

Council of Europe Action Plan for Bosnia and Herzegovina 2015-2017



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LIST OF ACRONYMS AND ABBREVIATIONS

BiH	Bosnia and Herzegovina
CEB	Council of Europe Development Bank
CEC	Central Election Commission
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
Congress	CoE Congress of Local and Regional Authorities
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRA	Communications Regulatory Agency
CRPD	Convention on the Rights of Persons with Disabilities
DPA	Data Protection Agency
EC	European Commission
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EHEA	European Higher Education Area
ESC	European Social Charter
EU	European Union
FBiH	Federation of BiH
FCNM	Framework Convention for the Protection of National Minorities
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States against Corruption
HJPC	High Judicial and Prosecutorial Council
HRM	Human Resources Management
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IMC	Inter-Municipal Co-operation
JPTC	Judicial and Prosecutorial Training Centres
JSRS	Justice Sector Reform Strategy
MoJ	Ministry of Justice
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NFA	Norway Framework Agreement
OB	Ordinary Budget
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the CoE
RS	Republika Srpska
SEE	South East Europe
UNHCR	Office of the United Nations High Commissioner for Refugees

GENERAL OVERVIEW

Bosnia and Herzegovina joined the Council of Europe on 24 April 2002 as its 44th member State. Its accession followed the adoption of Opinion No. 234 (2002) of the Parliamentary Assembly of the Council of Europe, which lists a series of commitments and obligations to be met by BiH following accession. In joining the CoE, BiH agreed to the monitoring of these by PACE Monitoring Committee and also to a specific monitoring procedure under the authority of the Committee of Ministers. BiH benefited from a targeted post-accession co-operation programme in order to fulfil its obligations and commitments. On 13 March 2013, the CM adopted the seventeenth report on BiH compliance with obligations and commitments and implementation of the post-accession co-operation programme (hereinafter the 17th CM monitoring report) which included a series of recommendations and welcomed the willingness of the BiH authorities to prepare jointly with the CoE a comprehensive Action Plan of co-operation.

The present Action Plan is a strategic and sectoral programming instrument, allowing for an inclusive and coherent approach to co-operation. It aims to support BiH in meeting its remaining statutory and specific obligations as a CoE member state and to help bring BiH legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy. The priority areas for the Action Plan are derived from a number of sources: the country's political priorities, (including EU accession criteria), relevant CoE standards and recommendations of the CoE monitoring bodies, as well as the experience of CoE's implementation of previous and on-going co-operation programmes in BiH.

Completion of justice sector reform, media freedom and information society, good governance and democratic participation, overcoming community divisions and ethnic segregation in education, the fight against corruption and cybercrime have been jointly identified by the CoE and the BiH authorities as key priorities for co-operation. The CoE will support BiH efforts to improve the anti-discrimination system and to promote inclusiveness, to undertake further reforms linked to harmonisation and efficiency of the judiciary, to the penitentiary and education sectors, to enhance implementation of the ECHR and the case-law of the ECtHR, as well as to strengthen local democracy and good governance at local level. Upon request, assistance can be mobilised to support the authorities in the fight against corruption and money laundering, in particular to ensure the implementation of recommendations by GRECO and MONEYVAL. Country-specific actions are complemented with coherent regional initiatives.

Further structural progress in BiH will depend on constitutional reform at different levels, including the long overdue reforms required to abolish the discriminatory election system for the House of Peoples and the Presidency highlighted by the *Sejdić and Finci v. BiH and Zornić v. BiH judgments* of the ECtHR. The CoE is ready to assist upon request. Improving the functionality, efficiency and sustainability of institutions at all levels is an immediate priority for the country and a major strategic objective of the CoE action spanning across all areas of co-operation listed above.

The Action Plan places a strong emphasis on promotion of equal opportunities for women, youth, Roma and other vulnerable groups, contributing to increased social cohesion and democratic participation. The Action Plan will ultimately broaden the scope and the impact of the overall CoE action aimed at improving social inclusion and cohesion in BiH. In this context, it is also worth recalling the activities of the Council of Europe Development Bank, which has been playing an active role in BiH through implementation of projects with high social added value. CEB projects include the modernisation of education, penitentiary and healthcare infrastructure, as well as the construction of housing for displaced persons and returnees.¹

BiH is a potential candidate for EU membership. The Stabilisation and Association Agreement (SAA) has been ratified but is not yet in force. Regular consultations take place with the EU to foster the fulfilment of the conditions set for the entry into force of the SAA. Based on the "Statement of Intent" signed between the European Commission and the Council of Europe on 1 April 2014, the CoE will work closely with the EU, as a number of priorities for BiH's EU integration process are part of BiH's CoE accession commitments and correspond to fields in which the CoE has a clear added value. The Statement of Intent foresees an increase in co-operation in particular in four areas of common priority: i) efficient and independent judiciary; ii) fight against corruption, organised crime and economic crime; iii) freedom of expression/media; iv) anti-discrimination and protection of the rights of vulnerable groups (including the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI) and the protection of minorities, in particular Roma).

¹ For more information about the Council of Europe Development Bank, visit: www.coebank.org

The Action Plan also takes account of the activities of other international organisations and (several) partner states. The work of the CoE (co-ordination and Action Plan) is designed to foster synergies among all the stakeholders involved.

IMPLEMENTATION AND REPORTING MODALITIES

The CoE will be responsible for the Action Plan implementation, monitoring and review, with the Ministry of Foreign Affairs of BiH as the main partner. For this purpose, a Steering Committee will be established, composed of representatives of the CoE, the MFA and of relevant stakeholders involved in Action Plan implementation (at the levels of state, entities, the Brčko District, as well as cantonal or local level). The Steering Committee will meet regularly to assess implementation of the approved projects and to discuss new project proposals where appropriate. The CoE will provide regular updates on the progress of programmes and projects, including mid-term and final reports prepared by the Office of the Directorate General of Programmes and submitted to the CM for discussion and adoption.

The CoE Office in BiH and the CoE operational services in Strasbourg will be responsible for the management of the Action Plan at the project level. In particular, the CoE Office in BiH will play an important role in co-ordinating implementation of activities in the field.

Projects included in the Action Plan are designed according to standard CoE criteria and are to be funded from multiple sources which include the CoE's ordinary budget and voluntary contributions from donor countries and international organisations. A number of projects mentioned in the Action Plan are being or will be implemented through EU/CoE Joint Programmes.

1. ANTI-DISCRIMINATION, RESPECT FOR DIVERSITY AND SOCIAL INCLUSION SECTOR

Sector Overview and Priorities

BiH is still faced with entrenched inter-ethnic divisions which touch upon almost all aspects of everyday life and which are an obstacle to reconciliation between different communities. This is an impediment to the solid anchoring of the values of equal citizenship, tolerance of differences and of living together. Although the *Law on Prohibition of Discrimination* was adopted on 23 July 2009, there are still shortcomings concerning both the law itself and its implementation and enforcement.

In its 2011 report on BiH, the ECRI listed issues giving rise to concern, in particular the continuing ethnic discrimination in the field of electoral law, the marginalisation of the Roma, politicians' use of nationalistic rhetoric and discrimination and segregation in the field of education. The ECRI recommended a number of measures to address the situation. Similar concerns have been raised by both the Advisory Committee on the Framework Convention for the Protection of National Minorities, which has recommended to take the necessary steps to eliminate segregation in education and to avoid the development of mono-ethnic schools in areas inhabited by a mixed population, and by the CoE Commissioner for Human Rights, who has called upon the authorities at all levels to proceed in a determined manner towards putting an end to discrimination and fostering reconciliation. Education and training have an essential role in the promotion of social inclusion and tolerance. Overcoming inter-ethnic divisions in education is an accession commitment by BiH and efforts need to be supported to promote inclusiveness in education, particularly in primary and secondary schools. Furthermore, ECtHR judgments and their execution have also raised issues in relation to discrimination (notably as regards electoral legislation and restitution of military flats). In view of the above, and based on the recommendations of 17th CM monitoring report, promoting inclusiveness and countering discrimination in order to ensure the protection of human rights have been identified as key priority areas for co-operation between BiH and the CoE.

CoE action is geared towards empowering local communities, in particular young people and women, in overcoming community divisions by fostering a culture of respect for human rights. In addition, child-focused protection activities will ensure that rights of children are strengthened in line with important CoE Conventions.

Discrimination and ethnic segregation remain barriers to the sustainable and safe return of internally displaced persons, as are issues relating to housing and employment. BiH is still facing a complicated situation regarding IDPs. Since 2010, the CEB has been actively involved in a regional initiative to provide refugees and displaced persons with durable housing solutions. The 17th CM monitoring report recommended to BiH authorities to continue providing support to the process of genuine enjoyment of the right to return for refugees and IDPs.

Regional co-operation and good neighbourly relations are factors which can have a significant impact on ethnic reconciliation. The country-specific action foreseen for the protection of human rights and promotion of tolerance and non-discrimination is reinforced by CoE regional initiatives.

Source of justification:

Case-law of European Court of Human Rights pertaining to BiH; Committee of Ministers report on BiH, *Compliance with obligations and commitments and implementation of the post-accession co-operation programme*, SG/Inf(2013)4; PACE Resolution 1855 (2012) and Recommendation 2025 (2013) on *the Functioning of democratic institutions in BiH*, Report by the CoE Commissioner for Human Rights following his visit to BiH on 27-30 November 2010 CommDH(2011)11; Reports of ECRI and FCNM; Conclusions of the ECSR; CM declaration on the 50th anniversary of the ESC; Recommendation CM/Rec(2012)13 of the CM to member states on Ensuring Quality Education; outcomes of the high-level conference on the ESC (Turin, 17-18 October 2014); Recommendation CM/Rec(2012)9 of the CM to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma; Progress reports of the European Commission; Outcomes and lessons learnt from previous CoE co-operation; Relevant Universal Periodic Review recommendations for BiH.

Overall objective

To improve the overall protection against discrimination and to contribute to social inclusion in BiH.

Specific objectives and expected results

ANTI-DISCRIMINATION

- *To further strengthen the protection against discrimination, in line with European standards, in particular through reinforcement of the constitutional, legislative and institutional framework.*

- Anti-discrimination legislation and practice is brought further in line with European human rights standards and good practices;
- The existing anti-discrimination mechanisms at state and entities levels are reinforced;
- Awareness of European and national anti-discrimination standards is raised among the relevant authorities, human rights defenders, media and the public at large;
- The capacity of the Human Rights Ombudsmen to implement anti-discrimination legislation and to have this enforced, as well as its regional outreach, is strengthened.

Action will focus on improving the legislation on anti-discrimination, its implementation and enforcement, as well as strengthening institutional frameworks in order to secure better protection against discrimination in the light of Article 14 of the ECHR, Protocol 12 to it, and Article E (non-discrimination) of the ESC. Based on the Venice Commission's opinion on the *Law on Prohibition of Discrimination*, and other European human rights standards and best practices, the effectiveness on the ground of anti-discrimination mechanisms in BiH will be assessed to identify shortcomings and to propose solutions for improvement.

Measures will be undertaken to build the capacities of courts, including the Constitutional Court, and special anti-discrimination bodies, in particular the BiH Institution of the Human Rights Ombudsmen, and to supporting NGOs and lawyers who bring, or help to bring, well-substantiated discrimination cases before the courts, with reference to the BiH anti-discrimination legislation, as well as ECtHR and ECSR case law.

The action will promote CoE and national anti-discrimination standards and raise awareness of them among the relevant law-enforcement authorities and the public at large. Activities will target police, prosecutors and judges who will be made aware of domestic and European anti-discrimination legislation, European human rights standards and good practices observed in other countries.

EDUCATION

- *To contribute to inclusiveness and access to quality education for all, to promote human rights and democratic citizenship in schools and to overcome inter-ethnic divisions in education.*

- Access to quality education for all groups is enhanced in accordance with the CoE Recommendation CM/Rec(2012)13 and BiH policy plans for inclusive education;
- Education reform is supported to ensure quality education, policy, management, educational practice and respect for human rights;
- The concept of inclusive education as a reform principle that respects and caters for diversity amongst all learners with specific focus on those who are at higher risk of marginalisation and exclusion is promoted and put into practice;
- Schools and their communities are better equipped to support inclusive education practices;
- Human rights and democratic culture in schools are strengthened to prepare young people for life as active citizens in democratic societies;
- Models are developed to support administrative and legal measures for the unresolved issues of segregation in education in BiH.

In BiH there are still schools that suffer from segregation in education, mono-ethnic structures detached from multi-ethnic environments and discriminatory curricula or practices. There is an obvious need to address these issues through an inclusive approach to education, with an emphasis on enhancing quality of education, in order to ensure access to quality education for all members of the society and in particular the most vulnerable, without discrimination.

Based on the results of the previous CoE regional initiative, a broader application of that approach methodology will be provided, supporting schools with technical assistance and grants to increase the level of inclusiveness and active citizenship, supporting school leaders and inspectors to become more aware and supportive of inclusive education policies as a reform principle, with specific focus on those who are at higher risk of marginalisation and exclusion, and training teachers for inclusive education in classrooms.

Specific support will be given to put into practice the policy plans developed by the policy team in BiH within the context of the regional initiative in order to ensure a wider and more systematic practice throughout the country. These country plans will draw upon experiences both from the region and from BiH and will be based upon concrete evidence from the pilot schools in the region. Education professionals and relevant civil society actors will receive training in inclusive education, education for democratic citizenship and/or human rights as applied in educational facilities, and co-operation with relevant state actors to promote these concepts within educational institutions will be prioritised.

For the specific issue of ethnic segregation and/or discrimination, support, advice and reform at all levels will be made available, including models for integrated, multi-lingual, and multi-cultural educational facilities and the necessary legal and administrative measures for its implementation.

MINORITIES

- *To improve access to rights for minorities in line with European minority protection standards and in particular the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML).*

- Awareness of European human rights and minority protection standards, in particular the FCNM and ECRML is increased at central and local levels;
- Legislative and policy changes to break down barriers for minorities based on CoE monitoring mechanisms are introduced in BiH at all levels;
- Good practices on protection of minority rights are promoted and streamlined in BiH.

The aim of the action will be to improve access to rights for minorities at various levels of government and to break down barriers for minorities so that they can fully enjoy their rights.

One of the major challenges for the protection of national minority rights in South East Europe countries, including BiH, remains enjoyment in practice.

The CoE action will respond to these needs by supporting the relevant authorities to implement existing legal provisions, as well as the recommendations of CoE monitoring bodies. In addition, six municipalities selected under a regional initiative will be able to implement further the recommendations from CoE monitoring mechanisms in the minority protection field, and in particular the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Complementary measures will include *ad hoc* advice on legislation related to the protection of minorities and raising awareness among decision-makers and the public.

The experiences and challenges felt at the local level, including limited resources, may be very similar and practical measures taken successfully in one municipality to increase cohesion and access to rights may well also be useful to others.

ROMA

- *To improve dialogue and confidence between Roma communities and public institutions, promote democratic governance and community participation through mediation and decrease prejudices and stereotypes facing Roma communities.*

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| <ul style="list-style-type: none"> • Equal access to public services for the Roma population is promoted, through effective mediation; • Roma communities, women and youth in particular, are empowered, leading to improved overall democratic participation and social inclusion in target municipalities; • Awareness is raised of discrimination of Roma minorities, through training on ECtHR and ECSR case-law, decreasing prejudices towards Roma within public institutions, among media and legal professionals. |
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Mediation is one of the measures used across Europe to tackle the inequalities Roma face in terms of access to employment, healthcare services and quality education. In the *Strasbourg Declaration*, adopted in October 2010 at the High-Level Meeting on Roma, representatives of member States agreed that the CoE should implement a European Training Programme for Mediators (ROMED), in close co-operation with national and local authorities. Also the Recommendation CM/Rec(2012)9 of the CM to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma reiterates the importance of identifying, training and providing a sustainable framework of employability for Roma Mediators. The aim of the action is to support both the Roma communities and the relevant local authorities to engage in a dialogue.

The mediation process has been improved and supported through the creation and training of Community Action Groups in five municipalities that are recognised as a partner by the authorities, and through the effective participation of the mediators. A group of mediators will be identified and enrolled in a ROMED training cycle. In addition, training and capacity-building activities are foreseen for the local authorities. Since September 2013, close to 50 mediators have been trained. The implementation of the ROMED Programme will continue in the five initial municipalities, with the possibility to extend this programme to three additional municipalities. Subject to the provision of a clear employment framework for the mediators, the programme can train more mediators and further enhanced throughout the country.

Further action will focus on the training of legal professionals (lawyers, judges, prosecutors) and law enforcement officials, as well as media professionals, on ECtHR and ECSR case-law relating to anti-discrimination (with a focus on Roma). Through this training, stakeholders will develop their capacity to improve BiH practice in relation to the treatment of Roma, decreasing discrimination facing Roma communities, including challenges facing Romani children and women.

YOUTH

- *To strengthen the role of youth in promoting a culture of human rights as a ground to address discrimination and segregation.*

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| <ul style="list-style-type: none"> • Young people increasingly contribute to conflict-transformation through applying a human rights-based approach in cross-community projects; • Young people recognise hate speech and act against it leading to a reduction in the levels of its acceptance among youth both online and offline. |
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The CoE has implemented a variety of actions with youth actors from BiH over the last years, in particular: the *Youth Peace Ambassadors* project, training workshops the publication of *Compass*, the manual on human rights education for young people, as well as other activities and projects at the European Youth Centres. Based on this experience, the proposed action will support the involvement of youth organisations in conflict-transformation processes.

Support will be provided to cross-community projects by training youth leaders in regional youth peace camps led by Youth Peace Ambassadors. Youth leaders and youth workers will be trained to mainstream human rights education in youth activities and youth work practice. The recognition of youth work and youth organisations' role as schools of democracy will be achieved through community and inter-community training activities between civil servants dealing with youth matters and youth organisations' representatives. Youth groups in BiH will also be encouraged to participate in the youth campaign "No Hate Speech Movement". A specific focus and emphasis will be placed on increasing the levels of participation of young Roma people at both local and regional levels.

LOCAL COMMUNITIES

- *To enhance inter-ethnic dialogue at the level of municipalities and local communities.*

- Dialogue between specific population groups, such as youth or women, is enhanced and they are enabled to propose solutions to their common problems;
- Professionals from different ethnic groups identify common concerns and approaches to develop further their skills in line with European standards and practice;
- Enhanced co-operation between divided municipalities with a view to addressing common problems.

Action will enhance inter-ethnic dialogue at the level of municipalities and local communities. Target groups will include elected representatives, local civil servants, and professionals with high multiplier potential (teachers, social workers, civil society representatives) from different ethnic backgrounds.

Relying on municipal structures and civil society, participants from different ethnic backgrounds – notably elected representatives, professionals, civil society groups will discuss concrete co-operation issues aimed at improving the level of service provided to the local population and increasing the dialogue between them, with particular emphasis on the population of divided municipalities. To strengthen this dialogue, it will be important to support the process of developing joint co-operation projects, whether between municipalities or professionals from different ethnicities. Dialogue between various population groups will be particularly encouraged and supported, through the participation of peers providing examples and good practices from other CoE member States.

CHILDREN

- *To support the implementation of integrated strategies to protect children from violence, ensure access to child-friendly services and support prevention, protection and reporting mechanisms for child victims of violence and trafficking.*

- Awareness of European standards to combat violence against children is increased;
- Integrated strategies protecting children from violence are supported;
- The setting-up of child-friendly services for victims of sexual violence, through the training of professionals interviewing and treating child victims, is supported;
- Public awareness of the need to break the taboo of (sexual) violence against children, with a particular focus on children in vulnerable situations, is raised.

In response to the concluding observations of the UN Convention on the Rights of the Child fourth period report on Bosnia and Herzegovina and the recommendations of the Working Group on the Universal Periodic Review of Bosnia and Herzegovina, support will be provided to national strategies for the protection of children from violence and the setting-up of child-friendly services for victims of sexual violence, building on the Council of Europe Policy Guidelines in the area of justice, health and social services and the Council of Europe convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention, which has been ratified by BiH).

SEXUAL ORIENTATION OR GENDER IDENTITY

- To support upon request the authorities of BiH in any action taken in line with CM Recommendation (2010)5 to member States on measures to combat discrimination on grounds of sexual orientation or gender identity.

- Upon request by the BiH authorities the CoE will provide support to ensure better implementation of the Recommendation CM/Rec(2010)5.

Based on the review, by the Council of Europe's Steering Committee for Human Rights, of progress by member States on the state of implementation of the Recommendation CM/Rec(2010)5, and in particular in view of the BiH authorities' replies to the questionnaire, ad hoc support, technical assistance and thematic capacity development will be provided upon request.

2. JUSTICE SECTOR REFORM

Sector Overview and Priorities

Improvement of the judicial system is a central priority for the BiH authorities. The *Justice Sector Reform Strategy 2008 – 2013* (hereafter: JSRS) envisaged the continuous strengthening of the independence, efficiency, accountability and professionalism, as well as harmonisation, of the judiciary.

A revised JSRS (2014 – 2018) has been developed in which strengthening the independence, accountability, efficiency, professionalism and harmonisation of the judicial system and of criminal sanctions are long-term priorities, as well as guaranteeing equal access to justice, having the justice sector support sustainable economic growth and improving co-ordination, management and accountability in the justice sector.

One of the strategic objectives is the development of a more harmonised system of criminal sanctions in BiH, ensuring a human rights-based treatment of detainees, effective re-socialisation in prisons in BiH and promotion of alternatives to imprisonment.

The CoE Commissioner for Human Rights has on several occasions stressed the fundamental importance of establishing efficient national judicial systems in BiH, not only to reinforce the rule of law, but also to increase the necessary public trust in the judiciary and strengthen the prevention of human rights violations. In its *Opinion on legal certainty and the independence of the judiciary in BiH* adopted in June 2012, the Venice Commission expressed concerns with respect to the general situation of the judiciary in BiH in terms of legal certainty and the independence of the judiciary. The Venice Commission has noted that the existence of several legal orders and the fragmentation of the judiciary make it difficult for BiH to comply with the requirements of consistency, precision, stability and finality of its legislation and case-law, as well as to meet the various aspects of the institutional and individual independence of the judiciary. Also judgments of the European Court of Human Rights and their execution have highlighted issues of relevance for the authority and efficiency of the judiciary (limited possibilities of detention on remand when criminal cases – notably concerning war criminals – are re-opened, formalism, problems in the execution of judgments of domestic courts, including of the Constitutional Court).

Within the framework of the SAA Process, BiH continues to engage with the EU in the Structured Dialogue on Justice since June 2011. The CoE is a member of the International Consultative Group through its Venice Commission Secretariat and the CoE Office in Sarajevo. Improving the justice system is a clear priority for the CoE's co-operation with BiH. The EU-BiH Structured Dialogue on Justice has seen concrete progress, with an increasing number of recommendations being implemented. The Action Plan will build the necessary synergy with the EU-BiH Structured Dialogue on Justice in order to contribute to the implementation of outstanding recommendations along with those of the Venice Commission.

The ECHR contributes to the harmonisation and stability of national judicial systems and more broadly to European co-operation and integration. The CoE has therefore a natural role in assisting with its national implementation. Actions aimed at strengthening the capacity of the judiciary as regards the implementation of the ECHR are part of the broader action to strengthen the justice system and reinforce the capacities of the judiciary in BiH.

The country-specific action planned in support of justice sector reform is complementary to the on-going multilateral initiatives that are being implemented by the CoE in the region. Based on the *Interlaken*, *Izmir* and *Brighton Declarations*, BiH benefits from the provision of multilateral technical assistance aimed at assisting the domestic implementation of the ECHR through the dissemination of the case-law of the ECtHR.

In recent years, the CoE has played an increasingly large role in supporting penitentiary system reform in BiH and it regularly contributes to other international agencies' activities in this field. In December 2012, the CPT completed its sixth visit to BiH as a follow up to the periodic visit in 2011. The implementation of the CPT recommendations is a priority for action and the CoE provides substantial support to the pursuit of the JSRS objectives on improving treatment of vulnerable categories of prisoners in accordance with international standards. This is ensured through action on treatment of vulnerable prisoners, training on core prison staff competencies, improvement of the legislative framework for community sanctions, establishment of probation services and human resources management policies in places of deprivation of liberty.

Source of justification:

Requests from the authorities, ECtHR case-law on BiH in particular *Maktouf and Damjanović v. Bosnia and Herzegovina*; Reports and Opinions of the Venice Commission including the Opinion No. 648/2011 on *Legal Certainty and the Independence of the Judiciary in BiH* and Opinion No. 723/2013 on *the Draft Law on Courts of BiH*; CM report on BiH, *Compliance with obligations and commitments and implementation of the post-accession co-operation programme* SG/Inf(2013)4; PACE Resolution 1855 (2012) and Recommendation 2025 (2013) on *the Functioning of democratic institutions in BiH*; Report by the CoE Commissioner for Human Rights following his visit to BiH on 27 – 30 November 2010 CommDH(2011)11; CEPEJ report on *European Judicial Systems: Efficiency and Quality of Justice* (Edition 2012), Recommendation CM/Rec(2004)4 of the CM on the ECHR in university education and professional training; the *2010 Interlaken Declaration* and the *2012 Brighton Declaration*, CPT regular and ad-hoc reports on BiH; BiH reports on the implementation of the *Justice Sector Reform Strategy*; Recommendations of the EU-BiH Structured Dialogue on Justice; EC Progress Reports on BiH; outcomes of previous CoE co-operation programmes; Relevant Universal Periodic Review recommendations for BiH.

Overall objective

To contribute to an independent, efficient and professional justice system capable of ensuring respect for human rights and rule of law, including as regards police procedures and execution of criminal sanctions.

Specific objectives and expected results

JUDICIARY

- *To strengthen the independence of courts in BiH through fostering their co-operation and harmonisation of judicial practice and enhance national capacities for the effective implementation of the ECHR and ESC standards at national level.*

- Harmonisation of judicial practice is fostered in line with relevant ECtHR case-law; enhanced capacity of judges, prosecutors and other legal professionals to apply the European standards in national judicial proceedings.

Projects in this area will seek to enhance the capacity of judges, prosecutors and other legal professionals to apply the European standards in national judicial proceedings in line with relevant ECtHR and ECSR case-law. In particular, assistance will be provided to update the case-law database for the HJPC and for various activities in the follow-up to the *Maktouf and Damjanović v. BiH* judgment, for the harmonisation of the judicial practice and approaches in war crimes cases. Furthermore, the capacity of judges, prosecutors and other legal professionals to apply the ECHR in national judicial proceedings and to ensure the effective implementation of the rights guaranteed by the ESC will be enhanced, leading to overall improved quality of judgments. To this end, and building upon a previous intervention which focused on the translation and dissemination of key ECtHR case-law, it is envisaged that the ECtHR will provide additional assistance by translating relevant ECHR publications, including case-law guides on relevant ECHR provisions and joint publications of the CoE and EU Fundamental Rights Agency, and producing and disseminating video training materials, with the aim of improving the understanding and domestic implementation of ECHR. Elements of the multilateral European Programme for human rights education for legal professionals (HELP Programme)² will be incorporated in all projects on human rights capacity building for legal professionals in BiH. New HELP distance-learning courses tailored to the BiH legal environment will be developed in parallel with general capacity-building activities on ECHR and ESC. The HELP Programme's materials will be incorporated into a training methodology of the Judicial and Prosecutorial Training Centres (JPTCs) of the two entities as well as in the JPTC's curriculum for continuous training of judges and prosecutors. Regular dialogue and co-operation between courts of different jurisdictions will be maintained under the auspices of the HJPC through regular joint activities aimed at the harmonisation of the case law in civil, criminal and administrative matters.

² The [HELP programme](#) supports the 47 member States in implementing the ECHR at national level, by strengthening the capacity of national training institutions for judges, prosecutors and lawyers and integrating the ECHR into initial and continuous training.

In addition, “horizontal” co-operation, including on implementation of ECtHR judgements, between lower courts and individual, across all jurisdictions in BiH will be increased. Co-operation between all legal professionals, including legal aid lawyers on the implementation of the ECHR will be strengthened, and the involvement of human rights departments at law faculties will be increased.

- *To enhance the efficiency and quality of the judiciary thus contributing to a fair and efficient administration of justice and better access of citizens to justice.*
- *To strengthen the prerequisites for the independence of courts, harmonisation of judicial practice and effective self-governance by the judiciary.*

- Overall efficiency and effectiveness of courts and judicial proceedings (time management, organisation, caseloads, backlogs, enforcement) are improved;
- The quality of judicial services is improved through the application of specific CEPEJ tools in selected courts.

A comprehensive assessment of the performance of the judicial system of BiH will be conducted, as regards the efficiency of justice. Based on this assessment, in co-operation with the BiH authorities, specific areas will be identified for an evaluation with a view to the most appropriate modalities for the CEPEJ’s intervention. In particular, the application of specific CEPEJ tools aimed at speeding up judicial proceedings and improving justice user satisfaction could be envisaged in selected courts (to be identified by the authorities). These tools include: court users’ satisfaction surveys, best practices on time-management of judicial proceedings, a time-management checklist, as well as a checklist for promoting the quality of justice and the courts. Assistance in this area will seek to improve the overall efficiency and effectiveness of courts and judicial proceedings (time management, organisation, caseloads, backlogs, enforcement), as well as the quality of judicial service. Furthermore, the system of qualitative and quantitative criteria for appraisal systems needs to be improved, in line with European standards, and suggestions will be developed in co-operation with the competent judicial authorities to streamline budgetary competences (based on the Recommendations of the EU-BiH Structured Dialogue on Justice, and the Venice Commission’s Opinion on Legal Certainty and Independence of Judiciary in BiH).

POLICE

- *To support the further development of police practices in line with European standards.*

- Allegations of ill-treatment by the police are effectively investigated in conformity with the ECHR criteria of independence, adequacy, promptness, exposure to public scrutiny and victims’ involvement;
- Respect for human rights in police stations is improved through training of police officers and promoting a culture of zero tolerance against ill-treatment;
- Human rights are mainstreamed in police procedures.

The legal framework for the prevention of torture and ill-treatment and the fight against impunity is in place in BiH. However, effective investigation needs to be ensured and preventive measures need to be taken as regards ill-treatment of suspects by police officers in some police stations. The relevant authorities in Republika Srpska and the Federation will be assisted to address ill-treatment by police through effective application of the formal provisions regarding safeguards against ill-treatment in line with the CPT recommendations following the ad-hoc visit to the country in December 2012. This action could be complemented with further actions to mainstream human rights in police procedures and to introduce community-oriented policing in BiH, starting with a thorough assessment of training for police cadets and on-the-job training, in particular for dealing with vulnerable persons, minorities and victims of crime, as well as specific types of crime, such a domestic violence.

PENITENTIARY

- *To ensure further compliance and harmonisation of criminal sanctions legislation and policy and practices in BiH with European standards, and support the establishment of a professional, effective and efficient penitentiary.*

- Improved criminal legislative framework and implementation in line with European standards;
- The recruitment, selection and level of professionalism of staff employed in places of deprivation of liberty are further developed in line with European standards and practices;
- Prisons and other places of deprivation of liberty are managed in line with best practice standards and performance requirements;

- Treatment of special categories of persons, such as drug users and people living with infectious diseases, deprived of their liberty better complies with European standards.

Assistance will be provided to BiH policy-makers in the harmonisation of the legislative framework on execution of criminal sanctions, implementation of community sanctions, staff training programmes for advanced competencies and treatment of vulnerable prisoners in accordance with European standards across all jurisdictions. It will contribute to the implementation of BiH JSRS priorities in the penitentiary field. In particular, legislative assistance will be provided in identified areas where further amendments to different criminal justice laws and by-laws on the use of community sanctions and measures are necessary. An Options assessment paper and Concept paper for the introduction of a BiH probation service(s) will be prepared and presented to the national authorities. In addition, a sustainable professional training programme for advanced competencies based on international standards for all penitentiary staff will be developed together with programmes for treatment of specific categories of prison population. BiH's recent membership in the Pompidou Group and existing guidelines for treatment programmes for drug users will contribute to improving policy in this area.

Support will be provided to the training of staff in selected prisons in the Federation and Republika Srpska, to enhance management skills and to ensure that security procedures and the treatment of prisoners in these prisons incorporate human rights and public safety aspects, in accordance with the national legislation, the European Prison Rules and the CPT standards. It is envisaged that the activities carried out under this action will form the basis for recruitment, selection and training of staff of the state prison (the construction of which is ongoing and supported by the CEB).

This action could be further complemented with measures aimed to enhance training capacities for the staff of the Special Hospital for Forensic Psychiatry, Sokolac. These measures will target healthcare and other staff of the Special Hospital for Forensic Psychiatry and will provide guidance in the development and delivery of training programmes, including relevant materials, tools and manuals with a view to ensuring compliance with the national legislation, the European Prison Rules and the CPT standards.

3. FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME SECTOR

Sector Overview and Priorities

The functioning of democratic institutions at all levels in BiH is undermined by corruption. In education, in particular, the foundations of BiH society are being undermined, not only damaging the development of the education system itself, but normalising and breeding a social acceptance of corruption from an early age. In this respect, a number of actions are envisaged to contribute to the prevention of corruption in the education sector at all levels. In addition, further assistance can be provided upon request, in support of the new anti-corruption strategy and the recommendations of the Structured Dialogue on Justice (which in 2014 was expanded to include *inter alia* anti-corruption), for the improvement of legislation and policies, to prevent and combat corruption (criminal codes, conflicts of interest, financing of political parties, protection of whistle-blowers, etc.), in line with CoE standards and GRECO's recommendations. Similarly, such assistance may also be provided in support of the implementation of MONEYVAL recommendations to prevent and combat money laundering and the financing of terrorism.

BiH is a party to the Budapest Convention. Most cybercrime reported and investigated by criminal justice authorities is related to different types of fraud and other offences aimed at obtaining illegal economic benefits. Vast amounts of crime proceeds are generated – and often laundered – on the internet and through the use of information and communication technologies (ICT). ICT are exploited for a wide range of serious and organised crime activities with a “dynamic relationship between online and off-line organised crime”. Following a joint regional intervention of the European Union and the Council of Europe, CyberCrime@IPA, which was implemented from November 2010 to June 2013 and *inter alia* addressed the need to build bridges between the “financial investigations/anti-money laundering world” and the “anti-cybercrime world”, it is envisaged to follow up on recommendations of this regional intervention by focusing on targeting the proceeds of crime on the internet in BiH and other beneficiary countries.

Source of justification:

Committee of Ministers report on BiH *Compliance with obligations and commitments and implementation of the post-accession co-operation programme* SG/Inf(2013)4; PACE Resolution 1855 (2012) and Recommendation 2025 (2013) on the *Functioning of democratic institutions in BiH*; evaluation and compliance reports of GRECO and MONEYVAL; Cybercrime Convention Committee (T-CY) reports; EC Progress reports.

Overall objective

To strengthen good governance and improve the fight against cybercrime, corruption, money laundering and organised crime.

Specific objectives and expected results

CORRUPTION AND MONEY LAUNDERING

- *To assist upon request the authorities of BiH in any action taken to prevent and fight corruption and money laundering, to implement GRECO's and MONEYVAL's recommendations.*

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| <ul style="list-style-type: none"> • Upon formal request by the BiH authorities the CoE can provide support to ensure better implementation of GRECO's and MONEYVAL's recommendations. |
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Following a request by the authorities, an expert opinion on the draft Law of BiH on Prevention of Money Laundering and the Financing of Terrorism, as well as the provisions of the Criminal Code concerning money laundering (Article 209), terrorism financing (Article 202) and confiscation (Article 74), was provided by the CoE in February 2013. Building on this, as well as the MONEYVAL evaluation and compliance reports, as well as those by GRECO, and taking the (draft) BiH anti-corruption strategy for 2015 – 2020, the strategy for the fight against corruption in Republika Srpska and other relevant strategy and action documents into account, support (legislative expertise, capacity-building etc.) can be provided to address deficiencies in the anti-corruption and anti-money laundering system, on the basis of a request of the BiH authorities.

EDUCATION SECTOR

- *To strengthen the prevention of corruption in the education sector, by improving transparency, accountability and social participation in the education sector.*

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| <ul style="list-style-type: none"> • Students and staff in education institutions are able to identify corrupt practices; • Awareness is raised of the nature of and opportunities for corruption in the education system and the importance of preventing and fighting it; • Policies promoting integrity in the education system and tools for tackling corruption in the education system are developed; • Civic education programmes are established and/or expanded and the use of anti-corruption education modules is piloted. |
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This intervention will address corruption in the education sector. It aims to boost the integrity of education institutions and educate new generations on civic values. In close co-operation with the relevant ministries of education (and the Ministry of Civil Affairs), and education institutions themselves, based on a comprehensive analysis of corruption risks within the education system (governance of institutions, personnel policies, admissions, tests and exams etc.), priorities for action will be defined. Assistance will be provided to raise awareness of these risks, and – in general – of the nature of corruption in education, and to develop anti-corruption education models for primary and secondary schools.

CYBERCRIME

- *To strengthen the capacity of authorities to search, seize and confiscate cybercrime proceeds and prevent money laundering on the internet.*

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| <ul style="list-style-type: none"> • Public reporting systems on online fraud and other cybercrime are established; • Legislation on the search, seizure and confiscation of cybercrime proceeds and the prevention of money laundering on the internet, is improved, in line with data protection requirements; • Guidance is provided to financial sector entities on preventing and controlling on-line fraud and criminal money flows; • Public/private information sharing and intelligence exchange mechanisms on cybercrime are established; • Judicial training on cybercrime, electronic evidence and related financial investigations and money laundering is enhanced; • International co-operation and information sharing between cybercrime units, financial investigation units and/or financial intelligence units, as well as competent authorities for judicial co-operation is strengthened. |
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This regional intervention will address the question of “criminal money flows on the Internet”, building upon a joint regional intervention of the European Union and the Council of Europe, CyberCrime@IPA, which found that public authorities in BiH (and other countries in the region) have only limited information on threats and trends regarding criminal money flows on the internet, further strengthening of legislation would be needed to enhance financial investigations and confiscation of cybercrime proceeds, inter-agency co-operation, public/private information sharing and international co-operation needed to be enhanced and more guidance was needed for financial sector entities, as well as for judicial bodies. In co-operation with the project teams (comprising representatives of cybercrime units, economic crime units, the finance intelligence units and judicial training academies) in BiH and other beneficiary countries, the intervention will *inter alia* evaluate existing reporting mechanisms, share good practices, analyse existing legislation and advise the BiH authorities on changes therein, organise joint workshops and training for cybercrime units, economic crime units, financial investigators and the financial intelligence unit(s), analyse indicators and red flags used by financial sector entities to prevent on-line fraud and money-laundering and prepare additional guidance, promote and support the setting up of Financial Sector Information Sharing and Analysis Centres, prepare training modules and provide training of trainers for judicial authorities and elaborate and promote protocols for the international sharing of intelligence and evidence. It will thus address a challenge that is of increasing concern to BiH and other countries in the region, by strengthening the capacities to search and confiscate cybercrime proceeds and prevent money laundering on the internet.

4. FREEDOM OF EXPRESSION AND INFORMATION SOCIETY SECTOR

Sector Overview and Priorities

Ethical standards, impartial and non-biased reporting, freedom and access to information and the right to privacy are only a few of the problems in journalism in Bosnia and Herzegovina. The post-conflict society, still facing nationalism and ethnically divided media, is in need of improved education and training in these fields, and in particular the need to train journalists of public broadcasters to better understand and implement CoE media standards.

In BiH, the process of transition of the media, from state-controlled to modern, independent, democratic public services and private media outlets, is still on-going and faces many challenges. There is a need to initiate reflection on self-censorship, professional standards and professional ethics and to develop specialised education of citizens and journalists on media professional standards, hate speech, freedom of expression.

The CoE has carried out a wide range of activities aimed at guaranteeing and promoting freedom of expression and information and at promoting the functioning of professional, independent and pluralistic media in BiH. In 2013, the CM recommended that BiH completes the reform of the public broadcasting system by preserving the independence of public regulatory bodies and public broadcasters at all levels.

The CoE also works to ensure that the internet provides a safe and open environment where freedom of expression, freedom of assembly, diversity, culture, education and knowledge can flourish. The CoE does this through its conventions in fields such as cybercrime, data protection and the protection of children.

The Action Plan will expand co-operation with BiH in the field of freedom and access to information and data protection³. Specific areas identified as priorities for co-operation with the CoE include the issue of balance between freedom of expression and the right to privacy and data protection, as well as reconciling the need for transparency (political party financing or the property of elected officials) and to keep the public informed (court decisions). The CoE will work jointly with the Personal Data Protection Agency (DPA), whose competencies include the supervision of implementation of the *Law on Personal Data Protection of 2001*.

Source of justification:

CM report on BiH, *Compliance with obligations and commitments and implementation of the post-accession co-operation programme*; SG/Inf(2013)4; PACE Resolution 1855 (2012) and Recommendation 2025 (2013) on *the Functioning of democratic institutions in BiH*; results and lessons learnt from previous CoE co-operation programmes in the field of freedom of expression and media; compliance with the *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data*; EC Progress reports on BiH; Relevant Universal Periodic Review recommendations for BiH.

³ See also action to ensure data protection standards in the framework of the census monitoring in BiH (4.5)

Overall objective

To strengthen legal and institutional guarantees for freedom of expression and information in line with CoE standards.

Specific objectives and expected results

MEDIA

- *To further promote freedom of media, higher quality journalism and a pluralistic media landscape.*

- Support is available for aligning the laws and regulations in the traditional and new media field with CoE standards and for securing the proper implementation of the legal framework;
- The independence and effectiveness of the body responsible for broadcasting regulation are enhanced;
- The public service broadcasting system is enabled to better fulfil its remit;
- Professionalism, responsibility and respect for ethical conduct among journalists are further developed.

CoE's initiatives have focused in BiH on promoting ethical and tolerant journalism with an emphasis on combating hate speech and enhancing self-regulation. They have targeted judges and prosecutors, owners, managers and editors of media outlets, producers of media content, sources and victims of hate speech. The ongoing CoE's action aims to strengthen freedom of expression and media freedom in SEE through the development of legal and institutional guarantees, higher quality journalism and a pluralistic media landscape in line with CoE standards. A pre-election hate-speech monitoring campaign has been organised in the run-up to the October 2014 elections.

The CoE will continue with education on European standards related to freedom of expression, right to privacy, ethical standards in media reporting, to raise awareness and to encourage implementation of these standards in media reporting and practice. The action will aim to promote ethical and tolerant journalism through organisation of the School of Media Ethics of the Press Council in BiH. A series of conferences, workshops and other events will be hosted in BiH to discuss issues related to independent and professional journalism, codes of ethics, current problems and challenges, and other issues that journalists are facing in the region. These activities will serve to provide national media self-regulatory bodies, including the BiH Central Regulatory Agency, BiH Association of Journalists and the Press Council, with good practices and recommendations to develop solutions to address their actual needs.

DATA PROTECTION

- *To enhance implementation of data protection principles and access to information in line with relevant CoE standards.*

- The independence and professionalism of the DPA are strengthened with a view to ensuring effective implementation of the Law on Personal Data Protection;
- The balances between freedom of expression and data protection and between transparency/informed public opinion and the right to data protection are enhanced in line with CoE standards;
- Public awareness on basic rules and principles of personal data protection is raised.

The CoE assistance to guarantee the effectiveness of the relevant legislative reforms in the data protection field will consist of legal expertise and recommendations on the balance between informed public opinion (court decisions), transparency (access to official documents) and data protection legal provisions. Proposed action will also include general technical support and capacity-building of the DPA, exchange of expertise and good practices, development of specific recommendations on the respect of privacy in the media coverage, as well as data protection awareness-raising activities and campaigns. Upon request from the authorities, assistance could be made available for bringing the *Freedom of Information Act* closer in line with the standards of the CoE Convention on Access to Official Documents (CETS 2005).

5. DEMOCRATIC GOVERNANCE AND PARTICIPATION SECTOR

Sector Overview and Priorities

The Congress of Local and Regional Authorities, in its monitoring of the European charter for local self-government, has assessed that the apportionment of powers between entities and cantons, coupled with the fragmentation of the territory, have a direct negative bearing on the functionality of local institutions. Some municipalities are unable to fully exercise their competencies, hampering the provision of basic public services to citizens. Following the adoption of Recommendation 324(2012), the Congress launched a dialogue with all stakeholders in BiH asking for the development, through a politically inclusive process, of a road map for technical support, legal and institutional reform with a view to stronger, more effective local government adapted to the legitimate expectations of the population. Recommendation 356 (2014) adopted in March 2014 continues this process.

Strengthening the capacities of the election administration, and enhancing participation and representation of women, youth and minorities have been identified as priorities for CoE Action. In these areas, the Council of Europe will continue its work in partnership with the School of Political Studies⁴ of BiH on an education programme that supports young leaders to increase their understanding of politics, negotiation, policy-making and cross-party dialogue. A pre-electoral assistance programme for the 2016 local elections will be developed in consultation with the BiH authorities. In the framework of this electoral assistance programme, particular attention will be paid to the building-up of capacities of local election administrations to manage the elections and capacities of civil society for election observation with a view to ensuring enhanced integrity and transparency of the electoral process.

The continuing discrimination in certain electoral matters (*Sejdić and Finci v. BiH* and *Zornic v. BiH* judgments of the ECtHR) remains a major problem requiring a rapid solution and the different programmes offer possibilities to promote such a solution.

Higher education has the potential to play a significant role in supporting social and economic development in BiH as well as enhancing a democratic culture. Higher education reforms are essential for meeting the country's commitments in the European Higher Education Area. The reform needed is frequently stalled however, due to the fragmented and complex structures for governing higher education in BiH and to a lack of leverage by institutions with co-ordinating and/or sector wide competences. The CoE action is aimed at bolstering the reform process system wide through strengthening expertise and capacities within the country.

Reliable and comprehensive demographic and social data have a crucial importance for the functioning of institutions, as well as the overall planning of development policies for the country. The CoE is engaging jointly with the EU in monitoring the Population and Housing Census.

Source of justification:

Reports and recommendations of the Council of Europe Congress of Local and Regional Authorities; Committee of Ministers report on BiH *Compliance with obligations and commitments and implementation of the post-accession co-operation programme* SG/Inf(2013)4; ECtHR case-law; PACE Resolution 1855 (2012) and Recommendation 2025 (2013) on the *Functioning of democratic institutions in BiH*; Opinions of the Venice Commission; OSCE/ODIHR reports on observation of elections; compliance with the Lisbon Recognition Convention; the *2012 Bucharest Ministerial Conference* for the ministers responsible for higher education and the *Communiqué on the EHEA*; EC Progress Reports.

Overall objective

To strengthen good governance, to improve the functionality and sustainability of institutions at all levels, and to expand democratic culture and participation.

⁴ The Schools of Political Studies promote democratic values, democratic processes and active participation in public life through training and CBMs for future generations of political, economic, social and cultural leaders in places in transition. The well-functioning Network of the Schools of Political Studies facilitates opportunities for the Schools to work on partnership projects and joint initiatives in order to develop bilateral, regional and inter-regional confidence-building activities.

Specific objectives and expected results

LOCAL DEMOCRACY

- *To improve local democracy and the overall functioning of local authorities, and to strengthen good democratic governance at local level in BiH.*

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| <ul style="list-style-type: none"> • Enhanced and inclusive institutional dialogue between stakeholders to further implement the Congress recommendations in the light of the European Charter of Local Self-Government; • Improved legislation governing local authorities notably in respect of local competencies, local finance and on relations between the different levels of government; • Improved capacity of local authorities to deliver public services at local level through enhanced frameworks for IMC and HRM at local level in the light of best European practice. • Strengthened institutional, leadership and administrative capacities of local authorities through increased dialogue and peer-to-peer co-operation; • Increased citizens' participation and involvement at local level through the implementation of specific initiatives in pilot municipalities and the dissemination of good practices. |
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This programme is envisaged to be implemented by the Council of Europe Congress of Local and Regional Authorities and also by the Centre of Expertise for Local Government Reform, to reinforce local democracy and to build up stronger local government structures, capable of driving local and regional development and delivering key services in BiH.

As regards the Congress activities in BiH, high-level political dialogue held in the framework of the Congress post-monitoring with all relevant BiH stakeholders, members of the Congress, local and international experts will serve to prepare a roadmap according to the rules of Congress governing post-monitoring, which includes specific structural reforms, adapted to the specificities of each entity, so as to better target the desired objective.

Assistance will be provided to reform legislation concerning local government and to enhance local political governance in selected areas. A peer review will serve as a legal reform agenda-setting exercise and will be followed by training and practical support to draft and revise legislation. A peer-to-peer approach will also build ownership and share good practices in local democracy and European standards of local self-governance.

Inter-municipal co-operation (IMC) offers a practical solution to create opportunities of partnership among local authorities in a way which protects local autonomy to a large extent and at the same time delivers more effective services and makes better use of limited resources. Pilot local authorities will be supported through strengthened dialogue and capacities to develop practical IMC arrangements. They will be helped to reform, in very practical terms, their human resource management (HRM) arrangements including better job descriptions, to set up a performance-based evaluation and promotion system, creating objective mechanisms for the recruitment of staff, and to identify and address training needs for local staff. Better human resource management (HRM) brought in line with good European practices should improve the quality of public services and create the conditions for having local public staff that is competent, committed, ethical and stable.

The leadership component will be based on the programme developed by the Congress. The IMC and HRM components will be developed based on specific tools of the Centre of Expertise. The citizen participation component, seeking to enable citizens to actively engage in community affairs and decisions, will be proposed using specific tools as well as local and European experiences.

ELECTORAL ASSISTANCE

- *To provide support for electoral reform, to strengthen capacities of the election administration, foster increased engagement of women in political processes and support a new generation of young politicians in promoting internal and cross-party dialogue.*

- Assistance is provided for the revision of electoral legislation, in conformity with European standards;
- Capacities of electoral bodies at all levels to administer elections in line with international standards are enhanced;
- The CEC is able to conduct quality training for municipal and polling station election commissions and certify members of these commissions;
- First-time voters' awareness is enhanced through training programmes;
- Participation of women, youth and minorities in the political process as party activists, candidates and voters is increased;
- A new and more accountable generation of young politicians; stronger relationships, communication and dialogue between young politicians.

To support the reform of the electoral legislation, the Venice Commission will, upon request, provide opinions and expertise on electoral legislation, as well as legislation on (the funding of) political parties. In addition, in close co-operation with the CEC, technical assistance will be provided for the development and consolidation of a training methodology and curricula for polling station commissions, to create and certify a large group of electoral officials as potential polling station presidents and markers, thereby increasing the professionalism of the election administration at local level (addressing shortcomings identified by international observers during the 2014 and 2012 elections).

In addition, despite positive measures taken (*inter alia* the new 40 per cent gender representation requirement in the election administration bodies and on candidate lists), women, young people and minorities are still under-represented in public and political life in BiH.⁵ Building on the ongoing work of the School of Political Studies of BiH which in its annual programme and with its alumni network encourage dialogue as a positive model for communication, understanding and effective co-operation, further action will be undertaken to address the situation of under-represented groups (women, youth and minorities) by providing support for their involvement in public and political life of BiH, whether as candidates, voters and/or political party activists. Work in this area will *inter alia* build on CM Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision-making.

HIGHER EDUCATION

- *To advance the reform of higher education in BiH with a view to supporting the economic and social development in line with the objectives of the European Higher Education Area.*

- The higher education framework is strengthened and harmonised by developing and applying common standards and procedures for higher education qualifications across the country;
- Mobility and employability of the labour force within BiH and with other countries (both ways) is increased through further development of the system of qualifications.

A comprehensive analysis of the situation within higher education and research in BiH will be conducted to define joint priorities in higher education in BiH, which will be used as a basis to develop and to pursue a strategy for implementing these priorities. Assistance will be provided for preparing guidelines for recognising higher education qualifications and study periods, as well as a plan for the comprehensive implementation of the Framework for Higher Education Qualifications by higher education institutions.

The intervention will address economic development and co-operation aspects through interlinking higher education qualifications with occupational standards, thus aiming to increase the capacities of the labour force and establishing good practices as guidance for other occupations and qualifications in BiH. Occupational standards and subject benchmarks for selected higher education qualifications will be developed on a pilot basis (5 subject fields). The use of the guidelines and the subject benchmarks developed under this project will be further promoted and expanded in a follow-up intervention, based on the training of trainers provided in the current intervention.

⁵ Even if the 40 per cent gender representation on candidate lists was respected during the 2014 elections, this has not led to a larger representation of women in the different parliaments.

CENSUS

- *To assist with the fair and impartial enumeration and post-enumeration of the population in accordance with international census standards.*

- Impartiality, fairness, transparency and objectivity of the enumeration and post-enumeration process is enhanced leading to increased confidence of the population in the census operations and its results;
- Data confidentiality and data protection are ensured throughout the census process in line with relevant CoE standards and the EU regulations in force;
- The authorities benefit from a sound statistical basis for policy planning processes.

Monitoring of the Population and Housing Census is implemented following a request of the Parliament of BiH supported by international organisations and the EU. It is based on the MoU between the European Commission, the Council of Europe and the Council of Ministers of BiH on the International Monitoring Operation (IMO) of the Population and Housing Census in BiH signed on 18 April 2012. The IMO is carried out by a committee of international organisations, assisted by experts in population censuses, to assess the compliance of the whole census exercise, from preparation to data dissemination with international census standards,⁶ including the monitoring of the census field operation and ensuring respect for data confidentiality, contributing in this way to confidence-building on the impartiality and objectivity of the work conducted by the statistical office and census enumerators.

The compliance of the post-enumeration process and the use of census results with international census standards were assessed. A final overall assessment will be provided following the completion of data processing, analysis and dissemination.

⁶ These include international standards on population and housing censuses as defined by UNECE and Eurostat, and as adopted by the Conference of European Statisticians as Recommendations for the 2010 Censuses of Population and Housing; Regulation (EC) No 763/2008 on population and housing censuses, and its implementing measures; Fundamental Principles of Official Statistics, adopted by the UN Statistical Commission, as well as the European Statistics Code of Practice, promulgated by the European Commission; standards on data protection and confidentiality, as provided for in the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of the Council of Europe, and the relevant European Union regulations in force.

APPENDIX I FINANCIAL TABLE

TOTAL ACTION PLAN BUDGET: €20 000 000

Sectoral Areas	Total funds secured	Additional funds required	Sectoral Totals
1. Anti-Discrimination, Respect for Diversity and Social Inclusion	€1 305 000	€5 972 080	€7 277 080
2. Justice Sector Reform	€3 580 000	€1 749 060	€5 329 060
3. Fighting against Corruption, Economic Crime and Organised Crime Sector	€785 000	€1 162 800	€1 947 800
4. Freedom of Expression and Information Society Sector	€237 000	€209 560	€446 560
5. Democratic Governance and Participation Sector	€1 280 000	€3 719 500	€4 999 500
TOTAL	€7 187 000	€12 813 000	€20 000 000

APPENDIX II. PROVISIONAL LIST OF PROJECTS

(to be complemented in the course of the implementation of the action plan, within the budget allocation per sector)

1. ANTI-DISCRIMINATION, RESPECT FOR DIVERSITY AND SOCIAL INCLUSION SECTOR			
Project title	Duration	Status	Main Partners
Improving the system of anti-discrimination in BiH	36 months	proposed	Ombudsmen of BiH, Ministry of Human Rights and Refugees, Ministries of Interior, Judges' and Prosecutors' Training Centres of FBiH and RS, Courts of BiH, Gender equality agencies of BiH, FBiH and RS, NGOs, Media professionals
Promoting inclusiveness in education in BiH	36 months	proposed	Ministries of Education, Pedagogical Institutes, parents' and teachers' associations, local authorities, the European Wergelend Centre, the Nansen Dialogue Centre, NGOs, EU, OSCE as well as interested CoE member States
Regional support for inclusive Education	01/01/2013 – 30/11/2015	ongoing	Ministries of Education, primary and secondary schools, local authorities in each beneficiary, the European Training Foundation, the European Agency for Development in Special Needs Education, UNICEF and other regional partners
Promoting human rights and minority protection in South East Europe	30/11/2011 – 28/12/2016	ongoing	Ministries, offices or agencies for human and/or minority rights, local authorities, non-governmental and civil society bodies, local authorities
Intercultural mediation for Roma communities (ROMED 2)	2014	ongoing	Ministry for Human Rights and Refugees, local authorities, Romalen NGO, World Vision, local NGOs
Anti-discrimination training (with a focus on Roma) for legal and law enforcement officials, as well as media professionals	2015 – 2017	proposed	Ombudsmen of BiH, Ministry for Human Rights and Refugees, Ministries of Interior and Security, Judges' and Prosecutors' Training Centres, bar associations of FBiH and RS, courts, media professionals, NGOs

Supporting young people's role in human rights education and conflict transformation	24 months	proposed	Youth organisations
To enhance interethnic dialogue at the level of municipalities and local communities	24 months	proposed	Lcal authorities, non-governmental and civil society bodies, youth and women organisations, professional organisations

2. JUSTICE SECTOR REFORM			
Project title	Duration	Status	Main Partners
Reinforcing the capacity of the judiciary to apply European Human Rights standards at the national level (Phase II)	01/03/2014 – 01/09/2016	ongoing	The High Judicial and Prosecutorial Council, Courts of BiH, Ministries of Justice, Prosecutors' Offices, Constitutional Courts, Judges' and Prosecutors' Training Centres of FBiH and RS, Judicial Commission of Brčko District, parliaments, legal professionals including lawyers, law faculties in higher education institutions
European Programme for Human Rights Education of Legal Professionals (HELP)	Continuous	ongoing	Ministries of Justice, HJPC, JPTCs, Courts of BiH, International Association of Judges (IAJ), Council of Bars and Law Societies of Europe (CCBE), European Judicial Training Network (EJTN)
Efficiency and quality of the judiciary (CEPEJ)	24 months	proposed	Ministries of Justice, HJPC, JPTC of FBiH and RS, Judicial Commission of Brčko District
Harmonisation of BiH sanctions policies and practices with European Standards	01/01/2013 – 30/06/2015	ongoing	Ministries of Justice
Support to prison staff training in BiH	01/07/2014 – 30/06/2016	ongoing	Ministries of Justice and their respective Departments for Execution of Criminal Sanctions
Production and translation of ECHR publications and video materials on European Convention standards	36 months	proposed	
Enhancing training capacities for the staff of the Special Hospital for Forensic Psychiatry Sokolac	12 months	proposed	Ministries of Justice and their Departments for Execution of Criminal Sanctions, Ministry of Health of RS

3. FIGHTING AGAINST CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME SECTOR			
Project title	Duration	Status	Main Partners
Co-operation on cybercrime: targeting proceeds of crime on the internet (CyberProceeds@IPA)	01/03/2015 – 28/02/2019	proposed	Cybercrime units within the police and prosecution services, 24/7 points of contact for cybercrime and electronic evidence, financial intelligence units, financial investigation units, judicial training academies, law enforcement training academies
Strengthening the prevention of corruption in education and higher education	36 months	proposed	Ministries responsible for education, primary and secondary schools, higher education institutions, Agency for Development of Higher Education and Quality Assurance of BiH

4. FREEDOM OF EXPRESSION AND INFORMATION SOCIETY SECTOR			
Project title	Duration	Status	Main Partners
Promoting freedom of expression and information, and freedom of the media in the SEE	01/09/2013 – 31/08/ 2015	ongoing	Press Council, Communications Regulatory Agency, Association of Journalists of Bosnia and Herzegovina, media professionals
Strengthening the right to data protection	24 months	proposed	Data Protection Agency of BiH

5. DEMOCRATIC GOVERNANCE AND PARTICIPATION SECTOR			
Project title	Duration	Status	Main Partners
Strengthening good governance at local level	24 months	proposed	Local authorities and associations of local authorities of BiH
Electoral assistance	36 months	proposed	School of Political Studies of BiH, Central Election Commission, civil society, Ministries of education in BiH
School of Political Studies of BiH	2015 – 2017	ongoing	School of Political Studies of BiH
Strategic development of higher education and qualification standards in BiH	01/02/2013 – 31/07/2015	ongoing	Ministry of Civil Affairs, Conference of Ministers of Education, Ministries of Education in BiH, the Agency for Development of Higher Education and Quality Assurance, the Higher Education Agency Accreditation Agency of RS, the FBiH Higher Education Agency, Centre for Information and Recognition of Documents in Higher Education, the BiH Rectors' Conference, higher education institutions, student unions
Strengthening qualification standards in BiH	24 months	proposed	Ministry of Civil Affairs, Conference of Ministers of Education, Ministries of Education in BiH, the Agency for Development of Higher Education and Quality Assurance, the Higher Education Agency Accreditation Agency of RS, the FBiH Higher Education Agency, Centre for Information and Recognition of Documents in Higher Education, the BiH Rectors' Conference, higher education institutions, student unions

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