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The functioning of democratic institutions in Bosnia and Herzegovina

Reply to Recommendation¹: Recommendation 1894 (2010)
Committee of Ministers

1. The functioning of democratic institutions in Bosnia and Herzegovina is of particular interest to the Committee of Ministers under its own procedure to monitor the honouring of obligations and commitments entered into by this country. In this context, the Committee has on several occasions underlined the importance of bringing the constitution of Bosnia and Herzegovina into line as quickly as possible with the European Convention on Human Rights. This was reiterated on 20 January 2010, 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. Like the Parliamentary Assembly, the Committee of Ministers expects the authorities of Bosnia and Herzegovina to take action in this respect, availing themselves of the expertise of the Venice Commission, prior to the parliamentary elections in October 2010. The Assembly's attention is drawn to the fact that a pre-electoral assistance plan was approved at the beginning of this year in view of this important milestone.

2. With regard to the specific recommendations addressed to it by the Parliamentary Assembly, the Committee of Ministers wishes to point out the following:

3. With regard to [recommendation 2.1](#), account will be taken of Parliamentary Assembly [Resolution 1701 \(2010\)](#) in the procedure put in place by the Committee of Ministers to monitor the honouring of obligations and commitments entered into by Bosnia and Herzegovina. The Committee of Ministers further observes that the points mentioned in this resolution coincide with those in respect of which, on the occasion of the last review made in July 2009, it invited the authorities of Bosnia and Herzegovina to take appropriate measures.

4. Concerning [recommendation 2.2](#), the Committee of Ministers refers to its reply to Parliamentary Assembly [Recommendation 1843 \(2008\)](#) on the "Honouring of obligations and commitments by Bosnia and Herzegovina" in which it had expressed its determination to reinforce its assistance activities in the key areas of the Council of Europe's expertise. As indicated in that previous reply, a co-operation programming document, approved in September 2009 and covering the period 2009-2011 includes assistance in the areas of constitutional reform, human rights (including strengthening the application of the European Convention of Human Rights, the fight against ill-treatment and freedom of expression), rule of law activities (such as prison reform, the fight against corruption and organised crime) and democracy and good governance (including activities on electoral legislation and civic participation). In addition, the Council of Europe and the European Commission have agreed to observe jointly the long overdue population and housing census in Bosnia and Herzegovina, once it has been approved by the authorities of the country. The Committee of Ministers calls on the authorities of Bosnia and Herzegovina to adopt the law on the census as soon as possible.

5. With regard to [recommendation 2.3](#), the Committee of Ministers believes that the launching of the debate suggested by the Parliamentary Assembly should be made in close consultation with the authorities of Bosnia and Herzegovina, in order to secure the commitment of all interested parties in the country, and in co-ordination with the other international players concerned.

1. adopted at the 1080th meeting of the Ministers' Deputies (24 March 2010)

