



Doc. 16039 – Compendium of written amendments
02/10/2024

(Final version)

The honouring of obligations and commitments by Bosnia and Herzegovina

Contents	Page
A. Draft Resolution	2

A. Draft Resolution

1. Bosnia and Herzegovina joined the Council of Europe on 24 April 2002. Accordingly, it entered into, and agreed to honour, a number of specific commitments which are listed in Opinion 234 (2002) of the Parliamentary Assembly. To date, the country has signed 94 Council of Europe treaties, of which 91 have been ratified.
2. 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 its constitutional and legal order, sovereignty and territorial integrity.
3. The Assembly congratulates the authorities of Bosnia and Herzegovina for the pace of reforms since 2022, notably the adoption of a Law on the prevention of conflict of interest, amendments to the Law on the High Judicial and Prosecutorial Council, a Law on anti-money laundering and countering the financing of terrorism and a Law designating the human rights Ombudsman as national preventive mechanism against torture and ill-treatment.
4. The Assembly is pleased to note that following these reforms, the European Council decided to open accession negotiations with Bosnia and Herzegovina in March 2024.
5. The Assembly laments the fact that the 2022 elections were held for the fourth time under a legal and constitutional framework which is in violation of the European Convention on Human Rights (ETS No. 5) as made clear by the 2009 judgment of the European Court of Human Rights in the case of Sejdić and Finci. The Assembly regrets that, as pointed out by the International Election Observation Mission for the 2022 general elections, “the increasing segmentation along ethnic lines and the corresponding divergent views on the future of the country remain a concern for the functioning of democratic institutions”. The Assembly recalls that, since the country’s accession to the Council of Europe in 2002, it has consistently and repeatedly urged for a constitutional reform in Bosnia and Herzegovina.
6. The Assembly notes that the Committee of Ministers has already adopted five interim resolutions calling on the authorities and political leaders to bring the constitutional and legislative framework into line with requirements of the European Convention on Human Rights. It also refers to the Committee of Ministers decision of 11-13 June 2024 by the Committee of Ministers which “insisted... firmly on the utmost importance of instantly relaunching the electoral reform work, while pursuing all consultations necessary aimed at eliminating discrimination based on ethnic affiliation or failure to meet a combination of ethnic affiliation and place of residence in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina.”
7. The Assembly welcomes the changes introduced to the electoral legislation with a view to ensuring the integrity of the electoral process in line with European standards and 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). However, the Assembly is concerned that these changes had to be enacted by the High Representative and could not be adopted by the authorities of Bosnia and Herzegovina despite the high level of agreement of the political parties on the substance of these reforms.

8. The Assembly expresses its concern regarding the deliberate failure of the Republika Srpska authorities to implement the final and binding decisions of the Constitutional Court of Bosnia and Herzegovina. It is also concerned by the fact that the Constitutional Court of Bosnia and Herzegovina cannot function at full capacity, which hinders the effectiveness and credibility of the judicial system. Deliberately obstructing the functioning of the Constitutional Court undermines all three basic principles of the Council of Europe: democracy, human rights and the rule of law. The Assembly therefore urges the competent authorities to nominate all judges to the Constitutional Court of Bosnia and Herzegovina.
9. The Assembly refers to the United Nations General Assembly Resolution A/RES/78/282 on the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, which recalls the judgments of the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice on genocide committed in Srebrenica in 1995. The Assembly reiterates that criminal accountability under international law for the crime of genocide is individualised and cannot be attributed to any ethnic, religious or other group or community as a whole and joins the call on States to: "preserve the established facts, including through their educational systems by developing appropriate programmes, also in remembrance, towards preventing denial and distortion, and occurrence of genocides in the future".
10. As regards the strengthening of democratic institutions and the rule of law, the Assembly calls on the authorities of Bosnia and Herzegovina to:
 - 10.1. bring the electoral legislation in line with the European Convention on Human Rights and ensure the equality and non-discrimination of citizens;
 - 10.2. ensure the proper functioning of the Constitutional Court of Bosnia and Herzegovina, in line with the Venice Commission's opinions on the method of electing judges to the Constitutional Court and on certain issues relating to the functioning of the Constitutional Court of Bosnia and Herzegovina;
 - 10.3. adopt a new law on the High Judicial and Prosecutorial Council taking into consideration the recommendations contained in the Venice Commission's Interim Follow-up Opinion to previous Opinions on the High Judicial and Prosecutorial Council;
 - 10.4. improve the efficiency of the institutional framework, and adopt reforms with a view to meeting the objectives and

conditions required prior to the closure of the Office of the High Representative as set out by the Peace Implementation Council;

- 10.5. intensify the fight against corruption, improve the legal framework for the prevention of corruption and implement the outstanding recommendations contained in the Second Interim Compliance Report by the GRECO on corruption prevention in respect of members of parliament, judges and prosecutors;
- 10.6. adopt legislation ensuring permanent funding of the three public broadcasters and transparency in the ownership of media outlets.
11. As regards the protection of human rights, the Assembly:
 - 11.1. recalls Bosnia and Herzegovina's accession commitment to continue reforms in the field of education and reiterates its call on the authorities to take all necessary steps to eliminate all aspects of segregation and discrimination in education, while respecting the right to education in the mother tongue as guaranteed by the UNESCO conventions. The learning of at least two national languages shall be encouraged;
 - 11.2. encourages the establishment of a common core curriculum in history allowing for all to understand the diversity of points of views;
 - 11.3. urges political parties and media outlets to address hate speech, in particular in the context of electoral campaigns,

Amendment 2

Tabled by Ms Sabina ĆUDIĆ, Mr Saša MAGAZINOVIĆ, Mr Mladen BOSIĆ, Ms Boriana ÅBERG, Mr Piero FASSINO

In the draft resolution, paragraph 11.1, replace from ", while respecting the right" in the first sentence to the end of the paragraph, with the following sentence:

"Such action should promote the right to mother language-based education and multilingual education as promoted by UNESCO."

Amendment 1

Tabled by Ms Sabina ĆUDIĆ, Ms Sona GHAZARYAN, Mr George PAPANDREOU, Ms Rian VOGELS, Ms Magdalena BIEJAT, Mr Ruben RUBINYAN, Ms Naomi CACHIA, Mr Stefan SCHENNACH, Ms Sibel ARSLAN, Mr Yunus EMRE, Mr Armen RUSTAMYAN, Mr Joseph O'REILLY, Mr Berdan ÖZTÜRK, Ms Nerea AHEDO, Ms Larysa BILOZIR, Ms Marija PETRUSHEVSKA, Mr Arminas LYDEKA, Mr Konstantin KUHLE, Mr Hannes GERMANN, Ms Marijana PULJAK, Ms Yevheniia KRAVCHUK, Mr Mehmet AKALIN, Ms Lesia ZABURANNA, Mr Matthias MICHEL, Mr Eerik-Niiles KROSS, Mr Saša MAGAZINOVIĆ, Mr Iulian BULAI, Mr Didier MARIE, Ms Liliana TANGUY, Ms Béatrice FRESKO-ROLFO, Mr Claude KERN, Mr Régis BERGONZI, Mr Nicola RENZI, Ms Bernadeta COMA, Ms Meritxell ALCOBÉ, Mr Hannes GERMANN, Mr François BONNEAU

In the draft resolution, at the end of paragraph 11.2, insert the following words:

"while prohibiting the honouring in the school curriculums of individuals convicted of genocide, crimes against humanity and war crimes."

in line with the recommendations of the European Commission against Racism and Intolerance (ECRI).

12. The Assembly, while welcoming positive developments in a number of areas, remains concerned about the lack of, or insufficient progress in some areas crucial for the functioning of democratic institutions. Therefore, it resolves to pursue its monitoring of the honouring of obligations and commitments by Bosnia and Herzegovina.
13. The Assembly invites the authorities of Bosnia and Herzegovina to translate this resolution and its explanatory memorandum into the national languages, and to make these translations public.