



**TRANSPARENCY  
INTERNATIONAL**

**BOSNA I HERCEGOVINA**

**Annual Report  
2013**

## Vision, mission and guiding principles of Transparency International BiH

### Purpose

Protection against corruption by mobilising a global coalition to promote and strengthen international and national Integrity Systems.

### Vision

Bosnia and Herzegovina with a level of corruption comparable to that in EU member states, being a reform leader in South-East Europe, with reduced poverty rate, at an advanced step of sustainable economic development, and attractive for foreign investment.

### Mission

Creating conditions for and assisting in bringing about change that leads to the fulfilment of the vision.

### Values

- Transparency,
- Accountability,
- Integrity,
- Solidarity,
- Courage
- Justice, and
- Democracy.

### Guiding principles

- TI recognises the shared responsibility of actors at all levels for corruption, and its emphasis is on prevention and on reforming systems, not on exposing individual cases;
- TI considers that the movement against corruption is global and transcends social, political, economic and cultural systems;
- Internally, TI observes the principles of participation, decentralisation, diversity, accountability and transparency;
- TI is politically non-partisan; and
- TI recognises that there are strong practical as well as ethical reasons for containing corruption.

## **Introduction by the Executive Director**

*In 2013 Transparency International (TI) celebrated 20 years of operation. Since its inception in 1993 the organisation has come a long way – from a small group of enthusiasts and visionaries to a globally networked organisation. In the year of this important anniversary for TI, Transparency International in BiH was faced with multiple challenges. Beginning of the year was again marked by systematic attacks and pressure on the organisation by senior officials and pro-government media in the Republika Srpska (RS), accusing the organisation of spearheading an international conspiracy against RS. In 2013 TI BiH's advocacy efforts were principally focused on trying to prevent adoption of unwelcome amendments to a whole set of important anti-corruption legislation (Conflict of Interest Law, Public Procurement Law, etc.) envisaged as part of a package deal between SDP and SNSD. Unfortunately, most of these laws were ultimately amended, which has exacerbated the situation in the country as far as the fight against corruption is concerned.*

*Continuous research and monitoring of the situation in the country has shown that, sadly, BiH is not making progress in the fight against corruption. Prosecution of corruption continues to be an exception rather than a standard practice, and institutions that are key in fight against corruption remain under political control. Corruption continues to pose one of the most pressing problems for citizens, preventing them from protecting their rights and freedoms, as evidenced by the number of complaints received by TI BiH's Advocacy and Legal Advice Centre.*

*In an effort to contribute to the implementation of reforms aimed at curbing corruption, TI BiH has worked with national and international institutions, NGOs and citizens. By continuing to provide legal assistance to citizens and NGOs, contribute constructively to the adoption of important laws and policies, and organise and conduct training for public officials and students in 2013, the employees, board of directors and members of TI BiH have ensured that the organisation remains recognised as a key force of civil society in the fight against corruption.*

*Srdan Blagovčanin  
Executive Director  
Transparency International BiH*

## TI BiH's courses of action in 2013

In accordance with its Strategy, TI BiH operated along four strategic courses of action, including: implementation and conduct of surveys and studies, which form the foundation for the second strategic course of action – advocacy, which is based on the findings of surveys and studies. The third strategic course of action relates to the provision of legal aid to citizens, victims and/or witnesses of corruption, while building coalitions and partnerships permeates all three aforementioned courses of action.

### 1. Implementation and conduct of surveys and studies

*Conducting surveys and studies about the extent and trends of corruption in BiH with the aim of providing government institutions, citizens and TI BiH with relevant indicators of the level of corruption in order to identify the necessary anti-corruption reforms and activities.*

In 2013 TI BiH continued monitoring anti-corruption reforms in key areas with the aim of ensuring successful implementation of anti-corruption reforms in the country and increasing the capacity of government institutions and society as a whole to combat corruption.

As part of the 'National Integrity System Study' project, two workshops were held to improve the national integrity system, resulting in a publication titled 'Improving the National Integrity System'. The publication is a continuation of work on the NIS project. Its purpose is to identify, based on the key findings of the NIS study and social integrity workshops, the main international obligations taken on by BiH with respect to the fight against corruption and international standards applying to regulations on conflict of interest, the financing of political parties and election campaigns, public procurement and free access to information, as well as recommendations for improving these regulations and their effective implementation in BiH. As a result of the project two public policies were developed, addressing the issues of cooperation between law enforcement agencies and interagency cooperation and coordination mechanisms.

The Report on the Monitoring of Prosecuting Corruption in the Courts and Prosecutors' Offices in BiH 2011–2012, published in July 2013, has shown that there has been no improvement in the prosecution of corruption in the last two years.

Also, as part of its work on monitoring institutional performance, TI BiH has produced an analysis titled *Monitoring of the Performance of Public Sector Audit Institutions*, the aim of which was to analyse the efficiency and accountability of these institutions, as well as the effect of audit reports on the work of public institutions in BiH.

With the support of the Open Society Fund BiH and based on individual monitoring reports, TI BiH has prepared a report *Monitoring the Progress in the Implementation of Anti-corruption Reforms in BiH*. It documents anti-corruption activities in the most vulnerable areas as reflected in the monitoring of the fulfilment of country's international obligations in the fight against corruption, prosecution of corruption by courts and prosecutors' offices, changes in the legislative framework and implementation of the conflict of interest law, performance of public sector audit institutions, and monitoring the implementation of the Public Procurement Law.

## **Access to information**

To mark 28 September, the International Right to Know Day, TI BiH prepared an analysis based on the requests for information sent to institutions in BiH in 2013, to determine the level of implementation of the Freedom of Access to Information Law by institutions at different levels of government. In the first half of 2013 TI BiH sent a total of 77 requests for access to information referring to the Freedom of Access to Information Laws applicable at all levels of government in BiH. All requests were submitted based on citizens' reports received by the TI BiH's Advocacy and Legal Advice Centre, in which citizens complained about being denied access to information by public authorities. Of 77 requests for information sent to the institutions, 54 were accommodated within 15 days, as required by the law, which is an improvement from previous years. TI BiH sent 23 reminder notes to the remaining institutions for failure to comply with requests for access to information within the 15-day period as provided under the applicable law, after which 11 institutions submitted responses, while in three cases TI BiH had to file complaints for "administrative silence".

## **Transparency of municipalities**

Also, with the aim of improving the integrity of local governments and enhancing cooperation with NGOs and local public enterprises, TI BiH has developed three public policies addressing the following issues: development of integrity plans at the local level, proposals for improving cooperation between local governments and NGOs, and the issue of local public companies in BiH.

As part of Transparency International UK's Defence and Security Programme, TI BiH participated in drafting the Anti-corruption Index for the defence sector, which was released in January 2013.

## **Conflict of interest**

After the draft Law on Amendments to the Conflict of Interest Law was prepared and referred by the ruling parties (as part of the agreement between SDP and SNSD) to the Council of Ministers, TI BiH performed an analysis of the proposed amendments. Also, since the Draft was amended during its passage through the Council of Ministers, TI BiH performed a second, more in-depth analysis of the final draft that was submitted to Parliament for speedy passage. The analysis has shown that the proposed amendments to the Conflict of Interest Law are a step backward in the regulation and prevention of conflict of interest, primarily due to the establishment of a new Commission to Determine Conflict of Interest, which is largely made up of parliamentarians, i.e. representatives of political parties. This structure allows political parties to exert direct influence on Commission's decisions and implies that the members of the Commission will determine conflict of interest cases for their own party colleagues. This certainly begs the question of their impartiality in the decision making process and puts even greater political control over the determination of conflict of interest among officials. TI BiH has used the findings of the analysis in its advocacy efforts to prevent the adoption of amendments to this law.

For the purposes of participating in a consultation on amendments to the Law on Conflict of Interest in Governmental Institutions of RS, in February 2013 TI BiH made an analysis of the proposed piece of legislation, comparing it with the current one, and developed recommendations based on TI BiH's experience in this field. The analysis showed that, while

some of the terms and provisions were better defined and made clearer, the key issues were not properly addressed, particularly in terms of compatibility with the state-level law, and sanctions were still far from proportionate to the harm that offenders could cause to public resources and the public interest.

TI BiH submitted its analysis, along with recommendations, to members of the RS National Assembly and all relevant authorities, and used these findings in the public debate and consultation process.

Also, in April 2013 TI BiH prepared the *Report on the Monitoring of Improving the Legislative Framework and the Implementation of the Law on Conflict of Interest in Bosnia and Herzegovina for 2012*, reviewing the situation in the area of prevention of conflict of interest. The report showed that the prevention of conflict of interests had experienced a serious decline in the reporting period, largely due to lack of political will to improve the existing legislation and to implement the law at all levels.

### **Political party funding**

As part of the activities within the regional cooperation *Money and Politics in the Western Balkans*, TI BiH has made an analysis of the legislative framework and practice in the area of financing of political parties, with a focus on transparency and oversight of party financing. This analysis will be incorporated into the regional publication on the financing of political parties that will be presented at a regional conference to be held on 23 December in Podgorica, Montenegro.

### **Higher education**

As part of efforts aimed at combating corruption in higher education, TI BiH has gathered information on the activities of individual universities in this area, and has carried out a follow-up analysis of the situation in higher education and anti-corruption activities, which was presented in the form of a publication titled *Building Integrity in Higher Education in BiH*. This publication also presents the project successes, such as the adoption of the Integrity Plan by the universities in Banja Luka, Tuzla and Mostar, and the progress made by other universities.

### **Progress report**

As part of the consultation with the European Commission held for the purpose of preparing the Progress Report for BiH, TI BiH has made a situational analysis of the legislative framework and the implementation of laws by sectors, such as public procurement, the judiciary, Anti-corruption Agency, Ombudsman, political party funding, etc. TI BiH sent the report to the European Commission, and presented its findings in Brussels at the regular annual consultation.

## **2. Legal aid**

*Given the current level of corruption and poverty in BiH, legal aid makes it possible for citizens who are victims of corruption to exercise and protect their rights which have been trampled on as a result of corruption.*

TI BiH's Advocacy and Legal Advice Centre (ALAC) continued its activities of providing legal advice to citizens and receiving reports of corruption cases as well as acting on these reports by sending requests for access to information to the appropriate authorities.

Between January and October 2013 TI BiH acted on 128 reported cases. As in previous years, the majority of reports concerned civil service (27) and education (24), relating mostly to irregularities in the recruitment process and those in the licensing process.

During the reporting period TI BiH received a total of 678 calls via toll-free phone line 0800 55555, and statistics show that the majority of well-founded reports, based on which TI BiH can act, were received via e-mail.

In view of the increasing number of reports sent electronically, TI BiH has launched a new website [www.prijavikorupciju.org](http://www.prijavikorupciju.org) where citizens can directly report corruption, and which allows geographic mapping of reports and sorting of reports by fields. TI BiH promoted this website on social networks and web portals with the aim of increasing the number of reports received.

In addition to providing legal aid to citizens, in 8 cases TI BiH assisted legal entities, mainly CSOs and media outlets, most of which are related to the implementation of the Law on Free Access to Information.

Also, in 2013 TI BiH filed 10 lawsuits against public authorities for the non-application or misapplication of the Law on Free Access to Information. Since 2008 a total of 42 lawsuits have been filed. Of that number 19 have been won, 7 have been lost, 1 has been dismissed, in one case TI BiH has dropped the lawsuit, and 14 are still pending. In 2013 TI BiH won four administrative disputes relating to the implementation of the Law on Free Access to Information, which had been instituted in previous years.

### **3. Advocacy for change and reform**

*Advocating change and anti-corruption reforms based on surveys and studies, as well as successful examples.*

In 2013, as part of the aforementioned projects, Transparency International BiH conducted a series of advocacy activities for amendments to key anti-corruption laws. Advocacy activities were primarily focused on the process of amending key anti-corruption laws that were sent to parliaments for passage in 2013 – Conflict of Interest Law of BiH, Freedom of Access to Information Law, Law on Prevention of Conflict of Interest in Governmental Institutions of RS, Public Procurement Law of BiH, Draft Laws on the Protection of Whistleblowers in BiH and FBiH, Draft Law on Confiscation of Illegal Property of FBiH, etc.

With regard to amending the aforementioned laws and adopting new ones, TI BiH made an analysis of the drafts, sent them to the relevant institutions with a view to influencing the



decision-making process, and organised a media advocacy campaign to prevent adoption of amendments to the Conflict of Interest Law and the Freedom of Access to Information Law.

### **Conflict of interest**

With regard to the amended conflict of interest laws being tabled for debate and passage in parliaments of BiH and RS, TI BiH made an analysis of the proposed amendments and sent it to the parliaments. With a view to generating public debate, in February 2013 TI BiH organised a roundtable to discuss the proposed amendments to the legislative framework governing conflict of interest in BiH and RS.

Given that amendments to both laws had already been sent for passage, this was an opportunity to present the proposed amendments to the public and stimulate public debate on the quality of these amendments and their consequences for conflict of interest in BiH. This was also an opportunity to establish a dialogue between the proponents, institutions implementing the conflict of interest laws and civil society in order to enhance transparency in creating the legislative framework and come up with the best quality legislation. The roundtable was attended by representatives of the Central Election Commission, Commission to Determine Conflict of Interest in Governmental Institutions of RS, legislative and executive branches of government, international institutions, civil society and the media.

To exert a greater influence on decision makers and raise awareness about the harmful provisions of the proposed amendments to the Conflict of Interest Law in BiH, TI BiH launched consultations with other CSOs and created an *ad hoc* network of CSOs that supported TI BiH in its advocacy efforts. The network consisted of TI BiH, Open Society Fund, Zašto ne, European Research Centre, CCI, CPI, etc. Using TI BiH's analysis as a basis, the network sent numerous letters and open letters to relevant national institutions such as the Council of Ministers and Parliamentary Assembly, international institutions such as the European Commission and Council of Europe, as well as the media, in an attempt to preclude adoption of these harmful regulations.

TI BiH also participated in public discussions about the amendments to the Conflict of Interest Law of RS, presenting its positions and the findings of its analyses as well as recommendations for improving the Law.

In November 2013 a regional conference on conflict of interest was held in Banja Luka. The conference focused on the issues of the legislative framework and implementation of the conflict of interest laws in BiH and the region as one of the key segments of corruption prevention and effective fight against corruption. The conference was attended by representatives of institutions from Serbia, Montenegro and Bosnia and Herzegovina, who compared the laws and shared experiences in their application.

### **Access to information**

Given that the Draft Law on Amendments to the Freedom of Access to Information Law in BiH had been sent to parliament for passage, and that public debate on the proposed amendments was allowed, TI BiH not only made comments and sent them to institutions, but also got involved in a campaign to mobilise other organisations to send their comments and prevent the adoption of adverse legislation. To this end, TI BiH continued its cooperation with the network of NGOs that joined the campaign (Centre for Information Decontamination of



Youth Banja Luka, Centre for Investigative Reporting, Open Society Fund Bosnia and Herzegovina, Public Interest Advocacy Centre, civic association 'Zašto ne'). Also, TI BiH participated in public events and conferences organised on this occasion, and the entire campaign resulted in more than 200 comments sent during the public debate, based on which the proposed amendments were rejected.

On the occasion of the International Right to Know Day, on 28 September 2013 TI BiH organised a conference for representatives of civil society and/or Commissioners for Information from the countries in the region, international experts, CSOs and the media. The aim of the conference was to identify and analyse the improvements made in the area of freedom of access to information in BiH and other countries in the region. The main objective of the conference was to review the current situation in exercise of the right of access to information in BiH and the region and provide an overview of this right and its significance in global terms. Also, TI BiH organised a street event to inform citizens about their rights when approaching institutions and seeking information, and ways to exercise these rights. During the event citizens could ask questions at the TI BiH stand as well as fill in requests for information and send them to institutions, using the existing forms.

In May 2013, in collaboration with the Public Interest Advocacy Centre (CPI Foundation), TI BiH organised a one-day conference on the occasion of presenting the Open Government Partnership initiative, aimed at launching an initiative for Bosnia and Herzegovina to join the Open Government Partnership (OGP). The conference was attended by representatives of countries that had already joined the OGP initiative who shared their experiences and best practices, and talked about the importance and benefits of the initiative at the global level.

### **Protection of whistleblowers**

In September 2013 TI BiH sent to the Parliamentary Assembly of BiH comments on the Draft Law on the Protection of Whistleblowers in the Institutions of Bosnia and Herzegovina, whose parliamentary review was scheduled for 19 September. In its comments TI BiH pointed to the deficiencies of the proposed provisions, especially those that could further discourage citizens from reporting corruption in BiH institutions.

In late October 2013 TI BiH also sent comments on the Draft Law on the Protection of Whistleblowers of FBiH, urging for harmonisation of the two laws in BiH and FBiH. In addition to commenting about the inconsistency between the two draft laws, which could lead to problems in application because of different definitions and objectives, TI BiH pointed to a number of fundamental flaws in the drafts that could leave scope for arbitrary interpretation and uneven application. Also, the law does not clearly define the authorities competent for the protection of whistleblowers, which creates further confusion and can lead to situations where multiple authorities, or none, implement the Law, effectively leaving whistleblowers without adequate protection.

### **Transparency and accountability of municipalities**

Between March and October 2013, TI BiH held ten training sessions for representatives of municipalities and CSOs in five cities (Sarajevo, Zenica, Banja Luka, Mostar and Tuzla). The sessions were aimed at improving transparency, accountability and integrity in local administration, as well as enhancing cooperation between representatives of local communities and CSOs. The sessions addressed the following topics: a systematic approach

to improving transparency of the local administration, promotion of cooperation between municipalities and CSOs, development of anti-corruption plans/integrity plans, communication with the public, access to information, public procurement, the role of new media. The training was aimed at building capacity and improving the knowledge and skills of representatives of local communities for more effective prevention of corruption at the local level. A significant portion of the training was dedicated to the development and implementation of anti-corruption plans/integrity plans, and improving knowledge about the main stages in the development of integrity plans and the importance of the integrity principle in the fight against corruption. All training materials are available for download from TI BiH's website.

## Higher education

Based on the findings of previously conducted surveys and studies, TI BiH committed itself to working with universities to facilitate adoption and implementation of transparency and integrity policies (so-called integrity plans) of higher education institutions, with the aim of setting standards and putting in place mechanisms to ensure greater transparency and, thus, prevent corruption at universities. Building on its previous activities in 2012, in 2013 TI BiH coordinated closely with the six public universities, namely those in Zenica, Tuzla, Banja Luka, Sarajevo, Mostar, and University "Džemal Bijedić" in Mostar. These universities committed themselves to cooperation in the implementation of anti-corruption activities, as well as adoption and implementation of integrity plans.

Between 5 and 7 April, TI BiH organised a three-day training workshop for students, representatives of the student unions of the universities in Banja Luka, Zenica, Sarajevo, Mostar and Tuzla. The training was attended by 19 students from five universities (students of the University of Mostar were not able to attend). The students were introduced to the project and cooperation objectives, as well as tools and strategies to achieve these objectives – techniques for advocacy, research and boosting the level of activism among students. The training was also attended by students of journalism on behalf of web portal "e-trafika", which implements a project on reporting of corruption in higher education. This opportunity was used to promote activities of students and TI BiH, as well as to promote students' attitudes on corruption through a series of articles written based on interviews with student representatives.

In collaboration with student associations, activities were undertaken with the aim of ensuring that universities adopt integrity plans. As a result of these activities, the universities of "Džemal Bijedić", Banja Luka, Tuzla and Zenica have adopted the measures envisaged by integrity plans, and started to implement some of them. As part of these activities, TI BiH organised panel discussions with representatives of students and teachers, and presented the addresses for reporting corruption in education and announced the setting up of boxes in universities for students to file their complaints and report any irregularities.

In coordination with the Ministry of Education of FBiH on 20 June 2013 TI BiH organised a conference on Integrity of Higher Education in BiH, which was devoted to integrity plans and application of codes of ethics, with one panel dedicated to student activism. Representatives of the universities presented the progress made in the prevention of corruption and adoption of integrity plans.

With the aim of further raising awareness of corruption among the youth and continuing cooperation with universities, during October and November 2013 TI BiH organised four debates with students at the universities of Zenica, Mostar, Tuzla and Banja Luka. Participants were mainly students, who were encouraged to think critically about corruption and its consequences for the coming generations. Introductory lectures were given by professor Besim Spahić PhD, who shared his experiences with students, and introduced the basic concepts of integrity and fight against corruption.

### **Political party funding**

In February 2013 TI BiH organised a conference devoted to political party funding, to discuss regional experiences and transparency of political party funding, as well as compare legislative frameworks in the countries of the region. In addition to TI BiH, the conference was attended by representatives of TI national chapters of Croatia, Serbia, Kosovo and Albania, which conduct a joint project and research on transparency of political party financing in the region. Given that similar studies had been conducted in BiH, the main objective of the conference was to compare the situation and identify positive solutions with the aim of improving transparency in this area.

Also in this area, TI BiH continued the practice of publicly reacting to the decisions of competent institutions and monitoring the sanctioning of political parties, especially on the basis of reports filed by TI BiH.

### **Exhibition of drawings and cartoons about corruption**

With the aim of raising awareness of corruption in BiH and encouraging youth activism in the fight against corruption across the country, TI BiH, in cooperation with the Embassy of the United States, launched a project to present creative drawings and cartoons by authors from BiH, both professionals and amateurs, depicting the consequences of corruption in BiH.

In order to gather as many works as possible, TI BiH announced a call for entries for an exhibition of drawings and cartoons about corruption in BiH, attracting submissions from 223 authors. After the evaluation of entries, 10 authors were selected and awarded cash prizes. The exhibition of cartoons and drawings was on view in Sarajevo, Banja Luka and Mostar.

In addition to the contest, TI BiH hired professional cartoonists who are well-known for their criticism of Bosnian and Herzegovinian reality through drawings and cartoons, whose works were exhibited along with those of the winning authors.

For each exhibition there was organised an opening ceremony, attended by representatives of local and international institutions, students, the media, NGOs, and exhibitions in Mostar and Sarajevo were opened by the U.S. Ambassador, HE. Patrick S. Moon.

## **4. Building coalitions and partnerships**

*Building coalitions and partnerships with governmental, non-governmental and international organisations, through involvement of different stakeholders in anti-corruption reforms, with the aim of finding high-quality solutions and enabling more efficient implementation of the reforms.*

In 2013 TI BiH continued collaboration with public universities in BiH with the aim of improving the integrity of higher education, in particular with the University of Banja Luka, University of Tuzla, University of Zenica and University “Džemal Bijedić” in Mostar. Also, TI BiH established cooperation with the student unions at these universities, and conducted joint activities with the student representatives with the aim of representing their rights.

TI BiH established cooperation with the Ministry of Education and Science of FBiH as part of efforts to set up a Programme for Prevention of Corruption in Higher Education, which was adopted by the Government of FBiH. This cooperation included organisation of a joint conference *Integrity of Higher Education in BiH*, where the said programme was inaugurated.

As part of its advocacy efforts, TI BiH established a coalition with a group of CSOs working together with TI BiH to prevent the adoption of amendments to the Conflict of Interest Law and the Freedom of Access to Information Law (Centre for Information Decontamination of Youth Banja Luka, Centre for Investigative Reporting, Open Society Fund Bosnia and Herzegovina, Public Interest Advocacy Centre, civic association ‘Zašto ne’, European Research Centre, etc.).

TI BiH has had a long-standing cooperation with the Centre for Investigative Reporting through implementation of joint activities, exchange of information on cases of corruption, and providing legal aid. This cooperation was formalised through the application for a joint project, and joint organisation of a conference on the occasion of the International Anti-Corruption Day.

TI BiH also established a collaboration with the Public Interest Advocacy Centre within the Open Government Partnership initiative.

As part of a regional project TI BiH re-established cooperation with organisations in the region which implement activities in the field of political party funding, such as the Centre for Democratic Transition from Montenegro, MOST from Macedonia, Centre for Development of Serbia, and the Initiative for Progress – INPO from Kosovo.

Also, TI BiH established cooperation with the Journalists’ Club Banja Luka, part of the BH Journalists network, and jointly organised debates on free access to information. In November 2013 TI BiH, in cooperation with the Friedrich Ebert Foundation and the BH Journalists, organised a regional conference on conflict of interest in Banja Luka.

In addition to the aforementioned activities, TI BiH established cooperation with many other organisations and institutions that implement anti-corruption laws by participating in public events and monitoring the performance of the institutions, with the aim of stepping up activities in the fight against corruption.