Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2638 (2026)[1]

The functioning of democratic institutions in Bosnia and Herzegovina

Parliamentary Assembly

1. Bosnia and Herzegovina joined the Council of Europe on 24 April 2002. Accordingly, the country entered into and agreed to honour a number of specific commitments which are listed in Opinion 234 (2002) of the Parliamentary Assembly "Bosnia and Herzegovina's application for membership of the Council of Europe".

2. Referring to its Resolution 2574 (2024) "The honouring of obligations and commitments by Bosnia and Herzegovina", the Assembly reiterates its full support for the State of Bosnia and Herzegovina and all its citizens, and urges all Council of Europe member States to respect the constitutional and legal order, sovereignty and territorial integrity of the country.

3. The Assembly expresses its concern about the recent developments in Bosnia and Herzegovina, marked by attacks against the State, the rule of law and the institutions established following the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement). There is cause for hope, however, in light of recent decisions that have reversed some of these concerns.

4. On 6 August 2025, following the decision by the Court of First Instance of Bosnia and Herzegovina to sentence the then President of Republika Srpska, Mr Milorad Dodik, to one year in prison (later converted to a fine) and impose a six-year ban from holding public office for failing to comply with decisions of the High Representative for Bosnia and Herzegovina, the Central Election Commission revoked Mr Dodik's presidential mandate. As a consequence, an early election for the President of Republika Srpska took place on 23 November 2025.

5. The Assembly notes that, according to the statement of the electoral observation mission of the Congress of Local and Regional Authorities of the Council of Europe, the early presidential election was "generally well-organized … despite some irregularities", particularly regarding the secrecy of the vote. The Assembly notes that the legal framework amended in March 2024 to improve the integrity and transparency of the electoral process is gradually being implemented. It welcomes the fact that these reforms should bring the electoral law into line with European standards and, in particular, with the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), the Group of States against Corruption (GRECO) and the European Commission for Democracy through Law (Venice Commission). The Assembly underlines the importance of ensuring that electoral reforms also guarantee the political representation of all three constituent peoples and "Others", in accordance with the judgments of the Constitutional Court of Bosnia and Herzegovina and the European Court of Human Rights.

6. The Assembly also notes with satisfaction that the authorities of Republika Srpska have annulled the entity-level laws adopted from 2023 to 2025 that were declared unconstitutional by the Constitutional Court, including: the separate election law for Republika Srpska; the law on immovable property used for the functioning of public authorities; the law on non-application of decisions of the Constitutional Court of Bosnia

1. *Assembly debate* on 27 January 2026 (4th sitting) (see Doc. 16310, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mr Zsolt Németh and Mr Pablo Hispán). *Text adopted by the Assembly* on 27 January 2026 (4th sitting).

and Herzegovina; the law on banning the operation of "extra-constitutional institutions of Bosnia and Herzegovina" in Republika Srpska; amendments to the Criminal Code of Republika Srpska; and the law on a separate high judicial and prosecutorial council for the entity. The Assembly calls on the authorities of Republika Srpska to promptly initiate the procedure for appointing (remaining positions of) judges to the Constitutional Court of Bosnia and Herzegovina, in accordance with the constitutional and relevant legal framework, with a view to ensuring the full functioning, institutional stability and effective exercise of the court's constitutional mandate.

7. The Assembly underlines once again that, upon accession, Bosnia and Herzegovina committed to reviewing its electoral legislation, with the assistance of the Venice Commission and in accordance with Council of Europe standards, and to revising it where necessary. The Assembly recalls the need for a constitutional reform in Bosnia and Herzegovina to implement the judgment of the Grand Chamber of the European Court of Human Rights in the case *Sejdić and Finci v. Bosnia and Herzegovina* and takes note of the Grand Chamber's judgment in the case *Kovačević v. Bosnia and Herzegovina.* In this context, the Assembly welcomes the creation of a working group for the preparation of amendments to the Constitution of Bosnia and Herzegovina and the draft law on amendments to the election law of Bosnia and Herzegovina. The Assembly urges the political parties to find an agreement on these amendments to bring the constitutional and legislative framework into line with the requirements of the European Convention on Human Rights (ETS No. 5).

8. The Assembly calls on the political parties to adopt a package of reforms that would improve the functionality of the State institutions, including ensuring that the institutional architecture allows for effective participation and decision making by representatives of all constituent peoples, in line with the power-sharing model established by the Dayton Peace Agreement, and to find a sustainable solution to the issue of State property.

9. The Assembly urges the presidency of Bosnia and Herzegovina to complete, in conformity with the requirements of fairness and transparency, the selection procedure for the post of judge at the European Court of Human Rights in respect of Bosnia and Herzegovina and to submit a list of three qualified candidates to the Assembly without further delay.

10. The Assembly encourages the Bosnian authorities to pursue their co-operation with the Council of Europe, in particular with the Venice Commission, and to draw on its expertise in their electoral and constitutional reforms. It resolves to follow the ongoing developments in the framework of its monitoring procedure.