[BA] New RS Act on public peace and order treats social networks as public space

IRIS 2015-5:1/4

Maida Ćulahović
Communications Regulatory Agency

On 5 February 2015, Narodna skupština Republike Srpske (the National Assembly of Republika Srpska - RS), one of the two entities comprising the state of Bosnia and Herzegovina, passed a controversial new Act on Public Peace and Security. This happened despite numerous warnings from the opposition, human rights activists and watchdogs, media, NGOs and foreign embassies of the devastating effects it might have for freedom of speech on the Internet. The proposed provisions had been denounced for criminalising social media by allowing the authorities to fine or even imprison people who post offensive content on social networks.

In comparison to its previous version, the new Act extends the definition of a public space to “any [other] space in which the offence has been committed”. The explanation to the Act further clarifies that this broader definition concerns primarily social networks when used to organise “certain attempts to disturb the public peace and order”. Reacting to the criticism, the lawmakers removed measures introducing prison terms and adopted an amendment stating that those who criticise state institutions on social networks will not be prosecuted.

Nevertheless, the adoption of the Act was met with heavy criticism, including reactions by the EU Delegation to Bosnia and Herzegovina and the OSCE Representative on Freedom of the Media, who warned that this Act could be used to limit freedom of expression on social media. Public reactions mainly concern too broad or vaguely phrased terms that leave too much room for arbitrary interpretation, such as ambiguous definition of what constitutes public order offences online, which could potentially lead to the criminalisation of social media posts that contain indecent, offensive or disturbing content. In addition, the adopted amendment excluded criticism of institutions, but not individuals.

The RS Government officials have stated that this Act does not aim to restrict freedom of expression and will not be used against citizens and journalists who publicly present their views on social networks such as Facebook or Twitter. According to them, the Act would, for example, apply to a person who used social networks to plan or organise offences against the public order committed in a public place.

© European Audiovisual Observatory (Council of Europe) 2026

These statements have been met with scepticism; there are fears the government could, for instance, prevent protesters from using social networks to organise demonstrations by labelling the events violations of the public order. The fears are further fuelled by the recent police raid on the premises of a news portal in search of the source of a recording allegedly featuring the voice of the RS Prime Minister who, according to the posted voice recording, stated that two members of the RS Parliament were paid to secure the rule of her party after the elections.

Zakon o javnom redu i miru

http://www.cenzolovka.rs/wp-content/uploads/2015/02/Prijedlog-Zakona-o-javnom-redu-i-miru-RS.pdf

Act on Public Peace and Security

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026