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

Final Report (November 2017- March 2018)

Update of document [GR-DEM\(2017\)19](#)

Document prepared by the Office of the Directorate General for Programmes

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EXECUTIVE SUMMARY

The Action Plan for Bosnia and Herzegovina (“BiH”) was adopted by the Committee of Ministers of the Council of Europe (“CM”) at its 1221st meeting on 4 March 2015, and launched on 21 May 2015 in Sarajevo. On 8 November 2017, at its 1299th meeting, the CM took note of the progress review report on the implementation of the Action Plan and instructed the Secretariat to present a final report on the results of the Action Plan at the end of its implementation.²

This final report presents an update on the latest developments and results achieved since the adoption of the progress review report covering the period until 31 March 2018.

The positive trend in co-operation noted in the first half of 2017 – as highlighted in the above-mentioned progress report- continued in the frame of actions related to the protection of national minorities including Roma, inter-ethnic youth dialogue and reintegration of violent and extremist prisoners. Moreover, the scope of few on-going activities related to justice and anti-discrimination was broadened in the framework of the EU/CoE Horizontal Facility for the Western Balkans and Turkey (Horizontal Facility).

The total cost of implementation of the projects of the Action Plan for BiH 2015-2017 was €10 764 122. The total funding secured amounted to €5 886 384, including funding from (in order of volume) the European Union (EU), Norway, the United States, the United Kingdom, the Human Rights Trust Fund, Lichtenstein, Croatia and Slovakia.

As mentioned in the progress review report, additional efforts are required in areas that remained unfunded and in new fields of intervention. The adoption of a new Action Plan and corresponding financial resources will be essential to address key priority areas and to ensure the sustainability of previously achieved results in other areas.

¹ This document has been classified restricted until examination by the Committee of Ministers.

² See [CM/Del/Dec\(2017\)1299/2.1bisa](#) and [GR-DEM\(2017\)19](#).

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³ The numbering of the table of content corresponds to document [GR-DEM\(2017\)19](#). Only the points updated are part of the present document.

LIST OF ACRONYMS AND ABBREVIATIONS

Action Plan	Council of Europe Action Plan for Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
CBM	Confidence Building Measures
CEC	Central Election Commission
CM	Committee of Ministers of the Council of Europe
CRA	Communications Regulatory Agency
ECES	European Center for Electoral Support
ECHR	European Convention on Human Rights
EU	European Union
GR-DEM	Group of Rapporteurs on Democracy
Horizontal Facility	EU/CoE Joint Programme Horizontal Facility for the Western Balkans and Turkey
iPROCEEDS	EU/CoE Joint Project on Targeting crime proceeds on the internet in South Eastern Europe and Turkey
JUFREX	EU/CoE Joint Project on Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe
ROMACTED	EU/CoE Joint Project on Promoting good governance and Roma empowerment at local level
SEE	South East Europe
SPS	School of Political Studies
Venice Commission	European Commission for Democracy through Law

1. INTRODUCTION

The Committee of Ministers adopted the Action Plan for BiH 2015-2017 at its 1221st session on 4 March 2015. It was launched by the Secretary General of the Council of Europe, Thorbjørn Jagland, and the Foreign Minister of BiH and Chairman of the Committee of Ministers Igor Crnadak on 21 May 2015 in Sarajevo. On 8 November 2017, at its 1299th meeting, the CM took note of the progress review report on the state of implementation of the Action Plan and instructed the Secretariat to present a final report on the results of the Action Plan at the end of its implementation.

This report aims to present an update on the developments and results that have been achieved between November 2017 and March 2018, which confirm the overall assessment of the previous report.

During the final part of the implementation period, the Action Plan focused on improving the capacities of the prison and police authorities, specialised State agencies, local authorities, independent regulatory bodies, parliamentarians, Roma, media and civil society through multilateral, regional and country-based actions.

A total of 20 projects were funded out of the 24 developed on the basis of the Action Plan priorities. BiH benefited from 12 country-specific and seven regional programmes. As a part of the Horizontal Facility, three actions were launched in May 2016 (strengthening the institution of the Ombudsman, enhancing the human rights protection of detained and sentenced persons and finalisation of census assessment). Two Regional EU/CoE Joint Programmes “Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe” (JUFREX) and “Promoting good governance and Roma empowerment at local level” (ROMACTED) were respectively launched in April 2016 and May 2017. In addition, two pilot projects on prison reform and inter-community dialogue started in mid-2017.

As mentioned in the progress review report, the overall implementation of the Action Plan showed uneven and to a certain extent, limited progress.

Several new actions launched in 2017 on prison reform, inter-community dialogue and Roma empowerment are showing positive trends. They are seen as a fresh impetus to the co-operation even though their overall outcomes will be measurable only beyond the lifetime of the Action Plan. Considering that most activities have been developed through regional programmes for South East Europe (SEE) in order to boost the co-operation in the forthcoming period, the focus should be on the country-based actions. The latter will build upon the results of the regional and multilateral initiatives.

2. PILLAR/SECTOR REVIEW

The present update focuses only on the pillars/sectors where developments occurred since the adoption of the progress review report.

2.1. ANTI-DISCRIMINATION, RESPECT FOR DIVERSITY AND SOCIAL INCLUSION

2.1.1. ANTI-DISCRIMINATION

As mentioned in the progress review report, the capacity of the Ombudsman’s Institution to prevent and combat discrimination has been progressively improved through systematic training of its lawyers on European anti-discrimination standards.

In 2017, the Ombudsman Institution benefited from a broad range of new capacity-building actions focused on the Ombudsman’s new functions as National Preventive Mechanism and on the application of anti-discrimination standards related to gender-based discrimination. In addition, dialogue and co-operation between the judiciary and the Ombudsman Institution were reinforced through a number of trainings and consultative meetings.

2.1.4. ROMA

The new regional EU/CoE Joint Programme ROMACTED was launched in May 2017 as part of the Thematic Action Plan on the inclusion of Roma and Travellers and building on the results of the ROMED and ROMACT programmes. The programme in BiH is being implemented in close co-operation with the Ministry of Human Rights and Refugees, responsible for the implementation of the Roma Integration Strategy. The non-governmental organisation Centar za Podršku Roma -“Romalen” - was selected, as a

result of a competitive tendering call, to support the implementation of programme's activities at local level, covering ten municipalities in BiH.⁴

2.1.5. LOCAL COMMUNITIES/INTER-ETHNIC DIALOGUE

In the framework of the confidence-building measures (CBM) programme, inter-ethnic dialogue at the level of municipalities and local communities was further reinforced. Strategic partnerships were developed with 19 municipalities located on both sides of the entity-boundary. A range of cross-boundary initiatives were elaborated through a participatory process to address common needs of the populations. To strengthen the capacity of the local administrations in the longer-term, a technical training on project development was delivered, equipping municipalities with the skills necessary to elaborate their proposals and enable them to leverage funds from donors. This also fed into a CBM small grant scheme, which supported cross-boundary sub-groups of municipalities to implement projects in the areas of education, culture and community infrastructure that are under the competence of local authorities⁵. These projects built trust and reinforced inter-municipal co-operation. Based on needs expressed by local partners, a group entitled *Women for Bosnia* was established in December 2017 to lead women-focused CBM initiatives in the participating municipalities in 2018 and beyond. This network of municipalities remains an opportunity to broaden and deepen Council of Europe co-operation in the future, focusing in particular on youth and women as promoters of reconciliation.

2.1.6. YOUTH

A new pilot action began in 2017 to foster inter-ethnic dialogue between young people and support their democratic participation in municipalities along inter-entity borders. Capitalising on the broader CBM activities in BiH, it encouraged dialogue between young people and policy makers on matters of concern at local, regional and national levels. The process was inclusive and fully endorsed by participating municipalities through a joint declaration signed in Sarajevo in December 2017. The results of the consultation represent a roadmap for further work in the area of youth and reconciliation in a new BiH Action Plan.

2.2. JUSTICE SECTOR REFORM

2.2.1. PENITENTIARY AND POLICE

As demonstrated in the progress review report, several key documents were developed to enhance human rights protection for persons deprived of their liberty in accordance with the Council of Europe standards. On this basis, comprehensive training programmes were implemented as of July 2017, allowing for improved level of knowledge of all three groups of participants as identified in the post-training evaluation. The component on treatment of mentally incapacitated offenders in the Forensic Psychiatry Institute Sokolac was launched in February 2018 as well as activities on introducing the new IT tool on data management in the BiH prison system.

As a result of the pilot action supporting reintegration of violent and extremist prisoners, and in co-operation with the working group composed of representatives of all three Ministries of Justice in BiH and Council of Europe experts, a manual on risk and needs assessment protocol, specific individual sentence planning and treatment programmes, such as pre-release, was developed and presented to the members of prison multidisciplinary teams and security staff. Follow-up action would be needed to develop a fully-fledged multi-agency co-operation mechanism providing support to these prisoners upon their return into community.

⁴ Bijeljina, Brčko, Donji Vakuf, Gradiška, Kakanj, Prnjavor, Tuzla, Visoko, Vukosavlje and Travnik.

⁵ For example in Gorazde/Novo Gorazde a fourteenth century publication from the historical local printing house was restored and republished as a contribution to the annual Festival of Friendship which brings together inhabitants from both municipalities/entities, while young people from the municipalities of Šamac, Domaljevac, Vukosavlje, Odžak came together in an inter-ethnic cultural programme performing traditional songs and dances jointly toured the region fostering dialogue and creating valuable linkages between the divided communities.

2.3. FIGHTING CORRUPTION, ECONOMIC CRIME AND ORGANISED CRIME

2.3.2. CYBERCRIME

Since the adoption of the progress review report, the implementation of the European Union/Council of Europe Joint Programme targeting crime proceeds on the Internet in South-East Europe and Turkey (iPROCEEDS) continued through a number of activities focused most notably on:

- The preparation of protocols for interagency and international co-operation where an important milestone was reached with testing the general guidelines drawn up during the cybercrime simulation exercise held in BiH from 15 to 18 January 2018. Interagency co-operation was improved and the exchange of information was enhanced through co-ordination and co-operation requiring the participants to investigate cybercrime, apply digital forensics skills, detect and handle suspicious financial transactions and money laundering and recover data through international co-operation channels;
- The development of introductory training modules for judiciary on cybercrime, electronic evidence and online crime proceeds and subsequent integration of these modules into the training curricula of judicial training institutions. A number of judges and prosecutors from BiH gained basic knowledge of cybercrime, electronic evidence and financial investigations of cybercrime proceeds, learning how to deal with these concepts and what substantive and procedural laws to apply.

Partner institutions from BiH also participated in a number of regional events,⁶ and contributed to the development of the online platform/tools in the Octopus community.⁷

2.3.3 PARLIAMENTARY CO-OPERATION ON PARLIAMENTARY INTEGRITY

A seminar on parliamentary integrity, held in Rome at the end of October 2017, brought members of parliament from BiH and Albania together with local and international experts to discuss measures to regulate conflicts of interest of MP, and the regulation of parliamentary immunities aiming at identifying best practices to promote a culture of good governance. It led, in particular, to the key recommendation to create a network of European anti-corruption authorities. MPs from BiH also benefited from a follow-up conference organised in co-operation with the Venice Commission and the Congress of Local and Regional Authorities centred on the misuse of administrative resources during electoral processes.

2.4. FREEDOM OF EXPRESSION AND INFORMATION SOCIETY

2.4.2. REINFORCING JUDICIAL EXPERTISE ON FREEDOM OF EXPRESSION AND THE MEDIA

As mentioned in the progress review report, the Regional Programme JUFREX became operational in BiH in September 2016. A country assessment report and corresponding strategy paper were developed. The following activities also took place:

- Training material that will feed into the curricula to be adopted by the National Training Institutions was developed in local language, including: a handbook for trainers on Article 10 adjusted to the country's legislation and case law, 7 presentations on freedom of expression sub-topics and HELP on-line courses (on freedom of expression, hate speech, data protection and reasoning of judgements);
- In the context of cascade trainings, a number of lawyers from across the country linked 2 Bar associations improved their knowledge about Council of Europe standards on defamation and the European Court of Human Rights case law related to Article 10. In addition, 50 judges and

⁶ SEE Regional forum on cybersecurity and cybercrime in Sofia; Regional workshop to assess the national regulatory framework for obtaining and using evidence in criminal proceedings in Bucharest, Regional workshop on sharing good practices on reporting mechanisms in SEE and Turkey in Skopje

⁷ This gives countries an access to Country Wiki Profiles, Legal Profiles, Online Tool on Public/Private co-operation and Online Tool on International co-operation

prosecutors benefited from a training on the application of the corresponding ECHR standards at national level, in view of the case law of the BiH Constitutional Court;

- Based on the co-operation framework established between the Communications Regulatory Agency (CRA), the Association of Journalists and the Press Council,⁸ BiH journalists, media experts and legal professionals drafted and edited the *Legal Media Dictionary*, while the representatives of the CRA actively participated in drafting the regional publication *Media regulatory authorities and hate speech*.

2.5. DEMOCRATIC GOVERNANCE AND PARTICIPATION

2.5.1 ELECTORAL ASSISTANCE

Further to the previous electoral assistance programme, the strategic plan and curriculum of the Central Election Commission (CEC) Education Center in BiH were developed, followed by a series of workshops, initiated and organised in co-ordination with the European Centre for Electoral Support (ECES) with the aim to train the staff about modern leadership and professional conflict management in the electoral process. The participants were introduced in particular to new concepts of leadership in the context of the election administration and how to constructively handle conflicts arising during the electoral process. Ahead of the upcoming general elections in 2018, further assistance through peer-to-peer activities and targeted education would be needed for upgrading the capacity of the electoral administration and for ensuring the electoral integrity.

2.5.2 SCHOOL OF POLITICAL STUDIES

An analysis carried out by participants of the 2016 and 2017 trainings together with the alumni of the School of Political Studies (SPS) created the basis for publishing a policy brief on “Strengthening democratic culture, practice and standards within the political parties in BiH”, including a set of recommendations. The policy brief could contribute to democratic reforms inside political parties, relating especially to internal legislative documents (statutes), democratic culture and everyday political practice, in keeping with the present legal framework for the functioning of political parties in BiH.

3. FUNDING AND PARTNERS

Continued financial support of the Action Plan for BiH 2015-2017 allowed the Council of Europe to build on and create activities underpinning European standards and the principles of the ECHR and other legal instruments. The Council of Europe seeks to deliver on agreed priorities, through individual projects and activities.

The total financial projection for the Action Plan for BiH 2015-2017 was € 10 764 122.⁹

The total funding secured amounted to € 886 384, including funding from the European Union (54.3% of the total), Norway (20.8%), United States (8.9%), and United Kingdom, the Human Rights Trust Fund, Lichtenstein, Croatia and Slovakia (2.3% all together). The contribution from the Council of Europe’s Ordinary Budget amounted to € 804 004, representing 13.7% of the total funding provided.

⁸ The co-operation was formalised through the signature of Grant Agreements and the implementation of activities related to component (ii) and (iii).

⁹ Costs of the projects for the duration of the Action Plan