

**2012 progress report on Bosnia and Herzegovina**

**European Parliament resolution of 23 May 2013 on the 2012 Progress Report on Bosnia and Herzegovina (2012/2865(RSP))**

*The European Parliament,*

- 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 Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, signed on 16 June 2008 and ratified by all EU Member States and Bosnia and Herzegovina,
  - having regard to Council Decision 2008/211/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC<sup>1</sup>,
  - having regard to Council Decision 2011/426/CFSP of 18 July 2011<sup>2</sup> and to the Council conclusions on Bosnia and Herzegovina of 21 March 2011, 10 October 2011, 5 December 2011, 25 June 2012 and 11 December 2012,
  - having regard to the communication from the Commission to the European Parliament and the Council entitled ‘Enlargement Strategy and Main Challenges 2012-2013’ (COM(2012)0600) and to the 2012 Progress Report on Bosnia-Herzegovina adopted on 10 October 2012 (SWD(2012)0335),
  - having regard to the Joint Statement of the 14th European Parliament – Parliamentary Assembly of Bosnia and Herzegovina Interparliamentary Meeting, held in Sarajevo on 29-30 October 2012,
  - having regard to its previous resolutions, in particular the resolution of 14 March 2012 on the progress report on Bosnia and Herzegovina<sup>3</sup> and the resolution of 22 November 2012 on Enlargement: policies, criteria and the EU’s strategic interest<sup>4</sup>,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the EU has repeatedly reaffirmed its commitment to EU membership for the Western Balkan countries, including Bosnia and Herzegovina (BiH); whereas the EU continues to be strongly committed to a sovereign and united Bosnia and Herzegovina that has the prospect of EU membership, and whereas this prospect is one of the most unifying factors amongst the people of the country;

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<sup>1</sup> OJ L 80, 19.3.2008, p. 18.

<sup>2</sup> OJ L 188, 19.7.2011, p. 30.

<sup>3</sup> Texts adopted, P7\_TA(2012)0085.

<sup>4</sup> Texts adopted, P7\_TA(2012)0453.

- B. whereas, in order to accelerate the country's progress towards EU membership and achieve tangible results for the benefit of all citizens, functional institutions and clear coordination mechanisms at all levels as well as firm and consistent commitment by the political leaders of the country are required;
- C. whereas constitutional reform remains the key reform for the transformation of BiH into an effective and fully functional democracy; whereas tangible progress is needed in key areas of state-building, including in governance, the judiciary and the implementation of the rule of law, as well as in the fight against corruption and in approximation to EU standards;
- D. whereas the creation of effective coordination mechanisms is urgently needed for better engagement with the EU;
- E. whereas lack of job prospects, in particular for young people, continues to seriously plague the socio-economic and political development of the country;
- F. whereas corruption continues to seriously hamper socio-economic and political development in the country;
- G. whereas regional cooperation and good neighbourly relations are key elements of the Stabilisation and Association Process and play a decisive role in the process of transformation of the Western Balkans into an area of long-standing stability and sustainable development; whereas cooperation with other countries of the region in a good-neighbourly spirit is a prerequisite for peaceful coexistence and reconciliation within BiH and the Western Balkans;
- H. whereas the EU has put the rule of law at the core of its enlargement process;

### ***General considerations***

1. Strongly reiterates its support for the European integration of BiH, to the benefit of all citizens of the country;
2. Is concerned at the continued lack of a shared vision for the overall direction of the country on the part of the political elites, which is putting BiH at risk of continuing to fall further behind the other countries of the region;
3. Commends the peaceful, free and fair conduct of the local elections; takes note of the dispute in the wake of the elections in Srebrenica; acknowledges the decisions of the Central Electoral Commission of BiH in this matter; is concerned about the fact that Mostar was the only town where municipal elections were not held; urges all parties concerned to agree to the changes to the Statute of the City of Mostar in accordance with a relevant decision of the Constitutional Court in BiH;
4. Welcomes the suspension of international supervision in the Brcko District; invites the authorities to fulfil the outstanding objectives and conditions which will allow the closure of the Office of the High Representative, so as to allow greater local ownership and responsibility;
5. Underlines the importance for BiH of speaking with one voice in the EU integration process; urges political leaders and elected officials to work together and focus on the

implementation of the Roadmap as part of the High Level Dialogue with the Commission, thus making it possible to meet the requirements enabling the Stabilisation and Association Agreement to come into force at last and permitting the submission of a credible membership application; invites political leaders and all authorities to work in close cooperation with the EU Special Representative in the accession process;

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; notes with some concern that the 'soft-power' transformational force of the EU may have been diminished by the recent economic and financial crisis; encourages, however, the Commission, the Member States and the other Western Balkan countries to examine innovative ways of fostering a culture and climate of reconciliation in Bosnia and Herzegovina and in the region;
7. Regrets the cancellation of the Third Meeting of the EU-BiH High-Level Dialogue on the Accession Process planned for 11 April 2013 owing to lack of progress on the Sejdić-Finci case;
8. Notes the significant contribution made by the EU Police Mission, which closed on 30 June 2012, and welcomes the reinforced EU presence in the field of the rule of law; welcomes the renewal of the mandate of the European Union multinational stabilisation force (EUFOR Althea) and its refocus on capacity-building and training;

#### ***Political conditions***

9. Recalls the importance of functioning institutions at all levels for the country's progress in the European integration process; welcomes the return to dialogue and the election of new ministers to the Council of Ministers in November 2012 after the breakup of the coalition and five months of stalemate; is concerned at the blockages arising from the uncertainty surrounding the reshuffling of the government of the Federation of BiH; welcomes, however, the progress made in naming candidates for the vacancies in the Federation's Constitutional Court;
10. Calls on all competent authorities to develop a strategy/programme of integration with the EU, which would ensure the coordinated and harmonised transposition, implementation and enforcement of EU law and standards throughout the country, and thus demonstrate a shared vision of the overall direction of the country and a willingness to secure overall prosperity for its citizens;
11. Calls for changes to the rules of procedure of the House of Peoples and the House of Representatives with a view to introducing a fast-track mechanism for EU legislation;
12. Welcomes the progress achieved in the first half of 2012 and since October, in particular the adoption of important laws on the census and state aid, the 2011, 2012 and 2013 State Budget, the phytosanitary package, the progress regarding the State Aid Council and the Anti-Corruption Agency, as well as the political agreement reached on state and defence property; calls for the effective implementation of these measures and urges the Commission, together with the EU Special Representative, to closely monitor implementation, taking full account of the ruling of the Constitutional Court of BiH of 13 July 2012; calls on the BiH authorities to build and strengthen the capacities of the relevant bodies such as the State Aid Council and the Anti-Corruption Agency, especially

with regard to sufficient staffing levels;

13. Is concerned about the delay in undertaking the census; underlines the importance of conducting a census of the population in October 2013, and welcomes the efforts to ensure that it takes place in October in compliance with international standards; urges all the competent authorities to remove all obstacles and not to politicise a census whose purpose is to provide objective socio-economic data; calls for respect for the rights of minorities in this regard;
14. Calls on the BiH state authorities to comply with the ruling of the Constitutional Court on the need to amend the legislation regarding citizen ID numbers; notes that after 12 February 2013, owing to several months of inactivity, newborn babies could not be issued ID numbers nor, as a consequence, basic documents such as passports or medical insurance cards; calls, as a matter of urgency, for measures to resolve this situation;
15. Urges the authorities to execute the Sejdić-Finci judgment, as a first step in the comprehensive constitutional reform that is needed in order to move towards a modern and functional democracy in which all forms of discrimination are eliminated and all citizens, regardless of their ethnic affiliation, enjoy the same rights and freedoms; welcomes the fact that the Assembly of the Sarajevo Canton, the first to do so in BiH, has already unanimously amended its constitution to give the ethnically undeclared and ethnic minorities the possibility of forming their own caucus in the Assembly, in line with the ruling under the European Convention on Human Rights (ECHR) on the Sejdić-Finci case;
16. Notes the decision by the Commissioner for Enlargement and Neighbourhood Policy not to hold the planned Third Meeting of the EU-BiH High-Level Dialogue on the Accession Process, given the lack of political agreement on the implementation of the Sejdić-Finci ruling; is concerned that a failure to reach agreement may have adverse effects on the accession process as a whole, and calls on the political leaders to find a solution;
17. Encourages the EU Special Representative and Head of Delegation (EUSR/HoD) to further strengthen his efforts to facilitate an agreement on the implementation of the Sejdić-Finci ruling;
18. Notes the urgent need for substantial constitutional reforms, at both state and entity levels, in order to make the institutional structures at all levels more efficient, functional and transparent; reiterates the need for simplification of the structure of the Federation of BiH; invites the EEAS and the Commission to initiate broad and open consultations as well as public discussions with all stakeholders in the country on constitutional change; stresses that all parties and communities must be fully involved in this process, which should lead to concrete results;
19. Calls on all competent authorities to ensure the establishment of an independent, impartial and effective judicial system supported by an impartial and independent police service, and to effectively implement the Justice Sector Reform Strategy and the National War Crimes Strategy; urges the harmonisation of jurisprudence in criminal and civil matters between the different judicial and prosecution systems, as well as the implementation of all recommendations of the EU-BiH Structured Dialogue on Justice;
20. Calls on the BiH authorities to make progress in reforming public administration and strengthening the administrative capacities at all levels of government dealing with EU

matters; is concerned about the financial sustainability of the public administration and the lack of political support for its reform; stresses the need to concentrate on building, with the EU's assistance, an efficient coordination mechanism and on improving the qualifications and competence of the civil service, as an important element of ensuring efficient and productive cooperation with the EU;

21. Expresses its concern over the high level of corruption present in the country, its link to political parties and the presence of corruption in all layers of public life; encourages the competent authorities on all levels to propose and implement anti-corruption strategies and plans; invites the responsible authorities to show political will in tackling the issue and to provide means for the Anti-Corruption Agency to become fully operational and to build up a track record of investigations and convictions, and encourages BiH authorities to align the relevant legislation on corruption with the recommendations of GRECO; underlines the need to effectively combat trafficking in human beings by prosecuting perpetrators and providing protection and compensation to the victims;
22. Urges the competent authorities to accelerate their efforts to implement the roadmap for an operational agreement with Europol, in particular aligning the relevant data protection legislation and procedures;
23. Urges the BiH authorities to encourage the development of independent and diverse media that are free of political interference, ethnic fragmentation and polarisation; highlights the special role of public service media in strengthening democracy and social cohesion, and calls on the authorities to ensure that such media are financially sustainable and independent and comply with European standards; regrets the continued political pressure affecting journalists and the threats against them; expresses its concern over the attempts to undermine the independence of the Communications Regulatory Agency and the public service broadcasters; recalls that free media represent an essential component of a stable democracy;
24. Calls on all political parties to work proactively for an inclusive and tolerant society; calls on the competent authorities to implement the anti-discrimination laws and policies and to address the shortcomings existing in law and practice, including those related to people with disabilities; is concerned about hate speech, threats and harassment directed at LGBT people; calls on the authorities to fully implement the Roma Action Plan, actively promote the effective inclusion of Roma people and of all other minorities, publicly condemn hate-motivated incidents, and ensure proper police investigation and judicial prosecution; invites the authorities to actively support civil society initiatives in this field, with financial and practical support as well as with political commitment;
25. Encourages the work of human and civil rights defenders in BiH, and calls on the Commission to develop financing mechanisms that also allow grassroots organisations to benefit from IPA funding;
26. Calls for the empowerment of women through promoting, protecting and strengthening their rights, improving their social and economic situation, increasing their presence on the labour market, ensuring their fair representation in political and economic decision-making processes, and encouraging their entrepreneurship; notes that women remain under-represented in the parliaments, governments and public administration and that their employment rights are often ignored; calls on the BiH authorities to align social security rights for those who take maternity, paternity or parental leave across the country to a high

standard, thus creating a uniform situation for all citizens and avoiding discrimination;

27. Expresses concern over the high level, non-reporting and insufficient prosecution of domestic violence; calls on the authorities to adopt and implement measures to achieve real protection of women; stresses the need to strengthen the law enforcement bodies in order successfully to address questions such as gender-based violence, domestic violence, forced prostitution and trafficking in women; underlines the importance of protecting children against violence, trafficking and all other types of abuse; encourages the Commission to examine ways to support the combating of domestic violence;
28. Welcomes the draft Programme for Victims of Wartime Rape, Sexual Abuse and Torture in BiH; urges the provision of sufficient resources for the rehabilitation of victims of conflict-related sexual violence in a systematic manner, including reparations, regardless of social status, for medical and psychological care, and for adequate social services; calls on all competent authorities to raise public awareness concerning the status of victims;
29. Calls on the Federation to introduce a hate crime regulation into the Criminal Code, on similar lines to those already established in the Republika Srpska and the Brcko District in 2009;
30. Points out that at the end of 2011 there were still approximately 113 000 internally displaced persons in BiH, including approximately 8 000 residing in collective centres and 7 000 refugees; urges all competent authorities at all levels to facilitate, also on the basis of the commitment by the international donor community as renewed at the Sarajevo international donor conference in April 2012, the sustainable return of refugees and internally displaced persons by ensuring their access to housing, education, social protection and employment; urges them also to facilitate this process by granting financial assistance to all returning refugees in a fair and appropriate manner, including the return of Croatian refugees to the Posavina;
31. Notes with concern the high number of people in BiH suffering from post-traumatic stress disorder (PTSD) as a result of the war; calls on the authorities to address the lack of social and psychological care for persons suffering from PTSD syndrome;
32. Calls for full implementation of the Mine Action Strategy as well as adoption of the law on anti-mines actions, in order to prevent further casualties from landmine accidents;
33. Strongly condemns any attempts, in BiH or anywhere in the world, to minimise or deny the genocide which took place in Srebrenica;

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

34. Urges governments at all levels to sustain sound fiscal policies; is concerned about the size of the informal economy and the high unemployment rate, in particular for women and young people; expresses concern over the impact that political instability and the weak rule of law have on growth and investment, as well as on the business environment as a whole; calls on the government to create a single economic space within the country, to establish favourable conditions for the proliferation of businesses, especially SMEs, to strengthen domestic sources of growth while reducing the government's dominance of the economy and the shares of monopolies, to promote growth-oriented spending, and to boost competitiveness;

35. Welcomes the EU's decision to grant EUR 100 million in macrofinancial assistance to BiH, as a clear sign of its commitment to the country's European perspective and the wellbeing of its people;
36. Calls on the BiH authorities, especially those in the entities where the most BiH companies are registered, to revise and modernise the existing labour legislation and to strengthen social dialogue and labour inspection;
37. Welcomes the signing of an agreement between BiH and the EU on BiH's accession to the World Trade Organisation (WTO); encourages the BiH authorities to step up negotiations with other partners with the objective of becoming a member of the WTO in the near future;
38. Notes that some progress has been made in improving the general framework for education, but reiterates its call on the Council of Ministers, inter alia, to improve coordination amongst the 12 ministries of education and the Department for Education in the Brcko district and reduce the fragmentation of the educational system;
39. Stresses the need to improve the overall quality of education in order to meet the needs of the internal and foreign labour market; calls on the BiH authorities to address the deficiencies of vocational training in order to attract foreign direct investment, as well as to ensure, for reasons of economic necessity among others, that the accreditation of education institutions gets under way and the agencies dealing with recognition of degrees and diplomas become fully operational; welcomes the measures taken to develop and foster training courses and programmes for young people so as to facilitate their participation in the labour market, and calls for more initiatives in this regard;
40. Urges all competent authorities to end the ethnic segregation of children ('two schools under one roof') which still exists in some cantons of the Federation; calls, furthermore, for the promotion of the effective inclusion of Roma children in particular in education, inter alia through school readiness programmes; calls on the authorities to collaborate with the relevant NGOs in order to encourage Roma families to support their children's access to education; calls on the authorities to harmonise regulations within BiH in order to ensure that all children are treated equally; calls, in general, for more efforts to prevent family separation and more support services for families at risk; calls on the Commission to examine whether targeted EU assistance could assist in ending the segregated education system;
41. Welcomes the Commission's plans to call for a high-level meeting on education aimed at promoting dialogue on several topics, including the ethnic segregation of children in schools and bringing together representatives of relevant international organisations and the BiH authorities responsible for education;
42. Invites the authorities to align their legislation with the *acquis* on the recognition of EU professional qualifications;
43. Urges the authorities to take all necessary measures to preserve the national heritage and address the respective legal framework; calls, furthermore, on all the competent authorities at all levels to ensure clear procedures for the financing of cultural institutions in order to prevent closures;
44. Urges the BiH authorities to put in place adequate measures to prevent further abuses of the

visa-free travel regime, and to effectively tackle organised abuse of the asylum procedures in the EU Member States;

***Regional cooperation and bilateral issues***

45. Commends BiH for its constructive role in regional cooperation, and invites the country to work on the delimitation of borders in cooperation with all its neighbours;
46. Urges the authorities in BiH to step up their preparations for Croatia's accession to the EU by aligning the relevant BiH food safety legislation with the EU acquis; is concerned at the lack of action by the BiH authorities and the possibility that this may lead to losses on the BiH export markets; welcomes the progress made so far, and urges the competent authorities to swiftly construct the necessary infrastructure at the future EU Border Inspection Posts (BIPs); welcomes the Commission's initiative to find solutions in its trilateral meetings with Croatia and BiH regarding the last outstanding border management issues, in the light of Croatia's accession to the EU, including the Neum/Ploče agreement; calls for further constructive efforts in this regard, allowing for more BIPs if necessary; commends BiH for its contribution to the progress made on the resolution of outstanding issues, including the finalisation of the Local Border Traffic Agreement, which aims to simplify the movements of citizens in border areas; considers it necessary to find a solution that will maintain the existing identity card regime between the two countries after July 2013, so that BiH citizens can continue to travel to Croatia;
47. Reiterates its call to permit the entry of Kosovo citizens, since BiH is still the only country of the region not admitting them; urges the BiH authorities, therefore, to accept the basic travel documents of Kosovo citizens to enable them to enter the country, as is done by Serbia and other countries;
48. Reiterates the need for continued strict implementation of all the necessary criteria and measures relating to visa-free travel to Schengen countries, to implement long-term strategies, and to regulate policy on minorities; considers it necessary to inform citizens of the limitations of the visa-free regime in order to prevent any kind of abuse of freedom of travel and visa liberalisation policy; notes the consistently low numbers of asylum seekers originating from BiH in EU Member States; highlights the importance of visa-free travel for the citizens of BiH;

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49. Instructs its President to forward this resolution to the High Representative / Vice-President 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.