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THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY BOSNIA AND HERZEGOVINA, CONCERNING THE TWELFTH INTERSESSIONAL MEETING OF THE WORKING GROUP FOR PREVENTION

I. - Information requested from States parties in relation to the Role of supreme audit institutions in the prevention of and fight against corruption (article 9, paragraph 2);

AUDIT OFFICE OF THE INSTITUTIONS OF BOSNIA AND HERZEGOVINA

„The Audit office of the institutions of B&H is an external, independent auditor auditing the operations of the institutions of Bosnia and Herzegovina. As an independent institution of Bosnia and Herzegovina, it was founded in 2000. The Audit Office is located in Sarajevo.

The Audit Office, through the audits it performs, provides independent opinions on the execution of the budget and financial statements, the use of resources and the management of state property within the government and public institutions in B&H. Thus, the Audit Office contributes to reliable reporting on the execution of state budget and transparent and quality management of public revenues, costs and property in B&H.

The Audit Office informs the responsible institutions and the public about its findings and recommendations through timely and public disclosure of its audit reports. The Audit Office is non-political and may not support or be in any relation with any political party.

MANDATE OF THE AUDIT OFFICE

includes, in accordance with the provisions of the Audit Law, all public institutions of B&H, including:

- Parliament;
- Presidency;
- Council of Ministers and budget institutions;
- extra-budgetary funds that may be provided for by the Law;
- funds that, as a loan or grant for B&H, have been provided by international bodies and organizations to an institution or project in B&H;
- funds secured from the budget to any other institution, organization or body;
- a company in which the state holds a 50% stake plus one share or more;
- all financial, administrative and other activities, programs and projects managed by one or more institutions and bodies of B&H, including processing and revenues from sale of assets, privatization and concessions.

THE AUDIT OFFICE

- performs financial audits, examining financial statements and related accounts of the institutions of B&H in order to assess whether the financial statements are reliable and whether the balance sheet fully reflects the results of the execution of the budget;

- assess whether the management of the institution audited complies with all applicable regulations, whether the funds are used for appropriate purposes and evaluates financial management, internal audit functions and internal control systems;
- performs annual audit and gives an opinion on the annual report on the execution of the budget of the institutions of Bosnia and Herzegovina;
- conducts performance audits, looking into the economy, efficiency and effectiveness of how institutions manage public resources in performing their tasks.“¹

Examples of the implementation of measures in cooperation with the Civil society:

At the beginning of October, at the initiative of the Centers for Civil Initiatives (CCI) and with the financial support of Sweden, a working group was formed to improve the results of the audit process at the state level. Through a dialogue of all relevant institutions, an attempt is made to identify space for improvement of this process in order to increase the level of implementation of audit recommendations. In the last three months of 2020, the working group held three productive meetings during which they discussed possible modalities for strengthening cooperation between all relevant institutions.

In addition to that, the working group decided to hold a training program for judges and prosecutors prepared by the Audit Office of the institutions of B&H, and the Public Procurement Agency of B&H. These trainings will be held in February and March 2021 with the aim of further strengthening the capacity of judges and prosecutors to conduct proceedings related to the indications from the audit reports. Precisely this way of cooperation between institutions is a step forwards improving the audit process. Members of the working group, also identified the need for further elaboration and adoption of guidelines for cooperation, as well as formalization of the manner of action on the issue of audit reports between the Audit Office, the Prosecutor’s Office and other acting parties. These conclusions will be guidelines for further work of this working group in the coming period.

Furthermore, the Centers for Civil Initiatives prepared, with the financial assistance of the Embassy of the Kingdom of Sweden, a database of financial audits conducted in B&H in the last 4 years. The database and tools for its search are an integral part of the website *Revizije Info*², fully dedicated to the audit of the public sector in B&H, as one of the indispensable segments of every developed democratic society and the rule of law. On this website were published also related news, actual stories, as well as comments and analyses regarding the topic of controlling the spending of public money.

The working group consists of Chair of the Finance and Budget Committee of the House of People of the B&H Parliament, Chair of the Finance and Budget Committee of the B&H House of Representatives, Deputy Auditor General of the Audit Office of B&H Institutions, Chief Prosecutor of the Prosecutor’s Office of B&H, Court of B&H, State Investigations and Protection Agency, Director of B&H Civil Service Agency, Public Procurement Agency and the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption.

¹ <http://www.revizija.gov.ba/>

² <http://revizije.info/baza/>

II. - Information requested from States parties in relation to the Role of parliaments and other legislative bodies in strengthening the implementation of the Convention.

In 2015, the Parliamentary Assembly of B&H adopted a Code of conduct for members of the Parliamentary Assembly of B&H (published in the "Official Gazette of B&H ' No. 84/15), which defines the ethical principles and standards of conduct for members in the Parliamentary Assembly of B&H in performing their duties.

In this regard, the Code prescribes that the members are obliged to perform their duties without any prejudice and discrimination in terms of race, religion, sex, national identity, age, marital status, sexual orientation, social and property status and any other diversity, respecting and protecting thereby the human rights and freedoms. The Code also prohibits conflict of interest, in the following way: "When the members have either direct or indirect personal interest in issues discussed by the Parliamentary Assembly of B&H or the institutions of executive power, they shall take all necessary measures to disclose such interest before any discussion and voting. The selected parliamentary members will not take part in voting about issues in which they have either direct or indirect interest".

Moreover, Article 15 of the Code prohibits corruption, stating the following: "Members of parliament shall refrain from any conduct that, according to national or international criminal codes, may be treated as corruption". The Code's violation procedure is initiated following a violation denunciation. According to the Code, denunciation may be initiated by any member of the parliament. The Code of conduct, as well as all potentially initiated cases of its violation, is implemented by the Joint Committee on Human Rights of the Parliamentary Assembly of B&H which decides upon the severity of the violation and determines the relevant sanction, according to the Code of conduct. Each year, the Parliamentary Assembly of B&H adopts a Report on the Code of Conduct's Implementation. From the day of the Code's adoption until today, no cases of violation have been determined³.

Also, by signing the Charter of the Global Organization of Parliamentarians for the Fight against Corruption (GOPAC) on December 9, 2016 the GOPAC branch in B&H was constituted in the Parliamentary Assembly of Bosnia and Herzegovina.

³ The entire text of the Code of conduct is available on the following link: <http://www.sluzbenilist.ba/page/akt/jWnnX1D2dyM=>.