

OHR and OSCE Mission Launch Media Law Initiative

The Office of the High Representative (OHR) and the OSCE Mission to Bosnia and Herzegovina announced today the initiation of an effort designed to assist the State and Entity governments of Bosnia and Herzegovina (BiH) in drafting Freedom of Information and Defamation legislation.

On July 30, 1999, former High Representative, Carlos Westendorp, issued a far-reaching decision concerning the development of laws intended to protect the right to Freedom of Expression of both citizens and journalists in BiH. These laws will protect the right of citizens and journalists to access to information about and held by their government and public institutions as well as to impart information. This decision specifies that:

“...both Entities, under the guidance of the Office of the High Representative, adopt the necessary legislation to create civil remedies for defamation, libel and slander in accordance with the European Convention on Human Rights and Fundamental Freedoms...” and

“...the State of Bosnia and Herzegovina and Entity governments and parliaments prepare and adopt Freedom of Information legislation, and amend existing legislation as necessary, which upholds the citizen’s right to information except for narrowly defined categories.”

According to this decision, this “legislation should uphold the highest international standards.”

The decision further specifies that this legislation “...be prepared under the guidance of the Office of the High Representative, the Organization for Security and Cooperation in Europe Mission in BiH and international legal experts.” The

deadline for adoption of these laws is December 30, 1999.

Today, the OHR and the OSCE Mission announce the practical steps they will initiate in order to assist the State and Entity governments of BiH to meet these requirements. These include:

- Requiring State and Entity governments to provide draft legislation or a detailed outline of legislative principles

The OHR has asked each of the respective governments to provide either drafts of the legislation that each would like to propose and/or a detailed outline of principles that each wishes to have incorporated into the legislation as drafting takes place. The draft legislation or outline should be completed and submitted to the OHR and the OSCE no later than Monday, November 1, 1999. This deadline has been set in order to allow the OHR, the OSCE Mission, international experts, and the governments and people of BiH sufficient time to develop this legislation.

- Creation of a Legislative Advisory Group and processes for public discussion legislation

The OHR and the OSCE Mission will provide guidance and will coordinate the development of this legislation. The process will include the formation of a Legislative Advisory Group. This group will undertake the drafting review process and will be comprised of national and international experts and BiH government representatives. Non-governmental members of the Advisory Group will be jointly selected by the OHR and the OSCE Mission with the advice of the Independent Media Commission (IMC).

The process will also include regular consultations with journalists, NGOs (including human rights and journalists' rights organizations), civic groups,

political party representatives, and the general public. The first of such consultations will take place at a conference, organized by the OSCE Mission, tentatively scheduled to take place in late November. Other forums for public participation and discussion will be established as the process progresses and until the legislation is adopted.

- Requesting that Entity governments recommend representatives to participate in a Legislative Advisory Group

The entity governments have been asked to recommend candidates to serve as members of the Legislative Advisory Group. There will be a total of three government representatives in the Advisory Group: two from the Federation of BiH and one from the Republika Srpska. Candidates' names and a brief statement of their qualifications to serve in this capacity should be submitted to the OHR and the OSCE no later than Monday, October 22, 1999 for consideration.