate, and they do not expect to receive any tangible support. In addition, their families and communities may pressure them into giving up their human rights work.

#### IV. Conclusions and recommendations

107. **Bosnia and Herzegovina has a vibrant and active civil society, with human rights defenders working on a broad range of issues, often through innovative means. Human rights defenders have shown great resilience and adaptability in the very complex political and legal environment, and have found ways to work in solidarity across ethnic and ideological lines on certain issues. At the same time, they are facing significant**

<sup>32</sup> See communication BIH 2/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25641>.

<sup>33</sup> See <https://www.frontlinedefenders.org/en/case/human-rights-journalist-faces-defamation-lawsuit-exposing-corruption>.

challenges at both the State and the entity levels, particularly in the Republika Srpska. Recent legislative initiatives in the Republika Srpska have contributed to a further shrinking of civic space, with human rights defenders exercising self-censorship and caution when deciding on their advocacy work.

108. Human rights defenders are working in a society that is still deeply divided, where institutions are susceptible to political influence, corruption is widespread and patriarchal views remain prevalent. State-level competences are quite limited, resulting in a fractured legal landscape with a patchwork of laws and low levels of implementation and enforcement. Authorities at all levels must undertake further efforts to adhere to the standards laid out in the international human rights instruments to which Bosnia and Herzegovina is a party, and to make the fundamental rights and principles set forth in Declaration on Human Rights Defenders, first and foremost the right to defend human rights, a reality in the country.

109. The Special Rapporteur commends human rights defenders across the country for their dedication, bravery and perseverance, including women human rights defenders, grass-roots environmental human rights defenders, defenders working on truth, justice and reparations, minority rights defenders, defenders of persons with disabilities and LGBTI+ activists, among others. She also acknowledges the genuine efforts and willingness at various levels of government to improve the situation despite the difficulties outlined.

110. The Special Rapporteur recommends that authorities across the country:

(a) Take proactive measures to tackle negative narratives concerning the promotion and protection of human rights in the country, including by ceasing all public statements by politicians disparaging the work of human rights defenders or conflating it with criminality or security concerns;

(b) Promote the role of independent journalism and take measures to ensure that journalists are protected from intimidation or retaliation of any kind for their work;

(c) Ensure the conformity of all national legislation with international human rights law;

(d) Sign and ratify the Council of Europe Convention on the Protection of the Environment through Criminal Law and work with civil society to prepare for its full implementation;

(e) Ensure respect by all relevant authorities for the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters as a national priority;

(f) In meaningful consultation with civil society, consider extending the scope of application of the strategy for the creation of an encouraging environment for the development of civil society for the period 2025–2029 to institutions at the entity and cantonal levels;

(g) Significantly strengthen the network of contact points for the safety of journalists in prosecutors' offices and ministries of the interior, and take steps to create focal points for civil society organizations working on human rights issues, where not yet in place, within the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and all other relevant ministries;

(h) Legislate and take awareness-raising measures, including among prosecutors and the judiciary, to prevent the misuse of criminal and civil law through strategic lawsuits against public participation against human rights defenders, including journalists;

(i) Take appropriate measures to ensure the meaningful, inclusive and equal public participation of human rights defenders, including by identifying and eliminating obstacles to accessibility for defenders with disabilities;

(j) **Improve the transparency of appointments to minority councils and ensure the equal and effective participation of women from minorities in decisions affecting them.**

**111. The Special Rapporteur recommends that the authorities of the Republika Srpska:**

(a) **Repeal the amendments to the Criminal Code of the Republika Srpska that recriminalize defamation, ensuring that defamation is classed only as a civil offence in legislation that upholds freedom of expression as guaranteed by article 19 of the International Covenant on Civil and Political Rights;**

(b) **Refrain from legislative action aimed at violating the right to freedom of association or restricting civic space;**

(c) **Repeal the amendments to the Criminal Code concerning gender identity, reinstating the term, and take active measures to promote the human rights of the LGBTI+ community in the entity, including the work of those defending their rights;**

(d) **Ensure, without further delay, that an impartial and effective investigation is conducted into the attacks on defenders of LGBTI+ rights in Banja Luka in March 2023 and that the perpetrators are brought to justice;**

(e) **In consultation with environmental human rights defenders and affected community members, conduct a review of any licences granted for lignite mining in Bukova Kosa, near Prijedor, taking account of the impact on the environment and human rights.**

**112. The Special Rapporteur recommends that the authorities of the Federation of Bosnia and Herzegovina consider advancing the draft law on civil initiatives and the protection of citizens and activists and, once adopted, ensure its full and effective implementation.**

**113. The Special Rapporteur recommends that the cantonal authorities:**

(a) **Ensure that all cantonal-level laws comply with international human rights standards, particularly with regard to the rights to freedom of association, peaceful assembly and expression, as enshrined in articles 19, 21 and 22 of the International Covenant on Civil and Political Rights;**

(b) **Ensure that the burden of the costs of security measures during public assemblies, such as pride events, do not fall on the organizers of the assemblies.**

**114. The Special Rapporteur recommends that the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina:**

(a) **Prepare a special report on the situation of human rights defenders, including specific sections on defenders of environmental rights, women's rights, the rights of the LGBTI+ community, the rights of persons with disabilities and the rights of migrants;**

(b) **Include sections on human rights defenders in other relevant special thematic reports;**

(c) **Collect and publish disaggregated statistics on complaints received from human rights defenders;**

(d) **Attend court proceedings in cases concerning human rights defenders, including the civil cases against Sara Tuševljak and Sunčica Kovačević.**