Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 49/10, 50/17 and 52/4.

In this connection, we offer the following comments on the draft Republika Srpska Law on **the Special Registry and Publicity of the Work on Non-Profit Organisations** ("the Draft Law"). The international community recognizes the need to ensure that the NPO sector operates openly and positively and that a risk-based approach is taken to ensure that the elements of the NPO sector are not misused and that the sector operates in a transparent manner. Nonetheless, we believe that the proposed Draft Law would place undue restrictions that are inconsistent with international human rights standards, especially the right to freedom of association, freedom to participate in public affairs, freedom of expression, and full access to economic and social rights for persons working in the NPO sector. Therefore, we consider that such legislation may negatively impact the free and effective functioning of NPOs in the Republika Srpska entity.

It appears that if the Draft Law is passed in its current form, it would impose excessively strict regulations and grant disproportionate governmental control over the operations of non-governmental organisations (NGO). This would significantly limit the independence and autonomy of civil society organisations in Bosnia and Herzegovina, contrary to the right of associations to organise their activities and formulate their programmes without undue government interference as protected by Article 22 of the International Covenant on Civil and Political Rights.[1] We also note there appears to have been a lack of genuine consultation with NGOs in drafting the provisions of the Bill.

We understand that the Republika Srpska entity legislature adopted the Draft Law in its first reading on 27 September 2023. We are aware that this development was preceded by the announcement by the leadership of the Republika Srpska entity of a "law on foreign agents", and that there were attempts to pass such laws in 2015 and 2018. We note that in June 2023, the European Commission for Democracy Through Law (the Venice Commission) and the Office of Democratic Institutions and Human Rights (ODIHR) of the Organisation for Cooperation and Security in Europe (OSCE) published a joint opinion on the Draft Law and regret that the important analysis and recommendations contained in that opinion have so far been

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[1] Noting that the legislation also appears to impinge on article 3 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Bosnia and Herzegovina.

[2] See https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)016-e.

disregarded.[2]

We strongly encourage the Republika Srpska entity authorities to take into account the concerns of all sectors of civil society and to refrain from approving the Draft Law on the Special Registry and Publicity of the Work on Non-Profit Organisations which appears to place restrictions that are inconsistent with Bosnia and Herzegovina's international human rights obligations and will likely lead to unnecessary impingements on civil society and on the work of human rights defenders.

Relevant international human rights standards

Article 22 of the International Covenant on Civil and Political Rights (ICCPR), which entered into force in Bosnia and Herzegovina in 1993, protects the right to freedom of association and provides that any restriction on the exercise of this right must meet three conditions: 1) it should be 'prescribed by law', in language that is sufficiently clear and accessible, and that does not allow for arbitrary application; 2) it should serve a legitimate public purpose as recognised by international standards, namely national security or public safety, public order, the protection of public health or morals, and the protection of the rights and freedoms of others; and 3) the restrictions must be a necessary and proportionate means of achieving that purpose within a democratic society, with a strong and objective justification.

Under Article 2 of the ICCPR, States have a responsibility to take deliberate, concrete, and targeted steps towards meeting the obligations recognised in the Covenant, including by adopting laws or other measures as necessary to give domestic effect to the rights stipulated in the Covenant. States are obliged to ensure that the domestic legal system is compatible with the State's treaty obligations and duties.

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice", and protects, inter alia, political discourse, commentary on one's own or public affairs, canvassing, discussion of human rights and journalism. As stipulated by the Human Rights Committee in its General Comment 34, the enjoyment of the right to freedom of expression forms the basis for the enjoyment of other rights, including the right to freedom of association (CCPR/C/GC/34). Under article 19 (3) of the ICCPR, any restriction on the right to freedom of expression must be: (i) provided by law; (ii) serve a legitimate purpose; and (iii) be necessary and proportional to meet the ends it seeks to serve. In this connection, we recall that the Human Rights Council, in its Resolution 12/16, called on States to refrain from imposing restrictions which are not consistent with article 19 (3), including discussions of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We also recall the Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the United

[2] See https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)016-e.

Nations Declaration on Human Rights Defenders, which stresses, in article 5, the right of everyone to form, join, participate, and communicate with NGOs for the purpose of promoting and protecting human rights and fundamental freedoms. Articles 16 and 18 of the Declaration further note the important role that human rights defenders and these NGOs play in safeguarding democracy and delivering on these fundamental freedoms.

We further would like to recall that international human rights obligations remain fully applicable in the context of counter-terrorism, including in the enactment of measures to counter the financing of terrorism. The financing of terrorism has been a longstanding concern for States, as demonstrated by the agreement on the 1999 International Convention for the Suppression of the Financing of Terrorism, aimed at criminalizing acts of financing terrorism and which was ratified by Bosnia and Herzegovina on 10 June 2003. Several Security Council resolutions have expressly called for the criminalization of terrorism financing, including the landmark Security Council Resolution 1373 and Security Council Resolution 2462, the first comprehensive resolution addressing the prevention and suppression of terrorism financing. The latter resolution "[d]emands that Member States ensure that all measures taken to counter terrorism, including measures taken to counter the financing of terrorism [. . .] comply with their obligations under international law, including international humanitarian law, international human rights law and international refugee law."

Furthermore, the Financial Action Task Force (FATF), an inter-governmental body that sets international standards for the prevention of money laundering and terrorist financing, has developed non-binding recommendations aimed at countering terrorist financing. In particular, recommendation 8 provides guidance to States on the laws and regulations that should be enacted to oversee and protect the subset of NPOs that have been identified as being vulnerable to terrorist financing concerns. Recommendation 8 requires all States to "review the adequacy of laws and regulations that relate to NPOs, which the country has identified as being vulnerable to terrorist financing abuse." These measures must be "focused and proportionate"; "a 'one-size-fits-all' approach to address all NPOs is not appropriate." FATF has reaffirmed that State compliance with Recommendation 8 should be implemented "in a manner which respects countries obligations under the Charter of the United Nations and international human rights law," including the State obligation to promote universal respect for, and observance of, fundamental human rights and freedoms, such as freedom of expression, religion or belief and freedom of peaceful assembly and of association." Despite such recognition, we observe that, as the Special Rapporteur on the promotion and protection of human rights while countering terrorism has documented, there are ongoing challenges stemming from overregulation of the NPO sector pursuant to soft law standards like the FATF Recommendations (A/74/335, para. 36).

Even though FATF recommendation 8 recognises the importance of regulating the NPO sector, it stresses the importance of avoiding the adoption of blanket measures that would risk impairing the effectiveness of the sector. The interpretative note to FATF recommendation 8 states that "a risk-based approach applying focused measures in dealing with identified threats of terrorist financing abuse to NPOs is essential given the diversity within individual national sectors, the differing degrees to which parts of each sector may be vulnerable to terrorist financing abuse, the need to ensure that legitimate charitable activity continues to flourish, and the limited

resources and authorities available to combat terrorist financing in each country. [...] and that focused measures adopted by countries to protect NPOs from terrorist financing abuse should not disrupt or discourage legitimate charitable activities."

With the above consideration, any legislation and government policy relevant to associations must clearly define the scope of the powers granted to regulatory authorities. Moreover, international best practice dictates that regulatory authorities should undertake to implement such laws and policies in an impartial manner and with a view to protecting and securing the right to freedom of association. Additionally, States should consult associations and their members in a meaningful and inclusive way when introducing and implementing any regulations or practices concerning their operations (CCPR/C/GC/34, para. 18).

Furthermore, we draw the attention of your Excellency's Government to the international labour standards enshrined in ratified International Labour Organisation Conventions, in particular, to Convention No. 87, which establishes the right of workers to form and join organisations without distinction whatsoever; the right of workers to draw up their constitutions and rules, elect their representatives, organise their activities and formulate their programmes in full freedom and without interference by the public authorities; and the prohibition of administrative dissolution of such associations. We also highlight the provision of the Universal Declaration on Human Rights pertaining to the right to work (article 23), noting that undue restrictions on the NPO sector can directly affect the employment and economic welfare of those working in this sector.

Specific Human Rights Matters Relating to the Draft Law

We note at the outset that the Draft Law aims to regulate associations, foundations as well as foreign and international NGOs receiving any form of foreign funding or other assistance of foreign origin, designating them as "non-profit organisations" ("NPOs"). We believe this may also impact NGOs which are beneficiaries or implementing partners of the United Nations. It establishes a separate legal regime for such organisations by establishing a register, subjecting them to substantive administrative and financial reporting requirements and inspections which do not apply to other NGOs, including the requirement that all their materials include the mark "NPO". It provides sanctions for those organisations that fail to fulfil the obligations set out in the Draft Law, including the possibility of banning the NPO activities and, consequently, the NPO itself.

Unclear and vague terms under the Draft Law

We note that article 1 of the Draft Law regulates the establishment of a special registry of non-profit organisations founded in the Republika Srpska entity that receive funding or other forms of assistance from "foreign entities as agents of foreign influence", as well as the conditions to ensure the transparency of the work of such organisations.

Article 2 specifies that non-profit organisations encompass associations and foundations, as well as foreign and international non-profit organisations, founded and registered in the Republika Srpska in line with the Law on Associations, that are "entirely or partially financed by other countries, their bodies or authorised representatives, international and foreign organisations, foreign citizens or registered

non-governmental institutions financed from abroad".

We note that as the Draft Law does not define what "partially financed" or "assistance" entails, the text would allow authorities to label civil society organisations receiving virtually any type of financing or assistance by foreign individuals or organisations as "agents of foreign influence."

We recall that such restrictions or prohibitions on access to foreign funding, based on overly vague and overly broad terms, do not comply with the principle of legality or certainty of the law, enshrined in Article 15(1) of the ICCPR. The "principle of legal certainty" under international law requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognizes that ill-defined and/or overly broad laws are open to arbitrary application and abuse.

We further note that articles 4 and 5 of the Draft Law further prohibit "political operations" and "political activities" of such organisations. In particular, article 3 of the Draft Law includes "political activities with an aim to frame public opinion for the purpose of accomplishing political goals". The notion of "political goals" can be arbitrarily defined and applied to activities which are not political but related to public affairs. While article 4 of the Draft Law lists activities and areas that do not constitute "political operations" and "political activities" ("any operation/activity in the area of science, culture, social and healthcare protection, sports, consumers' protection, protection of national minorities and persons with disabilities, environmental protection, fight against corruption, philanthropy, volunteerism and information"), the list is not exhaustive, and the terms remain undefined and insufficiently circumscribed. Ultimately, such listing can be broadly interpreted to encompass any type of activities conducted by civil society organisations, including legislative and policy advocacy, as well as any public communication and participation in public events.

Not specifying what acts would constitute such political activities, allows for a broad interpretation, and puts civil society at risk of politically motivated restrictions and repression. It may lead to further stigmatisation or criminalisation of certain associations and human rights defenders. Such restrictions placed on civil society organisations are at odds with the most fundamental freedoms of expression and assembly, and the right of members of NPO to safely, freely and legitimately take part in public affairs. [3]

We conclude that restrictions to civic space could both limit funding and lead to the banning of civil society organisation activities, based on overly broad and vague terms that can be subjected to arbitrary interpretations and sweeping discretion by those who enforce them, raising questions regarding the principles of legality and certainty of the law, as enshrined under Article 15 of the ICCPR.

Label of foreign entities as agents of foreign influence

Labelling associations as well as journalists, human rights defenders and civil society organisations under vague and overbroad concepts such as "agents of foreign

[3] Some concerns have been raised in communication BIH/2023 with respect to the recriminalisation of defamation in the Republika Srpska entity.

influence" through the use of the unclear concept of "entirely or partially financed" under the provisions of this Draft Law would place a blanket presumption of suspiciousness that could further obstruct and stigmatize their legitimate work, with a serious and damaging effect on the realisation of the right to freedom of association in the Republika Srpska entity.

The broad scope of the label of "agents of foreign influence" could suggest that certain human rights defenders, activists or associations are under foreign control, or could even be considered traitors, thereby disregarding and undermining their efforts for the promotion and protection of human rights, the rule of law, and human development for the benefit of society and democratic institutions of Bosnia and Herzegovina; and in some cases, this could threaten the safety and security of their members. This is further heightened by the requirement that all their materials include the mark "NPO" included in article 5 of the Draft Law.

We recall that the sweeping imposition of the label of "agents of foreign influence" on civil society organisations and human rights defenders simply because they receive foreign funding cannot be deemed necessary in a democratic society in order to ensure a legitimate aim, including the aim of ensuring transparency of the civil society sector (A/HRC/50/23, para. 28), which is one of the stated aims of the Draft Law. In its recent judgement concerning the application of the Foreign Agents Law to non-governmental organisations and their directors, the European Court of Human Rights also stated that such labelling is not necessary in a democratic society and noted a need to "adduce "relevant and sufficient" reasons for creating that new category or show that those measures had furthered the declared goal of increasing transparency."[4]

Registration and Reporting Requirements

We note that while there is already a system of registration of non-governmental organisations at the State and entity levels, article 1 of the Draft Law establishes a separate registry for non-profit organisations that receive foreign funding that subjects them to a separate legal regime regarding registration and reporting, provided in articles 6, 8 and 11 of the Draft Law.

The procedure for registration is provided in article 8 of the Draft Law. Such a broad and mandatory registration requirement fails to meet the principles of proportionality and necessity. We respectfully bring your Excellency's Government attention to the repeated findings of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Human Rights Committee's that undue and strict registration requirements for NGOs may disproportionately obstruct their legitimate activities (A/61/267, para. 23).

As the Human Rights Council has urged, States implementing NGO registration procedures must ensure that they are "transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law" (HRC Resolution 22/6, para. 8). Further, as raised by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, "the right to freedom of association equally protects

[4] European Court of Human Rights, ECODEFENCE AND OTHERS v. RUSSIA, Judgment 14.6.2022.

associations that are not registered." He further warned that "[m]andatory registration, particularly where authorities have broad discretion to grant or deny registration" as is the case under article 8 of the Draft Law, "provides an opportunity for the State to refuse or delay registration to groups that do not espouse 'favourable' views" (A/HRC/20/27, para. 96, A/HRC/26/29, para. 54).

We underline that States have an obligation to treat all associations equitably irrespective of their status of registration or critical views, and this treatment must be guided by objective criteria in compliance with the State's international human rights obligations.

We note also that the Draft Law does not provide for any possibility of appeal and remedy. In this regard, the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that "[a]ssociations whose submissions or applications have been rejected should have the opportunity to challenge the decision before an independent and impartial court" (A/HRC/20/27, para. 61).

The Draft Law also foresees additional administrative requirements and oversight for non-governmental organisations receiving foreign funding and other foreign assistance (articles 5-6, 11, 13-14 and 17-18). Under the Draft Law, organisations that fall under the definition provided in article 2 must apply to and register certain information with the Registry (articles 6 and 8) and submit semi-annual and annual financial reports to the Ministry of Justice of the Republika Srpska entity concerning the funding they receive (article 11). The new reporting obligations require information about the donor and the amount of allocated funds, without any minimum threshold. NPO would thus be obliged to report all funding received, regardless of the amount, even minor sums, which would entail a significant burden.

Such burdensome reporting and disclosure requirements would contravene the legal requirements of proportionality and necessity, may deplete already-limited budgets, detract civil society organisations labelled as "non-profit organisations" or "agents of foreign influence" from conducting their legitimate activities, and deter human rights defenders and other individuals from joining or leading such organisations altogether. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has stressed that burdensome reporting requirements and disclosure and registration obligations imposed on associations simply because they receive foreign funding cannot be deemed necessary in a democratic society (A/HRC/50/23, para. 28). Further, he has highlighted that these requirements may amount to a severe restriction on the right to freedom of association (A/HRC/50/23, para. 23).

We remind your Excellency's Government that "members of associations should be free to determine their statutes, structure and activities and make decisions without State interference" (A/HRC/20/27, para. 64), so that they can effectively exercise their rights to freedom of association, opinion and expression. The right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association to freely carry out its legitimate activities, including the freedom "to solicit and receive voluntary financial and other contributions" (A/HRC/RES/22/6). This ability to solicit and receive financial contributions is vital to an association's operations. We thus emphasize that any reporting requirements should respect and not inhibit associations' functional autonomy and operation. Funding restrictions, particularly on foreign funding, may

discriminately and disproportionately target certain associations, especially those with critical or diverse views. Undue limitations on foreign funding may disproportionately impact human rights activists and organisations in particular (A/HRC/40/52, para. 42).

Moreover, certain disclosure requirements, including confidential and human rights sensitive information, may impinge on the right to privacy and the right to freedom of association and may expose individuals to serious risks of reprisals. The Special Rapporteur on the rights to freedom of peaceful assembly and of association underlined on several occasions that requiring civil society organisations to publicly disclose financial information constitutes a severe restriction to freedom of association. He noted that "such a requirement has been recognized as justified in connection with associations receiving public funds, but only with regard to such funds specifically, rather than to their finances as a whole". He stressed that "[a]ll reporting requirements should be crafted in a way that protects the rights of the donors, beneficiaries and staff of associations" (A/HRC/50/23).

Increased control, oversight and administrative sanctions

The Draft Law would allow for extensive overreach of the Government and control over the activities of the civil organisations included in the registry. It foresees that the registry is managed by the Ministry of Justice of the Republika Srpska entity (article 7) which also has broad oversight powers over the activities of organisations labelled as NPO, particularly in determining criteria, methods and conditions for registration (article 8).

The Draft Law also envisages an annual inspection of the legality of the work of NPO (article 13), as well as administrative sanctions in the form of penalties and termination (articles 15, 16, 18 and 19). Article 16, provides for administrative dissolution in cases where "it acts as an agent of foreign influence at the detriment of the individual and other rights of citizens, or incites to violence, uses hate speech or incites religious or any other intolerance with an aim to accomplish political goals".

We would like to remind your Excellency's Government that in a communication issued on March 2023 (OL BIH 1/2023), to which your Excellency's Government has not yet replied, the Experts have called for the withdrawal of draft amendments to the Criminal Code of the Republika Srpska entity which sought to recriminalize defamation, which was overlooked by the authorities of the Republika Srpska.

Broad and absolute governmental oversight powers could be misused to target NGOs carrying out their legitimate and permissible activities and exercising their fundamental rights and freedoms under the ICCPR. We respectfully remind your Excellency's Government that sanctions for failure to comply with reporting requirements or other administrative controls should always be guided by the principles of proportionality and necessity.

In addition, the Draft Law provides that "[u]nder extraordinary circumstances, the inspection control over the legality of work of the NPO can be performed upon requests of citizens, publicly available information, Republika Srpska bodies or upon request of the competent Republika Srpska National Assembly Committee" (article 14). This provision foresees that anyone, without specifying under which circumstances, can trigger this procedure, thereby exposing organisations included in

the registry to arbitrary inspections. This unchecked discretion to trigger control of the work of organisations included in the registry may give rise to the discriminatory and disproportionate targeting of NGOs and human rights defenders, particularly those with critical or dissenting views from the Government or working on what are perceived to be politically sensitive issues.

In this regard, the Human Rights Committee observed in General Comment No. 27 (CCPR/C/21/Rev.1/Add.9) that restrictive measures must "be appropriate to achieve their protective function" and "be the least intrusive instrument amongst those which might achieve the desired result" (paragraph 14), while "the principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law" (paragraph 15).

Furthermore, we underscore the importance of having clear, comprehensive and human rights and rule of law-informed guidance regarding the implementation of any such monitoring and surveillance powers. We recall the Human Rights Committee's determination that the right to privacy requires robust, independent oversight systems to supervise the implementation of these measures, including through the involvement of the judiciary and the availability of effective remedies in cases of abuse (CCPR/C/IT/CO/6, para. 36).

In addition, we would like to stress that the disproportionate and unnecessary stigmatisation of NGOs and human rights defenders not only affect their rights to freedom of expression and of association but also violate their socioeconomic rights protected under the International Covenant on Economic Social and Cultural Rights (ICESCR) such as the rights to work and adequate housing.

We underscore that any individuals involved in unregistered associations should never be subject to administrative sanctions for failure to register. This will constitute a violation of the right to freedom of association. In this respect, we urge your Excellency's Government to ensure the availability and unobstructed access to independent oversight mechanisms and judicial review to minimize arbitrariness and abuse in the implementation of any penalties.

Restrictions on access to funding

This legislation may impinge impermissibly on the right of civil society organisations to access the funding necessary to carry out their work, protected by the right to freedom of association. As the Special Rapporteur on the rights to freedom of peaceful assembly and of association has noted, States have an obligation to facilitate and not to restrict, the access for associations to funding, including from foreign sources (A/HRC/50/23, para. 64 (a)).

The Special Rapporteur on freedom of peaceful assembly and of association recommended in his report on access to resources that States should "ensure that associations – registered and unregistered – can fully enjoy their right to seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments – including from individuals, associations, foundations and other civil society organisations, foreign Governments and aid agencies, the private sector, the United Nations and other entities" (A/HRC/50/23). The Special Rapporteur also called on States to create and maintain an enabling environment for the enjoyment of

civil society organisations' right to seek, receive and use resources, to ensure any restrictions are in line with international law, and to repeal laws and regulations that impose restrictions that are contrary to human rights law. Provisions in the Draft Law concerning access to resources put in place unnecessary restrictions that are contrary to international human rights law. These restrictions may make it difficult or impossible for NPOs to access funding.

Although we recognize that restrictions on foreign donations may be justified in some circumstances, such as for example to prevent undue foreign influence on political parties or to protect the integrity of the electoral process, such measures cannot be based on vague and overly broad terms, which do not comply with the principle of legality, nor with the requirements of necessity, proportionality and non-discrimination. Moreover, such restrictions on foreign funding tend to have a disproportionate impact on civil society organisations, especially those advancing human rights, democracy, accountability and the rights of marginalized groups, which are often highly dependent on foreign funds to support their activities.

In this regard, we would like to refer to Article 13 of the UN Declaration on Human Rights Defenders, which states the right of everyone, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means; and to article 6 (f) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which states that the right to freedom of thought, conscience, religion or belief shall include the freedom to solicit and receive voluntary financial and other contributions from individuals and institutions.

Concluding observations

We note that the authorities of the Republika Srpska entity held public consultations on the Draft Law on 24 October 2023. However, the same authorities have organised public consultations on the draft amendments to the criminal code, which did not appear to result in any meaningful engagement that reflected the concerns of civil society actors.

We estimate that the approach taken appears inconsistent with the sectoral risk-based approach demanded by the FAFT and required by Recommendation 8. Similarly, the comments on this draft law submitted by the United Nations, the Venice Commission and OSCE/ODIHR have not been considered in the Draft Law adopted in its first reading. This appears to have deepened a lack of trust in the authorities of the Republika Srpska entity, including about the genuineness and credibility of the public consultation held on 24 October 2023.

In light of the above observations, we request your Excellency's Government to ensure the urgent withdrawal of the draft Republika Srpska Law on the Special Registry and Publicity of the Work on Non-Profit Organisations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all matters brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis of the draft Republika Srpska Law on the Special Registry and Publicity of the Work on Non-Profit Organisations.

2. Please provide your observations on how the foreseen draft law guarantees the right to freedom of association in the Republika Srpska entity in full compliance with Bosnia and Herzegovina's international obligations under articles 19 and 22 of the International Covenant on Civil and Political Rights.

3. Please explain how the Government has ensured and intends to ensure sufficient, inclusive and meaningful public consultation prior to the Republika Srpska legislature further considering the draft law, and how it seeks to take into account the comments from civil society organisations, human rights defenders and international experts.

4. Please provide information on how the assessment of the threats and vulnerabilities of the NPO sector was carried out and address if such an assessment was carried out in line with FATF guidance, including with the proper involvement of the NPO sector.

5. Please provide more information concerning the safeguards that will be put in place to ensure NPO can challenge adverse decisions foreseen in this Draft Law through judicial review or any other court processes before an independent and impartial tribunal.

6. Please provide information about the legislative process, and its expected timeline, along with efforts to ensure substantive civil society consultation and outreach.

7. Please provide information on how this legislation conforms to the "risk-based" approach required by FATF recommendation 8.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting website after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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