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## 1459<sup>th</sup> meeting, 7-9 March 2023 (DH)

### H46-36 Sejdić and Finci group v. Bosnia and Herzegovina (Application No. 27996/06)

Supervision of the execution of the European Court's judgments

Reference document  
CM/Notes/1459/H46-36

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#### *Decisions*

##### The Deputies

1. recalled that in these judgments, the Court found discrimination against persons not affiliated with the constituent peoples in Bosnia and Herzegovina or those failing to meet a combination of the requirements of ethnic origin and place of residence as regards their right to stand for election to the House of Peoples and the Presidency of Bosnia and Herzegovina;
2. reiterated once more the crucial importance of the respondent State's obligation, assumed under Article 46 of the Convention, to abide by the Court's judgments promptly, fully and effectively to ensure the maximum possible reparation for the violations found; recalled Interim Resolutions CM/ResDH(2011)291, CM/ResDH(2012)233, CM/ResDH(2013)259 and CM/ResDH(2021)427 by which the Committee strongly urged the authorities and political leaders of Bosnia and Herzegovina to amend the Constitution and the electoral legislation;
3. recalled furthermore with utmost concern that, as a direct result of the absence of measures taken by the respondent State to execute the present group of judgments, to date four general elections were held in under the same regulatory framework which the European Court found to be discriminatory;
4. noted with interest the coalition agreement of 29 November 2022 signed by leaders of several political parties following the elections of October 2022, by which they, inter alia, agreed to urgently and, within six months following the formation of governments at all levels at the latest, adopt limited constitutional amendments and changes to the electoral legislation with a view to implementing the present judgments; noted also that on 25 January 2023, these parties formed new government in Bosnia and Herzegovina;
5. stressed the utmost importance of relaunching the electoral reform work without further delay and strongly urged the political leaders and all relevant authorities to ensure that the above written commitment leads to concrete results, while pursuing, as soon as possible, all consultations necessary, and to take all actions required to ensure the adoption of the constitutional and legislative amendments aimed at eliminating discrimination based on ethnic affiliation in elections for the Presidency and the House of Peoples of Bosnia and Herzegovina;
6. reiterated once again the willingness of the Council of Europe, notably the Venice Commission, to assist by all available means the authorities of Bosnia and Herzegovina in meeting their obligations under Article 46 of the Convention;
7. decided to resume examination of these cases at their 1468<sup>th</sup> meeting (June 2023) (DH).