

ACCESS TO ENVIRONMENTAL INFORMATION

Friday, 10 November, 2.30 – 3 p.m. Geneva time

STATEMENT

(Bosnia and Herzegovina)

(C) THE PROVISION OF INFORMATION TO THE PUBLIC AUTHORITIES BY THIRD PARTIES

The right to access information is a fundamental prerequisite for building a democratic society. An efficient system for the realization and protection of the right to access information serves as a mirror of accountability and transparency of public authorities. It is essential to enable citizens to raise various issues of public interest, including the right to a healthy environment, through effective mechanisms.

Incorporating the public into the decision-making process must be based on the principles of transparency and openness of public authorities, thereby strengthening citizens' trust in government bodies and facilitating two-way communication between citizens and public institutions.

In Bosnia and Herzegovina, this area is regulated by laws adopted at both the state and lower levels of government, which are not entirely aligned with international human rights documents, leading to weaknesses in their practical implementation.

The Freedom of Access to Information Act was adopted in the year 2000, which means that Bosnia and Herzegovina had very progressive solutions in the regulation of the right to information more than 23 years ago. Over time and with the development of the internet and electronic media, the content of the right to access information has significantly evolved, and this law has undergone several amendments. Amendments and supplements were not comprehensive enough, did not provide necessary clarifications, and had deficiencies in terms of introducing sufficient or appropriate instruments to protect the right to access information. The legal framework must have a solid legal basis, administrative procedures, oversight mechanisms, and the promotion of rights.

Although this law has been in force in Bosnia and Herzegovina for a long time, there are still shortcomings, challenges and inconsistencies in the application of the law, both by public authorities and by natural and legal persons seeking certain information. One common issue is the failure to utilize legal remedies, such as the right to sue, in cases of obstruction of access to information.

The Freedom of Access to Information Act is one-directional and mainly regulates access to information held by public authorities. However, this law does not prescribe the procedure for handling information received from third parties. Although there are institutions to which third parties can turn if there is a violation of the right to access

information held by public authorities, the opinions of these institutions are not binding on public authorities.

The Aarhus Convention is based on the need to protect, preserve, and enhance the environment and ensure sustainable and environmentally healthy development. It recognizes the individual's right to live in an environment adequate for their health and well-being and the duty to protect and improve the environment for the benefit of current and future generations. The Aarhus Convention stipulates that individuals, to exercise this right and fulfill this duty, must have access to information, the right to participate in decision-making, and access to justice in environmental matters.

A strong basis for considering information that public authorities receive from third parties is Article 6 of the Aarhus Convention, which ensures consideration of the results of public participation, and Article 8, which ensures that the results of public participation are maximally taken into consideration when adopting regulatory acts.

Public authorities must know that they are a service for citizens, that they are there for the welfare and prosperity of people, and that is why all objections must be answered in a timely manner. Upon receiving information from third parties, public authorities can request inspection and supervision through inspection bodies to verify the accuracy of the information and gather additional facts, as per the Law on Inspections.

After the public authority has complete information, it must react adequately and inform the public about the measures taken, and the answer must be professional and given as soon as possible, without delay.

In Bosnia and Herzegovina, there are no regulations that prescribe the prevention of lawsuits against activists or third parties. It is necessary to train judges on the protection of activists so that judicial authorities can adequately respond to and handle such lawsuits within their capabilities.

In order to strengthen NGO Aarhus Center in Bosnia and Herzegovina, a draft Law on **Civil Initiative** and the Protection of Citizens and Activists in the Federation of Bosnia and Herzegovina has been prepared. This draft includes provisions aimed at providing support and protection to activists, as one of the mechanisms to strengthen and encourage the provision of information to public administration bodies from third parties.

Thank you for your attention.