

Sarajevo / Banja Luka / Mostar, November 10, 2011

Reaction to the 2011 Progress Report on B&H

Dear Madam/Sir,

The 2011 Progress Report (the Report) clearly showed (non-)progress of Bosnia & Herzegovina during the past year, with recommendations on the areas that need to be worked on.

By careful reading of this Report and by comparison with the previous year's Progress Report on B&H, one comes to the conclusion that the 2011 Report is worse, in other words, almost no progress was achieved, especially when it comes to the civil society in our country.

We wish to point out an illogicality which is very conspicuous: in the period between two above-mentioned Reports several large EU-funded projects were realized or their realization, as evaluated due to the successes shown in the field, was extended.

The basic issue that arises for the civil society organizations in B&H (CSOs) upon reading this Report is the contradiction of the publicly announced projects' results with the findings contained in the 2011 Progress Report. Let us remind you that during the past year IPA projects were operational and that during the year 2010 and 2011 projects CIDI, LOD, TACSO were realized or continue, thanks to their efficiency, to be extended and realized. Thereat, the total funds for their realization, in our estimation, amounted to about five and a half million Euros. All above-named projects had (or have) goals and outcomes which would contribute to the huge progress in the area of the civil society in B&H development which should be seen in the Report. Since all of the above-mentioned projects were evaluated as very successful because they achieved the planned results, the questions arises how is this Report worse from the previous one?

We are of the opinion that the 2011 Report was not written with precision and neither was the 2010 Report which contained material errors in its content. During the past year, there was considerable progress in cooperation between the civil society networks, particularly the Justice Network in Bosnia and Herzegovina (Mreža pravde u Bosni i Hercegovini), Network "Agreement Plus" (Mreža Sporazum plus), Network "I Volunteer!" (Mreža Volontiram!), Network for Building Peace (Mreža za izgradnju mira), NGO Council (NVO Vijeće), and Women's Network BiH, the networks that became leaders of the development process of the civil society in B&H.

CSOs have been taking more active role in monitoring the work of state institutions, the passing of laws, insisting on the implementation of Rules for Consultations in Drafting of Legal Regulations, etc. In the year 2011, the B&H Parliament adopted 2 out of 4 proposed amendments of the Network "Agreement Plus" in the Amendments to the Law on Associations and Foundations of B&H.

Social Inclusion Foundation in B&H (SIF B&H) and Civil Society Promotion Center (CSPC) have published an analysis titled "Halfway There" on government allocations for the non-governmental sector in Bosnia and Herzegovina in 2010, their levels and structure. The survey in which responses were provided by 295 out of 303 government institutions which received the questionnaires and which is the total population of the institutions on all levels, indicates that the major portion of the total allocation amount of 114.078.193,73 KM is intended for sport associations (34,3%), followed by 21,6% intended for CAs/NGOs focusing on providing social services/social protection of citizens, 16,0% is intended for disabled veteran's associations and similar organizations and 28,2% is intended for other types of CAs/NGOs.

When it comes to the manner of funds allocation, the results show that 43,7% of the surveyed government institutions do not conduct the procedure of publishing public calls for funds allocation. On the other hand, in the segment of CAs/NGOs work program results analysis, almost 17,5% of government institutions do not conduct the analysis of the work results or funds spent, while 34,0% of them conduct only financial analysis.

Also, if we look at the areas that are considered to be priorities, it can clearly be seen that insignificant or minimal funds are allocated for the activities and actions contributing to the direct building of peace, reconciliation, interethnic cooperation and democratization of society. There already exist a large number of organizations that are connected in networks and with the capacities for peace work, and that are ready for mutual cooperation, in this case the Network for Building Peace or the recently formally registered ReMi Network. That clearly shows and tells us that there is a certain need for this area to be equally represented as well or at least be named as a specific area in the activities of our authorities, but also the donors, in this case IPA funds, such as, for example, the support to the civil society in the process of building peace, reconciliation and democratization in B&H.

We are using this opportunity to emphasize that we are not satisfied with the inclusion of CSOs in the process of Progress Report making and analyzing but we also wish to point out other key issues and problems (that are partially addressed in the 2011 Progress Report as well):

- Although several project within the framework of the Civil Society Facility have been launched, majority of those activities have been conducted without cooperation with the civil society, and often without well-foundedness in the actual needs. All project interventions must be in the service of supporting the existing processes in B&H or starting the new, lacking processes and not lead to parallelism. We hope the civil society will in the future be consulted about designing the programs and project plans but also in the project implementation phase itself. We emphasize that we support the EU principles when it comes to support of the civil society development but we have a lot of remarks on the application of this principle in practice, that is, the method or realization of this support. The method so far has called into question the issue of „ownership“ over the civil society development process; up to now it has been more of an assistance with participation of domestic actors and less or none at all an assistance to the domestic actors.
- The Board for Civil Society which is mentioned in this Report (as well as in the one from last year) not only is not operational but it has not been in existence for more than three years.
- Civil society is only *pro forme* included in the various processes initiated by EU. For the first time last year, the civil society was partially involved in the preparation of the Multi-annual Indicative Planning Document (MIPD 2011 - 2013), and with fine workmanship, although after the initial meetings there was no feedback on the document status. Also, the civil society has still not been included in an adequate way in the programming of pre-accession assistance (IPA funds), not even in the component of support to the civil society development.
- There has been a considerable delay in the program of IPA Cross-Border Cooperation.

- After non-adoption of the Law on Victims of Torture (2006 and 2008-09) due to the lack of political will, the Ministry of Human Rights and Refugees of B&H signed an Agreement on Mutual Cooperation with the Citizens Association Vive Women (Vive Žene) from Tuzla in the implementation of the project “Together Against Torture in B&H – Network” which includes four partner organizations of war camps detainees. Adoption of this Law is one of the important landmarks on the B&H road towards Europe. Also, B&H still does not have a representative in the Committee for the Prevention of Torture with the Council of Europe. On the other hand, due to the general political situation in B&H, the adoption of the highly important Strategy for Transitional Justice in B&H may be threatened.
- It is necessary to pass, as soon as possible, the Framework Law on Free Legal Aid, which will enable easier functioning of the sector, namely, the work of the civil society organizations that are very active in this area.
- Unfortunately, the pressure on the media continues, and in many cases the safety of the journalists is jeopardized as well.
- There are no mechanisms for cooperation with the civil society (except for those created in Brčko District). The civil society organization have worked on this, however the problems occurred due to the noncooperation of the authorities and the international community alike.
- The process of making the Strategy for the Establishment of Supportive Environment for Development of Sustainable Civil Society has started, but this process is made difficult by the lack of capacities of the Civil Society Sector within the Ministry of Justice of B&H, by non-existence of adequate mechanisms and structures which will enable the implementation of the Strategy.
- The State of Bosnia and Herzegovina has failed to harmonize the Election Law of B&H with the Law on Gender Equality in B&H and thus ensure equal opportunities for women to participate in the legislative authority. Current presence of women in the B&H parliaments at the Entities and the state levels is about 17%, which is far below the quota of 40% prescribed by the Law on Gender Equality in B&H. Although the Report states that a limited progress has been achieved in the direction of participation of women in the job market in B&H, the state has not foreseen the measures of positive action to influence the prevention of gender discrimination in the employment process. The situations where employers make the employment conditional on women if they don't get pregnant or where women get fired due to pregnancy are widely prevalent practice that is tolerated by the competent institutions in B&H. Although in the Republic of Srpska, in December, it was adopted the Strategy for Combating Domestic Violence, limited official statistics indicate that domestic violence is still considered to be less socially dangerous offence which is tolerated or processed under the minor offence procedure, although the offence of violence in the family or the family community is incriminated as a criminal offence as well (Art. 208 of the CLRS)¹

¹ The information on security situation for the period January-June 2011 of the Ministry of Internal Affairs of the Republic of Srpska point out that in this period 166 criminal offences of violence in family of family community were registered, 163 reports on committed criminal offences were submitted and 169 perpetrators were reported on. The number of reported offences of this kind is 14.4% lesser as compared to the same period in the year 2010. In the same period 781 minor offences of violence in family or family community were processed, which make 10% of the total number of all registered offences in the Republic of Srpska. Direct link: http://www.mup.vladars.net/statistike_pdf/cir/0141691119641747.pdf (last accessed on 28.10.2011.)

Besides the service of support and assistance to the women and children who constitute the majority of domestic violence victims (free legal aid, SOS telephones, safe houses), the government institutions have failed to establish a sustainable framework for working with the perpetrators of violence in the sense of prevention and combating violence.

- LGBT population is still extremely jeopardized and discriminated against.
- After the adoption of the Law on Missing Persons as far back as 2004, due to political obstacles there has been no considerable motion in its implementation, particularly in the implementation of the fund for the families of missing persons which means that this population is still without their basic rights. Additional support is needed in order for this law to be implemented.

Five networks of NGOs signing this letter, with membership of more than 800 CSOs from the entire B&H, are strongly interested in and ready to contribute with their capacities to the better quality relationship between the EU - State – CSOs. We invite the EU to the constructive dialogue and the improvement of cooperation.



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