



Council of Europe Action Plan for Bosnia and Herzegovina 2018-2021

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Action Plan for Bosnia and Herzegovina 2018-2021

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Executive summary

The Council of Europe Action Plan for Bosnia and Herzegovina (hereafter: BiH) 2018-2021 is a strategic programming instrument that aims to 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 Action Plan aims to support the country in meeting its obligations as a Council of Europe member State.

The Action Plan priorities take into account relevant judgements of the European Court of Human Rights, resolutions and reports of the Committee of Ministers of the Council of Europe (CM), the Parliamentary Assembly of the Council of Europe (PACE), the Congress of Local and Regional Authorities of the Council of Europe (Congress), the Commissioner for Human Rights of the Council of Europe (the Commissioner), as well as relevant recommendations and opinions of the Council of Europe monitoring and consultative bodies. They also reflect the country's reform priorities, as defined by the authorities in relevant national strategic documents and commitments, including within the process of the European integration.

In this Action Plan, the Council of Europe and the BiH authorities have agreed to jointly advance reforms through co-operation programmes, aiming to enhance the efficiency and quality of the justice system, to harmonise the application of the European Convention on Human Rights (ECHR), to fight against ill-treatment of detained persons, to improve governance at all levels, to enhance the protection of personal data and to combat corruption, terrorist financing and money laundering. The emphasis will also be placed on countering discrimination including through the fight against segregation in schools and further efforts to enhance the rights of national minorities. Strengthening the electoral integrity, improving the independence of the media and safety of journalists and building trust between communities are among the strategic priorities of the Action Plan, as well as the promotion of equal opportunities for women, youth, and Roma.

In the past few years the BiH authorities continued with their efforts in adopting outstanding reform priorities, in particular, those stemming from the Reform Agenda as well as from the Justice Sector Reform Strategy, the Anti-corruption Strategy and the recently adopted Strategy for Combating Organised Crime. More recently BiH also ratified several Council of Europe conventions and confirmed its willingness to advance on its European Union (EU) integration path in particular through the country's application for membership to the EU on 15 February 2016. At the same time, BiH continues to face challenges related to the functioning of the judiciary, countering economic crime, segregation in education, freedom of expression and media freedom and the fight against discrimination.

Through the implementation of the first Council of Europe Action plan, BiH achieved progress as regards the harmonisation of the judicial practice, paving the way for a more consistent application of the legislation and possible legislative reforms. The functioning of penitentiary institutions across BiH prison jurisdictions was further aligned with international standards, laying the foundation for achieving sustainability of reforms and local ownership over the capacity building process. The enhanced co-operation between the Ombudsman and civil society proved to be a good tool to boost the implementation of the Ombudsmen's recommendations in the fight against discrimination. The improved professionalism of the electoral administration and development of the curriculum of the new Education centre of the Central Electoral Commission (CEC) is a positive step in the broader reform of the electoral system.

The overall budget of the present Action Plan is €18.1 million and funding amounting €2.7 million (15% of the total budget) has been secured. Further funding would provide an opportunity to address areas that have remained unfunded or were not covered by the country specific action, most notably related to anti-discrimination, fight against economic crime, media freedom and electoral integrity as well as to address emerging priorities identified in this Action Plan for 2018-2021.

The Council of Europe and BiH will continue co-operation to ensure the effective implementation of the existing legislative frameworks, by enhancing the capacities of relevant institutions and by bringing the country's legislation and practice closer to European and other international standards in order to promote human rights, strengthen the rule of law and ensure democratic governance.

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List of acronyms and abbreviations

ACFC	Advisory Committee of the Framework Convention for the Protection of National Minorities
Action Plan	Council of Europe Action Plan for Bosnia and Herzegovina 2018-2021
AML/CFT	Anti-Money Laundering/Counteracting Financing of Terrorism
BD	Brcko District
BiH	Bosnia and Herzegovina
CBM	Confidence Building Measures
CCJE	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CEC	Central Election Commission
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
COMEX	Committee of Experts of the European Charter for Regional or Minority Languages
Congress	Council of Europe Congress of Local and Regional Authorities
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRA	Communications Regulatory Agency
DPA	Data Protection Agency
ECHR	European Convention on Human Rights
ECRI	European Commission Against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EPAS	Enlarged Partial Agreement on Sport
ETINED	Council of Europe Platform on Ethics, Transparency and Integrity in Education
EU	European Union
EUD	European Union Delegation
FBiH	Federation of BiH
FCNM	Framework Convention for the Protection of National Minorities
FID	Financial Intelligence Department
GAP	Gender Action Plan
GR-DEM	Group of Rapporteurs on Democracy of the CM
GRECO	Group of States Against Corruption
GRETA	Group of Experts on Action against Trafficking in Human Beings
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HELP	European Programme for Human Rights Education for Legal Professionals
HJPC	High Judicial and Prosecutorial Council
HoR	House of Representatives

Horizontal Facility	EU/CoE Joint Programme “Horizontal Facility for the Western Balkans and Turkey”
MONEYVAL	The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-Governmental Organisations
NPM	National Preventive Mechanism
OB	Ordinary budget
ODGP	Office of the Directorate General of Programmes
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
RS	Republika Srpska
SEE	South East Europe
SIPA	State Investigation and Protection Agency
SPS	School of Political Studies
The Commissioner	Council of Europe Commissioner for Human Rights
UN	United Nations
VC	Voluntary Contribution
Venice Commission	European Commission for Democracy through Law

PART I- INTRODUCTION

1.1. GENERAL OVERVIEW

1.1.1 BOSNIA AND HERZEGOVINA AND THE COUNCIL OF EUROPE

Bosnia and Herzegovina (BiH) became the 44th member State of the Council of Europe on 24 April 2002. Its accession followed the adoption of Opinion No. 234 (2002) of the Parliamentary Assembly of the Council of Europe (PACE), which lists a series of commitments to be met by BiH following accession, in accordance with an agreed timetable. In joining the Council of Europe, BiH also accepted the obligations incumbent on all member States under Article 3 of the Statute:¹ compliance with the principles of pluralist democracy, the rule of law and the respect for human rights and fundamental freedoms of all persons placed under its jurisdiction.

To date, the country has signed and ratified 90 treaties of the Council of Europe and is committed to a number of the Council of Europe's mechanisms, including those of the European Court of Human Rights (ECtHR), the Committee of Ministers (CM), the PACE, the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission), the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of States Against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the European Committee of Social Rights (ECSR), the Advisory Committee of the Framework Convention for the Protection of National Minorities (ACFC), the Committee of the Parties to the Convention on the Protection of children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO); the Group of Experts on Action against Trafficking in Human Beings (GRETA), the European Charter for Regional or Minority Languages (ECRML) and the Congress of Local and Regional Authorities (Congress).

The country has benefited from the co-operation programmes of the Council of Europe since 2003. The implementation of the first Action Plan (2015-2017) provided a more strategic approach to the overall co-operation. Past programmes backed by the European Union (EU) were implemented to assist the country to comply with Council of Europe standards and European Union *acquis* in the framework of the enlargement process most notably in the areas of justice, anti-discrimination, education, social inclusion, freedom of expression and cybercrime. Similarly, voluntary contributions of Council of Europe member States allowed the implementation of projects to reinforce the capacity of judiciary, to support penitentiary reforms, to promote freedom of media, to strengthen the human rights protection, to provide pre-electoral assistance, and to empower young people to take a more active role in political processes.

1.1.2 ADDED VALUE OF THE TECHNICAL ASSISTANCE PROGRAMMES OF THE COUNCIL OF EUROPE

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard-setting, monitoring and co-operation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Council of Europe's actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.

¹ Council of Europe constitutional document, [http://www.coe.int/en/web/conventions/full list](http://www.coe.int/en/web/conventions/full_list)

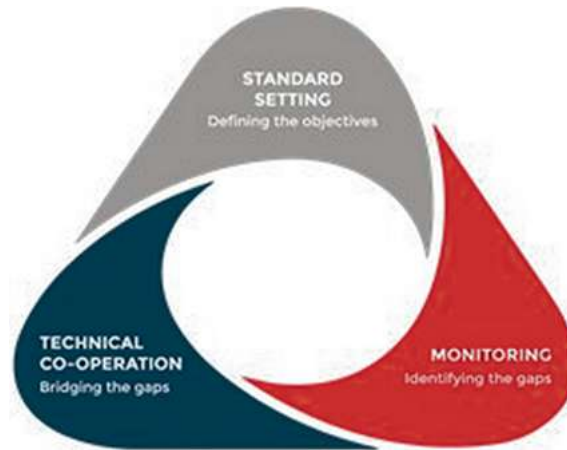


Figure 1: Council of Europe strategic triangle

1.1.3 MAIN FINDINGS OF MONITORING MECHANISMS AND EXPERT ADVISORY BODIES

This Action Plan builds, to a great extent, on the most recent decisions, resolutions, recommendations, reports, opinions and findings of the Council of Europe's monitoring and expert advisory bodies in respect of the country as well as on the results of the previous Action Plan. It also takes into account the challenges identified in the Secretary General's annual reports on the State of Democracy, Human Rights and the Rule of Law in Europe. In addition, the Action Plan reflects the priorities of the reforms in the country, notably those identified in the Reform Agenda for BiH 2015- 2018; Justice Sector Reform Strategy for the period 2014-2018; Anti-corruption Strategy for 2015-2019; Strategy for Prevention and Combating Terrorism (2015-2020); 2017-2020 Strategy for Combating Organised Crime; Operational Strategy of the Institution of the Human Rights Ombudsmen of BiH for the period of 2016 to 2021; Higher Education Agency Development Strategy 2014 – 2018; Priorities for the development of higher education in BiH 2016-2026; Strategic framework for BiH; Framework Strategy for the Implementation of the Convention on preventing and combating violence against women and domestic violence 2015 – 2018; Action Plan for Combating Trafficking in BiH for the period 2016-2019; Roma Integration Strategy; Action Plan for addressing Roma Issues in the fields of Employment, Housing and Health care 2017-2020 and Disability Policy in BiH.

In developing the present Action Plan, and most specifically, when designing the technical co-operation support to reforms, the gaps identified by the following Council of Europe institutions, monitoring mechanisms and expert advisory bodies have been taken into account:

Human rights:

- **CM report on BiH**, Compliance with obligations and commitments, 18th Report (April 2013–April 2016) - recommendations, on different measures to combat discrimination and ethnic segregation in schools;
- **European Court of Human Rights (ECtHR) case-law**, as regards citizens' ineligibility to stand for elections due to their non-affiliation with one of the constituent peoples,² other cases concerning discrimination; prohibition of inhuman and/or degrading treatment and detention of mentally ill persons; right to a fair hearing/trial; protection of property; respect for private and family life; no punishment without law;
- **Venice Commission opinion on the Draft Law on Ombudsman for Human Rights** (CDL-AD(2015)034);
- **European Commission against Racism and Intolerance (ECRI)** recommendations highlighting issues of ethnically segregated education system, presence of inter-ethnic tensions, hate speech and, insufficient capacity of Ombudsman institution and no progress in executing some judgements of the ECtHR;
- **Advisory Committee of the Framework Convention for the Protection of National Minorities (ACFC)** recommendations on elimination of segregation in education, consistent implementation of the legislation on national minorities, support to national minorities enabling them to maintain and develop their cultural heritage and languages; promoting intercultural dialogue and mutual understanding between the different ethnic and religious groups; efforts to ensure that persons belonging to national minorities have effective access to the media;

² 2009 ECtHR Grand Chamber's judgment: *Sejdic and Finci v. BiH*, Violation of Article 14 (prohibition of discrimination) of the ECHR, in conjunction with Article 3 of Protocol No. 1 (right to free elections), and violation of Article 1 of Protocol No. 12 (general prohibition of discrimination).

- **European Charter for Regional or Minority Languages (ECRML)** recommendations on the need to take flexible measures facilitating the application of the Charter, including any necessary adaptations of the legislation; provide appropriate forms and means for the teaching of the minority languages; make adequate provision so that public broadcasters offer programmes in the minority languages; adopt and use traditional forms of place names in the minority languages;
- **Commissioner for Human Rights' (The Commissioner)** recommendations regarding the need to strengthen the national human rights structures;
- **Group of Experts on Action against Trafficking in Human Beings (GRETA)** recommendations underlining the need for intensifying efforts to prevent trafficking for the purpose of labour exploitation;
- **The European Committee of Social Rights (ECSR)** - country fact sheet and Report on non-accepted provisions of the Charter concerning BiH.

Rule of Law:

- **CM report on BiH**, Compliance with obligations and commitments, Eighteenth Report (April 2013–April 2016) - recommendations on different issues, most notably on the continuation of the justice reform, fight against corruption, the independence of media;
- **Venice Commission** opinions on legal certainty, independence of the judiciary, legal texts on functioning of the judiciary (draft laws on Courts and the High Judicial and Prosecutorial Council of BiH);
- **The Commissioner's** recommendations on the need for effective prosecution end of impunity, shortcomings of witness protection, effective access to justice. As regards the freedom of media - on the protection of the press, especially investigative journalism, ethical standards in journalism, alignment of court decisions with the requirement of the ECHR, and urgency for establishing an appropriate model for public service media to ensure their independence;
- **European Commission for the Efficiency of Justice (CEPEJ)** Report on European Judicial Systems: Efficiency and Quality of Justice (edition 2016);
- **Consultative Council of European Judges (CCJE)** opinions relating to independence and competence of judges; quality of judicial decisions and training for judges;
- **Consultative Council of European Prosecutors (CPPE)** opinions on European norms and principles concerning prosecutors;
- **Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** recommendations on the actions to be taken for investigation of police ill-treatment allegations and for addressing shortcomings (related to inter-prisoner violence and need for reinforcement of legal safeguards) within the penitentiary system and in psychiatrist establishments;
- **Group of States against Corruption (GRECO)** recommendations, especially on the prevention of corruption in respect of members of parliament, judges and prosecutors (ethical principles and rules of conduct, conflict of interests, prohibition or restriction of certain activities and declaration of assets and interest, enforcement of the rules regarding conflicts of interest, awareness);
- **Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)** Report on Fourth Assessment Visit for BiH on shortcomings of the AML/CFT and set of recommendations, especially as regards supervision, sanctioning, prevention of misuse of non-governmental organisations for terrorist financing, and implementation of the asset seizure and confiscation regime.

Democracy:

- **CM report on BiH**, Compliance with obligations and commitments, Eighteenth Report (April 2013–April 2016) - recommendations on electoral reforms;
- **European Court of Human Rights (ECtHR) case-law**, as regards electoral rights;
- **Venice Commission** Amicus Curiae Briefs for the Constitutional Court of BiH on the mode of elections in the House of Peoples of the Parliament of the FBiH and on certain provisions of the election law of BiH, Constitution and of the Statute of the city of Mostar;
- **Parliamentary Assembly of the Council of Europe (PACE)** Resolutions on the functioning of democratic institutions in BiH;
- **Congress of local and regional authorities of the Council of Europe (Congress)** recommendation on Local and regional democracy in Bosnia and Herzegovina (324 (2012));
- **Congress** recommendation, more particular the Report CG32(2017)16 on Observation of local elections in BiH held on 2 October 2016, with recommendations as regards the electoral process, as well as responsibilities and autonomy of local self-government units;
- **Congress** Information note on the Congress' mission to BiH in the framework of the post-electoral dialogue and further to the 2 October 2016 local elections (25-26 May 2017), with a special emphasis on the situation of local democracy in the City of Mostar.

Furthermore, relevant Council of Europe conventions and other tools of the Organisation such as the Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education have been used as reference for co-operation actions included in this Action Plan.

Main results of the previous Action Plan

The present Action Plan takes into account the outcomes and main achievements of the first Action Plan, elaborated in the Progress Review Report on BiH, e.g.:

- Three specialised panels to harmonise judicial practice within BiH, established with the support of the Council of Europe and composed of judges of the highest courts of BiH and representatives of the High Judicial and Prosecutorial Council, serve as a tool for the harmonisation of judicial practice in the absence of the state-level Supreme court;
- The functioning of penitentiary institutions across BiH prison jurisdictions was aligned with international standards through intensive prison staff training on core, advanced and management competencies;
- The enhanced co-operation between the Ombudsman and relevant public bodies and civil society organisations proved to be instrumental for strengthening the Institutions' standing and set a foundation for future preventive actions in discrimination cases by the institutions and civil society;
- A specific budget line at the state level with an allocated annual amount to support the work of minority organisations, has been introduced;
- BiH developed its own Action plan on inclusive education, which started its implementation in 2016 and serves as the basis for future activities in this area;
- A set of "Priorities for the development of higher education in BiH 2016-2026" developed with the assistance of the Council of Europe, was endorsed by the BiH Conference of Ministers and adopted by the Council of Ministers of BiH, serving as a blueprint for the future reform in this area;
- The capacity of the electoral administration has been improved in the context of local elections in 2016.

Consultation process

This Action Plan has been prepared following consultations with the authorities of BiH. Consultations with international partners especially the EU, through co-ordination and project steering committees, have also taken place in the process of preparation of this document.

On 10 April 2018, during its 1313th meeting the CM examined the final report on the implementation of the Action Plan 2015-2017, took note of its outcomes and paved the way for the present Action Plan for BiH.

1.2. ACTION PLAN GOALS

The present Action Plan is a strategic programming instrument for the period between 1 January 2018 and 31 December 2021. Its goal is to support the reforms bringing the legislation, institutions and practice in BiH further into line with European standards in the areas of human rights, the rule of law and democracy, and therefore support its efforts in meeting its obligations as a Council of Europe member State. It also aims to support the European integration process.

- The Council of Europe will continue to support the authorities of BiH in progressing with (and completing where possible) the strategic reforms undertaken in priority areas, such as:
 - Human rights protection and anti-discrimination;
 - Judicial reforms;
 - Penitentiary/police reforms, including the reintegration of extremist prisoners into society;
 - Fight against corruption, money laundering and the financing of terrorism, and cybercrime;
 - Education;
 - Freedom of expression and media;
 - Local democracy;
 - Electoral reforms;
 - Inter-ethnic dialogue and reconciliation at local level;
 - Social cohesion, with a special reference to the empowerment of Roma population.
- Based on recent findings of monitoring and advisory mechanisms, the Council of Europe and the authorities of BiH have also identified the following areas for possible future co-operation:

- Fight against violence against women and domestic violence;
- Combating trafficking in human beings;
- Promoting social rights.

The Action Plan will cover all three pillars of co-operation, providing expert and technical assistance in the effective implementation of the Council of Europe standards in priority areas and in enhancing the capacity of relevant institutions to function effectively. This will also include measures for excelling co-ordinated actions between stakeholders, which are a prerequisite for addressing complex governance challenges and for empowering beneficiaries to engage in a dialogue with civil society. The main focus of the co-operation will be the fight against discrimination and economic crime as well as the promotion of the freedom of expression.

PART II- PROPOSED ACTIONS FOR 2018 – 2021

2.1 HUMAN RIGHTS

BiH has achieved certain progress in addressing human rights and minorities' issues³, in particular with the adoption of relevant amendments to the anti-discrimination law in 2016. However, the adoption of strategic documents and better co-ordination between relevant authorities would allow a more coherent and structured policy for the protection of human rights⁴. To enhance the Ombudsman Institution's capacity to prevent and combat discrimination, further actions will be taken to empower its role as human rights defender⁵ and ensure better overall compliance with its recommendations. It will be equally important to reinforce the co-ordination between the relevant authorities to ensure that the legislation on national minorities is consistently applied and to promote intercultural dialogue and understanding⁶. Building up the sustained policy engagement of local authorities to empower local Roma communities⁷ will also aim to enhance democratic participation at the local level. Strengthening the institutional and policy framework required for preventing and combating gender-based violence and combating trafficking of human beings will be within the scope of human rights actions as well.

2.1.1 PROTECTING HUMAN RIGHTS

➤ European Programme for Human Rights Education for Legal Professionals

A precondition for achieving an effective national implementation of human rights requires that all actors in the justice chain (not only judges, prosecutors and lawyers, but also future practitioners) are familiar with the ECHR and other human rights standards, and are able to apply them in concrete situations. The Action Plan, through the Council of Europe European Programme for Human Rights Education for Legal Professionals (HELP), is intended to strengthen the enforcement of human rights in BiH. Through modules adapted to the BiH legal order, these courses will be integrated into the vocational and in-service annual training programmes of the national partners as well as in the Master Studies of Law Faculties. A specific focus will be given to the capacity of lawyers of BiH to lodge applications to the European Court of Human Rights (ECtHR). This may also involve developing training modules and implementing tailored-training in more specific areas in line with the monitoring recommendations of the Council of Europe.

➤ Strengthening the Institution of Human Rights Ombudsman

The Institution of Human Rights Ombudsman of BiH is the main non-judicial institution for the protection of human rights. Its mandate covers a wide range of issues, including the fight against discrimination, social rights and ill-treatment in closed institutions. Despite having received substantial support from the international community, including the Council of Europe, the Institution still faces serious challenges. For the most part, its recommendations stay unimplemented and its mandate remains unclear to the wider public.⁸ The 2015 draft new law on the Human Rights Ombudsman, still to be adopted, included a number of provisions requiring greater independence of the Institution and designating it with the role of National Preventive Mechanism (NPM). The latter is prescribed by BiH obligations deriving from the UN Optional Protocol to the Convention

³ ECRI Report on BiH – fifth monitoring cycle – adopted on 6th December 2016

⁴ The Commissioner's report following his visit to BiH from 12 to 16 June 2017, refers to the national Strategy on human rights and the national Strategy on the fight against discrimination.

⁵ Corresponding to the (§ 12) and (§ 84) ECRI, (fifth monitoring cycle)- recommendations related to Ombudsman institution

⁶ Advisory Committee on the FCNM, Third Opinion on BiH adopted on 7 March 2013

⁷ E.g. under the framework of the ROMACTED Joint CoE/EU programme and the European Alliance of Cities and Regions for Roma inclusion

⁸ ECRI(2017) report: "the authorities should intensify their efforts to promote compliance with the recommendations of the Ombudsman Institution"

against Torture. Until the new law is adopted and the NPM is established⁹ to address the issues raised in the Venice Commission opinion, the strengthening of the Institution remains essential.

The proposed actions will build upon the outcomes of the on-going project, focused on strengthening the Institution's role and capacity, supporting *inter alia*:

- The dialogue between the Institution and relevant public bodies with the aim to secure better implementation of its recommendations;
- The monitoring process of detention facilities;
- The co-operation with peer institutions in the region.

Expected outcomes:

European Programme for Human Rights Education for Legal Professionals:

- Application of European human rights standards by legal professionals increases;
- The capacity of all National Training Institutions for judges and prosecutors, Bar Associations as well as Law Faculties to provide high quality human rights training and education are strengthened;

Strengthening the Institution of Human Rights Ombudsman:

- The Institution's central role as a non-judicial institution for monitoring and protecting human rights is strengthened and its recommendations are implemented;
- The Institution has the capacity to carry out visits to places of deprivation of liberty in line with European and other international standards and methodology.

Main partners: Ministry of Human Rights and Refugees of BiH; Institution of Human Rights Ombudsman of BiH; Centre for Judicial and Prosecutorial Training of the FBiH; Centre for Judicial and Prosecutorial Training of the RS; Bar Association of the FBiH; Bar Association of the RS; Law faculties; civil society organisations.

2.1.2 PROMOTING HUMAN RIGHTS AND DIGNITY

➤ **Promoting good governance and Roma empowerment at local level**

In the framework of the priority 3 (*Promoting innovative models for local level solutions*) of the Council of Europe Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019) and giving continuity to the work initiated by the programmes implemented from 2013 to the end of 2016 in nine municipalities, the ROMACTED programme, initiated in May 2017, is being implemented in 10 Municipalities in BiH.

ROMACTED¹⁰ results from the experience of the ROMED and ROMACT programmes and reflects upon the adaptation of these methodologies and activities to each beneficiary and selected location, in order to fit into the policy cycle and the dynamics and reality of each municipality. As such it brings an additional input to existing policies and practices for an effective and more inclusive functioning.

The specificity of the actions is to assist the local authorities to integrate Roma specific dimension/measures into the mainstream local policies, budgets and public service delivery on their agenda, while enhancing Roma citizens' participation in the design, implementation and monitoring of those policies and projects. As a result, it is expected that the participating municipalities remain with consolidated features to continue serving the needs of the Roma population such as sustainable local action plans to facilitate the access of Roma to the public services.

➤ **Strengthening the protection of National Minorities in BiH**

Despite certain progress as regards the protection of national minorities and minority languages, significant gaps have been identified in the implementation of legislation by the Advisory Committee on the FCNM (ACFC) and the ECRML Committee of Experts (COMEX). Both bodies found that persons belonging to national minorities cannot fully enjoy their rights, while also noting lack of effective participation and public debates. In addition, the ECRI reiterated in its 2017 report on BiH¹¹ the need to ensure that members of national minorities,

⁹ Venice Commission, Opinion on the Draft Law on Ombudsman for Human Rights of BiH - CDL-AD(2015)034-e.

¹⁰ EU/Council of Europe Joint Project on Promoting Good Governance and Roma Empowerment at Local Level.

¹¹ ECRI(2017) §2.

as well as persons who do not identify with any constituent people or national minority, enjoy in law and in practice equal opportunities to access public sector employment.

In this context, the Action Plan will follow as main objectives:

- The implementation of the legal provisions and the Council of Europe recommendations on the use of minority languages in administration and education in areas where persons belonging to national minorities live traditionally or in substantive numbers;
- Strengthening the co-ordination between different layers of government, bodies representing national minorities and regulatory bodies and enhancing their capacities to promote interests of national minorities and to apply FCNM and ECRML standards¹² in different fields;
- Raising awareness on national minorities, on their cultural and other contributions to the country, as well as on their rights and protection mechanisms; building the capacity of entity/state broadcasters in developing programmes specifically focusing on minority protection and promotion of minority languages will be part of this action.

➤ **Combating hate speech and promoting diversity in sport**

The issue of hate speech in sport and misuse of supporter groups to express discriminatory messages was addressed in the latest Evaluation report¹³ on the compliance of BiH with the European Sport Charter. At the request of the authorities, this report was completed by an evaluation of the compliance with recommendation Rec(2001)6 of the Committee of Ministers to member States on the prevention of racism, xenophobia and racial intolerance in sport. BiH has actively taken part in the activities of the Council of Europe's Enlarged Partial Agreement on Sport (EPAS) on the promotion of diversity in and through sport. Due to the topical nature of the subject, and its regional impact, a workshop was organised on 21-22 November 2018 on hate speech in sport, by EPAS in co-operation with the Youth Department of the Council of Europe and the Ministry of Civil Affairs of BiH in Sarajevo. The workshop results highlighted the manifestation through hate speech of the persisting ethnic tensions leading to violent incidents at sport events targeting athletes, ethnic groups and fans.

Relevant stakeholder organisations such as public authorities responsible for sport, sport organisations, clubs and fan groups, lack strategic and operational expertise to combat hate speech and violent incidents in sport. The Council of Europe would provide technical assistance and capacity building measures allowing stakeholders on the ground to develop and implement adequate policies, procedures and projects. Concretely, the Council of Europe would be involved in:

- Sport-specific awareness-raising activities;
- Providing technical assistance to develop policies and tools to combat hate speech in sport;
- Organising youth training courses to support a grassroots movement for respectful speech;
- Implementing a cross-ethnic sport campaign promoting hate-free and violent-free sport events.

➤ **Fight against violence against women and domestic violence**

The ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence on 7 November 2013 (Istanbul Convention), was followed by the adoption of the legislative framework and the establishment of the corresponding mechanisms to address gender equality and women's rights. The *Law on Gender Equality* defined *inter alia* the responsibilities of the relevant institutions, namely the Agency for Gender Equality of BiH, the Gender Centre of the Federation of Bosnia and Herzegovina (FBiH) and the Gender Equality Centre of the Republika Srpska (RS). The country is implementing the current Gender Action Plan (GAP), focusing *inter alia* on preventing and combating gender-based violence, including domestic violence and trafficking in human beings.¹⁴

While the legal framework is in place, there is a need for institutional capacity building and provision of assistance to victims of domestic violence. In particular, efforts are still needed in tackling gender-based

¹² ACFC Opinion on BiH (ACFC/OP/III(2003)003); the Committee of Experts' Evaluation report on the ECRML application in BiH (ECRML (2016)3) 48-49; Committee of Ministers recommendation CM/RecChL(2016)4.

¹³ EPAS(2012)26 Report of the Consultative visit in BiH on the European Sports Charter, as well as the implementation of the recommendation Rec(2001)6 of the Committee of Ministers to member States on the prevention of racism, xenophobia and racial intolerance in sport.

¹⁴ Strategic goal 1: Development, implementation and monitoring of the programme of measures for improvement of gender equality within governmental institutions, priority area: I.1. Preventing and combating gender-based violence, including domestic violence as well as trafficking in human beings.

violence. Following the consultations with the Agency for Gender Equality of BiH and taking into consideration the Council of Europe monitoring findings,¹⁵ the future Council of Europe support will in particular address the need for developing an effective and efficient mechanism for prosecution of perpetrators of gender-based and domestic violence, by:

- Providing high quality human rights training for legal professionals, with a special reference to the violence against women and domestic violence;
- Strengthening the capacity of the Agency for Gender Equality, with the aim of supporting the establishment of the functional system of data collection and analysis of gender-based violence and femicide cases.

In the wider context, the Council of Europe will be also engaged in:

- Proposing recommendations to address legislative gaps and issues in service provision, to achieve the standards of the Istanbul Convention through the parliamentary support programme;
- Creating a network of politically active women in a number of municipalities through the Confidence Building Measures (CBM) action;
- Addressing issues related to gender stereotypes with the aim to increase women's political participation through electoral assistance.

In close consultation with the authorities, and on the basis of the respective monitoring recommendations, the Council of Europe will be ready to provide further technical assistance or legal advice in this area.

➤ **Preventing and Combating Trafficking in Human Beings**

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) in its latest country report¹⁶ notified progress in the criminalisation of human trafficking as a result of legislative and institutional developments. It commended the authorities for the efforts made to provide training for relevant professionals, as well as for the measures taken to raise the general public's awareness of human trafficking. Similarly, the report praised the adoption of a legal provision on the non-punishment of victims of trafficking for offences committed as a result of being trafficked. However, despite the progress achieved, a number of issues continue to give rise to concern.

With a view of GRETA recommendations and following further consultations with state authorities along the objectives set up in the Action Plan for Combating Trafficking in BiH,¹⁷ the proposed action will support the authorities in preventing and combating human trafficking by addressing different areas, such as human trafficking for the purpose of labour exploitation and the functioning of the Regional Monitoring Teams set up to co-ordinate anti-trafficking activities.

Expected outcomes:

Promoting good governance and Roma empowerment at local level:

- The institutions' commitment, capacities, knowledge and skills in working for Roma inclusion, is improved;
- The Roma community both at the individual and at the community level in the municipalities is further empowered.

Strengthening the protection of national minorities:

- The institutional and policy framework relating to the promotion and protection of national minorities is improved;
- The capacities of relevant authorities, institutions and minority representation bodies to address the issues of minority protection and promotion are enhanced.

Combating hate speech and promoting diversity in sport:

- Capacities and know how to promote respectful behaviour and to combat hate speech and violent incidents in sport/ at sport events are strengthened.

¹⁵ GRETA Second round evaluation report recommendation (31 of March 2017).

¹⁶ GRETA(2017)15, Second evaluation round Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina.

¹⁷ Recommendation of the Committee of the Parties, CP(2017)27 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina.

Gender equality and the fight against violence against women and domestic violence:

- The application of European human rights standards governing the prevention and protection of women from violence, by legal professionals is increased;
- The capacities of the Gender Equality Agency of BiH and the FBiH and RS Gender Centres to prevent and combat gender discrimination are strengthened.

Preventing and combating trafficking in human beings:

- The capacity of labour inspectors, law enforcement officials, social workers and other relevant front-line professionals to detect, identify and assist victims of human trafficking for the purpose of labour exploitation is increased;
- The capacity of the Regional Monitoring Teams to prevent and combat trafficking in human beings is strengthened.

Main partners: Ministry of Human Rights and Refugees of BiH; Ministry of Labour and Social Policy (FBiH); Ministry of Health and Social Welfare of RS; Ministries of Justice and Interior of BiH, FBiH and RS; Parliamentary Assembly of BiH; Parliamentary Committee of Human Rights; Ministry of Local Self-Government of RS, Federal Ministry of Education and Science; Ministry of Education and Culture of RS; Ministry of Civil Affairs of BiH; National Co-ordinator for combating Trafficking in Human Beings; Regional Monitoring Teams; Labour inspection; Prosecutors' office of BiH; Federal Prosecutor's Office; The Republic Prosecutor's Office of RS, district and cantonal Prosecutor's Offices; Councils of National Minorities (BiH, FBiH, RS); BiH Roma board; Human Rights Ombudsman, Gender Equality Agency of BiH and the FBiH and RS Gender Equality Centres; municipalities; other relevant authorities; civil society and media.

2.1.3 ENSURING SOCIAL RIGHTS

BiH ratified the Revised European Social Charter on 7 October 2008, accepting 51 of its 98 paragraphs. Between 2011 and 2017 the state submitted 7 reports on the application of the Charter.¹⁸ On the basis of these reports, the ECSR found that the situation in the country was not in conformity with several provisions of the ESC,¹⁹ while noticing repeated lack of information in the reports. Besides, the country has not accepted the Collective Complaints procedure.

To ensure better implementation of the ESC, thus enhancing the protection of social rights in BiH and contributing to the effective implementation of fundamental human rights, the Council of Europe is ready to:

- Support compliance of legislative and regulatory frameworks with European standards in the field of social rights through providing expert opinions and technical papers;
- Support the enhancement of institutional capacity to collect and provide necessary data to the ECSR as regards the implementation of the accepted provisions of the ESC through organising training sessions and workshops with the relevant authorities at different levels;
- Support the identification of legislative gaps and subsequent improvement of the relevant legislation in the fields covered by the non-accepted provisions of the ESC,²⁰ taking gender perspective into consideration, by providing expert opinions and encouraging debate at entity and federal levels to assist BiH acceptance of additional provisions;
- Support human rights-focused major Non-Governmental Organisations (NGOs) to integrate the social rights dimension into their activities through organising awareness raising activities, specific training sessions, as well as involving NGOs in ESC –related events.

Main outcomes:

- Further compliance of legislative and regulatory frameworks with European standards concerning social rights, including standards on gender equality is ensured by the relevant authorities;
- Institutional capacities to train legal professionals on the ESC and networking among professional associations have increased;
- ECSR decisions and conclusions are made available and better known by targeted professionals.

Main partners: Ministry of Human Rights and Refugees of BiH, other responsible authorities in FBiH, in Republic Srpska (RS) and in the district of Brčko (BD).

¹⁸ Reporting procedure: [https://www.coe.int/en/web/turin-european-social-charter/national-reports#{"13417429":6}](https://www.coe.int/en/web/turin-european-social-charter/national-reports#{)

¹⁹ Fact sheet on BiH: <https://rm.coe.int/pdf/1680492808>

²⁰ The European Committee of Social Rights adopted a Report on non-accepted provisions of the Revised Charter concerning BiH in 2013. A meeting on non-accepted provisions is foreseen for 2018.

2.2 RULE OF LAW

Continuing reforms aimed at the establishment of a professional, efficient and independent judicial and prosecution system remains a cornerstone of the country's accession commitment, entrenched in the Reform Agenda for BiH.²¹ The Council of Europe will continue to support BiH efforts to implement the priorities identified by the Justice Sector Reform Strategy for the period 2014-2018 with the aim to ensure the rule of law in the country. Preceding its leading role in penitentiary reforms since 2013 and its previous endeavours, the Council of Europe will continue co-operation activities aimed at sharing good practices with law enforcement agencies, enhancing human rights protection of detained persons and supporting reintegration of violent and extremist prisoners into society.

Following the MONEYVAL evaluation reports, BiH still has to address shortcomings and strategic deficiencies in a number of AML/CFT areas. The emphasis of actions within this area will be on combating and preventing money laundering and terrorist financing, through country-specific and regional activities in addition to the continuing co-operation on targeting crime proceeds on the Internet.²² In the context of GRECO 4th evaluation round report, and as a part of the broader co-ordinated action in BiH, the Council of Europe will assist authorities upon their request in any action taken to prevent and fight corruption, by improving the legal framework and its implementation to ensure compliance with the European standards.

The Council of Europe will also continue to assist BiH in the field of freedom of expression and the media, with the aim to increase the judiciary's awareness of and capacity on Council of Europe standards. The Organisation will also support media regulatory authorities and train journalists to develop professionalism, responsibility and respect of ethical rules.²³

2.2.1 ENSURING JUSTICE

➤ Independence, efficiency and quality of justice

Independence, efficiency and quality of justice are on-going concerns in BiH, as also recognised by the respective authorities in the Justice Sector Reform Strategy 2014 – 2018. Fragmentation of the judicial framework (including as regards budgets); non-enforcement of judicial decisions,²⁴ threats to judicial independence; excessive length of proceedings; poor case management and large backlog of cases²⁵ are in this context the most recurrent concerns. There is also a strong need for improving professionalism, integrity and accountability of judges, by strengthening the performance review system. While these issues can only be fully addressed through a more systemic reform and constitutional amendments, a number of measures can be taken in the midterm to improve the efficiency and quality of judiciary.

The proposed actions intend to make available to the BiH authorities the expertise and tools of the CEPEJ, which are being successfully deployed in other countries of the region. They will be designed in a way to address concrete needs of the authorities, so as to ensure a demand-driven approach, ownership, and to avoid possible overlapping with other donors' interventions. As a first step, a comprehensive performance assessment of the judicial system of BiH, in particular as regards independence, efficiency and quality of justice will be developed, including recommendations on shortcomings related to these aspects and reforms of the judiciary. Further to this, specific CEPEJ tools aimed at speeding up judicial proceedings and improving the quality of services provided to court users will be implemented in selected courts (to be identified in co-ordination with the authorities). Capacity-building activities, involving training will be organised for relevant court staff. Tools and methodology developed by the CCJE and CCPE, mainly their opinions and expertise related to the issue of independence of the judiciary will also be made available to the BiH authorities.

To ensure the coherent application of the ECtHR standards and national case law by the BiH judiciary, the Action Plan will continue to support the BiH authorities in creating and facilitating the work of the panels for harmonisation of the judicial practice (criminal, civil and administrative law issues). The panels became a successful temporary solution for the harmonisation of judicial practice in the absence of the State level

²¹ Reform Agenda for BiH – point 12 – Rule of Law and Good governance.

²² iPROCEEDS

²³ The Commissioner's report from 2017 and recommendations under 102-108.

²⁴ Including key judgments of both the European Court of Human Rights (e.g. *Sejdic and Finci*, *Zornic, Pilav and and Slaku cases*) and of BiH Constitutional Court.

²⁵ GRECO 4th Evaluation round report on BiH, p. 25-39.

Supreme Court. The proposed action will ensure sustainability of these achievements by institutionalising and further developing the harmonisation mechanism. The action will also support the establishment of case law departments within the second instance courts and contribute to the creation of a regional network of case law departments that will facilitate the exchange of best practices to address contentious legal issues.

➤ Prisons and police

All long-term priorities in the law enforcement field deriving from BiH international commitments, long-standing CPT recommendations,²⁶ and the ECtHR case law, such as staff training, aligning the treatment of persons deprived of liberty with human rights standards and reducing overcrowding, are relevant today as well as being essential constituents of EU pre-accession reforms. Despite some notable success seen supported by a series of projects implemented in previous years BiH needs to make further progress in this area.

While further aligning both the prison and police practices with European standards, the future work builds on the already established training capacities and the creation of a critical mass of law enforcement professionals essential for bringing about change. It also feeds off the BiH Justice Sector Reform Strategy (2014-2018).

Expanding human rights approach to the training of different profiles of law enforcement staff and drafting detailed operational procedures for daily management of persons deprived of liberty will contribute to upholding humane treatment. At the same time, prison overcrowding is expected to be reduced to acceptable levels by performing probation tasks in the custodial environment and applying monitoring mechanisms across the law enforcement sector. They consist primarily of sustainable arrangements with police in the community aimed at supervising released offenders and exchanging relevant reports with prison authorities. Such mechanisms would be designed for offenders under suspended sentence with mandatory supervision measure imposed by courts, and prisoners on early or conditional release. Following the adoption of the Strategy for Prevention and Combating Terrorism (2015-2020), with emphasis on prevention, prison staff's competencies to identify signs of radicalisation and apply the dynamic security concept in BiH prisons will be enhanced. Likewise, the establishment of multi-agency co-operation mechanism for providing a continuous support to prisoners' reintegration in the community will be fostered. At the same time, a new IT system will be introduced that will allow for electronic data collection and modern prison management.

Expected outcomes:

Independence, efficiency and quality of justice:

- The assessment of the judicial system performance as regards the independence, efficiency and quality of justice, including targeted recommendations is developed by the CEPEJ;
- The efficiency of courts and judicial proceedings and the quality of judicial service through the application of specific CEPEJ tools in selected courts are improved;
- An effective permanent mechanism for the harmonisation of judicial practice is in place and made operational within the judiciary.

Prisons and police:

- Further building up the core training capacities of law enforcement agencies, to the level required by the Council of Europe standards and best European practices;
- The implementation of probation tasks in the custodial environment as part of a phased introduction of fully operating probation services is facilitated;
- The implementation of early and conditional release mechanisms is improved;
- The competences of prison staff to identify signs of radicalisation of violent to extremist prisoners and to apply the appropriate security system in prisons, are enhanced;
- The establishment of co-operation mechanism to support violent and extremist prisoners upon their return into community is facilitated.

Main partners: Ministry of Justice of BiH, Ministries of Justice of RS and FBiH; High Judicial and Prosecutorial Council of BiH, Court of BiH, Supreme Court of the FBiH, Supreme Court of RS, Appellate Court of BD.; Ministry of Security of BiH, Ministries of Interior (RS and FBiH); Police of BD; law enforcement agencies in BiH: SIPA, Border Police, Service for Foreigners' Affairs, Court Police of BiH, Court Police of BD of BiH, Court Police of RS, Court Police of the FBiH and other relevant authorities and institutions.

²⁶ From the Report on the visit to BiH carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 29 September to 9 October 2015.

2.2.2 STRENGTHENING THE RULE OF LAW

➤ Freedom of expression and the media

The legal framework governing the media in BiH is generally considered to be adequately protecting freedom of expression. However, the implementation of media freedom laws²⁷ is hindered by a judicial system which faces several challenges²⁸ and leads to an environment that is not conducive to the full exercise of freedom of expression. Different forms of soft pressure and threats of defamation proceedings are still very present in the media environment, having a chilling effect on the work of journalists.

With its special focus on judiciary, the on-going regional CoE/EU Joint Programme *Reinforcing Judicial Expertise on Freedom of Expression and the Media in SEE* (JUFREX), trained a number of judges, prosecutors and lawyers from the region on freedom of expression standards as developed by the ECtHR Case law. It also created a pool of national trainers able to disseminate their knowledge and findings throughout the country. The project paved a way to the more systematic capacity building support to judges, prosecutors and lawyers as well as to regulatory bodies and media actors. The focus of the future action will be to provide continuous training to judges, prosecutors and lawyers on freedom of expression online and offline, and the implementation of the ECtHR evolving case law and the Council of Europe standards. The informal regional network of legal professionals is to be maintained to ensure enriching exchange beyond the state borders. Likewise, local inter-professional networks have proven successful in fostering mutual understanding between legal and media professionals.

Divisions along ethnic lines in the media field in BiH have had a serious negative impact on the professionalism of journalists. Associations of journalist and Press Council have reported several cases of hate speech on different online portals²⁹ but very few complaints have been brought before the courts.

Within the framework of JUFREX and its potential follow-up, and in light of BiH Action Plan for human rights education of journalists and media professionals in BiH for the period 2016-2019 and its priorities, especially those concerning the fight against hate speech online and the development of self-regulatory mechanisms, media literacy issues, with a special focus on the new phenomena, such as fake news and information disorder, will be addressed through the co-operation with universities as well as with civil society organisations dealing with media issues. Such support will build upon the results of previous actions with the main targets being media professionals, young journalists and students. In addition, regulatory authorities will continue to be supported as regards their monitoring capacities on new emerging challenges, including the fight against hate speech. As for the results of the well-established network of regulatory authorities, further regional co-operation is to be supported to reinforce the regional application of the Council of Europe standards and recommendations. To this end, additional support regarding the respect of codes of ethics and the effective implementation of self-regulation will be provided to journalists, journalist associations and Press Council. Safety of journalist will be addressed as well, in the framework of a continuous dialogue with the respective authorities in order to promote the relevant Council of Europe recommendations.

➤ Data Protection

Since the adoption of Law on Personal Data Protection in 2001 and the creation of the Data Protection Agency (DPA) in 2008, significant changes have been introduced in the international and European legal framework on data protection.

Consequently, it is very important that BiH engages in a legislative activity aiming at revising its legislation governing the processing and protection of personal data in the light of the most recent standards. The strengthening of the independence of the DPA is notably an essential element to emphasise. In parallel to a legislative exercise as well as to support it, specific areas identified as priority would highly benefit from awareness raising efforts about the need to protect personal data both for citizens and for controllers and for those who process personal information.

²⁷ <https://freedomhouse.org/report/freedom-press/2017/bosnia-and-herzegovina>.

²⁸ The Commissioner's report from 2017.

²⁹ Western Balkans regional platform for advocating media freedoms and safety of journalists, Indicators on the level of media freedom and journalists' safety (BiH), December 2016.

Expected outcomes:*Freedom of expression and the media:*

- Relevant existing legislation on media freedom is effectively implemented;
- Domestic case law is further in line with ECtHR case law;
- Self-regulations mechanisms are effectively implemented by media actors;
- A dialogue is established with the authorities in order to fulfil their positive obligation to protect journalists and other media actors from all forms of attacks and to end impunity for such attacks.

Data Protection:

- The Law on Data Protection is revised and complies with the most recent international standards;
- The Data Protection Agency of BiH enjoys strengthened independence.

Main partners: Ministry of Human Rights and Refugees and Ministry of Civil Affairs of BiH; Federal Ministry of Education and Science; Ministry of Education and Culture of RS; Centre for Judicial and Prosecutorial Training of Federation of BiH, Centre for Education of Judges and Prosecutor in RS, Bar Association of RS, Bar Association of Federation of BiH, Prosecutor's offices, Communications Regulatory Agency, Press Council, Journalists' associations, young media professionals; Ministry of Justice of BiH, Data Protection Agency of BiH, NGOs, Parliaments.

2.2.3 COUNTERING THREATS TO THE RULE OF LAW➤ **Countering money laundering and the financing of terrorism**

According to MONEYVAL's 4th mutual evaluation report, there is still a need to address a significant number of shortcomings in BiH anti-money laundering (AML)/countering the financing of terrorism (CFT) regime. Despite the various measures taken to address the identified deficiencies, in particular the adoption of amendments to the Criminal Code (March and May 2015) and the law on the prevention of money laundering and terrorist financing (May 2016), BiH would benefit from technical assistance, which would support the proper implementation of the new legislation and thus would better respond to the requirements of the forthcoming round of MONEYVAL mutual evaluations (based on the FATF Methodology from 2013) with the focus on effectiveness. MONEYVAL's findings are especially salient as regards the AML/CFT supervisory framework, sanctions for non-compliance with AML/CFT requirements, measures for the non-profit sector and procedures for seizing and confiscating assets. The Council of Europe is ready to seek to address issues of non-compliance with AML/CFT related recommendations.

The support to BiH could be provided also through a regional action spanning a regional risk assessment of the Non for Profit Organisation sector, capacity building of supervisory authorities as well as improvement of the regulatory framework in this area.

➤ **Fight against corruption**

Based on the priorities of the Anti-corruption Strategy for 2015-2019 of BiH, the Council of Europe would be ready to support BiH authorities in their reforms endeavours to prevent and fight corruption with a view to restoring citizen's trust in governmental and legislative institutions.

➤ **Cybercrime**

BiH is a Contracting Party to the Council of Europe Convention on Cybercrime (Budapest Convention), including its Additional Protocol on Xenophobia and Racism Committed through Computer Systems. The country is also Party to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention). The legislation of BiH reflects the decentralised organisation of the country. Further steps are required to align various pieces of legislation with the corresponding standards, especially those related to procedural powers. In addition the fragmented institutional setup requires further strengthening of the inter-agency information sharing and co-operation.³⁰

In the framework of the iPROCEEDS³¹ project, good progress was already made in strengthening inter-agency and international co-operation, by developing general guidelines on domestic protocols for such co-operation.

³⁰ from the Project report

³¹ EU/Council of Europe Joint Project on Targeting Crime Proceeds on the Internet in SEE and Turkey.

This will further assist the authorities in preparing structured and documented procedures for inter-agency and international sharing of information and evidence that are auditable, simple and applied by cybercrime units, financial investigation units, Financial Intelligence Department (FID) and Prosecution services in the search, seizure and confiscation of online crime proceeds. At the same time, due to increasingly sophisticated methods and complexity of the cybercrime and online crime proceeds the project will continue strengthening the capacity of cybercrime and financial investigators, prosecutors and FID through a number of specialised workshops/conferences/trainings and other activities.

Expected outcomes:

Countering money laundering and the financing of terrorism:

- Level of compliance with MONEYVAL recommendations improved through country-tailored intervention.

Fight against corruption:

- A selected number of recommendations from GRECO evaluation reports are effectively implemented in BiH.

Cybercrime:

- Public reporting systems on online fraud and other cybercrime are improved;
- Capacity of authorities to search, seize and confiscate cybercrime proceeds and prevent money laundering on the Internet is strengthened;
- Legislation is improved and the prevention of money laundering on the Internet is in line with data protection requirements;
- International co-operation and information sharing is strengthened.

Fight against corruption:

- A selected number of recommendations from GRECO evaluation reports are effectively implemented in BiH.

Main partners: Ministries of Justice (BIH, FBIH and RS); Ministry of Interior (BiH, FBIH and RS), Ministry of Security of BiH; Parliamentary Assembly of BiH, Financial Intelligence Unit; Insurance and Banking sector supervisors (FBIH and RS); Indirect Taxation Authority of BIH; and Prosecutor's Offices (BIH, FBIH, RS and BD); NPO supervisory authorities; NPO community; Financial and non-financial supervisors; National security agency; BD Criminal Police; State Investigation and Protection Agency (SIPA); Financial Intelligence Department (FID); Centres for Judicial and Prosecutorial Training in entities.

2.3 DEMOCRACY

With a view of the recommended amendments to the electoral law, the Venice Commission remains ready to assist in ensuring the conformity of the country's electoral legislation and its implementation with the European electoral heritage. The main emphasis of the foreseen electoral assistance will be to support the upcoming general elections in 2018 on a number of aspects of election administration and across all phases of the electoral cycle.

The Council of Europe will also assist authorities to improve their respective legislation and the capacity of local authorities to deliver public services at local level. Based on relevant Council of Europe monitoring recommendations³², particular emphasis will be on the action to improve the quality of education in BiH. Actions will help to overcome ethnic segregation in the formal education system by applying anti-discriminatory approaches based on Council of Europe standards. This will be in line with another action aiming at enhancing inter-ethnic dialogue between policy makers, young leaders and other social groups at the level of local communities, especially those located at the entity boundaries. Equally important will be to engage with the reforms of higher education, taking into consideration its instrumental role in supporting the social and economic development of the country.

³² (§ 59) ECRI, idem, recommendation on the urgent need to end all forms of segregation in schools, including "two schools under one roof" and mono-ethnic schools and the application and further development of the common core curriculum.

2.3.1 STRENGTHENING DEMOCRATIC GOVERNANCE AND FOSTERING INNOVATION

➤ Promoting good governance through local self-government reform

Supporting the democratic development of BiH by strengthening governance at all levels through public administration and local government reform is key to the country's EU integration agenda. The Council of Europe recently carried out a needs assessment for decentralisation and local government reform in BiH.³³ The main shortcomings identified in this exercise are related to strategic planning, public service delivery, municipal organisation and management capacity, civil participation and inter- and cross-border co-operation. Analysis of relevant Council of Europe recommendations, in particular, Congress recommendation 324 (2012)³⁴ following the monitoring of BiH implementation of the European Charter on Local Self-Government, indicates a lack of action on the side of the authorities to respond to the recommended measures and urges the entities of BiH to draw up reform plans for decentralisation.

External monitoring reports note that strengthening the functioning of democratic institutions is essential and an appropriate balance between central, regional and local government needs to be found to help improve governance at all levels. Modern and effective human resource management is at the heart of good governance at local level and essential to democratic development. Regional co-operation and good neighbourly relations are also important. In this context, the Action plan will offer technical and expert support:

- At legislative level with the aim of improving legislation on local self-government in line with Congress recommendations and best European practice and supporting the adoption of harmonised civil service legislation across state, entity, canton and local levels;
- At capacity-building level, based on a specific Toolkit of the Centre of Expertise and corresponding needs of the country: to support the introduction of modern human resources management practices; to strengthen the participation of citizens in political decision-making; and to facilitate inter-municipal and cross-border co-operation.

➤ Elections

Following the Council of Europe monitoring findings and recommendations³⁵ on recent local elections and in light of the decisions of BiH Constitutional Court of and the ECtHR,³⁶ the Venice Commissions stands ready to assist authorities in reviewing the electoral law should it be requested. This will aim to bring it in line with the European standards, while the overall technical co-operation in this area, in the context of upcoming general elections, would be threefold, encompassing:

- Pre-electoral assistance to the electoral administration through educational and publishing activities for the members of the polling station committees and municipality election commissions, with the aim to increase their professionalism and capacity to conduct credible elections. This will be accompanied by a wide array of activities tackling the issue of financing political parties and election campaigns, election observation, co-ordination between the electoral bodies and enhancing the transparency of the CEC work. A series of pre-election training for underrepresented groups of people will be a part of this set of actions;
- Addressing the issues related to gender stereotypes to increase women's political participation: by supporting media campaign for promoting women in political life and rising citizens' awareness on importance of participation in the elections and by enhancing the capacity of the BiH Agency for Gender Equality through a set of actions targeting the problem of women's representation in political life;³⁷
- Enhancing the capacity of the newly established Education centre of the CEC through peer-to-peer and educational activities. This will include a follow-up training for the electoral administration based on the curriculum developed through the previous Council of Europe assistance.

³³ A need assessment presented to the stakeholders on 23 December 2015 in Sarajevo.

³⁴ Recommendation 324 (2012) Local and regional democracy in BiH.

³⁵ Recommendation 399(2017) Observation of the 2 October 2016 local elections in BiH.

³⁶ Related *inter alia* to the 2010 Constitutional Court's decision on certain provisions of the Statute of the city of Mostar and the Election Law and the 2016 Constitutional Court's decision in a case challenging the constitutionality of the provision of the Election law as regards the election to the House of Peoples of BiH, both referring to the Venice commission *Amicus Curiae* briefs - CDL-AD(2010)032 and CDL-AD(2016)02.

³⁷ Also linked to the actions on gender equality and fight against violence against women and domestic violence.

Expected outcomes:*Support to local self-government reform in BiH:*

- Harmonised legislation adopted to support further decentralisation and a common civil service policy and legal framework across all levels of local self-government;
- Capacities of local government units strengthened to support establishment of modern human resources management (HRM) practices, improved civil participation, and co-operation between municipalities.

Elections:

- The capacity of election administration to conduct credible election is improved and in line with international standards;
- Participation and media visibility of women in political processes is increased.

Main partners: Ministry of Public Administration and Local Self-Government of the RS; Ministry of Justice of FBiH; Associations of municipalities and cities in FBiH and RS; Central Election Commission, Gender Equality Agency of BiH and FBiH and RS Gender Equality Centres; Ministries responsible for higher education, higher education institutions, academic and managerial staff, students.

2.3.2 PROMOTING PARTICIPATION AND DIVERSITY➤ **Education**- **Promoting quality education in multi-ethnic societies**

Ethnic segregation in schools has become the norm rather than the exception in BiH under the so called “Two Schools under One roof” policy, which persists in certain Cantons of the Federation, and “mono-ethnic schools”, which exist in the Federation and the Republika Srpska, despite Court judgements, international recommendations to eliminate segregation in education and mobilisation of students.³⁸

The proposed action is based on the CM and PACE monitoring reports which exhorted that ending ethnic segregation in schools is one of BiH Council of Europe post-accession conditions in 2002.³⁹ It also draws upon the Commissioner for Human Rights’ reports on the situation, including a 2017 report on inclusive education, CM/Rec(2012)13 recommendation on ensuring quality education, CM/Rec(2009)4 recommendation on the education of Roma and Travellers in Europe, as well as the Council of Europe ECRI report addressing this issue.⁴⁰

This action will contribute to improving the quality of education in BiH by helping overcome ethnic segregation in the formal education system through applying anti-discriminatory approaches based on Council of Europe standards and practices. The aim is to strengthen the capacities of education actors to bring forward policies to fight ethnic segregation and, at the same time, improve the quality of education. The action will implement an integrated approach of policy and grassroots initiatives, including an assessment and initial recommendations, focus group meetings, and various outreach events to trigger discussion in society, and culminate in evidence-based recommendations.

- **Strengthening academic integrity and combat corruption in the higher education system**

Based upon CM/Rec(2012)13 recommendation on ensuring quality education, the Action Plan will address corruption and boost the integrity of higher education institutions based on the Council of Europe's pan-European platform Ethics, Transparency and Integrity in Education (ETINED). In close co-operation with the relevant ministries responsible for education, including the Ministry of Civil Affairs, as well as higher education institutions, this initiative will define priorities and support their implementation based on a comprehensive baseline analysis.

The analysis will involve all major stakeholders and address the issues affecting the integrity of the higher education system, including developing appropriate preventative tools and measures to address risks in the

³⁸ ECRI(2017); Resolution CM/ResCMN(2015)5 on the implementation of the Framework Convention for the Protection of National Minorities by BiH.

³⁹ PACE Report Doc. 9287 – 5 December 2001, “To maintain and continue reform in the field of education and to eliminate all aspects of segregation and discrimination based upon ethnic origins”, PACE’s Opinion 234 (2002) “BiH application for membership of the CoE”

⁴⁰ ECRI (2017)

education system. Based on the results of the baseline study and related recommendations, relevant higher education institutions will be supported to develop and start implementing mechanisms to prevent corruption and to strengthen ethics, transparency and integrity in higher education. In parallel, the action will support a greater awareness among educational professionals and students of integrity and corruption. Given this issue is one that most, if not all countries must address, it is also foreseen that a regional component be included to share best practices in the region.

- **Increasing mobility and employability through the reform of higher education in BiH in line with the European Higher Education Area**

To strengthen the higher education qualifications framework and increase mobility and employability, the Council of Europe assisted in formulating the “*Priorities for the development of higher education in BiH 2016-2026*” and supported the implementation of the *Action plan for development and implementation of the Qualifications Framework in BiH 2014-2020* by developing the *Manual for the Further Development and Use of Qualifications and Occupational Standards in BiH*.

This action will build upon these previous initiatives through further implementation of this Action Plan. Specifically, models of study programmes will be developed based on already established qualifications standards and learning outcomes (both at the level of qualification and module or subject) for selected subject fields where qualifications standards have been developed under the previous project. Complementary, further trainings on how to develop and use qualifications standards and learning outcomes for development of new study programmes, using local trainers trained in the previous initiative. Based on the existing qualifications standards the Action will work on the development of new qualifications standards and learning outcome-based study programmes across higher education.

➤ **Confidence Building Measures (CBMs)**

Given the complex nature of decentralisation in BiH, Council of Europe monitoring mechanisms regularly emphasise the importance of the role of local government in ensuring rights-compliant service-delivery in areas such as education and language rights. During the implementation of the Action Plan for BiH 2015 – 2017, the Council of Europe’s CBM Programme established a network of nineteen municipalities, all of which were divided by the entity boundary in light of the Dayton Agreement. The experience of the previous AP demonstrated the effectiveness of fostering reconciliation through co-operation on issues of common interest to all communities. It was also clear that the CBM programme is both unique in structure and focus, and there is wide interest to deepen co-operation further in the future.

The focus of this action will be three-fold with flexibility to allow for changing circumstances or local needs. Firstly, the network of municipalities on both sides of the entity boundary line will be further strengthened in specific areas of local-government competence drawing on the Council of Europe’s standards. The aim is to seek out and consolidate durable avenues for co-operation. Secondly, young people will remain a key focus group, whose energy and open-mindedness presents a unique reconciliation resource to BiH. Engaging young people in meaningful dialogue and supporting their grassroots reconciliation efforts will also help to enhance social cohesion. Finally, several Council of Europe monitoring and advisory mechanisms⁴¹ have pointed to shortcomings in the area of gender equality and violence against women⁴² in BiH despite the existence of progressive legislation. In light of this, and recognising that women’s empowerment is a precursor for sustainable peace and reconciliation, the CBM aims to reinforce the “Women for Bosnia” network, a group of female change/makers in BiH, with a view to enhancing advocacy, lobbying and other practical activities at a local level to address gender inequalities.⁴³

➤ **School of political studies**

The School of Political Studies (SPS) in BiH plays an important role in engaging a new generation of civic and political leaders in political dialogue, by providing high-quality training and confidence-building measures for

⁴¹ The Council of Europe’s Third round of monitoring on the implementation of *CM recommendation Rec(2003)3 on balanced participation of women and men in political and public decision-making* found that despite the existence of gender quotas which requires 33% of elected officials at parliamentary level to be women, only 21.4% of the members of the single/lower house were women in BiH. The figure is considerably less at a local level, with fewer than 10 female mayors out of 143 municipalities.

⁴² In its 2017 report on BiH, GRETA issued a recommendation to the BiH authorities to make further efforts to promote gender equality. Violence against women is considered a serious issue, and remains a subject of some taboo in BiH, particularly in rural communities.

⁴³ Also linked to the actions on gender equality and fight against violence against women and domestic violence.

future generations of leaders from both political Entities, beyond narrowly defined ethnic institutional and party interests.

With the support of the Council of Europe, the School will continue its on-going efforts empowering young leaders to take a more active role in political processes, by providing a series of seminars that will form the backbone of the annual SPS BiH programmes. These will cover a broad range of themes, including the culture of dialogue, democratic institutions and good governance, transparency, the fight against corruption and the empowerment of women and young people in public and political life.

Expected outcomes:

Promoting quality education in multi-ethnic societies:

- The education reform process is streamlined through the development of policy recommendations addressing ethnic segregation;
- Awareness of school directors, teachers, students, politicians, civil society and public at large on the benefits of a multi-ethnic and democratic school for a quality education is increased.

Higher Education:

- Relevant higher education institutions develop ethical standards, combat corruption and promote best practices of quality and integrity in education;
- The higher education qualifications framework is strengthened and harmonised by developing and applying common standards and procedures for higher education qualifications across the country.

Confidence Building Measures:

- Inter-municipal co-operation across the entity boundary line is enhanced with a view to progressing reconciliation and overall democratisation efforts;
- The role of women in the reconciliation process is enhanced;
- Dialogue and co-operation between young people at municipality level are increased.

School of political studies:

- Knowledge and capacity of young decision-makers and civil society actors in the field of democratic governance, constructive political dialogue and policy-making are increased; they are better equipped and more willing to participate in democratic processes in BiH.

Main partners: Ministry of Civil Affairs; Federal Ministry of Education and Science (FBiH); Ministry of Education and Culture of RS; other Ministries responsible of education; higher education institutions and agencies, academic and managerial staff; students; media; Ministry of Human Rights and Refugees of BiH; local self-governments including those along entity-boundary line, civil sector; Gender Equality Agency of BiH; FBiH and RS Gender Equality Centres; Municipal Gender Equality Commissions; other relevant authorities ; School of political studies.

PART III- IMPLEMENTATION

3.1 METHODOLOGY

The overall co-ordination of technical co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP) which steers the programming of and fund-raising for co-operation actions whilst ensuring the good functioning of Council of Europe Offices in the field.

Action Plan projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise. The Council of Europe's Office in Sarajevo⁴⁴ plays a key role in coordinating and supporting the implementation of the projects in the field in accordance with the decentralisation policy applying to co-operation. As of 1 January 2018, the Office's human resources counted 19 staff members.

The implementation of Action Plan projects involves, as necessary, needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. The methodology followed aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes, in line with the Project Management Methodology of the Council of Europe.

In addition, the co-operation designed by the Council of Europe follows a "multi-institutional approach", which allows different Council of Europe's institutions and bodies to target governmental stakeholders, parliaments,

⁴⁴ <https://www.coe.int/en/web/sarajevo>

independent governance institutions such as the Ombudsman, local and regional authorities, and civil society, in order to create a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Creating inter-parliamentary platforms for reflection and innovation will continue to be a valuable tool for the implementation of the Action Plan of the Council of Europe. Enhanced interaction with the parliaments in BiH, through a peer-to-peer approach, shall allow European-level debates find their way more easily to these parliaments.

Gender equality is mainstreamed throughout the Council of Europe's projects. Similarly, the Organisation promotes the active participation of civil society in project activities. Inclusiveness is approached in accordance with the Guidelines on gender mainstreaming in Council of Europe's co-operation activities⁴⁵ and Guidelines on civil society organisations participation in Council of Europe's co-operation activities.⁴⁶

The present Action Plan also takes into account the **lessons learned** during implementation of the Action Plan 2015-2017, including:

- The human rights-based approach to co-operation, which uses the Council of Europe standards and principle both as means and goals of technical assistance, can significantly contribute to the realisation of those rights;
- Effective co-ordination of projects is of crucial importance considering the multiplicity of international donors and the variety of national actors involved in new actions;
- Close co-ordination with the partners in BiH at all levels and at all stages of the programmes' development and implementation is needed to ensure optimal implementation and steering of the action, helping to create shared ownership for the long-term engagement in the Action Plan among the authorities;
- Targeted programmes based on monitoring recommendations showed to be an added value of the co-operation, being able to address the specific needs of the country by streamlined assistance and in a compliance with both the Council of Europe standards and EU *acquis* in the framework of the enlargement process;
- Local capacity development remains an important element of the technical assistance programmes.

Due to the nature of its mandate, the Council of Europe has to operate at times in complex and unstable environments which expose it to risks. The analysis of risks relevant to implementation of the Action Plan as well as possible mitigation strategies are identified in Appendix II of the present Action Plan on the basis of the Council of Europe risk management guidelines.

3.2 CO-ORDINATION

Co-ordination to ensure an efficient use of resources and the relevance of the Council of Europe's actions is performed at different levels and in different forums, including the Committee of Ministers of the Council of Europe (CM).

The Council of Europe's actions are worked out and implemented in areas where the Council of Europe has a strong expertise and added value. Joint co-operation with BiH' authorities is developed based on a thorough analysis of the objectives followed by other international organisations and actors in the field and their work, implemented and/or planned to achieve these objectives.

To ensure the relevance of its actions, the Council of Europe works in close co-ordination with relevant international partners, notably the European Union (EU) and in particular the EU Delegation in Sarajevo. The present Action Plan will be also implemented in the context of the government programme geared towards the EU integration process and following the provisions of the Stabilisation and Association Agreement.

Co-ordination is also ensured with the United Nations (UN) and the Organisation for Security and Co-operation in Europe (OSCE), as well as with development agencies and the embassies of the Council of Europe member States and states with an observing status such as the United States. Whenever appropriate, co-ordination platforms with other international organisations are set-up and joint activities undertaken.

⁴⁵ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cf0>.

⁴⁶ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cef>.

3.3 FUNDING

The overall budget of the Action Plan is approximately €18.1 million. Funding amounting to €2.7 million (15% of the total budget) has been secured.

Projects in the Action Plan are to be funded from multiple sources. Funding is to be provided from the Council of Europe's ordinary budget, as well as voluntary contributions from donor countries and international organisations, including the EU/CoE Horizontal Facility for the Western Balkans and Turkey. The co-ordination of the Action Plan implementation is carried out with the help of general management costs amounting to maximum 7% of the Action Plan's direct costs.

In line with the Council of Europe resource mobilisation strategy, fundraising efforts under the co-ordination of the Office of the Directorate General of Programmes (ODGP) are concentrated on the Action Plan as a whole.

The present Action Plan structure from 2018 to 2021 is aligned with the structure of the Programme and Budget of the Council of Europe and with its two biennial cycles in order to increase coherence, complementarity and co-ordination between activities within the ordinary budget of the Council of Europe and extra-budgetary technical assistance for BiH.

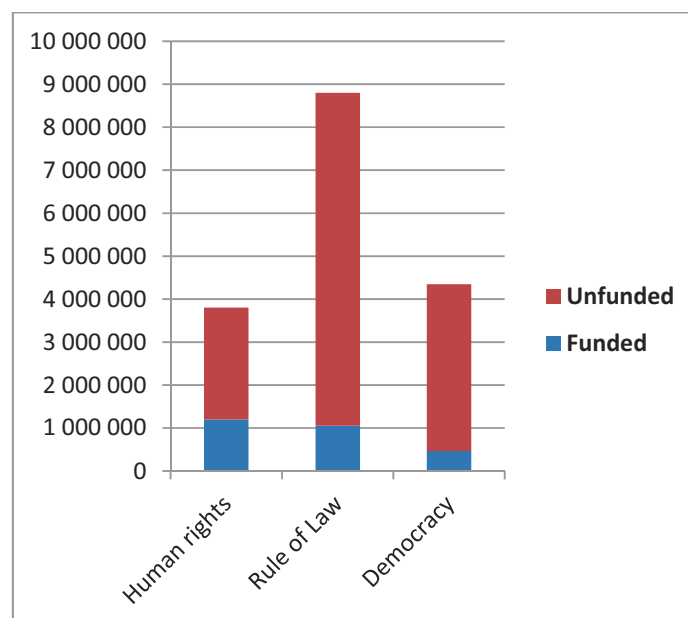


Figure 2: Estimated budget per theme of the Council of Europe Action Plan for Bosnia and Herzegovina 2018-2021, in euros

3.4 GOVERNANCE

The Committee of Ministers of the Council of Europe (CM) is responsible, through its Group of Rapporteurs on Democracy (GR-DEM) for the overall assessment of the Action Plan implementation.

The Council of Europe will provide regular updates on the progress and outcomes of the Action Plan. To this end, the Office of the Directorate General of Programmes (ODGP) will submit interim and final reports to the Committee of Ministers as follows:

- Oral report 12 months after the adoption of the Action Plan, to present the state of advancement after the Action Plan's official launching;
- Comprehensive mid-term Progress Review Report, 24 months after the adoption of the Action Plan;
- Final Progress Review Report at the end of implementation of the Action Plan.

Progress made under the Action Plan will also be jointly assessed by the Council of Europe and BiH authorities, under the close co-ordination of the Ministry of Foreign Affairs and in co-operation with other

governmental stakeholders, parliaments, civil society and independent governance institutions, such as ombudsmen and local and regional authorities.

In addition, the ODGP will address annual Action Plan Reports to those donors contributing at the level of the Action Plan, in line with reporting requirements.

Action Plan contacts

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APPENDIX I: LOGFRAME

Gender equality and civil participation in decision making as transversal topics:

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in accordance with the Guidelines on gender mainstreaming in Council of Europe's co-operation activities;
- **Civil participation** is promoted by the Organisation in line with the Guidelines on civil society organisations participation in Council of Europe's co-operation activities.

Overall goal: To ensure successful reforms in BiH which will bring its legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy, and therefore support its efforts in meeting its obligations as a Council of Europe member State.

Human Rights	Thematic outcome: Equality and the human rights protection are enhanced through the well-structured and coordinated implementation of human rights standards and a coherent anti-discrimination policy
Outcomes	Indicators
<p>1.1. Protecting Human Rights The application of European human rights standards of legal professionals is enhanced; the Ombudsman Institution's central role as a non-judicial institution for monitoring and protecting human rights is strengthened and its recommendations are implemented; the Ombudsman Institution has the capacity to carry out visits to places of deprivation of liberty in line with European and other international standards and methodology.</p>	<ul style="list-style-type: none"> • Level of knowledge about human rights standards and extent of their application by legal professionals; • Extent to which good practices relating to application of European human rights standards is introduced and further promoted in the country; • Level of application of anti-discrimination standards and Ombudsman's recommendations by public institutions and courts; • The institution's level required capabilities and professional knowledge in relevant fields, such as human rights, healthcare or the administration of justice.
<p>1.2. Promoting Human Rights and Dignity The institutions' commitment, capacities, knowledge and skills in working for Roma inclusion, is improved and the Roma community in the municipalities is further empowered; The institutional and policy framework relating to the promotion and protection of national minorities is improved while the capacities of relevant authorities, institutions and minority representation bodies to address the issues of minority protection and promotion are enhanced; Capacities and know-how to promote respectful behaviour and to combat hate speech and violent incidents at sport events are strengthened; The application of European human rights standards governing the prevention and protection of women from violence, by legal professionals is increased and the capacities of the Gender Agency of BiH and the Entities' Gender Centres to prevent and combat gender discrimination are strengthened;</p>	<ul style="list-style-type: none"> • Extent to which Roma specific dimension/measures are integrated into the into the local authorities agenda; • Extent to which a number of institutional measures for a coherent implementation of ECRML and FCNM recommendations are introduced within duration of the action plan; • Decrease of violent incidents and tensions at sporting events; • The quality of the judicial response in violence against women cases and access to justice for victims of violence; • The adoption of a human rights-based approach to action against trafficking in human beings; • Relevant professionals are using and applying guidelines provided to detect victims of trafficking for labour exploitation;

<p>The capacity of labour inspectors, law enforcement officials, social workers and other professionals to detect, identify and assist victims of human trafficking for the purpose of labour exploitation is increased and the capacities of the Regional Monitoring Teams to prevent and combat trafficking in human beings is strengthened.</p>	<ul style="list-style-type: none"> Enhanced media reporting on human rights and dignity.
<p>1.3. Ensuring social rights Compliance of legislative and regulatory frameworks with European standards concerning social rights is improved and the local capacities to train legal professionals on the ESC and networking among professional associations have increased.</p>	<ul style="list-style-type: none"> Extent to which the relevant legislation is in place or amended in line with European standards on social rights; Level of co-operation and exchange between professional associations.
<p>Rule of Law Thematic outcome: Democratic security is strengthened by enhanced implementation of the existing legislation and European standards in different areas, competent institutional landscape, improved quality of justice and effectiveness in combating organised crime</p>	
<p>Outcomes</p>	
<p>2.1. Ensuring Justice The assessment of the judicial system performance is developed by the CEPEJ while the efficiency of courts and judicial proceedings and the quality of judicial service through the application of specific CEPEJ tools are improved; An effective permanent mechanism for the harmonisation of judicial practice is in place and operational; The principle of legal certainty is ensured in judicial proceedings strengthening human rights implementation; Building up the core training capacities of law enforcement agencies, to the level required by the Council of Europe standards; The implementation of probation tasks in the custodial environment is facilitated and the implementation of early and conditional release mechanisms is improved; The competences of prison staff to identify signs of radicalisation of violent to extremist prisoners and to apply the appropriate security system in prisons, are enhanced; the establishment of co-operation mechanism to support violent and extremist prisoners upon their return into community is facilitated.</p>	<p style="text-align: center;">Indicators</p> <ul style="list-style-type: none"> CEPEJ tools and methodology are integrated in the courts' working methods; Level of implementation of CEPEJ tools on quality of justice in selected courts; Institutional/legal preconditions for establishing the permanent state level mechanism and establishment of the case law departments within the second instance courts; In service training programme reflecting human rights is introduced into the existing training programme; Extent to which the implementation of early and conditional release mechanism is improved; Community is actively engaged with supporting reintegration of violent and extremist prisoners, upon their return into community.

<p>2.2. Strengthening the Rule of Law</p> <p>Relevant existing legislation on media freedom is effectively implemented and domestic case law is further in line with ECtHR case law; Removals of hate speech in online and offline media are increased; Self-regulatory mechanisms are effectively implemented by media actors and a dialogue is established with the authorities in order to fulfil their positive obligation to protect journalists/media actors from all forms of attacks and to end impunity for such attacks; The Law on data protection is revised and the Data Protection Agency enjoys strengthened independence.</p>	<ul style="list-style-type: none"> • References to the ECtHR standards as regards the freedom of expression in the updated court case law database; • Reported cases on hate speech decrease; • Inter-professional meetings between journalists and prosecutors resulted in constructive initiatives designed to protect journalists; • Effective investigations on crime against journalists are carried out; • Data protection legislation and rules are implemented and respected.
<p>2.3. Countering Threats to the Rule of Law</p> <p>Level of compliance with MONEYVAL recommendations improved through country-tailored intervention; A selected number of recommendations from GRECO evaluation reports are more effectively implemented in BiH; Capacity of authorities to search, seize and confiscate cybercrime proceeds and prevent money laundering on the Internet is strengthened; Public reporting systems on online fraud and other cybercrime are improved; Legislation is improved and the prevention of money laundering on the Internet is in line with data protection requirements; International co-operation and information sharing is strengthened.</p>	<ul style="list-style-type: none"> • Compliance of the regulatory framework and legislation with international standards and development of supervision methodologies and overall operational practices; • Level of compliance with international standards on cybercrime, money laundering and the search, seizure and confiscation of proceeds from crime (Council of Europe Conventions ETS 185 and 198); • Performance of public reporting mechanisms in terms of receiving and processing reports and publishing analyses; • The increase in the effectiveness of international co-operation in terms of timeliness and number of co-operation requests; • Level of compliance of the legislative amendments to the international standards.
<p>Democracy</p> <p>Thematic outcome: Democratisation of society is fostered through enhanced culture of dialogue, strengthened competence of democratic institutions, electoral integrity, confidence building and increased participation of young people in democratic processes</p>	
<p>Outcomes</p>	
<p>3.1. Strengthening democratic governance and fostering innovation</p> <p>Legislation related to the local self-government is in line with the European standards; Human Resource Management methods, tools and practice are reformed in selected number of local authorities; the capacity of election administration to conduct credible election is improved and in line with international standards; participation and media visibility of women in political processes is increased; the higher education qualifications framework is strengthened and harmonised by developing and applying common standards and procedures for higher education qualifications across the country.</p>	<p style="text-align: center;">Indicators</p> <ul style="list-style-type: none"> • Level of compliance of the LSG legislation with the European standards; • Performance of the modern HRM methods and tools in a number of local self-governments; • Increased number of women elected in Parliament and local authorities; • Number of measures on strengthening ethics, transparency and integrity in higher education, that are introduced by universities across the country;

	<ul style="list-style-type: none"> • Fairer recognition of skills and mobility of University graduates.
<p>3.2. Promoting participation and diversity</p> <p>The education reform process is streamlined through the implementation of policy recommendations addressing ethnic segregation; awareness of schools and public at large on the benefits of a multi-ethnic and democratic school for a quality education is increased; relevant higher education institutions develop ethical standards and combat corruption while the higher education qualifications framework is harmonised by developing and applying common standards for higher education qualifications; inter-municipal co-operation across the entity boundary line is enhanced with a view to progressing reconciliation and overall democratisation efforts; knowledge and capacity of young decision-makers and civil society actors in the field of democratic governance, political dialogue and policy-making are increased.</p>	<ul style="list-style-type: none"> • Extent to which the policy recommendation have been implemented throughout BiH education system; • Number of measures on strengthening ethics, transparency and integrity in higher education, that are introduced by universities across the country; • Fairer recognition of skills and mobility of University graduates; • Increased number of implemented inter-municipal co-operation initiatives as regards the local authorities, youth and women across the entity boundary line; • Level of SPS alumni participation in the political life.

APPENDIX II: RISK REGISTER

Risk description	Mitigation actions
<p align="center">Political related risk</p> <p>Best case scenario- increased scope and pace of reforms:</p> <ul style="list-style-type: none"> • Consensus among wide political spectrum on reforms is established; • Reform are effectively implemented and widely supported by citizens. 	<ul style="list-style-type: none"> • Increased awareness raising about the Council of Europe involvement in the reforms process; • Extended capacity-building activities, especially for the partners promoting standards of the Council of Europe; • Stronger support to the BiH institutions and other partners.
<p>Base case scenario- sustained political stability:</p> <ul style="list-style-type: none"> • Partial implementation of reforms and opposition to their implementation in certain groups of the society; • Insufficient understanding of on-going reforms. 	<ul style="list-style-type: none"> • Support respective authorities to ensure compliance of legislative and regulatory frameworks with the standards of the Council of Europe; • Build capacity of institutions to implement these standards, enhance awareness of the population on those standards; • Raise awareness of institutional partners who promote standards of the Organisation among population; • Facilitate contacts and co-operation between supporters of the reforms within different branches of the power and within civil society.
<p>Worst case scenario- increased political instability/ absence of reforms:</p> <ul style="list-style-type: none"> • Increased polarisation of the society; • Reform process slows down; • Worsened social situation specifically of the vulnerable groups. 	<ul style="list-style-type: none"> • Awareness raising among target groups to sensitise them on importance of application of the standards of the Organisation; • Promote dialogue between authorities and civil society on application of the standards; • Focus on anti-discrimination; • Discuss mitigation strategies with international partners (EU in particular).

Project/programme delivery related risks	
<ul style="list-style-type: none"> • Lack of sufficient funding for implementation of the Action Plan. 	<ul style="list-style-type: none"> • Increase resource mobilisation efforts in coordinated manner within the country and from the headquarters; • Allocate funding for programmes which have strong potential for synergy with each other, scheduling available resources in the most effective manner; • Continue to address feedback from partners and donors to improve project design, implementation, results-based monitoring and reporting practices to attract and maintain donors.
<ul style="list-style-type: none"> • Lack of effective co-ordination mechanisms with national and international partners to avoid overlapping and to ensure synergies among programmes. 	<ul style="list-style-type: none"> • Increased number of joint activities with international partners with whom co-ordination of plans is already achieved, in order to strengthen common message, achieve economic efficiency and increase acceptance of the reforms.
<ul style="list-style-type: none"> • Lack of predictability and sustainability of the results due to complexity and conflicting goals of the reforms process. 	<ul style="list-style-type: none"> • Interactive results-oriented monitoring of the programmes to measure improvements in the legal frameworks, institutional settings and policies; provide relevant statistics; • Assess level of public awareness and allow time to adjust implementation if necessary; • Engagement of local institutions and expertise; • Support networking of programmes, national and international partners adopting incremental and realistic approach to support emerging positive changes.
<ul style="list-style-type: none"> • Gender stereotypes affect negatively the project implementation. 	<ul style="list-style-type: none"> • Gender-sensitive communication and assessment of project materials in order to propose the appropriate language.

Communication related risks	
<ul style="list-style-type: none"> • Lack of transparency and consensus on priorities and scope of the programmes among international partners. 	<ul style="list-style-type: none"> • Increase scope and consistency of communication to inform professional groups, international partners and general public about contribution of the Organisation and donors to the reforms.
<ul style="list-style-type: none"> • Lack of knowledge among main international and national partners, target groups and general population about the Council of Europe contribution to the reforms in the country. 	<ul style="list-style-type: none"> • Every programme develops its communication strategy to foster interest in the activities of the Organisation among major stakeholders; increase professional and public awareness of the Organisation contribution to the reforms; increase the speed at which information is exchanged.

APPENDIX III: FINANCIAL TABLE

(amounts in euros)

Sectors	AP budget	Funded OB	Funded EU*	Funded VC	Total funds secured	Unfunded
Human rights	3 805 635	231 905	927 619	40 000	1 199 524	2 606 111
1. Protecting Human Rights	1 082 857	68 571	274 286	40 000	382 857	700 000
2. Promoting Human Rights and Dignity	2 322 778	163 334	653 333	0	816 667	1 506 111
3. Ensuring Social Rights	400 000	0	0	0	0	400 000
Rule of Law	8 803 049	169 570	848 485	37 375	1 055 430	7 747 619
1. Ensuring justice	5 855 022	103 529	414 118	37 375	555 022	5 300 000
2. Strengthening the Rule of Law	893 333	32 000	128 000	0	160 000	733 333
3. Countering Threats to the Rule of Law	2 054 694	34 041	306 367	0	340 408	1 714 286
Democracy	4 346 666	254 000	216 000	0	470 000	3 876 666
1. Strengthening Democratic Governance and Fostering Innovation	960 000	100 000	0	0	100 000	860 000
2. Promoting participation and diversity	3 386 666	154 000	216 000	0	370 000	3 016 666
General management costs	1 186 875			0	0	1 186 875
TOTAL	18 142 225	655 475	1 992 104	77 375	2 724 954	15 417 271

*Includes regional EU/CoE joint programmes

APPENDIX IV: SOURCES/RELEVANT DOCUMENTS

Council of Europe documents

European Court of Human Rights

European Court of Human Rights' case-law in relation to BiH

Technical co-operation with BiH

Action Plan for BiH 2015-2017

Progress Review Report Action Plan 2015-2017

Secretary General of the Council of Europe

Reports by the Secretary General of the Council of Europe State of democracy, human rights and the rule of law in Europe for the years 2014, 2015, 2016 and 2017

Committee of Ministers of the Council of Europe

Report on BiH, Compliance with obligations and commitments, Eighteenth Report (April 2013-April 2016)

Resolution CM/ResCMN(2015)5 on the implementation of the Framework Convention for the Protection of National Minorities by Bosnia and Herzegovina

Recommendation CM/RecChL(2016)4 on the application of the European Charter for Regional or Minority Languages by Bosnia and Herzegovina

Recommendation on ensuring quality education, CM/Rec(2012)13

Recommendation CM/Rec(2009)4 on the education of Roma and Travellers in Europe

Parliamentary Assembly of the Council of Europe

Resolution 2201 (2018) on honoring of obligations and commitments by Bosnia and Herzegovina

Recommendation 2025 (2013)1, The functioning of democratic institutions in Bosnia and Herzegovina

Report 13300 (2013) The functioning of democratic institutions in Bosnia and Herzegovina

Opinion 234 (2002) "BiH application for membership of the CoE"

Congress of Local and Regional Authorities of the Council of Europe

Recommendation 399 (2017) Observation of the 2 October 2016 local elections in Bosnia and Herzegovina

Report CG32(2017)16 on Observation of local elections in Bosnia and Herzegovina

Report CPL33(2017)03 - Information note on the Congress' mission to Bosnia and Herzegovina in the framework of the post-electoral dialogue and further to the 2 October 2016 local elections (25-26 May 2017)

Recommendation 324 (2012) Local and regional democracy in BiH

Council of Europe Monitoring and expert advisory bodies

ECRI Report on BiH (fifth monitoring cycle) 2016

ECRI conclusions on the implementation of the recommendations in respect of Bosnia and Herzegovina subject to interim follow-up

Advisory Committee on the Framework Convention for the protection of national minorities - Third Opinion on Bosnia and Herzegovina - 2013

Second report of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of Bosnia and Herzegovina, 2016

Report of Commissioner for Human Rights following his visit to Bosnia and Herzegovina from 12 to 16 June 2017

CPT Report on the visit to Bosnia and Herzegovina CPT/Inf (2016) 17

European Committee of Social Rights Conclusions 2016 on BiH

European Committee of Social Rights – Fact sheet on BiH

GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, Second evaluation round – 2017

Recommendation of the Committee of the Parties, CP(2017)27 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina

Gender Equality Commission- Third round of monitoring on the implementation of CM recommendation Rec(2003)3 on balanced participation of women and men in political and public decision-making

GRECO, 4th Evaluation Report 2015

GRECO 3rd round 3rd interim compliance report 2016

MONEYVAL, Report on Fourth Assessment Visit for Bosnia and Herzegovina, 2015

CCJE(2017)4 - Opinion No. 20 (2017) on the Role of courts with respect to the uniform application of the law

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