



■ WeBER Indicator Summary

AREA: ACCOUNTABILITY

BOSNIA AND HERZEGOVINA

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PAR Area	ACCOUNTABILITY	Country	BOSNIA AND HERZEGOVINA
SIGMA Principle	2. The right to access public information is enacted in legislation and consistently applied in practice		

WeBER Indicator	ACC_P2_I1: Civil society perception of the quality of legislation and practice of access to public information
Indicator approach	
<p><i>This indicator focuses on the scope of right to access public information and if enforcement is enabling civil society to exercise this right in a meaningful manner. The entire indicator is based on an online perception survey, which is conducted widely among the civil society in each country, given that civil society organisations have vast experience in the application of the freedom of information legislation and rely on it strongly in their work. As representativeness of the sample is almost impossible to achieve, researchers ensure wide dissemination to various sectors and types of organisations, nation-wide.</i></p>	
Summary of the findings	
<p><i>Survey results show that less than 30% or 29% of CSOs agreed that public authorities, in exercising their activities, record sufficient information to enable the public to fulfil the right to free access of information of public importance. Moreover, while 20.5% of them claim that the legislation prescribes adequate exceptions to the public character of information produced by public authorities, only 14% agree (13.1%) or strongly agree (0.9%) that these exceptions are adequately applied in practice.</i></p> <p><i>Out of those CSOs that have answered yes to the question "Have you sent a FOI request in the past two years?", 51% claim that provided information is "often" (20.4%) or "always" (30.6%) in the requested format, 42.8% state that information is provided within prescribed deadlines, and more than 50% of respondents (63.4%) declare that they are provided free of charge. 26.5% of surveyed CSOs that had exercised their right to information state "rarely" (10.2%) or "never" (16.3%) when it comes to providing reasons for such a request.</i></p> <p><i>42.9% of CSOs were not able to answer whether non-classified portion of materials that contain classified materials are released or not. Only 4% of them declare so. Moreover, slightly more than 18% of CSOs state that when requiring information that may contain personal data materials, portions not containing personal data of these materials are released. It is of note that 36.8% answered "don't know".</i></p> <p><i>24.5% of surveyed CSOs that had exercised their right to information answer "rarely" (16.3%) or "never" (8.2%) to the statement "When only portions of requested materials are released, it is done so as to mislead the requesting person with only partial information" But, 38.8% select "don't know" as an answer.</i></p> <p><i>Slightly more than 20% of CSOs think that BiH Ministry of Justice, through its practice, sets sufficiently high standards of the right to access public information. Only 6.2% agree or strongly agree that soft measures issued by the BiH MoJ to public authorities are effective in protecting access to information. It is of note that 30.7% answered "don't know".</i></p> <p><i>Lastly, in case of the violation of right to free access of information from public institutions, only 12.3% of respondents agree that prescribed sanctions lead to sufficiently grave consequences for the responsible persons in the non-compliant authorities.</i></p>	
Specific observations	
<p><i>Survey of CSOs was administered through anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). The base for questions in this indicator was n=122 respondents, and n=49 for CSOs that answered yes to the question "Have you sent a FOI request in the past two years?"</i></p>	
Indicator score	4 (out of 34 points)

Final indicator value	<i>0 (scale 0-5)¹</i>
Measurement period	<i>October – January 2018 Survey of CSOs: April 23rd – June 4th 2018</i>

¹ Conversion of points: 0-6 points = 0; 7-11 points = 1; 12-17 points = 2; 18-23 points = 3; 24-28 points = 4; 29-34 points = 5.