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The urgent need for a constitutional reform in Bosnia and Herzegovina

Reply to Recommendation[1]: Recommendation 1914 (2010)
Committee of Ministers

1. The Committee of Ministers considers that the question of constitutional reform in Bosnia and Herzegovina is of the greatest importance with a view to consolidating the functioning of democratic institutions in that country, in the interest of its stability and prosperity, but also of the whole region of South-Eastern Europe. As it stated in its reply to Parliamentary Assembly Recommendation 1894 (2010) on "The functioning of democratic institutions in Bosnia and Herzegovina", it has given greater attention to this issue following the judgment delivered by the European Court of Human Rights on 22 December 2009 in the *Sejdić and Finci v. Bosnia and Herzegovina* case, a case in which the Committee of Ministers is responsible for supervising execution of the judgment. It will return to this question at its 1100th meeting (1-3 December 2010).

2. At political level, the Committee's discussions centred on this issue at the last Ministerial Session held on 11 May 2010. On that occasion, the outgoing and incoming Chairpersons of the Committee made a joint declaration urging the authorities of Bosnia and Herzegovina to give priority to bringing their country's constitution and legislation into line with the European Convention on Human Rights. During his visit to Bosnia and Herzegovina on 1 June, the Chairman of the Committee of Ministers reiterated this appeal, while assuring the authorities of Bosnia and Herzegovina that the Council of Europe was ready to offer the assistance and support needed to carry through the constitutional reform. Finally, more recently, on 7 July 2010, on the occasion of the examination of Bosnia and Herzegovina's honouring of its obligations and commitments, the Ministers' Deputies again urged the authorities of Bosnia and Herzegovina to bring their country's constitution into line with the European Convention on Human Rights, in accordance with the aforementioned judgment of the European Court of Human Rights.

3. The Committee of Ministers welcomes the fact that the Council of Europe has been invited by the authorities of Bosnia and Herzegovina to take part in the meetings of the working group set up to prepare the constitutional reform, having regard to the European Commission for Democracy through Law's (Venice Commission's) expertise on this subject. By doing so, the Organisation will be able to provide in due course any assistance which might be requested of it. The Committee of Ministers regrets that the required constitutional reform was not in place in time to be applied for the elections in October and very much hopes that the political forces in the country will work constructively towards a consensus to address urgently this very serious situation and allow constitutional reform to be taken forward as rapidly as possible. It will continue to follow this question with the closest attention.

1. adopted at the 1091st meeting of the Ministers' Deputies (16 September 2010)