Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1337 (1997)[1]

Functioning of the institutions for the protection of human rights in Bosnia and Herzegovina

Parliamentary Assembly

1. Since 1992, the Assembly has stated that respect for human rights should be a central aspect of the institutions set up in Bosnia and Herzegovina once peace was agreed

2. The Washington Agreements of February 1994, followed by the Dayton Peace Accords, signed on 14 December 1995, have given Bosnia and Herzegovina and each of the two entities of which it is composed (the Federation of Bosnia and Herzegovina and the Republika Srpska) a particularly advanced body of instruments and machinery for protecting human rights.

3. One-and-a-half years after the signing of the Dayton Peace Accords the operating record of these institutions for protecting human rights is mixed. Although certain of them are performing a serious task and obtaining concrete results, all are experiencing financial difficulties which put their very existence at risk. Taken as a whole, the human rights situation, rather than improving, appears to be getting worse.

4. This deterioration is mainly the result of difficulties associated with the setting up of the machinery of the state, the malfunctioning of the judicial system and abuses by police forces. To this should be added significant disparities in the systems for protecting human rights in the Federation of Bosnia and Herzegovina and the Republika Srpska.

5. The Assembly considers this to be a very worrying trend and fears that certain leaders' lack of political will could lead to the dissolution of the state. To ensure not only a lasting peace but also the continuing existence of Bosnia and Herzegovina as a state, urgent measures must be taken by the international community.

6. The Assembly invites the Organisation for Security and Co-operation in Europe (OSCE) to ensure that the local elections take place as scheduled on 14 September 1997 and that all steps are taken to ensure that they are free and democratic.

7. The Assembly therefore recommends that the Committee of Ministers:

7.1. continue to provide aid to institutions for protecting human rights, by authorising the Secretary General to offer staff support to institutions, in particular the Commission on Human Rights, whose task is to propagate a human rights culture;

7.2. contribute to the establishment of an ombudsperson for human rights in the Republika Srpska, following the example of the ombudspersons of the federation, to be appointed either by the OSCE or by another international institution, in order to create a better balance between the institutions for protecting human rights in each of the two entities;

7.3. take seriously into consideration the risk of imbalance between the two entities as well as the paralysing of the functioning of the Commission on Human Rights that the nomination of the judges to the Human Rights Court of the federation would entail;

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1. Assembly debate on 26 June 1997 (23rd Sitting) (see Doc. 7833, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Gelderblom-Lankhout). Text adopted by the Assembly on 26 June 1997 (23rd Sitting).

7.4. apply pressure on the authorities of the state and the two entities to co-operate closely with the International Criminal Tribunal for the Former Yugoslavia in The Hague and hand over indicted war criminals;

7.5. consider enlargement of the Stabilisation Force (SFOR) mandate to assist in the reconstruction of relays and/or any other wireless communication infrastructure on the hilltops of Bosnia and Herzegovina;

7.6. urge the governments of member states to:

a. give the three institutions (the Office of the Ombudsperson, the Human Rights Chamber and the Commission for Displaced Persons and Refugees) established to protect human rights the necessary financial resources, at least for the coming year, and staffing, if need be by seconding officials to these institutions;

b. apply pressure on the authorities of the state and the two entities to fulfil the commitments they have entered into under the Washington and Dayton agreements and apply the principle of conditionality in their relations with them, except in the case of humanitarian aid.