

List of commitments to be fulfilled by Bosnia and Herzegovina after its accession to the Council of Europe

The Parliamentary Assembly notes that Bosnia and Herzegovina undertakes to honour the following commitments:

- i. to co-operate fully and effectively in the implementation of the Dayton Peace Agreements, which notably require the settlement of internal and international disputes by peaceful means;
- ii. to co-operate with the International Criminal Tribunal for Former Yugoslavia and to actively assist it by handing over to the Tribunal persons accused of war crimes, crimes against humanity and crimes of genocide without delay and with the active co-operation of both Entities;
- iii. *with regard to conventions:*
 - a. when it becomes a member, to sign the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Protocols No. 1, 4, 6, 7 and 12;
 - b. to ratify, as soon as possible and not later than within one year, the ECHR and Protocols No. 1, 4, 6, 7 and 12;
 - c. to examine continuously compatibility of all legislation with the ECHR;
 - d. to sign and ratify, within one year after its accession, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its Protocols;
 - e. to sign and ratify, within one year after its accession, the General Agreement on Privileges and Immunities and its Protocols;
 - f. to sign and ratify, within one year after its accession, the Geneva Convention relating to the Status of Refugees and its 1967 Protocol;
 - g. to sign and ratify, within two years after its accession, the European Charter for Regional or Minority Languages;

- h.* to sign and ratify, within two years after its accession, the following conventions:
- the European Convention on the Suppression of Terrorism;
 - the European Convention on the Transfer of Proceedings in Criminal Matters;
 - the European Convention on the Compensation of Victims of Violent Crimes;
- and, within three years after its accession:
- the European Convention on Cyber-Crime ;

i. to sign and ratify within two years after its accession, the European Charter of Local Self-Government;

j. to sign and ratify, within two years after its accession, the European Outline Convention on Transfrontier Co-operation and its Protocols, and the Council of Europe Conventions on extradition, mutual assistance in criminal matters, on laundering, search, seizure and confiscation of the proceeds from crime, on the transfer of sentenced persons and, in the meantime, to apply their fundamental principles;

k. to sign, within two years after its accession, the Council of Europe's Social Charter, to ratify it as soon as possible and, in the meantime, to endeavour to implement a policy in accordance with the principles it contains;

iv. *with regard to domestic legislation:*

a. to adopt and to implement, within one year after its accession, constitutional and legislative amendments necessary to comply with the decision of the Constitutional Court on the "constituent peoples of Bosnia and Herzegovina" of June-July 2000;

b. to review within one year, with the assistance of the European Commission for Democracy through Law ("Venice Commission"), the electoral legislation in the light of Council of Europe standards, and to revise it where necessary;

c. to adopt, within six months after its accession, if it has not yet been done, the laws which have been temporarily imposed by the High Representative;

d. to adopt and implement the following laws, in conformity with Council of Europe standards, within two years after its accession:

- Law on Immigration and Asylum (BiH);
- Law on Recognition of Public Documents (BiH);
- Law on Associations and Foundations (BiH, Entities);
- Law on Citizenship (FBiH);
- Criminal Code and Criminal Procedure Code (BiH and Entities);
- Law on schools (BiH, Entities);

e. to adopt and to implement fully, in conformity with Council of Europe standards, within one year after its accession, the Law on the Civil Service in the Governmental Institutions of BiH, already adopted by the BiH Council of Ministers.

v. *with regard to human rights:*

a. to co-operate with the institutions active in the human rights field at State level and in the Entities and, in particular, to comply fully with the decisions and recommendations of the Human Rights Chamber and Human Rights Ombudsman;

- b.* to ensure adequate funding of the human rights institutions, in particular of the Human Rights Chamber, the Human Rights Ombudsman and the Commission for Real Property Claims (CRPC) immediately and continuously (with a yearly minimum of KM 600.000, - to be progressively increased over time);
- c.* to work towards establishing multi-ethnic Ombudsmen and to consider establishing, in the long-term, a single, unified Human Rights Ombudsman's Office at State level, which would include the present Ombudsmen institutions at entities level;
- d.* to ensure the full implementation of the property laws and, in particular, abide fully by the decisions of the Commission for Real Property Claims (CRPC);
- e.* to continue restructuring human rights protection mechanisms in accordance with the recommendations of the Venice Commission, including the merger of the Constitutional Court and the Chamber of Human Rights, and in co-operation with the Council of Europe and the Office of the High Representative;
- f.* to implement the legislation to guarantee the independence of the Ombudsman institutions at state as well as Entity levels including amendments to the FBiH Ombudsmen Law drafted by the Venice Commission;
- g.* to continue the reforms aimed at the establishment of a professional and independent judicial and prosecution system as well as to continue facilitating the expeditious and fair review of sitting judges and prosecutors and to assist the Independent Judicial Commission;
- h.* to ensure adequate funding for the Constitutional Court and for the judiciary with a view to reinforcing their independence;
- i.* to take all necessary measures for the expedient and safe return of refugees and displaced persons and to create conditions for sustainable returns;
- j.* to adopt, within 3 years after its accession, laws on conscientious objection and alternative service;
- k.* to maintain and continue reform in the field of education and to eliminate all aspects of segregation and discrimination based upon ethnic origins;
- l.* to continue reforms in the field of the media, in order to guarantee the freedom of expression and journalists' independence;
- m.* to institutionalise the Police Academies set up under the aegis of the international community and to continue reforms aimed at establishing multi-ethnic police forces;
- n.* to abide by the decisions of the United Nations International Police Task Force (IPTF) and to fully co-operate with it;
- o.* to increase efforts to combat corruption within the judicial and prosecution system and the police as well as in the administration;
- p.* to adopt and to implement a revised Law on Internal Affairs in both Entities;

vi. *with regard to the monitoring of commitments:*

a. to fully co-operate in implementing the Assembly's Resolution 1115 (1997) on the setting up of an Assembly committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee), as well as with the monitoring process set up under the Declaration of the Committee of Ministers dated 10 November 1994 (95th Session);

vii. *with regard to the proper functioning of the State institutions:*

a. to strengthen cooperation between armed forces on the basis of common defence policy;

b. to restructure the armed forces in BiH aiming at compatibility with international standards and procedures, in particular with regard to the principles of democratic control of defence forces and transparency in defence planning and budgeting processes.