

**2013 progress report on Bosnia and Herzegovina**

**European Parliament resolution of 6 February 2014 on the 2013 progress report on Bosnia and Herzegovina (2013/2884(RSP))**

*The European Parliament,*

- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina (BiH), of the other part, signed on 16 June 2008 and ratified by all EU Member States and Bosnia and Herzegovina,
- having regard to the European Council conclusions of 19 and 20 June 2003 on the Western Balkans and to the annex thereto entitled ‘The Thessaloniki Agenda for the Western Balkans: moving towards European integration’,
- having regard to the Council conclusions of 11 December 2012 and 21 October 2013 on Bosnia and Herzegovina,
- having regard to the Commission communication of 16 October 2013 entitled ‘Enlargement Strategy and Main Challenges 2013-2014’ (COM(2013)0700), accompanied by Commission Staff Working Document of 16 October 2013 entitled ‘Bosnia and Herzegovina: 2013 Progress Report’ SWD(2013)0415 ,
- having regard to its previous resolutions, in particular those of 23 May 2013 on the 2012 Progress Report on Bosnia and Herzegovina<sup>1</sup> and of 22 November 2012 on Enlargement: policies, criteria and the EU’s strategic interests<sup>2</sup>,
- having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the EU continues to be strongly committed to a sovereign and united BiH and to the country’s membership prospects;
- B. whereas the complex and inefficient institutional architecture deriving from Annex 4 of the Dayton Agreement, as well as the inaction of the BiH political leaders and their inability to compromise, have continued to have a negative impact on the country’s capacity to progress towards the EU and to improve citizens’ lives; whereas constitutional reform towards a functioning and inclusive democratic state is urgently needed;
- C. whereas the prospect of EU membership has been offered to Bosnia and Herzegovina as a single country;
- D. whereas a new dynamic and respect vis-à-vis citizens and international obligations are required to prevent renewed deadlock in the run-up to the October 2014 general elections;
- E. whereas widespread corruption, very high unemployment and a lack of future prospects

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<sup>1</sup> Texts adopted, P7\_TA(2013)0225.

<sup>2</sup> Texts adopted, P7\_TA(2012)0453.

for BiH citizens continue to seriously hamper socio-economic and political developments in the country;

- F. whereas cooperation with other countries in the region in a good neighbourly spirit is a prerequisite for peaceful coexistence and reconciliation within BiH and the South East European region;

### ***General considerations***

1. Is deeply concerned at the continuing lack of common vision displayed by the political leaders of the country's three ethnic communities; urges the political groups at all levels of power in the country to step up cooperation and dialogue in order to overcome existing disputes with the aim of achieving progress on the reform path and improving the lives of BiH citizens; calls for civil society to be more involved in efforts to reform the country;
2. Welcomes the six-point agreement reached in Brussels on 1 October 2013, but deplores the obstruction of its implementation by centralist forces; stresses the importance of following the principles of federalism and legitimate representation in order to ensure BiH's path;
3. Calls for a shift away from the nationalist and ethnocentric rhetoric coming from the leadership of the three constitutive peoples in BiH; condemns all kinds of segregation and discrimination on religious or ethnic grounds in a country;
4. Urges political leaders to focus on implementing the Road Map of the High Level Dialogue, thus making it possible to meet the requirements that would enable the SAA to come into force;
5. Urges the governments and competent authorities to strengthen the efficiency and functionality of their institutions and to establish an effective EU coordination mechanism to ensure the harmonised transposition and enforcement of the EU *acquis* throughout the country in the interests of the overall prosperity of its citizens; in this context, calls on them to ensure that they can speak with one voice at state level; underlines the fact that, without such a mechanism, the EU accession process will remain deadlocked; calls on all political parties to work towards improving political dialogue and enhancing political culture;
6. Reminds the Commission that EU enlargement goes beyond a mere transfer of the EU *acquis* and must be based on a true and comprehensive commitment to European values; calls for continued EU engagement with the BiH leaders and a rethinking of the EU's approach towards BiH, given the stalling of progress towards EU candidate status compared with the progress being made by other countries in the region; urges the international community, the European Council, and the Member States in particular, to step up efforts to foster consensus among BiH political leaders to move forward with constitutional reform and EU-related reforms; calls on the next Vice-President / High Representative and the Enlargement Commissioner to make BiH a central priority following the appointment of the next Commission in 2014; points, in this regard, to the important role and engagement of the EU Delegation and the EU Special Representative in Bosnia and Herzegovina;
7. Invites the Commission to further strengthen efforts to facilitate an agreement on the

implementation of the Sejdić-Finci ruling guaranteeing equal rights for all constituent peoples and citizens, and to be instrumental in implementing the objectives of the EU agenda, including a functional system of good governance, democratic development and economic prosperity and respect for human rights;

8. Asks the EU's Heads of State and Government and Foreign Ministers to strengthen their personal commitment to the country;
9. Invites the authorities to meet the outstanding objectives and conditions for the closure of the Office of the High Representative, so as to allow greater local ownership and responsibility; underlines the fact that the dissolution of the Office of the High Representative can be considered only when all the conditions have been met;
10. Is deeply concerned that a four-year-long disagreement between political leaders led the Council of Europe to initially consider suspending the country's right of representation in the organisation if no substantial progress was made on the implementation of the European Court of Human Rights (ECHR) judgment before the elections; stresses that the legitimacy of the 2014 elections for the Presidency and the House of Peoples of BiH will be questioned if the ECHR judgment is not implemented;
11. Reiterates that constitutional reform remains key to transforming BiH into an effective and fully functional state; urges the Federation to consider concrete proposals in this regard, including the merger of some cantons and the redistribution of competences, in order to simplify its complex institutional structure, ensure a more balanced representation of all constituent people and citizens, eliminate ethnic discrimination and make the state more functional, less expensive and more accountable to its citizens; invites all political parties to take part in this process in a constructive and open manner and to make use of the advice and guidance that the Venice Commission can provide during this process; welcomes and supports the efforts of civil society organisations to influence the constitutional reform process;
12. Welcomes the smooth running and completion of the enumeration phase of the first population and housing census since 1991; calls on the responsible authorities to ensure that the census remains a statistical exercise and that it complies with international standards; urges all the competent authorities not to politicise a census whose purpose is to provide objective socio-economic data;
13. Is seriously concerned that disputes about the distribution of competences are impeding EU financial assistance; regrets, but fully supports, the Commission decision to cancel projects under the Instrument for Pre-accession Assistance-I (IPA-I); is concerned that inaction may have implications for the allocation of millions of euros of EU funds for political and socio-economic development under IPA-II;

#### ***Political criteria***

14. Is concerned that legislative activities have continued to be hampered by political positioning; calls for more political accountability of political leaders to the people of Bosnia and Herzegovina;
15. Calls on all political parties represented in the BiH Parliamentary Assembly to urgently adopt the changes to the electoral law needed to enable the October 2014 general

elections to be held; reiterates that the decisions of the BiH Constitutional Court are final and binding and must therefore be implemented;

16. Is seriously concerned at the inefficiency of the judicial system and the growing inability to implement court rulings; urges that political attacks on the judiciary be prevented and that the issue of fragmentation of budgetary responsibilities in the judiciary be addressed;
17. Commends the Structured Dialogue on Justice, which has delivered concrete results, with a number of recommendations implemented; welcomes the progress made in reducing the backlog of court cases; reiterates, in line with the recommendations of the Structured Dialogue, the call to undertake structural and institutional reforms of the judicial system, addressing, inter alia, the issues relating to the harmonisation of the four different legal systems in BiH, including the establishment of a Supreme Court at state level, in accordance with the recommendations included in the relevant opinion of the Venice Commission;
18. Is satisfied that the backlog of war crimes cases has also been reduced and that the prosecution of war crimes cases involving sexual violence has improved; welcomes the appointment of 13 new prosecutors to the State Prosecution Office, who will mainly be dealing with the prosecution of war crimes; calls for efforts to be stepped up as regards the investigation and prosecution of these crimes, including an adequate level of witness protection, the adoption of a state-level programme for improving the status of victims, including survivors of sexual violence and torture war crimes, and measures to enhance relevant resources at all levels;
19. Takes note of the judgment by the ECHR in the case of 'Maktouf and Damjanović vs Bosnia and Herzegovina' and the implications thereof, which led to a change of jurisprudence as regards other appeals pending before the Constitutional Court of BiH, including for charges of genocide, with the consequence that 10 defendants sentenced to long prison terms were released; reiterates that justice for war crimes is a crucial endeavour, for the victims and their families, and that proper consideration should therefore be given before such releases take place; stresses the importance of the domestic authorities taking all necessary measures to secure, wherever required, the continued detention of those previously convicted who are awaiting a fresh examination of their case, provided that their detention is compatible with the rulings of the ECHR, or other security measures;
20. Is concerned about the financial sustainability of the public administration, its fragmentation and politicisation and the lack of political will for its reform; welcomes the fact that some improvements have been made in intra-government coordination as regards bringing legislation into line with EU standards, but remains concerned about the possible impact of the complex distribution and allocation of competencies on the provision of public services; is concerned that the phytosanitary testing facilities needed for exporting agricultural products to the EU have not been sufficiently developed; urges the government to support the establishment of a state-level ministry of agriculture;
21. Welcomes the fact that cooperation with civil society is improving, but calls for institutional mechanisms for cooperation between state institutions and civil society organisations to be established at state level and to become operational at entity and canton level as soon as possible; calls also for the involvement of civil society in the EU accession process to be enhanced in a regular and structured manner; encourages

increased cooperation and synergy among NGOs;

22. Underlines the fact that BiH has ratified the major labour rights conventions of the ILO; regrets that labour and trade union rights remain limited, and calls on the government to guarantee these rights;
23. Expresses its concern at the high rates of corruption at all levels of public life and the complex connections between political actors, business and the media; calls for the implementation of the anti-corruption strategy to be speeded up and for steps to be taken to enhance the effective investigation, prosecution and conviction of corruption cases;
24. Welcomes the intent of the Government of the Federation to submit to the parliamentary procedure a set of laws designed to tackle corruption and organised crime; stresses the importance of making the fight against corruption an absolute priority, and calls for an inclusive consultation process with all stakeholders and institutions concerned in order to update the legislative proposal in full compliance with the EU acquis and the recommendations resulting from the Structured Dialogue on Justice; welcomes in this respect technical support from the EU Delegation in BiH;
25. Is concerned that organised crime, money laundering and trafficking in human beings, drugs and goods continue to take place in the absence of effective institutions; commends the cooperation with neighbouring countries and welcomes, in this connection, the agreement between BiH, Montenegro and Serbia on the establishment of a joint coordination centre to strengthen the fight against cross-border crime; calls for structural improvements in cooperation between border controls, the police and prosecution, and for more effective judicial follow-up to be guaranteed; calls for the strengthening of systematic gathering, analysis and use of intelligence by law enforcement agencies; expects positive developments as a result of the entry into force of the recently adopted Witness Protection Programme Law, the technical harmonisation of which is pending;
26. Is concerned that BiH continues to be a country of origin, transit and destination for trafficking of women; welcomes the adoption of a new strategy and action plan regarding trafficking in human beings for 2013-2015; underlines that a comprehensive, multidisciplinary and victim-oriented approach to trafficking needs to be established and identification of victims improved;
27. Is concerned that only limited progress has been made regarding women's rights and gender equality, even though the legal provisions are in place; calls for the full implementation of the relevant laws and policies, including in the context of the electoral law before the next general elections in 2014, and for concrete steps to be taken to increase participation of women in the workforce and in the political arena;
28. Calls on the competent authorities to actively protect and promote the rights of minorities and vulnerable groups, to implement the anti-discrimination laws and policies, and to develop a state-wide anti-discrimination strategy; insists that political parties and civil society distance themselves from discrimination and foster an inclusive and tolerant society; is concerned about hate speech, threats, harassment and discrimination, particularly towards the lesbian, gay, bisexual, transgender/transsexual and intersex (LGBTI) community; is deeply shocked by the brutal attack on participants at the Merlinka Film Festival in Sarajevo on 1 February 2014; calls on the authorities, in this connection, to investigate the attack fully and to ensure that in the future similar events

are afforded appropriate protection by the police; calls on the EU Delegation, the BiH authorities and political parties openly to support the victims of this attack and to condemn such actions;

29. Calls for efforts to be made to guarantee and promote media pluralism; is concerned about the growing political and financial pressure on the media, and threats against journalists; stresses that a transparent and free media environment is essential for the exercise of freedom of expression; calls for actions to provide a safe working environment for journalists; urges the authorities to secure the political, institutional and financial independence of public service broadcasters in accordance with the relevant law, and to complete the digital switchover; calls for further efforts to ensure equal exposure to information in all official languages and to guarantee equal rights for all constitutive peoples in public-service broadcasting;
30. Calls on the authorities to allocate sufficient resources to early childhood education, to provide services to families of children with disabilities and to address violence against children;
31. Urges the authorities throughout BiH at all levels to advance decisively with education reform with a view to improving educational standards, to promote an inclusive and non-discriminatory education system and to end ethnic segregation in the education sector (two schools under one roof); invites them to support the training of teachers for the purpose of equipping them with additional skills on how to encourage inter-ethnic mingling of students, and to assist with long-term capacity-building programmes; encourages the BiH media to promote integrated education; urges the Conference of Ministers of Education to create a more coherent legislative framework in the area of education throughout BiH, including increased convergence of curricula and standards as a necessary step for bringing the ethnic communities closer together; deplores the fact that there was no national agency in BiH to participate in any part of the EU's Lifelong Learning Programme; urges the competent authorities to establish such an agency, which would enable the country to participate in the follow-up Erasmus+ Programme;
32. Calls on the authorities to ensure equality of access for Roma children to education services, to collaborate with the relevant NGOs in order to encourage Roma families to support their children's access to education and to promote the effective inclusion of Roma children in education, inter alia through school readiness programmes;
33. Welcomes the decision of the relevant Federation ministry to take over responsibility temporarily for financing cultural institutions such as the National Library and the Museum of History; calls on the BiH authorities to ensure that efforts are made to urgently solve the status of the seven national cultural institutions – the National Museum, the Arts Gallery, the History Museum, the Literature and Theatre Museum, the Film Archive, the National Library and the Library for Blind Persons – so that they have a proper legal and financial status; calls for a long-term solution to the financing of these institutions;
34. Calls for a strengthening of coordination at local level, increased dialogue among donors, stakeholders and local authorities, and a focus on sustainable measures for returnees; calls for efforts to be made to ensure the return of refugees and internally displaced persons to all affected areas; calls on the country to address the unresolved humanitarian issue of the 7 886 cases of persons still missing from the war and to improve the working conditions

of the Missing Persons Institute;

35. Pays respect to the more than 430 men, women and children who were killed during the war and whose remains were found in September 2013 in the Tomasica mass grave, near Prijedor in Republika Srpska, and expresses its condolences to their families; calls for a full and comprehensive investigation into the atrocities; appeals to all those who have information about undiscovered mass grave sites to inform the authorities in the same way as was done in the case of the Tomasica grave;

### ***Socio-economic issues***

36. Urges the competent authorities to strengthen domestic economic policy coordination for the purpose of enabling economic growth, to launch further structural reforms, to sustain fiscal discipline and to improve revenue performance; calls on them, furthermore, to improve the composition and efficiency of public spending and of the large ineffective public sector, with its multiple overlapping competences, and to safeguard financial sector stability by strengthening the legislative and regulatory framework; is concerned by the weak enforcement of the law and anti-corruption measures, which hampers the business environment, discourages foreign investment and contributes to a large informal sector; reiterates the need to establish a single economic area and to restart and accelerate the stalled privatisation process so as to improve the fiscal situation and increase competition; urges the authorities to enhance environmental protection in line with EU standards;
37. Is concerned at the country's inefficient social protection arrangements despite a high level of public expenditure; stresses the need to harmonise and reform the fragmented social protection systems in order to provide equal treatment for all citizens, including disabled people; urges the governments to improve the business environment and implement labour market reforms in order to tackle the very high unemployment rate, which undermines macroeconomic stability, by means of concrete economic measures; calls for further measures to facilitate the participation in the labour market of the country's many young unemployed;

### ***Regional cooperation***

38. Commends BiH for its constructive role in regional cooperation and calls on it to continue its efforts to resolve outstanding border and property issues with its neighbouring countries; encourages further development of relations with other countries involved in the European integration process;
39. Strongly welcomes the commitments by BiH and Serbia to improve bilateral relations, including the signing of the extradition and readmission agreements as well as of a protocol on cooperation in the prosecution of perpetrators of war crimes, crimes against humanity and genocide; welcomes the bilateral border agreements with Croatia; calls on BiH to continue to cooperate with the Commission regarding the adaptation of the Interim Agreement / Stabilisation and Association Agreement, especially in terms of cross-border trade in order to ensure that traditional trade flows between EU Member States and Central European Free Trade Agreement partners will continue; urges BiH to accept the travel documents of Kosovan citizens to enable them to enter the country;
40. Reaffirms its support for the visa liberalisation regime for the Western Balkan countries as an important pillar of their European integration process; calls on EU Member States to

shorten the asylum procedures for citizens of Western Balkan countries that enjoy visa-free travel within the Schengen zone as an effective means of reducing the number of unfounded asylum applications, while still giving the applicants the right to make their case in a full interview; welcomes, furthermore, the intention of the new coalition government in Germany, as expressed in its coalition agreement with reference to its national asylum legislation, to declare Bosnia and Herzegovina a 'safe country of origin' in order to expedite procedures to deal with those applications;

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41. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Presidency of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina and the governments and parliaments of the Federation of Bosnia and Herzegovina and the Republika Srpska.