

Ukoliko joj se dozvoli da izaziva
iracionalno upravljanje, motivisano
pohlepom umjesto potrebama ljudi...
korupcija će čak osporiti i tu najosnovniju
od ljudskih potreba – nadu.
PITER AJGEN, 2000.

If it is allowed to continue to provoke
irrational governance, one driven
by greed rather than by the people's needs..
corruption will even deny that most
fundamental of human needs - hope.
PETER EIGEN, 2000



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Transparency International u Bosni i Hercegovini (TI BiH) osnovan je 2001. godine, kao ogranak globalnog pokreta posvećenog borbi protiv korupcije. Već 15 godina TI BiH ukazuje na korupciju, kroz istraživanja i djelovanje po pojedinačnim slučajevima, i nastoji uticati na kreiranje i provođenje reformi koje će sistemski smanjiti nivo korupcije i povećati transparentnost i odgovornost institucija u BiH, te mobilizovati građane da prijavljuju korupciju i traže odgovornost vlasti i institucija.

Transparency International in Bosnia and Herzegovina (TI BiH) was established in 2001 as a national chapter of the global movement devoted to combating corruption. For 15 years TI BiH has been raising awareness about corruption by carrying out surveys and studies and engaging in the resolution of individual cases, pushing for the introduction and implementation of systemic reforms to reduce the level of corruption and enhance transparency and accountability of institutions in BiH, and mobilising citizens to report corruption and demand accountability from public officials and institutions.

Vizija TI BiH:

Društvo koje počiva na pravičnosti,
transparentnosti i odgovornosti,
sposobno da spriječi i kazni
korupciju.

Vision of TI BiH:

A society based on equity,
transparency and accountability,
able to prevent and punish
corruption.

Misija TI BiH:

Mi smo organizacija koja se bori za sistemske promjene u društvu i artikuliše zahtjeve građana za odgovornom, transparentnom i efikasnom vladavinom. To postizemo u partnerstvu sa javnim, privatnim i civilnim sektorom.

Mission of TI BiH:

We are an organisation that fights for systemic changes in society and articulates citizens' demands for accountable, transparent and efficient governance. We achieve this in partnership with public, private and civil sectors.

» Prvih 15 godina



Srđan Blagovčanin,
predsjedavajući Odbora direktora,
Transparency International
u Bosni i Hercegovini

Srđan Blagovčanin,
chair of the Board of Directors,
Transparency International
in Bosnia and Herzegovina

Uz obilježavanje petnaeste godišnjice djelovanja Transparency International (TI) u BiH, neizbježno dolazi na osvrtanje na početke djelovanja organizacije, kao i ono što je postignuto kroz ovaj, i ne tako kratak, period. Na počecima djelovanja TI u BiH, korupcija nije još uvijek u javnom diskursu bila prepoznata kao suštinska prepreka razvoju, reformama i obnovi zemlje. TI BiH je u bavljenju problemom korupcije bio potpuno usamljen među organizacijama civilnog društva. Stoga su i aktivnosti organizacije u tom periodu bile usmjerene na jačanje svijesti i stvaranje pretpostavki za suzbijanje korupcije kroz osiguravanje elementarne zakonske i institucionalne infrastrukture. U tom periodu su i postavljeni temelji za suzbijanje korupcije u zemlji, kroz zakonsko regulisanje nekih od najvažnijih pitanja, kao što su slobodan pristup informacijama, sprečavanje sukoba interesa, finansiranje političkih partija i brojni drugi, u čemu je TI BiH odigrao značajnu ulogu.

Važnu prekretnicu u radu organizacije predstavlja početak djelovanja Centra za pružanje pravne pomoći u borbi protiv korupcije 2004. godine. Važnost opredjeljenja za direktan rad sa građanima, kroz pružanje pravne pomoći žrtvama korupcije, ubrzo je pokazala svu svoju opravdanost, a do danas je pravne savjete TI BiH dobilo više od 10.000 građana BiH. Slične centre, po uzoru na ovaj, ogranci TI su otvorili širom svijeta u više od 60 zemalja, sa preko sto ureda.

Osiguravanje kvalitetnih i relevantnih istraživanja stanja korupcije u BiH uvijek je bila temeljna orijentacija TI BiH, na čemu se i zasnivaju zagovaračke aktivnosti za unapređenje zakonskog okvira i funkcionisanja institucija u BiH. Na bazi studija, analiza i istraživanja TI BiH je inicirao i svojim aktivnim učesćem dao doprinos izradi desetina zakona, podzakonskih akata, strategija i drugih važnih dokumenata. Radeći sa državnim institucijama na svim nivoima, organizacijama civilnog društva i medijima, TI BiH je aktivno i nesebično doprinio izgradnji njihovih kapaciteta.

Petnastogodišnji razvojni put organizacije pratili su brojni izazovi i problemi. Zbog svog opredjeljenja da beskompromisno i dosljedno ukazuje i javno govori o problemu korupcije, organizacija je nerijetko bila izložena različitim pritiscima, napadima i prijetnjama. Čak je u jednom periodu 2008. godine došlo do kratkotrajnog prekida aktivnosti, izazvanog direktnim prijetnjama od strane najviših zvaničnika Republike Srpske, a zbog objavljivanja ugovora i analize o privatizacijama u RS. Ovakvi i slični napadi nisu promijenili temeljnu orijentaciju organizacije, te su aktivnosti i djelovanje nastavljani.

Posebnu važnost organizacija je u svom djelovanju tokom cijelog svog postojanja posvećivala edukativnoj komponenti. Tako su za proteklih petnaest godina različite vidove obuka i edukacija u organizaciji TI BiH prošle stotine državnih službenika, javnih zvaničnika, aktivista organizacija civilnog društva, novinara i građana BiH.

Danas, nakon petnaest godina djelovanja, sa temeljnim uvjerenjem da je nepristajanje na korupciju i aktivno suprotstavljanje toj pošasti bio i jeste jedini ispravan izbor, svi koji su na bilo koji način bili ili jesu dio TI, imaju razlog da budu ponosni i zadovoljni. TI BiH je u tom periodu izrastao u respektabilnu, nezavisnu i uticajnu organizaciju, čiji se stavovi i nalazi uvažavaju i u koju građani imaju povjerenje i, što je još važnije, koja će kroz sve svoje aktivnosti nastaviti da se bori za integritet, transparentnost, odgovornost i dobru vladavinu u interesu svih građana BiH.

»» The first 15 years

The marking of the fifteenth anniversary of Transparency International (TI) in BiH is a fitting moment to look back at the beginnings of the organisation and what it has achieved since then. In the early period of TI BiH's work corruption was not yet recognised in the public discourse as a major obstacle to the development, reform and reconstruction of the country. In dealing with the problem of corruption TI BiH was completely alone among civil society organisations. Its activities during that period were therefore aimed at raising awareness and creating preconditions for combating corruption by ensuring that the basic legal and institutional infrastructure was put in place. This period also saw the laying of foundations for combating corruption in the country through legal regulation of some of the most important issues, such as free access to information, prevention of conflict of interest, political party financing and many others, in which TI BiH played an instrumental role.

An important milestone in the organisation's work was the start of operation of the Advocacy and Legal Advice Centre in 2004. The commitment to engaging directly with citizens through provision of legal advice to victims of corruption soon proved to be fully justified, with more than 10,000 citizens of BiH receiving legal advice to date. Similar centres modelled on this one have been opened by national TI chapters in more than 60 countries worldwide, with over one hundred offices.

TI BiH has always been fundamentally oriented towards conducting high quality relevant studies into the state of corruption in BiH, based on which advocacy activities for improvement of the legal framework and the functioning of institutions in BiH are developed. Based on studies, surveys and analyses, TI BiH has initiated and actively participated in the development of dozens of laws, regulations, strategies and other important documents. Working with government institutions at all levels, civil society organisations and the media, TI BiH has actively and generously contributed to the development of their capacities.

The organisation's development path over the last 15 years has been marked by no small number of challenges and problems. Because of its commitment to raising awareness and speaking publicly, uncompromisingly and consistently about the problem of corruption, the organisation has often come under pressure, attacks and threats. In 2008 the organisation even had to temporarily suspend its activities as a result of direct threats coming from the highest officials of the Republika Srpska because TI BiH had publicly disclosed privatisation contracts and published analyses of privatisation in RS. These and similar attacks did not change the organisation's basic orientation, and its activities have since resumed.

Ever since it was established, the organisation has attached special importance to the educational component of its work. Thus, over the past 15 years hundreds of civil servants, public officials, civil society activists, journalists and citizens have received various forms of training and education organised by TI BiH.

Today, after fifteen years of active work, convinced that active resistance and opposition to the scourge of corruption was and is the only correct choice, all those who have in any way been part of TI BiH have reason to be proud and satisfied. During this period TI BiH has grown into a respected, independent and influential organisation, whose views and findings are respected and which enjoys the confidence of citizens, and – more importantly – one which will continue to fight for integrity, transparency, accountability and good governance in the interest of all citizens of BiH.



TI BiH u 2015. godini



Lejla Ibranović,
v.d. izvršnog direktora

Lejla Ibranović,
Executive Director a.i.

Transparency International u Bosni i Hercegovini (TI BiH) je tokom 2015. godine, uprkos određenim organizacionim promjenama i izazovima, angažovano i posvećeno nastavio rad u okviru svojih strateških pravaca djelovanja, jačajući svoju poziciju kredibilne i respektabilne organizacije civilnog društva u borbi protiv korupcije u BiH.

Nastavljen je rad na monitoringu i analizi antikorupcionog zakonodavstva i prakse u ključnim oblastima, s ciljem formulisanja preporuka za njihovo unapređenje. Na osnovu relevantnih nalaza i istraživanja, pokrenuto je nekoliko inicijativa za izmjene postojećeg antikorupcionog zakonodavstva, prije svega u oblastima sukoba interesa, imovinskih kartona, javnih nabavki, te finansiranja političkih partija.

Kao i prethodnih godina, vlasti su nastavile trend urušavanja postojećeg zakonodavstva i institucionalnog okvira, pa su tako u fokusu zagovaračkih aktivnosti TI BiH, između ostalog, bili pokušaji sprečavanja usvajanja pogubnih izmjena Zakona o državnoj službi FBiH i institucijama BiH, Zakona o javnom redu i miru RS, Zakona o javnosti rada neprofitnih organizacija RS. Zagovaračke aktivnosti bile su usmjerene i na rasvjetljavanje brojnih afera, kao što je to u slučaju Bobar banke, privatizacije Boske, te kupovine narodnih poslanika.

Preko 700 građana je dobilo pravni savjet u okviru Centra za pružanje pravne pomoći, a TI BiH je djelovao u preko 200 slučajeva nepravilnosti koje su prijavili građani, nastavljajući tako pružati mogućnost građanima da zadovolje svoja prava pred institucijama i ukažu na korupciju sa kojom se susreću.

Kao lider organizacija u okviru inicijative Partnerstvo za otvorenu vlast, TI BiH je uspješno koordinirao rad nekoliko nevladinih organizacija na izradi prvog akcionog plana BiH i aktivno radio na jačanju saradnje sa ključnim institucijama koje su bile uključene u ovaj proces.

TI BiH je također intenzivirao svoj rad i aktivnosti na lokalnom nivou. Kao značajno postignuće neophodno je istaći da je TI BiH proveo procjenu sistema lokalnog integriteta u deset jedinica lokalne samouprave u BiH, time postavši prvi ogranak u okviru TI pokreta koji je procjenom obuhvatio ovako veliki broj jedinica lokalne samouprave. Sa ovim opštinama, kao i sa dvadeset drugih, započet je i sistemski rad na jačanju antikorupcijskih kapaciteta na lokalnom nivou.

Nastojeći dati vlastiti doprinos efikasnijem provođenju antikorupcijskih reformi, TI BiH je nastavio sa naporima na izgradnji koalicija i partnerstava sa vladinim, nevladinim i međunarodnim organizacijama. Pružajući pravnu pomoć građanima i nevladinim organizacijama, dajući konstruktivne prijedloge procesima donošenja zakona i politika, organizujući i provodeći različite vrste edukativnih aktivnosti, te kontinuiranim naporima na unapređenju kvaliteta i standarda u radu, zaposleni, članovi odbora direktora i članovi TI BiH su učinili da organizacija i dalje bude prepoznata kao ključna i vodeća snaga civilnog društva u borbi protiv korupcije.



TI BiH in 2015

Despite some organisational changes and challenges in 2015, Transparency International in Bosnia and Herzegovina (TI BiH) continued to work dedicatedly along its strategic lines of action, strengthening its position as a credible and respectable civil society organisation engaged in the fight against corruption in BiH.

TI BiH has continued its activities on the monitoring and analysis of anti-corruption legislation and practices in key areas, with the aim of formulating recommendations for their improvement. On the basis of relevant findings and research, several initiatives have been launched to amend the existing anti-corruption legislation, primarily in the areas of conflict of interest, assets declaration forms, public procurement, and political party financing.

As in previous years, the authorities have continued to weaken the existing legislation and institutional framework. TI BiH has therefore focused its advocacy activities, inter alia, on attempts to prevent the adoption of harmful amendments to the Laws on Civil Service in FBiH and in BiH, the Law on Public Peace and Order of RS, and the Law on Transparency of Non-profit Organisations of RS. Advocacy activities were also focused on exposing a number of corruption scandals, such as those involving Bobar Bank, privatisation of the Boska department store, and the “buying” of MPs’ votes.

The Advocacy and Legal Advice Centre (ALAC) provided legal advice to over 700 people, and TI BiH acted in more than 200 cases of irregularities reported by citizens, thus continuing to provide an opportunity for citizens to demand their rights before institutions and disclose the corruption they witnessed.

As the leader of organisations participating in the Open Government Partnership initiative, TI BiH has successfully coordinated the activities of several non-governmental organisations in the preparation of the first action plan of BiH and actively worked to strengthen cooperation with key institutions involved in this process.

TI BiH has also intensified its work and activities at the local level. The most noteworthy achievement is the local integrity system assessment which was conducted in ten local governments in BiH, making TI BiH the first TI chapter to have included such a large number of local governments in the assessment. Furthermore, TI BiH engaged systemically with these and twenty other municipalities with the aim of enhancing anti-corruption capacity at the local level.

In order to contribute to a more efficient implementation of anti-corruption reforms, TI BiH has continued building coalitions and partnerships with governmental, non-governmental and international organisations. Thanks to the efforts of the employees, members of the Board of Directors and members of TI BiH in providing legal assistance to citizens and NGOs, putting forward constructive proposals in the law- and policy-making processes, organising and conducting various types of educational activities, as well as their ongoing efforts to improve the quality and standards of their work, the organisation continues to be recognised as a key and leading force of civil society in the fight against corruption.

»» Sadržaj Table of contents

12

Transparentnost
i pristup informacijama
Transparency and
access to information

18

Partnerstvo za
otvorenu vlast
Open Government
Partnership

24

Pružanje besplatne pravne
pomoći građanima u borbi
protiv korupcije
Providing free legal advice to
citizens in the fight against
corruption

34

Sistem integriteta:
Lokalni nivo
Integrity system:
Local level

40

Sistem nacionalnog
integriteta (NIS)
National Integrity System
(NIS)

48

Monitoring reforme
javne uprave
Public Administration
Reform Monitoring

54

Javne nabavke
Public Procurement

60

Finansiranje političkih
stranaka i izbornih
kampanja
Financing of Political Parties
and Election Campaigns

68

Pravosuđe i procesuiranje
korupcije
Judiciary and Prosecution
of Corruption

76

Sukob interesa
Conflict of interest

80

TI BIH Škola integriteta
TI BIH School of Integrity

84

Građani o TI BIH
Public perceptions of TI BIH



Transparentnost i pristup informacijama

Transparency and access to information

» 2000

BiH je, među prvima u regionu, dobila Zakon o slobodi pristupa informacijama, nakon čega su 2001. godine usvojeni i entitetski zakoni koji regulišu prava građana na pristup informacijama od javnog značaja.

BiH adopts the Freedom of Access to Information Law, one of the first countries in the region to do so. Soon thereafter, in 2001, the entities also adopted their own laws governing the freedom of access to information of public importance.



» 2009-2015

TI BiH je pokrenuo 76 tužbi protiv institucija za kršenje Zakona o slobodi pristupa informacijama, od kojih je 36 dobio, a neke su još uvijek u proceduri. Međutim, i pored unaprijeđene sudske prakse, povećane upoznatosti građana o pravima na pristup informacijama i sve većeg broja organizacija koje zagovaraju transparentnost, primjena zakona je i dalje neadekvatna i institucije i dalje odbijaju objaviti informacije o svom radu, posebno one koje se odnose na najveće finansijske afere.

TI BiH files 76 lawsuits against institutions for violations of the Freedom of Access to Information Law, of which 36 have been won, and some are still pending. However, despite the improved judicial practice, increased awareness of the right to access information and growing number of organisations that advocate transparency, implementation of the Law remains inadequate with institutions continuing to refuse to disclose information about their activities, especially that related to major financial scandals.



Izgradnja sudske prakse

TI BiH je u 2015. godini dobio 19 sporova, na osnovu tužbi koje je tokom 2013, 2014. i 2015. godine pokrenuo protiv institucija zbog pogrešne primjene Zakona o slobodi pristupa informacijama.

Transparency International BiH konstantno zagovara unapređenje zakonskog okvira i primjene Zakona o slobodi pristupa informacijama, kroz iniciranje sudskih procesa u slučajevima kada institucije krše zakon, podnošenje inicijativa za unapređenje zakona, obučavanje građana o pravima na pristup informacijama, inicijative za proaktivnu transparentnost i sl.

Jedan od pozitivnih primjera zagovaranja u oblasti transparentnosti i sloboda pristupa informacijama u 2015. godini jeste upravo veliki broj dobijenih sudskih presuda zbog nedostavljanja informacija od javnog značaja koje je TI BiH dobio protiv institucija na svim nivoima vlasti. TI BiH je u 2015. godini dobio 19 sporova, na osnovu tužbi koje je tokom 2013, 2014. i 2015. godine pokrenuo protiv institucija zbog pogrešne primjene Zakona o slobodi pristupa informacijama, odnosno odbijanja pristupa informacijama po vlastitom nahođenju, bez pozivanja na zakonom propisane izuzetke i sprovođenja testa javnog interesa.

INSTITUCIJE PROTIV KOJIH JE TRANSPARENCY INTERNATIONAL BIH DOBIO SPOROVE SU:

1. Centralna banka BiH,
2. Uprava za indirektno oporezivanje BiH,
3. SIPA,
4. Agencija za osiguranje depozita BiH,
5. Ministarstvo trgovine i turizma RS,
6. Ministarstvo prosvjete i kulture RS,
7. Federalno ministarstvo za pitanja boraca i invalida (dva spora),
8. Republička uprava za geodetske i imovinsko-pravne poslove (RUGIP) (dva spora),
9. Republička uprava za inspekcijske poslove (dva spora),
10. Ministarstvo obrazovanja, nauke, kulture i sporta ZHK,
11. Ministarstvo zdravlja i socijalne zaštite RS,
12. APIF Sarajevo,
13. Grad Banjaluka,
14. Opština Berkovići,
15. Opština Prnjavor,
16. Opština Milići.

» Development of case-law

In 2015 TI BiH won 19 of the lawsuits which were filed in 2013, 2014 and 2015 against institutions for misapplication of the Freedom of Access to Information Law.

Transparency International BiH consistently advocates for improvements to the legal framework and consistent implementation of the Freedom of Access to Information Law by instituting court proceedings against institutions that break the Law, submitting initiatives for improvements to the Law, raising public awareness of the right to free access to information, undertaking initiatives for proactive transparency, etc.

One of the positive examples of advocacy in the area of transparency and freedom of information was the very large number of court judgments won by TI BiH in 2015 against institutions at all levels of government which refused to grant access to public information. In 2015 TI BiH won 19 of the lawsuits which were filed in 2013, 2014 and 2015 against institutions for misapplication of the Freedom of Access to Information Law, i.e. refusal on the part of the institutions to grant access to information at their sole discretion, without citing the relevant statutory exceptions and implementing the public interest test.

INSTITUTIONS AGAINST WHICH TRANSPARENCY INTERNATIONAL BIH WON LAWSUITS:

1. Central Bank of BiH,
2. Indirect Taxation Authority of BiH,
3. State Investigation and Protection Agency (SIPA),
4. Deposit Insurance Agency of BiH
5. Ministry of Trade and Tourism of RS,
6. Ministry of Education and Culture of RS,
7. Ministry for War Veterans and Disabled Persons of FBiH (two cases)
8. Administration for Geodetic and Property Affairs of RS (RUGIP) (two cases)
9. Administration for Inspection Affairs of RS (two cases)
10. Ministry of Education, Science, Culture and Sport of West Herzegovina Canton
11. Ministry of Health and Social Welfare of RS
12. APIF Sarajevo
13. City of Banja Luka,
14. Berkovići Municipality,
15. Prnjavor Municipality,
16. Milići Municipality



TI BiH je kao i svake godine 28. septembra obilježio Međunarodni dan slobode pristupa informacijama. U Banjaluci, Mostaru i Sarajevu su organizovane ulične akcije, a građani su se na štandu mogli informisati kako mogu ostvariti svoje pravo na pristup informacijama, i na licu mjesta mogli su popuniti obrasce putem kojih zahtijevaju informacije od javnih institucija.

U slučaju tužbe protiv RUGIP, sud potvrdio da se ličnim i privatnim podacima ne mogu smatrati imovinski podaci o političarima koji bi, kao javne ličnosti koje se bave poslovima od javnog značaja, morali dobrovoljno učiniti dostupnim i javnim sve podatke koji bi mogli uticati na njihov rad.

Jedan od značajnijih je bio spor koji je TI BiH dobio protiv Republičke uprave za geodetske i imovinsko-pravne poslove (RUGIP) koja je još 2012. godine odbila dostavljanje posjedovnih listova nepokretnosti i izvoda iz zemljišno-knjižnih uložaka za 44 političara.

Takođe, TI BiH u toku ove godine dobio je spor protiv Ministarstva trgovine i turizma RS koje je 2013. godine odbilo dostavu kopije ugovora o privatizaciji Robne kuće Boska u Banjaluci, međutim Ministarstvo nije postupilo po presudi i dostavilo traženu informaciju jer je ugovor o privatizaciji Boske „nestao“, zbog čega je Okružno tužilaštvo u Banjaluci pokrenulo istragu.

Sudska praksa je značajna jer se koristi kao efektivno zagovaračko sredstvo pred institucijama koje drže javne informacije pod svojom kontrolom i čija tumačenja Zakona o slobodi pristupa informacijama se često kose sa stavom suda. Ono što je još značajnije od činjenice da je TI BiH dobio veliki broj upravnih sporova, jesu stavovi suda izneseni u presudama, pa je tako npr. **u slučaju tužbe protiv RUGIP, sud potvrdio da se ličnim i privatnim podacima ne mogu smatrati imovinski podaci o političarima koji bi, kao javne ličnosti koje se bave poslovima od javnog značaja, morali dobrovoljno učiniti dostupnim i javnim sve podatke koji bi mogli uticati na njihov rad.**

Takođe, Okružni sud u Banjaluci još jednom je potvrdio svoj stav da je svaka odluka javne institucije kojom se odlučuje o zahtjevu za pristup informacijama rješenje, a ne dopis. To je izuzetno bitno za tražioce informacija u Republici Srpskoj, jer u samom zakonskom tekstu zakonodavac je predvidio da se o zahtjevima za pristup informacijama odlučuje u formi dopisa.

TI BiH je jedna od rijetkih organizacija koja uopšte stvara sudsku praksu u oblasti pristupa informacijama, a u svim zagovaračkim kampanjama liberalna stajališta suda koriste se kako bi se objasnila potreba za mijenjanjem spornih zakonskih odredbi.



ZNAŠ li da **IMAŠ** PRAVO da **ZNAŠ?**

28. septembar

Međunarodni dan slobode
pristupa informacijama



Like every year, on 28 September 2015 TI BiH marked the International Right to Know Day with street events and activities in Banja Luka, Mostar and Sarajevo. Special information stands were set up for people to learn how they can seek access to information, as well as to complete forms requesting information from public institutions.

Deciding in a lawsuit that had been filed against RUGIP, the Court held that the information about the property of politicians cannot be considered personal and private data and that politicians, being public figures engaged in the activities of public interest, should have to voluntarily make available to the public all information which could affect their performance.

One of the most important lawsuits won was one against the Administration for Geodetic and Property Affairs of RS (RUGIP), which in 2012 refused to grant access to title deeds of immovable property and extracts from land registry entries for 44 politicians.

In the same year TI BiH also won the case against the Ministry of Trade and Tourism of RS, which in 2013 refused to send a copy of the contract on the privatisation of the Boska department store in Banja Luka. However, the Ministry failed to comply with the court ruling and did not deliver the requested information because the contract on the privatisation of Boska “had disappeared”, whereupon the Banja Luka District Prosecutor’s Office launched an investigation.

The case-law is important because it is used as an effective advocacy tool against institutions that hold control of public information and whose interpretations of the Freedom of Access to Information Law are often at variance with the views of the courts. What is even more important than the fact that TI BiH has won a large number of administrative disputes are the views of the courts expounded in the judgments. Thus, for example, **deciding in a lawsuit that had been filed against RUGIP, the Court held that the information about the property of politicians cannot be considered personal and private data and that politicians, being public figures engaged in the activities of public interest, should have to voluntarily make available to the public all information which could affect their performance.**

Also, the District Court in Banja Luka re-affirmed its position that any decision by a public institution which decides on the request for access to information is to be considered a decision [which is an appealable administrative ruling], and not merely a letter of notification [which is non-appealable]. This is extremely important for those who request access to information in Republika Srpska, as the legislator defined in the Law that the requests for access to information are decided upon in the form of the letter of notification.

TI BiH is one of the very few organisations in the country that creates case-law in the area of access to information. Liberal positions of the courts are used in all advocacy campaigns to raise awareness of the need for changing the controversial legislative provisions.



Partnerstvo za otvorenu vlast

Open Government Partnership

» 2011

Pokrenuta međunarodna inicijativa Partnerstvo za otvorenu vlast posvećena otvaranju rada vlada, transparentnosti i odgovornosti, koja okuplja 64 zemlje.

Open Government Partnership is launched to provide an international platform committed to making governments more open, accountable, and responsive to citizens, bringing together 64 participating countries.



» 2014

Kao rezultat zalaganja TI BiH i drugih organizacija, BiH pristupila Partnerstvu za otvorenu vlast.

BiH joins the Open Government Partnership as a result of efforts by TI BiH and other organisations.



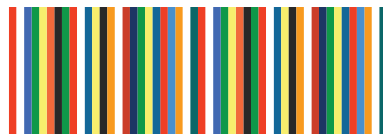
» Partnerstvo za otvorenu vlast

TI BiH i koalicija NVO (Fondacija CPI, Centar za istraživačko novinarstvo, Analitika, Zašto ne?) su umjesto institucija vlasti bili pokretači i realizatori javnih konsultacija koje su omogućile građanima, akademskoj zajednici i nevladinim organizacijama da iskažu svoje mišljenje i predlože svoje mjere za akcioni plan.

Partnerstvo za otvorenu vlast (Open Government Partnership), inicijativa pokrenuta 2011. godine, međunarodna je platforma za domaće reformatore posvećena procesu otvaranja rada vlada, većoj odgovornosti i transparentnosti javnih tijela. Partnerstvo okuplja 64 zemlje učesnice i u svima njima vlada i civilno društvo rade zajedno na razvijanju i implementaciji ambicioznih reformi za otvorenu vlast.

BiH je u septembru 2014. godine pristupila Partnerstvu za otvorenu vlast, što je bio rezultat zagovaračkih aktivnosti koje je TI BiH provodio u posljednje dvije godine, samostalno i skupa sa partnerskim organizacijama. BiH je do kraja juna 2015. godine, shodno preuzetim obavezama u okviru Partnerstva, trebala da usvoji svoj prvi akcioni plan kojim se definišu prioritete i mjere koje će država poduzeti na polju unapređenja transparentnosti i otvorenosti institucija. Međutim, uprkos brojnim pritiscima civilnog društva, pojedinih institucija BiH koje su uključene u aktivnosti pristupa Partnerstvu, ali i drugih organizacija koje djeluju na teritoriji BiH, institucije nisu ništa poduzele po pitanju kreiranja prvog akcionog plana u prvih 6 mjeseci članstva.

TI BiH je stoga preuzeo inicijativu i, kao lider organizacija u okviru inicijative Partnerstvo za otvorenu vlast, uspješno koordinisao rad nekoliko nevladinih organizacija na izradi prvog akcionog plana BiH i djelovao na jačanju saradnje sa ključnim institucijama koje su bile uključene u ovaj proces. TI BiH i koalicija NVO (Fondacija CPI, Centar za istraživačko novinarstvo, Analitika, Zašto ne?) su umjesto institucija vlasti bili pokretači i realizatori javnih konsultacija koje su omogućile građanima, akademskoj zajednici i nevladinim organizacijama da iskažu svoje mišljenje i predlože svoje mjere za akcioni plan. Rezultati rada i svi izvještaji o realizovanim aktivnostima, kao i prijedlozi mjera za akcioni plan, dostupni su javnosti na stranici www.ogp.ba, koju vode članice neformalne koalicije. Namjera je da usaglašene mjere budu korištene kao početna tačka od strane koordinacijskog tijela, kada ono bude oformljeno od strane institucija vlasti.



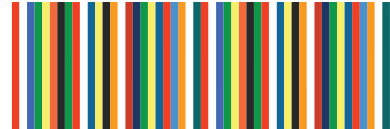
Open Government Partnership

TI BiH and the Coalition of NGOs (Fondacija CPI, Centar za istraživačko novinarstvo, Analitika, Zašto ne?) took action in lieu of the government institutions, initiating and implementing public consultations that enabled citizens, academia and NGOs to express their opinions and propose measures for the Action Plan.

Open Government Partnership initiative was launched in 2011 to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. The partnership brings together 64 participating countries and in all of them, government and civil society are working together to develop and implement ambitious open government reforms.

BiH joined the Open Government Partnership in September 2014, as a result of advocacy activities implemented by TI BiH, alone and together with partner organisations, over the last two years. By the end of June 2015, in accordance with the commitments made under the Partnership, BiH was required to adopt its first action plan setting the priorities and measures that the state will take to improve transparency and openness of its institutions. However, despite the tremendous pressure from civil society, individual institutions of BiH which were involved in helping the country accede to the Partnership, and other organisations operating in BiH, the institutions did nothing to create the first Action Plan in the first six months of membership.

TI BiH therefore took the initiative and, as the leading organisation in the Open Government Partnership initiative, successfully coordinated the work of several NGOs on the development of the first Action Plan of BiH and enhanced cooperation with key institutions involved in this process. TI BiH and the Coalition of NGOs (*Fondacija CPI, Centar za istraživačko novinarstvo, Analitika, Zašto ne?*) took action in lieu of the government institutions, initiating and implementing public consultations that enabled citizens, academia and NGOs to express their opinions and propose measures for the Action Plan. Results of that work and all reports on implemented activities along with proposed measures for the Action Plan are available on the website www.ogp.ba, which is maintained by the members of the informal coalition. The aim is to ensure that the agreed measures are used as a starting point by the coordinating body, once it has been formed by the government.



TI BiH je u procesu konsultacija za definisanje mjera za Akcioni plan BiH u okviru Partnerstva za otvorenu vlast okupio skoro 200 predstavnika institucija, civilnog društva i medija.

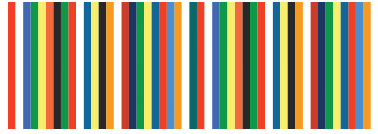
Najvažnije predložene mjere i aktivnosti, sa kojima će se i u narednom periodu istupati, zajedno sa svim drugim zainteresovanim organizacijama, a koje su nastale kao rezultat sastanaka radnih grupa, su:

- Izmijeniti zakone o slobodi pristupa informacijama dodavanjem odredbe o proaktivnom objavljivanju informacija/predložiti konkretne kategorije informacija;
- Unaprijediti nadzor nad provedbom zakona o slobodi pristupa informacijama, sa osvrtnom na Indeks registar i zahtijevati sankcije za njegovo kršenje;
- Propisati obavezu objavljivanja registara ugovora o javnim nabavkama;
- Uspostaviti online platformu na nivou BiH i eventualno na nivoima RS i FBiH za obavljanje konsultacija u procesu donošenja zakona i drugih propisa;
- Izmijeniti Zakon o budžetu i staviti svakoj instituciji obavezu objavljivanja detaljnijeg budžeta kroz svoje medije i komunikacije, te unaprijediti sadržaj i transparentnost budžetskih dokumenata;
- Objavljivanje liste svakodnevnih troškova institucija vlasti;
- Napraviti platformu za e-zahtjeve po osnovu Zakona o slobodi pristupa informacijama.

Kako bi se ojačao uticaj aktivnosti u okviru OGP inicijative, sačinjena je i objavljena analiza o Zakonu o slobodi pristupa informacijama u BiH i njegovoj primjeni, koja se fokusirala upravo na mjere koje su predložene za uvrštavanje u OGP akcioni plan BiH. Pored ove, sačinjena je i analiza Zakona o javnim nabavkama, uz fokus na otvorenost nabavki i dostupnosti informacija, sa prijedlozima za unapređenje transparentnosti, koje su takođe inkorporirane u prijedloge mjera za akcioni plan. Objavljen je i dokument javnih politika „Budžetom za građane do otvorenije vlasti“, kao osnova za formulisanje prijedloga mjera u oblasti fiskalne transparentnosti.

Ove analize služe institucijama, ali i široj javnosti kao putokaz u smjeru Partnerstva za otvorenu vlast i predstavljaju jaku argumentaciju u procesu zagovaranja predloženih mjera za prvi akcioni plan BiH u okviru Partnerstva.

TI BiH je, kao i ranijih godina, nastavio i da zagovara za unapređenje zakonskog okvira u oblasti pristupa informacijama, kako kroz same zakone o slobodi pristupa informacijama, tako i kroz druge zakonske akte koji utvrđuju nivo dostupnosti informacijama u oblastima kao što su javne nabavke, finansiranje političkih partija, imovinski kartoni i sl.



Through consultations aimed at identifying measures for Open Government Partnership Action Plan for BiH, TI BiH and NGO coalition gathered almost 200 participants from relevant institutions, civil society and media.


The most important measures and activities developed and proposed by working groups, which will also be advocated in the future together with all other interested organisations, are as follows:

- Amend the Freedom of Access to Information Law by adding provisions on proactive disclosure / propose specific categories of information;
- Improve oversight of the implementation of the Freedom of Access to Information Law, with special focus on the Index Register, and demand penalties for violation of this Law;
- Introduce the obligation to make registers of public procurement contracts available to public;
- Establish an on-line platform at the level of BiH, and possibly at the level of RS and FBiH, for consultation in the process of adopting laws and other regulations;
- Amend the Law on Budget by introducing an obligation for every institution to publish detailed budgets via their media and means of communication, and enhance the transparency of and level of information in budget papers;
- Publish a list of everyday expenses of government institutions;
- Create a platform for e-requests on the basis of the Freedom of Access to Information Law.

To enhance the impact of the activities within the OGP initiative, an analysis of the Freedom of Access to Information Law in BiH and its implementation was made and published, focusing on the measures proposed for inclusion in the BiH OGP Action Plan. Also, an analysis of the Public Procurement Law was made, focusing on transparency and accessibility of information in public procurement and containing proposals on how to improve transparency, which were also incorporated into the proposed measures for the Action Plan. Also, the policy document "Budget for Citizens as a Means to Achieving Open Government" was released to serve as a basis for formulating proposals for fiscal transparency measures.

These analyses serve to institutions, but also the general public, as a guide towards the Open Government Partnership and present a strong argument in advocating measures proposed for the first BiH OGP Action Plan.

As in previous years, TI BiH has continued to advocate for the improvement of the legal framework governing access to information, both through the laws on freedom of access to information, as well as through other legal acts regulating the level of accessibility of information in areas such as public procurement, political party financing, assets declaration forms, etc.



**Pružanje besplatne
pravne pomoći
građanima u borbi
protiv korupcije**

**Providing free
legal advice to
citizens in the fight
against corruption**

» 2003

Pokrenut Centar za pružanje pravne pomoći u borbi protiv korupcije i besplatna linija za prijavu korupcije - 0800 55555.

Advocacy and Legal Advice Centre and toll-free anti-corruption hotline 0800 55555 are launched.



» 2015

Za 12 godina rada Centra više od 10 000 građana dobilo pravni savjet i pomoć u ostvarivanju svojih prava pred institucijama.

In 12 years since the launching of the Centre more than 10,000 people have received legal advice and assistance in exercising their rights before institutions.

» ALAC



Tokom 2015. godine Centar za pružanje besplatne pravne pomoći Transparency International BiH djelovao je na osnovu preko 200 novih slučajeva koje su prijavili građani ili na osnovu TI BiH inicijative.

Na osnovu prijava i inicijative TI BiH, Institucija ombudsmana za ljudska prava BiH je donijela tri odlike u kojima daje preporuke institucijama da unaprijede pravilnike o zapošljavanju i ukazuje na nezakonita zapošljavanja.

Centar za pružanje pravne pomoći u borbi protiv korupcije Transparency International Bosne i Hercegovine (ALAC) osnovan je krajem 2003. godine i usmjeren je na pružanje besplatne pravne pomoći građanima i pravnim licima. Cilj Centra je dati praktične i korisne pravne savjete svim licima koja se obrate TI BiH, ali i pratiti rad nadležnih institucija, naročito u slučajevima koji se odnose na korupciju. Na ovaj način građanima se pružaju alternativni načini borbe protiv korupcije i sva pravna sredstva koja im stoje na raspolaganju. Aktivnim praćenjem rada postupajućih organa ne dopušta se da eventualno protivpravno i samovoljno ponašanje prođe neopaženo.

Centar za pružanje pravne pomoći u borbi protiv korupcije radi i na iznalaženju odgovarajućih institucionalnih reformi i kvalitetnijih zakonskih rješenja u oblasti antikorupcijske politike, saradujući sa predstavnicima vlasti, ali imajući prevashodno u vidu primjedbe i prijedloge na rad institucija koje mu građani svakodnevno šalju.

Pružanje pravne pomoći daje mogućnost građanima koji su žrtve korupcije da ispu- ne i zaštite svoja prava koja su ugrožena kao posljedica korupcije.

Tokom 2015. godine Centar za pružanje besplatne pravne pomoći Transparency International BiH djelovao je na osnovu preko 200 novih slučajeva koje su prijavili građani ili na osnovu TI BiH inicijative. Prijave građana su pristizale putem besplat- ne linije za prijavu korupcije, poštanskim i elektronskim putem, putem faksa, te u okviru posjeta građana TI BiH. Uoporedo sa novim predmetima, Centar je nastavio da postupa i u predmetima iz ranijih godina. U navedenom periodu upućena su 363 dopisa nadležnim institucijama, 137 dopisa u vidu pravnih savjeta građanima, te pokrenuto 10 upravnih sporova pred nadležnim sudovima u ime TI BiH i 3 u ime stranaka. Građani su 776 puta pozvali besplatnu liniju 0800 55555 za prijavu sluča- jeva korupcije i na taj način dobili pravni savjet ili su dobili informacije o institucija- ma nadležnim za rješavanje njihovih pitanja.

Ubjedljivo najveći broj prijavljenih slučajeva, kao i prethodnih godina, se odnosi na sektor državne uprave. U ovu oblast spadaju pritužbe na sve institucije u BiH na svim nivoima vlasti, državnom, entitetskom, lokalnom, kao i prijave koje se odnose na javna preduzeća i javne ustanove. Najveći broj prijava se odnosi na neregular- nosti u procesu zapošljavanja, tj. na „namještene“ konkurse za prijem službenika u javne institucije na svim nivoima, ali i prijem zaposlenih u javna preduzeća i javne ustanove. Zanimljivo je da se sve veći broj građana odlučuje da, uz pravnu pomoć TI BiH, koriste sva raspoloživa pravna sredstva kojima se želi ukazati na nepravilnosti u konkursnim procedurama u javnom sektoru.

Na osnovu prijava i inicijative TI BiH, Institucija ombudsmana za ljudska prava BiH je donijela tri preporuke, od kojih se dvije odnose na obavezu institucija (ministar- stava obrazovanja u Tuzlanskom i Sarajevskom kantonu) da izmijene Pravilnik o zapošljavanju, koji su inače vrlo često predmet prigovora i nezadovoljstva građana. Treća preporuka se odnosi na nezakonito sprovedenu proceduru javnog konkursa u Republičkom hidrometeorološkom zavodu RS. Takođe, po prijavi TI BiH Upravni inspektorat RS je utvrdio nepravilnosti u radu Agencije za državnu upravu RS u vezi sa oslobađanjem od polaganja stručnog ispita kandidatkinje koja je položila javni ispit pred Agencijom za državnu službu BiH, a kandidatkinji je po nalogu upravnog inspektora otkazan ugovor o radu. Radi se o slučaju koji je Centar za pružanje pravne pomoći TI BiH dugo pratio pružajući stranci svu potrebnu pravnu podršku i savjetovanje.

» ALAC

The Advocacy and Legal Advice Centre of Transparency International Bosnia and Herzegovina (ALAC) was founded in late 2003 with the aim of providing free legal advice to citizens and legal entities. The Centre aims to provide practical and useful legal advice to all individuals who seek assistance from TI BiH, but also to monitor the work of authorities, particularly insofar as it relates to corruption. In this way, citizens are provided with alternative ways to combat corruption and are informed of all legal remedies available to them. Active monitoring of the work of relevant authorities prevents any unlawful and arbitrary behaviour from going unnoticed. Also, the Centre seeks to identify appropriate institutional reforms and improve anti-corruption legislation by working with the authorities, but bearing in mind primarily the complaints and suggestions regarding the work of institutions received daily from citizens.

Provision of legal advice helps victims of corruption to exercise and protect their rights that are compromised as a result of corruption.

In 2015 the Centre took appropriate actions on the basis of **more than 200 new cases reported by citizens** or at TI BiH's own initiative. Citizens reported corruption via the toll-free anti-corruption hotline, regular or electronic mail, by fax, and by directly visiting TI BiH offices. In parallel with the new cases, the Centre continued working on cases from previous years. During this period, 363 letters were sent to the competent institutions, 137 letters were sent to citizens in the form of legal advice, and ten administrative proceedings were instituted before the competent courts on behalf of TI BiH and three on behalf of aggrieved citizens. The toll-free anti-corruption hotline 0800 55555 received 776 calls, providing citizens with relevant legal advice or information about the institutions responsible for resolving their cases.

By far the largest number of reported cases, as has also been the case in previous years, relates to the public administration sector. These include complaints against all institutions in Bosnia and Herzegovina at all levels of government (state, entity and local levels) as well as those relating to public enterprises and public institutions. The overwhelming majority of complaints relate to irregularities in the recruitment of civil servants in public institutions at all levels of government and employees in public enterprises and public institutions. Interestingly, an increasing number of citizens choose, in addition to the legal advice provided by TI BiH, to also use all available legal means to point out the irregularities in public sector recruitments.

On the basis of citizens' complaints and TI BiH's initiative, the Institution of Human Rights Ombudsman of BiH has issued three recommendations, two of which relate to the obligation of institutions (education ministries in the Tuzla and Sarajevo Cantons) to amend their Recruitment Rules, which are the subject of frequent dissatisfaction and complaints from citizens. The third recommendation relates to irregularities in the job competition procedures in the RS Hydrometeorological Institute. Also, following up on TI BiH's complaint, the Administrative Inspectorate of RS found irregularities in the work of the Civil Service Agency of RS relating to exemption from taking the exam for a candidate who had passed the civil service exam before the Civil Service Agency of BiH, as a result of which the employment contract with the said candidate was cancelled as per the orders of the administrative inspector. This is a case that the Advocacy and Legal Advice Centre followed for very long, providing the aggrieved party with all the necessary legal support and advice.

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On the basis of citizens' complaints and TI BiH's initiative, the Institution of Human Rights Ombudsman of BiH has issued three decisions giving recommendations to institutions to amend their recruitment rules and pointing to irregularities in job competition procedures.



U jednom od slučajeva u oblasti obrazovanja, TI BiH je nadležnoj inspekciji prijavio slučaj falsifikovanja magistarskog rada, nakon čega je prijavljenoj osobi poništen izbor u zvanje.

TI BiH je utvrdio da je javni novac prikupljen kroz Fond solidarnosti raspodijeljen na netransparentan i nezakonit način Udruženju privrednika 15. maj iz Doboja, koje je osnovano neposredno poslije poplava, a koje po Zakonu nema javnih ovlašćenja i ne može raspolagati javnim novcem, te koje je dalje bez jasnih kriterijuma, po svom nahođenju, novac isplatilo privrednicima u Doboju. TI BiH je izvršio provjeru privrednika i došao do podatka da je većina osnivača spornog Udruženja koje je odlučivalo o dodjeli pomoći zapravo i bila korisnik ovih sredstava, što predstavlja primjer očiglednog sukoba interesa. Utvrđeno je da je ono članovima svog nadzornog i upravnog odbora, kao i osnivačima i članovima, rasporedilo gotovo 500.000 KM.

Prijave građana odnosile su se i na nepravilnosti u radu institucija i u drugim oblastima, kao što su: postupanje institucija pravosuđa, obrazovanje, zdravstvo, poslovanje banaka, imovinsko - pravni odnosi, javne nabavke i sl.

Prijave vezane za rad tužilaštava su se uglavnom odnosile na nezadovoljstvo građana postupanjima tužilaštva po njihovim prijavama ili odlukama o nesprovođenju istraga. Tokom 2015. godine TI BiH je nadležnim tužilaštvima na svim nivoima vlasti uputio oko 30 zahtjeva za pristup informacijama u kojima se interesovao za statuse pojedinih predmeta i aktivnosti koje preduzimaju nadležna tužilaštva.

Kada je riječ o radu sudova, prijave su se odnosile na dužinu postupka pred sudom, nepostupanje sudova po zahtjevima stranaka, te nezadovoljstvo stranaka sudskim odlukama. TI BiH je davao savjete građanima vezane za način izjavljivanja pravnih lijekova, te objašnjavao na koji način se rješavaju predmeti i kako stranke mogu da se obrate sudu i urgiraju postupanje. Dvije prijave su se odnosile na neregularnosti prilikom zapošljavanja administrativnog osoblja u jedan opštinski sud i jedan okružni sud, na osnovu čega je TI BiH došao do saznanja o neadekvatnosti procedura zapošljavanja administrativnog osoblja i pripravnika u sudovima i nepostojanju obaveze raspisivanja konkursa za prijem administrativnih radnika.

U sektoru obrazovanja, prijave su se odnosile na nezakonitosti u procedura za izbor profesora, dodjele časova profesorima, zatim na nezakonito učestvovanje direktora škola kao člana komisije za izbor nastavnog kadra u školama, te nezakonitosti u vezi sa utroškom sredstava za izgradnju/rekonstrukciju školskih objekata. Značajno je spomenuti i slučaj falsifikovanja magistarskog rada na jednom privatnom univerzitetu koji je TI BiH prijavio nadležnim inspeksijskim organima, koji su izvršili provjere i poništili izbor u zvanje prijavljenog kandidata.

U odnosu na prethodnu godinu u 2015. je zabilježen porast broja prijava u

oblasti zdravstva, a odnosile su se na nesavjesno liječenje pacijenata, dosluh ljekara sa zastupnicima farmaceutskih i medicinskih kompanija u vezi sa upućivanjem pacijenata na kupovinu određene medicinske opreme i pomagala, te na loše poslovanje pojedinih zdravstvenih ustanova. I dalje građani prijavljuju zapošljavanje bez konkursa u zdravstvene ustanove, te čak i zapošljavanje osoblja koje ne ispunjava uslove u pogledu kvalifikacija. Primjer jednog takvog zapošljavanja je Dom zdravlja Olovo koji je na pozicije vozača hitne pomoći primio radnike sa falsifikovanim diplomama KV vozača, što je potvrđeno od strane nadležnog tužilaštva.

Republiku Srpsku su u 2015. godini potresale mnogobrojne afere u finansijskom sektoru, a TI BiH je sve vrijeme ukazivao na nepravilnosti u radu regulatornog tijela, naročito u slučaju Bobar banke. TI BiH je prvi utvrdio da se u slučaju bijeljinske banke upošte ne vodi istraga zbog sukoba nadležnosti između tužilaštava, a tek nakon što je upućen zahtjev za rješavanje sukoba nadležnosti glavnom republičkom tužiocu predmet je konačno dat na postupanje državnom tužilaštvu.

TI BiH je djelovao u značajnom broju slučajeva i u oblasti građevinarstva i urbanizma. Predmeti iz ove kategorije se odnose na nepravilnosti vezane za rad opštinskih službi, kada je u pitanju izdavanje dokumentacije iz oblasti prostornog uređenja, bilo da se radi o tolerisanju nelegalne gradnje uprkos prijavama oštećenih građana ili da se radi o namjernom ignorisanju opštinskih službi za prostorno uređenje da postupe po rješenjima drugostepenih organa ili presudama sudova.

TI BiH je nastavio i sa djelovanjem na otkrivanju zloupotreba sredstava namijenjenih za pomoć građanima i privrednicima pogođenim poplavama. U jednom od slučajeva, TI BiH je utvrdio da je javni novac prikupljen kroz Fond solidarnosti raspodijeljen na netransparentan i nezakonit način Udruženju privrednika 15. maj iz Doboja, koje je osnovano neposredno poslije poplava, a koje po Zakonu nema javnih ovlašćenja

Citizens' complaints also concerned irregularities in the work of institutions as well as in other areas, such as the handling of cases by judicial institutions, education, health care, banks, property relations, public procurement, etc.

Complaints relating to the **work of prosecutors' offices** mainly concerned the dissatisfaction of citizens with how the prosecutors' offices handled their reports or with prosecutors' decisions not to pursue investigations. In 2015 TI BiH sent about 30 requests for information to competent prosecutors' offices at all levels of government, seeking information about the status of specific cases and actions taken by the competent prosecutor's offices.

As regards the **work of courts**, complaints related to the length of court proceedings, failure of the courts to act on requests by aggrieved parties, and dissatisfaction of aggrieved parties with court rulings. TI BiH gave advice to citizens on how to pursue remedies and explained how cases are resolved and how aggrieved parties can urge courts to take action in their case. Two complaints concerned irregularities in the recruitment of administrative staff in a municipal court and a district court, on the basis of which TI BiH came to learn about the inadequacy of recruitment procedures for administrative staff and trainees in courts and the lack of obligation to advertise vacancies for administrative staff.

In the **education** sector, complaints concerned irregularities in the procedures for the selection of professors, allocation of class load to teachers, illegal participation of school directors in committees for selection of schoolteachers, and irregularities in the expenditure of funds for construction / reconstruction of school buildings. It is also important to mention the case of plagiarism of a master's thesis at a private university, which TI BiH reported to the competent inspection authorities. Following inspection, the authorities revoked the candidate's Master's degree.

Compared to the preceding year,

2015 saw an increase in the number of complaints concerning the **health** sector, mainly relating to the negligent treatment of patients, the collusion between doctors and representatives of pharmaceutical and medical companies to refer patients to purchase specific medical equipment and aids, and the mismanagement of certain health care institutions. **Citizens also complained about recruitments in health care institutions without proper job competition procedures and even recruitment of staff without appropriate qualifications. One such example is the Health Centre in Olovo, which recruited drivers with forged driver diplomas, which was subsequently confirmed following investigation by the competent prosecutor's office.**

In 2015 Republika Srpska was rocked by a series of scandals in the **financial** sector, with TI BiH continuing to point to irregularities in the work of the regulatory authority, especially in relation to the Bobar Bank case. TI BiH was the first to discover that no investigation into the case of the Bijeljina-headquartered bank was being undertaken due to the conflict of jurisdiction between prosecutor's offices. It was only after a request to resolve the jurisdictional dispute was sent to the Chief Prosecutor of RS that the case was finally referred to the state prosecutors.

TI BiH also took appropriate actions in a significant number of cases in the field of **construction and urban planning**. Cases in this category relate to irregularities in the issuance of spatial planning documents by competent municipal services, as well as those concerning tolerance of illegal construction despite complaints filed by aggravated parties and those concerning deliberate failure by municipal spatial planning services to comply with court rulings or decisions of second-instance authorities.

TI BiH has also continued to identify cases involving the misuse of funds intended for citizens and businesses in flood-hit areas. In one case TI BiH found that public money raised through the Solidarity Fund had been allocated in

In one of the more striking cases in the education sector, TI BiH reported a case of plagiarised Master's thesis, resulting in the revocation of the Master's degree.

TI BiH found that public money raised through the Solidarity Fund had been allocated in a non-transparent and illegal manner to the businessperson's association "15 May" from Dobojo, which was established immediately after the flood. However, under RS law, the association does not have public authority and cannot manage public funds, but in spite of this it awarded flood rehabilitation grants to businesspersons in Dobojo without clear criteria and at its own discretion. TI BiH looked into the businesspersons who had received the grants and found that most of the founders of the controversial association who had decided on the award of grants were also the very beneficiaries of these grants, which is an obvious example of conflict of interest. The controversial association was found to have awarded nearly BAM 0.5 million in grants to members of its management and supervisory board as well as its founders and members.



Na osnovu prijava TI BiH tužilaštva su u 7 slučajeva pokrenula istrage o nepravilnostima vezanim za raspodjelu pomoći u poplavljenim područjima.

i ne može raspolagati javnim novcem, te koje je dalje bez jasnih kriterijuma, po svom nahođenju, novac isplatilo privrednicima u Doboju. TI BiH je izvršio provjeru privrednika kojima su dodijeljena sredstva i došao do podatka da je većina osnivača spornog Udruženja koje je odlučivalo o dodjeli pomoći zapravo i bila korisnik ovih sredstava, što predstavlja primjer očiglednog sukoba interesa. Utvrđeno je da je ono članovima svog nadzornog i upravnog odbora, kao i osnivačima i članovima, rasporedilo gotovo 500.000 KM.

Kada su u pitanju druge nepravilnosti vezane za pomoć poplavljenim područjima, TI BiH je u 2014. godini nadležnim istražnim organima prosljedio 30 prijava, te je tokom 2015. godine nastavio da djeluje prema nadležnim institucijama kako bi se utvrdilo da li su preduzete radnje kako bi se utvrdila odgovornost u ovim slučajevima. Kao rezultat ovih aktivnosti, u 7 predmeta je pokrenuta istraga pred nadležnim tužilaštvima na osnovu prijava TI BiH.

Osim djelovanja u pojedinačnim slučajevima korupcije i zloupotreba i na osnovu prijava građana, TI BiH je kroz Centar za pružanje besplatne pravne pomoći, nastojao učestvovati i u zakonodavnim procesima i kroz stručne analize i prijedloge uticati na unapređenje zakonskog okvira.

Tako su TI BiH i Klub novinara Banjaluka – Udruženje BH novinari podnijeli, u maju 2015. godine, Ustavnom sudu Republike Srpske zajedničku Inicijativu za pokretanje postupka ocjene ustavnosti i zakonitosti **Zakona o javnom redu i miru RS**. Sačinjene su i pravne analize i komentarisani su novi **Zakon o radu RS**, kao i **Nacrt zakona o suzbijanju korupcije, organizovanog i najtežih oblika privrednog kriminala Republike Srpske**. Analizom zakonskog teksta utvrđeno je da se zapravo zakon o suzbijanju i borbi protiv korupcije koristi kao potencijalno sredstvo političkog progona. TI BiH je upozorio Ministarstvo pravde na neustavnost predloženog

zakona, sve poslaničke klubove, skupštinske odbore i strukovnu zajednicu. Izdvojeni su i najsporniji dijelovi koji se kose sa međunarodnim konvencijama i standardima, a o svemu je informisana stručna i šira javnost. Na osnovu komentara TI BiH, pojedini dijelovi Nacrta su izmijenjeni, a TI BiH će i dalje nastaviti sa nastojanjima da se spriječi usvajanje štetnih odredbi ovog zakona.

Početkom maja 2015. godine poslanički klub vladajuće koalicije Narodne skupštine RS predložio je **Zakon o javnosti rada neprofitnih organizacija** koji je u sebi sadržao niz diskriminatorskih i spornih odredbi, čija je namjera bila uspostaviti posebnu kontrolu nad radom nevladinih organizacija koje se finansiraju iz stranih izvora. Predložena rješenja direktno su zadirala u slobodu djelovanja civilnog društva, a TI BiH je, pored zajedničkog protestnog istupanja sa grupom civilnih organizacija, na adrese svih poslaničkih klubova NS RS uputio analizu spornog Nacrta, izdvajajući sva mjesta koja su u suprotnosti sa Ustavom RS i BiH, ali i važećim evropskim i međunarodnim preporukama o pravnom regulisanju statusa pravnih lica. Sporni prijedlog na kraju je povučen, a civilne organizacije na čelu sa TI BiH mobilizovale su širu javnost na oštru reakciju protiv pokušaja da se ozakoni pritisak na civilno društvo, slobodu udruživanja i političkog djelovanja.

a non-transparent and illegal manner to the businessperson's association "15 May" from Doboj, which was established immediately after the flood. However, under RS law, the association does not have public authority and cannot manage public funds, but in spite of this it awarded flood rehabilitation grants to businesspersons in Doboj without clear criteria and at its own discretion. TI BiH looked into the businesspersons who had been awarded grants and found out that most of the founders of the controversial association who had decided on the award of grants were also the very beneficiaries of these grants, which is an obvious example of conflict of interest. The controversial association was found to have awarded nearly BAM 0.5 million in grants to members of its management and supervisory board as well as its founders and members.

As regards other irregularities related to flood relief, in 2014 TI BiH forwarded 30 complaints to the competent investigating authorities, and in 2015 continued to communicate with the relevant institutions to check that steps had been taken to hold those responsible to account. As a result of these activities, investigations have been launched by the competent prosecutors into seven cases on the basis of TI BiH's complaints.

In addition to taking action in individual cases of corruption and misuse and acting on the basis of citizens' complaints, TI BiH's Advocacy and Legal Advice Centre seeks to participate in the legislative processes and influence the improvement of the legal framework by providing relevant expert analyses and proposals.

Thus, in May 2015 TI BiH and the Journalists' Club Banja Luka – The Association of BH Journalists filed to the Constitutional Court of the Republika Srpska a joint initiative for a review of the constitutionality and legality of the **Law on Public Order and Peace of**

RS. Also, legal analyses were made and comments were given to the new **Labour Law of RS** and the **Draft Law on Combating Corruption, Organised and Serious Economic Crime of RS**. Analysis of the legal text has found that the law on combating corruption is actually used as a potential instrument of political persecution. TI BiH has warned the Ministry of Justice, all caucuses, parliamentary committees and professional community of the unconstitutionality of the proposed Law. The most controversial provisions of the Law which are in conflict with international conventions and standards were specifically highlighted, and the professional and broader public were duly informed of these. Based on TI BiH's comments, some parts of the Draft Law were amended, and TI BiH will continue making efforts to prevent the adoption of the harmful provisions of this Law.

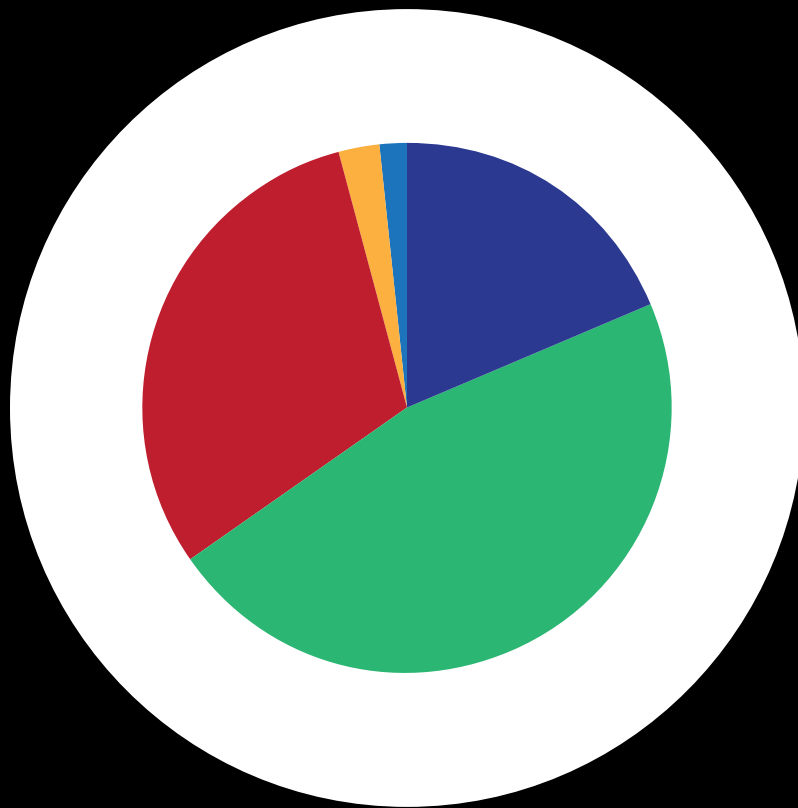
In early May 2015 the caucus of the ruling coalition in the National Assembly of RS proposed the **Law on Transparency of Non-profit Organisations**, which contained a series of discriminatory and controversial provisions and was designed to assert special control over the work of NGOs which are financed from foreign sources. The proposed provisions directly impinged on the freedom of action of civil society. In response to this, in addition to participating in a joint protest organised together with a group of CSOs, TI BiH sent an analysis of the controversial draft law to all party caucuses in the National Assembly of RS, highlighting all the provisions that are in conflict with the Constitutions of RS and BiH as well as applicable European and international recommendations on the legal regulation of the status of legal entities. The controversial proposal was eventually withdrawn, and CSOs led by TI BiH mobilised the general public to act strongly against any attempts to legitimise pressure on civil society and freedom of association and political activity.



As a result of TI BiH's reports, prosecutors' offices launched investigations into seven cases of irregularities related to distribution of flood relief.

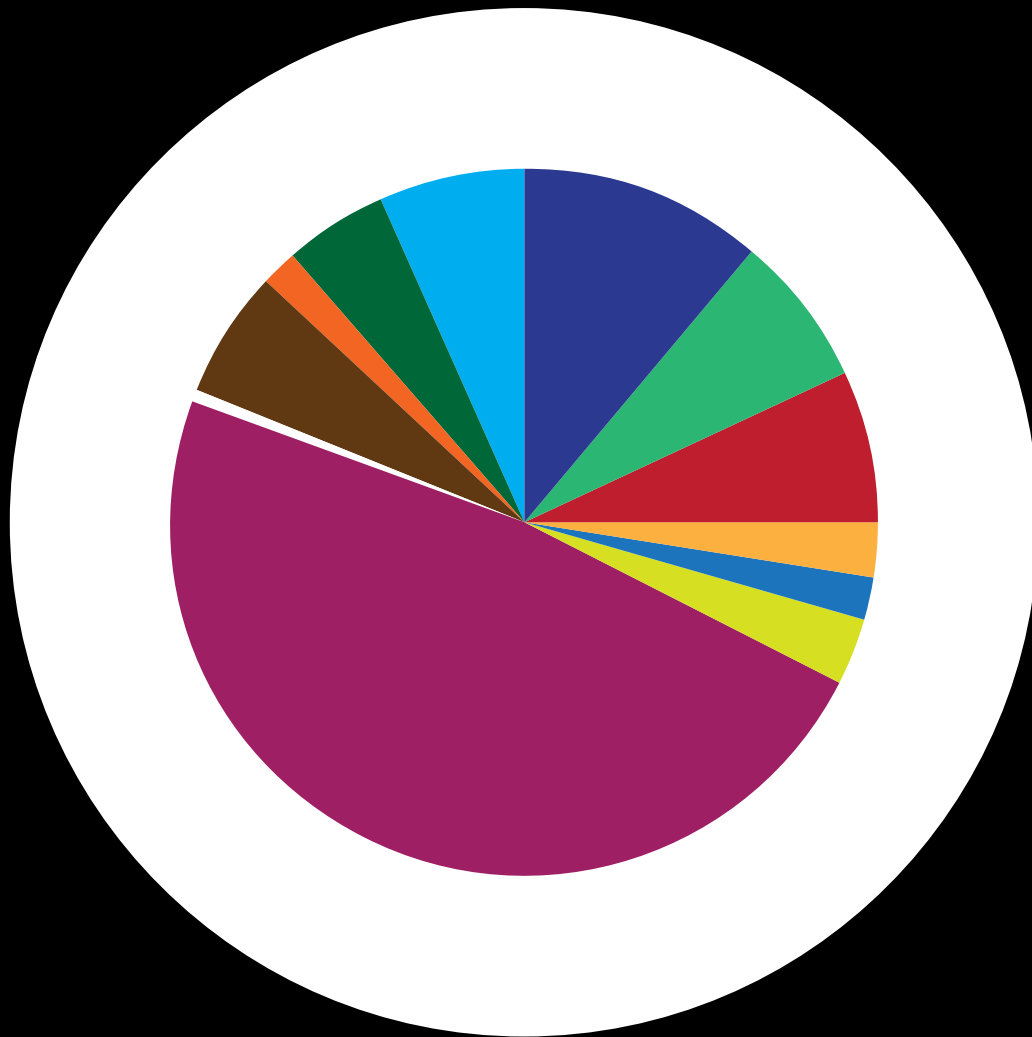
» Statistika
Centra za pružanje pravne pomoći

» Statistics
of the Advocacy and Legal Advice Centre



NIVOI INSTITUCIJA NA KOJE SE PRIJAVE
ODNOSE/NADLEŽNOSTI
CITIZEN REPORTS BY LEVELS
OF INSTITUTION/JURISDICTION

- 38 ● Državni
- 38 ● State
- 95 ● Entitetski
- 95 ● Entity
- 62 ● Lokalni
- 62 ● Local
- 5 ● Preduzeća
- 5 ● Companies
- 3 ● Nepoznato
- 3 ● Unknown



PRIJAVE PO SEKTORIMA NA KOJE SE ODOSE
CITIZEN REPORTS BY SECTORS

- 23 ● Pravosuđe
- 23 ● Judiciary
- 14 ● Obrazovanje
- 14 ● Education
- 14 ● Zdravstvo
- 14 ● Health
- 5 ● Policija
- 5 ● Police
- 4 ● Privatni sektor
- 4 ● Private sector
- 6 ● Imovinsko-pravni
- 6 ● Property-related legal affairs
- 98 ● Državna uprava
- 98 ● Public administration
- 1 ● Sukob interesa
- 1 ● Conflict of interests
- 12 ● Gradjevinarstvo/Urbanizam
- 12 ● Construction/Urbanism
- 3 ● Porezi/Finansije/Carine
- 3 ● Tax/Finance/Customs
- 10 ● Pristup informacijama
- 10 ● Access to information
- 13 ● Ostalo
- 13 ● Other

Sistem integriteta: Lokalni nivo

Integrity system: Local level

» 2009–2014

Strategijom za borbu protiv korupcije 2009–2014. propisana je obaveza svih jedinica lokalne samouprave da usvoje sopstvene planove integriteta i počnu sa realizacijom mjera usmjerenih na prevenciju korupcije.

Strategy for Combating Corruption 2009–2014 requires local governments to adopt local integrity plans and initiate the implementation of anti-corruption measures.



» 2015

Opštine nisu preduzele aktivnosti na kreiranju planova integriteta, zbog čega je TI BiH odlučio da pokrene niz aktivnosti sa jedinicama lokalne samouprave, kako bi im pomogao u kreiranju ovih planova.

Municipalities fail to take action to create integrity plans, as a result of which TI BiH decides to launch a series of activities with local governments to assist them in developing these plans.

» Sistem integriteta: Lokalni nivo



TI BiH je u 2015. godini intenzivirao svoj rad i aktivnosti na lokalnom nivou, prvenstveno na uspostavljanju saradnje sa opštinama širom BiH i zajedničkom radu na unapređenju integriteta i jačanju antikorupcijskih kapaciteta jedinica lokalne samouprave.

Uz podršku Saveza opština i gradova RS i FBiH, te Agencije za prevenciju korupcije i koordinaciju borbe protiv korupcije, TI BiH je započeo sistemski rad na izgradnji antikorupcijskih kapaciteta u 20 odabranih opština, sa kojima radi na obuci i jačanju kapaciteta za kreiranje, usvajanje i provedbu tzv. planova integriteta, odnosno antikorupcijskih planova, kroz koje će opštine identifikovati tačke ranjive na korupciju i provesti niz mjera usmjerenih na prevenciju korupcije.

Više od 62 predstavnika jedinica lokalne samouprave (JLS) prošlo je početne treninge i obuke o kreiranju planova integriteta. Među predstavnicima JLS-a uključenim u projekat nalaze se pojedinci različitih pozicija i profila, od inspektora u pojedinim opštinskim institucijama, pa do šefova odsjeka za javne nabavke, opšte poslove, finansije. Riječ je o osobama na pozicijama koje su direktno izložene rizicima od korupcije i bez čijeg angažmana JLS teško da se može oduprijeti pojavi korupcije. Svi predstavnici JLS-a su motivisani za rad na izgradnji boljeg radnog okruženja i jačanju antikorupcijskih mehanizama, ali posebno ističu mogućnost razmjene iskustava i dobrih praksi kao prednost ovog projekta nad drugima.

Kreiran je alat u vidu Priručnika za uvođenje planova integriteta na lokalnom nivou i dodatnih materijala sa konkretnim smjernicama koje bi trebale olakšati rad svim jedinicama lokalne samouprave koje su zainteresovane za jačanje integriteta svog sistema.

TI BiH je radio i na jačanju internih kapaciteta, te je ukupno obučio 9 trenera o izradi planova integriteta i na taj način ih pripremio za direktan rad sa predstavnicima jedinica lokalne samouprave (JLS) u cilju njihove što efikasnije pripreme planova integriteta.

Svojim aktivnostima i naporima u radu sa opštinama, TI BiH je doprinio da se poveća interes predstavnika JLS-a za aktivnostima na suzbijanju i borbi protiv korupcije na lokalnom nivou. TI BiH planira da sve veći broj opština u BiH uključi u proces kreiranja i primjene planova integriteta, te da promoviše vrijednosti ovog projekta, kako kroz direktan aktivizam i rad tako i kroz edukacije i usavršavanje na ovu temu.

Osim obuke predstavnika jedinica lokalne samouprave, TI BiH je kroz provođenje dubinskog i opsežnog istraživanja *Procjena sistema integriteta u jedinicama lokalne samouprave* obuhvatio i uspostavio saradnju sa još 10 opština i gradova u Bosni i Hercegovini. Ovo je po prvi put u svijetu da se ova studija radila na ovako velikom uzorku jedinica lokalne samouprave. Studijom je izvršena detaljna procjena prisutnosti i efikasnosti mehanizama za podsticanje transparentnosti, odgovornosti i integriteta, kako bi se formulisale preporuke za unapređenje ovih mehanizama, te pomoglo u jačanju kapaciteta jedinica lokalne samouprave u cilju uspostavljanja planova integriteta, kao jedne od obaveza iz Strategije za borbu protiv korupcije.

Kroz jedinstvenu metodologiju, koju je razvio Transparency International i koja je već testirana širom svijeta, TI BiH je u odabranih 10 opština ocjenjivao funkcionisanje i rad ključnih aktera koji se mogu naći u većini struktura lokalne samouprave,

» Integrity system: Local level



In 2015 TI BiH intensified its work and activities at the local level, primarily with a view to establishing cooperation with municipalities throughout the country and working with them to enhance the integrity and anti-corruption capacity of local governments.

With the support of the Associations of Cities and Municipalities of RS and FBiH and the Agency for Prevention of Corruption and Coordination of the Fight against Corruption, TI BiH has started systemic work on building anti-corruption capacity in 20 selected municipalities, working with them on training and capacity building for the preparation, adoption and implementation of integrity plans (i.e. anti-corruption plans). In these municipalities TI BiH will identify areas vulnerable to corruption and implement a series of measures aimed at the prevention of corruption.

More than 62 representatives of local governments received initial training and training on preparation of integrity plans. The representatives of local governments involved in the project included individuals occupying different positions, from municipal inspectors to the heads of departments for public procurement, general affairs, finance, etc. These are positions that are directly exposed to the risks of corruption and without whose involvement local governments would find it difficult to resist corruption. All representatives of local governments are motivated to work on building a better working environment and strengthening anti-corruption mechanisms, but they particularly highlight the opportunity to exchange experiences and examples of good practice as the main advantage of this project over others.

TI BiH also created a Manual for the Introduction of Local Integrity Plans and additional materials with specific guidelines to facilitate the work of all local governments that are interested in strengthening their integrity system.

TI BiH also worked on enhancing internal capacities, providing training to a total of nine trainers on how to draft integrity plans, helping them prepare to work directly with representatives of local governments on how to develop integrity plans in the most efficient way.

Through its activities and efforts in working with municipalities, TI BiH has contributed to increasing the interest of representatives of local governments in activities to prevent and combat corruption at local level. TI BiH is planning to include an increasing number of municipalities in the preparation and implementation of integrity plans, and to promote the values of this project both through direct activism and work as well as by providing education and training on this subject.

In addition to training representatives of local governments, TI BiH conducted an in-depth study *Local Integrity System Assessment* covering and establishing cooperation with 10 municipalities and cities in Bosnia and Herzegovina. This is the first time in the world that this study has been conducted on such a large sample of local governments. The study included a detailed assessment of the presence and effectiveness of mechanisms to encourage transparency, accountability and integrity conducted with the aim of developing recommendations for improving these mechanisms and helping strengthen the capacity of local governments to prepare integrity plans, as one of the obligations under the Strategy for Combating Corruption.

TI BiH uspostavio saradnju sa 30 jedinica lokalne samouprave širom BiH i sa njima radi na kreiranju i usvajanju planova integriteta.

a to su: lokalna vijeća (skupštine), gradonačelnik ili načelnik (izvršna vlast), lokalna administracija, lokalne političke stranke, lokalni mediji i civilno društvo. Ocjenjuju se i funkcije nadzora i odgovornosti koje je potrebno sprovesti kako bi se obezbijedilo djelovanje sistema integriteta lokalne samouprave. Ove funkcije uključuju razmatranje prigovora, reviziju lokalne uprave, nadzor od strane centralnih vlasti, istraga i otkrivanje korupcije, podizanje svijesti i edukacija javnosti i društvena odgovornost.

Nalazi su pokazali da su prisutni brojni problemi sa aspekta uloge i unutrašnjeg upravljanja u vezi sa segmentima transparentnosti, odgovornosti i integriteta na lokalnom nivou. S druge strane, kapaciteti lokalnih aktera (lokalnih skupština/vijeća, izvršne vlasti/načelnika ili lokalne uprave) su ocijenjeni kao zadovoljavajući. Međutim, istraživanje je pokazalo da još uvijek ne postoji jasan pristup kada se posmatra segment unapređenja integriteta na lokalnom nivou, kao i stvarna borba protiv korupcije.

Najlošije ocijenjeni akteri na lokalnom nivou su lokalne političke partije, što nije iznenađujuće obzirom da je ovakvo stanje preslikano sa viših nivoa vlasti, te se u suštini princip rada ne razlikuje od lokalnog do državnog nivoa.

S obzirom na generalno stanje i rezultate nalaza, moguće je izdvojiti nekoliko ključnih izazova sa kojima se suočavaju jedinice lokalne samouprave u BiH:

- Lokalna samouprava nema razvijene instrumente i kapacitete za borbu protiv korupcije niti imaju odgovarajući nadzor i podršku od strane viših nivoa vlasti u ovom segmentu;
- Trenutno uspostavljeni sistem revizije nije u skladu sa realnim potrebama jedinica lokalne samouprave u BiH, niti je zadovoljavajući sa aspekta svoje svrhe;
- Lokalnim upravama nedostaje adekvatna tehnička podrška od strane viših nivoa vlasti u poboljšanju svog sistema integriteta;
- Lokalni mediji, organizacije civilnog društva, te građanstvo u širem smislu, nemaju izgrađene kapacitete

i/ili ne izražavaju kontinuirani interes za izgradnjom kvalitetnijeg sistema integriteta na lokalnom nivou;

- Odgovornost lokalnih političkih tijela, kao i predstavnika političkih partija na lokalnom nivou, jako je niska u odnosu na same građane.

Takođe je karakteristično za sve obuhvaćene jedinice lokalne samouprave da niti jedna nije ispunila obavezu iz Strategije za borbu protiv korupcije za period 2009-2014. za donošenje Plana integriteta kao jednog od ključnih alata za borbu protiv korupcije na lokalnom nivou. Primijećeno je da, s jedne strane, jedinice lokalne samouprave u BiH nemaju znanja i internih kapaciteta za donošenje ove vrste antikoruptivnih mehanizama, dok je s druge strane primjetno odsustvo tehničke pomoći od strane viših nivoa vlasti.

U skladu sa navedenim izazovima sa kojima se suočavaju jedinice lokalne samouprave u BiH, TI BiH je poduzeo aktivnosti na uspostavljanju i osnaživanju kapaciteta u jedinicama lokalne samouprave u BiH. Obzirom na uočeni nedostatak internih kapaciteta za donošenje Planova integriteta, TI BiH je i u ovih 10 jedinica lokalne samouprave, po uzoru na treninge održane u ostalim opštinama, održao treninge za uspostave planova integriteta za službenike jedinica lokalne samouprave kako bi isti bili upoznati sa obavezama koje proističu iz Strategije za borbu protiv korupcije, kao i o samom procesu izrade ovog dokumenta. Kroz ove treninge je prošlo preko 50 službenika u pomenutim jedinicama lokalne samouprave u BiH kroz koje im je na praktičan način približen sam proces donošenja ovog dokumenta.

Angažmanom na lokalnom nivou, TI BiH se profilisao u jednu od vodećih organizacija civilnog društva kada je u pitanju uspostava sistema integriteta i pružanje pomoći jedinicama lokalne samouprave, te u narednom periodu planira da svoj rad proširi na još veći broj lokalnih zajednica.

Using a unique methodology developed by Transparency International, which has already been tested worldwide, TI BiH selected 10 municipalities to assess the functioning and operation of key stakeholders that can be found in most local government structures, namely: local council/assembly, mayor (local executive), local bureaucracy, local political parties, local media and civil society. The assessment also looked at the oversight and accountability functions that need to be implemented in order to ensure effectiveness of the local integrity system. These functions include complaints handling, auditing of local government, centralised oversight of local government, investigation and exposure of corruption, awareness raising and public education, and social accountability.

The assessment has shown that there are numerous problems in terms of roles and internal management in connection with the segments of transparency, accountability and integrity at the local level. On the other hand, the capacity of local actors (local assemblies/councils, the local executive/mayor, or local bureaucracy) were rated as satisfactory. However, the study has shown that there is still no clear approach to improving integrity at the local level, as well as to the fight against corruption.

The lowest-scoring actors at the local level are local political parties – a situation that faithfully mirrors that at the higher levels of government – and the mode of operation is essentially no different across all levels of government, from the local to the state levels.

In view of the general situation and the findings of the study, some of the key challenges faced by local governments in BiH are:

- Local governments do not have adequate tools and the capacity to fight corruption and do not receive adequate supervision and support from higher levels of government in this regard;
- The current audit system does not respond to the actual needs of local governments in BiH, nor does it achieve its purpose;

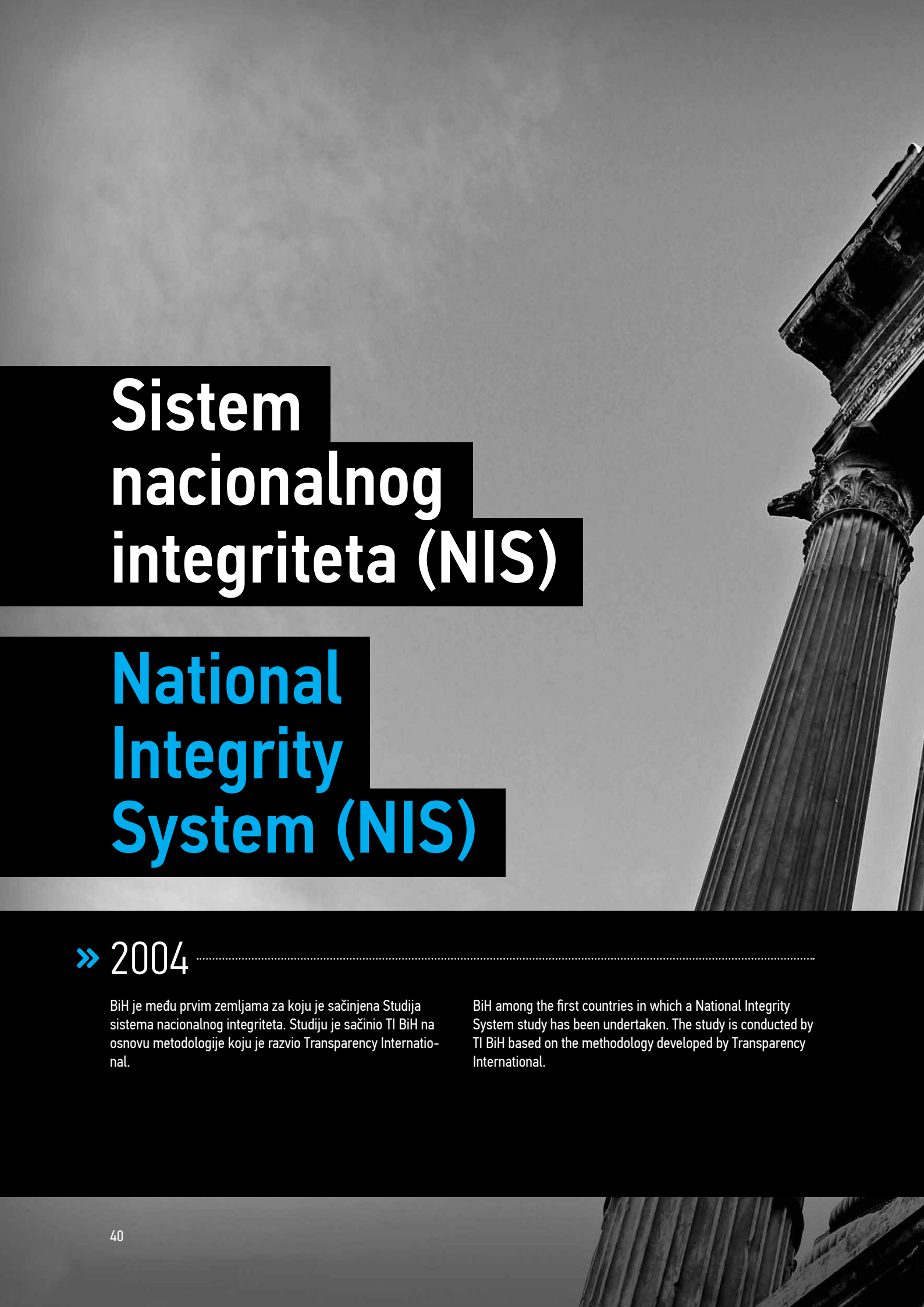
- Local governments lack adequate technical support from higher levels of government to improve their integrity systems;
- Local media, CSOs and citizenry lack capacity and/or do not show a sustained interest in building a better local integrity system;
- The accountability of local political bodies and representatives of local political parties to the citizenry is very low.

A common characteristic of all local governments included in the study is that they all failed to adopt the Integrity Plan, as required under the Strategy for Combating Corruption 2009–2014, to serve as one of the key tools for combating corruption at the local level. The study finds that, on the one hand, local governments in BiH lack the knowledge and internal capacity to develop these anti-corruption mechanisms, while, on the other, there is a conspicuous lack of technical support from higher levels of government.

In view of these challenges faced by local governments in BiH, TI BiH has undertaken activities to help them develop and enhance their capacity. To address the identified lack of internal capacity in the 10 local governments, TI BiH held training workshops, modelled after the training sessions organised previously in other municipalities, for over 50 local public servants to make them aware of the obligations arising from the Strategy for Combating Corruption and familiarise them with the process of drafting this document.

Because of its engagement with local governments, TI BiH has come to be regarded as one of the leading CSOs when it comes to establishing local integrity systems and providing assistance to local governments. In the coming period the organisation plans to expand its work to an even greater number of local communities.

TI BiH has established cooperation with 30 local governments throughout the country and worked with them on the creation and adoption of local integrity plans.



Sistem nacionalnog integriteta (NIS)

National Integrity System (NIS)

» 2004

BiH je među prvim zemljama za koju je sačinjena Studija sistema nacionalnog integriteta. Studiju je sačinio TI BiH na osnovu metodologije koju je razvio Transparency International.

BiH among the first countries in which a National Integrity System study has been undertaken. The study is conducted by TI BiH based on the methodology developed by Transparency International.



» 2015

TI BiH po četvrti put proveo Studiju, ovaj put po novoj metodologiji koja omogućava ocjenjivanje i poređenje stubova integriteta, te praćenje trenda izgradnje sistema integriteta.

TI BiH conducts the study for the fourth time, this time using a new methodology, which enables the assessment and comparison of the integrity pillars, and tracking trends in building the integrity system.



Sistem nacionalnog integriteta (NIS)

TI BiH je kroz Studiju zapravo sačinio ocjenu djelotvornosti institucija u BiH u sprečavanju i borbi protiv korupcije i u kultivisanju transparentnosti i integriteta.

Pristup procjene sistema nacionalnog integriteta, koji koristi Transparency International, pruža okvir za analizu kako ranjivosti zemlje na korupciju, tako i djelotvornosti nacionalnih antikorupcijskih napora. Okvir obuhvata sve glavne aktere i institucije koje čine državu. To uključuje sve grane vlasti, javni i privatni sektor, medije i civilno društvo (tj. „stubove“, kao što je prikazano u dijagramu).

Transparency International je razvio i promovirao koncept sistema nacionalnog integriteta kao dio holističkog pristupa borbi protiv korupcije. Iako ne postoji univerzalni recept za djelotvoran sistem za sprečavanje korupcije, primijetan je sve veći međunarodni konsenzus u pogledu najznačajnijih institucionalnih karakteristika koje omogućavaju postizanje najboljih rezultata u sprečavanju korupcije i unapređenju integriteta.

TI BiH je po četvrti put proveo istraživanje i sačinio Studiju sistema nacionalnog integriteta (NIS Studija) 2015. koja je objavljena i promovisana na Konferenciji povodom Međunarodnog dana borbe protiv korupcije, 9. decembra 2015. godine, a koju je TI BiH organizovao zajedno sa Agencijom za prevenciju korupcije i koordinaciju borbe protiv korupcije.

TI BiH je kroz Studiju zapravo sačinio ocjenu djelotvornosti institucija u BiH u sprečavanju i borbi protiv korupcije i u kultivisanju transparentnosti i integriteta. Studijom se nastoji promovirati proces procjenjivanja kao odskočne daske za zajedničko djelovanje vlasti i antikorupcijske zajednice u pogledu reforme politika, zagovaranja na temelju stvarnih činjenica ili daljnjih dubinskih procjena određenih pitanja koja se tiču upravljanja. Ovaj izvještaj predstavlja dopunu i nadogradnju prethodne procjene koju je TI BiH sproveo 2013. godine. Osnovna svrha dopunjenog i ažuriranog NIS-a je: (a) da se procijeni da li je u međuvremenu ostvaren bilo kakav napredak u vezi sa sistemom integriteta u BiH, (b) da se utvrde konkretne promjene (pozitivne i negativne) koje su se desile u periodu od objavljivanja prethodnog izvještaja NIS-a, i (c) da se identifikuju preporuke i zagovarački prioriteti za poboljšanje sistema integriteta zemlje.

Iako je ovo kvalitativna procjena, u svrhu rezimiranja informacija i isticanja ključnih slabosti i prednosti sistema integriteta korištene su numeričke ocjene. Ocjene se dodjeljuju na skali od 1 do 100, koja ima pet vrijednosti: 0, 25, 50, 75 i 100. Ocjene indikatora su izračunate u vidu srednje vrijednosti na nivou dimenzija, a zatim je izračunata srednja vrijednost za ocjene triju dimenzija kako bi se dobila ukupna ocjena za svaki stub. Posmatrane zbirno, ocjene pojedinačnih stubova pružaju opštu sliku ukupne otpornosti sistema na korupciju.

Studija sistema nacionalnog integriteta BiH 2015, kroz analizu tri dimenzije – kapacitet institucije da funkcioniše, njeno unutrašnje upravljanje u smislu integriteta, transparentnosti i odgovornosti, te njena uloga u doprinosu ukupnom integritetu sistema državne vlasti – pruža detaljnu i cjelovitu procjenu društvenog sistema integriteta i odnose između pojedinih institucija ili „stubova“ koji čine sistem integriteta, pritom nudeći mogućnost poređenja sa nalazima istoimenih studija iz 2004, 2007. i 2013. godine i odgovarajuće preporuke.

» National Integrity System (NIS)

In the study TI BiH evaluated the effectiveness of institutions in BiH in preventing and fighting corruption and in fostering transparency and integrity.

The NIS assessment approach used by Transparency International provides a framework to analyse both the vulnerabilities of a given country to corruption, as well as the effectiveness of national anti-corruption efforts. The framework covers all principal institutions and actors that form a state. These include all branches of government, the public and private sectors, the media and civil society (i.e. “pillars”, as shown in the diagram).

Transparency International has developed and promoted the NIS concept as part of its holistic approach to countering corruption. While there is no absolute blueprint for an effective anti-corruption system, there is a growing international consensus as to the salient aspects that work best to prevent corruption and promote integrity.

In 2015 TI BiH conducted the National Integrity System Study (NIS Study) for the fourth time. The study was launched and promoted at the Conference marking the International Anti-Corruption Day, 9 December 2015, which was organised by TI BiH together with the Agency for Prevention of Corruption and Coordination of Fight against Corruption.

In the study TI BiH evaluated the effectiveness of institutions in BiH in preventing and fighting corruption and in fostering transparency and integrity. In addition, the study seeks to promote the assessment process as a springboard for joint action among the government and anti-corruption community in terms of policy reform, evidence-based advocacy or further in-depth evaluations of specific governance issues. This report is a supplement to and an update on the previous assessment carried out by TI BiH in 2013. The main purpose of the amended and updated NIS is: (a) to assess whether any progress has been made in the meantime in relation to the integrity system in BiH, (b) to identify specific changes (both positive and negative) that have occurred since the release of the previous NIS report, and (c) to identify recommendations and advocacy priorities for improving the country’s integrity system.

While the NIS is a qualitative assessment, numerical scores are assigned in order to summarise the information and to help highlight key weaknesses and strengths of the integrity system. Scores are assigned on a 100-point scale, with five possible values: 0, 25, 50, 75 and 100. Indicator scores are averaged for each dimension and the three dimensions scores are averaged to get an overall score for each pillar, providing a general description of the system’s overall robustness.

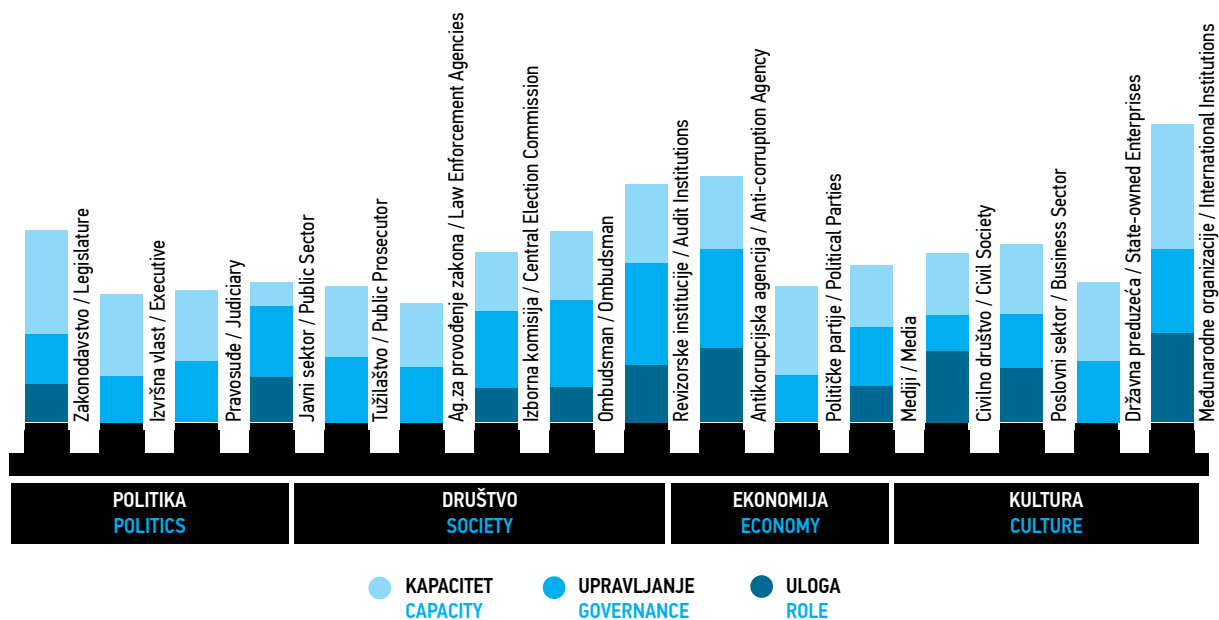
The 2015 National Integrity System Study analyses three dimensions – the capacity of individual institutions to function, their internal governance in terms of integrity, transparency and accountability, and their role in contributing to the overall integrity of the state governance system – seeking to provide a detailed and comprehensive assessment of the national integrity system, and to present relationships between individual pillars that make up the integrity system, while offering the possibility of comparison with the findings of the 2004, 2007 and 2013 NIS studies as well as providing appropriate recommendations.

» NIS: Pregled ukupnih ocjena po stubovima

» NIS: Overview of overall scores by pillars

43	ZAKONODAVSTVO LEGISLATURE
29	IZVRŠNA VLAST EXECUTIVE
31	PRAVOSUĐE JUDICIARY
33	JAVNI SEKTOR PUBLIC SECTOR
26	TUŽILAŠTVO PUBLIC PROSECUTOR
32	AGENCIJE ZA PROVOĐENJE ZAKONA LAW ENFORCEMENT AGENCIES
40	IZBORNA KOMISIJA CENTRAL ELECTION COMMISSION
46	OMBUDSMAN OMBUDSMAN
58	REVIZORSKE INSTITUCIJE AUDIT INSTITUTIONS
56	ANTIKORUPCIJSKA AGENCIJA ANTI-CORRUPTION AGENCY
32	POLITIČKE PARTIJE POLITICAL PARTIES
37	MEDIJI MEDIA
40	CIVILNO DRUŠTVO CIVIL SOCIETY
42	POSLOVNI SEKTOR BUSINESS SECTOR
33	DRŽAVNA PREDUZEĆA STATE-OWNED ENTERPRISES
70	MEĐUNARODNE ORGANIZACIJE INTERNATIONAL INSTITUTIONS

NACIONALNI SISTEM INTEGRITETA NATIONAL INTEGRITY SYSTEM



NIS je grafički prikazan u mnogim oblicima, sa ciljem da predstavi svoj holistički pristup i međuveze, kao i međusobnu zavisnost institucija. Jedan takav grafički prikaz NIS studije može se vidjeti iznad.

NIS is presented in a variety of graphic forms to show its holistic approach and interconnections and interdependence of institutions. One such graphic illustration of the NIS study can be seen above.

U cjelini gledano, sistem nacionalnog integriteta u BiH počiva na vrlo krhkim političkim, društvenim i ekonomskim temeljima, zbog čega značajniji napredak, u odnosu na stanje koje su zabilježile studije iz 2004, 2007. i 2013. godine, nije bio moguć. Nalazi do kojih se došlo u ovom istraživanju su zabrinjavajući. Studija pokazuje da u periodu od izdavanja prethodne NIS studije (2013. godine) do danas, nije bilo nikakvog napretka kada je u pitanju borba protiv korupcije u BiH i jačanje sistema integriteta. Naprotiv, u skoro svim analiziranim segmentima je došlo do nazadovanja ili, u najboljem slučaju, zadržavanja istog nivoa sa rezultatima iz 2013. godine.

Ključni nalaz, koji je karakterisao i prethodnu studiju, jeste ogromna razlika između normativnog i stvarnog,

odnosno između onoga što je predviđeno zakonima i onoga što se dešava u praksi kod same primjene zakona. Generalni trend stagnacije funkcionalnosti sistema nacionalnog integriteta je i dalje nastavljen. Reforme koje su provedene su uglavnom ostajale bez konkretnih rezultata, što navodi na zaključak da je stvarna politička volja za unapređenjem sistema integriteta još uvijek na deklarativnom nivou.

Ono što je najvažnije, Studija NIS omogućava kreiranje preporuka za svaki od pojedinačnih stubova, a zatim i kreiranje direktnih zahtjeva prema institucijama i praćenje njihovog ispunjavanja, zbog čega je ova Studija uvijek osnov za usmjeravanje inicijativa i u slučaju TI BiH, ali i u slučaju drugih ogranaka TI koji provode ovo istraživanje širom svijeta.

U SLUČAJU BIH, PREPORUKE SE MOGU SUMIRATI NA SLJEDEĆE:

- Vlasti na svim nivoima (uključujući političke partije) trebaju preduzeti napore da osiguraju demokratizaciju procesa donošenja odluka, te ga učiniti transparentnijim i inkluzivnijim;
- Pravosudni sistem treba postati nezavisan i profesionalan, te fokusiran na rasprostranjene velike slučajeve korupcije;
- Imenovanja u javnom sektoru trebaju biti oslobođena političkog uticaja, bazirana na kriterijumu stručnosti, u procesu otvorenom za javnost, te pod nadzorom organizacija civilnog društva;
- Potrebno je osigurati najviše etičke i standarde integriteta u javnom sektoru, koje bi nadgledala i primjenjivala nezavisna tijela (sukob interesa, imovinski kartoni);
- Nedržavni stubovi (mediji, civilno društvo i poslovni sektor) trebaju biti zaštićeni od političkog miješanja i pritiska.

On the whole, the national integrity system in BiH rests on very shaky political, social and economic foundations. This has effectively prevented any significant progress from being made compared to the state identified in the 2004, 2007 and 2013 studies. The study has revealed some worrying trends. It shows that there has been no progress in the fight against corruption in BiH and strengthening the integrity system since the release of the previous NIS Study in 2013. On the contrary, almost all of the analysed segments have seen a decline, or, at best, maintained the same level of results as in 2013.

The key finding, which also characterised the previous study, is the huge difference between the law and reality, i.e. the yawning gap between what is

required by law and what happens in practice when the law is applied. The general stagnation in the functioning of the national integrity system has continued. The few reforms that have been undertaken have proved largely fruitless, suggesting that the political will to improve the integrity system continues to be merely rhetorical in nature.

Most importantly, the NIS study enables the formulation of recommendations for each of the individual pillars followed by demands for action by institutions and monitoring how these are met in practice, which is why this Study always serves as a basis for guiding initiatives by both TI BiH, as well as by other TI chapters which conduct this study worldwide.

IN THE CASE OF BIH, THE RECOMMENDATIONS CAN BE SUMMARISED AS FOLLOWS:

- Governments at all levels (including political parties) should undertake efforts to ensure that decision-making processes are more democratic, transparent and inclusive;
- The judicial system needs to become more independent and professional, and focus on addressing the widespread cases of grand corruption;
- Appointments in the public sector should be free from political interference, merit-based, open to the public, and subject to scrutiny by civil society organisations;
- It is important to ensure that the highest ethical and integrity standards are applied in the public sector, which would be monitored and enforced by independent bodies (conflict of interest, asset declarations);
- Non-state pillars (media, civil society and the business sector) should be protected from political interference and pressure.



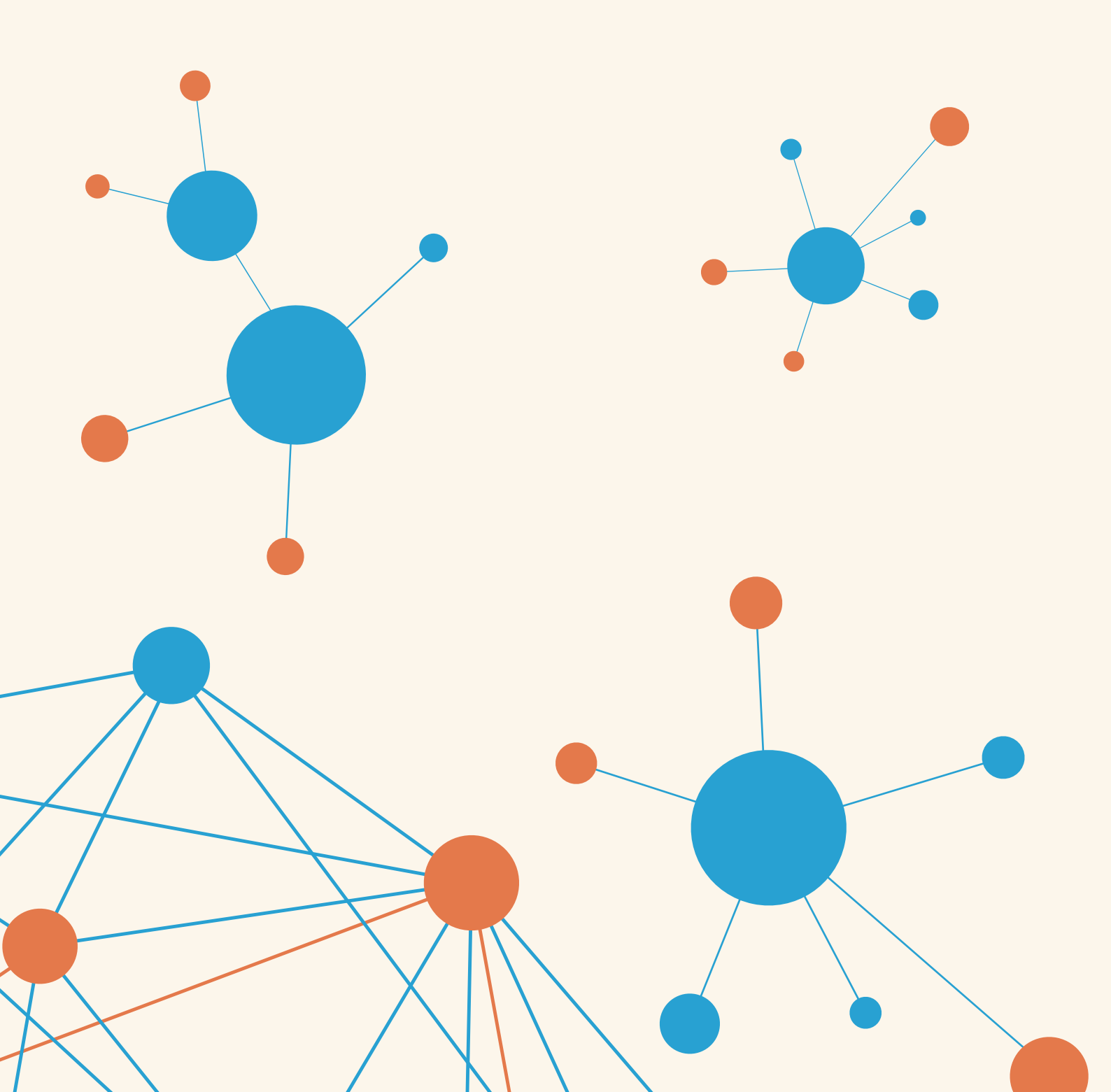
Monitoring reforme javne uprave

Public Administration Reform Monitoring

» 2003

Pokrenut formalni proces reforme javne uprave u BiH objavljivanjem tzv. „Obaveza reforme javne uprave“.

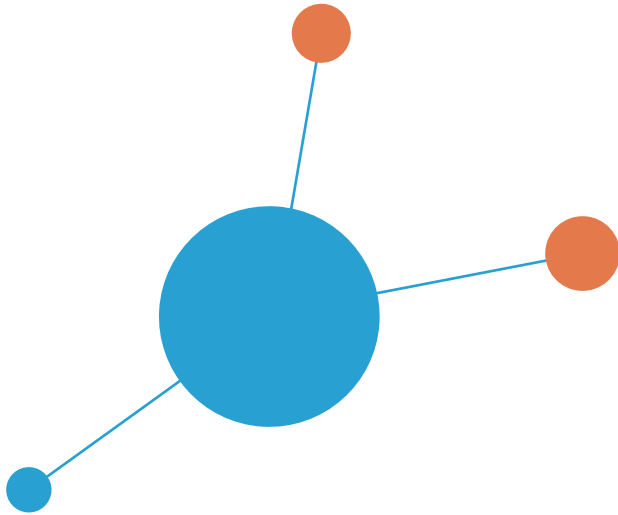
Public administration reform in BiH is formally launched with the release of the publication “Public Administration Reform Platform”.



» 2006

Usvojena Strategija reforme javne uprave za BiH.

BiH adopts Public Administration Reform Strategy.



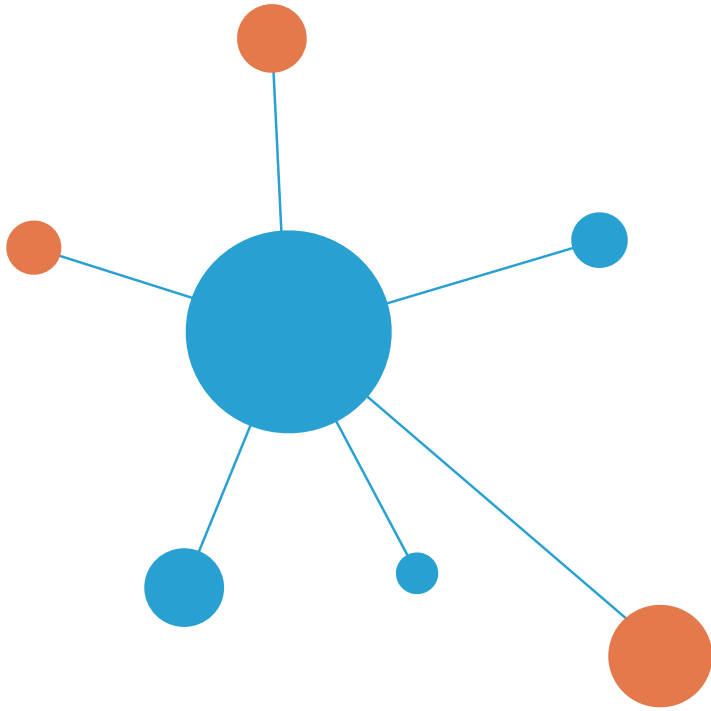
» Monitoring reforme javne uprave

TI BiH od aprila 2014. godine aktivno prati provođenje reformskih aktivnosti u oblasti javne uprave, s posebnim fokusom na tri oblasti: upravljanje ljudskim resursima, upravljanje javnim finansijama i transparentnost, odgovornost i integritet.

TI BiH je prva organizacija u BiH koja se dugoročno i strateški posvetila praćenju rezultata reforme javne uprave, ponukana činjenicom da institucije ni nakon gotovo 10 godina provođenja reformi nisu građanima pružile adekvatne informacije o svojim rezultatima i aktivnostima.

TI BiH, kroz projekat koji provodi u saradnji sa Centrom za istraživačko novinarstvo (CIN), nastoji kroz aktivno uključivanje organizacija civilnog društva, dati doprinos efikasnijem provođenju reformskih ciljeva, te približiti reformske procese građanima kao i krajnjim korisnicima usluga koje pruža javna uprava. Fokus je na mjerenju neposrednog i konkretnog uticaja provedbe reforme javne uprave i napretka u provedbi glavnih ciljeva reforme.

Kako bi dobio objektivnan presjek stanja u javnoj upravi, te identifikovao probleme i formulisao preporuke za unapređenje u oblastima koje su predmet praćenja, TI BiH je sačinio niz analiza, a u martu 2015. godine objavio je sveobuhvatni monitoring izvještaj o rezultatima reformskih aktivnosti u oblasti upravljanja ljudskim resursima u javnoj upravi i u oblasti transparentnosti, odgovornosti i integriteta.



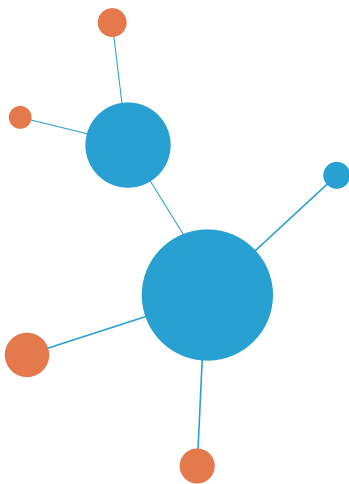
» Public Administration Reform Monitoring

Since April 2014 TI BiH has been actively engaged in monitoring the implementation of public administration reform, with a particular focus on three areas: human resources management (HRM), public finance management, and transparency, accountability and integrity.

TI BiH is the first organisation in BiH to have committed itself, strategically and over a long-term period, to monitoring the results of the public administration reform, spurred into action by the fact that the institutions have not provided adequate information to citizens about their activities and results even after almost 10 years into reform implementation.

Through a project carried out in cooperation with the Centre for Investigative Journalism (CIN), TI BiH seeks to actively engage with CSOs with the aim of contributing to a more efficient implementation of the reform objectives, as well as raising awareness of reform processes among citizens and end-users of services provided by public administration. The focus is on capturing the more immediate and concrete impact of the implementation of PAR as well as the progress in the implementation of the major objectives of the PAR agenda.

To get an objective overview of the situation in public administration, as well as identify problems and formulate recommendations for improvement in areas that are subject to monitoring, TI BiH has made a series of analyses and in March 2015 published a comprehensive monitoring report on the results of reform activities in the area of HRM in public administration and in the area of transparency, accountability and integrity.



KLJUČNI NALAZI MONITORINGA SU SLJEDEĆI:

- Ostvareni su veoma skromni rezultati javne uprave u oblasti transparentnosti, integriteta i odgovornosti. Informacijama od javnog značaja se pristupa reaktivno, putem zahtjeva za pristup, a pojam proaktivne transparentnosti je slabo poznat institucijama, koje jako malo napora ulažu u bolju vidljivost informacija. Institucije nemaju praksu izdvajanja i objavljivanja budžetskih podataka i podataka o izvršenju budžeta na svojim web stranicama.
- U upravljanju ljudskim resursima, problem predstavljaju netransparentni procesi zapošljavanja. Sistem planiranja potreba za ljudskim resursima je slabo razvijen – planiranje je na kvantitativnoj osnovi, dok se o profilu potrebnih ljudi vrlo malo vodi računa. Napredak je vidljiv u oblasti analize i klasifikacije radnih mjesta, ali postojeći opisi svojim sadržajem i strukturom ne zadovoljavaju potrebe moderne uprave.

PREPORUKE I PRIORITETI DJELOVANJA TI BIH SU SLJEDEĆI:

- insistirati na lociranju jasne političke odgovornosti za reforme u strukturama javne uprave;
- unapređenje menadžerskih vještina rukovodilaca u javnoj upravi;
- eliminisanje politizacije državne službe;
- racionalizacija javne uprave;
- prilagođavanje prijema na rukovodne pozicije potrebama državne službe;
- pooštavanje kriterijuma prilikom procjene učinkovitosti rukovodnog kadra u upravi;
- unapređenje transparentnosti zapošljavanja u upravu;
- objektivizacija kriterija koje koriste komisije prilikom ocjene kandidata, te ujednačavanje prakse testiranja za prijem u državnu službu.

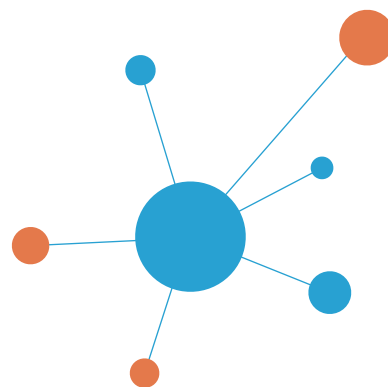
S ciljem zagovaranja boljih sistemskih rješenja u javnoj upravi i unapređenja saradnje sa institucijama, TI BiH je tokom 2015. godine organizovao nekoliko javnih događaja na kojima se sa relevantnim reformskim akterima razgovaralo o procesima zapošljavanja u javnu upravu i nedostacima zakonskih rješenja koja regulišu načine zapošljavanja u državnu službu i javne ustanove/preduzeća.

Kako bi se ojačala saradnja, ali i identifikovale potrebe u javnoj upravi i pitanja o kojima je potrebno pokrenuti javnu raspravu, TI BiH je održao konsultacije i sastanke sa ključnim akterima, kao što su Agencija za državnu službu BiH, Agencija za državnu službu FBiH, Agencija za državnu upravu RS, Ured koordinatora za reformu javne uprave, Ministarstvo pravde FBiH, Ministarstvo pravde BiH, Delegacija EU u BiH, itd.

S posebnom pažnjom TI BiH je pratio procese vezane za izmjene i dopune Zakona o državnoj službi Federacije BiH, te pokušaje mijenjanja Zakona na BH nivou. Imajući u vidu štetnost predloženih rješenja kojima se dodatno politizuje javna uprava, TI BiH je poduzeo niz aktivnosti na stopiranju usvajanja predloženog Zakona, uključujući njegovu analizu i komentare koji su upućeni Parlamentu FBiH. Upućeno je Otvoreno pismo šefu Delegacije Evropske unije u BiH potpisano od koalicije nevladinih organizacija, sa upozorenjima na štetnosti zakona i zloupotrebijavanje procesa reformske agende, održano je niz sastanaka sa predstavnicima vlasti i međunarodnih organizacija, te je provedena medijska kampanja.

TI BiH je sačinio i analizu pod nazivom „Efikasnost i učinkovitost organa državne službe u upravnim strukturama u Bosni i Hercegovini“, kako bi otvorio jedno suštinski važno pitanje koje i nakon decenije aktivnosti u oblasti reforme javne uprave još uvijek nema odgovor, a to je koliko su efikasni pojedinci, odnosno institucije, u upravnim strukturama u BiH, te da li na pojedinačnom nivou službenici maksimalno iskorištavaju svoje vrijeme i kompetencije.

Kroz dosadašnje aktivnosti na praćenju reforme javne uprave, TI BiH je uspio otvoriti mnoga pitanja u vezi sa funkcionisanjem javne uprave, te javnosti pružiti informacije sa kojima, kako je pokazalo istraživanje TI BiH iz 2014. godine o percepciji građana o javnoj upravi, većina građana nije bila upoznata. Najvažnije od svega, TI BiH je kroz zagovaračke aktivnosti uključio veliki broj institucija i u njima stekao saveznike u nastojanjima da se reformski procesi u javnoj upravi unaprijede, posebno u oblasti unapređenja procedura zapošljavanja u javnoj upravi.



KEY FINDINGS OF THE MONITORING ARE AS FOLLOWS:

- Public administration reform has delivered very modest results in the area of transparency, integrity and accountability. Approach to information of public interest remains largely reactive, taking the form of responses to requests for access. Also, the concept of proactive transparency remains largely unknown to institutions, which continue to invest very little effort in improving information visibility. The institutions do not habitually post information on their budgets and budget execution on their websites.
- In the area of HRM, non-transparent recruitment processes continue to be the main problem. The HR planning system is poorly developed – planning is done largely on a quantitative basis, with very little attention to the appropriate qualifications. Progress has been made in the field of job analysis and classification, but the existing job descriptions do not meet the needs of modern administration, in terms of both their content and structure.

RECOMMENDATIONS AND PRIORITIES FOR TI BiH ACTION ARE AS FOLLOWS:

- insist on locating clear political ownership of reforms in public administration structures;
- improve managerial skills of managers in the public administration;
- eliminate politicisation of the civil service;
- streamline public administration;
- adjust the recruitment to managerial positions to the needs of the civil service;
- introduce stricter criteria for assessing the effectiveness of managerial staff in the administration;
- improve transparency of public administration recruitments;
- define objective criteria to be used for evaluation of candidates by selection commissions, and standardise testing practices for admission to the civil service.

With the aim of promoting better systemic solutions in the public administration and improving cooperation with institutions, in 2015 TI BiH organised a series of public events with the relevant stakeholders to discuss the reform of public administration recruitments and the shortcomings of legislation governing recruitments in the civil service and public institutions/enterprises.

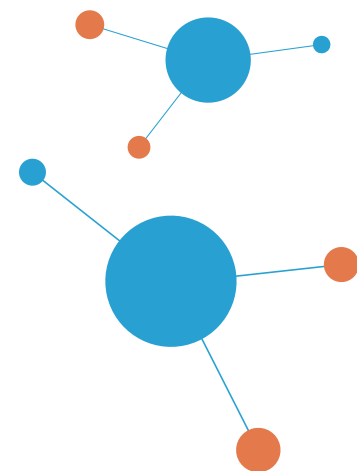
In order to strengthen cooperation, as well as identify public administration needs and questions that require public discussion, TI BiH has held consultations and meetings with a number of key stakeholders, such as the Civil Service Agency of BiH, the Civil Service Agency of FBiH, the Civil Service Agency of RS, the Public Administration Reform Coordinator Office, the Ministry of Justice of FBiH, the Ministry of Justice of BiH, the EU Delegation to BiH, etc.

TI BiH has monitored with special attention the processes related to amending the Law on Civil Service of FBiH, as well as attempts to change the same Law at the BiH level. Given the potentially harmful effects of the proposed amendments which aim to further politicise the public administration, TI BiH has undertaken a number of activities to stop their adoption, including preparation of an analysis of the proposed amendments and the accompanying comments, which were sent to the Parliament of FBiH. Also, an open letter was sent to the Head of the EU Delegation to BiH, signed by the coalition of NGOs, warning of the harmfulness of the proposed amendments and abuse of the reform agenda process, a series of meetings were held with government representatives and international organisations, and a media campaign was conducted.

TI BiH has also prepared the analysis “Efficiency and Effectiveness of the Civil Service Bodies in the Administrative Structures in Bosnia and Herzegovina” to generate discussion on a fundamentally important question that has remained unanswered even after a decade of public administration reform efforts, namely: how efficient individu-

als and institutions in administrative structures in BiH are, and whether individual public servants use their time and skills to achieve maximum effect.

Through its PAR monitoring activities, TI BiH has managed to raise many questions about the functioning of public administration and provide the public with information which, as shown by a survey into perceptions of public administration conducted by TI BiH in 2014, had been largely unknown to citizens. Most importantly, as part of its advocacy activities TI BiH engaged with a large number of institutions, finding in them allies in efforts to improve PAR processes, especially those relating to recruitments in public administration.



**Javne
nabavke**

**Public
Procurement**

» 2004

BiH je dobila prvi Zakon o javnim nabavkama.

BiH adopts its first Public Procurement Law.



» 2014-2015

Usvojen novi Zakon o javnim nabavkama, koji i dalje ne obezbeđuje adekvatne antikoruptivne mehanizme, a amandmani predloženi od strane civilnog društva su ignorisani.

TI BiH, u saradnji sa neformalnom koalicijom NVO, uputio amandmane na Zakon o javnim nabavkama.

New Public Procurement Law is adopted, still failing to provide adequate anti-corruption mechanisms, and the amendments proposed by civil society are ignored.

In cooperation with an informal coalition of NGOs, TI BiH puts forward a set of amendments to the Public Procurement Law.

» Javne nabavke

TI BIH JE DUŽI NIZ GODINA ANGAŽOVAN NA UNAPREĐENJU SISTEMA JAVNIH NABAVKI U BIH, I TO KROZ:

- Analizu stanja i kreiranje preporuka za unapređenje zakonskog okvira i implementacije Zakona o javnim nabavkama u BiH;
- Saradnju na jačanju kapaciteta institucija sistema javnih nabavki u BiH;
- Stvaranje koalicija sa drugim zainteresovanim stranama – nevladinim organizacijama i poslovnim sektorom, radi uspješnijeg zagovaranja za unapređenje sistema;
- Pružanje pravne pomoći oštećenim ponuđačima u konkretnim postupcima nabavki u okviru Centra za pružanje pravne pomoći u borbi protiv korupcije;
- Organizovanje i učestvovanje u obukama za ugovorne organe, ponuđače, nevladine organizacije i medije, o relevantnim propisima i praksama javnih nabavki.

Tokom 2015. godine, TI BiH je najveći dio aktivnosti u oblasti javnih nabavki fokusirao na zagovaranje za unapređenje Zakona o javnim nabavkama i uticaj na zakonodavce i relevantne institucije da podrže izmjene Zakona koje bi unaprijedile antikorupcijske mehanizme.

Kako bi postavio osnovu i identifikovao ključne preporuke i amandmane, a i zbog činjenice da je 2014. godine usvojen novi Zakon o javnim nabavkama i prateći podzakonski akti, TI BiH je objavio Analizu novog Zakona o javnim nabavkama, sa fokusom na praznine i nedorečenosti koje mogu omogućiti zloupotrebe ili smanjiti mogućnost otkrivanja korupcije u javnim nabavkama. U isto vrijeme, TI BiH je sačinio prijedlog nekoliko amandmana usmjerenih na:

- Povećanje transparentnosti i nadzora kroz detaljne propise o obavezama objavljivanja planova nabavki i izvještaja o njihovom izvršenju za svaku javnu instituciju;
- Sprečavanje zloupotreba kroz strožije odredbe o sukobu interesa i ograničenja za sklapanje ugovora između povezanih lica;
- Jačanje odgovornosti kroz povećanje sankcija za kršenje Zakona o javnim nabavkama.

Nakon javnog predstavljanja analize i amandmana na konferenciji „**Unapređenje Zakona o javnim nabavkama**“, na kojoj su učestvovali predstavnici Agencije za javne nabavke, Ureda za razmatranje žalbi, organizacija civilnog društva koje provode zajedničke inicijative u oblasti javnih nabavki, medija, međunarodnih organizacija i institucija itd., **TI BiH je amandmane uputio relevantnim institucijama.**

Nakon prezentovanja prijedloga, uslijedio je proces koordinacije aktivnosti sa organizacijama civilnog društva koje su aktivne u ovoj oblasti (Account, Tender, FOD, Udruženje poslodavaca, itd.), s ciljem zajedničkog djelovanja i koordinacije aktivnosti. Vršeno je i zagovaranje prema institucijama – upućeni su prijedlozi predstavnicima PSBiH, te su održani sastanci sa predstavnicima parlamenta, kako bi se informisali dodatno o prijedlozima.

» Public Procurement

FOR MANY YEARS TI BIH HAS BEEN ENGAGED IN IMPROVING THE PUBLIC PROCUREMENT SYSTEM IN BIH, THROUGH:

- Situational analysis and creation of recommendations for improving the legal framework and the implementation of the Public Procurement Law in BiH;
- Cooperation to strengthen the capacity of institutions in the public procurement system in BiH;
- Forming coalitions with other stakeholders – NGOs and the business sector – to ensure more effective advocacy for system improvements;
- Provision of legal advice to aggrieved bidders by the Advocacy and Legal Advice Centre;
- Organisation of and participation in training for contracting authorities, bidders, NGOs and the media on the relevant laws and public procurement practices.

In 2015 TI BiH focused the majority of its activities in the field of public procurement on advocating for the improvement of the Public Procurement Law and exerting influence on legislators and relevant institutions to support changes to the Law that would improve anti-corruption mechanisms.

To lay a foundation for this and identify key recommendations and amendments, TI BiH performed an analysis of the new Public Procurement Law, which was adopted in 2014 along with a set of related implementing regulations, focusing on gaps and ambiguities that could open up the way for abuse or limit the possibility of detecting corruption in public procurement. At the same time, TI BiH put forward a number of amendments aimed at:

- Increasing transparency and oversight by introducing detailed regulations requiring every public institution to publish their procurement plans and reports;
- Preventing abuse through introduction of stricter provisions on conflict of interest and restrictions on the conclusion of contracts between related parties;
- Strengthening accountability through introduction of stricter sanctions for violations of the Public Procurement Law.

After the public presentation of the analysis and amendments at the Conference **“Improving the Public Procurement Law”**, which was attended by representatives of the Public Procurement Agency, the Procurement Review Body, CSOs which implement joint initiatives in the area of public procurement, media, international organisations and institutions, etc., **TI BiH sent the amendments to the relevant institutions.**

Presentation of the proposed amendments was followed by a process of coordination of activities with CSOs that are active in this field (Account, Tender, FOD, the Association of Employers, etc.), with the aim of taking joint action and coordinating activities. As part of the advocacy efforts the proposed amendments were sent to the representatives of the Parliamentary Assembly of BiH (PA BiH), and meetings were held with representatives of Parliament to inform them in detail about the amendments.



TI BiH zajedno sa koalicijom NVO inicirao izmjene Zakona o javnim nabavkama usmjerene na jačanje antikorupcijskih mehanizama i transparentnosti.

Kako bi informisao građane i izvršio dodatni pritisak na zakonodavce, TI BiH je sačinio i pokrenuo online kampanju koja naglašava ključne segmente izmjena zakona koje TI BiH zagovara. Kampanjom je obuhvaćeno preko 200 000 građana, a imajući u vidu da je fokusirana na društvene mreže i portale, omogućila je dvosmjernu komunikaciju sa građanima koji su kroz komentare na sadržaj mogli dati i svoje mišljenje o TI BiH prijedlozima.

Kao rezultat, u junu 2015. godine je potvrđeno od strane predstavnika vladajućih stranaka u PSBiH, da će objediniti prijedloge za izmjene zakona predate od strane OCD-a, uključujući i TI BiH amandmane, i pokrenuti proces izmjena u periodu avgust - septembar. U decembru 2015. godine je održana i pres konferencija u Parlamentarnoj skupštini BiH, na kojoj je koalicija NVO predstavila amandmane, i na kojoj su predstavnici Demokratske fronte i Srpske demokratske stranke i javno potvrdili da će podržati amandmane i uputiti ih na usvajanje.

Kako bi omogućio što kvalitetnije izvještavanje i što jači nezavisni nadzor nad javnim nabavkama u BiH, u saradnji sa Klubom novinara Banja Luka (BH novinari) održan je i trening za novinare gdje su medijski radnici iz različitih

redakcija širom BiH obučeni o načinima praćenja javnih nabavki, sa posebnim naglaskom na ranjive faze ciklusa javnih nabavki. Novinarima su prenijeta znanja o mehanizmima praćenja procesa ugovaranja i načinima na koje mogu doći do informacija i prepoznati moguće zloupotrebe u javnim nabavkama.

Kada su u pitanju aktivnosti na praćenju prakse javnih nabavki, TI BiH je započeo praćenje ugovora javnih preduzeća, s ciljem identifikacije potencijalnih slučajeva sukoba interesa u javnim nabavkama. Ovo je posebno važno zbog napora TI BiH na zagovaranju za unapređenje zakonskih odredbi koje se odnose na sukob interesa, zbog čega TI BiH želi pokazati na primjerima da nedostatni propisi mogu dovesti do zakonitih višemilionskih zloupotreba.

U okviru partnerstva sa Transparency International Republike Češke, TI BiH je imao jedinstvenu priliku da uveže stručnjake u ovoj oblasti iz BiH i predstavnike iz Republike Češke kako bi se napravila komparativna analiza i u konačnici definisali antikoruptivni standardi za javne nabavke.

TI BiH je organizovao studijsku posjetu Republici Češkoj za predstavnike zakonodavne i izvršne vlasti BiH, ali i predstavnike civilnog društva. Ovom

prilikom osigurana je razmjena mišljenja i primjera dobre prakse u primjeni zakona o javnim nabavkama u srodnim institucijama ove dvije zemlje.

U okviru ove saradnje, nastala je i publikacija koja je svojevrsan prikaz komparativne analize javnih nabavki u Republici Češkoj i Bosni i Hercegovini, kao i analiza ključnih segmenata zakonskog okvira i njegovog funkcionisanja na primjerima javnih ugovora.



Together with a coalition of NGOs, TI BiH put forward a set of amendments to the Public Procurement Law, aimed at strengthening anti-corruption mechanisms and enhancing transparency.

In order to raise public awareness and put additional pressure on lawmakers, TI BiH developed and launched an online campaign highlighting the key segments of the amendments proposed by TI BiH. The campaign reached more than 200,000 citizens, and, given that it focused on social networks and portals, it enabled two-way communication with citizens, who could give their opinion on the TI BiH proposals in the comments sections.

As a result of these advocacy efforts, in June 2015 representatives of the ruling parties in the PA BiH confirmed that they would consolidate the proposed amendments submitted by CSOs, including TI BiH's amendments, and initiate the amendment process in August–September. In December 2015 the coalition of NGOs presented the amendments at a press conference held at the Parliament, with representatives of the Democratic Front and the Serbian Democratic Party publicly confirming that they would back the amendments and submit them for adoption.

In order to ensure quality media reporting on and strong independent oversight of public procurement in the country, TI BiH organised a training workshop for journalists in cooperation with the Journalists' Club Banja Luka (BH Journal-



ists), where professionals from various media outlets throughout the country received training on how to report on public procurement, with special focus on the most vulnerable phases of the public procurement cycle. The journalists also received information about the mechanisms to monitor the contracting process and the ways in which they can get information and identify possible misuse in public procurement.

As regards monitoring of public procurement practices, TI BiH started to monitor contracting in public enterprises with the aim of identifying potential cases of conflict of interest in public procurement. This is particularly important in the light of TI BiH's advocacy efforts for the improvement of the legal provisions relating to conflict of interest. To achieve this, TI BiH wants to use specific examples to show how inadequate regulations may lead to lawful misappropriation of millions of marks.

As part of its partnership with Transparency International Czech Republic, TI BiH had a unique opportunity to link public procurement professionals from BiH and the Czech Republic in order to make a comparative analysis and ultimately define anti-corruption standards for public procurement.

TI BiH organised a study visit to the Czech Republic for representatives of legislative and executive authorities of BiH, as well as representatives of civil society. The visit provided an opportunity for the exchange of views and examples of good practice in the application of the Public Procurement Law between the corresponding institutions of the two countries.

This cooperation resulted in a publication that provides a comparative analysis of public procurement in the Czech Republic and Bosnia and Herzegovina, as well as an analysis of key segments of the relevant legal framework and examples of its application in the public contracting practice.



Finansiranje političkih stranaka i izbornih kampanja

Financing of Political Parties and Election Campaigns

» 2000

BiH među prvima u regionu dobila je Zakon o finansiranju političkih partija.

BiH adopts the Law on Political Party Financing, being one of the first countries in the region to do so.



» 2012-2015

Usvojen novi Zakon, koji ne uvodi jače mehanizme kontrole i ne sprečava zloupotrebe.

Nalazi monitoringa TI BiH pokazali su da novi Zakon o finansiranju političkih partija nije unaprijedio tačnost podataka navedenih u finansijskim izvještajima stranaka.

New Law on Political Party Financing is adopted, failing to introduce stronger control mechanisms and prevent misuse.

TI BiH's monitoring shows that the new Law on Political Party Financing has not improved the accuracy of data presented in the financial statements of political parties.

» Finansiranje političkih stranaka i izbornih kampanja

TI BiH je u 2015. godini prezentovao rezultate monitoringa izborne kampanje – Opšti izbori 2014, koji je započeo sa početkom predizborne kampanje u septembru 2014. godine. U okviru monitoringa, TI BiH je pratio izbornu kampanju i, na osnovu materijalnih dokaza, kao što su minuti televizijskog ili radijskog emitovanja ili prostor u novinama i časopisima, bilbordi i ostala sredstva oglašavanja čija cijena može biti procijenjena, vršio procjenu troškova oglašavanja za 10 najvećih političkih partija u BiH. Stranke koje su bile obuhvaćene monitoringom su: Hrvatska demokratska zajednica (HDZ) BiH, Stranka demokratske akcije (SDA), Savez nezavisnih socijaldemokrata (SNSD), Demokratski narodni savez (DNS), Savez za bolju budućnost (SBB), Demokratska fronta (DF), Narodna stranka Radom za boljitak (NSRB), Partija demokratskog progresa (PDP), Srpska demokratska stranka (SDS) i Socijaldemokratska partija (SDP).

Osim praćenja oglašavanja, TI BiH je bilježio i predizborne skupove, kao i sve moguće zloupotrebe javnih sredstava, institucija ili javnih preduzeća, u svrhu promocije određene stranke. Vršena je i analiza medijskih nastupa tokom kampanje, kako bi se zabilježili slučajevi korištenja javnih funkcija i događaja zarad promocije nekog kandidata ili stranke.

Zatim su svi dobijeni podaci upoređeni sa podacima o iznosima prijavljenim u postizbornim finansijskim izvještajima političkih stranaka objavljenih početkom 2015. godine. Ovo je bila prilika i da se ispitaju efekti novog Zakona o finansiranju političkih partija, imajući u vidu da je ovo bila prva izborna kampanja čije finansiranje je regulisano po novim propisima.

TI BiH je otkrio da su stranke prijavile niže troškove kampanje nego što pokazuje realna procjena TI BiH u smislu količine i cijena oglašavanja u medijima i na bilbordima. Prema analizi TI BiH, deset najvećih političkih stranaka su na zakup medijskog prostora u predizbornoj kampanji potrošile 3.594.162,39 KM.

» Financing of Political Parties and Election Campaigns

In 2015 TI BiH presented the findings of the election campaign monitoring for the 2014 General Election, which had started with the beginning of the election campaign in September 2014. TI BiH monitored the electoral campaign and, based on available evidence, such as broadcast media time and advertisements in the print media, on billboards and in other means of advertising, estimated the advertising costs for the ten largest political parties included in the monitoring: Croatian Democratic Union (HDZ) BiH, Party of Democratic Action (SDA), Alliance of Independent Social Democrats (SNSD), Democratic People's Alliance (DNS), Alliance for a Better Future (SBB), Democratic Front (DF) People's party for Work and Betterment (NSRB), Party of Democratic Progress (PDP), Serbian Democratic Party (SDS), and the Social Democratic Party (SDP).

In addition to this, TI BiH kept track of election rallies, as well as any possible misuse of public funds, institutions or public enterprises for the purpose of promoting a particular political party. Analysis was also made of media appearances during the campaign in order to record any use of public functions and events for the promotion of a candidate or party.

In the final analysis all obtained data were compared with the amounts reported in the post-election financial statements of political parties published in early 2015. This was also an opportunity to examine the effects of the new Law on Political Party Financing, as this was the first election campaign to be implemented in accordance with the new PPF regulations.

TI BiH found that the parties had reported lower campaign costs compared to the realistic estimate calculated by TI BiH in terms of the amount and cost of advertising in the media and on billboards. According to TI BiH's analysis, the ten largest political parties spent BAM 3,594,162.39 on the media buying during the election campaign.

»» Koliko su političke partije koristile plaćeno oglašavanje u medijima tokom predizborne kampanje?

»» To what extent have political parties used paid advertising in the media during the election campaign?

SDA dominira po broju objava - skoro trećina od ukupnog broja oglasa bila je za SDA - 1197 ili 27 odsto. SDP je imao 935 oglasa, odnosno 21 posto od ukupnog broja oglasa.

SDA placed by far the largest number of ads – almost a third of the total number of ads were those placed by SDA – 1197 or 27 percent. This is followed by SDP with 935 ads, or 21 percent of the total number of ads placed in the media.

● DF	• 267	• 6%
● DNS	• 294	• 7%
● Domovina	• 74	• 2%
○ HDZ BiH	• 2	• 0%
● PDP	• 155	• 3%
● SZP	• 652	• 14%
● SBB	• 342	• 8%
● SDA	• 1197	• 27%
● SDP	• 935	• 21%
● SNSD-DNS	• 320	• 7%
● SNSD	• 128	• 3%
○ SDS-PDP	• 1	• 0%
● SDS	• 110	• 2%





Stranke su u finansijskim izvještajima pod stavkom “troškovi štampanja predizbornih oglasa, proglašenja i sl. u javnim glasilima” ukupno prijavile 2.706.527,2 KM što je za 887.634,8 KM manje u odnosu na procijenjeni iznos po analizi TI BiH u dijelu koji se odnosi na oglašavanje u medijima. TI BiH je uporedio ukupan broj predizbornih skupova svake stranke sa troškovima prijavljenim za organizaciju ovih događaja i došao je do zaključka da su iznosi koje su stranke prijavile pod ovom – ukupni prosjek za sve stranke po skupu je 2.419,30 KM - izrazito niski, uzmu li se u obzir svi potencijalni troškovi organizacije jednog skupa.

Zanimljivo je da su stranke u finansijskim izvještajima pod stavkom “troškovi štampanja predizbornih oglasa, proglašenja i sl. u javnim glasilima” ukupno prijavile 2.706.527,2 KM što je za 887.634,8 KM manje u odnosu na procijenjeni iznos po analizi TI BiH u dijelu koji se odnosi na oglašavanje u medijima. Takođe, TI BiH je uporedio ukupan broj predizbornih skupova svake stranke sa troškovima prijavljenim za organizaciju ovih događaja i došao je do zaključka da su iznosi koje su stranke prijavile pod ovom – ukupni prosjek za sve stranke po skupu je 2.419,30 KM - izrazito niski, uzmu li se u obzir svi potencijalni troškovi organizacije jednog skupa, kao što su: zakup sale, troškovi prevoza stranačkih pristalica, hrana i piće koji se najčešće služe na skupovima, zakup sale ili prostora, honorari izvođača koji nastupaju na skupovima, i sl.

TI BiH je kroz ovu publikaciju prezentovao i sve slučajeve održavanja predizbornih aktivnosti u javnim ustanovama i školama, kao i korištenja događaja i manifestacija javnih institucija i ustanova u svrhu promocije određenog kandidata, što se posebno izražava kroz pojavljivanje aktuelnog nosioca neke državne funkcije/kandidata na izborima na događajima koji nisu u direktnoj vezi sa resorom za koji je ta osoba odgovorna ili, pak, imaju vezu s obavljanjem funkcije, ali u drugim okolnostima (dakle izvan predizborne kampanje) nosilac te funkcije vjerovatno ne bi prisustvovao događaju ili bi ovlastio nekog od saradnika da predstavlja instituciju ili organ vlasti na čijem je čelu. Tako je TI BiH predstavio primjere u kojima predsjednici zakonodavnih tijela otvaraju obdaništa i lokalne puteve, ministar vanjskih poslova otvara autoput, i sl.

Prikaz ovih primjera važan je zbog kontinuiranih zagovaranja TI BiH za unapređenje Izbornog zakona i Zakona o finansiranju političkih partija, koja će biti usmjerena na zabrane i sprečavanje zloupotreba javnih funkcija i institucija u svrhu izborne kampanje. Na osnovu primjera zabilježenih kroz praćenje kampanja, TI BiH je sačinio prijedloge za unapređenje Izbornog zakona, sa konkretnim prijedlozima regulisanja izborne kampanje i uputio ih Interesornoj radnoj grupi za izmjene izbornog zakonodavstva.

Rezultati monitoringa i publikacija su predstavljani na regionalnoj konferenciji „Finansiranje izbornih kampanja – zakon i praksa“, održanoj u martu 2015. godine, na kojoj su učestvovali i predstavnici institucija i organizacija iz Srbije i Hrvatske, predstavljajući svoja iskustva u regulisanju i nadzoru nad finansiranjem izbornih kampanja, te predstavnici BH institucija.



It is noteworthy that the parties reported a total of BAM 2,706,527.20 under “cost of printing election advertisements, announcements, notices etc. in the media” in their financial statements, which is BAM 887,634.80 less than the amount estimated by TI BiH relating to advertising in the media. Also, TI BiH compared the total number of election rallies of each party with the reported costs for the organisation of these events and came to the conclusion that the amounts reported by the parties – the overall average of BAM 2,419.30 per rally for all parties – were extremely low, given all the potential costs involved in the organisation of such an event, such as lease of venue, cost of transportation of party supporters, food and beverages that are commonly served at rallies, fees for artists performing at rallies, etc.

The publication also documents other irregularities such as the holding of pre-election activities in public institutions and schools and the use of events organised by public institutions for promotion of a particular candidate. The latter often takes the form of the appearance of an incumbent public office holder/candidate in the elections in events that are not directly related to the sector for which they are responsible, or, alternatively, are related to their office, but which, in other circumstances (i.e. outside the election campaign), they either would probably not attend or would authorise a deputy to attend on their behalf. Thus, for example, the publication contains such flagrant examples as presidents of legislative bodies opening kindergartens and local roads, the Minister of Foreign Affairs opening a motorway, and the like.

Documenting such examples is important in that it will give weight to TI BiH’s continuous advocacy efforts for improving the Election Law and the Law on Political Party Financing, which will be aimed at prohibiting and preventing the misuse of public offices and institutions in election campaigns. Based on the examples identified during the monitoring exercise, TI BiH put together proposals for improved legal regulation of the electoral campaign in the Election Law and submitted them to the Intersectoral Working Group for Electoral Legislation Amendments.

Findings of the monitoring exercise and the accompanying publication were presented at the regional conference “Financing of Election Campaigns – Law and Practice”, held in March 2015, which was attended by representatives of institutions and organisations from Serbia and Croatia, presenting their experiences in the regulation and oversight of election campaign financing, as well as representatives of BiH institutions.

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Pravosuđe i procesuiranje korupcije

Judiciary and Prosecution of Corruption

» 2010-2015

U posljednjih 5 godina nije bilo značajnog pomaka u procesuiranju korupcije – statistike u broju procesuiranih i presuđenih slučajeva za 2014. približne rezultatima iz 2011. i 2012.

The last five years have seen no considerable progress in the prosecution of corruption. The statistics on the number of cases prosecuted and convicted in 2014 are roughly similar to those in 2011 and 2012.



» Pravosuđe i procesuiranje korupcije

Osim djelovanja prema institucijama pravosuđa u okviru pružanja pravne pomoći građanima i ukazivanja na pojedinačne slučajeve korupcije, TI BiH je nastavio pratiti rad pravosuđa i u smislu unapređenja propisa koji uređuju njegov rad, i kroz monitoring procesuiranja slučajeva korupcije od strane sudova i tužilaštava.

TI BiH je 2015. godine objavio rezultate monitoringa procesuiranja korupcije, a zajedno sa tim su objavljeni ključni rezultati analize sudskih presuda za krivična djela korupcije na sudovima u BiH, gdje se TI BiH po prvi put bavio i samim sadržajem presuda.

U izvještaju o monitoringu za 2014. godinu, prikazani su trendovi u smislu broja prijava za krivična djela korupcije, broja istraga, podignutih optužnica i pravosnažnih presuda. Rezultati su pokazali poboljšanje u odnosu na 2013. godinu, ali imajući u vidu da su oni iz 2013. bili katastrofalni i najgori u prethodnih pet godina, zaključak je da je rad pravosuđa u procesuiranju korupcije ostao na nivou 2012. i 2011. godine, i da samim tim nije bilo realnog napretka.

» Judiciary and Prosecution of Corruption

In addition to communicating with judicial institutions on behalf of citizens who sought legal advice and disclosing individual cases of corruption, TI BiH continued to monitor the judiciary with a view to improving regulations governing its operation, as well as monitor the prosecution of corruption cases by the courts and prosecutors' offices.

In 2015 TI BiH released the findings of the monitoring of corruption prosecution, as well as the key findings of the analysis of judgements passed by the courts in BiH for corruption-related criminal offences, where for the first time TI BiH also analysed the content of the judgements.

The 2014 monitoring report presents the trends in the number of charges brought for corruption-related offences, and the number of investigations, indictments and final judgements. The results showed an improvement compared to 2013, but given that the results of 2013 were by far the worst in the past five years, the conclusion is that the judiciary's performance in prosecuting corruption has remained at the level of 2012 and 2011, and that therefore there has been no real progress.

» Ključni nalazi o procesuiranju korupcije u 2014. godini

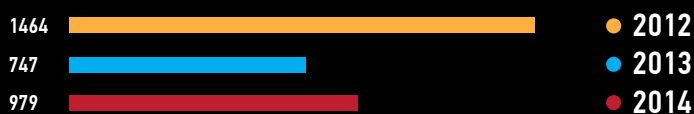
» Key findings on corruption prosecution in 2014



UKUPAN BROJ PRIJAVA U RADU ZA KORUPCIJSKA
KRIVIČNA DJELA
TOTAL NUMBER OF CHARGES BROUGHT
FOR CORRUPTION-RELATED CRIMINAL OFFENCES



UKUPAN BROJ ISTRAGA
ZA KRIVIČNA DJELA KORUPCIJE
TOTAL NUMBER OF INVESTIGATIONS
INTO CORRUPTION-RELATED CRIMINAL OFFENCES

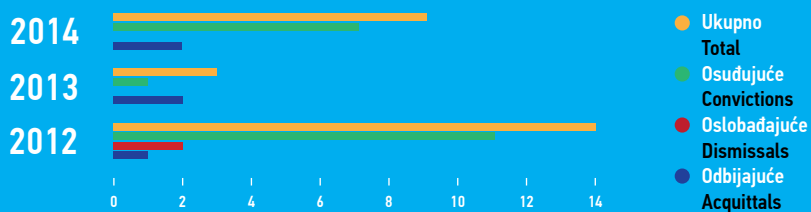


UKUPAN BROJ PODIGNUTIH OPTUŽNICA
ZA KRIVIČNA DJELA KORUPCIJE
TOTAL NUMBER OF INDICTMENTS
FOR CORRUPTION-RELATED CRIMINAL OFFENCES

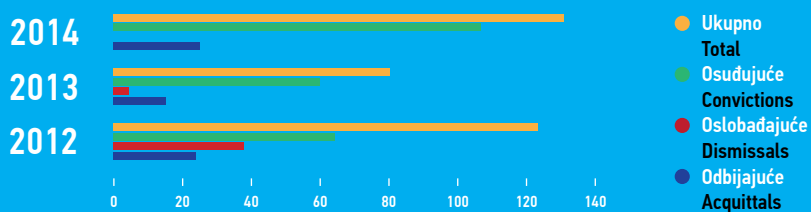




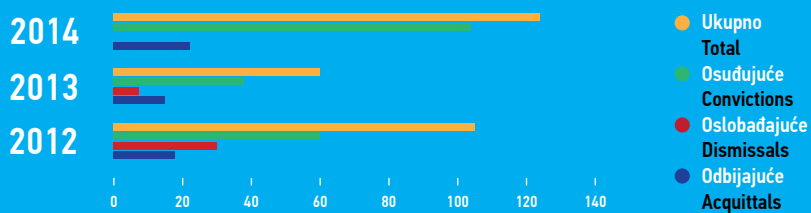
SUD BIH COURT OF BIH



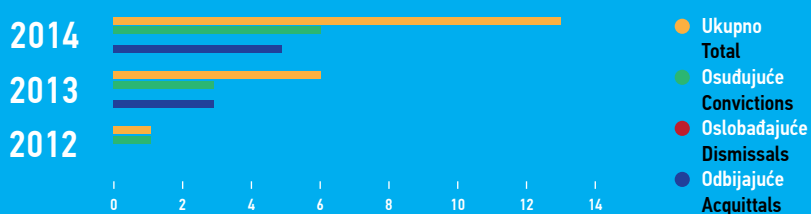
SUDOVI U FBIH COURTS IN FBIH



SUDOVI U RS COURTS IN RS



SUD BD BIH COURT OF BD BIH

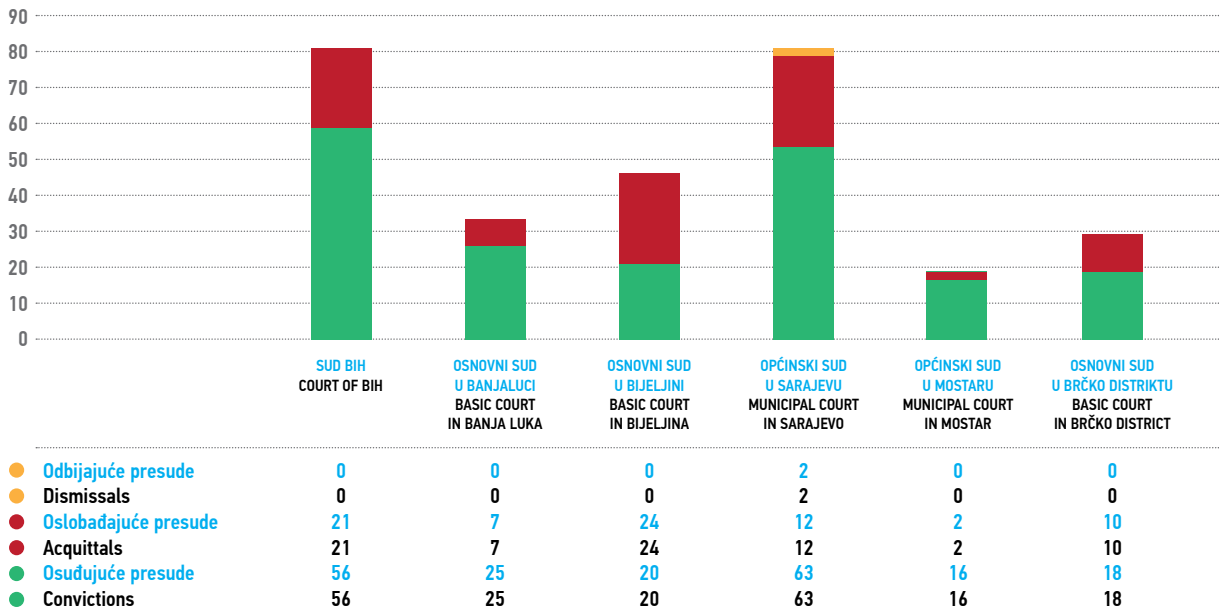


» Ključni nalazi analize presuda

» Key findings of the analysis of judgements

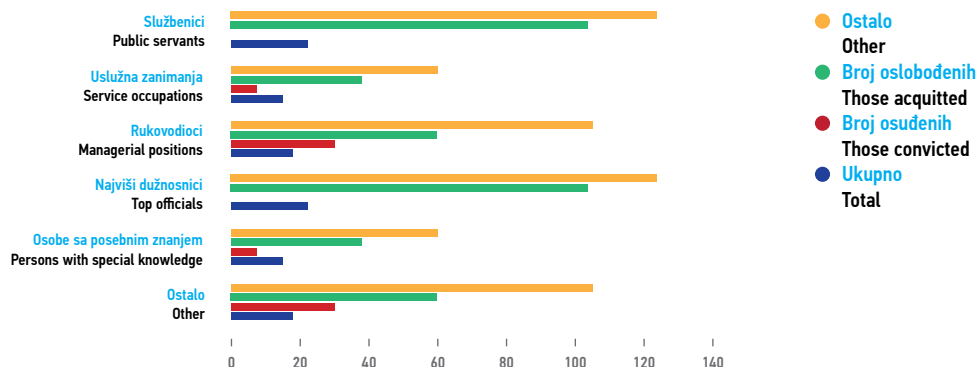
TI BiH je analizirao sudske presude na 6 sudskih instanci u BiH za period 2009 - 2014. godine (Sud BiH, Osnovni sud u Banjoj Luci, Osnovni sud u Bijeljini, Općinski sud u Sarajevu, Općinski sud u Mostaru i Osnovni sud Brčko distrikta) gdje je analizirano 276 pravosnažnih sudskih predmeta i u kojem su donesene sudske odluke za ukupno 374 osobe.

TI BiH analysed judgements of six courts in BiH in the period 2009–2014 (Court of BiH, Basic Court in Banja Luka, Basic Court in Bijeljina, Municipal Court in Sarajevo, Municipal Court in Mostar, and Basic Court in Brčko District). The analysis included 276 closed court cases in which judgements were passed for a total of 374 persons.



SVOJSTVO/FUNKCIJA OPTUŽENIH LICA ZA KORUPCIJSKA KRIVIČNA DJELA

POSITIONS/OFFICES HELD BY PERSONS ACCUSED OF CORRUPTION-RELATED CRIMINAL OFFENCES



U analiziranih 276 sudskih predmeta pravosnažni postupak je proveden protiv 347 osoba. Od ovog broja 241 osoba je osuđena (64%), 126 osoba je oslobođeno, dok je protiv 7 osoba donesena odbijajuća presuda. Zabrinjavajuća je činjenica da je od ukupno 38 procesuiranih najviših dužnosnika samo njih 9 (19%) osuđeno za krivična djela korupcije. Kada su u pitanju lica u svojstvu rukovodioca, ni tu rezultati nisu mnogo bolji – njih čak 53% je pravosnažno oslobođeno, što dovodi u pitanje sposobnost i efikasnost BH pravosuđa u procesuiranju krivičnih djela korupcije na višim nivoima.

In the analysed 276 court cases final judgements were passed for 347 persons. Of this number, 241 persons were convicted (64%), 126 persons were acquitted, and judgements of dismissal were passed for 7 persons. What is worrying is the fact that of a total of 38 highest-ranking officials prosecuted, only nine (19%) were convicted for corruption offences. The results are not much better when it comes to persons holding managerial positions, with as many as 53% acquitted. This raises concerns about the ability and efficiency of the BiH judiciary in prosecuting corruption at higher levels.

IZVORI SAZNAJANJA ZA KRIVIČNA DJELA KORUPCIJE

Nalazi TI BiH pokazali su da je otkrivanje korupcijskih krivičnih djela isključivo reaktivno i oslonjeno na formalnu prijavu oštećenih lica. Najveće učešće u izvoru saznanja imaju prijave oštećenog pravnog lica, čak u 59% slučajeva. Ono što posebno zabrinjava jeste činjenica da je tek za 22% ovih krivičnih djela izvor saznanja vlastiti operativni rad policije, tek u 6% izvor saznanja su svjedoci, dok je samo u jednom pravosnažno presuđenom slučaju izvor saznanja bila anonimna prijava.

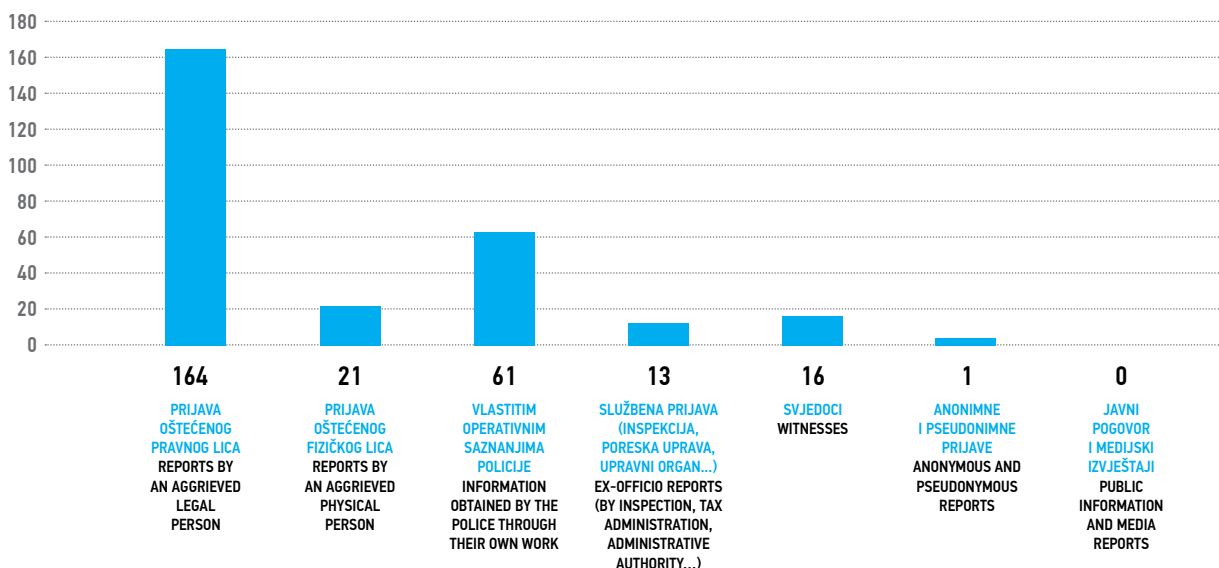
SOURCES OF INFORMATION ABOUT CORRUPTION-RELATED CRIMINAL OFFENCES

TI BiH's findings show that the detection of corruption-related offences is purely reactive and relies on formal complaints by aggrieved persons. The most common source of information are the reports by aggrieved legal persons, in as many as 59% of cases. It is particularly worrying that only 22% of information comes from the police, only 6% comes from witnesses, and only in one case the source of information was an anonymous report.



IZVORI SAZNAJANJA ZA KORUPTIVNA ILI SRODNA KRIVIČNA DJELA

SOURCES OF INFORMATION ABOUT CORRUPTION-RELATED AND SIMILAR CRIMINAL OFFENCES



KAZNENA POLITIKA

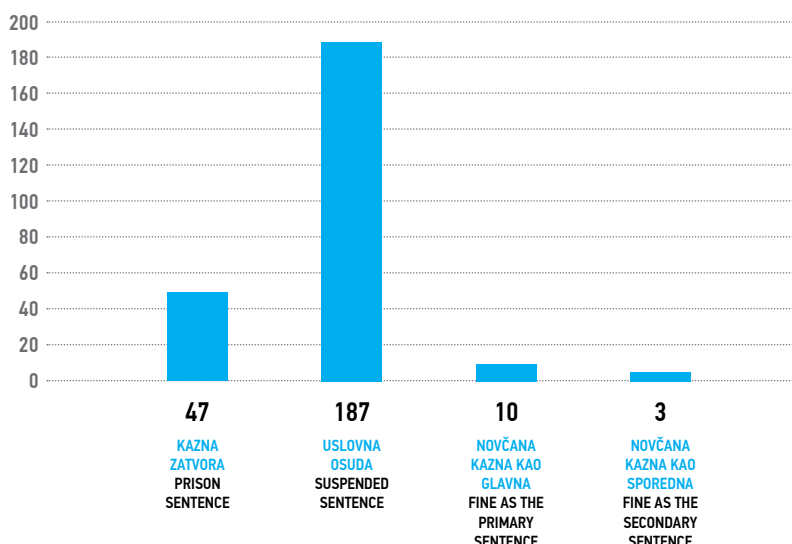
Iz analiziranih pravosnažnih sudskih predmeta vidljivo je da je kaznena politika za krivična djela korupcije blaga i neadekvatna. Tek 47 osoba (19,5%) protiv kojih se vodio sudski postupak za krivična djela korupcije je kažnjeno zatvorskom kaznom, dok je 187 osoba kažnjeno uslovnom osudom. Također, u 18 analiziranih pravosnažnih presuda donijete su sankcije ispod zakonskog minimuma, a prema 10 osoba ispod zakonskog minimuma i onda kada to krivični zakon izrazito zabranjuje.

PENAL POLICY

The analysis shows that the penal policy for corruption-related criminal offences is lenient and inadequate. Of those tried for corruption offences, only 47 were sentenced to imprisonment (19.5%), whereas 187 received a suspended sentence. Also, the sanctions imposed were found to be below the statutory minimum in 18 of the analysed final judgements, and for 10 persons the sanctions were found to be below the statutory minimum even where the criminal law expressly prohibits so.



KAZNENA POLITIKA ZA KRIVIČNA DJELA KORUPCIJE PENAL POLICY FOR CORRUPTION-RELATED CRIMINAL OFFENCES



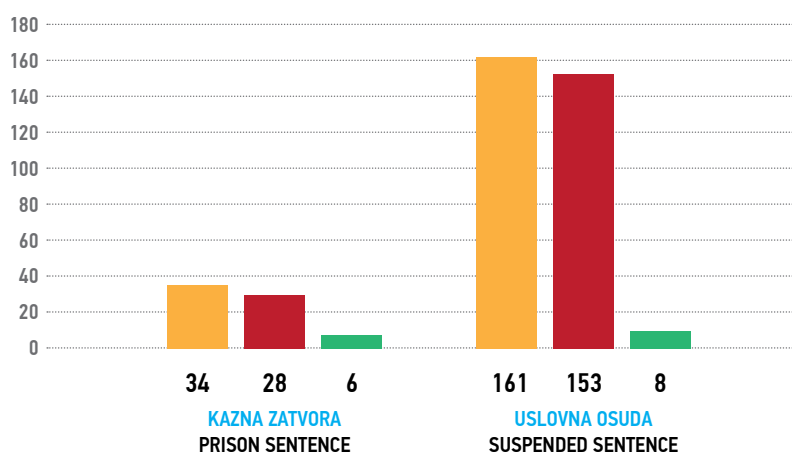
Takođe, težina izrečenih kazni za četiri klasična krivična djela korupcije (primanje mita, davanje mita, zloupotreba službenog položaja i pronevjera u službi) nije adekvatna. Za ova 4 krivična djela sudovi u BiH su izrekli kaznu zatvora prema 34 osobe. U 18 slučajeva kazna zatvora je bila ispod zakonskog minimuma, dok je u 10 slučajeva izrečena kazna ispod zakonskog minimuma i onda kada to krivični zakon izričito ne dozvoljava. Kada je u pitanju izricanje uslovne kazne, od 161 presude, čak u 118 slučajeva (73%) je donesena uslovna osuda koja je bliža zakonskom minimumu. **Kod ovih presuda u 7 slučajeva je donijeta uslovna presuda u slučajevima kada to krivični zakon izrazito ne zabranjuje.**

Also, the sanctions imposed for four classic corruption offences (accepting a bribe, giving a bribe, abuse of office, and embezzlement in office) were inadequate. Prison sentences for these four crimes were imposed on 34 persons. In 18 cases the prison sentences were below the statutory minimum, and in 10 cases the sentences were below the statutory minimum even where the criminal law expressly prohibits so. Furthermore, of 161 suspended sentences imposed, as many as 118 (73%) were closer to the statutory minimum. **Seven suspended sentences were imposed in cases where the criminal law does not expressly prohibit so.**



TEŽINA IZREČENIH KAZNI ZA ČETIRI KLASIČNA KRIVIČNA DJELA SANCTIONS IMPOSED FOR FOUR CLASSIC CORRUPTION OFFENCES

- Ukupno presuda
- Total number of sentences
- Bliže zakonskom minimumu
- Closer to statutory minimum
- Bliže zakonskom maksimumu
- Closer to the statutory maximum



TI BiH je tokom 2015. godine bio aktivan i u zagovaranju za unapređenje propisa koji uređuju rad pravosuđa, sa posebnim fokusom na unapređenje integriteta i sprečavanje sukoba interesa. Javno je apelovao i zagovarao za unapređenje propisa o sukobu interesa u pravosuđu, učestvovao je u konsultacijama Delegacije EU i VSTV-a u vezi sa Pravilnikom o sukobu interesa VSTV-a, te strukturalnim dijalogom o pravosuđu, putem čega je dostavljao konkretne prijedloge unapređenja propisa.

In 2015 TI BiH was also active in advocating for the improvement of regulations governing the work of the judiciary, with a special focus on improving integrity and preventing conflict of interest. It urged and advocated for the improvement of regulations on conflict of interest in the judiciary and participated in the consultations between the EU Delegation and the High Judicial and Prosecutorial Council (HJPC) in connection with the Rules on Conflict of Interest in HJPC and structural dialogue on the judiciary, submitting concrete proposals for improving legislation.



Sukob interesa

Conflict of interest

» 2002–2008

2002 - Usvojen prvi Zakon o sukobu interesa u institucijama vlasti BiH, koji daje nadležnost Centralnoj izbornoj komisiji BiH za provođenje istog.

2008 - FBiH i RS usvojile zakone o sukobu interesa, pri čemu nadležnost za provođenje Zakona FBiH ostaje na CIK BiH, a RS osniva Komisiju za utvrđivanje sukoba interesa.

2002 - BiH adopts its first Law on Conflict of Interest, authorising the Central Election Commission (CEC) for its implementation.

2008 - FBiH and RS adopt laws on conflict of interests, whereby the responsibility for the implementation of the FBiH Law remains with the CEC BiH and RS establishes a separate Commission for Determining Conflict of Interest.



» 2013-2015

Donesen novi Zakon o sukobu interesa u institucijama vlasti BiH, koji predviđa novu Komisiju za odlučivanje o sukobu interesa, sačinjenu od predstavnika PSBiH i APIK-a.

Novi Zakon bez rezultata – FBiH još nije izmijenila Zakon o sukobu interesa, te dvije godine niko nije nadležan za njegovo provođenje, a Komisija na BH nivou nije utvrdila niti jedan slučaj sukoba interesa.

BiH adopts the new Law on Conflict of Interest, providing for the establishment of a new Commission on Conflict of Interest, made up of representatives of the Parliamentary Assembly of BiH and APIK.

The new Law produces no results – FBiH has not yet changed its Law on Conflict of Interest, with no responsibility assigned for its implementation for two years, and the Commission at the BiH level has not identified any cases of conflict of interest.

» Sukob interesa

TI BiH je od svog osnivanja bio uključen u procese vezane za kreiranje zakonskog okvira o sukobu interesa i aktivno praćenje primjene zakona na svim nivoima. Tokom 2015. godine TI BiH se fokusirao na zagovaranje za deblokadu primjene zakona o sukobu interesa na nivou BiH i FBiH, koja je nastala usljed izmjena Zakona na BH nivou i ukidanja nadležnosti CIK BiH. Upućeni su zvanični dopisi i apeli Vijeću ministara i provođeno je zagovaranje putem medija s ciljem apelovanja da se usvoje interni akti Agencije za prevenciju korupcije i koordinaciju borbe protiv korupcije, kako bi se otklonile prepreke za prelazak osoblja CIK BiH pri novoj Komisiji za utvrđivanje sukoba interesa. U ovom procesu TI BiH je djelovao u saradnji sa samom Agencijom, a nakon ovih aktivnosti Vijeće ministara je usvojilo potrebna akta, a Zakon na nivou FBiH je upućen u parlamentarnu proceduru. Vršeno je zagovaranje i u procesu usvajanja izmjena Zakona o sukobu interesa FBiH, gdje je TI BiH uputio komentare Parlamentu FBiH i javno promovisao stavove, zajedno sa preporukama za unapređenje usmjerenim na dugoročno rješavanje pitanja sukoba interesa kroz jedinstvene propise.

S ciljem artikulisanja inicijative za unapređenje zakonskog okvira u oblasti sukoba interesa, koja bi bila dugoročno održiva, odnosno riješila probleme rascjepkanosti i neusklađenosti zakonskog okvira, TI BiH je proveo proces konsultacija sa relevantnim institucijama. Ovo je podrazumijevalo seriju sastanaka sa predstavnicima tijela zaduženih za provedbu zakona i zakonodavcima i zajednički su definisana rješenja i pravci zagovaranja prema jačanju nadležnosti i kapaciteta APIK-a.

Kako bi predstavio ovu inicijativu, TI BiH je u oktobru 2015. održao konferenciju pod nazivom **Sukob interesa i imovinski kartoni – dugoročna rješenja za institucionalni i zakonski okvir**, na kojoj su učestvovali predstavnici institucija koje provode zakone u oblasti sukoba interesa i imovinskih kartona, kao i predstavnici zakonodavne vlasti, civilnog društva, medija i međunarodnih organizacija. Na Konferenciji je TI BiH predstavio inicijativu za usklađivanje i unapređenje zakonskog okvira o sukobu interesa i propisa o imovinskim kartonima.

Fokus TI BiH inicijative je stavljen na otklanjanje razlike i proširenje kruga lica na koja se primjenjuju zakoni o sukobu interesa i situacijama koje se propisuju kao sukob interesa, kako bi pokrili što veći broj funkcionera koji su u poziciji da donose odluke, te pooštriti sankcije. Inicijativa takođe obuhvata osiguranje efikasne i objektivne primjene zakona o sukobu interesa – depolitizovati tijela za provođenje zakona, te umjesto komisije sačinjene od predstavnika parlamenta, omogućiti proširenje nadležnosti, a samim tim i kapaciteta Agencije za prevenciju korupcije i koordinaciju borbe protiv korupcije, koja se nameće kao logičan izbor institucije koja bi trebala biti zadužena za provođenje zakona o sukobu interesa.

Po pitanju imovinskih kartona, TI BiH se zalagao za otklanjanje prepreka za objavljivanje imovinskih kartona, kako bi građani imali pristup informacijama sadržanim u izvještajima o imovinskom stanju javnih funkcionera, kao i usvajanje odredbi o uspostavljanju nadzora i provjere tačnosti imovinskih kartona, te sankcijama za dostavljanje lažnih podataka. Kao rezultat ove inicijative, Agencija za zaštitu ličnih podataka je javno iznijela pismeni stav da je objavljivanje imovinskih kartona u javnom interesu.

TI BiH je i u komentarima upućenim Interresornoj radnoj grupi za izmjene izbornog zakonodavstva naveo prijedloge za uspostavljanje kontrole nad tačnošću imovinskih kartona, ali i izmjene odredbi koje propisuje krug lica koji imaju obavezu da ih podnose.

TI BiH će u narednom periodu, u saradnji sa institucijama, podnijeti prijedloge za izmjene Zakona o sukobu interesa i izmjene Zakona o APIK-u, koje će pratiti kampanja prema institucijama i građanima, kako bi se obezbijedila podrška za neophodne izmjene.

Fokus TI BiH inicijative je stavljen na otklanjanje razlike i proširenje kruga lica na koja se primjenjuju zakoni o sukobu interesa i situacijama koje se propisuju kao sukob interesa, kako bi pokrili što veći broj funkcionera koji su u poziciji da donose odluke, te pooštriti sankcije. Inicijativa takođe obuhvata osiguranje efikasne i objektivne primjene zakona o sukobu interesa – depolitizovati tijela za provođenje zakona, te umjesto komisije sačinjene od predstavnika parlamenta, omogućiti proširenje nadležnosti, a samim tim i kapaciteta APIK.

» Conflict of interest

TI BiH has, since its establishment, been involved in the processes related to the creation of a legal framework on conflict of interest and active monitoring of its implementation at all levels. In 2015 TI BiH focused its advocacy efforts on unfreezing the implementation of the conflict of interest laws at the levels of BiH and FBiH, which was the result of amendments to the Law at the BiH level stripping the CEC BiH of its authority to investigate conflicts of interest. Official letters and appeals were sent to the Council of Ministers and an advocacy media campaign was undertaken calling for adoption of internal rules of the Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK) to remove legal barriers to the transfer of staff from the CEC BiH to the newly-formed Commission for Determining Conflict of Interest. After these activities, which were undertaken in cooperation with the Agency, the Council of Ministers adopted the necessary regulations, and the FBiH Law was returned to parliament for passage. An advocacy campaign was also conducted in the process of adopting amendments to the Law on Conflict of Interest of FBiH, as part of which TI BiH sent comments to the Parliament of FBiH and publicly presented recommendations for a long-term regulation of conflict of interest through adoption of unified regulations.

TI BiH also engaged in extensive consultations with relevant institutions with a view to articulating an initiative for improving the conflict of interest regulatory framework that would be sustainable in the long run and address the problems of fragmentation and lack of harmonisation of the legal provisions. This included a series of meetings with the authorities responsible for law implementation and legislators, as well as joint formulation of solutions and the course of action for advocacy towards enhancing the authority and capacity of APIK.

To showcase this initiative, in October 2015 TI BiH held a conference **Conflict of Interest and Assets Declaration Forms – Long-term Solutions to the Institutional and Legal Framework**, which was attended by the institutions that implement laws in the areas of conflict of interest and assets declaration forms, as well as representatives of the legislative authorities, civil society, media and international organisations. The conference was an opportunity for TI BiH to present its initiative for the harmonisation and improvement of the legal framework on conflict of interest and regulations on assets declaration forms.

The initiative focused on the elimination of differences, the expansion of the circle of persons to which the conflict of interest laws apply and situations that are defined as constituting a conflict of interest, and introduction of stricter sanctions. The initiative also sought to ensure an efficient and strict implementation of the conflict of interest laws (through depoliticisation of bodies charged with their implementation), as well as to expand and enhance the authority and capacity of the APIK, which is seen as a far more logical choice for an institution to be charged with implementing the conflict of interest laws than a commission composed of MPs.

TI BiH also advocated for the removal of barriers to public disclosure of assets declaration forms so that citizens can have access to information contained in the reports on the financial status of public officials, as well as the adoption of provisions on the establishment of monitoring and verification of the accuracy of forms and introduction of sanctions for submitting false data. As a result of this initiative, the Personal Data Protection Agency has publicly put forward a written opinion that the disclosure of assets declaration forms is in the public interest.

In its comments sent to the Intersectoral Working Group for Amendments to the Election Legislation TI BiH presented proposals for the establishment of control over the accuracy of assets declaration forms, as well as changes to the regulations defining the circle of persons under obligation to submit them.

In the coming period TI BiH will, in cooperation with institutions, submit proposed amendments to the Conflict of Interest Law and amendments to the Law on APIK, which will be accompanied by a campaign targeting the institutions and citizens, in order to garner support for the necessary changes.

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TI BIH
Škola integriteta

TI BIH
School of Integrity

» 2015

TI BiH je kroz Školu integriteta okupio više od 100 studenata i učenika u 4 grada.

TI BiH School of Integrity attracts more than 100 students in four cities.

ŠKOLA INTEGRITETA

Transparency International
Bosna i Hercegovina

TRANSPARENCY INTERNATIONAL BOSNA I HERCEGOVINA



TI BIH Škola integriteta

Jedan od učesnika u komentaru je zapisao: „Zadovoljstvo mi je bilo biti dijelom Škole integriteta. Volio bih da u našem gradu postoji više ovakvih predavanja. Predavači su bili stručni i profesionalni, a organizacija besprijekorna. Kao student nisam znao dovoljno o korupciji. Najviše me raduje što sam probudio interesovanje za teme kao što su korupcija i vladavina prava.“



TI BiH je tokom 2015. godine organizovao **Školu integriteta** u četiri grada (Travnik, Trebinje, Bijeljina i Bihać) podučavajući studente i mlade u dobi od 18 do 28 godina temama koje se odnose na borbu protiv korupcije i razorne posljedice koje korupcija ostavlja po ekonomski i pravni sistem svakog društva.

Polaznicima su vježbe i predavanja pružila i teorijski i praktični uvid, a svaka škola sastojala se od dvodnevno intenzivnog kursa i stručnih predavanja na kojima su obrađena ukupno tri modula. Svetlana Cenić, ekonomista, kao i Srđan Blagovčanin, predsjedavajući Odbora direktora TI BiH, obrađivali su dva modula koja se odnose na ekonomski i pravni aspekt fenomena korupcije - **Uticaj korupcije na ekonomski razvoj i Vladavina prava i prakse dobrog upravljanja**. U trećem modulu studentima su pokazane praktične vještine u oblasti **Transparentnost i pristup informacijama**, ali i rad Transparency International u BiH.

Više od sto studenata učestvovalo je na predavanjima, a posebno interesovanje polaznici su pokazali za učešće u raspravama koje su svi predavači podsticali postavljajući otvorena i provokativna pitanja u okviru svojih predavanja. Polaznike Škole integriteta je naročito interesovalo da li je moguće efikasno se suprotstaviti korupciji, koji su to djelotvorni mehanizmi djelovanja, spada li naša zemlja u korumpiranija društva, u čemu se sastoji značaj transparentnosti, kako se boriti protiv korupcije u lokalnim zajednicama...

U svakom gradu temama se različito pristupalo jer se vodilo računa o interesovanjima učesnika. Ideja Škole integriteta je da sa svim svojim polaznicima ostane u kontaktu, te da ih TI BiH redovno informiše o svojim aktivnostima i događajima, prateći njihov daljnji razvoj. Studenti će u narednom periodu pisati eseje kao osvrt na obrađene teme, a najbolji radovi biće objavljeni u posebno pripremljenoj publikaciji.

Prvom Školom integriteta TI BiH je započeo edukativne aktivnosti, i to među mladom populacijom u manjim sredinama, pružajući priliku zainteresovanim studentima na besplatno učešće na vrhunskim predavanjima o štetnim posljedicama korupcije. Među polaznicima su bili studenti i srednjoškolci završnih godina različitih usmjerenja, a sve ih je povezivala želja za aktivnijim učešćem u borbi protiv korupcije.

Škola integriteta je podučavanjem građana o značaju integriteta, vladavine prava i transparentnosti, stvorila preduslove za građansku odgovornost studenata, njihovo bolje razumijevanje političkih procesa i veću i kvalitetniju uključenost u život njihove zajednice. Predavači su mahom isticali da je posebna draž Škole integriteta činjenica da je organizovana u manjim sredinama, i da je obećavajuće bilo vidjeti aktivne mlade ljude koji žele doprinijeti dobru svoje lokalne zajednice. Jedan od učesnika u komentaru je zapisao:

„Zadovoljstvo mi je bilo biti dijelom Škole integriteta. Volio bih da u našem gradu postoji više ovakvih predavanja. Predavači su bili stručni i profesionalni, a organizacija besprijekorna. Kao student nisam znao dovoljno o korupciji. Najviše me raduje što sam probudio interesovanje za teme kao što su korupcija i vladavina prava.“

» TI BiH School of Integrity

Here is what one participant wrote in his comment about the School:

“It is my pleasure to have been part of the School of Integrity. I’d like to see more of such lectures in my town. The speakers were competent and professional, and the organisation was perfect. As a student I did not know enough about corruption. I’m happy that the School has helped me develop an interest in topics such as corruption and the rule of law.”



TI BiH je kroz Školu integriteta okupio više od 100 studenata i učenika u 4 grada.

TI BiH School of Integrity attracted more than 100 students in four cities.

In 2015 TI BiH organised the **School of Integrity** in four towns (Travnik, Trebinje, Bijeljina and Bihać) teaching students and young people aged 18 to 28 about topics related to the fight against corruption and the devastating effects of corruption on the economic and legal systems of any society.

Exercises and lectures provided the participants with both theoretical and practical insights, and each school consisted of a two-day intensive course and lectures covering a total of three modules. Svetlana Cenić, economist and Srđan Blagovčanin, Chairman of the TI BiH Board of Directors, taught two modules related to the economic and legal aspects of the phenomenon of corruption – **The Impact of Corruption on Economic Development** and **The Rule of Law and Good Governance Practices**. In the third module, the students were shown practical skills in the area of **Transparency and Access to Information**, as well as the work of Transparency International in BiH.

More than a hundred students participated in lectures. Participants took a particular interest in discussions that all lecturers actively encouraged by asking open and provocative questions during their lectures. They were also keenly interested in hearing whether it is possible to effectively counter corruption, which mechanisms are effective in combating corruption, whether BiH belongs among corrupt societies, what the importance of transparency consists in, how to fight corruption in local communities, etc.

In each of the four towns the topics were approached differently to accommodate the interests of the participants. The idea of the School of Integrity is to stay in contact with all the participants remain in touch, and for TI BiH to regularly inform them of its activities and events, supporting their further development. In the coming period participants will write essays on the topics covered by the School of Integrity, the best of which will be published in a specially designed publication.

The first School of Integrity marked the beginning of TI BiH's educational activities, in particular among young people in smaller communities, providing an opportunity for interested students to participate freely in high-quality lectures on the harmful consequences of corruption. The participants included senior year university and secondary-school students, all united by the desire to participate more actively in the fight against corruption.

By teaching about the importance of integrity, the rule of law and transparency, the School of Integrity has created preconditions for civic responsibility of students and their better understanding of political processes and greater and better involvement in the life of their community. The lecturers cited as the School's strongest appeal the fact that it was organised in small communities, and felt particularly encouraged by seeing young people who want to actively contribute to the betterment of their local communities. Here is what one participant wrote in his comment about the School:

“It is my pleasure to have been part of the School of Integrity. I’d like to see more of such lectures in my town. The speakers were competent and professional, and the organisation was perfect. As a student I did not know enough about corruption. I’m happy that the School has helped me develop an interest in topics such as corruption and the rule of law.”

Građani o TI BiH

Public perceptions of TI BiH

» 2015

TI BiH se tokom 2015. godine fokusirao i na jačanje svojih internih kapaciteta, kreiranje nove Strategije TI BiH za period 2015 - 2020. godine i iznalaženju načina za unapređenje svojih aktivnosti i uticaja koje organizacija ima u društvu. U tu svrhu je provedeno i istraživanje percepcije građana o TI BiH, kojim je pokriveno više od 1500 građana, kako bi se detektovali stavovi građana o radu organizacije i njihovo mišljenje o tome koje segmente rada bi TI BiH mogao unaprijediti.

Rezultati su pokazali da je TI BiH prepoznatljiv građanima, da većina građana podržava rad NVO sektora, ali i da postoji nedovoljna upoznatost sa određenim aspektima rada TI BiH, što će svakako biti osnova za unapređenje TI BiH pristupa u komunikaciji sa građanima.



In 2015 TI BiH continues to focus on enhancing its internal capacity, creating a new TI BiH Strategy for the period 2015–2020, and finding ways to further improve its activities and increase its impact in society. For this purpose, a survey is carried out to examine how TI BiH is perceived by the public. The survey is conducted on a sample of more than 1500 respondents, seeking to identify the attitudes of the public about the work of the organisation and their opinions about

segments of TI BiH's work that could be further improved. The survey shows that citizens recognise TI BiH, that the majority of citizens support the work of the NGO sector, but also that they are not entirely familiar with certain aspects of the organisation's work, which will certainly serve as a basis for improving TI BiH's approach to communicating with citizens.

» Rezultati istraživanja

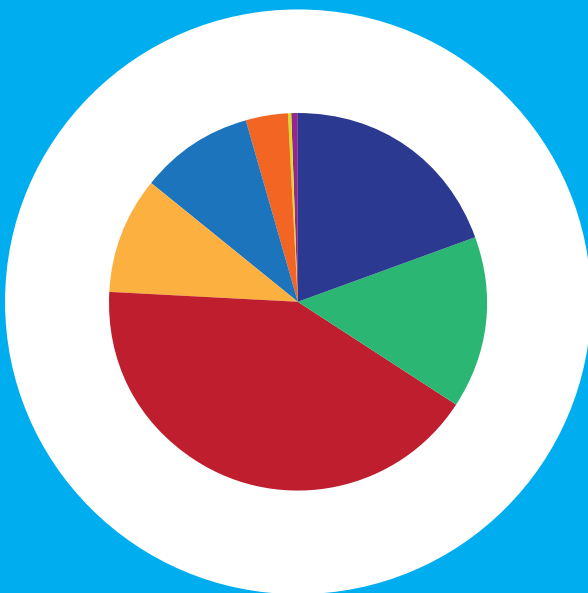
» Survey findings



KAKO SE NAJVIŠE INTERESUJETE O RADU NVO? HOW ARE YOU MOST LIKELY TO GET INFORMATION ABOUT THE WORK OF NGOS?

Televizija kao najzastupljeniji medij (i najdostupniji širokoj javnosti), kada je u pitanju informisanje o radu različitih NVO.

Television is the most commonly used medium (and also most accessible to the general public) by which respondents keep up to date with the work of NGOs.



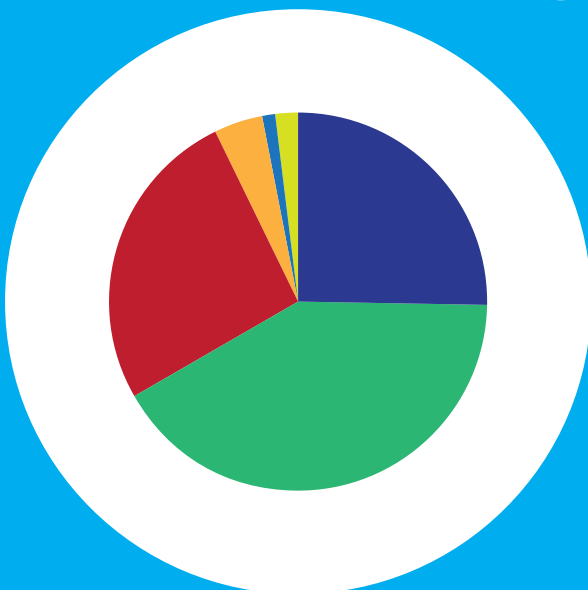
- 33.5 ● Putem web stranica
- 33.5 ● Online
- 25 ● Putem razmjene informacija sa kolegama, prijateljima, komšijama
- 25 ● Exchange of information with colleagues, friends, neighbours
- 70.9 ● Putem TV
- 70.9 ● TV
- 16.7 ● Putem štampanih medija
- 16.7 ● Print media
- 16.7 ● Preko društvenih mreža (Twitter, FB, Internet TV...)
- 16.7 ● Social networks (Twitter, FB, Internet TV...)
- 5.9 ● Putem raznih brošura i letaka
- 5.9 ● Brochures and leaflets
- 0.3 ● Ostalo
- 0.3 ● Other
- 0.5 ● Odbija - ne zna
- 0.5 ● NA/DK



MIŠLJENJE O RADU NVO OPINION ABOUT THE WORK OF NGOS

Najveći broj ispitanika ima pozitivno mišljenje o radu NVO.

The vast majority of respondents have a positive opinion about the work of NGOs.



- 25.4 ● Rad NVO je jako koristan za društvo
- 25.4 ● Work of NGOs is very useful for society
- 41.5 ● Rad NVO je donekle koristan za društvo
- 41.5 ● Work of NGOs is somewhat useful for society
- 26 ● NVO nisu štetne, ali ni korisne za društvo
- 26 ● NGOs are neither harmful nor useful for society
- 4.3 ● Rad NVO je štetan za društvo
- 4.3 ● Work of NGOs is harmful for society
- 0.9 ● Rad NVO je jako štetan za društvo
- 0.9 ● Work of NGOs is very harmful for society
- 1.9 ● Odbija - ne zna
- 1.9 ● NA/DK



PRVA NAVEDENA NVO THE FIRST CITED NGO

Najviše ispitanih građana, na pitanje da navedu bez podsjećanja koje NVO poznaju, na prvom mjestu naveo je TI BiH, među preko 90 NVO koje su građani sami navodili.

When asked to name the NGOs that they know of off the top of their head, the majority of respondents cited TI BiH first among over 90 NGOs cited in total.

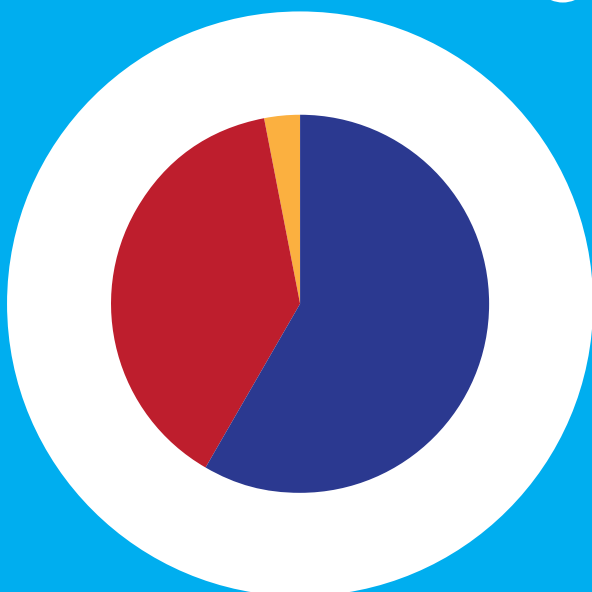
- 13.0 ● TI
- 5.9 ● CCI
- 5.8 ● Crveni krst/križ - Red Cross
- 2.1 ● Don
- 1.7 ● XY



DA LI STE ČULI ZA TI BIH? HAVE YOU HEARD OF TI BIH?

Većina građana je upoznata sa postojanjem TI BiH.

Most respondents are familiar with the existence of TI BiH.



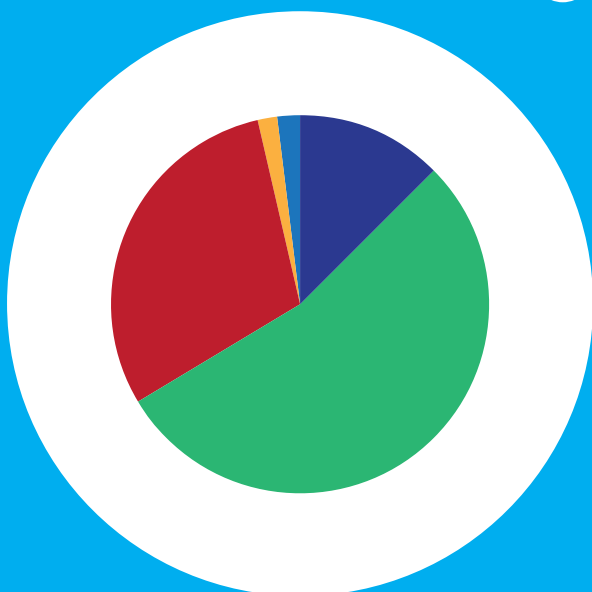
- 58.4 ● Da
- 58.4 ● Yes
- 38.7 ● Ne zna
- 38.7 ● DK
- 2.9 ● Odbija
- 2.9 ● NA



SMATRATE LI DA ONI SVOJU AKTIVNOST OBAVLJAJU...? (% SAMO ONI KOJI SU ODGOVARALI NA PITANJE) DO YOU THINK THAT THEY DO...? (% OF THOSE WHO ANSWERED THE QUESTION)

Visok postotak građana smatra da TI BiH dobro obavlja svoje aktivnosti.

A high percentage of respondents believe that TI BiH does a good job.



- 12.5 ● Jako dobro
- 12.5 ● A very good job
- 54.1 ● Dobro
- 54.1 ● A good job
- 29.8 ● Ni dobro ni loše
- 29.8 ● Neither good nor poor job
- 1.7 ● Loše
- 1.7 ● A poor job
- 1.9 ● Ne zna - odbija
- 1.9 ● NA/DK



SMATRATE LI DA AKTIVNOSTI KOJE TI BIH PROVODI NA PRUŽANJU PRAVNE POMOĆI DOPRINOSU BORBI PROTIV KORUPCIJE?

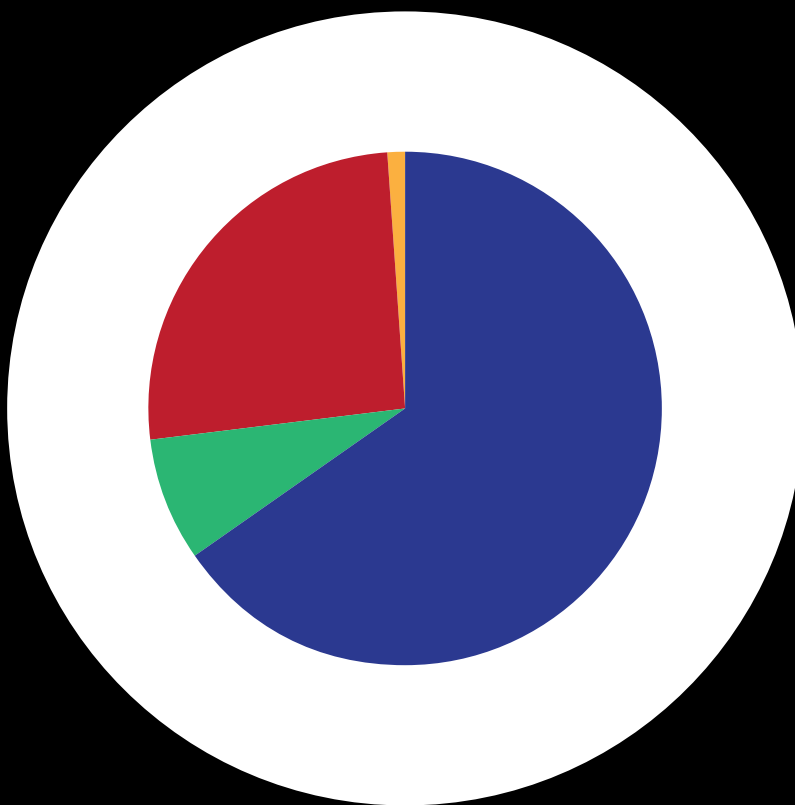
(% SAMO ONI KOJI SU ODGOVARALI NA PITANJE)

DO YOU THINK THE ACTIVITIES IMPLEMENTED BY TI BIH IN PROVIDING LEGAL ADVICE CONTRIBUTE TO THE FIGHT AGAINST CORRUPTION?

(% OF THOSE WHO ANSWERED THE QUESTION)

Građani koji su upoznati sa Centrom za pružanje pravne pomoći većinom smatraju da ova aktivnost TI BiH doprinosi borbi protiv korupcije.

Of those surveyed who are familiar with the Advocacy and Legal Advice Centre, the majority believe that this activity by TI BiH contributes to the fight against corruption.



64.2	Da
64.2	Yes
7.4	Ne
7.4	No
25.4	Nisam siguran
25.4	Not sure
3	Ne znam - odbija
3	DK/NA



**KADA BISTE BILI SVJEDOK NEKOG SLUČAJA KORUPCIJE,
DA LI BISTE PRIJAVILI SLUČAJ KORUPCIJE TI BIH?**
**IF YOU WERE TO WITNESS A CASE OF CORRUPTION,
WOULD YOU REPORT IT TO TI BIH?**

Većina ispitanika bi bila spremna prijaviti korupciju TI BiH.
The majority of respondents would be willing to report corruption to TI BiH.



45.9	Da
45.9	Yes
22.5	Ne
22.5	No
22.7	Nisam siguran
22.7	Not sure
8.9	Ne znam - odbija
8.9	DK/NA



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