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The functioning of democratic institutions in Bosnia and Herzegovina

Reply to Recommendation¹: Recommendation 2025 (2013)
Committee of Ministers

1. Like the Parliamentary Assembly, the Committee of Ministers pays particular attention to the proper functioning of democratic institutions in Bosnia and Herzegovina. In this respect, it recalls its own procedure to monitor the honouring of obligations and accession commitments undertaken by Bosnia and Herzegovina when acceding to the Council of Europe.

2. When adopting its decision following the 17th monitoring report on Bosnia and Herzegovina's compliance with its obligation and commitments, on 13 March 2013, the Committee of Ministers welcomed the fulfilment of all convention-based commitments set out in Opinion No. 234 (2002) of the Parliamentary Assembly on Bosnia and Herzegovina's application for membership of the Council of Europe, the election of the judge to the European Court of Human Rights in respect of Bosnia and Herzegovina, the adoption of the laws on State Aid and Census, the advancement, albeit with some difficulties, in the implementation of the Justice Sector Reform Strategy and of the National War Crime Strategy, as well as the administration of the electoral process by domestic actors.

3. At the same time, the Committee of Ministers shares the concerns expressed in the Parliamentary Assembly's recommendation, in particular those underlined in paragraph 22. In its above-mentioned decision concerning Bosnia and Herzegovina, the Committee urged the authorities to increase the efficiency of institutions at all levels (State, entity, local), to eliminate, as a matter of priority, all outstanding ethnic segregation issues in schools as well as to pursue and strengthen measures, notably in the legislative field, to combat discrimination. The Committee of Ministers also urged the authorities of Bosnia and Herzegovina to implement fully the current Justice Reform Strategy and to follow up the initiative for the adoption of a new strategy for the period after 2014, to implement fully the National War Crime Strategy and to continue to provide support to the process of genuine enjoyment of the right to return for refugees and IDPs. Finally, the Committee of Ministers also asked the authorities of the country to include all relevant actors in discussions on the reform of election-related legislation and processes, to complete the reform of the public broadcasting system and to ensure adequate human and financial resources for the functioning of key independent institutions. The implementation of these recommendations will be closely followed by the Committee of Ministers.

4. In addition, the Committee of Ministers has been following with particular attention the events in Bosnia and Herzegovina following the protests, sometimes with outbreaks of violence, which started at the beginning of February, linked to the current economic, social and political situation in the country.

5. The Committee of Ministers would like to inform the Parliamentary Assembly that the preparation of a comprehensive Action Plan of co-operation with the authorities of Bosnia and Herzegovina is under way.

1. Adopted at the 1194th meeting of the Ministers' Deputies (12 March 2014).



6. With regard to the specific recommendation addressed to the Committee of Ministers by the Parliamentary Assembly “to urge the authorities and political leaders of Bosnia and Herzegovina to amend the Constitution and electoral legislation in conformity with the Sejdić and Finci judgment without delay”, the Committee of Ministers recalls that, in the above-mentioned decision on Bosnia and Herzegovina’s compliance with its commitments and obligations, it called on the authorities to duly execute the Sejdić and Finci judgment adopted by the Grand Chamber of the European Court of Human Rights on 22 December 2009, and accordingly to amend the Constitution and the electoral legislation so as to bring them in conformity with the European Convention on Human Rights without any further delay.

7. The Committee of Ministers, in its capacity as supervisory body of the execution of the judgments, remains seriously concerned that a solution which would satisfy the Court’s ruling has not yet been found in this case. It has repeatedly urged the country’s authorities and political leaders to reach a consensus on the issue and stressed that time was running out and that failure to execute the judgment would amount to a manifest breach of obligations under Article 46, paragraph 1, of the Convention. Most recently, at its 1186th meeting on 5 December 2013, the Committee of Ministers adopted a third interim resolution. In this interim resolution, the Committee, while “noting that political leaders of Bosnia and Herzegovina are presently investing intensive efforts to negotiate rapidly a consensus on the content of the constitutional and legislative amendments aimed at eliminating discrimination based on ethnic affiliation in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina”, firmly called upon “all authorities and political leaders of Bosnia and Herzegovina to ensure that the constitutional and legislative framework is immediately brought in line with the Convention requirements so that the elections in October 2014 are held without any discrimination against those citizens who are not affiliated with any of the “constituent peoples””.

8. Regarding the census operation referred to in paragraph 17 of the recommendation, the Committee of Ministers recalls that the Council of Europe is part of the International Monitoring Operation of the population census which was held between 1 and 15 October 2013, together with the Statistical Office of the European Union (Eurostat), the United Nations Statistics Division (UNSD) and the United Nations Economic Commission for Europe (UNECE). The Committee of Ministers looks forward to a smooth implementation of the overall census operation in compliance with international standards, including in particular data processing and the publication of the final results which are important for the country.

9. The Committee of Ministers assures the Parliamentary Assembly that it continues to encourage the leaders of Bosnia and Herzegovina to resolve this issue without further delay. The Committee will continue to follow the matter closely.