BOSNIA AND HERZEGOVINA



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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Right to liberty and security

- Psychiatric confinement

By a 2009 amendment to the 2003 Criminal Procedure Code, Social Assistance Centres are no longer competent to order psychiatric placement of criminal offenders found not guilty for reason of insanity; it henceforth falls upon the competent criminal court to order such placement (for a maximum period of six months), at the same time as referring the matter directly to a civil court for a final decision. Mental health patients detained in inappropriate institutions were transferred to adequate psychiatric facilities.

Tokić and Others (12455/04+)
Final Resolution CM/ResDH(2014)197

Hadžic and Suljić (39446/06+)
Final Resolution CM/ResDH(2018)114

- Detention in view of deportation

By a 2012 amendment to the 2008 Aliens Act, the detention of foreign nationals on security grounds requires a prior deportation order to be issued by the Aliens Service.

Al Hamdani (31098/10)
Final Resolution CM/ResDH(2014)186

Functioning of justice

- Access to court

New Rules of the Constitutional Court were adopted in April 2014 to avoid rejections of constitutional appeals on the grounds that the Constitutional Court cannot reach a required majority.

Avdić (28357/11)
Final Resolution CM/ResDH(2015)170

- Non-enforcement of domestic decisions against private persons

In 2025 the Law on Enforcement Proceedings of Federation of Bosnia and Herzegovina was amended aiming at enhancing the efficacy of the enforcement proceedings.

***Martinović* group** (41749/12+)
Final Resolution CM/ResDH(2026)108

No punishment without law

The Constitutional Court and the State Court changed their practice in 2014 to ensure that persons accused of war crimes and crimes against humanity are not sentenced to heavier sanctions than those foreseen by the law in force at the time when the crimes were committed.

Maktouf and Damjanović (2312/08)
Final Resolution CM/ResDH(2017)180

Ne bis in idem

In 2014 the Constitutional Court conducted a change of its case-law to ensure protection of the principle of *ne bis in idem* at domestic level.

Muslija (32042/11)
Final Resolution CM/ResDH(2017)30

Protection of property rights

- Repayment of "Old" foreign currency savings

The Federation decided in 2009 and 2010 to issue government bonds to allow the repayment of these "old" savings.

Suljagić (27912/02)
Final Resolution CM/ResDH(2011)44

- Pensions for persons displaced during the war

Individuals who were granted pensions before the war in what is today the Federation of Bosnia and Herzegovina (FBiH), and who moved to Republika Srpska during the war, were allowed upon their return to FBiH to apply for a FBiH pension.

Karanović (39462/03)
Final Resolution CM/ResDH(2012)148

- Honouring State debt for war damages

The payment schemes set up in 2011 and 2012 in the Federation and in the Republika Srpska (with subsequent amendments) to ensure the enforcement of domestic court judgments awarding war damages have proven effective. The overwhelming majority of claims have now been dealt with.

Čolić and Others (1218/07+)
Final Resolution CM/ResDH(2018)116

- Repayment of other State debts

In 2012 a domestic Debt Act was adopted providing for the settlement of other internal debts of Republika Srpska following domestic court judgments, either in cash or through the acceptance of five-year bonds. The settlement plans have since been implemented.

Momić and Others (1441/07+)
Final Resolution CM/ResDH(2017)29

Electoral rights

In July 2020, the Election Act was amended, in line with OSCE requirements and Venice Commission recommendations, to enable local elections in Mostar.

Baralija (30100/18)
Final Resolution CM/ResDH(2020)240

Prohibition of discrimination

The changes in 2020 and 2024 to the Judicial and Prosecutorial Salaries Act of 2006 removed discrimination of judicial clerks vis-à-vis judges at the State Court as regards various work-related allowances.

Pinkas and Others (8701/21)
Final resolution CM/ResDH(2025)228



II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Main issues pending

Conditions of detention – mentally ill, vulnerable persons

Unlawful placement in social care home, i.e. without a decision of the competent civil court.

Hadžimejlić and Others (3427/13+)
Judgment final on 03/02/2016

Standard supervision
Status of execution

Length of judicial proceedings

Excessive length of judicial proceedings and lack of an effective remedy.

***Hadžajlić* group** (10770/18+)
Judgment final on 16/01/2020

Standard supervision
Status of execution

Enforcement of judicial decisions

Non-enforcement of domestic decisions.

***Kunić* group** (68955/12+)
Judgment final on 14/02/2018

Standard supervision
Status of execution

Private and family life

Lack of appropriate procedural safeguards in proceedings before the State Court concerning deportation on national security grounds.

Šćepanović (21196/21)
Judgment final on 15/11/2022

Standard supervision
Status of execution

Lack of appropriate procedural safeguards to protect privileged data during the seizure and subsequent examination of a lawyer's mobile phone.

Nezirić (4088/21)
Judgment final on 05/11/2024

Standard supervision
Status of execution

Protection of property

Inability for members of the armed forces of Yugoslavia to regain possession of their pre-war apartments in the Federation of Bosnia and Herzegovina.

Đokić (6518/04)
Judgment final on 04/10/2010

Standard supervision
Status of execution

***Mago* group** (12959/05+)
Judgment final on 24/09/2012

Standard supervision
Status of execution

Electoral rights

Citizens' ineligibility to stand for elections to the Presidency and the House of Representations due to their non-affiliation (whether because of their situation or of their choice) with one of the constituent peoples.

***Sejdić and Finci* group** (27996/06 and 34836/06)
Judgment final on 22/12/2009

Enhanced supervision
Status of execution

Applicants' ineligibility to stand for election to the position of Chair/Deputy Chair of the House of Representatives.

Begić (5067/23)
Judgment final on 05/05/2026

Enhanced supervision

	Status of execution
Citizens' ineligibility to stand for election to the position of President/Vice-President of the two entities in Bosnia and Herzegovina.	***Begić (No. 2)*** (16613/23) Judgment final on 05/05/2026 Enhanced supervision **Status of execution**



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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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