



### ***Comparative Overview of the BiH Country Report 2016 by the European Commission and Alternative Report for BiH 2016 by the Initiative for Monitoring the European Integration of Bosnia and Herzegovina***

The Initiative for Monitoring the European Integration of BiH has published the fourth *Alternative Report* which provides an overview of the progress of Bosnia and Herzegovina in meeting the *Political Criteria* for EU accession (Section 2 in the Report of the European Commission) in 2016.<sup>1</sup> The report is the result of joint efforts of almost 30 civil society organizations in BiH operating in the spheres of human rights, political accountability, and the rule of law. The *BiH Alternative Report 2016: Political Criteria* was published in July 2016 and covers the period from summer 2015 to summer 2016. The report was submitted to the EU Delegation in BiH, the European Commission, the European Parliament, as well as all government institutions in BiH.

*The European Commission's 2016 Report on BiH*<sup>2</sup> was published on November 9, 2016, and it covers the period from October 2015 to September 2016.

In this document we will present the third comparative overview of the European Commission Report and the Alternative Report. The aim of the comparative analysis is to determine similarities and differences in relation to the European Commission Report, and establish to what extent the European Commission, in its conclusions and recommendations, took into account the findings and recommendations of civil society organization presented in the Alternative Report.

#### **Acknowledgment of the Findings and Recommendations of the Alternative Report in the Official Report of the European Commission**

The comparison of this year's reports of the European Commission and the Initiative for Monitoring the European Integration of BiH shows that there is still disagreement regarding the same issues as in previous reports (compliance with legislation in the work of parliaments and governments; assessment of the Census implementation; disregard for violations of

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<sup>1</sup> BiH Alternative Report 2016: Political Criteria, URL: [http://eu-monitoring.ba/site/wp-content/uploads/2016/07/HRP\\_alternativni-izvjestaj\\_BOS\\_12.07.2016.-web.pdf](http://eu-monitoring.ba/site/wp-content/uploads/2016/07/HRP_alternativni-izvjestaj_BOS_12.07.2016.-web.pdf)

<sup>2</sup> 2016 Report on BiH , URL: [http://europa.ba/wp-content/uploads/2016/11/20161109\\_report\\_bosnia\\_and\\_herzegovina.pdf](http://europa.ba/wp-content/uploads/2016/11/20161109_report_bosnia_and_herzegovina.pdf)

workers' rights). Similarities in the findings and recommendations<sup>3</sup> in the reports reappear in the same fields as in last year's reports.

There is still reluctance on the part of the European Commission to explicitly point out to politicians responsible for unlawful and/or undemocratic behavior, as well as a tendency of not commenting numerous highly problematic events, which have had a destabilizing effect on situation in BiH, such as holding of the referendum and a „counter-protest“ of the RS authorities, open pressures on the judiciary by politicians from both entities, attempts of adopting legislation that would downgrade the level of protection of human rights in BiH and the like. There has been a continuous lack of will to recognize and name the problems occurring in the implementation of the Reform Agenda, arising from the politicization and obstruction of these processes, and which are reflected in the extremely non-transparent work of the institutions. It is concerning that this way a message is sent to politicians in BiH that such actions are acceptable and that formal progress in fulfilling the requirements, even when they have not been fulfilled (see *1.3 Governance*), may be accomplished at the expense of quality of democratic process and good governance.

## **1. DEMOCRACY AND FUNCTIONALITY OF THE STATE**

### **1.1 Constitutions**

The EC Report has stated once again that there has not been any progress in the implementation of the decision of the European Court of Human Rights (ECHR) in the cases „Sejdić and Finci“ and „Zornić“, and that the BiH Constitution remains discriminatory, as demonstrated by the ECHR decisions in the aforesaid cases and in the case „Pilav“.

The Alternative Report noted that the Council of Ministers of BiH, after having adopted the Action Plan for the implementation of ECHR decisions in these cases last year, had no further activities in the implementation of these decisions in the past year. The EC Report did not comment on these findings, although the adoption of the *Action Plan for the Execution of Judgements of the European Court of Human Rights in the Case „Zornić v. Bosnia and Herzegovina“ and „Sejdić and Finci v. Bosnia and Herzegovina“* was stressed in last year's report as a positive step towards the implementation of the ECHR decisions. The EC Report once again failed to mention the initiatives that strive to make the process of constitutional reforms transparent and inclusive, particularly in terms of gender equality.

### **1.2 Parliaments**

The EC Report has put emphasis on the improved cooperation between parliaments, noting that there has been progress in the adoption of legislation which fulfills priorities arising from the Reform Agenda.

On the other hand, the Alternative Report has stressed more frequent practice of adopting key laws in urgent procedure and disruption of democratic processes by legislative authorities. These conclusions were generally disregarded in the EC Report. The problem of increased use of urgent procedures was noted only in relation to the work of the National Assembly of Republika Srpska, although it can not be related solely to this parliamentary body.

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<sup>3</sup> See Annex: Comparison of recommendations for 2016

Special emphasis in the Alternative Report was put on non-transparent, and in the case of the Federation of BiH also unconstitutional, adoption of new labour laws, which was accompanied in both entities by multiple violations of the principles of social dialogue and cooperation with social partners. The report has presented in detail all irregularities that accompanied the adoption of these laws, including the decision of the FBiH Constitutional Court on unconstitutionality of the procedure of adopting the FBiH Labour Law; as well as the consequences of such actions on labour legislation and social dialogue in BiH. None of these findings have been taken into account in the EC Report.

Both reports noted that the problem of incomplete composition of the FBiH Parliament had continued. Failure to prosecute the case of „buying MPs“ in the National Assembly of Republika Srpska once again was not mentioned in the EC Report.

### **1.3 Governance**

In terms of the functioning of the executive authority, the EC Report positively assessed the continuity in the work on the Reform Agenda, efficient cooperation of state and entity levels in fulfilling its tasks, adoption of the Action Plan for its implementation, and adoption of documents in accordance with reform priorities. Numerous problems presented in detail in the Alternative Report were entirely disregarded.

The report stated that the coordination mechanism was adopted in August, without providing any further explanations. The procedure of adopting the Decision on coordination mechanism in the Council of Ministers in January 2016, which was described in detail in the Alternative Report because of its complete lack of transparency, was completely ignored. Such approach is particularly problematic bearing in mind the fact that BiH application for EU membership was submitted in February 2016, when it was concluded that the requirements for submitting the application had been fulfilled, including the alleged adoption of the coordination mechanism. The European Parliament in its Resolution on the 2015 Report on BiH has also welcomed „the adoption of the decision establishing the coordination mechanism on EU matters“, referring to the decision adopted in January. Contradictory messages such as these show the continuation of a concerning practice of not taking into account the quality of democratic processes when assessing the progress of BiH, and that the EU bodies act in these situations as accomplices to BiH politicians in non-transparent processes.

In addition to the aforesaid, the EC Report did not refer to the fact that the *Decree on exercise of powers in companies with state capital under the competence of the Federation of BiH*, which was the reason for the dissolution of post-election coalition in the Federation of BiH, had been declared unconstitutional by the FBiH Constitutional Court, and only stated that appointments of steering boards „continued without any problems“. The process of appointing new ministers in the Council of Ministers of BiH was treated in a similar manner.

The referendum in Republika Srpska was held two months following the publication of the Alternative Report. The report presented in detail the circumstances that preceded it, and emphasized that it was a violation of the decision of the BiH Constitutional Court. At the moment of writing of the report the date of the referendum was unknown, however, it was pointed to the intention of the RS President to hold the referendum on the day of Local Election. The EC Report was published after the referendum, however, it completely ignored

the political crisis the referendum had caused in the country, and in the region. The fact that the referendum was organized only a week before Local Election was omitted, whereby the ruling party in the RS had disrupted the election process, by using the referendum as a means for conducting the election campaign with a view to influence the outcome of local election. The EC Report only stated that the RS Government had organized the referendum „ignoring the decision of the BiH Constitutional Court to postpone the referendum pending a decision on its constitutionality“.

#### **1.4 Constitutional courts**

Both reports agree on the problem of non-implementation of decisions of the BiH Constitutional Court.

However, the EC Report did not take into account any of the problems pointed out in the Alternative Report in relation to the political pressures on constitutional courts in the Federation of BiH and BiH, including the attempt to change the composition of the BiH Constitutional Court through a law, although it is defined by the Constitution; the need to adopt a new law which would specify the current confusing provisions; discrimination against persons not belonging to the constituent peoples when appointing members of constitutional courts; the Rules of Procedure of the RS Constitutional Court which is still unconstitutional, etc.

#### **1.5 Elections**

Both reports noted the problem of non-implementation of the decision of the BiH Constitutional Court regarding Mostar, and stressed that resolving this issue was a priority in order for elections to be held in this city, which were not held this year either.

The EC Report, as opposed to the Alternative Report, did not address the fact that the process of amending the Election Law, in addition to forming a working group whose primary task was to find a solution for holding elections in Mostar, was once again treated exclusively as an inter-party negotiation, without genuine will to find a solution within legislative institutions.

#### **1.6 Institution of Human Rights Ombudsman of Bosnia and Herzegovina**

Both reports generally agree in the assessment of the work of the Institution of Human Rights Ombudsman, including positive assessment of openness of appointment procedure of new ombudsmen; as well as stressing the need to strengthen financial and staff capacities of the Institution, in order for it to efficiently carry out its tasks.

However, the EC Report did not take into account the problems presented in the Alternative Report, such as the continuation of discrimination of persons not belonging to the constituent peoples when appointing ombudsmen; inefficient decision-making mechanism, and delay in drafting a *Bill on Law on Human Rights Ombudsman of BiH* and failure to adopt it in the Parliamentary Assembly of BiH due to political disagreements.

## **1.7 Civil society**

Both reports assessed launching of the platform for e-consultations for drafting legislation in the state institutions as a positive step. However, the EC Report noted some progress in the legal framework for financing civil society organizations and development of mechanisms for cooperation of institutions with civil society, adding that there was no single framework for efficient cooperation and full transparency of financing, which was also stated in the Alternative Report.

In addition, the Alternative Report emphasized that there was no progress in relation to important issues, such as the establishment of a single registry of associations and foundations in BiH, and that the adoption of legislation was initiated which would compromise the independence of civil society organizations by governmental institutions, which the EC Report did not mention. The EC Report covered the issue of civilian oversight of the security forces in the chapter on civil society, even though this oversight is conducted by parliaments.

## **1.8 Public administration reform**

The reports agree in the assessment of new legislation in the Federation of BiH which carry a risk of further politicization of the public sector; in the assessment that public budgets are still adopted without transparency, citizen participation and adequate reporting on budget execution; as well as in general assessment that there was no progress in this field in the past year.

On the other hand, the EC Report positively assessed the fact that budgets for 2016 were adopted on time (except in the Brčko District), ignoring the fact that they were adopted in urgent procedure. Also, the move made by the RS Government of transferring the pension system to treasury payment following financial collapse of the Pension and Disability Insurance Fund, the Alternative Report assessed as (as part of the review of the state of social rights) a burden on the budget which would particularly hamper payments to social categories. The EC Report ignored this aspect, while the RS Government move was observed only in terms of the change in the system of internal controls of public funds, although it had caused delays in fulfilling the financial obligations of the RS Government.

## **2. RULE OF LAW AND CORRUPTION**

### **2.1. Judicial system**

The conclusions on the course of the justice sector reform, the level of independence and transparency, as well as the efficiency of the judiciary, are congruent for the most part in both reports. The only difference is observed in the treatment of political pressures on the judiciary, where the Alternative Report, as in the chapter relating to functioning of governments, explicitly pointed out to the problem of exerting pressure on the Court and the Prosecutor's Office of BiH on the occasion of the arrest of Fahrudin Radončić, SBB leader, at the moment of formation of a new ruling coalition in the Federation of BiH. The EC Report contains a conclusion that political pressures on the judiciary have continued, however, this specific case was not mentioned, although these were open and public pressures by the highest levels of the executive authority.

## **2.2 Fight against corruption**

A similar degree of agreement may be observed in the assessment of progress in the fight against corruption, whereby both reports have emphasized the lack of genuine progress, despite formal adoption of certain laws in the domain of the fight against corruption.

## **3. HUMAN RIGHTS AND PROTECTION OF MINORITIES**

### **3.1 International human rights instruments**

Both reports have similarly assessed the application of the established mechanisms for the protection of human rights. Also, observation that comprehensive strategy for human rights in BiH must be drafted, which has not been drafted yet, although the Ministry had it planned for 2016, is concurrent.

### **3.2 Freedom of assembly and association**

The Alternative Report emphasized the behavior of authorities in Republika Srpska as alarming in relation to the protests organized by the opposition in May 2016. The report has documented numerous efforts aimed at prevention of free assembly in Banja Luka, such as creation of administrative obstacles for public assembly (including the organization of a counter-protest), the use of inflammatory rhetoric against the organizers and spreading of nationalist animosity, instrumentalization of the media, and the like. The report also stated that the adoption of restrictive legislation had continued, this time in the Tuzla Canton, which narrowed down the spaces where public assemblies can be organized. None of the aforesaid has been taken into account in the EC Report, which on this topic only noted that the freedom of assembly was „respected in general“.

### **3.3 Women's rights and gender equality**

General conclusions on the situation in this field are similar in both reports. However, the Alternative Report has dedicated a lot of attention to the topic of under-representation of women in politics in BiH, and condemned attempts to further weaken legal provisions intended for the achievement of equal participation of women in political life through amendments to the Election Law, whereas the EC Report only noted that women had remained under-represented in political and public life. The issue of unequal rights of new mothers in the Federation of BiH has also received a lot more attention in the Alternative Report, even though this issue was noted in the EC Report. Similar situation is with a number of issues related to gender equality in employment and education.

### **3.4 Youth and children's rights**

In terms of children's rights, the reports have similar conclusions relating to the problem of violence against children, peer violence, and problems of children victims of human trafficking; the only difference is that the EC Report has omitted amendments to the Criminal Code which define human trafficking as less dangerous criminal activity and referred to lower levels of government. In addition to that, the EC Report falsely stated that there were no amendments to the FBiH Criminal Code, which occurred in March 2016 when the law was

harmonized with the Council of Europe Convention on Action against Trafficking in Human Beings.

However, the reports focused on different issues, wherein the EC Report dedicated most attention to matters of treatment of minors in the legal system, the topic that the Alternative Report did not cover in much detail. In contrast, the Alternative Report dedicated much more attention to the issues of care for children without parental care, namely inadequate and discriminatory foster care system and requirements for the adoption of children; as well as the issue of insufficient inclusion of children in preschool education. The problem of insufficient coverage of children with health care, in particular the tendency towards exclusion of children from marginalized groups from health care, was noted in the EC Report, but without identifying the specific case presented in the Alternative Report (amendments to the law in the Tuzla Canton). Discrimination in education was mentioned in the EC Report only in the context of the problem of „two schools under one roof“, while other forms of discrimination in education were left out.

### **3.5 People with disabilities**

The rights of people with disabilities is the topic that received the least attention in the EC Report, compared to the Alternative Report, but also the topic that was itself very poorly covered in this, and in previous reports on BiH. General conclusions on the discrimination of people with disabilities in relation to the cause of disability, discrimination in employment, as well as the need for harmonizing legislation in this field are by no means incorrect, but fall far short from covering a large number of issues presented in the Alternative Report. These issues include the inaccessibility of physical environment, failure to implement the adopted strategies for people with disabilities, poor access to health care (especially for women with disabilities), the problem of inclusion in the education system, and lack of cooperation and support of institutions to the organizations dealing with the rights of people with disabilities.

### **3.6 Fight against discrimination**

Both reports state that some progress has been made following the adoption of the *Law on Amendments to the Law on Prohibition of Discrimination of BiH*, which improved the legal framework for protection against discrimination in BiH.

### **3.7 Hate crime and hate speech**

Both reports commended the adoption of amendments to the Criminal Code of the Federation of BiH, which sanction hate crimes. Also, both reports have stated that prosecution of these cases is inadequate, and that there is no systematic data collection on reported cases of hate speech and hate crimes.

### **3.8 Lesbians, gays, bisexual, trans\* and intersex persons**

As in the previous report, the European Commission adopted almost all conclusions presented in the Alternative Report in relation to the rights of LGBTI people.

### **3.9 Returnees and property rights; national minorities and Roma**

As in last year's report, the European Commission once again did not take into account the

conclusions of the Alternative Report relating to the problems of returnees arising from new legal provisions regulating registration of residence, voter registration, civil service, and property issues. The same applies to the rights of returnee children in the education system, as well as the potential consequences of (non) acceptance of the census in Republika Srpska.

When it comes to the rights of Roma, both reports have similar conclusions, whereby the Alternative Report covers the issue of improving the mechanism of appointment of members of the *Roma Committee at the Council of Ministers of BiH*, which was not taken into account in the EC Report.

#### **4. MEDIA AND FREEDOM OF EXPRESSION**

Both reports have identified the same problems in the media sphere, including the issue of providing conditions for the work and financing of public service broadcasters, the need to ensure media ownership transparency, political pressures on media, and attacks on journalists which have not been prosecuted adequately.

#### **5. TRANSITIONAL JUSTICE**

##### **5.1 Regional issues, international obligations and transitional justice**

Both reports stressed that national law on torture victims and national transitional justice strategy had not been adopted, and that the existing *National Strategy for War Crimes Processing* had not been implemented within the given deadline. Unlike the Alternative Report, the EC Report does not address the problem of torture victims who are often forced to pay themselves legal expenses in the proceedings they have initiated, and that a reparations program does not exist. Both reports negatively assessed the work on missing persons, and emphasized political pressures on the work of the Missing Persons Institute.

The reports differ in the assessment of regional cooperation in the prosecution of war crimes, which was assessed positively in the EC Report, while the Alternative Report, as well as the Report of the Hague Chief Prosecutor to the UN Security Council for 2015, noted deterioration in this field.

##### **5.2 War crimes**

In addition to the aforesaid, the Alternative Report also contains conclusions on political pressures on the judiciary in the prosecution of war crimes; points out to the problems arising from transferring indictments to lower level prosecutor's offices; points out to the need of strengthening the capacities of prosecutor's offices in prosecuting war crimes. These conclusions are not covered by the EC Report. Both reports have noted certain progress in the prosecution of wartime sexual violence, but also pointed out to problems in this field.

#### **6. SELECTED TOPICS: ECONOMIC AND SOCIAL ISSUES**

##### **6.1 Labour, health care and social policy**

Both reports state that there has been a slight decline in unemployment, but that it still remains high. The EC Report once again did not take into account the conclusions of the Alternative Report on the violation of workers' rights, relating to privatization crime which still leads to protests of disenfranchised workers. Furthermore, privatization is exclusively

treated as a step required to achieve market economy, without reference to the consequences it has had on labour and social rights so far.

In terms of social policy, both reports noted that it was still unbalanced and that it did not provide for equal rights in the entire BiH, and that it was based on the status rather than on needs. The Alternative Report, as opposed to the EC Report, provides an overview of the continuous problems in terms of financing the Pension and Disability Insurance systems in both entities. In addition to this, the EC Report did not take into account the conclusions of the Alternative Report relating to issues on the exercise of health care of the unemployed, as well as the exercise of women's reproductive rights within the health care system.

## **6.2 Census**

The European Commission in this report continued ignoring evident problems in the implementation and publishing of the 2013 census results. This year's report stated that publishing of the census results was carried out in accordance with international standards and recommendations in June 2016, which was assessed as „an exceptional progress in the field of social statistics“. This observation is probably furthest away from any individual findings of the Alternative Report, given that it documented in detail problems preceding the final publication of the results, by the time of the completion of the text of the report. As noted in the very report, the politicization of the entire process was so immense that it brought into question the very publication of the census results, and it was even announced that Republika Srpska would conduct a new census if the results were to be published in accordance with the recommendations of international statistical institutions.

However, the EC Report did cover the period after the publication of the census results, but nevertheless ignored the fact that Republika Srpska still refused to acknowledge the census results as legitimate, and that the authorities in this entity repeatedly announced that they would publish and use their own results, different than those confirmed by the Agency for Statistics of BiH. The inexplicable practice of the EU institutions to ignore all, more than obvious problems that appeared from the very beginning of the census implementation to the publication of the results, thereby continues, and it is likely that the practice will continue if Republika Srpska fulfills its intention of publishing and using separate census results.

## Annex: Comparison of recommendations for 2016

BiH Alternative Report 2016	EC 2016 Report on BiH
<b>1. DEMOCRACY AND FUNCTIONALITY OF THE STATE</b>	
<b>1.1 Constitutions</b>	
<ul style="list-style-type: none"> <li>- Adopt amendments to the BiH Constitution and other constitutions in BiH that eliminate ethnic discrimination and provide equal political rights to all citizens;</li> <li>- Incorporate a definition of equality between men and women and the prohibition of direct and indirect discrimination against women in public and private spheres into the BiH Constitution;</li> <li>- Lead a dialogue on constitutional reforms exclusively within the institutional framework, transparently and with the participation of the interested public, expert community and civil society.</li> </ul>	
<b>1.2 Parliaments</b>	
<ul style="list-style-type: none"> <li>- Stop the practice of adopting laws in urgent procedure, especially system laws, as well as those laws that have a significant influence on the lives of citizens in BiH;</li> <li>- Stop the practice of violating legal procedures in parliamentary processes.</li> </ul>	
<b>1.3 Governance</b>	
<ul style="list-style-type: none"> <li>- Processes of importance for the public to be conducted transparently and with the participation of the interested public at all levels of government in BiH, with respect to social dialogue and democratic practices.</li> </ul>	
<b>1.4 Constitutional courts</b>	
<ul style="list-style-type: none"> <li>- Strengthen the independence of the BiH Constitutional Court through the adoption of the Law;</li> </ul>	

<ul style="list-style-type: none"> <li>- Harmonize the Rules of Procedure of the RS Constitutional Court with the BiH Constitution;</li> <li>- Appoint judges of constitutional courts within prescribed deadlines, in a transparent and legally valid manner, without political blockades;</li> <li>- Formally establish the responsibility of the BiH Council of Ministers to monitor and implement decisions within the appellate jurisdiction of the BiH Constitutional Court.</li> </ul>	
<p>1.5 Elections</p>	
<ul style="list-style-type: none"> <li>- In a transparent and democratic procedure adopt amendments to the BiH Election Law which will provide for the implementation of local elections in the City of Mostar.</li> </ul>	
<p>1.6 Institution of Human Rights Ombudsman of Bosnia and Herzegovina</p>	
<ul style="list-style-type: none"> <li>- Eliminate overlapping in the performance of tasks between ombudsmen and introduce a structured division of tasks within the Institution in order to improve the efficiency of the Institution;</li> <li>- Strictly adhere to the recommendations of the International Coordinating Committee and Venice Commission when adopting the new Law on Human Rights Ombudsman of BiH.</li> </ul>	
<p>1.7 Civil society</p>	
<ul style="list-style-type: none"> <li>- Work on consistent application of the existing Agreement on Cooperation of CSOs and institutions at the state level and establishment of similar mechanisms at the entity level;</li> <li>- Implement transparent and inclusive mechanisms for public consultations with civil society organizations at all levels of government;</li> <li>- Adopt a Strategy for Development of Civil Society at state and entity levels, with concrete measures that will include systematic financing through adequate funds and</li> </ul>	

<p>engagement of civil society in the process of drafting and adoption of public policies and laws.</p>	
<p>1.8 Public administration reform</p>	
<ul style="list-style-type: none"> <li>- Establish a new strategic framework to continue the reform process in accordance with the best practices of participatory processes, including consultations with civil society organizations, expert and academic community;</li> <li>- Involve the public and interested parties in all legislative initiatives in the field of public administration, with adequate consultations, public debates and analyses of impact assessments, and in timely manner and adequately inform the public about these processes.</li> </ul>	<ul style="list-style-type: none"> <li>- Develop, adopt and begin implementation of a new national strategic framework for public administration reform, backed by strong political leadership and guidelines for the public administration reform;</li> <li>- Ensure implementation of an efficient human resources management system, particularly in terms of recruitment, as well as implement amendments to the civil service legal framework in an inclusive and evidence-based process, in order to reduce the risk of politicization of the civil service at all administrative levels;</li> <li>- Adopt a reform programme for public financial management at the state level, in accordance with the new strategic framework for public administration reform.</li> </ul>
<p>2.1. Judicial system</p>	
<ul style="list-style-type: none"> <li>- Urgently adopt an Action Plan for the Justice Sector Reform Strategy of BiH, accelerate the work of the institutions to fulfill obligations which have resulted from previous delays, as well as define the responsibility of institutions for failing to fulfill obligations assumed by this document;</li> <li>- Update the current Rulebook on conflict of interest of members of the High Judicial and Prosecutorial Council of BiH (introduction of rules on control and verification of asset cards of members of the HJPC BiH, as well as other judges and prosecutors) and create Guidelines on conflict of interest for the entire judiciary.</li> </ul>	<ul style="list-style-type: none"> <li>- Adopt the Action Plan for implementation of the 2014-2018 Justice Sector Reform Strategy and establish a clear monitoring system;</li> <li>- Implement the guidelines on conflict of interest, disciplinary sanctions and integrity in the judiciary adopted by the High Judicial and Prosecutorial Council of BiH;</li> <li>- Introduce more qualitative criteria for appointment and evaluation of judges and prosecutors;</li> <li>- Continue developing training programs, particularly for the initial level and managerial positions, including training on ethical and disciplinary matters;</li> <li>- Reform the execution procedure laws in order to efficiently reduce the number of</li> </ul>

	utility cases backlog in courts and introduce court-annexed mediation in selected courts.
2.2 Fight against corruption	
<ul style="list-style-type: none"> <li>- Urgently strengthen the provisions of the Law on Conflict of Interest and introduce an independent body to supervise its implementation (expanding the commission by including civil society representatives, or by including an equal number of representatives of position and opposition parties);</li> <li>- Increase the level of verification and impose fines for incorrect registration of asset declarations of appointed officials in the Central Election Commission of BiH.</li> </ul>	<ul style="list-style-type: none"> <li>- Adopt harmonized action plans and provide for implementation and monitoring of anti-corruption strategies, in particular at state and Republika Srpska entity levels;</li> <li>- Establish bodies for prevention of corruption, where they have not been yet set up, and ensure that they cooperate with the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption;</li> <li>- Amend legislation in order to ensure efficient monitoring of conflicts of interest at state, FBiH entity and Brčko District levels, and improve the legal framework regulating asset declarations and protection of „whistle-blowers“;</li> <li>- Ensure the implementation of harsher penalties for corruption-related crimes, in order to achieve a more deterrent effect for such criminal offenses.</li> </ul>
3.1 International human rights instruments	
<ul style="list-style-type: none"> <li>- Urgently reach a political agreement between the BiH Council of Ministers and the entities in order to start preparing, and then implementing the Strategy for human rights and fundamental freedoms of BiH.</li> </ul>	<ul style="list-style-type: none"> <li>- Adopt a strategy for human rights and the fight against discrimination at the state level;</li> <li>- Introduce a harmonized, efficient and free legal aid system throughout BiH and ensure non-discriminatory access to justice.</li> </ul>
3.2 Freedom of assembly and association	
3.3 Women's rights and gender equality	
<ul style="list-style-type: none"> <li>- Adequately address the issue of founding, operation and financing of safe houses in the FBiH and improve the institutional framework for the fight against domestic violence at all levels;</li> </ul>	

<ul style="list-style-type: none"> <li>- Introduce a gender quota of 50% of women and men on candidate lists, and undertake additional measures referring to the participation of under-represented gender (for example, through assignment of mandates from compensation lists);</li> <li>- Through the Gender Action Plan and annual operative plans in accordance with GAP implement measures for the inclusion of gender equality in educational contents;</li> <li>- Harmonize the right to maternity benefits through a special law and fund at the level of the Federation of BiH.</li> </ul>	
<h3>3.6 Youth and children's rights</h3>	
<ul style="list-style-type: none"> <li>- Adopt a national Action Plan for the protection of children and prevention of violence against children through information and communications technologies;</li> <li>- Harmonize criminal legislation in accordance with the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse;</li> <li>- Adopt laws on foster care in both entities and the Brčko District;</li> <li>- Provide unconditional access to health care for children;</li> <li>- Harmonize and provide regular payment of social benefits and compensations for families with children.</li> </ul>	
<h3>3.5 People with disabilities</h3>	
<ul style="list-style-type: none"> <li>- Adopt and implement new strategies for equal opportunities and advancement of people with disabilities, taking into account the need to allocate necessary funds for their implementation, as well as strengthen the system of accountability of those responsible for the implementation;</li> <li>- Provide necessary conditions for full and active participation of persons with disabilities in all aspects of social activities, including the process of EU integration, in order to ensure the implementation of the</li> </ul>	

<p>rights guaranteed by the Convention on the Rights of Persons with Disabilities;</p> <ul style="list-style-type: none"> <li>- Harmonize legal regulations with the provisions of the Convention in regards to providing support in decision-making for persons with intellectual and mental disabilities.</li> </ul>	
<p>3.6 Fight against discrimination</p>	
<ul style="list-style-type: none"> <li>- Adopt a Bill on Amendments to the Law on Prohibition of Discrimination of BiH;</li> <li>- Establish a practice of annual reporting on various forms of discrimination with a proposal of measures to eliminate and prevent discrimination trends;</li> <li>- Develop and adopt a Strategy for Preventing and Combating Discrimination in BiH.</li> </ul>	
<p>3.7 Hate crime and hate speech</p>	
<ul style="list-style-type: none"> <li>- Amend the Criminal Codes of FBiH, RS and the Brčko District so as to expand the grounds on which it is prohibited to provoke hatred, hostility and discord, in accordance with the grounds recognized through the regulation of hate crimes;</li> <li>- Include compulsory education on hate crimes into the curricula of police academies of Republika Srpska and the Federation of BiH, as well as into regular and specialized training programs of police officers, prosecutors and judges;</li> <li>- Create a protocol which will clearly stipulate cooperation between police and judicial bodies in prosecuting hate crime cases for the purpose of their fast and efficient solving.</li> </ul>	
<p>3.8 Lesbians, gays, bisexual, trans* and intersex persons</p>	
<ul style="list-style-type: none"> <li>- Prepare, adopt and implement a multi-annual Action Plan for Equality of LGBTI Persons, with the aim to combat prejudice, discrimination and violence on the grounds of sexual orientation, gender identity and sexual characteristics;</li> </ul>	

<ul style="list-style-type: none"> <li>- Adopt and implement the laws of Republika Srpska, the Federation of BiH and the Brčko District that would legally recognize same-sex unions;</li> <li>- Adopt and implement the laws of Republika Srpska, the Federation of BiH and the Brčko District that would legally regulate all legal and medical aspects of gender reassignment.</li> </ul>	
<p>3.9 Returnees and property rights; national minorities and Roma</p>	
<ul style="list-style-type: none"> <li>- Ensure a legal framework at the state level which regulates the issue of names and the use of official languages;</li> <li>- Harmonize the Agreement on the special needs of returnee children in the access to education with the regulations at the state and entity level;</li> <li>- Conduct a revision of instructions to the competent police authorities in relation to the application of the Law on Permanent and Temporary Residence, with the aim of adequate application of regulations towards displaced persons and returnees;</li> <li>-Ensure standards of minimal representation of citizens from the constituent peoples and Others in employment in public services;</li> <li>- Urgently start preparing a new Strategy for addressing Roma issues which will be harmonized with the EU Platform, covering all fields in which Roma do not exercise their rights;</li> <li>- Adopt separate action plans for individual fields, especially health care, housing, employment and education of Roma, and apply inter-sectoral approach in the implementation;</li> <li>- Secure funds for the implementation of the Strategy and Action Plans;</li> <li>- Strengthen the capacity of the Committee for Roma at the BiH Council of Ministers through determining precise criteria for the selection of members of the Committee;</li> </ul>	<ul style="list-style-type: none"> <li>- Revise the Action Plan in the field of employment, housing and health care of Roma, in accordance with operational conclusions from the Roma seminars, including the necessary budget to implement agreed actions.</li> </ul>

<ul style="list-style-type: none"> <li>- Formalize and mark the dates of importance for Roma;</li> <li>- It is necessary to strengthen and include representatives of the Roma community in BiH when addressing Roma issues and working on the Roma action plans.</li> </ul>	
<p>4. MEDIA AND FREEDOM OF EXPRESSION</p>	
<ul style="list-style-type: none"> <li>- Adopt legislation which will provide for the transparency of media ownership and financing of media from public budgets;</li> <li>-Harmonize the laws on public broadcasting services with the umbrella Law on Public Broadcasting Service, as well as establish a sustainable model of financing public media and depoliticize the process of election and appointment of managing boards, program councils and directors of public services;</li> <li>- Ensure more efficient protection of journalists through amendments to the Criminal Code and the Criminal Procedure Code at all levels of government in BiH;</li> <li>- Prevent political influence on the work of the Communications Regulatory Agency in order to more efficiently regulate the market of electronic media and compliance with professional standards of journalism.</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure sufficient protection of journalists and an appropriate law enforcement response to cases of threats to journalists;</li> <li>- Finalize the reform of the public broadcasting system, including securing the funding of public broadcasters, harmonizing relevant entity broadcasting legislation with the the state-level law, and securing political neutrality of the steering boards;</li> <li>- Adopt the necessary legislation on media ownership transparency, including online media;</li> <li>- Adopt and implement a mechanism for the collection of license fees which would provide for financial stability and political independence of public broadcasting services;</li> <li>-Complete the transition to digital broadcasting;</li> <li>-Ensure political, financial and operational independence of the Communications Regulatory Agency.</li> </ul>
<p>5. Transitional justice</p>	
<ul style="list-style-type: none"> <li>- Category „A“ cases, processed at the International Criminal Tribunal for the former Yugoslavia (ICTY), should become a priority in order to use the remaining time for the implementation of a national strategy in the most effective and purposeful manner;</li> <li>- Adopt a Law on Victims of Torture of BiH;</li> <li>- Create a reparations program to mitigate</li> </ul>	

<p>consequences of sustained traumas of victims, and settle their material and non-material damages and carry out restitution of property.</p>	
<p>6. SELECTED TOPICS: ECONOMIC AND SOCIAL ISSUES</p>	
<p>6.1 Labour, health care and social policy</p>	
<ul style="list-style-type: none"> <li>- Based on the analysis of application of the provisions of the new labour laws by the end of 2016 amend articles that are not sufficiently clarified or there are obstacles in the application, as well as intensify inspection over the implementation of new legislation;</li> <li>- Harmonize legislation in the field of social and health care with new solutions regarding the right to maternity leave for fathers;</li> <li>- Equalize compensations in the field of social protection in order to provide equal treatment and equal rights in the field of labour, social and health care protection for all citizens;</li> <li>- Repeal provisions which condition health insurance of the unemployed by the registration deadlines with the employment service;</li> <li>- Adopt a framework Law on Infertility Treatment by Biomedically Assisted Procreation at the state level.</li> </ul>	<ul style="list-style-type: none"> <li>- Develop an independent social dialogue;</li> <li>- Modernize the legal framework for health care and social security and harmonize them between the entities;</li> <li>- Urgently implement active employment measures aimed at reducing the high unemployment rate, especially among young people, and provide efficient support to job seekers;</li> <li>- Implement public health care reforms and ensure inter-entity cooperation in this field.</li> </ul>

## **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 of the reforms and application of policies, EU laws and standards, focusing on issues of democratization, rule of law, human rights, and rights of marginalized groups.

Learn more about the initiative: <http://eu-monitoring.ba/o-inicijativi/>

### *Active member organizations:*

Association for Democratic Initiatives, Sarajevo

BH Journalists, Sarajevo

BIRN BiH, Sarajevo

The Center for Investigative Reporting, Sarajevo

Youth center KVART, Prijedor

Centre for Political Studies, Sarajevo

CURE Foundation, Sarajevo

Foundation 787, Sarajevo

Forum ZFD BiH

Helsinki Citizen's Assembly, Banja Luka

Youth Initiative for Human Rights, Sarajevo

MyRight - Empowers People with Disabilities, Sarajevo

Oštra nula, Banja Luka

Rights for All, Sarajevo

Transparency International, Banja Luka/Sarajevo

TRIAL – Track Impunity Always, Sarajevo

Sarajevo Open Centre

Association “Transitional Justice, Responsibility, and Memory”, Sarajevo

Association of Citizens for Public Policy Analysis, Banja Luka

Association Kali Sara Sarajevo,

Vaša prava BiH

Why Not, Sarajevo

Zemlja djece, Tuzla

Women to Women, Sarajevo

### *Coordinators of the Initiative:*

Sarajevo Open Centre

[info@eu-monitoring.ba](mailto:info@eu-monitoring.ba)

### *Supporting Organizations:*

ACIPS, Sarajevo; Students Association of the Law Faculty of the University of Tuzla; Banjaluka Association of Queer Activists (BUKA), Banja Luka; Center for socio-ecological development, Banja Luka; University of Sarajevo Human Rights Center; Crvena, Sarajevo; European Research Center, Sarajevo; Green Council, Sarajevo; Infohouse, Sarajevo; OKC Abrašević, Mostar; Perpetuum Mobile, Banja Luka; Association PEKS, Živinice; Vesta, Tuzla; Foreign Policy Initiative BiH, Sarajevo; Green Neretva, Konjic