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ЦЕНТРАЛНА ИЗБОРНА КОМИСИЈА

Law on conflict of interests of Bosnia and Herzegovina

Practical experience

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Member of the B&H Central Election Commission

Tirana, April 19, 2011



B&H Central Election Commission

- Independent and autonomous body
- 7 members appointed by the House of Representatives of B&H Parliament
- Mandate 7 years



B&H CEC implements:

- B&H Election Law (responsible for all direct and indirect elections);
- Law on Conflict of interests of B&H, B&H Federation and Brčko District;
- Law on political party financing;
- Law on Council of Ministers (checking candidates for Prime Minister, ministers and deputy ministers);
- Law on Anti-corruption Agency (checking candidates for managers)



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Objective of the Law

- Adherence of ethics, conscientious and responsible conduct of function
- Strengthening personal responsibility of officials and public trust
- Preventing performance of function in case of conflict of interests



Conflict of interest exists when private interest affects legality, transparency and impartiality in performing public duty

When private interest is put above the public interest

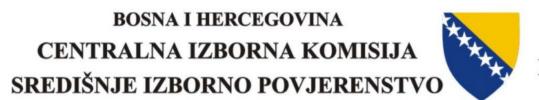
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To whom the Law applies?

- Members of B&H presidency;
- Members of legislative bodies at state and local level;
- Ministers and deputy ministers, municipal mayors;
- Directors and deputy directors of state administration bodies, agencies, directorates, bureaus and other institutions, who are elected or appointed by the legislative and executive bodies of government;
- Advisors to above-mentioned officials.

Responsibility also in the case of conflict of interests of their close relatives (spouse, parents, children)



Situations that lead to conflict of interests



It is prohibited to be:

- Member of the Steering Board, Management or Board of Directors: public enterprise, privatization agency, public institution
- Owner, member of management, Supervisory board or Board of directors of a private enterprise that works with governmental bodies or a private enterprise into which the governmental body invested capital.



It is prohibited:

- To be in contractual agreement with a public enterprise, private enterprise and natural or legal persons doing business with governmental bodies at any level of government
- ➤ To undertake official actions or to vote on any issue directly concerning private enterprise in which that official or his/her close relatives have financial interest

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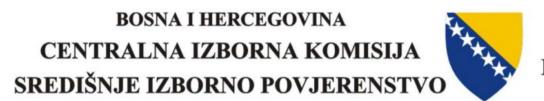
It is prohibited to:

- Receive or demand gifts or any other benefits in performing public functions;
- Promise employment or any other right in exchange for gift or promise of a gift;
- Prefer persons on grounds of party or other affiliation or origin, personal or family relations;
- Refuse review of his/her financial situation;
- Receive additional compensation for tasks performed in exercise of public duty

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It is prohibited to:

- Ask, accept or receive money or favor for voting on any issue or influence decision of a body or a person;
- Influence awarding the state businesses aimed at getting personal benefit;
- Use privileged information on the activities of governmental bodies for personal gain;
- Use in any manner their position to influence decision of government in obtaining a personal gain, benefit or right, to close a legal business or in any other manner influence the gain for themselves or close relatives.



Sanctions

- Ineligibility to run for any function of elected official, executive officeholder or advisor in the period of four years following committed offense
- Withdrawal of mandate to directly elected officials
- Fine in the amount from 500 € to 5.000 €



Judicial protection

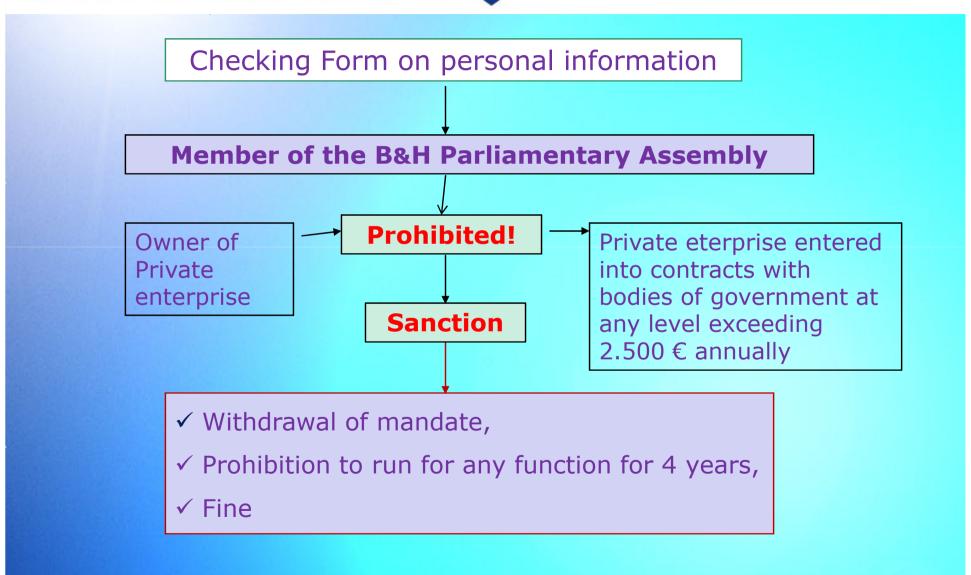
Appeals on the decisions of the B&H Central Election Commission are considered by the Appellate Division of the B&H Court.



Examples from practice

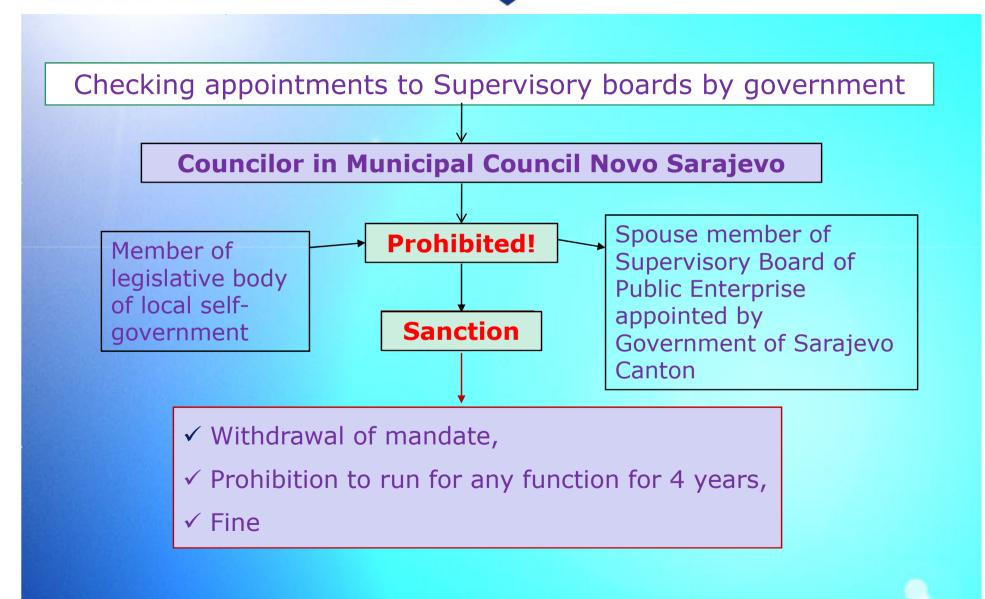
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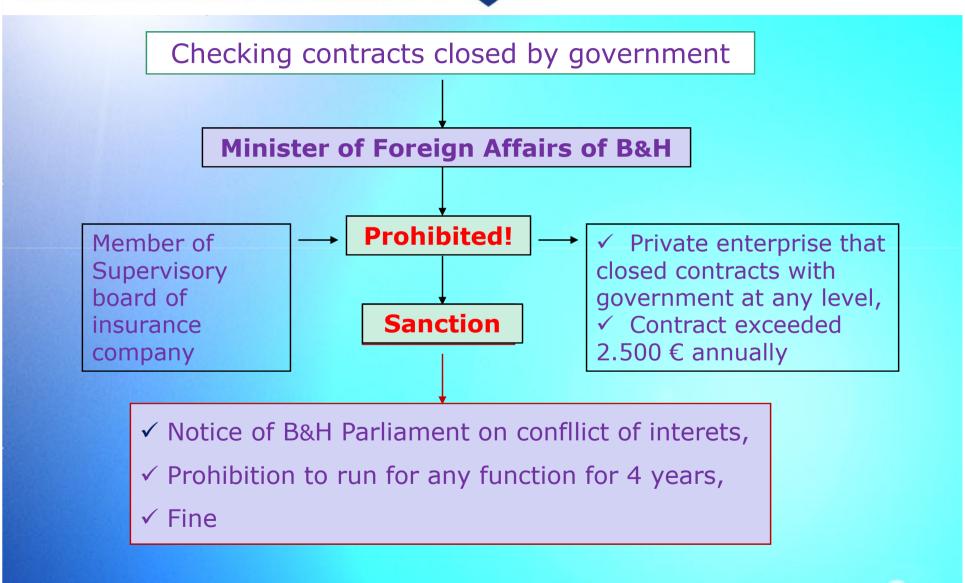
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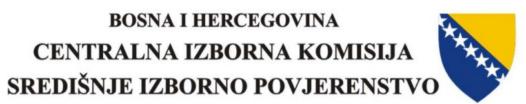
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Effects of Law on conflict of intersts

- > 923 resignations;
- > 1340 issued opinions upon requests;
- > 231 orders for removal of conflict of interests;
- 295 initiated procedures;
- > 88 decisions on termination of procedure;
- 180 decisions on established conflict of interests;
- > 95 appellate procedures initiated before BiH Court.



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