



DECEMBER DEMANDS 2014-2018

OF THE INITIATIVE FOR MONITORING EUROPEAN INTEGRATIONS
FOR A FUNCTIONING STATE, THE RULE OF LAW AND HUMAN RIGHTS
IN BOSNIA AND HERZEGOVINA

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I DEMOCRACY AND THE FUNCTIONING OF THE STATE

I.I CONSTITUTIONS

1. Adopt amendments to the Constitution of BiH in accordance with the judgements of the European Court of Human Rights (in the “Sejdić-Finci” and “Zorić” cases) so as to ensure all citizens have equal active and passive voting rights, without attaching greater value to some votes or fostering ethnic discrimination;
2. Adopt amendments to constitutions of BiH, the entities and the cantons so as to abolish discrimination based on ethnicity/nationality in the sphere of political rights and ensure equal rights for all citizens;
3. Adopt amendments to the Constitution of BiH in order to guarantee gender equality in the legislative, executive and judicial branch of government, in public administration and state-owned companies as well as in political parties, and make these affirmative measures obligatory. Gender equality implies a minimal representation of 40% of the under-represented gender;
4. Adopt amendments to the Constitution of BiH so as to widen the scope of guaranteed human rights and freedoms in the field of healthcare, social protection and family support ;
5. Adopt an amendment to the Constitution of BiH that will distribute jurisdictions over healthcare, education and economy between the state of BiH and the entities so as to enhance the life standard of citizens and facilitate a more efficient implementation of European standards and the *acquis*;
6. Adopt an amendment to the Constitution of BiH affirming the existence and the functioning of the Court of BiH and the Prosecutor’s Office of BiH.

I.II PARLIAMENTS AND GOVERNMENTS

7. Establish transparent and efficient coordination mechanisms between different government levels with the aim of a more efficient implementation of European integration reforms, as well as work systematically to meet the requirements needed for Bosnia and Herzegovina to acquire the status of a candidate country for EU membership;
8. Openly discuss the process of constitutional reforms and implement it within the appropriate institutions and procedures, i.e. within the parliaments instead of a non-institutional framework.

I.III CONSTITUTIONAL COURTS

9. Pass laws in order to strengthen the Constitutional Court of BiH;
10. Align the Rules of Procedure of the Constitutional Court of Republika Srpska with the Constitution of BiH;
11. Name constitutional court judges within the proscribed deadlines, in a transparent and legal manner, without political obstruction.

I.IV THE INSTITUTION OF THE OMBUDSMAN

12. Change the Law on the Ombudsman in accordance with the “Paris Principles” and the recommendations of the Venice Committee and appoint an ombudsman accordingly;

13. Strengthen the capacities of the Institution of the Ombudsman in BiH so as to ensure the Institution's autonomy, a greater degree of involvement and efficient implementation of its recommendations.

I.V CIVIL SOCIETY

14. Be consistent in implementing the 2007 "Plus" Agreement between the civil society and the Council of Ministers of BiH;
15. Be consistent in implementing rules for consultations (Uniform Rules for Legislative Drafting in the Institutions of BiH, Rules of Consultations in Legislative Drafting) while drafting public policies;
16. Ensure systematic financial support for civil society organizations for their activities in democratization, promotion and protection of human rights by establishing a state foundation for civil society development.

I.VI ELECTIONS

17. Amend the Election Law of BiH so as to ensure all citizens have equal active and passive voting rights, regardless of their ethnic/national background or their entity citizenship;
18. Amend the Election Law of BiH so as to ensure equal gender representation on election lists (50%, "the zipper system") and eliminate those political subjects that do not abide by the law. Impose sanctions on those political subjects that do not implement regulations on gender equality, especially when nominating and appointing governments;
19. Amend the Law on Party Financing so as to make the income and expenditure of political parties completely transparent, establish jurisdiction and control mechanisms as well as increase penalties in cases of law violations;
20. Change the allocation clause from 3% to 5% so as to decrease the fragmentation within representative bodies;
21. Organize local elections in Mostar and amend the Statute of the city and the Election Law of BiH so as to ensure a non-discriminatory process of electing a local government and eliminate the administrative division of the city.

II THE RULE OF LAW

II.I THE JUSTICE SYSTEM

22. The Prosecutor's Office needs to make proactive decisions in accordance with existing legal regulations in cases where it detects failure to implement court judgments;
23. Adopt a strategy for reforming the justice system in the 2014-2018 period as well as an action plan with the aim of implementing strategic objectives defined by the new strategy;
24. Equal the amount of financing for justice system institutions on all levels of government.

II.II FIGHT AGAINST CORRUPTION

25. Exert more effort in investigating and prosecuting cases of corruption on all judiciary levels, especially corruption in public procurements, privatization and public works. Solving corruption cases should be a priority;
26. Strengthen human and material resources in the Department for Organised Crime, Economic Crime and Corruption of the Prosecutor's Office of BiH;
27. Introduce and enforce a legal obligation of assets declaration for all appointed officials, justice system employees and heads of law enforcement agencies.

II.III APPROACH TO JUSTICE

28. Adopt a Law on free legal assistance on the level of BiH and introduce a mechanism for monitoring the implementation of state, entity and cantonal laws in this field. Clearly define the role of civil society organizations in providing free legal assistance.

II.IV TRANSITIONAL JUSTICE

29. Continue with and increase efforts in prosecuting war crimes;
30. Adopt and implement the Law on the Rights of Victims of Torture in BiH;
31. Amend the Criminal Code of BiH so as to eliminate "coercing another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him" from the definition of rape as a crime against humanity;
32. Align laws on civilian victims of war in the entire country by adopting amendments to the law in Republika Srpska that would introduce a special category for persons who suffered rape or other forms of sexual violence during the war, without setting any time limits for its implementation;
33. Adopt and implement the Transitional Justice Strategy in BiH;
34. Help establish and actively participate in the work of the Regional Committee (REKOM) for establishing facts about war crimes and other serious human rights violations on the territory of former Yugoslavia;
35. Strengthen regional dialogue through concrete and systematically designed programs in the areas of transitional justice and youth exchange.

III HUMAN RIGHTS AND MINORITY RIGHTS PROTECTION

III.I INTERNATIONAL INSTRUMENT FOR HUMAN RIGHTS PROTECTION

36. Draft, adopt and implement a long-term, national action plan on human rights that will include international human rights obligations.

III.II FREEDOM OF SPEECH, FREEDOM OF ASSEMBLY AND ASSOCIATION

37. Strengthen and consistently implement the legal framework on the right to free access to information by forming an autonomous body for monitoring the implementation of the law and aligning all laws regulating the right to free access to information as well as proactively publish public information in machine-readable form;

38. Ensure the autonomy of the Communications Regulatory Agency in BiH by preventing politically motivated appointments and enable transparent insight into the finances and programs of this institution;

39. Ensure political autonomy, financial sustainability and public-oriented work of the three public broadcasters in BiH – Radio-Television of the Federation of Bosnia and Herzegovina (FTV), Radio-Television of Republika Srpska (RTRS) and Radio-Television of Bosnia and Herzegovina (BHRT) through the enhancement and consistent implementation of the existing legal framework;

40. Stop violations of the right to freedom of speech and the right of journalists to a free, dignified and safe working environment. Special attention should be accorded to thorough investigation and judicial protection of journalists who are victims of physical assaults, death threats and other criminal activities;

41. Stop violations of the right to free assembly and the limitation of public space on which public assembly is allowed. Special attention should be accorded to guaranteeing freedom of assembly to returnees and the LGBT population.

III.III RIGHTS OF WOMEN AND GENDER EQUALITY

42. Include concrete measures in documents for the implementation of public policies, such as the Gender Action Plan, to enhance the rights of women who suffer multiple discrimination (i.a. disabled women, Roma women, older women, young women, LGBT women, single mothers, war victims, women from rural areas);

43. Adopt and implement legal and other measures aimed at increasing the rate of women's employment so as to harmonize their private and public agency;

44. Adopt laws to ensure equal right to maternity/parental leave and regular payment of benefits to beneficiaries regardless of their employment status in the entire country, and regulate the right to maternity/parental leave as part of the health insurance system instead of the social support system;

45. Ensure equal gender representation in governing positions and boards of state-owned companies in a manner prescribed by the Law on Gender Equality of BiH, with harsh penalties for institutions that fail to implement these regulations;

46. Ensure adequate and continuous financing of safe houses/shelters for victims of domestic violence in entity and cantonal budgets and enhance the designing and implementation of public policies related to this issue by systematically monitoring cases of domestic violence.

III.IV RIGHTS OF CHILDREN AND YOUTH

47. Align the Criminal Code of FBiH with the “Palermo Protocol” and the “Lanzarote Convention”;
48. Explicitly prohibit corporal punishment of children in the criminal codes in BiH;
49. Design and implement efficient measures for recognizing, reporting and preventing cases of forced and hazardous child labor and child marriage and treat such cases as instances of violence against children and child exploitation with elements of human trafficking in the Criminal Code of FBiH;
50. Enhance the system of providing help to children who are victims of violence and human trafficking by opening specialized shelters and provide adequate support for current programs of civil society organizations for establishing day care centers for children who are victims economic or any other form of exploitation;
51. Reform social protection laws in FBiH so that social protection and benefits are structured around the needs of children and are harmonized in the entire entity;
52. Reform healthcare laws so as to provide unconditioned healthcare to every child on the entire territory of BiH;
53. Design a new Action Plan for children in BiH and provide financial support for its implementation;
54. Strengthen the human and financial capacities of the Child Rights Department at the Institution of the Human Rights Ombudsman.

III.V LOW-INCOME AND SOCIALLY VULNERABLE POPULATION

55. Adopt entity policies in the sphere of social protection and security and reform social protection systems in both entities by structuring them around the needs and not the status of beneficiaries;
56. Increase financial support for and implement rehabilitation measures in areas devastated by floods in May 2014, especially measures concerning the reconstruction of residential buildings, infrastructure as well as employment programs.

III.VI PERSONS WITH DISABILITIES

57. Align existing laws with the provisions of the Convention on the Rights of Persons with Disabilities and eliminate the legally enforced discrimination against persons with disabilities related to the causes of disability;
58. Adopt necessary by-laws, provide necessary funds and actively implement inclusive education on all levels of education for children and young persons with disabilities;
59. Ensure that persons with disabilities can access all public spaces and buildings as well as all public information by implementing current and adopting new regulations;

60. Design and implement programs for educating the public and public officials on the rights of persons with disabilities in a way that does not ignore the specific needs of women, girls, children, elderly persons and other sub-groups of persons with disabilities.

III.VII FIGHTING DISCRIMINATION

61. Amend the Law on Prohibition of Discrimination in BiH with the obligatory participation of civil society organizations that deal with fighting discrimination and work with marginalized groups, with the aim of aligning the law with European standards and implementing it more efficiently;
62. Design, adopt and implement a comprehensive strategy for fighting discrimination that would systematically support the implementation of the Law on Prohibition of Discrimination and the prevention of all forms of discrimination, especially discrimination against marginalized or vulnerable groups;
63. Strengthen the human and financial capacities of the Department for Elimination of All Forms of Elimination of the Institution of Human Rights Ombudsman in BiH;
64. The Institutions of the Ombudsman needs to bring to trial cases of strategic importance with the aim of widening the scope of judicial practice and achieving greater recognition of institutional protection from discrimination.

III.VIII LESBIANS, GAY, BISEXUAL AND TRANS * PERSONS

65. Integrate the rights of LGBT persons into existing (e.g. Gender Action Plan) and future public policy documents and design, adopt and implement specialized strategies and plans on all levels of government which will specify concrete and obligatory measures for the improvement of living conditions of LGBT persons;
66. Adopt laws on same-sex partnerships so as to ensure same-sex couples can enjoy all economic and social rights of cohabitating couples;
67. Enable acces to medical support covered by health insurance for transsexual persons and introduce clear and simple procedures for sex-reassignment;

II.IX RETURNEES AND THE RIGHT TO PROPERTY

68. Stop adopting regulations and decisions related to the issue of permanent or temporary residence registration that are not in accordance with the legal framework on state level and prevent the entities from imposing legislation that interferes with the jurisdiction of the state as well as ensure that future amendments of the state law do not violate the rights of returnees;
69. Develop and implement affirmative action programs for the employment of returnees from both entities in public administration and state-owned companies;
70. Eliminate discrimination against minority constituent peoples in the educational system and design, adopt and implement an inclusive syllabus for elementary schools and high schools;
71. Ensure permanent protection of legal rights of refugees and displaced persons and eliminate the possibility of formally closing Annex 7 of Dayton

Peace Agreement before having finalized the process of ensuring access to rights, public services and employment in communities where the so-called minority return has been achieved.

II.X NATIONAL MINORITIES AND THE ROMA PEOPLE

72. Increase funds to implement strategies and action plans concerning health, residence, employment and education of Roma people and enhance the system of monitoring the (autonomous) implementation of these documents;
73. Step up efforts to enroll and integrate Roma children and youth into the educational system;
74. Define measures that will eliminate the multiple discrimination of Roma women and girls, especially in cases of early or pre-arranged marriages.

II.XI HATE CRIME AND HATE SPEECH

75. Amend the Criminal Code of FBiH so as to include provisions on punishing hate speech and hate crime committed on the basis of ethnicity, nationality, religion, race, skin color, gender identity and sexual orientation;
76. Amend the criminal codes of Republika Srpska and District Brčko so as to include provisions on punishing hate speech and hate crime committed on the basis of ethnicity, nationality, religion, race, skin color, gender identity and sexual orientation;
77. Integrate the issue of hate speech and hate crime into syllabi of police academies and related institutions as well as in the permanent education of police officers, judges and prosecutors;
78. Adopt a special decision that will stipulate punishments for denying the established crimes of the Holocaust and genocide, as well as war crimes committed on the territory of Bosnia and Herzegovina during 1992-1995.

ABOUT THE INITIATIVE

The Initiative for Monitoring the European Integration of Bosnia and Herzegovina is an informal coalition of civil society organizations which contributes to monitoring reforms and the implementation of EU policies, laws and standards.

Active members include:

BH Journalists, Sarajevo
ACIPS, Sarajevo
Association for democratic initiatives, Sarajevo
Center for Human Rights of the University of Sarajevo
Youth Center *Kvart*, Prijedor
Center for Political Studies, Sarajevo
Center for Investigative Journalism, Sarajevo
Cure Foundation, Sarajevo
Helsinki Citizens' Assembly, Banja Luka
Youth Initiative for Human Rights, Sarajevo
Moje Pravo, Sarajevo
Prava za sve, Sarajevo
Sarajevo Open Center
TRIAL Sarajevo
Vaša Prava BiH Association
Zašto ne? Association, Sarajevo
Zemlja djece Association, Tuzla

The Initiative is coordinated by:

Sarajevo Open Center
Center for Political Studies
info@eu-monitoring.ba

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Perpetuum Mobile, Banja Luka
Student Association of the Law Faculty at the University of Tuzla
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PEKS Association, Živinice
Vesta, Tuzla
Infohouse, Sarajevo
Crvena Association, Sarajevo
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Find out more about the Initiative at: www.eu-monitoring.ba