

**„ Full implementation of Freedom of Information Act (FOIA) in
Bosnia and Herzegovina“**

Project implemented by:

The Center for Free Access to Information (CSpi)

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INTRODUCTION

Bosnia and Herzegovina was the first state in the region to acquire The Freedom of Access to Information Act (FOIA) in year 2000, on a state level at first and in 2001 in both entities.

The law entered force eight days once it was published, and its implementation started six months later: In November 2001 in Republic of Srpska and February 2002 in Federation BiH.

Nevertheless, five years as of its legislation, its primary function within the democratic development and good administration in regards to the interest of its citizens as carriers of the right to free access to information, has not yet been achieved.

The free access to information is an irreplaceable instrument for pursuing control over the work of public bodies.

Besides it being a basic right of all citizens, free access to information is a possibility for citizens to actually participate in administering the work of public functions and decision making processes, in addition being an asset for those functions to be efficiently implemented.

Full implementation of this Law is particularly important for its role in fighting corruption, providing its use along with other laws, especially Law on Prevention of Conflict of Interests, the Law on Public Procurement and Law on Financing Political Parties as a prerequisite/requirement to/in prevention/ing and eradication of all existing forms of corruption.

Established principles of openness/transparency in work of public organs is furthermore a necessary condition for elimination of all visible negative social occurrences, especially drastic human rights violations, «secret dossiers» and secret data collection on the basis of decisions brought within public organs without citizens' knowledge or approval.

It is exactly these mechanisms that are in the «hands of people» that should enable full and improved implementation of The Freedom of Access to Information Act in Bosnia and Herzegovina, providing the Law is so far unelaborated and vague and in need of respective modifications.

Amira Krehić, Executive Directress
Center for Free Access to Information

I. ABOUT PROJECT

1.1 DESCRIPTION AND METHODOLOGY OF THE PROJECT

From September 2005 to September 2006, The Centre for Free Access to Information actualized a project entitled «Full implementation of Freedom of Information Act (FOIA) in Bosnia and Herzegovina» aiming to increase the transparency and responsibility of all public organs in Bosnia and Herzegovina. The project should estimate the level to which obligations of public organs have been fulfilled in regards to legal requirements, whilst also the project aims to create an assessment of the manner in which the Law and its use is understood by all actors it is intended for, and including the analysis of relevant legal decisions.

The project has been realized through various activities, including the public informative campaign for promotion of FoIA, survey with interest groups, free legal assistance, establishing the data base based on research results/for the claims obtained, and educational-informative events.

1.2 PROJECT GOALS

Completion of project activities comprised of several goals, all aiming to increase awareness of citizens, non governmental organizations and media on usage of Freedom of Information Act (hereinafter FOIA). In addition, it worked on raising awareness about obligations that all public servants have, on all governmental levels – municipal, cantonal, entity and state level.

Similarly, an assessment was made on the degree to which the Law was utilized by citizens entitled to use it, and public organs holding the obligations set to them by Law. Main goal was to compare the level of achieved openness/transparency of public organs and assessing the public understanding of Law.

Trainings organized for public servants from all governmental levels aimed at achieving a better degree of understanding of all international standards in regards to freedom to access information and breaking prejudice on those issues concerning the accessibility of personal information connected to legitimate governmental functions, especially the work of courts, police, security service etc.

Besides primary purpose to make a request to public organs, providing free legal assistance to clients aimed at assessing the manner by which the FoIA is implemented, specifically the implementation of the exceptions set by Law, but also the implementation of the public interest analysis.

Organizing the round table and discussing the strengths and weaknesses of FoIA was to result in recommendations on the basis of all activities carried throughout the

project with special focus on legal solutions that were in practice shown to be inadequate.

1.3. METHODOLOGY

The project was realized through implementation of various methods, namely:

- Organizing and implementation of public informative campaign aiming to promote FoIA
- survey with citizens, NGO's, public institutions, media, conducted via questionnaires and concerning the achieved level of legal obligations fulfilled by the public bodies and institutions
- free legal assistance to citizens,
- establishing the data base based on research results/for the claims obtained
- holding educational and informative activities such as training for public servants on canton, entity and state level and holding a round table, discussing the strengths and weaknesses of the legal solutions up to date

II. Overview of the project's results

ASSESSING THE DEGREE OF OBLIGATIONS FULFILLED IN REGARDS TO LEGAL REQUIREMENTS

Assessing the degree of fulfilled obligations set by the FoIA, addressing public organs was carried out by analyzing the data collected via questionnaires. The questionnaire was delivered to 303 addresses of public organs on all governmental levels – state, Brčko District, canton and municipal level. Results presented were attained by analyzing 149 questionnaires.

Overview of the questionnaires delivered according to the levels of government is as follows:

State level	22
Federation BIH	26
Republic of Srpska	23
BRČKO DISTRICT	2
CANTONS	86
MUNICIPALITIES	144

Overview of the number of answers delivered by the levels of government is as follows:

	Answered	Not answered	Percentage
1. BiH	17	5	77.2%
2. Brčko District	1	1	50 %
3. Federation BIH	17	9	65,3 %
4. Cantons	50	36	58,1 %
5. Municipalities	62	82	43 %
6. Republic of Srpska	7	16	30,4 %

Following is only a part of the basic data collected by the questionnaire, while the rest could have not been published in this brochure, due its excessiveness. Should you be interested for the unpublished data, they are assessable at our Centre's website: <http://www.cspi.ba/>.

1. State BiH

The questionnaire was delivered to 22 public organs. Results are the following (reminder: answers *Yes – No* were considered only where they could be numerically obtainable)

	Yes	No
1. Was the information officer identified?	6	11
Was the TOR delivered?	2	5
2. Was the index register of information prepared?	2	5
Index register enclosed?	5	2
3. Was the guide for citizens made?	3	4
Guide for citizens enclosed?	3	4
4. Has the annual report on work and budget realization been adopted, as well as the plan for 2005?	6	1
Copy of the annual report enclosed?	4	3
5. Copy of the annual report and whether it was delivered to the Ombudsman	1	6
Copy of the enclosed report		7
7. How many requests in regards to FoIA have been received in 2004?	total:	60
Number of requests treated		60
Number of rejected requests		0
8. Has the FoIA been promoted?	2	5
Description of promotional activities	2	5
8. Are the budget, activity plan for the following year, etc. regularly distributed or only upon request	6	1

2. Brčko District

The questionnaire was delivered to 2 public organs. Only one of them delivered the results. Results are the following (reminder: answers *Yes – No* were considered only where they could be numerically obtainable)

	Yes	No
1. Was the information officer identified?	1	
Was the TOR delivered?	1	
2. Was the index register of information prepared?	1	
Index register enclosed?	1	
3. Was the guide for citizens made?	1	
Guide for citizens enclosed?	1	
4. Has the annual report on work and budget realization been adopted, as well as the plan for 2005?	1	
Copy of the annual report enclosed?	1	
5. Copy of the annual report and whether it was delivered to the Ombudsman	1	
Copy of the enclosed report		
6. How many requests in regards to FoIA have been received in 2004?	total:	102
Number of requests treated		102
Number of rejected requests		0
7. Has the FoIA been promoted?	1	1
Description of promotional activities		
8. Are the budget, activity plan for following year, etc. distributed regularly or only upon request?	1	

3. Federation BiH

The questionnaire was delivered to 26 public organs. Results are the following (reminder: answers *Yes* – *No* were considered only where they could be numerically obtainable):

	Yes	No
1. Was the information officer identified?	9	17
Was the TOR delivered?	5	5
2. Was the index register of information prepared?	2	5
Index register enclosed?	5	2
3. Was the guide for citizens made?	3	4
Guide for citizens enclosed?	3	4
4. Has the annual report on work and budget realization been adopted, as well as the plan for 2005?	4	6
Copy of the annual report enclosed?	2	8
5. Copy of the annual report and whether it was delivered to the Ombudsman	2	8
Copy of the enclosed report	1	9
6. How many requests in regards to FoIA have been received in 2004?	total:	298
Number of requests treated		0
Number of rejected requests		0
7. Has the FoIA been promoted?	3	7
Description of promotional activities	3	7
8. Are the budget, activity plan for following year, etc. regularly distributed or only upon request?	5	5

4. Republic of Srpska

The questionnaire was delivered to 23 public organs. Results are the following (reminder - answers Yes - No were considered only where they could be numerically obtainable)

	Yes	No
1. Was the information officer identified?	7	1
Was the TOR delivered?	2	6
2. Was the index register of information prepared?	7	1
Index register enclosed?	6	2
3. Was the guide for citizens made?	7	1
Guide for citizens enclosed?	6	2
4. Has the annual report on work and budget realization been adopted, as well as the plan for 2005?	8	
Copy of the annual report enclosed?	4	4
5 . Copy of the annual report and whether It was delivered to the Ombudsman	3	5
Copy of the enclosed report		8
6. How many requests in regards to FoIA have been received in 2004?	total:	194
Number of requests treated		172
Number of rejected requests		0
7. Has the FoIA been promoted?	7	1
Description of promotional activities		
8. Are the budget, activity plan for following year, etc. regularly distributed or only upon request?	8	

5. CANTONS

The questionnaire was delivered to 86 public organs. Results are the following (reminder - answers Yes - No were considered only where they could be numerically obtainable)

	Yes	No
1. Was the information officer identified?	20	16
Was the TOR delivered?	6	30
2. Was the index register of information prepared?	17	19
Index register enclosed?	17	19
3. Was the guide for citizens made?	18	18
Guide for citizens enclosed?	17	19
4. Has the annual report on work and budget realization been adopted, as well as the plan for 2005?	21	15
Copy of the annual report enclosed?	10	26
5. Copy of the annual report and whether it was delivered to the Ombudsman	5	31
Copy of the enclosed report	2	34
6. How many requests in regards to FoIA have been received in 2004?	total:	5244
Number of requests treated		16
Number of rejected requests		0
8. Has the FoIA been promoted?	14	22
Description of promotional activities		
5. Are the budget, activity plan for following year, etc. regularly distributed or only upon request?	24	10

6. MUNICIPALITIES

The questionnaire was delivered to 144 municipalities. Only one of them delivered the results. Results are the following (reminder - answers Yes – No were considered only where they could be numerically obtainable)

	Yes	No
1. Was the information officer identified? Was the TOR delivered?	82 30	57
2. Was the index register of information prepared? Index register enclosed?	74 71	14 17
3. Was the guide for citizens made? Guide for citizens enclosed?	75 72	13 15
4. Has the annual report on work and budget realization been adopted, as well as the plan for 2005? Copy of the annual report enclosed?	76 61	12 25
5. Copy of the annual report and whether it was delivered to the Ombudsman Copy of the enclosed report	37 27	50 60
6. How many requests in regards to FoIA have been received in 2004? Number of requests treated Number of rejected requests	total:	1022 543 5
7. Has the FoIA been promoted? Description of promotional activities	62	25
8. Are the budget, activity plan for following year, etc. regularly distributed or only upon request?	79	8

Analysis and conclusions

In analyzing the obtained data it was concluded that at many governmental levels, information officers have not been identified, providing the percentage of the identified ones according to the levels of government was as follows: at the state level, only 27 %, Brčko District 50%, Federation BiH Cantons 23%, Federation BiH 34%, municipalities 56 % and Republic of Srpska 30%.

Index register of information and the Guide for citizens at the state level were prepared by only 9 % of public organs, at Brčko District 50%, Cantons 20%, Federation BiH 10%, Republic of Srpska 30% and in municipalities more than 50%.

Quarterly report on the requests submitted to the Institution of Ombudsman and manner in which they were dealt with was delivered by only 3,8% of public organs from the state level, Brčko District 50%, Cantons 5%, Federation BiH 7,6 %, Republic of Srpska 25% and municipalities in 25% cases.

Public institutions and bodies rarely indicate the number of the requests admitted. Additionally, many of them rarely provide the number of requests treated which can be an indicator of a great number of rejected requests which did not apply the public interest test, nor it provided the explanation for rejection, which is after all absolutely in opposition to the Law's main goal.

Regardless of its importance, public institutions and bodies promote the Law insufficiently, even though its promotion should be continuous.

Assessing the number of requests submitted to public institutions and bodies, manner in which they are registered and obligatory reporting to the Ombudsman it can be concluded that attempts are still meager and are directed only towards identifying the information officer. This is especially evident when TOR and job requirements¹ are examined indicating that such activities are usually carried out by individuals with inadequate education and insufficient understanding of the Law.

Therefore, it is apparent that public institutions and bodies are only formally fulfilling the obligations set to them by Law, deprived of a sincere eagerness and will to implement the Law in its fullest.

¹ Economist/head of municipality, engineer of agriculture, politologist for journalism and information, attorney, sociologist, journalist, electrical engineer, criminalist, economic-commercial technician, construction technician, IT person, graphic designer, assistant attorney, geography professor, professor of philosophy and sociology, professor of defense, public relation officer

CONCLUSIONS:

1. Great number of public institutions and bodies have still not identified the information officer, and even when it was done, the person did not have adequate education.
2. Index register of information and Guide for citizens was conducted only by a small number of public institutions and bodies, providing the degree of fulfillment of this obligation is higher at the higher level of governance in comparison to smaller units of local governance.
3. Small number of public institutions and bodies make quarterly reports and deliver it to the Ombudsman, excluding the public institutions and bodies on a local level.
4. Public bodies and institutions seldom promote the Law.

POLLING DONE WITH CITIZENS AND CIVIL SOCIETY

Polling with citizens, NGO's and media was carried out with a sample of **425** subjects, **390** citizens, **27** NGO's and **8** journalists.

Polling was done by delivering questionnaires which comprised of 15 questions.

Examined were subjects from the entire Bosnia and Herzegovina, namely the following cities: Banja Luka, Banovići, Bihać, Bosanska Krupa, Busovača, Čapljina, Cazin, Derventa, Doboj, Donji Vakuf, Fojnica, Goražde, Gornji Vakuf, Gračanica, Hadžići, Kačuni, Ilijaš, Istočno Sarajevo, Jajce, Kačuni, Kakanj, Kiseljak, Kladanj, Konjic, Laktaši, Livno, Lukavac, Maglaj, Mostar, Novi Grad, Novi Travnik, Odžak, Olovo, Prijedor, Prnjavor, Prozor, Sanski Most, Sapna, Sarajevo, Sokolac, Stolac, Tešanj, Travnik, Tuzla, Vareš, Visoko, Vitez, Zenica and Živinice.

Overview of the questionnaires with delivered answers:

1. Surveyed /belongs to the following group/:

- | | | |
|----|------------|-----|
| a. | Citizens | 390 |
| b. | NGO | 27 |
| c. | Journalism | 8 |

If your answer is b) NGO, please go over to question number 4.

2. Gender:

- | | | |
|----|--------|-----|
| d. | Male | 160 |
| e. | Female | 238 |

3. Age :

- a. Up to 30 years of age 249
- b. 30 to 50 91
- c. over 50 58

4. Entities:

Federation BiH 387
 Republic of Srpska 38

5. Permanent residence of the surveyed

Banja Luka	Gračanica	Livno	Sapna
Banovići	Hadžići	Lukavac	Sarajevo
Bihać	Ilačuni	Maglaj	Sokolac
Bosanska Krupa	Ilijaš	Maglaj	Stolac
Busovača	Istočno	Mostar	Tešanj
Čapljina	Sarajevo	Novi Grad	Travnik
Cazin	Jajce	Novi Travnik	Tuzla
Derventa	Kačuni	Odžak	Vareš
Doboj	Kakanj	Olovo	Visoko
Donji Vakuf	Kiseljak	Prijedor	Vitez
Fojnica	Kladanj	Prnjavor	Vogošća
Goražde	Konjic	Prozor	Zenica
Gornji Vakuf	Laktaši	Sanski Most	Živinice

6. Are you aware of the FoIA / Freedom on Information Act ?

Yes 199
 No 226

7. Are you aware of whose obligation is to enforce the FoIA?

- i. Municipalities, courts, ministries 20
- ii. Hospitals, Schools , universities 0
- iii. Elektroprivreda, Tele kom 1
- iv. All of the above 178

8. Who can request an information ?

- v. Journalists 5
- vi. Public servants 6
- vii. Anyone 188

9. Do you need to make an explanation on why are you requesting certain information?

- viii. Yes 44
- ix. No 98
- x. Only if asked to 57

9. how can I pursue an information calling upon the FoIA?

- xi. Verbally 4
- xii. In writing 64

xiii.Via Internet	2
xiv.All of the above	126

11. What is an information according to this Law?

b.	Administrative and court documents, verdicts	4
c.	Recordings, agreements, contracts, decrees, receipts	6
d.	Minutes, written notes, photographs, videotapes	0
e.	projects, statistical data	1
f.	all of the above	181

12. Have you been using the FoIA?

i.Yes	32
ii.Neo	167

13. Please indicate the name of the institution you requested an information from?

Parlamentarna Skupština BiH (Parliamentary Assembly of the BiH) , Agencija za bankarstvo (Banking Agency), Centralna Banka (Central Bank), courts ,municipalities, Primary court Doboje, Ministry of Internal Affairs of the Herzegovina/Neretva Canton, Federation BiH government, Ministries, courts, employment bureau, Institute for protection of monuments and cultural heritage, Institute for statistics, school, Ministry of Internal Affairs of the RS, Bijeljina's prosecution department, The Centre for public security, Regulatory Agency for Media Monitoring,

14. How long did you wait before you received answer to your request?

iii.Up to 15 days	25
iv.Over 15 days	3
v.I never received I	3

15. How would you evaluate the answer you received ?

g.	Satisfactory, i got what i asked for	13
h.	Incomplete, I received only partial information	14
i.	Access to information was denied	2

Gender of the surveyed can be noted in a following percentage: women 59,8 %, men 40,2 %

The highest number of the surveyed belong to the age category up to 30 years of age, 58 % of them. The percentage decreases as the age category raises which indicates that young population is sufficiently informed about the existence of this Law and is the most prone to make use of it in everyday life. This is a good indicator of the effectiveness of the FoIA promotion campaign, done prior to the survey.

Similarly, we are led to the conclusion that 46,8 % of the surveyed is informed about FoIA, and 41,8% of them are able to identify the public bodies and institutions (municipalities, courts, ministries, hospitals, schools, universities, Elektroprivreda, Telekom).

Of the entire number of the surveyed 44,2% know about the equal law on access to information for all, and 23% understand that they do not need to elaborate their request when asking for information.

Manners in which the information is pursued is known to 29,6% of the surveyed, 42,55% know what is an information, while not even 1% of them know that information can also be presented in a form of minutes, hand written notes, photographs and videotapes.

Only 7,5 % of the surveyed have already used the FoIA, 39,2% have never used it before which indicates that the rest of 50% of them have never even tried to use it.

Similar condition is present in many developed countries who have adopted the Law on Freedom to Information, where the Law is used by citizens only by 10%, 80% by commercial subjects and 10% media (author's note)

Only 25 of the surveyed received an answer to the information requested which means that the rest of information was received out of the legal deadline or never. It is obvious that the situation indicates that public institutions and bodies have violated the law in relation to the deadline for the delivering of the information.

CONCLUSIONS:

1. greatest number of the surveyed belongs to the age group up to 30 years old
2. 46,8% of the surveyed knows about the FoIA
3. 44,2 knows about the equal right to access information for all
4. 23% are aware that they need not to elaborate the request for information
5. Less then 50% of the surveyed know what is an information

LEGAL ASSISTANCE

Legal assistance was offered to clients via verbal advices or submission of written requests towards institutions from all levels of government.

During the project's implementation we have received more then 1500 phone calls where each client received either a verbal advice or directions to act.

Written requests were submitted by more then 120 clients. Considering that each of the requests consisted of three or more information requested from at least three different public bodies and institutions (approximately) it can be concluded that there was request for more then 1000 different information.

Working with clients we recorded a number of problems in the implementation of the Law, especially when it comes to the implementation of the exceptions noted, and numerous examples of human rights violations. Special attention is to be given to the violation of the rights of citizens when dealing with the employment procedures. In such cases, candidates are often deprived of the right to see documents of other candidates and the manner in which the candidates are selected as well as carrying

out the selection procedure (cases known to the author), which again indicates the non-transparency when these procedures are carried out.

In addition, visible are also occurrences of self-will at certain Universities, where transfers of the employees are made from one place to another and where the position would be filled by another person (without a public announcement of the position available) which holds no adequate education nor experience required by the Manual on Systemizing the work places.

Employees who requested an information via the Centre for Free Access to Information on administration of public bodies and institutions were often transferred to other places, different than the place of their permanent residence and disciplinary procedures are lead against them.

We have also recorded a case where an employee of the public company lead a court case against the company trying to get back to work and receive salaries for all 14 years that she was deprived of the right to work. Upon the completion of the court process, the employee received a financial remedies (salaries for all 14 years), but was never returned to work, nor was her work officially recognized.

CONCLUSIONS:

1. adequate transparency in a work of public bodies and institutions is absent when it should enable openness and visibility of realization of all acts and agreements, implementation of laws and other regulations as well as introduce the public (citizens and beneficiaries) to their implementation.

Besides freedom to access information and informing the public on court procedures, transparency should be provided also through public informing about the decision making processes, budget transparency and public procurements (goods and services), distinct and clear services of the public bodies and institutions, openness for all forms of revisions and controls when it comes to transparency of the selection of new employees. In this way, trust towards the work of public bodies and institutions would be increased while it would also serve as preventive for eventual corruption, and would disable nepotism and prevent conflict of interests.

2. There is no mechanism for protection of those individuals who disclose information on illegal activities, protecting thereby the public interest of the so called "whistle blowers".

DATA BASE

Establishing the data base we manage to follow all phases of procedures taken as well as their legal deadlines. The data base is also a resource for statistical data on beneficiaries, public institutions and bodies that requests were submitted to, areas of rights the request is leaning upon, manner in which decisions were made, etc.

ROUND TABLE "Strengths and weaknesses of FoIA in BiH"

As a final activity we held a round table where we invited more than 80 participants: representatives of the government, prosecution, media, Institution of Ombudsman, non-governmental institutions and citizens. Discussion was lead by app. 30 participants.

The discussion mostly concerned the inadequate procedures of public institutions and bodies, specifically violations of law in regards to delivering the information, inefficiency and non/transparency of the work of public bodies and institutions and mostly about the non existence of sanctions for non-reaction of the employees in public institutions and bodies.

Although the FoIA has determined the right for citizens to seek protection via Institutions of Ombudsman and although these Institutions have shown great engagement in protecting the right of citizens, we concluded that despite of their recommendations, all public bodies and institutions have not prepared Index register of information, Citizens guides nor have they identified the information officers. Up to date, only 153 public bodies and institutions have fulfilled this obligation.

Attempts of the Ombudsman to enforce governments to prepare the register of all public bodies and institutions have not succeeded.

Although in cases of violation of this and all other laws, Institutions of Ombudsman have a legal right to give their recommendations to public bodies and institutions, it is obvious that these mechanism are not efficient as they can not be performed forcefully. It is left for public bodies and institutions to decide themselves whether they will respect them or not.

Attempt to avoid cases of conflict of other laws with FoIA have not succeeded.

Reason for this is existence of final acts in FoIA which determine that no other laws should limit the rights of citizens/public set for them by Law, which gives him a Lex specialis character. However, in Bosnia and Herzegovina there are other laws brought on both state and entity level which derogate its essential character. Examples for that on a state level are Law on Criminal procedure and Law on protection of secret data of BiH, and on entity level Law on tax administration, Law on protection of personal data and Law on Criminal procedure.

Instructions on expenses for multiplication of information published on the entity level do not correspond to the abilities of the citizens to pay for these expenses. Even in a real expenditure, in Federation BiH these expenditures are ten times higher of the real expense.

Special attention was given to the inability to practically implement sanctions set. Namely, according to the instruction of the Criminal Law, only that act which is considered as unscrupulous work of the employee is considered as a violation of FoIA. Theoretically, implementation of this act of the Criminal law is possible, however it is impossible to determine criminal intent (as this acts' primal characteristic) and i property damage over 1000 KM, as there are no elements nor manner set by which the damage worth is determined in a case where there are elements of this crime act'.

The new law on violations indicates only the procedure of initiating and carrying out the procedure without special acts on cases where there is violation of this or other laws. Therefore, if someone commits a violation s/he can be held responsible only if subscribed so by special laws.

Evidently, it is only by the Law on Public Administration that regulates the work of the institutions that employees of the public bodies and institutions can be held responsible.

Responsibility is reduced to the disciplinary one that is carried out within the institution without public knowledge which surely is not an adequate mechanism and a guarantee for implementation of this and other laws.

CONCLUSION:

1. Mechanisms and rights guaranteed to Ombudsman are not efficient when it comes to full implementation of Law.
2. Evident is the non-harmonization of FoIA and other laws.
3. Expenditures of the information multiplication are not equal to real expenditures
4. Evident is the inability to implement sanctions in practice
5. Necessary is to secure efficient mechanisms for implementation of FoIA coming from all sides of the Presidency, bodies of legislative government, governments on all levels, especially public companies, agencies, schools, Universities etc.
6. There is no body which monitors the implementation of the Law

RECOMMENDATIONS

1. Current government should adopt the concept of permanent implementation of public campaigning through own programs, activities and non-governmental sector
2. Permanent education of all public servants and prosecutors about FoIA should be the integral part of the exams when a candidate is admitted to work
3. Governments on all levels should take over the responsibilities when it comes to creating single register of public bodies and institutions along with an

- efficient mechanisms aiming to enforce public bodies and institutions to prepare Index register of information and Citizens guide.
4. Functionaries of the public bodies and institutions should immediately identify the information officers.
 5. Transparency/openness of the work of public institutions and bodies should be visible through publicity in decision making processes, transparency of the budget, public procurements (goods and services), clarity and understanding of the service providers, openness for all kinds of revisions and controls, publicity in employees admission, prevention of nepotism and conflict of interests, as well as active public relations
 6. Enable mechanisms to protect persons who disclose information on illegal acts protecting thereby public interest
 7. Built upon mechanisms and authorities of the Ombudsman aiming to adequately implement the Law or establish new mechanisms
 8. Make a draft on law modifications as to resolve all flaws evidenced in practice with special focus on unharmonization of other laws and issues of precise definitions of sanctions.
 9. Enable an efficient monitoring system for Law implementation