

Progress Was Only Formal: Alternative Report



The fourth Alternative Report on Bosnia's path towards the European Union membership says that the country made only formal progress

The report, compiled by individuals and organizations whose goal was to present the current state of the integration of Bosnia and Herzegovina from the perspective of civil society organizations, is an alternative to the official European Commission's report that has an ambition to influence it. The official EC report is due to be released in several months. The report of the Initiative for Monitoring of Bosnia's European Integration focused on the so-called political criteria, with particular emphasis on democracy and the functionality of the state; the rule of law and corruption; human rights, especially the rights of minorities and vulnerable groups; and transitional justice.

Instability, Lack of Transparency and Inefficiency

According to the alternative report, between the summer of 2015 and the summer of 2016, Bosnia made formal progress in the EU integration process, but failed to implement fundamental reforms or achieve actual progress in fulfilling the conditions for a credible application, set by the Council of the EU in 2011. In February 2016, Bosnia and Herzegovina submitted the application for membership in the European Union, although two key conditions were not fulfilled. The ruling of the European Court of Human Rights in the case "Sejdic and Finci" was not implemented yet, although in the meantime the Court rendered the judgment in almost identical "Zornic" case.

The coordination mechanism for the EU integration was never agreed upon,

whereby the Council of Ministers formally adopted a decision on the coordination mechanism in a secret session and without the knowledge of partners in the negotiation process, which drastically undermined the credibility of the process. Months after the submission of the application, negotiations on the coordination mechanism are still ongoing and are once again conditioned by political demands of the party leaders, who continue to generate political crises in the country.

Democratic performance of parliaments and governments at the state, entity and cantonal levels are extremely poor, with an alarming continuity of decline in quality of democratic processes. The work of the institutions is still characterized by instability, lack of transparency and inefficiency. It is a devastating fact that the constitutionality of three legislative acts adopted in the Federation of BiH was contested in the first year of the mandate. The decisions of the constitutional courts are not implemented, and contestation of jurisdiction and position of the Constitutional Court of BiH escalated with the announcement of a referendum on the implementation of the decision of the Constitutional Court of BiH in Republika Srpska.

The Structured Dialogue on Justice between BiH and the EU again takes place behind closed doors, wherein particularly concerning is the complete lack of transparency in the process of drafting the new Law on Courts. Not a single significant case of the fight against corruption was prosecuted, while open pressures on the Prosecutor's Office of BiH are being made due to the arrests of high-ranking party officials. No

significant and systematic policies to combat human rights violations were adopted. The activities of the Council of Ministers of BiH on the improvement of the Law on Prohibition of Discrimination and the Law on Ombudsman, which are in parliamentary procedure, are commendable, however, the obstructions of certain political parties in the Parliamentary Assembly of BiH, due to which the proposed amendments were not adopted yet, are concerning.

Discrimination and Violence Pervasive

Minority and vulnerable groups continue to live in difficult conditions. In terms of anti-discrimination legislation, positive development is the introduction of prohibition of hate crime in amendments to the Criminal Code of FBiH. On the other hand, a regression in the legal framework for the protection of the rights of Roma as one of the most vulnerable groups was registered, because all the state policies in this field expired as of last year. Discrimination and violence are pervasive, and there is still no progress in the implementation of the Law on Prohibition of Discrimination in judicial practice. Prosecution of war crimes and dealing with the past, as preconditions for creating a healthy environment and building a common state, pose an additional problem.

The role of civil society in the EU integration process of BiH is further weakened by the practice of adopting the key documents, such as the Reform Agenda and laws arising from it, in a completely non-transparent manner, without any insight or participation of the public.