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Sacrificing Values for Geopolitics? Changes in EU Framing of Challenges to Democracy and the Rule of Law in Candidate States after the War in Ukraine.

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Citation

Ioannou, C. I. (2024). *Sacrificing Values for Geopolitics?: Changes in EU Framing of Challenges to Democracy and the Rule of Law in Candidate States after the War in Ukraine.*

Version: Not Applicable (or Unknown)

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Note: To cite this publication please use the final published version (if applicable).



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BSc Thesis, Political Science: International
Relations & Organisations
BAP Challenges to Democracy & the Rule of Law
in Europe

Faculty of Social & Behavioural Sciences,
Leiden University
May 24th, 2024

Supervisor: Tom Theuns

Second Reader: N/A

Wordcount: 7458

***Sacrificing Values for Geopolitics? Changes in EU Framing of Challenges to
Democracy and the Rule of Law in Candidate States after the War in Ukraine.***

Abstract: Russia's invasion of Ukraine in 2022 triggered a renewed enlargement momentum in the European Union (EU), replacing years of 'enlargement fatigue' with the recognition of four new candidates and five new negotiating states in under two years. Yet, the unprecedented speed of progress in the accession processes of candidates like Ukraine, paired with their stagnant and often declining democratic and rule-of-law performance, raises questions about the extent to which the Union may be sacrificing such values in the face of a novel geopolitical struggle vis-a-vis Russia. Exploring the cases of Ukraine and Bosnia and Herzegovina, this study conducts a qualitative frame analysis to determine the extent to which the EU's framing of challenges to democracy and the rule of law in candidate states has softened since Russia's invasion, despite declining democratic/rule of law levels in both countries. The study also compares the two cases to determine whether states perceived as under direct threat of Russian aggression - and hence are more geopolitically significant - are more likely to be framed softly. The findings indicate that such a shift in framing *is* manifest, but notably more pronounced in directly threatened states. This hints at a flawed EU accession process, contradicting core, treaty-derived European values and the Copenhagen Criteria, while threatening the Union's democratic credibility and institutional robustness.

Keywords: European Union enlargement, democracy, rule of law, geopolitical shift

Embargo Statement: This thesis can be listed as public in the repository.

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Introduction

Russia's 2022 invasion of Ukraine marked what can be labelled "the return of geopolitics to Europe", simultaneously pushing for a new momentum for European Union (EU) enlargement. Replacing years of "enlargement fatigue", the post-invasion period has seen four new candidate states and five new negotiating candidates - a stark contrast to the decade leading up to the war which was marked by few relevant developments, the last of which being Serbia's negotiating status in distant 2013 (European Commission, n.d.-b). This represents a relatively fast-tracked enlargement, although official EU communications often explicitly reaffirm commitment to a fair process, respecting democratic and rule of law (RoL) prerequisites. Yet, critics have pointed out the relatively stagnant - and often negative - progress in the area of democracy/RoL in most candidate states, raising questions about the extent to which the EU is sidelining such considerations vis-a-vis geopolitics, as a means to counter Russia's influence in Eastern Europe (Balfour, 2023).

This phenomenon would be expressed through a softening of EU framing of challenges to democracy/RoL in candidates, to avoid obstructing their accession, yielding the research question: *How has EU actors' framing of challenges to democracy and the rule of law in candidate states changed since Russia's invasion of Ukraine?* Upon introducing the topic and its significance, this paper examines relevant literature to identify a knowledge gap and posit a theoretical framework grounded on historical institutionalism, to theorise on expected framing shifts. After justifying the case selection of Ukraine and Bosnia and Herzegovina (BiH) and outlining the study's methodology, it conducts a qualitative frame analysis to interpret and contrast changes in EU democracy/RoL framing in the two candidates, concluding with an analysis of the findings and a subsequent discussion.

Faced with a rapidly changing geopolitical landscape, critics argue that the EU shows signs of prioritising geopolitics over democratic conditions in the current enlargement round, which would consolidate its influence in Eastern Europe vis-a-vis Russia and send a potent message of European unity (Balfour, 2023). However, little research exists on how this plays out in practice, and whether EU framings of democracy/RoL in candidates have softened despite limited to no real-world change in most states, implicating a divergence from the Copenhagen Criteria, which stipulate robust democratic and rule of law institutions as prerequisites for accession (European Commission, n.d.-c, para. 5-4). As such, this paper follows the Commission's definition of RoL as including independent and impartial judiciaries, guaranteed and fair access to justice, governmental accountability, anti-corruption measures, legislative transparency and safeguarding fundamental and minority rights (para.

6-11). Similarly, this paper employs a definition of democracy as including both electoral and liberal democracy, with robust electoral institutions, equal participation, political rights and civil liberty safeguards, media freedom and multiparty systems (European Commission, n.d.-a).

The significance of this issue is twofold. First, from a scientific prism, such a study contributes to the academic debate simply because of the lack of similar empirical research in existing literature. Many have focused on EU perceptions *in* candidates or EU framings of the *war* in Ukraine, but the interplay between the war and democratic/RoL accession conditionality remains understudied despite being often implicitly assumed by scholars. Subsequently, comparative research pre/post-invasion is non-existent. Second, it has real-world policy ramifications. If despite the stagnant or declining democracy/RoL indexes in most candidates, the paper's findings suggest a softened EU framing, further questions would be raised about the commitment of Ursula von der Leyen's "geopolitical Commission" to such values, vis-a-vis security, geopolitics and normative commitment to Eastern partners. In addition, allowing non-robust democracies to join the Union contradicts both the Copenhagen Criteria and core values enshrined in the Treaty of the EU, like democracy/RoL and human rights, hinting at an inconsistent accession process. Moreover, it threatens the status and legitimacy of EU democracy, as European citizens risk being subjected to decisions taken alongside unconsolidated democracies with limited democratic mandates, not representing an equal European demos (Theuns, 2024, p. 9). Lastly, it risks causing institutional deadlock and foreign policy incoherence, resulting from further backsliding, state capture and funds misuse due to insufficient domestic checks and balances, much like Viktor Orbán's Hungary. Subsequently, such findings would implicate that the EU should revert to accurate evaluations of democracy/RoL and a stricter approach to deficiencies in candidates.

Literature Review

Although existing literature falls short of examining this paper's research question, a few contributions identify the war in Ukraine as a critical juncture for EU enlargement, allowing this paper to conceptualise it as such. After years of "enlargement fatigue", it has re-entered the agenda and is seen by many as a geopolitically significant issue, allowing the EU to project its soft power further east, vis-a-vis Russian expansionism (Dimitrova, 2023). Critical junctures - defined as periods of altered political constraints yielding interest re-alignment and impactful policy choices (Capoccia & Kelemen, 2007, p. 343) - are drawn

from historical institutionalist theories, which offer another insight for this paper. Specifically, Sadurski (2009) posits that the “big bang enlargement” of the early 2000s brought democracy/RoL to the forefront of accession negotiations due to the then-candidate's recent democratisation (pp. 386-388). Hence, historical institutionalists would expect this trend to continue today, justifying the extensive candidate democracy/RoL evaluation reports published by EU actors yearly.

Yet, when studying the war as a critical juncture, scholars rarely engage with democracy/RoL, allowing this paper to identify a literature gap. Khalabuzar (2023) discusses the war's impact on EU perceptions of Ukraine *overall*, reinforcing the critical juncture premise, but without examining the nuances of democracy/RoL (pp. 26-29). Others examine how the war shaped EU internal RoL policy (notably in Hungary/Poland). Both Hernández and Closa (2024) and Bárd and Kochenov (2022) identify the RoL crisis as a second-order issue vis-a-vis the Russian security threat, eventually diverging in their conclusions on how this impacts EU policies on backsliding members, disagreeing on whether RoL measures are entirely sidelined or become a tool to advance primary EU interests. Regardless, both contributions offer instructive insights into the EU's issue salience dynamics in times of crisis and will be further employed in this paper's theoretical framework.

Some contributions explicitly focus on democracy in candidates like Ukraine, yet these typically concern actors such as civil society, specific nuances like corruption and do not focus on the post-war period (Khambekova et al., 2021). Crucially for this paper, Sirbiladze and Ventura (2023) discuss the EU's RoL conditionality enforcement when providing aid to Ukraine, and critique the EU for praising legislation “falling short” of tackling judicial independence-related deficiencies as “good progress”, implicating that the EU might be employing a “softer” framing resulting from the mentality shift brought about by the critical juncture (para. 7). Although this remains a minor part of their analysis, and is ultimately not their main focus, it is nonetheless an insight into examples of “softer” framing of challenges to candidate democracies/RoL by European actors post-2022.

In that regard, limited literature also exists on instances of the EU disregarding or improperly applying the Copenhagen Criteria. Saatçioğlu (2009) argues that political and possibly economic considerations significantly slowed down Türkiye's accession process, even before the Erdoğan regime's crackdown on democracy/RoL became a topic of contention. As such, Saatçioğlu identifies a violation of the Copenhagen Criteria, providing another example of politics trumping Treaty-derived processes (pp. 560-571). Similarly, Kochenov (2004) investigates the “big bang enlargement” and argues that the evaluation of

democracy/RoL was neither impartial nor consistent. Albeit focusing on conditionality ambiguity rather than geopolitics, this reinforces the case for a precedent in inconsistent democracy/RoL evaluation. Nonetheless, both studies consider specific states or enlargement rounds and are thus not generalisable to the current one, largely focusing on Eastern Europe and the Western Balkans, and were crucially both written long before the war's outbreak.

Subsequently, although sufficient literature allows this paper to theorise that the war constitutes a critical juncture affecting the EU's framing of challenges to candidates' democracy/RoL, existing contributions lack such empirical analyses. The paper aims to cover the existing literature gap on *comparative research* before/after the invasion, on how *EU actors* frame *democracy/RoL* in candidates.

Theoretical Framework

This paper's theoretical framework heavily borrows from the aforementioned literature, incorporating elements of historical institutionalism insofar as critical junctures are seen as having distinct impacts on actors' behaviour. It stipulates two premises, that the subsequent argument builds on. First, as per Dimitrova (2023), the war in Ukraine was a critical juncture for European geopolitics, particularly regarding enlargement. The renewed appetite to expand the EU's membership has led to Ukraine, Moldova, Georgia and BiH gaining candidacy status, and Ukraine, Moldova, BiH, Albania and North Macedonia opening accession negotiations, since 2022 - a sharp contrast to the previous decade's slow developments (European Commission, n.d.-b). Second, there has been *no* significant positive change in the state of democracy/RoL in most candidate states since 2019, often even declining. This is illustrated via various indexes such as Freedom House's "Freedom in the World" Index and the World Justice Project's (WJP) "Rule of Law" index, which will be further elaborated on in the following section, in relation to the paper's case selection.

The main theoretical framework draws from Hernández and Closa (2024) who, despite focusing on the internal RoL crisis, provide insights that can also be applied to accession conditionality. They argue that European actors' issue prioritisation changes depending on the salience of external crises. Second-order issues like the RoL crisis are then primarily used as "bargaining chips" to advance EU interests in first-order areas (like countering Russia), which they label "opportunity calculus" (p. 968). As a result, they claim the Commission follows a "softened" stance on RoL violations in Poland due to its support for Ukraine, but pursues "assertive" policies against Hungary due to Viktor Orbán's refusal to fully align with European foreign policy (pp. 969-972). Similarly, Bárd and Kochenov (2022)

make the case for the internal RoL crisis becoming subordinate to post-invasion geopolitics and hence neglected (pp. 41-43). Although their conclusions eventually differ, claiming that RoL is sidelined *entirely* rather than on an ad hoc basis, missing the nuances of differentiated enforcement action in Poland and Hungary, they further reinforce the conceptualisation of democracy/RoL as second-order issues.

Subsequently, the paper examines EU framing through the lens of these approaches. Stipulating that the war is a critical juncture, reshaping EU interests and policy priorities, enlargement becomes a first-order issue to counter Russia's influence in Eastern Europe and symbolise European unity and solidarity with those threatened. Therefore, if this yields a new EU opportunity calculus, prioritising quick enlargement, democratic and RoL conditionalities are sidelined and the use of "assertive" language criticising relevant failings becomes less likely, as it would potentially lead to stalling. Just as, per Hernández and Closa, the EU is prompted to push for reforms in Hungary to counter Russia, it might be tempted to overlook deficiencies in candidate states, for similar reasons.

Perhaps Saatçioğlu (2009) can also be instructive here, as through an evaluation of the Commission's application of the Copenhagen Criteria, she demonstrates how economic and political concerns stalled Türkiye's accession to the Union (p. 560). She argues that "true" conditionality would exclusively and accurately examine the application of the Criteria, instead of such politicised considerations (pp. 560-571). Likewise, the geopolitical urgency surrounding the ongoing enlargement could tempt the Union to do the opposite - expedite the accession of states under imminent Russian threat like Ukraine, Georgia and Moldova, or even others like BiH with prominent pro-Russian voices. Their accession (and even symbolic gestures like granting them candidacy) would counter Russia's influence in the region and send a powerful message of European unity and solidarity.

In that regard, questions may be raised about differences across candidates, as they are seen as under varying levels of Russian expansionist threat. States like Ukraine, Georgia or Moldova, formerly part of the Soviet Union and perceived by Russia as under its "sphere of influence", have active Russian-backed breakaway regions and sizeable Russian-speaking minorities. Ukraine is still at war with Russia, whereas Georgia was invaded in 2008. Others, like Serbia or BiH, are less directly threatened in the absence of the aforementioned elements but nonetheless have prominent domestic pro-Russian voices, and are often victims of Russian misinformation and propaganda (Schug, 2024). This is another aspect of the issue not covered by existing literature, yet based on Hernández and Closa's argument, one could

theorise that the greater perceived threat level would lead to a more softened framing, being a “higher priority” issue.

If the theoretical expectation holds, there would be an overall softening in EU framing post-invasion, yielding the hypothesis *H1: EU framing of challenges to democracy/RoL in candidate states has softened since Russia’s invasion of Ukraine*. Second, based on the candidate state differentiation consideration and the varying issue prioritisation levels per candidate, a second hypothesis arises, *H2: The EU’s softened framing of challenges to candidate state democracy/RoL after Russia’s invasion of Ukraine is more pronounced in states directly seen as under a Russian expansionist threat*. Nonetheless, this thesis is not concerned with whether this is a deliberate choice by EU actors or an implicit side-effect of geopolitical urgency and normative commitments to states like Ukraine - both of which were caused by the critical juncture. It merely examines EU reports to determine if such differences in framing candidates’ democracy/RoL pre-/post-invasion exist, in line with the theoretical expectation.

Research Design

Case Selection

This paper employs a Most Similar Systems Design, comparing the cases of Ukraine and BiH, which both saw significant progress in their accession process since 2022 and have similar levels of (declining) democracy/RoL but are perceived as under different Russian threat levels. Ukraine was granted candidacy status in June 2022 and was approved to open negotiations in December 2023, whereas BiH gained candidacy in December 2022, and the Commission and European Council greenlit its negotiation process in March 2024 (European Commission, n.d.-b). Both states’ fast-paced accession process and declining democracy/RoL make them suitable for testing H1, whereas their difference in perceived threat levels will be insightful for H2.

Regarding Ukrainian democracy, Freedom House’s (2019b) “Freedom in the World” index gave it a score of 60 out of 100 in 2019, labelling it “partly free” and citing restrictions over certain political rights and civil liberties, insufficient minority and LGBT+ rights safeguards and legislation restricting the activity of non-governmental organisations as causes of concern. By 2024, this index had fallen to 49 out of 100, due to further backsliding on fundamental rights, sidelining opposition politicians in public debates and persisting oligarchy, in the midst of imposing martial law as a result of the war (Freedom House, 2024b). Crucially, Freedom House does not include Russian-occupied territories in its

Ukraine reports, hence this decline is purely related to the areas controlled by the Ukrainian government.

Similarly, BiH scored 53 out of 100 in 2019, also labelled “partly free”. Key issues include ethnic tensions and discriminatory constitutional provisions, different progress rates across the country’s federal entities and instances of insufficient democratic conditions like those in the city of Mostar, which had not held local elections since 2008 (Freedom House, 2019a). By 2024, BiH’s score had fallen to 51 out of 100, reflecting further media overhaul, a troubled election involving last-minute electoral code amendments and backsliding in the Republika Srpska federal entity. Although this is a comparatively smaller drop than Ukraine’s, it remains an instance of non-improvement (hence in theory necessitating a strict EU approach), while scoring similarly to Ukraine in 2024, separated by one place in Freedom House’s global ranking (Freedom House, 2024a).

In terms of RoL, WJP gave Ukraine a score of 0.5 out of 1 in 2019, with particular failings in criminal justice, corruption and regulatory enforcement (World Justice Project, 2019b). Although the 2024 report is yet to be published, the 2023 version indicates a slight deterioration with 0.49 out of 1 (World Justice Project, 2023b). In 2019, BiH received a score of 0.53 out of 1, but this dropped to 0.51 in 2023, with notably low scores for civil justice, fundamental rights protection and anti-corruption efforts (World Justice Project 2019a; 2023a).

Both indicators thus show that democracy/RoL in Ukraine and BiH have been declining or near-stagnant since 2019 and at similar levels to one another. Notably, Freedom House’s reports directly claim that the EU candidacies of Ukraine and BiH were signs of support and widely seen as geopolitically motivated, rather than reflections of real-world progress, further supporting this paper’s theoretical argument (Freedom House, 2023a, p. 2; 2023b, p. 3). Yet, this directly clashes with various EU documents, which explicitly claim that “there is no ‘fast-track’ for EU membership”, whilst accession remains “merit-based” (European Parliament, 2022a, p. 1).

Comparing the pre-invasion (2019-2021) and post-invasion (2022-2024) periods *across* both cases allows for investigating such framing shifts. Although both cases can be instructive for investigating H1, their main difference, and comparison *between* them contribute to examining H2. Specifically, Ukraine is seen as under direct Russian threat, unlike BiH. In addition to historically being part of the Soviet Union and Russian Empire, the existence of a sizeable Russian-speaking minority in Ukraine, the ongoing war and Russian or Russian-proxy aggression since 2014 make Ukraine a more significant geopolitical “point

of contention” for both Russia and the EU (Shug, 2024, para. 21). Ukraine’s accession would solidify the Union’s presence in Ukraine and send a message of European unity and defiance against Russian revisionism, upholding norms such as self-determination. On the other hand, BiH has no Russian military presence, Russian-backed breakaway regions, a Russian-speaking minority or major historical ties with Russia. Although there are still prominent pro-Putin voices in the country - particularly in Republika Srpska - and Russian misinformation and propaganda are rampant, BiH is not in immediate danger of an invasion (para. 14). As such their comparison can reveal a lot about the difference in EU framing softening across candidate states.

Methodology

This paper employs frame analysis, a qualitative content analysis method conducive to an interpretative exploration of changes to the EU’s framing of democracy/RoL in candidate states before and after Russia’s invasion. Frame analysis seeks to link ideas and expressions to determine how certain “packages of meaning” can be tied together to create a frame (Crespy, 2015, pp. 106-108). It can thus provide insights into the qualitative differences in the EU’s framing pre- and post-invasion by comparing how evaluative statements are expressed in each timeframe, and commonly observed themes. Based on the above theoretical framework and hypotheses, two frames can be expected in an analysis of EU pre-/post-invasion evaluations of democracy/RoL, loosely mirroring the language used by Hernández and Closa (2024, pp. 973-975).

First, an “assertive” frame would reflect the reality of deteriorating democracy/RoL in Ukraine and BiH. Democracy, RoL and human rights would be described as deficient, with ample calls for reform and correction of legal vacuums, using words of condemnation. Such a framing would avoid disproportional praise of insufficient reforms and progress. This yields four subcategories that quotations will be sorted into when determined to be assertive. “Negative circumstances” (A1) refers to condemning negative developments or on-the-ground conditions detrimental to democracy/RoL. “Insufficient circumstances” (A2) includes quotations that condemn or point out insufficiencies in measures and legislation intended to bolster democracy/RoL, but fail to do so. Additionally, it includes incorrectly or imperfectly applied legislation and calls for reform to reverse such insufficiencies. “Legal vacuum” (A3) refers to condemning or pointing out the absence of legislation or measures related to democracy/RoL, and urging for their adoption. Finally, “moral duties” (A4) occurs when a quotation evokes candidate governments’ duties to reform their democratic and rule

of law infrastructure vis-a-vis its citizens, past commitments, democratic and European values or human rights.

Conversely, a “softening” framing would overlook such deficiencies and praise developments despite potentially insufficient measures and nominal or negative change in democracy/RoL indicators. Seeing as the real-world change in Ukraine and BiH has been negative between 2019 and 2024, the prevalence of a softening rather than an assertive frame would represent the EU overlooking democratic/RoL deficits. Such a frame would include mentions of advancement towards EU values, value-laden words of praise and mentions of good progress despite adverse circumstances, yielding four subcategories. “Positive circumstances” (S1) refers to lauding positive developments or on-the-ground conditions related to democracy/RoL. Moreover, “insufficiency correction” (S2) includes praising the completion or correct application of legislation or measures to ensure it is effective where it was previously not. “Positively-framed insufficiency” (S3) occurs when quotations acknowledge that a measure or reform is insufficient to improve or safeguard democracy/RoL, but frame it with positive language or focus on its positive aspects. Lastly, “EU value convergence” (S4) includes praising candidates for approximating European values/standards. Table 1 presents an overview of the coding framework.

<i>Framing</i>	<i>Subcategory</i>	<i>Explanation/Indicators</i>	<i>Example</i>
Assertive	Negative circumstances (A1)	Condemning developments or worsening/negative conditions threatening/harming the state of democracy/RoL.	<i>“In September 2023, the entity assembly adopted in first reading a draft law targeting civil society groups as foreign agents; if fully adopted, would mark another regrettable and undeniable step backwards”</i> (European Commission, 2023b, p. 37).
	Insufficient circumstances (A2)	Condemning insufficient reforms failing to (fully) tackle challenges, and inconsistently/non-applied legislation. Includes calls for reforms of existing measures.	<i>“Measures to promote integrity in the public service are only partially in place and are not applied systematically”</i> (p. 24).
	Legal vacuum (A3)	Condemning legal vacuums and/or urging for their correction via new measures.	<i>“The country has made no progress in adopting a state-level law on prevention of conflict of interest, in line with international standards and best European practices”</i> (European Commission, 2021a, p. 25).
	Moral duties to reform (A4)	Invoking moral duties to reform, vis-a-vis citizen demands, European values, development etc.	<i>“Whereas support for modernisation, de-oligarchisation, reform and the fight against corruption is still very high among Ukrainian citizens and these expectations should be met without further delay”</i> (European Parliament, 2021, p. 5).
Softening	Positive circumstances (S1)	Praising positive circumstances or developments improving or safeguarding democracy/RoL. Includes value-laden words of praise.	<i>“In the area of justice, rule of law and the fight against corruption, Ukraine continued to build an effective institutional framework”</i> (European Commission, 2019c, p. 3).
	Insufficiency correction (S2)	Completing/correcting insufficient legislation, and consistently applying legislation where it was previously not.	<i>“Legislation related to the NAPC has largely been restored with effect ex nunc, including the powers and role of the NAPC in the asset declaration system”</i> (European Commission, 2022d, p. 9).
	Positively-framed insufficiency (S3)	Acknowledging insufficient measures or conditions but positively framing them (focusing on improvements rather than deficiencies).	<i>“The adoption of the Roma Strategy in July 2021 marked a welcome development, although sufficient resources are still to be allocated for its implementation”</i> (European External Action Service, 2021, p. 1).
	EU value convergence (S4)	Praising candidates for approximating European values.	<i>“Underlining Ukraine’s commitment to the democratic principles and values it shares with the EU”</i> (European Commission, 2019c, p. 2).

Table 1. Frame subcategories.

The coded documents consist of 28 reports evaluating democracy/RoL in Ukraine and BiH, by the European Commission, European Parliament, European External Action Service (EEAS) and European Court of Auditors (ECA) - the organs most regularly publishing such evaluations. Their prominent role in accession processes also means that they reflect prevalent attitudes within the Union. Specifically, 14 documents were coded per case (Ukraine/BiH) - seven from the pre-invasion (2019-2022) and seven from the post-invasion (2022-2024) periods. The texts were gathered online from EUR-Lex, Europa and Concillium. Although typically seven documents per timeframe, per case were the highest available amount (and hence no random sampling was needed), where more existed Commission and Parliament documents were prioritised over those from ECA and EEAS. This is because these organs are more involved in the accession process and thus more relevant for this study's analysis. Such texts are meant to be neutral reports devoid of politically motivated or partisan evaluations of democracy/RoL in candidate states, and hence should allow for an objective analysis. As previously discussed, the reports often explicitly claim that despite the war and the renewed momentum for enlargement, their evaluations adhere to the Copenhagen Criteria and do not attempt to fast-track the accession of any states into the Union.

The coding sorted sentences about the status of democracy, RoL and human rights, or relevant measures and initiatives in Ukraine and BiH, into one of the eight subcategories. The texts' often matter-of-fact language and report-like structure make sentences the optimal unit of analysis. Additionally, the study used ATLAS.ti software to allow for the systematic grouping of quotations and optimal visualisation of results. The coding did not consider sentences evaluating the state of democracy, the rule of law and human rights in Ukrainian territories controlled by Russia or its proxies as such sentences would not evaluate Ukraine itself, but rather the Russian and proxy authorities, and are thus irrelevant to this paper.

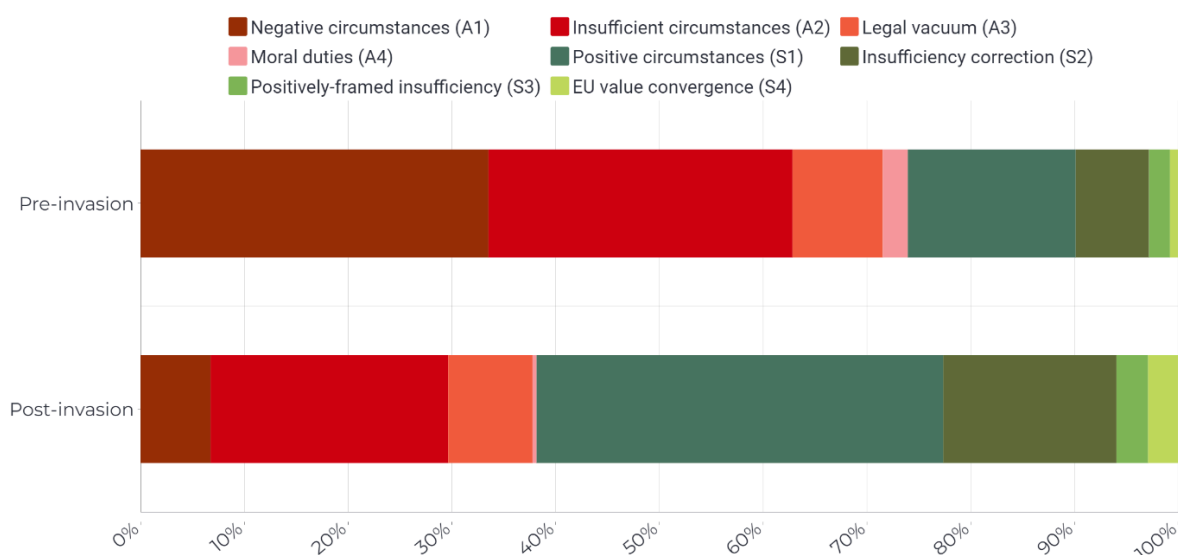
Findings

Ukraine

Upon coding the 14 selected documents on Ukraine, 1,290 unique democracy/RoL-related quotations were identified and sorted into one of the above subcategories. Notably, there was a higher number of quotations for the post-invasion period (793) than before (497), indicating the previously identified increased interest in enlargement and Ukraine's accession brought about by the critical juncture. Table 2 shows the number of times each code occurred, whereas Graph 1 indicates the spread of codes pre- and post-invasion as percentages.

<i>Code</i>	<i>Pre-invasion</i>	<i>Post-invasion</i>
A1	166	53
A2	145	180
A3	43	64
A4	16	3
S1	80	308
S2	35	138
S3	10	23
S4	4	24
Total	497 (A: 370; S: 127)	793 (A: 300; S:493)

Table 2: Codes per subcategory (Ukraine).



Graph 1. Bar chart showing the % distribution of codes per timeframe (Ukraine).

The data above corroborate the theoretical expectation of a difference in framing after Russia's attack. Specifically, whereas 74.45% (370) of quotations about Ukraine before the invasion consisted of assertive framing codes, this fell to 37.2% (300) after 2022. Subsequently, 62.8% (493) of quotations in the post-invasion period fit with the softening frame, vis-a-vis only 25.55% (127) pre-invasion. Although such findings cannot establish a causal link between the war and the framing shift, they reveal that EU actors adopted a novel approach after the critical juncture. Their framing of Ukrainian democracy/RoL challenges is softer after the invasion, instead focusing on praising positive developments, despite negative real-world change, according to the aforementioned indexes. This indicates an inconsistent evaluation of democracy/RoL in Ukraine.

Nonetheless, neither period exclusively contains one of the two frames - even after the invasion, EU actors call out negative or insufficient developments, albeit at a reduced scale. Similarly, pre-invasion, they still praised occasional positive developments. Yet, there is a notable increase in praising Ukraine post-invasion, even when the praised reforms did not lead to a noteworthy real-world improvement. For example, when referring to the 2023 Law on Media, the Commission said:

“Overall, it made good progress in strengthening its legal framework during the reporting period, in particular with the adoption of the Law on media” (European Commission, 2023c, p. 30).

Yet, this law has been criticised by many, including Council of Europe experts, as inadequate to counter hate speech, safeguard media freedom and pluralism, or contribute to de-oligarchisation (Council of Europe, 2023). As a contrasting example, the Commission voiced explicit concerns more often over harmful legislation before the war, such as the 2019 Law on State Language, saying:

“Some representatives of national minorities have expressed concerns over the possible impact of this new law on the rights of persons belonging to national minorities, in the absence of a dedicated law that sets out and regulates these rights” (European Commission, 2019c, p. 6).

In the pre-invasion period, the texts were more likely to point out negative circumstances, with 166 A1 codes, compared to 53 after the invasion, making it the subcategory with the most noteworthy change (33.4% to 6.68%). The occurrence of the A2 category, signalling insufficient developments was similar to that of A1 in the pre-war years (145). Although there were more A2 quotations in the post-invasion period in absolute numbers (180), they represent 22.7% of total quotations, compared to 29.18% pre-invasion, signalling a decline, albeit to a more limited extent than A1. Such insufficiencies typically relate to measures only partly guaranteeing democracy/RoL, or legislation that was not applied correctly, consistently, or fully. For example:

“Whereas Ukraine has adopted a number of reforms, including a law on transparency of media ownership, but much more is needed to loosen the oligarchs’ tight grip on

the media, encourage editorial independence and combat impunity for crimes of violence against journalists” (European Parliament, 2021, p. 7).

A small, yet present decrease was also observed in legal vacuums (A3), with 8.65% of quotations (43) before the war and 8.07% (64) after. The moral duties subcategory (A4) is almost absent in the post-invasion period with only three quotations, compared to 16 before. Such moral duties typically evoke the demands of Ukrainian citizens, however on occasion make moral claims regarding the government’s commitment to democratic and European standards, or development. Such examples include:

“Grand corruption resulting from weak rule of law and widespread oligarchic influence runs counter to EU values, and is a major obstacle to Ukraine’s development” (European Court of Auditors, 2021, p. 10).

In contrast, after the invasion began, statements praising positive circumstances (S1) are significantly more common, with 308 (38.84%) quotations compared to only 80 (16.1%), pre-invasion. This includes praising already existing conditions such as legislation ensuring minority rights, positive trends like decreased corruption and positive developments like the adoption of legislation strengthening democracy/RoL. For example:

“The establishment of HACC in 2019 through a transparent, merit-based recruitment of judges and staff has greatly facilitated the work of the anti-corruption institutions and led to an overall more effective adjudication of corruption cases” (European Commission, 2022d, p. 11).

Similarly, statements praising the correction of previously insufficient or insufficiently applied legislation (S2) are more likely in the post-invasion period, with 138 quotations (17.4%) compared to 35 (7.04%) before. The instances of positively framed insufficiencies (S3) more than doubled post-invasion (23, compared to 10 before), although they remain observed at low numbers. Nonetheless, this indicates that the EU is more willing to overlook deficiencies and focus on measures’ positive aspects, despite their potential deficiencies. Such examples include:

“Overall, while the legal and institutional framework regulating human rights is in place, and laws generally follow European and international standards, their implementation should be strengthened” (European External Action Service, 2022, p. 2).

Although only representing 2.9% of post-invasion quotations, the increase in such instances hints at an inconsistent accession process and reinforces this paper’s theoretical argument. EU value convergence (S4) was also observed at low numbers, but the notable post-invasion increase (24, compared to four pre-invasion), indicates that the accession process has become a means of signalling European unity and expressing support for Ukraine amid Russia’s invasion, with quotations such as:

“Acknowledges that Ukrainians, Moldovans and Georgians have continuously supported a pro-European orientation of their countries and deserve to live in free, democratic and prosperous countries that are proud and committed members of the European family” (European Parliament, 2022a, p. 4).

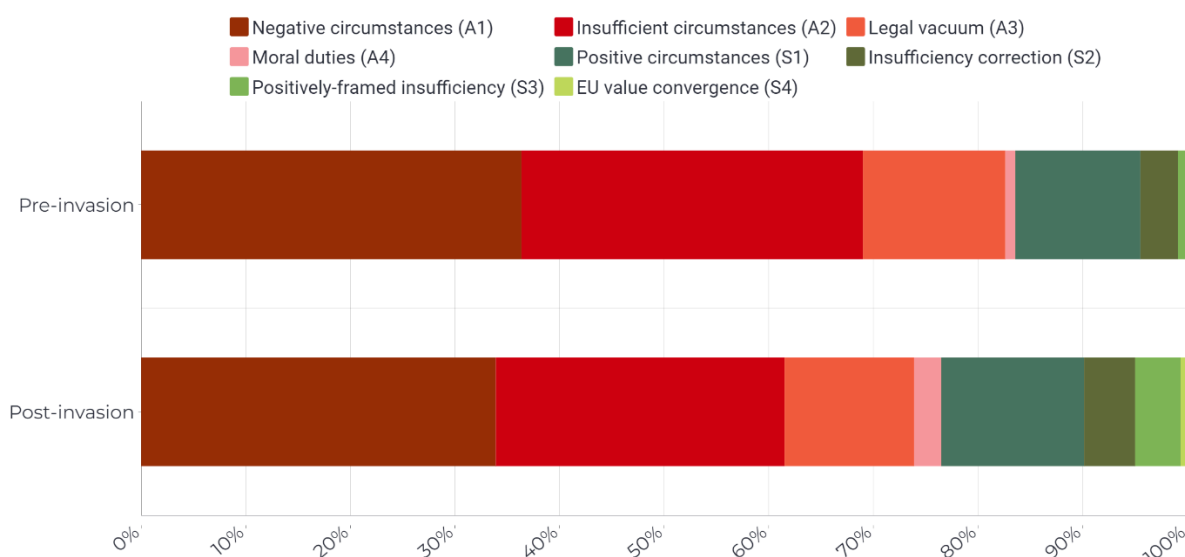
Notably, although the overall post-invasion percentage of softening quotations was 62.8%, there was variation between the different organs. Specifically, the Parliament had the most overwhelmingly softened frame, with 85.71% of quotations, followed by the EEAS at 77.78% and the Commission at 61.59%, compared to 16.33%, 35% and 37.75% of softening quotations pre-invasion, respectively. In that regard, the Parliament is also the organ with the most notable change pre- and post-invasion. The ECA is excluded here as it only published relevant documents before the war (84.44% assertive).

Bosnia & Herzegovina

Upon coding the 14 selected documents on BiH, 2,632 unique democracy/RoL-related quotations were identified. Of these, 1,364 concerned pre-invasion evaluations and 1,268 post-invasion evaluations. The overall quotation number for BiH is significantly higher than for Ukraine, however, that can be explained by BiH’s earlier membership application and its federal structure necessitating the evaluations of multiple entities. Yet, it is not of significant concern for this paper, as it examines the type of quotations’ framing rather than their occurrence. Table 3 shows the number of times each code occurred, whereas Graph 2 indicates the spread of codes pre- and post-invasion as percentages.

<i>Code</i>	<i>Pre-invasion</i>	<i>Post-invasion</i>
A1	496	430
A2	445	350
A3	186	157
A4	13	33
S1	163	173
S2	49	62
S3	10	55
S4	2	8
Total	1,364 (A: 1,140; S: 224)	1,268 (A: 970; S:298)

Table 3: Codes per subcategory (Bosnia & Herzegovina).



Graph 2. Bar chart showing the % distribution of codes per timeframe (Bosnia & Herzegovina).

BiH's findings present a different image than those of Ukraine. The pre-war period is similarly predominantly framed assertively, with 1,140 quotations (83.32%), compared to 224 (16.68%) fitting the softening frame. However, the same is true for the post-invasion period, with 970 assertive quotations (76.5%), compared to 298 (23.5%) softer quotations. This differs from Ukraine, whose post-invasion evaluations predominantly fit the softening frame, with much higher percentages. Nonetheless, even though most post-invasion quotations for BiH still fit the assertive frame, there is an observable increase in softening frame quotations compared to the pre-invasion period. While the overall frame remains assertive, there is a higher likelihood of encountering a softened evaluation of democracy/RoL in BiH, after the critical juncture. This is particularly evident in the Commission's "Report on Progress in

Bosnia & Herzegovina” (2024), the most recent text included in this analysis, and the only one to evaluate Bosnian democracy/RoL in a predominantly softening frame, with 70% of quotations (28).

A1 was the most observed subcategory across both timeframes, including condemnations of backsliding measures, particularly in the Republika Srpska entity. Specifically, A1 contained 496 (36.36%) pre-invasion and 430 (33.91%) post-invasion quotations. Many of these quotations focus on the disunity between the different federal entities of BiH, their often clashing interpretations of laws, disharmonised legal frameworks and political standstills caused by the country’s complex and ethnically divided administrative structure. For example:

“The reintroduction of criminal penalties for defamation in the Republika Srpska entity, which entered into force in August 2023, severely impacts the environment for civil society” (European Commission, 2023b, p. 19).

The occurrence of A2 was similarly high in both timeframes (pre-invasion: 445; post-invasion: 350). The same can be said about A3, with EU actors often identifying legal vacuums in Bosnian law, including on minority protection and anti-corruption offices (pre-invasion: 186; post-invasion: 157). Although observed at particularly low numbers, there was an increase in quotations in the A4 category after Russia invaded Ukraine, with 33 (2.6%) quotations, compared to only 13 (0.95%) before the war. These very often referenced BiH’s history of ethnic divisions and invoked a moral duty to reconciliation:

“Calls on political and religious leaders in BiH to work towards promoting unity, inclusivity, reconciliation and peace” (European Parliament, 2022b, p. 14).

Yet, after 2022, despite the overwhelming assertive framing, there is an increase in softening frame quotations. S1 is the most common within the softening frame, with 173 (13.64%) quotations post-invasion and 163 (11.95%) pre-invasion. S2 follows next, with 62 (4.89%) and 49 (3.6%) quotations respectively, although it was observed at low numbers. There was a notable increase in subcategory S3 after the invasion, with 55 (4.34%) instances of positively framed insufficiencies compared to only 10 (0.73%) before. These quotations often acknowledge the shortcomings of legislation or measures that do not decisively safeguard or establish democratic processes or the rule of law, but frame them using positive

language, or contextualise them within broader legislative packages, thereby downplaying specific deficiencies and nuances. Albeit, again, occurring at low numbers, this indicates an increased likelihood of EU actors overlooking democratic/RoL deficiencies in BiH, post-invasion. For instance:

“Despite some developments referred to in the report, which are going against the positive momentum, the general commitment to the country’s EU path has translated into tangible results” (European Commission, 2024, p. 5).

There was also a notable post-invasion increase in the occurrence of S4, despite the relatively low numbers of quotations in that subcategory across both timeframes. Specifically, two (0.15%) were observed pre-invasion and eight (0.62) after. Much like Ukraine, there was variation among the different actors, although less significant. 82.24% of the Commission’s quotations fit the assertive frame in the pre-invasion period, which decreased to 75.64% after 2022. Similarly, the EEAS evaluated Bosnian democracy and rule of law assertively in 93.71% of cases before the war, but only 75% after. The Parliament did not publish any reports related to BiH before the war but evaluated it assertively 82.69% of the time after. No ECA reports were used for this case.

Analysis & Interpretation

Although the two cases’ findings deviate from one another, they remain instructive. Ukraine demonstrates a clear change in the EU’s framing of challenges to democracy/RoL in candidate states and supports the paper’s first hypothesis. BiH contrasts this, instead maintaining an assertive framing throughout the studied periods, yet still shows an increase in softer-framed quotations post-invasion. With the latest studied report from 2024 overwhelmingly aligning with the softening (albeit perhaps not yet completely softened) frame, milder EU evaluations of democracy/RoL in BiH appear to be on an upward trend. As such, this paper’s first hypothesis, H1: EU framing of challenges to democracy/RoL in candidate states has softened since Russia’s invasion of Ukraine, *cannot* be rejected and is supported by these findings.

Perhaps this sudden shift in 2024 relates to BiH’s increased alignment with European Common Foreign and Security Policy, which the report itself labels “full” (European Commission, 2024, p. 4), in contrast with previous reports which criticised BiH for hesitating to sanction Russia decisively. This would further reinforce Hernández and Closa’s (2024)

opportunity calculus argument, as assertive language was used on non-aligned BiH, vis-a-vis softened language after alignment. BiH's alignment serves the EU's interests and is thus "rewarded" with less strict language in its evaluation reports - much like Poland's alignment in Hernández and Closa's paper (p. 968). Regardless, both cases demonstrate a framing shift, albeit to different extents. What is equally noteworthy about BiH's evaluations, is the significant increase in S3 quotations post-invasion. This indicates that EU actors are now more willing to overlook democratic/RoL deficits, instead framing inefficiencies positively.

Nonetheless, perhaps the difference between the two cases can be instructive about the prioritisation of different states' accession processes in the context of increased Russian assertiveness. Ukraine is directly threatened by Russian aggression - not only is it actively being invaded, but it is also often seen as traditionally part of Russia's direct sphere of influence, has a large Russian-speaking population and was part of the Soviet Union. In contrast, BiH, albeit containing prominent pro-Russian voices and worrying levels of Russian misinformation, has none of those features. Thus, this might indicate that the difference in framing that this paper's theoretical framework posits might be more pronounced in candidate states directly under Russian threat. Hence, the shift in framing was much more notable in evaluations of Ukraine and remains muted - but still present - in BiH, meaning that the paper's second hypothesis, H2: The EU's softened framing of challenges to candidate state democracy/RoL after Russia's invasion of Ukraine is more pronounced in states directly seen as under a Russian expansionist threat, can also *not* be rejected.

Discussion & Conclusion

Although this paper's findings - particularly concerning Ukraine - might have been implicitly assumed by scholars ever since the renewed enlargement momentum gained traction, such questions had not yet been empirically studied. In this regard, this paper has offered a novel contribution to the academic debate, by demonstrating a shift in EU framing, and the potential sidelining of democratic and RoL considerations in the accession of candidate states since Russia's invasion of Ukraine. Subsequently, the findings yield an answer to the paper's research question: EU framings of challenges to democracy/RoL in candidate states have softened since Russia's 2022 invasion of Ukraine. The shift from assertive to softening framing appears to be more pronounced in candidate states seen as under direct threat from Russian expansionism.

Besides their scientific contribution, these findings are of substantial real-world and policy relevance, indicating a flawed EU accession process. As the cited indexes show, the

state of democracy/RoL in Ukraine and BiH in the studied periods has been stagnant and even declining. Yet in addition to a relatively fast-tracked accession process, the EU has significantly softened its evaluation of such issues in both countries - albeit to different extents. Especially in the case of Ukraine, softened evaluations represent the majority of quotations since 2022. This directly contradicts the EU's claim that enlargement processes are *not* fast-tracked as a result of the geopolitical pressures brought about by the war in Ukraine, and commitment to accurate evaluations of the situations in the examined countries. Such claims can be found in the texts analysed in this study, which nonetheless primarily employ softened democracy/RoL evaluations (e.g. European Parliament, 2022a, p. 1).

It also contradicts the Copenhagen Criteria, as their correct application would equal consistent monitoring and assessments of the status quo in candidate states and an accession process proportionally advancing per their adherence to these values. As such, states that insufficiently adopt these values, may neither join the Union nor proceed to the next accession step, like opening negotiations or being granted candidacy. As mentioned above, including insufficiently democratic states in the Union undermines the state of European democracy and risks having "multiple Hungaries" among the EU's ranks. With more democratically deficient members, the EU risks extensive institutional deadlock and further inconsistent foreign policy, akin to that caused by Orbán's Hungary.

Nonetheless, this study presents certain limitations. First, the validity of its findings relies on the Freedom House and World Justice Project indexes, using them to stipulate that democracy/RoL in Ukraine and BiH have decreased in the studied timeframe. In addition, analysing only two cases limits the generalisability of the findings to other candidate states. Thirdly, the study falls short of making any causal claims, as its design is merely exploratory and meant to determine if a difference in framing is manifest, paired with potential theoretical explanations. As such, further research could employ an explicitly causal design to determine the extent to which the invasion of Ukraine is to blame for the EU's softer framing, especially in states directly threatened by Russian expansionism. Further research can also consider alternative theoretical explanations, such as the role of candidacy status or the possibility of softer framings being a mere carrots-and-sticks mechanism to reward and encourage further reforms, amidst credible commitment problems in the EU accession process. Of particular interest would be to consider the extent to which the discrepancies between BiH and Ukraine can be better explained by the pro-Russia stance of the authorities of BiH's Republika Srpska entity, in line with Hernández and Closa's opportunity calculus premise, leading to a harsher EU attitude (Ahmatović, 2024). Furthermore, it could examine more candidate states, to

improve the generalisability of results, and determine if the framing shift persists in threatened candidates like Georgia, or non-threatened ones like Albania. Lastly, further research could study this phenomenon using alternative sources such as speeches of EU officials, which express evaluations of candidates' democracy and RoL. This would allow for observing the consistency of findings across different evaluative instances, and improve the generalisability of results, as there are bound to be far more available speeches than EU reports, of which this study could only study 28.

To conclude, this paper's frame analysis provided novel insights into EU actors' framing of democracy and the rule of law in candidate states after the 2022 war. Upon identifying a literature gap and drafting a theoretical framework drawing from historical institutionalism and Hernández and Closa's (2024) contribution, this paper has demonstrated a notable increase in the occurrence of softening framing of such challenges, vis-a-vis pre-war majority assertive framings in Ukraine. Regarding BiH, it demonstrated that although the framing remains predominantly assertive, there has been an upward trend of soft-framed statements since 2022. Nonetheless, the findings suggest a more pronounced change in directly threatened states. It has concluded with a discussion of the study's limitations, and a reiteration of the findings' real-world implications, not only within the academic field of EU studies, but also for EU enlargement policy, and the broader context of the geopolitical confrontation with Russia and its implications for EU values such as democracy, the rule of law and fundamental rights.

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¹ Please consult the next section for the complete, ordered numbering of the coded document citations. This section only contains those referenced in in-text citations, hence the numbering may seem inconsistent.

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Appendix A: Coded Quotations per Category (Ukraine)

• A1: Negative Circumstances | 219 Quotations:

p. 3 in European Commission, 2019c

The Law on reforming the Supreme Court and judicial self-governance bodies was adopted in October, despite criticism from the EU and other international partners.

p. 6 in European Commission, 2019c

According to the OSCE, physical and/or sexual violence affected around 25% of women in Ukraine over the age of 15.

p. 6 in European Commission, 2019c

OHCHR documented violations related to discrimination, hate speech and violence targeting members of minority groups

p. 10 in European Commission, 2019c

In October 2019, the President signed a law which granted NABU and the State Bureau of Investigation (SBI) autonomous wire-tapping powers.

p. 10 in European Commission, 2019c

As a result, 65 NABU cases against high-level public officials had to be closed

p. 10 in European Commission, 2019c

These developments have weakened NABU's ability to conduct effective investigations into high-level corruption cases and have caused financial damage to the country.

p. 10 in European Commission, 2019c

A disciplinary case launched against the head of SAPO in April 2018 and his subsequent reprimand by the Qualification and Disciplinary Commission of Prosecutors caused concerns relating to the independence of the SAPO

p. 11 in European Commission, 2019c

In August 2019, the President launched a new reform concerning the Supreme Court and judicial governance bodies and the Law on Reforming the Judicial Self-Governance Bodies was adopted in October, despite strong criticism from the EU and other international partners.

p. 11 in European Commission, 2019c

The Public Integrity Council (PIC) raised integrity concerns against 15 out of 75 newly appointed judges

p. 4 in European Commission, 2019c

In September-October 2019, upon President Zelenskyy's initiative, the Parliament dismissed the entire CEC before the end of its term and appointed a new Commission, reflecting the new majority in the Parliament.

p. 4 in European Commission, 2019c

At the same time, the new legislation on the status of the city of Kyiv creates uncertain prospects for the future of the decentralisation reform.

p. 4 in European Commission, 2019c

The authorities are planning a comprehensive reform of the territorial-administrative setup, which will require amendments to the Constitution.

p. 10 in European Commission, 2019c

No high-level officials have yet been convicted for corruption.

p. 10 in European Commission, 2019c

In February 2019, the Constitutional Court ruled the Criminal Code article on illicit enrichment unconstitutional.

p. 10 in European Commission, 2019c

In June 2019, the Constitutional Court declared NABU's right to challenge in courts corruption-related commercial agreements to be unconstitutional, noting that this right should rest with the prosecutors.

p. 10 in European Commission, 2019c

The decision also has an impact on the e-declaration system, forming the basis not only for deterrence but also for legal proceedings for public officials with a clear discrepancy between assets and income history.

p. 11 in European Commission, 2019c

Since the launch of the re-evaluation process, about 2,500 judges (about 30% of their total number) voluntarily resigned without waiting for the re-evaluation.

p. 11 in European Commission, 2019c

the HQCJ's work was hampered by administrative and criminal cases launched against its members, the resignation of its staff, and sporadic protests and calls from politicians and civil society to re-launch the HQCJ.

p. 12 in European Commission, 2019c

Several law enforcement agencies claim it is part of their functions, though they have no legal grounds or structures for this

p. 12 in European Commission, 2019c

The level of cooperation and coordination is unsatisfactory.

p. 4 in European Parliament, 2021

whereas, in the run-up to the local elections on 25 October 2020, attempts were made to change the Electoral Code during the ongoing election campaign

p. 4 in European Parliament, 2021

whereas civil society and election experts reported that local party organisations, candidates and members of the election commissions were not able to prepare properly for the candidates' registration since the Electoral Code was adopted immediately before the election process;

p. 4 in European Parliament, 2021

whereas the introduction of the top-down control mechanisms enacting the imperative mandate principle, as well as linking the party lists to the minimum number of 10 000 voters, weakens the democratic nature of the elections;

p. 4 in European Parliament, 2021

whereas, particularly during the second part of 2019, in order to deliver quickly on the reform promised during the electoral campaigns, the pace of legislative activity has been particularly sustained, sometimes to the detriment of parliamentary scrutiny, transparency and quality of legislation;

p. 4 in European Parliament, 2021

whereas, despite notable progress, widespread corruption continues to hamper Ukraine's reform process;

p. 4 in European Parliament, 2021

whereas the ongoing constitutional crisis poses a threat to the ability of the President and the Verkhovna Rada to carry out reforms

p. 4 in European Parliament, 2021

whereas oligarchs seem to be regaining political influence;

p. 5 in European Parliament, 2021

whereas the perception of corruption in Ukraine has fallen back to 2017 levels according to the latest Transparency International report;

p. 7 in European Parliament, 2021

whereas the media landscape in Ukraine remains under the strong influence of media owners of an oligarchic nature

p. 7 in European Parliament, 2021

whereas media workers, particularly journalists investigating corruption and fraud, continuously face the threat of violence, intimidation and death, such as in the case of journalist Vadym Komarov in 2019, while their work is often obstructed by limited access to information, legal pressure, such as in the case of the criminal proceedings against Bihus.info, and cyber-attacks, inter alia;

p. 7 in European Parliament, 2021

whereas Ukraine has a significant problem in the area of gender inequality;

p. 7 in European Parliament, 2021

whereas equality before the law does not mean actual equality, but in practice women continue to encounter major obstacles, in particular in their workplaces

p. 7 in European Parliament, 2021

Whereas according to the income inequality indicator in Ukraine, for every USD 100 of income earned by men, women will earn only USD 63,1;

p. 7 in European Parliament, 2021

whereas LGBTI people and feminist activists are continuously subjected to hate speech and violent attacks, and Roma people face discriminatory language and hate speech from state and local authorities and the media;

p. 7 in European Parliament, 2021

whereas law enforcement has refused on numerous occasions to investigate criminal complaints by LGBTI persons, namely Pride demonstrators, pertaining to hate crimes or speech, owing to the lack of provisions in the Criminal Code to prosecute incitement to hatred or violence on grounds of sexual orientation or gender identity;

p. 7 in European Parliament, 2021

whereas hate speech and hate crime against LGBTI persons nevertheless remain pervasive and police protection is not always forthcoming, as demonstrated by the violent attacks during Kyiv Pride, where demonstrators were not able to fully enjoy their universal right to freedom of peaceful assembly while being protected from violence;

p. 9 in European Parliament, 2021

notes that during the Ukrainian early parliamentary elections in 2019 the boundaries in single-mandate electoral districts were delimited in a manner not favourable to national minority representation

p. 9 in European Parliament, 2021

notes that in some regions, such as Transcarpathia, electoral abuses were observed, such as the launch of 'clone' candidates, which reduced the chances of Hungarian minority members getting into parliament;

p. 9 in European Parliament, 2021

Recalls, however, that continuous amendments to the Electoral Code during an ongoing election go against Venice Commission recommendations, cause legal uncertainty and negatively impact the work of election commissions;

p. 16 in European Parliament, 2021

Expresses its utmost concern about apparent attempts by vested interests to undermine the country's achievements in the fight against corruption and overall democratic reforms, in particular through the recapturing of political power by some Ukrainian oligarchs, which has served to weaken the reform-oriented majority in the Verkhovna Rada, as also illustrated by the difficulties encountered in filling the legislative gap left after the controversial 27 October 2020 ruling of the Constitutional Court

p. 16 in European Parliament, 2021

Regrets attempts to attack and undermine anti-corruption institutions by members of the Verkhovna Rada, in particular attempts to dismiss the Director of NABU and the opaque selection process of the Director of SAPO

p. 17 in European Parliament, 2021

Is deeply concerned by the high degree of systematic political pressure and by the acts of intimidation perpetrated against the Chairman of the National Bank of Ukraine, unfortunately not for the first time, which led to his resignation in July 2020; u

p. 17 in European Parliament, 2021

Regrets that the judiciary is still one of the least-trusted institutions in Ukraine and is seriously concerned by the state it has been in since the October 2019 reform which led to the dismantling and reconstitution of the High Qualification Commission of Judges (HQCJ) and resulted in the re-assessment and recruitment process for judges being put on hold, while around 2 000 judgeships are vacant

p. 17 in European Parliament, 2021

Strongly calls on the Ukrainian authorities to refrain from their previous bad practice of pursuing politically motivated judicial cases

p. 21 in European Parliament, 2021

expresses concern at plans to give to the regulatory agency new and extensive competences which run the risk of impinging on freedom of the media and the content of the online and printed media

p. 21 in European Parliament, 2021

stresses, in relation to the draft law on countering disinformation, that the current draft could lead to broad state interference in media content and journalism activities at the expense of media freedom and will not be efficient in countering disinformation;

p. 21 in European Parliament, 2021

Notes with concern that the television media market in Ukraine, while being pluralistic, continues to be characterised by the excessive influence of oligarch

p. 21 in European Parliament, 2021

Expresses concern at the worsening working environment for media representatives, particularly investigative journalists reporting on corruption and fraud;

p. 21 in European Parliament, 2021

deplores any acts aimed at limiting the work of journalists, including limiting access to information, criminal investigations, pressure to reveal sources and hate speech, notably hate speech against the independent media;

p. 21 in European Parliament, 2021

is concerned that members of the Verkhovna Rada have fallen victim to or even intentionally helped to spread targeted disinformation campaigns, according to a recent analysis conducted by Ukrainian investigative journalist platforms;

p. 21 in European Parliament, 2021

Regrets the numerous attacks on journalists and civil activists registered in the period 2017-2019

p. 21 in European Parliament, 2021

Regrets the fact that the political climate in the country has worsened, with intimidation, hate speech and political pressure being widely used for political purposes;

p. 22 in European Parliament, 2021

Condemns violent attacks and hate crimes against LGBTI persons and calls on the Ukrainian law enforcement authorities to effectively investigate these attacks

p. 3 in European Parliament, 2021

having regard to the 2019 Transparency International corruption perception list, which ranked Ukraine 126th out of 180 countries and territories assessed (first place being the best),

p. 3 in European Parliament, 2021

having regard to the Venice Commission's opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language and its opinion on the provisions of the Law on Education of 5 September 2017, which concern the use of the State Language and Minority and other Languages in Education,

p. 3 in European Parliament, 2021

having regard to the Venice Commission's opinion of 10 December 2020 on the Constitutional Court of Ukraine,

p. 7 in European Parliament, 2021

whereas Ukraine ranked 96th in the 2020 World Press Freedom Index;

p. 7 in European Parliament, 2021

whereas in the World Economic Forum's Global Gender Gap Index of 2018, Ukraine ranks 65th out of 149 countries;

p. 9 in European Parliament, 2021

calls on the Ukrainian Government to ensure free and fair electoral campaigns, without improper campaign financing methods, in which there is no room for vote buying;

p. 11 in European Parliament, 2021

calls on the state authorities to respect the autonomy of local self-government and to support the administrative capacities of municipalities and cities;

p. 11 in European Parliament, 2021

warns against the establishment of parallel structures at local level that could give rise to struggles over competences, but suggests that assigning office holders double competences, assuming both local competences and at the same time functioning as the lowest state authority, be considered;

p. 17 in European Parliament, 2021

urges the Ukrainian authorities to refrain from exerting political pressure on independent economic institutions and enforcement authorities, and to ensure that their independence is preserved as a guarantee for the correct functioning of the market and a level playing field for all economic actors;

p. 17 in European Parliament, 2021

underscores in this regard that divergences on political issues should be addressed in the competent political forums rather than the judicial sphere;

p. 22 in European Parliament, 2021

Urges the development of democratic, independent, pluralistic and balanced media landscape in Ukraine, which would bring to an end the politically motivated persecution of media channels, including revoking of licenses, and ensure the protection of local journalists, opinion makers and dissident voices from harassment and intimidation, allow non-discriminatory access to online and offline information and meaningful civic participation, and safeguard and guarantee human and civil rights;

p. 5 in European Commission, 2022d

UN agencies have documented some violations related to discrimination, hate speech and violence targeting the Roma and the sexual minorities, with sometimes ineffective investigation and punishment of these crimes.

p. 6 in European Commission, 2022d

However, physical attacks and acts of intimidation of journalists and media professionals continue to occur.

p. 6 in European Commission, 2022d

Oligarch-owned outlets continue to dominate the media landscape.

p. 10 in European Commission, 2022d

Ukrainians were among the most reported non-EU victims of trafficking in human beings.

p. 3 in European Commission, 2020c

A selection commission for a new head of SAPO has been appointed, while there have been various political attempts to dismiss the head of NABU.

p. 3 in European Commission, 2020c

In August and September the Constitutional Court of Ukraine (CCU) declared certain provisions of the law on the National Anti-Corruption Bureau of Ukraine (NABU) and the appointment of its director unconstitutional, creating legal uncertainty, undermining NABU's independence.

p. 7 in European Commission, 2020c

According to the OSCE, physical or sexual violence affected around 25% of women in Ukraine over the age of 15.

p. 7 in European Commission, 2020c

A 72% rise in the number of calls to the national Domestic Violence Hotline⁵ was recorded between February and May 2020, illustrating a negative impact of the COVID-19 crisis on the domestic violence situation, similar to other affected countries.

p. 7 in European Commission, 2020c

OHCHR documented some violations related to discrimination, hate speech and violence targeting members of Ukraine's plethora of minority groups.

p. 7 in European Commission, 2020c

Physical attacks (some with fatal consequences) and acts of intimidation of journalists and media professionals continue to occur.

p. 7 in European Commission, 2020c

While oligarch-owned outlets continue to dominate the media landscape, the Public Broadcasting Service (PBS) remains underfinanced hampering the functioning of the channel.

p. 11 in European Commission, 2020c

Political pressure on NABU and its Director has continued.

p. 11 in European Commission, 2020c

In August 2020 the head of SAPO, tarnished by allegations of misconduct and lack of independence, resigned, following a period of extended leave

p. 12 in European Commission, 2020c

With the entry into force of the law, the mandate of the HQCJ members expired while the establishment of the new

HQCJ was blocked, impeding the judicial selection and qualifications evaluation processes.

p. 12 in European Commission, 2020c

It has been impossible to organise competitions for the recruitment of new judges, and in the meantime there are about 2,000 judicial vacancies.

p. 12 in European Commission, 2020c

It foresees a weakened role of international experts in the selection process, gives more powers to the unreformed HCJ and it does not provide adequate mechanisms for ensuring the accountability and integrity of its members.

p. 3 in European Commission, 2020c

On 27 October the CCU decided on the unconstitutionality of elements of the anti-corruption legislation in Ukraine related to the electronic declaration system for public officials and politicians and core powers of the National Agency for Prevention of Corruption.

p. 5 in European Commission, 2020c

COVID-19 posed an additional challenge to the organisation of the elections.

p. 7 in European Commission, 2020c

The payment of social benefits and pensions remains one of the major concerns, overall in the NGCA where they remain suspended.

p. 8 in European Commission, 2020c

This coincided with suspension of merit-based recruitments to the civil service during COVID-19 quarantine measures leading to the appointment of over 7000 civil servants without competition, including 60 high-level posts.

p. 11 in European Commission, 2020c

Following constitutional complaints submitted by a number of MPs, the Constitutional Court of Ukraine (CCU) in August declared unconstitutional the 2015 presidential decree appointing the NABU Director, and in September certain provisions of the law on NABU unconstitutional, including the provisions empowering the President to establish NABU, to appoint and dismiss the NABU Director, and to delegate representatives to the panel choosing the Director.

p. 11 in European Commission, 2020c

While the Director still exercises his functions, the CCU's decisions leave NABU in a situation of legal uncertainty.

p. 11 in European Commission, 2020c

However, the Constitutional Court of Ukraine (CCU) declared on 27 October elements of the anti-corruption legislation in Ukraine related to the electronic declaration system for public officials and politicians and core powers of the NACP unconstitutional.

pp. 11 – 12 in European Commission, 2020c

In March 2020 the CCU found parts of the law unconstitutional, in particular regarding the reduction of the number of the Supreme Court judges, the establishment of the new High Qualification Commission of Judges (HQCJ) and of the Integrity and Ethics Commission (additional

vetting and disciplinary body at the High Council of Justice (HCJ).

p. 12 in European Commission, 2020c

On 27 October, the CCU declared unconstitutional parts of Ukraine's anti-corruption legislation related to the electronic declaration system for public officials and politicians, and the core powers of the National Agency for Prevention of Corruption.

p. 12 in European Commission, 2020c

However, the selection of prosecutors for management level positions remains a challenge.

p. 9 in European Commission, 2022c

However, attempts of undue internal and external interference on the judiciary remain an issue of concern.

p. 13 in European Commission, 2022c

Media controlled by oligarchs have disproportionate influence, notably in the segment of television.

p. 14 in European Commission, 2022c

At the same time, Ukraine has one of the highest rates of child institutionalisation in the world (ca. 1.5% of all children), which is a serious concern and needs to be tackled as a matter of urgency.

pp. 9 – 10 in European Commission, 2022c

The biggest issue is the backlog of overall 578.750 cases (in 2018), which is particularly a problem with regard to the Supreme Court (currently backlog of 24.000 cases).

p. 10 in European Commission, 2022c

Nevertheless, many challenges persist.

p. 13 in European Commission, 2022c

The country has 501 judgements of the European Court of Human Rights under enhanced supervision procedure pending their enforcement.

p. 1 in European External Action Service, 2019a

Concerns persist in a number of areas, including the safety of investigative journalists, rights of persons belonging to different minorities and accountability, while some progress has been observed in gender equality.

p. 1 in European External Action Service, 2019a

There are some structural challenges such as the disproportionate ownership of media channels by oligarchs and the safety of journalists.

p. 1 in European External Action Service, 2019a

In some cases, impunity continues to be a serious problem, as demonstrated by the murder of activist Kateryna Handziuk.

p. 2 in European External Action Service, 2019a

Domestic violence and gender-based violence continued to be an issue of high concern in Ukraine.

p. 2 in European External Action Service, 2019a

However, the members of the Roma community continue to be particularly vulnerable.

p. 1 in European External Action Service, 2019a

The situation of the Crimean Tatars continues to be particularly worrisome.

p. 1 in European External Action Service, 2020

While the Ukrainian media landscape remains one of the most diverse in the region, there are persistent 36 concerns over the disproportionate ownership of media channels by oligarchs and the safety of journalists.

p. 1 in European External Action Service, 2020

As in previous years, the impunity of perpetrators of attacks against civil society activists and journalists remained a serious problem.

p. 1 in European External Action Service, 2020

Incidents of persecution for civil society activism or actions to protect human rights increased slightly.

p. 1 in European External Action Service, 2020

Anti-corruption and environmental activists remained disproportionately exposed to security challenges.

p. 1 in European External Action Service, 2020

One particularly worrying development was the arson attack of prominent anti-corruption activist Vitaliy Shabunin in July.

p. 1 in European External Action Service, 2020

Civil society also played an important role following the decision of the Constitutional Court in October, which risks having far-reaching consequences for the whole anti-corruption infrastructure established after the 2014 Revolution of Dignity.

p. 1 in European External Action Service, 2020

The Roma minority remained vulnerable to bureaucratic hurdles when accessing social and administrative services, whose situation has been further disproportionately exacerbated by the COVID-19 pandemic

p. 2 in European External Action Service, 2020

Other areas of concern included the situation in penitentiary and psycho-neurological institutions, as well as a number of individual asylum-related cases concerning foreign citizens.

p. 1 in European External Action Service, 2021

While the Ukrainian media landscape remains one of the most diverse in the region, there are persistent concerns over the disproportionate ownership of media channels by oligarchs and the safety of journalists.

p. 1 in European External Action Service, 2021

Overall, the Roma minority remained vulnerable to bureaucratic hurdles when accessing social and administrative services.

p. 1 in European External Action Service, 2021

Persons with disabilities continued to face challenges due to both architectural and informational inaccessibility.

p. 1 in European External Action Service, 2021

The institutionalisation of children continued to remain a significant problem

p. 1 in European External Action Service, 2021

A long-term strategy to reduce the number of institutionalised children in Ukraine was considerably weakened in July.

p. 2 in European External Action Service, 2021

Parallel structures of ‘justice’ prevail, resulting in mass violations of individual rights.

pp. 2 – 3 in European External Action Service, 2021

The EU delegation actively employed social media tools to express concerns about the violation of human rights committed during the COVID-19 pandemic

p. 1 in European External Action Service, 2021

The COVID-19 pandemic added additional challenges for Ukraine’s media landscape.

p. 1 in European External Action Service, 2021

Some right-wing anti-Roma protests took place around the country, with police taking actions to protect the Roma people and their properties.

p. 1 in European External Action Service, 2022

Due to Russia’s full-scale invasion, martial law is currently in place in Ukraine, also limiting the full exercise of human rights

p. 1 in European External Action Service, 2022

Regarding the treatment of prisoners of war (POWs), OHCHR 43 documented violations of international human rights law and international humanitarian law by both parties to the conflict

p. 10 in European Commission, 2023b

Delays in the transfer of cases and in the establishment of the new court, along with limited capacities of the Kyiv region administrative court to assume new obligations, undermined access to justice.

p. 12 in European Commission, 2023b

There is also legal uncertainty as to the statutory limitation deadlines in relation to disciplinary complaints received by the previous HCJ composition.

p. 13 in European Commission, 2023b

At present, more than 2 000 judicial vacancies still need to be filled urgently.

p. 21 in European Commission, 2023b

Despite the subsequent restoration of the powers of the NACP and the Criminal Code article on false declaration by the Parliament in accordance with Venice Commission recommendations, the non-retroactive effect of criminal law provisions caused an accountability gap

p. 25 in European Commission, 2023b

The introduction of martial law and other measures in the interests of national security led to a limited number of restrictions of rights and freedoms.

p. 27 in European Commission, 2023b

Despite these legal improvements, torture and ill treatment remains a systemic feature of Ukraine’s prison system

p. 28 in European Commission, 2023b

The ineffective investigation into allegations of torture and cases of obstruction of justice are rooted among others in a general culture of mutual protection of law enforcement officers within the criminal justice system.

p. 28 in European Commission, 2023b

This highlights how criminal courts do not follow through on the seriousness of the practice of torture and thereby contribute to an atmosphere of impunity enjoyed by law enforcement and prison staff.

p. 28 in European Commission, 2023b

The prison system and detention centres remain an issue of concern.

p. 28 in European Commission, 2023b

Numerous recommendations by the European Committee for the Prevention of Torture to transfer responsibility for prison healthcare to the Ministry of Health have not been addressed.

p. 30 in European Commission, 2023b

However, the past general practice of intimidating journalists is still to be found, in particular in local and regional contexts.

p. 30 in European Commission, 2023b

Since March 2023, officers from the Security Service of Ukraine (SSU) have repeatedly questioned journalists seeking military accreditation.

p. 31 in European Commission, 2023b

Some media outlets consider these restrictions disproportionate.

p. 31 in European Commission, 2023b

Similarly, the exclusion of three private (opposition-affiliated) TV channels from terrestrial broadcasting (while the channels continue working and remain available through other means) has been criticised by the opposition on the same grounds.

p. 34 in European Commission, 2023b

Conflict-related and gender-based sexual violence emerged as an important war-related issue with hundreds of confirmed cases against both sexes of all ages and an estimated large number of unreported cases.

p. 36 in European Commission, 2023b

The application of the principle of reasonable accommodation for persons with disabilities remains rare

p. 37 in European Commission, 2023b

The situation for persons with disabilities remains very challenging as regards equal participation and opportunities.

p. 38 in European Commission, 2023b

The right to a fair trial is frequently violated, as shown by 61 decisions delivered by the European Court of Human Rights in 2022 in cases against Ukraine regarding violations of Article 6 of the European Convention on Human Rights.

p. 38 in European Commission, 2023b

These issues reflect structural problems with the practices of the judiciary and law enforcement authorities.

p. 39 in European Commission, 2023b

The Roma minority remains one of the most marginalised communities in Ukraine and continues to face significant challenges.

p. 39 in European Commission, 2023b

These include discrimination and antigypsyism, economic and social exclusion, lack of access to ID documents, lack of adequate education, continuing segregation in settlements, lack of poverty reduction and lack of adequate housing.

p. 39 in European Commission, 2023b

Instances of mob violence against Roma targeting both settlements and individuals were recorded in recent years.

p. 39 in European Commission, 2023b

At its beginning, Roma faced additional obstacles in various regions, preventing an efficient evacuation.

p. 6 in European Commission, 2023b

Budget transparency and openness in budgeting are limited in Ukraine, as reported by the Open Budget Index, and worsened under martial law.

p. 6 in European Commission, 2023b

Long periods with a lack of procedures to safeguard a professional and depoliticised civil service, in combination with the widespread use of non-transparent direct appointments, has undermined the civil service' competitiveness and independence.

p. 6 in European Commission, 2023b

Gender representation in the civil service continues to be unbalanced.

pp. 8–9 in European Commission, 2023b

This reform was triggered by insufficient independence of the judiciary from the executive and legislative branches, low public trust in the judiciary, high levels of corruption and the strong influence of vested interests in the work of courts.

p. 9 in European Commission, 2023b

This case became public in mid-May, when the National Anti-Corruption Bureau claimed to have uncovered an organised crime group that allegedly received a bribe equivalent to EUR 2 500 000 to influence Supreme Court decisions favouring a particular oligarch.

p. 9 in European Commission, 2023b

Foreign business associations continue to cite problems with the judiciary and the prevalence of corruption as some of the main obstacles to doing business in Ukraine.

p. 10 in European Commission, 2023b

This was recommended by the Venice Commission to restore trust in the CCU, whose reputation was damaged by corruption allegations against its judges and several controversial CCU decisions.

p. 11 in European Commission, 2023b

The possibility that a judge, addressed by a request for their recusal, can still contribute to the review of such a request, remains an issue of concern.

p. 13 in European Commission, 2023b

Given the low level of public trust in the judiciary and recurrent judicial corruption cases, the sustained involvement of the Public Integrity Council (PIC) in both qualification evaluation and judicial selection procedures remains of critical importance.

p. 21 in European Commission, 2023b

According to the survey 'Corruption in Ukraine: understanding, perception, prevalence' conducted each year by the NACP, in 2022, 29% (42% in 2021) believe that corruption has increased, while 16% (6% in 2021) believe it has decreased.

p. 24 in European Commission, 2023b

Delineation of investigative competences is often disregarded or interfered with in practice by having criminal cases investigated by SBI and the Security Service of Ukraine that fall within the exclusive investigative powers of NABU.

p. 27 in European Commission, 2023b

The Court delivered judgments on 356 applications and found breaches of the European Convention on Human Rights in 151 out of 154 cases, relating mainly to the right to respect for private and family life, the right to a fair trial, the right to liberty and security of person and the prohibition of torture and inhumane or degrading treatment or punishment.

p. 28 in European Commission, 2023b

The issues are primarily linked to the material conditions of detention, very poor healthcare services, the use of detainees for prison duties and the widespread use of violence by guards.

p. 36 in European Commission, 2023b

Before February 2022, Ukraine had the largest number of children in institutional care in Europe.

p. 37 in European Commission, 2023b

Persons with intellectual and psychosocial disabilities remain highly vulnerable due to exceptionally high levels of institutionalisation, including of children and infants, instead of family- and community-based alternative care.

p. 37 in European Commission, 2023b

There is a distinct lack of accessible transportation, healthcare, social services and public buildings.

p. 38 in European Commission, 2023b

Civil society organisations and international organisations are very concerned about this high politicisation of the topic, while the issues to be addressed revolve mainly around those concerning the daily lives of persons belonging to national or linguistic minorities, such as education, language use in public life, media, civic participation and representation of national minorities

p. 39 in European Commission, 2023b

There is a continued need for empowering women, for family planning programmes, increased protection of children's rights and the prevention of teen pregnancies, misappropriation of funds designed for child support as well as discrimination by police.

p. 4 in European Court of Auditors, 2021

Ukraine has been suffering from corruption – particularly grand corruption – for many years

p. 4 in European Court of Auditors, 2021

Judicial reform is experiencing setbacks, anti-corruption institutions are at risk, trust in such institutions remains low, and the number of convictions resulting from grand corruption is small.

p. 5 in European Court of Auditors, 2021

However, we found that the existing environment in Ukraine puts the sustainability of these institutions at risk, as they still rely on the unreformed judicial, prosecution and law-enforcement sectors.

p. 7 in European Court of Auditors, 2021

Ukraine has a long history of corruption, and faces both petty and grand corruption.

p. 7 in European Court of Auditors, 2021

Petty corruption is widespread, and is accepted as almost inevitable by a large part of the population.

p. 8 in European Court of Auditors, 2021

Experts have estimated that huge amounts – in the tens of billions of dollars – are lost annually as a result of corruption in Ukraine.

pp. 7–8 in European Court of Auditors, 2021

Citizens “often justify their participation in such petty corruption by noting that high-level officials and oligarchs are involved in a much grander scale

p. 8 in European Court of Auditors, 2021

In Ukraine, it is based on informal connections between government officials, members of parliament, prosecutors, judges, law enforcement agencies (LEAs), managers of State Owned Enterprises (SOEs) and politically connected individuals/companies.

p. 9 in European Court of Auditors, 2021

Manipulate opinion through ownership of main media outlets

p. 9 in European Court of Auditors, 2021

Have significant leverage over the legislative process by funding political parties and a large number of deputies

p. 9 in European Court of Auditors, 2021

Wield control over the government by requiring their candidates to be appointed to key posts

p. 9 in European Court of Auditors, 2021

Heavily influence the judicial, prosecution and law-enforcement systems by facilitating the appointment of individuals in exchange for loyalty and other benefits

p. 10 in European Court of Auditors, 2021

“State capture” by blocks of powerful political and economic elites that are pyramidal in structure and entrenched throughout public institutions and the economy has been seen as a specific feature of Ukraine's corruption

p. 10 in European Court of Auditors, 2021

Grand or high-level corruption hinders competition and growth in the country, harms the democratic process, and is the basis for wide-scale petty corruption.

p. 10 in European Court of Auditors, 2021

Furthermore, investigative journalists have regularly published articles about oligarchs' illicit financial flows (including money-laundering abroad), even in the EU

p. 10 in European Court of Auditors, 2021

A report estimates the cost of tax avoidance through offshores at least one billion euros annually

p. 10 in European Court of Auditors, 2021

From 2016 to 2020, the three major obstacles to foreign investment in Ukraine remained the same

p. 12 in European Court of Auditors, 2021

Different stakeholders agree that real change cannot take place in Ukraine without tackling the influence of vested interests.

p. 15 in European Court of Auditors, 2021

Given that corruption and state capture by oligarchs are major problems in Ukraine (see paragraphs 04-08), we focused our audit on EU support for reforms to fight grand corruption.

p. 17 in European Court of Auditors, 2021

The Commission has acknowledged that high-level corruption has been a major problem in Ukraine for many years.

p. 17 in European Court of Auditors, 2021

In 2014, the Commission was already well aware that Ukraine was dominated by oligarchs, leading to “corrupt systems, typified by endemic conflicts of interest and vertical power”

p. 17 in European Court of Auditors, 2021

Most EU key documents²⁶ refer to the need to tackle corruption in Ukraine, but they include few specific objectives in this respect.

p. 20 in European Court of Auditors, 2021

Overall, these projects were able to detect and report to the authorities more than 250 draft laws involving corruption risks from 2018 to 2020.

p. 21 in European Court of Auditors, 2021

As the Commission acknowledged, the risk of laundering money abroad, even in the EU, is high.

p. 23 in European Court of Auditors, 2021

Ukrainian oligarchs dominate a large number of sectors of the economy and markets that are closely connected to SOEs

p. 23 in European Court of Auditors, 2021

This situation distorts competition.

p. 25 in European Court of Auditors, 2021

Politically connected individuals/companies – especially oligarchs – have influenced the legal framework to obtain a series of advantages from the state, and use satellite companies benefiting from exclusive relationships with SOEs

p. 32 in European Court of Auditors, 2021

In 2014, the Ukrainian government itself noted that the judiciary was viewed as being one of the most corrupt institutions in the country

p. 34 in European Court of Auditors, 2021

During the audited period, there were numerous attempts to water down reforms supported by the Commission and the EEAS

p. 34 in European Court of Auditors, 2021

The result was that all cases of illicit⁴⁹ enrichment were closed.

p. 34 in European Court of Auditors, 2021

In February 2020, the CCU ruled that the winding-up of the old Supreme Court of Ukraine (SCU) was unconstitutional

pp. 34 – 35 in European Court of Auditors, 2021

On 27 October 2020, the CCU ruled that the NACP's verification powers in relation to asset declarations and the offence of false declarations were unconstitutional

p. 35 in European Court of Auditors, 2021

As a result, the National AntiCorruption Bureau (NABU) had to close more than 100 corruption investigations, and the High Anti-Corruption Court (HACC) 17 cases, some of them involving senior officials.

pp. 36 – 37 in European Court of Auditors, 2021

Several organisations have reported cases of misconduct in law enforcement agencies

p. 38 in European Court of Auditors, 2021

In 2014, between 7 000-9 000 judges were not evaluated

p. 38 in European Court of Auditors, 2021

In 2016, approximately 6 000-9 000 judges were still not evaluated

p. 38 in European Court of Auditors, 2021

In 2018, around 3 400 judges were not evaluated and approximately 2 000 positions were vacant

p. 38 in European Court of Auditors, 2021

The figures have not changed since 2018

p. 39 in European Court of Auditors, 2021

The system of appointments by the Congress of Judges mostly involved judges who were not evaluated

p. 40 in European Court of Auditors, 2021

Several decisions have hampered anti-corruption reform and have been tainted by conflicts of interest concerning its members

p. 40 in European Court of Auditors, 2021

The number of judges dismissed for committing offences is very small when compared with the number of pending disciplinary cases

p. 40 in European Court of Auditors, 2021

The HQCJ did not reject all candidates with a weak integrity record

p. 41 in European Court of Auditors, 2021

For many years, the EU's political dialogue has stressed the need to reform the judiciary to improve public trust, which ranged from 5 % to 12 % in 2015

p. 48 in European Court of Auditors, 2021

Limited number of cases of illicit enrichment and false declarations brought before the courts

p. 49 in European Court of Auditors, 2021

This will impact the head's appointment, the Civil Oversight Council, and the independent audit which is yet to be carried out

p. 50 in European Court of Auditors, 2021

ABU claimed that its work has long been hampered by the National Security Service of Ukraine (SBU)

p. 51 in European Court of Auditors, 2021

Before the HACC was set up in September 2019, a significant number of high-level corruption cases had stalled in the courts after being forwarded by SAPO/NABU, a fact which the OECD qualified as "shocking"

p. 52 in European Court of Auditors, 2021

However, its effectiveness, independence and sustainability were under threat at the time of the audit.

p. 54 in European Court of Auditors, 2021

We found that although the EU has backed reforms to fight corruption and has helped to reduce corruption opportunities, grand corruption remains a key problem in Ukraine

p. 54 in European Court of Auditors, 2021

Judicial reform is experiencing setbacks, anti-corruption institutions are at risk, trust in such institutions remains low, and the number of convictions resulting from grand corruption is small.

p. 54 in European Court of Auditors, 2021

Oligarchs and vested interests across Ukraine are the root cause of corruption and the main obstacles to the rule of law and economic development in the country.

p. 57 in European Court of Auditors, 2021

The lack of desire for reform and resistance to anti-corruption and judicial reforms caused major setbacks that were not avoided by mitigating measures.

p. 57 in European Court of Auditors, 2021

However, trying to integrate the new institutions into the existing environment is a constant battle

p. 58 in European Court of Auditors, 2021

The unlawful takeover of business or property is a serious problem in Ukraine and a major risk for investors.

p. 59 in European Court of Auditors, 2021

One of the latest attempts was the Constitutional Court decision that declared the asset declaration unconstitutional

p. 59 in European Court of Auditors, 2021

However, EU-funded experts concluded that moratoria prohibiting the enforcement of court decisions and protecting SOEs from bankruptcy or from paying back their debts were a major problem

p. 77 in European Court of Auditors, 2021

Ukraine has been suffering from grand corruption and state capture for many years

● A2: Insufficient Circumstances | 325 Quotations:

p. 2 in European Commission, 2019c

It occupied much of the time and energy of the country's political leaders and institutions, which had a certain impact on engagement in continuing reforms.

p. 4 in European Commission, 2019c

Electoral legislation has not yet been harmonised and aligned with OSCE/ODIHR recommendations.

p. 4 in European Commission, 2019c

In July 2019, the Parliament adopted a new Electoral Code, which would have introduced a full proportional system with open lists after December 2023.

p. 6 in European Commission, 2019c

Freedom of the media is broadly respected in Ukraine, although physical attacks including those with fatal consequences¹³ and acts of intimidation of journalists and media professionals still occur and there is a lack of accountability for these attacks

p. 6 in European Commission, 2019c

Investigations into the high-profile killing of the prominent journalist Pavlo Sheremet in 2016 have not brought results.

p. 9 in European Commission, 2019c

An amendment to the Law on the HACC was adopted in September, limiting its mandate to high-level corruption cases and preventing its potential overburdening by minor cases.

p. 10 in European Commission, 2019c

The conviction rate in these cases remains very low at 31, as the vast majority of cases were blocked in Ukraine's ordinary courts.

p. 10 in European Commission, 2019c

The external audit of NABU, which is supposed to be held annually, continued to be delayed.

p. 11 in European Commission, 2019c

The renewal of the judiciary continued in 2019, but experienced significant delays mainly due to court decisions suspending the leadership of the High Qualification Commission of Judges (HQCJ).

p. 11 in European Commission, 2019c

The competition to the new High Intellectual Property Court is delayed.

p. 11 in European Commission, 2019c

However, PIC continues to complain about unrealistic timeframes set by the HQCJ and the latter disregards negative opinions from the PIC on judges being re-evaluated

p. 11 in European Commission, 2019c

In October 2019, the Kyiv Circuit Administrative Court ruled to reinstate the ex-chairman of the Constitutional Court but the Constitutional Court has delayed execution of this decision.

p. 11 in European Commission, 2019c

Reform of the Public Prosecutor's Office started in 2015 but has not produced a reset of the prosecutorial service and public trust in this service remains very low

p. 4 in European Commission, 2019c

Among other things, the changes should fully enfranchise more than 1.4 million internally displaced persons (IDPs) who remain deprived of some of their voting rights in the parliamentary elections and cannot vote in local elections.

p. 6 in European Commission, 2019c

The Public Broadcasting Service (PBS) set up in 2017 remained underfinanced in 2019 with only 50% of the budget stipulated by Ukrainian law being allocated to it, which has hampered the functioning of the channel.

p. 7 in European Commission, 2019c

Ukraine's Ministry of Internal Affairs and certain other agencies have approached the organisational development and building of public policy capacities outside of the general public administration reform framework in a slower process that does not allow comparative assessment of their progress.

p. 10 in European Commission, 2019c

The law does not allow to prosecute cases closed after the earlier illicit enrichment provision was repealed

p. 10 in European Commission, 2019c

The automatic verification system for electronic asset declarations has been connected to all relevant state registers.

p. 11 in European Commission, 2019c

As of 30 October 2019, more than 3,000 judges underwent the qualification evaluation while the assessment of about 2,000 judges is still pending.

p. 4 in European Parliament, 2021

Several of the reforms initiated need to be completed, in particular in the areas of the rule of law, good governance and anti-corruption;

p. 4 in European Parliament, 2021

whereas the full potential of the reforms adopted is not being realised because of the reform process dynamics and related institutional challenges;

p. 4 in European Parliament, 2021

whereas reforms are also being impaired by internal institutional instability and contradictions, the lack of clear benchmarks, weak capacity, limited resources and external factors such as the COVID19 pandemic, as well as by a lack of political resolve to accept and ensure the full independence of judicial and economic institutions and to avoid a selective use of justice;

p. 5 in European Parliament, 2021

whereas the most recent report by the OHCHR highlights the lack of progress in criminal proceedings concerning grave human rights violations allegedly perpetrated by members of the Ukrainian forces, as well as delays and insufficient progress in investigating the Maidan-related crimes;

p. 7 in European Parliament, 2021

whereas Ukraine has adopted a number of reforms, including a law on transparency of media ownership, but much more is needed to loosen the oligarchs' tight grip on the media, encourage editorial independence and combat impunity for crimes of violence against journalists;

p. 9 in European Parliament, 2021

urges Ukraine to further tackle illegal campaigning, vote buying, misuse of administrative resources and the legal uncertainty surrounding campaigning on social media;

p. 9 in European Parliament, 2021

Insists that the Electoral Code should be improved and brought into line with international standards in order to address issues such as social media campaigning, transparency of campaign spending and access of independent candidates to the electoral process;

p. 11 in European Parliament, 2021

Welcomes the organisation of the first round of local elections on 25 October 2020, with a turnout exceeding 36 %, which were free and fair, but coupled with a parallel public consultation, which, according to OSCE/ODIHR, created an undue political advantage and blurred the separation of state and party

p. 15 in European Parliament, 2021

encourages the Ukrainian authorities to further progress on reforms, in particular in the area of the rule of law and anti-corruption, and to ensure the independence and continued work of key anti-corruption institutions

p. 16 in European Parliament, 2021

calls for an unbiased and impartial approach to be taken in the activities of the anti-corruption institutions in order to secure trust and public support in the fight against corruption

p. 16 in European Parliament, 2021

calls, however, for the HACC's work to be intensified in order to increase the conviction rate, including in high-level cases;

p. 16 in European Parliament, 2021

Further emphasises the need to strengthen NABU's independence

p. 16 in European Parliament, 2021

therefore urges that the law on NABU be brought into line with the constitution and the recent Constitutional Court decision and that transparent, depoliticised and merit-based selection procedures be prescribed for the Heads of both NABU and of the Specialised Anti-Corruption Prosecution Office (SAPO), as well as the State Bureau of Investigations (SBI), including a credible integrity check;

p. 16 in European Parliament, 2021

notes the lack of protection of NGO activists and journalists uncovering and denouncing corruption, and calls for the effective implementation of the new law on the protection of whistle-blowers, which entered into force in January 2020;

p. 17 in European Parliament, 2021

regrets the fact that in the past the HQCJ did not take into account the opinion of the Public Integrity Council in its reassessment of judges, and urges it to do so in the future in order to fill vacancies in lower court instances with judges fulfilling ethical and integrity standards in full compliance with Opinion No 969/2019 of the Venice Commission;

p. 17 in European Parliament, 2021

urges the Ukrainian authorities to continue and accelerate the reform of the judiciary in order not to undermine the work of the newly established anticorruption institutions, to refrain from politically motivated trials and the instrumentalisation of the judiciary against political opponents, and to complete the legal framework for combating organised crime

p. 17 in European Parliament, 2021

Calls for the attestation of prosecutors to be completed, thereby ensuring that new prosecutors at all levels are selected in a transparent and politically impartial process;

pp. 21 – 22 in European Parliament, 2021

urges the authorities to firmly condemn and ban the operations of extremist and hate-incentivising groups and websites, such as Myrotvoret, which incite tensions in society and misuse the personal data of hundreds of people, including journalists, politicians and members of minority groups;

p. 22 in European Parliament, 2021

urges the Ukrainian Government and authorities to implement measures to further improve women's representation and equal treatment at all levels of political and societal life, as well as combating gender-based violence

p. 7 in European Parliament, 2021

whereas ECRI has recommended that the Criminal Code be amended to cover such grounds and to consider them as aggravating circumstances;

p. 8 in European Parliament, 2021

whereas, despite these commitments, the implementation of the AA/DCFTA in the social sphere remains dissatisfactory;

p. 8 in European Parliament, 2021

whereas Ukraine has ratified the main international instruments, but continues to fail to implement them;

pp. 8 – 9 in European Parliament, 2021

urges the Ukrainian authorities to address the shortcomings identified in the statements of the Heads of the European Parliament's delegations and to follow the recommendations contained in the OCSE/ODIHR election observation mission final reports;

p. 10 in European Parliament, 2021

notes, however, that according to the review mechanism of the AA ('Pulse of the AA'), only 37 % of AA implementation-related tasks were completed in 2019 (down from 52 % in 2018);

p. 10 in European Parliament, 2021

acknowledges the attempts made in the second half of 2019 to accelerate the pace of reforms, but urges Ukrainian institutions not to privilege the speed of the legislative process over the quality of the legislation adopted, and stresses the importance of continuing to implement its commitments;

p. 16 in European Parliament, 2021

Stresses the importance of ensuring the independence of the High Anti-Corruption Court (HACC) and other anti-corruption institutions,

p. 16 in European Parliament, 2021

insists that the anti-corruption institutions NABU, SAPO and HACC must remain independent, effective and adequately resourced;

p. 17 in European Parliament, 2021

considers that an empowered HQCJ should be able to effectively carry out the selection of new, and the vetting of sitting, judges in line with rules and procedures adopted by the HQCJ itself, according to its mandate;

p. 18 in European Parliament, 2021

Calls on the Ukrainian Government to continue the investigation into the crimes committed by members of the Ukrainian forces against activists during the Euromaidan protests and promptly deliver justice for the victims and their families;

p. 19 in European Parliament, 2021

pays close attention to the support provided by the Ukrainian Government to the Crimean Tatar people, and expresses its concern over the lack of funding in the draft budget 2021, submitted to the Verkhovna Rada in September 2020, for the programme of resettlement and accommodation of Crimean Tatars and persons of other nationalities deported from the territory of Ukraine;

pp. 20 – 21 in European Parliament, 2021

Encourages strengthened dialogue and cooperation with churches and religious communities and organisations in areas such as peace-building and reconciliation, thereby strengthening trust in a just and free society, as well as education, healthcare and basic social services;

p. 21 in European Parliament, 2021

stresses that the reform should ensure in particular the independence, impartiality and accountability of the regulatory body, transparency of media ownership and equal opportunities for media outlets with fair competition on the market;

p. 21 in European Parliament, 2021

urges Ukraine to foster free and independent media and strengthen media pluralism;

p. 21 in European Parliament, 2021

calls on the Verkhovna Rada and the Government to uphold the state's commitments to the public broadcaster and to ensure financial and political support for its further modernisation, independence and capacity to conduct investigative journalism;

p. 22 in European Parliament, 2021

recalls ECRI's recommendations and calls on Ukraine to amend the Criminal Code accordingly;

p. 3 in European Commission, 2022d

The selection process for a new head of the Specialised Anti-corruption Prosecutor's Office (SAPO) has not been concluded and the Asset Management and Recovery Agency (AMRA) has been without a permanent head for over two years

p. 4 in European Commission, 2022d

By-elections to Parliament and mayoral elections in Kharkiv took place on 31 October 2021, with some irregularities noticed by local observers.

p. 5 in European Commission, 2022d

Ukraine has yet to harmonise legislation with international conventions concerning torture and ill-treatment.

p. 6 in European Commission, 2022d

People with disabilities continue facing challenges in their daily lives due to architectural and informational inaccessibility.

p. 6 in European Commission, 2022d

Investigations into the killing of prominent journalist Pavel Sheremet in 2016 have yet to bring results.

p. 6 in European Commission, 2022d

Independent Public Broadcasting Service (PBS), a key element of modern European media landscape, remains underfinanced but is nonetheless a cornerstone for unbiased, quality media reporting.

p. 7 in European Commission, 2022d

Little progress has been made in investigating the murder of protestors during the Revolution of Dignity.

p. 9 in European Commission, 2022d

ARMA has been without a permanent head for more than a year and a half.

p. 9 in European Commission, 2022d

No progress was achieved in reforming the CCU, in particular as regards establishment of a transparent and merit-based selection procedure for CCU judges in line with Venice Commission recommendations

p. 3 in European Commission, 2022d

Significant outstanding challenges include urgent reform of the Constitutional Court (CCU). A draft law on the reform of the CCU is pending in the Ukrainian Parliament.

p. 9 in European Commission, 2022d

NABU cannot yet conduct autonomous wiretapping operations, in spite of a legal basis for this being in place, as a result of delays in concluding an inter-agency agreement with the State Security Service.

p. 3 in European Commission, 2020c

Cooperation between the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialised Anti-Corruption Prosecutor's Office (SAPO) has improved, though the rate of convictions from corruption investigations remains low for the time being.

p. 5 in European Commission, 2020c

According to the Preliminary Conclusions of the OSCE-ODIHR Limited Election Observation Mission for 2020 local elections, the revised Code does not address a number of ODIHR's long-standing priority recommendations.

p. 5 in European Commission, 2020c

The elections were competitive and were characterised overall positively by domestic and international observers, although various irregularities and legal shortcomings were recorded.

p. 7 in European Commission, 2020c

However, IDPs continue to face difficulties in the exercise of a number of civic rights, including access to employment and healthcare services.

p. 7 in European Commission, 2020c

Investigations into the killing of the prominent journalist Pavel Sheremet in 2016 have yet to bring results.

p. 11 in European Commission, 2020c

The Venice Commission in its Opinion of December 2019 recommended the revision of some provisions in the law, in particular those related to the Supreme Court, in order to

bring it into compliance with the fundamental principle of independence of the judiciary

p. 26 in European Commission, 2020c

The impact of the global COVID-19 pandemic, combined with some abrupt changes to Government and state agency personnel, have had a significant impact on these efforts and the pace of reforms since then has not been on par with that of late 2019.

p. 11 in European Commission, 2020c

In September, the Parliament filled its quota of seven members in the commission to select a new head of SAPO, despite misgivings by civil society as to the professionalism and integrity of some of those appointed

p. 7 in European Commission, 2020c

Procedures for crossing the contact line have further improved on the government-controlled side, but the number of crossing points is insufficient and closed since mid-March 2020.

p. 10 in European Commission, 2020c

A law was passed providing the HACC with permanent premises in June 2020, but some outstanding issues need to be resolved before the Court can take ownership allowing adaptation of the premises to its needs.

p. 10 in European Commission, 2020c

An e-case management system has been developed for NABU and the Specialised Anti-Corruption Prosecutor's Office (SAPO), but has yet to be launched.

p. 11 in European Commission, 2020c

NABU has submitted a total of 265 cases to the courts, resulting in 41 convictions, as the vast majority of cases were blocked in Ukraine's ordinary courts.

p. 11 in European Commission, 2020c

In order for electronic asset declaration system to be effective, the Agency must ensure verification of the annual declarations of income and property of public officials.

p. 12 in European Commission, 2020c

Several legislative initiatives were registered in Parliament aimed at both restoring the anti-corruption legislation and reform the CCU, but remain yet to be considered.

p. 6 in European Commission, 2022c

The only body that may interpret the Constitution and determine whether legislation conforms to it is the Constitutional Court of Ukraine (CCU), which is still in urgent need of reform in line with the recommendations of the Venice Commission.

p. 7 in European Commission, 2022c

Comprehensive impact assessments of proposed legislation and legislative oversight of the executive, including monitoring the implementation of legislation, need to be strengthened.

p. 7 in European Commission, 2022c

While there is a very open civic space, there has been pressure and threats against civic activists from local vested interests, in some cases leading to violence.

p. 7 in European Commission, 2022c

The authorities condemn such attacks and investigations have been stepped up, however, additional efforts are needed to ensure that there is no impunity for such crimes.

p. 9 in European Commission, 2022c

New Supreme Court members were nominated in a transparent manner, however some judges with questionable integrity were also appointed

p. 9 in European Commission, 2022c

At present, the judiciary continues to be regarded as one of the least trusted and credible institutions.

p. 9 in European Commission, 2022c

Regarding the efficiency of the justice system the picture is mixed, with a positive trend in civil and commercial proceedings and a negative trend in administrative proceedings.

p. 10 in European Commission, 2022c

Corruption remains a serious challenge that requires continued attention as it imposes significant costs on the state budget, businesses and the population, discourages domestic and foreign investment and undermines the rule of law

p. 10 in European Commission, 2022c

A number of recommendations from relevant international anti-corruption monitoring mechanisms, including GRECO, remain outstanding.

p. 11 in European Commission, 2022c

It is particularly important to urgently complete the appointment of a new head of SAPO through certifying the identified winner of the competition and carry out the selection and appointment of the NABU director.

p. 11 in European Commission, 2022c

Investigations of corruption sometimes lack impartiality and law enforcement agencies experience political interferences.

p. 13 in European Commission, 2022c

However implementation should be improved and the capacity of the institutions in charge of protection and enforcement of human rights as well as the implementation of existing strategies and action plans remain limited.

p. 13 in European Commission, 2022c

Legislation required in order to align with the EU *acquis* is identified in the National Human Rights Strategy 2021-2023, but remains to be implemented.

p. 13 in European Commission, 2022c

Ukraine is gradually progressing on its gender equality agenda, with increased political representation of women (20.5% of parliamentarians elected in 2019 are women) although the gender pay-gap persists with women overall earning 23% less than men on average in 2019.

p. 14 in European Commission, 2022c

Likewise, the support for persons with disabilities (approx. 6% of the population) remains under-resourced and a deinstitutionalisation process needs to be implemented to transition towards community based care of persons with disabilities.

p. 14 in European Commission, 2022c

The respect for rights of persons belonging to national minorities in the field of education and language and their representation in elected bodies in all levels of public life needs to be ensured by fully implementing the recommendations of the Council of Europe's Venice Commission on the education law, implementing those on the State language law and taking into account the last monitoring cycle of the Framework Convention on National Minorities.

p. 14 in European Commission, 2022c

While Ukraine has taken steps to implement the recommendations of the Venice Commission, it needs to finalise its reform of the legal framework for national minorities and to adopt effective implementation mechanisms.

p. 14 in European Commission, 2022c

The judiciary in Ukraine is under-staffed, which prevents trials from concluding within a reasonable time and leads to a lack of effective remedy for victims of serious crimes.

p. 14 in European Commission, 2022c

Also the penitentiary system is under-resourced and conditions in places of deprivation of liberty are poor.

p. 20 in European Commission, 2022c

Accountability and efficiency of the judiciary need to be strengthened and shortcomings in the functioning of law enforcement institutions addressed, in particular in fighting corruption, which remains a serious challenge across the country.

p. 21 in European Commission, 2022c

finalise the integrity vetting of the candidates for the High Council of Justice members by the Ethics Council and the selection of candidate to establish the High Qualification Commission of Judges of Ukraine;

pp. 21 – 22 in European Commission, 2022c

Further strengthen the fight against corruption, in particular at high level, through proactive and efficient investigations, and a credible track record of prosecutions and convictions; complete the appointment of a new head of the Specialised Anti-Corruption Prosecutor's Office through certifying the identified winner of the competition and launch and complete the selection process and appointment for a new Director of the National Anti-Corruption Bureau of Ukraine;

p. 22 in European Commission, 2022c

implement the Anti-Oligarch law to limit the excessive influence of oligarchs in economic, political, and public life; this should be done in a legally sound manner, taking into account the forthcoming opinion of the Venice Commission on the relevant legislation;

p. 7 in European Commission, 2022c

It was first tested during the local elections in 2020 revealing the need for some further amendments related to the transparency of campaign financing, on balanced and impartial media coverage, and certain aspects of the procedures of handling of electoral complaints and appeals.

p. 8 in European Commission, 2022c

Building a professional and merit-based civil service would require a refinement of both the legal framework and operational practice, however.

p. 9 in European Commission, 2022c

At the time the war erupted, Ukraine was on the verge of finalising the implementation of a fundamental judicial reform (2020-2022) that would lead to systemic changes, if fully implemented.

p. 11 in European Commission, 2022c

Their heads should be selected in transparent and competence based competitions where also the integrity of potential candidates is being checked.

p. 11 in European Commission, 2022c

The number of highlevel officials brought to justice for corruption remains limited.

p. 13 in European Commission, 2022c

This sometimes impedes the effective enforcement of human rights.

p. 1 in European External Action Service, 2019a

The EU has called on Ukraine to guarantee that all eligible citizens of Ukraine enjoy the right to receive their entitlements, including pension and social payments, regardless of the IDp. registration or the place of residence.

p. 1 in European External Action Service, 2019a

Nevertheless, several issues in the Code will still need to be addressed in further amendments.

p. 1 in European External Action Service, 2019a

Although the Ukrainian legislation protects freedom of expression, intimidations and acts of violence continued to affect civil society activists.

pp. 1 – 2 in European External Action Service, 2019a

Similarly, there was no substantial progress in the prosecution and adjudication of high-profile cases related to the 2014 mass killings in Kyiv (Maidan) and Odesa.

p. 2 in European External Action Service, 2019a

As regards the criminal cases against corrupt officials, the conviction rate remains very low (i.e. only one official (a judge) was formally convicted for corruption).

p. 2 in European External Action Service, 2019a

No fundamental changes to legislation concerning the rights of the LGBTI community occurred during this reporting period

p. 2 in European External Action Service, 2019a

At present, it remains unclear whether the new version of the Code will preserve the already existing provisions on

discrimination based on sexual orientation and gender identity.

p. 2 in European External Action Service, 2019a

The EU has encouraged the Ukrainian authorities to implement its recommendations.

p. 1 in European External Action Service, 2020

A number of OSCE-ODIHR's long-standing recommendations still have to be addressed by further amendments to the Electoral Code.

p. 1 in European External Action Service, 2020

Underfunding, albeit to a lesser extent than in previous years, remained a serious obstacle for the UA:PBC

p. 1 in European External Action Service, 2020

Insufficient progress was noted in the investigations into the murder of activist Kateryna Handziuk (who died from her injuries in November 2018).

p. 1 in European External Action Service, 2020

The work of anti-corruption activists remained crucial given the need to strengthen the rule of law and step up anti-corruption efforts

p. 1 in European External Action Service, 2020

A so-called new 'Roma Strategy' remained on the agenda, but was not finalised.

p. 1 in European External Action Service, 2020

Law enforcement agencies continued classifying hate crimes as hooliganism rather than labelling them as crimes with xenophobic undertones.

p. 1 in European External Action Service, 2020

Despite proactive cooperation with authorities, the LGBTI community continues to face intimidations and attacks by far right activists

p. 1 in European External Action Service, 2021

Underfunding, albeit to a lesser extent than in previous years, remained a serious obstacle for the UA:PBC market competitiveness

p. 1 in European External Action Service, 2021

Lack of accountability continued to be an issue of concern including for cases from previous years, such as in the murder of journalist Pavel Sheremet and the murder of anti-corruption activist Kateryna Handziuk.

p. 1 in European External Action Service, 2021

Despite the process in some investigations of crimes committed during the Maidan, the legal proceedings in the vast majority of cases were stalling

p. 1 in European External Action Service, 2021

The work of anti-corruption activists remained crucial given the continued need to strengthen the rule of law and to step up anti-corruption efforts.

p. 1 in European External Action Service, 2021

Law enforcement agencies continue classifying hate crimes as hooliganism rather than labelling them as crimes with xenophobic undertones, affecting, inter alia, the Roma and the sexual minority

p. 1 in European External Action Service, 2021

While no clashes were reported in Kyiv, far-right extremists attacked law enforcement officers protecting the parades in Odesa and tried to attack participants in Kharkiv.

p. 1 in European External Action Service, 2021

Despite the proactive cooperation of the authorities, smaller assemblies of the LGBTI community and women human rights defenders were frequently targeted.

p. 2 in European External Action Service, 2022

Over the past year, no progress was recorded on the rights of LGBTI persons.

p. 1 in European Commission, 2023d

removed from the law on corruption prevention the provisions restricting the NACP's powers to continued verification of assets that have already undergone the verification process and limiting NACP's powers to verify property acquired by declarants before joining the public service, without prejudice to the rules applying to national security during wartime;

p. 1 in European Commission, 2023d

These reform processes have to be inclusive by fully involving the representatives of the national minorities throughout all the necessary steps.

p. 1 in European Commission, 2023d

Ukraine has to continue to fight against corruption by building a further track record of corruption investigations and convictions.

p. 3 in European Commission, 2023a

However, in practice, limited support is available due to lack of capacity.

p. 1 in European Commission, 2023b

The reform of the electoral legal framework should be continued to address outstanding OSCE/ODIHR recommendations.

p. 1 in European Commission, 2023b

The Rada performed important symbolic functions, while concerns were raised about limited transparency on security grounds and weakened oversight of the executive

p. 1 in European Commission, 2023b

Comprehensive impact assessments of proposed legislation and legislative oversight of the executive, including monitoring the implementation of legislation, need to be strengthened

p. 2 in European Commission, 2023b

At the same time, overall parliamentary scrutiny, including the monitoring and implementation of legislation, should be strengthened.

p. 3 in European Commission, 2023b

However, the impact of its full implementation is yet to be assessed, while the government should consider adapting it with respect to the ongoing war and an envisaged post-war recovery.

p. 3 in European Commission, 2023b

The government should further expand its public funding programmes for civil society organisations and work on improving the dialogue and consultations with them.

p. 3 in European Commission, 2023b

Additional efforts are also needed to address and investigate the cases of pressure and threats against civic activists.

p. 3 in European Commission, 2023b

COVID-19 restrictions introduced since 2020 and martial law since 2022 have not significantly restricted the activities of civil society organisations, but have limited their possibilities to monitor the work of public administration

p. 4 in European Commission, 2023b

Continued improvements are needed to implement Ukraine's civil society development strategy for 2021-2026, which includes points to further develop the legal framework and expand the state programme of volunteering, also to cover social needs

p. 4 in European Commission, 2023b

The legal framework for public consultations requires further standardisation and consolidation to ensure equal and fair access to public policy making for all stakeholders

p. 4 in European Commission, 2023b

While there is an open and active civic space largely respected by Ukrainian authorities, there are still examples of pressure and threats against local civic activists in particular, in some cases leading to violence.

p. 4 in European Commission, 2023b

Incidents of past pressure and attacks against civil society representatives, before the full-scale invasion of February 2022, still need to be fully investigated and prosecuted.

p. 5 in European Commission, 2023b

However, the actual capacity of the government in terms of evidence-based policymaking remains insufficient.

p. 5 in European Commission, 2023b

The explanatory notes that accompany legislative proposals do not often meet required standards

p. 5 in European Commission, 2023b

The creation of policy directorates in ministries and recruitment to fill reform support posts intended to address these gaps and provide technical support in implementing priority reforms - is incomplete.

p. 5 in European Commission, 2023b

By the end of 2022, less than 750 reform support posts had been filled out of 3 000 planned posts, with a declining trend in 2023.

p. 7 in European Commission, 2023b

The efforts in the area of the judiciary, anti-corruption and fundamental rights need to continue and be further consolidated.

p. 8 in European Commission, 2023b

fill the open vacancies in the Constitutional Court of Ukraine in line with the adopted legislation

p. 8 in European Commission, 2023b

relaunch the selection of ordinary judges on the basis of the improved legal framework, including clear integrity and professionalism criteria and the strong role of the Public Integrity Council;

p. 8 in European Commission, 2023b

resume the evaluation of the qualification of judges (vetting), which was suspended in 2019;

p. 8 in European Commission, 2023b

take effective measures to address corruption risks in the Supreme Court; strengthen the disciplinary system for prosecutors by improving the existing legal and institutional framework;

p. 9 in European Commission, 2023b

and on the other the need to pursue reforms in the justice, law enforcement and wider public sector to address the existing corruption challenges and irreversibly consolidate integrity, efficiency and professionalism, while striking the right balance between independence and accountability.

p. 9 in European Commission, 2023b

Effective integrity tools should be used to address corruption in the Supreme Court and other courts, including through the verification of integrity and asset declarations of judges, disciplinary framework and improved selection procedures with a strong focus on integrity and professional ethics

p. 9 in European Commission, 2023b

These measures should help. in building public trust in the judiciary, which remains very low.

p. 9 in European Commission, 2023b

It was not fully compliant with the Venice Commission recommendations issued in December 2022

p. 11 in European Commission, 2023b

Considering the institutional complexity, functional overlaps, severe shortage of funding, the large number of vacancies and the challenges stemming from the war, the judicial governance system should be improved and optimised on the basis of an independent and professional functional audit.

p. 11 in European Commission, 2023b

However, due to the structural deficiencies of the judicial system, including limited resources, and the impact of the war of aggression, the automatic allocation of cases is not functioning properly.

pp. 11 – 12 in European Commission, 2023b

To ensure objectivity and impartiality in the decision-making process, decisions on the removal of a judge from a court

proceeding should be taken without their participation and be subject to appeal.

p. 12 in European Commission, 2023b

However, the self-governance and governance bodies are still largely dependent on the Office 24 of the Prosecutor General, in particular for financing and organisational support, which should be addressed in line with the European standards

p. 12 in European Commission, 2023b

A random allocation of cases to individual prosecutors based on strict and objective criteria, including specialisation, and appropriate controls and safeguards against manipulation still needs to be introduced, along with an effective appeal mechanism for decisions on the disqualification of a prosecutor.

p. 12 in European Commission, 2023b

Despite the legal and institutional guarantees, the risks of undue internal and external interference in the work of the judiciary and the prosecution service persist, and further efforts by the competent institutions are needed to effectively reduce them.

p. 12 in European Commission, 2023b

The disciplinary offences relating to judges' conduct should still be clarified and developed.

p. 12 in European Commission, 2023b

The system of disciplinary responsibility of prosecutors should be further improved, as aimed for by the state anti-corruption programme for 2023-2025

p. 13 in European Commission, 2023b

However, the relevant legal framework requires further refinement, in particular in view of the length and complexity of the selection process

p. 13 in European Commission, 2023b

However, since the re-establishment of the Council of Prosecutors in autumn 2021, these positive practices have not been continued

p. 13 in European Commission, 2023b

The procedures for the selection of management-level prosecutors remain inadequate as they lack transparency and credible integrity, professionalism and leadership checks.

p. 13 in European Commission, 2023b

The resources and capacities of the Council of Prosecutors to carry out its mandate in this area remain limited.

p. 13 in European Commission, 2023b

The rules governing the appointment and dismissal of the Prosecutor General make the position vulnerable to political and other undue interferences, creating risks linked to independence, integrity and ultimately public trust

p. 13 in European Commission, 2023b

The periodic performance evaluation of judges and prosecutors on the basis of clear rules and assessment criteria still needs to be established by the relevant judicial and prosecuting bodies.

p. 14 in European Commission, 2023b

The judiciary is suffering from severe underfunding, which is further exacerbated by the war of aggression and its impact on public finances

p. 15 in European Commission, 2023b

The Bar in Ukraine is in need of reform.

p. 15 in European Commission, 2023b

The Law on the Bar should be aligned with the Constitution, applicable European standards and good practices.

p. 15 in European Commission, 2023b

The process for admission to the profession remains weak and prone to corruption risks, which undermines the credibility and independence of the profession.

p. 15 in European Commission, 2023b

However, more efforts are needed in this area as divergent court practice, including within the same court, persists. Access to the Grand Chamber still requires the approval of the relevant Cassation Court, which undermines unification efforts.

p. 15 in European Commission, 2023b

Further legal and institutional reform measures should be carefully calibrated and be based on a thorough assessment and inclusive consultations involving judges and subject matter experts.

p. 16 in European Commission, 2023b

Ukraine has a high number of judgments of the European Court of Human Rights (ECtHR) pending execution among the parties to the European Convention of Human Rights.

p. 16 in European Commission, 2023b

Most measures in the action plan still need to be carried out.

pp. 16 – 17 in European Commission, 2023b

The government should resume these efforts where possible under the current context, as an effective enforcement system is not only a key pillar of the market economy and the rule of law, but also an indispensable prerequisite for economic recovery.

p. 17 in European Commission, 2023b

This has led to an increased need to strengthen the capacities and provide expertise to investigate, prosecute and adjudicate core international crimes (also called atrocity crimes), while building on the experience that Ukraine had already gained since 2014

p. 17 in European Commission, 2023b

As a matter of urgency, the Criminal Code of Ukraine should be amended to expand on the elements of core international crimes, incorporate criminal liability for committing crimes against humanity and criminal liability for commanders and other superiors for international crimes committed by the forces under their effective command and control as one of the essential means for prosecuting such crimes

p. 19 in European Commission, 2023b

The adopted law included some provisions which potentially weaken the verification system, but their effects still need to be monitored in practice.

p. 19 in European Commission, 2023b

continue to further improve its track record on investigations, prosecutions and final court decisions in high-level corruption cases, including the seizure and confiscation of criminal assets, as well as ensure timely implementation of the 2023-2025 state anti-corruption programme, including appropriate monitoring and allocation of relevant resources and remove undue legal restrictions on the verification powers of the National Agency for Corruption Prevention (NACP), in order to ensure the effectiveness of the electronic asset declaration system, without prejudice to the rules applying to national security during wartime;

p. 19 in European Commission, 2023b

revise the Criminal Procedure Code and the Criminal Code to enable higher efficiency and outcomes in high-level corruption cases, e.g. by preventing procedural delays, introducing reasonable time limits for pre-trial investigations, and improving the regulation of plea bargain agreements

p. 19 in European Commission, 2023b

increase the number of judges of the High Anti-Corruption Court by reactivating the Public Council of International Experts and enable the court to adjudicate certain cases in single judge composition;

p. 20 in European Commission, 2023b

Furthermore, the Criminal Procedure Code should be amended to allow certain cases to be adjudicated in single judge composition.

p. 22 in European Commission, 2023b

Some outstanding issues include further increasing its effectiveness, more awareness raising about the essential role of whistle-blowers, and launching a unified portal for their reports.

p. 22 in European Commission, 2023b

However, further targeted streamlining and simplification of applied processes and methodologies would increase effectiveness

p. 22 in European Commission, 2023b

More public awareness raising about the importance of the conflict of interest framework in detecting and preventing corruption is needed.

p. 23 in European Commission, 2023b

Ukraine should swiftly act on the outstanding recommendations in order to ensure further progress

p. 23 in European Commission, 2023b

However, limited budget allocations have caused challenges to their operations.

p. 23 in European Commission, 2023b

Structural issues with the legal framework, overall capabilities and functioning remain, with a continuous need

to further strengthen their independence and operational autonomy.

p. 23 in European Commission, 2023b

The deployed electronic case management system for NABU, SAPO and HACC has been put into practice but still requires full integration with the unified register of pre-trial investigations and the unified judicial information and telecommunication system

p. 23 in European Commission, 2023b

Another reform priority should focus on the reform of the forensic services, to ensure that NABU has a timely and uncompromised access to forensic expertise in its high-level corruption investigations.

p. 23 in European Commission, 2023b

Similarly, NABU should be able to conduct wiretapping without the need to rely on the Security Service of Ukraine for its practical implementation.

p. 24 in European Commission, 2023b

The problems of SBI, BES and SSU include limited public supervision and accountability, lack of inter-agency cooperation as well as the fact that staff is selected in processes that lack integrity control and transparency.

p. 24 in European Commission, 2023b

However, the Criminal Procedure Code and the Criminal Code should be further improved to enable higher efficiency and better outcomes.

p. 24 in European Commission, 2023b

The legal framework on whistle-blower protection should be completed and fully aligned with the EU acquis

p. 24 in European Commission, 2023b

While being in force since May 2022, the law on oligarchs has not been implemented.

p. 24 in European Commission, 2023b

In June 2023, the Venice Commission, in its Opinion on the law on oligarchs, assessed the personal approach of the law on oligarchs as difficult to reconcile with the principles of political pluralism and the rule of law and thus recommended postponing its implementation and reassessing its necessity after the end of the war.

p. 26 in European Commission, 2023b

finalise the review of existing legislation on the rights of persons belonging to national minorities, including in education, media and on the use of state language' and in the law on national minorities in line with the recommendations of the Venice Commission Opinion of June 2023 and of its follow-up opinion of 6 October 2023

p. 26 in European Commission, 2023b

ensure application of the legislation on the rights of persons with disabilities and that restored and reconstructed infrastructure is compliant with barrier-free environment standards

p. 26 in European Commission, 2023b

At the same time, the details for a return to the full application of all fundamental rights still need to be worked out.

p. 26 in European Commission, 2023b

It should take place in consultation with civil society and should aim at strengthening the freedoms of Ukrainian citizens and re-establishing the pluralism and openness of Ukrainian society – specifically after the restrictions stemming from the COVID-19 pandemic and Russia's full-scale invasion – while closing the remaining gaps with European standards and rules.

pp. 27 – 28 in European Commission, 2023b

At the same time, cooperation between the State Bureau of Investigation, prosecuting authorities and prison authorities remains weak, and the ill treatment investigation mechanism during the pre-trial and prison sentence stage suffers from a lack of efficiency.

p. 28 in European Commission, 2023b

There are still limited operational and human resources capacities and limited operational independence of the State Bureau of 41 Investigation to investigate ill treatment allegations, despite the establishment of a dedicated department in 2019.

p. 28 in European Commission, 2023b

However, an inadequate methodology for prison visits and the delayed publication of reports raises questions over the effectiveness and performance of the National Preventive Mechanism.

p. 28 in European Commission, 2023b

Despite this positive trend, most of the long-standing problems identified by the European Court of Human Rights, the Council of Europe's Committee of Ministers and the European Committee for the Prevention of Torture remain.

p. 28 in European Commission, 2023b

Despite the national strategy on human rights of 2021 and the multi-annual strategy for reforming the prison system of 2022, the key challenges facing it have not been addressed.

p. 29 in European Commission, 2023b

It lacks sufficient detail and is not sufficiently enforced

p. 29 in European Commission, 2023b

The Ukrainian Parliament Commissioner for Human Rights is the authority in charge of checking compliance with data protection legislation, but lacks the appropriate resources to do this effectively.

p. 30 in European Commission, 2023b

develop, together with the community of journalists, simplified rules for reporting from the combat zone and adjacent areas, taking into account the security concerns;

p. 30 in European Commission, 2023b

ensure the independence of the national regulator by providing adequate funding, including for necessary adjustments to its structure in line with the new Law on media.

p. 30 in European Commission, 2023b

The awarding of accreditation is not considered to follow fully transparent procedures, but no arbitrary arrests of journalists have been reported.

p. 30 in European Commission, 2023b

In the same period, new rules on reporting from the combat zone and adjacent areas have been introduced, but rules are not sufficiently simple or are applied on an indiscriminatory basis.

p. 31 in European Commission, 2023b

The National Council is financed exclusively from the state budget, which needs to be strengthened to address all aspects of its mandate and guarantee its independence

p. 31 in European Commission, 2023b

However, this procedure is not effective enough and should be reformed.

p. 32 in European Commission, 2023b

Previously dominant media entities with non-transparent media ownership have been gradually losing ground but still retain a strong position, in particular in television.

p. 32 in European Commission, 2023b

The onset of the Russian war of aggression has profoundly impacted the media landscape and it should be a government priority to ensure the re-emergence of full media pluralism and clear media ownership transparency, taking into account security considerations.

p. 34 in European Commission, 2023b

The capacities of police officers, prosecutors, judges and staff of the Ombudsperson of Ukraine should be increased to tackle discrimination, hate speech and hate crime through suitable training

p. 34 in European Commission, 2023b

The legal aid system should be strengthened to implement the legislation and combat discrimination, hate speech and hate crime effectively.

p. 34 in European Commission, 2023b

However, this legislation is generally declarative in nature and provides only limited guidance to the application of these laws.

p. 34 in European Commission, 2023b

The effective implementation of the Convention is still to be initiated in a situation of increased priority, as gender-based violence prevention has suffered major setbacks in 2022 when local budget subventions were reduced due to budget constraints, and social services being degraded near the frontline and in temporarily occupied territories of Ukraine, as well as in regions experiencing massive influx of internally displaced persons (IDPs).

p. 35 in European Commission, 2023b

Similarly, further steps are needed to ensure justice with a gender-sensitive approach, fulfil obligations to prevent, investigate and punish sexual and gender-based crimes committed during armed conflicts.

p. 36 in European Commission, 2023b

However, integrating persons with disabilities into the workforce remains limited.

p. 37 in European Commission, 2023b

Amendments to the provisions of the Family Code which currently discriminates same-sex couples compared with unmarried couples of the opposite sex are necessary.

p. 37 in European Commission, 2023b

However, the implementation of existing rules and procedures suffers from a lack of efficiency and capacity of the judicial system.

p. 38 in European Commission, 2023b

The country's legislation on victim rights should be fully aligned with the Victims' Rights Directive and Council Directive 2004/80/EC relating to compensation to victims of crime.

p. 38 in European Commission, 2023b

Recent law reforms have not yet led to a visible improvement in the situation, in particular as the COVID-19 pandemic and Russia's full-scale invasion have further burdened the wide application of appropriate standards and rules in law enforcement and the judiciary, in particular the rights of access to justice and the right to a fair trial within a reasonable time.

p. 38 in European Commission, 2023b

Since 2017, the legal framework for national minorities is being reformed but is not fully implemented yet.

p. 38 in European Commission, 2023b

This was addressed by the Commission's opinion on Ukraine's application for EU membership, which recommends that Ukraine 'finalise the reform of the legal framework for national minorities currently under preparation as recommended by the Venice Commission and adopt immediate and effective implementation mechanisms.

p. 39 in European Commission, 2023b

The Venice Commission Opinion of 10 June 2023 provided detailed guidance on the remaining issues and recommended amending the Law on national minorities (communities) as regards the use of minority languages in public life, administration, use of minority languages in media and books to ensure that the law complies with European standards.

p. 39 in European Commission, 2023b

As indicated in the Venice Commission Opinion, Ukraine should also address earlier recommendations of the Venice Commission on the Law on education and the Law on State language.

p. 39 in European Commission, 2023b

Civil society organisations point out that attention should be paid to the nondiscriminatory nature of aid delivery in order to reach citizens without a full set of ID documents, as well as marginalised settlements, documentation procedures for Roma individuals should be simplified and accelerated, and the legalisation of Roma settlements should be ensured.

p. 40 in European Commission, 2023b

The strategy is being implemented only slowly and the related action plan, which needs to be fully aligned with the EU Roma strategic framework, developed with the full involvement of the Roma community and be given sufficient resources for its implementation, has not yet been adopted.

p. 4 in European Commission, 2023b

The authorities should continue to condemn such attacks, and effective investigations should ensure that there is no impunity for such crimes. and that such practices will not become widespread as in the past.

p. 5 in European Commission, 2023b

While Ukrainian public administration has proved to be resilient during Russia's war of aggression against Ukraine, reform has slowed or stopped in a number of sectors, in particular in merit-based recruitment and selection, job classification and salary reform, as well as the roll-out of the Human Resources Management Information System.

p. 5 in European Commission, 2023b

The drafts submitted by parliamentarians often lack proper explanatory notes and/or impact assessments, which affects the quality of laws.

p. 13 in European Commission, 2023b

The renewed HQCJ should refine the judicial selection and qualification evaluation rules, including by developing and publishing clear integrity assessment criteria and a scoring methodology

p. 13 in European Commission, 2023b

These shortcomings should be addressed.

p. 13 in European Commission, 2023b

In particular, the grounds for dismissal of the Prosecutor General should be exhaustive and clearly defined by law, while the dismissal procedure should be more transparent and credible.

p. 14 in European Commission, 2023b

However, amendments to the Law on the judiciary from December 2022 postponed optimisation to 1 year after the end of martial law.

p. 15 in European Commission, 2023b

The qualification and disciplinary procedures for lawyers require significant improvements in law and in practice.

p. 16 in European Commission, 2023b

In particular, execution is pending for a significant period of time and structural reform measures are still required for the ECtHR judgments related to non-enforcement of domestic court decisions against state entities, judicial independence, unreasonable length of court proceedings, poor prison conditions and inefficiency of ill treatment investigations.

p. 17 in European Commission, 2023b

The Ukrainian domestic legal framework for criminal accountability for core international crimes needs to be adapted to international standards

p. 19 in European Commission, 2023b

The main challenge is to ensure that the outcome of the work of anti-corruption institutions is systemic and irrevocable, also in view of long-term reconstruction efforts and the need to ensure and maintain safeguards for the accountable management of foreign funding and investment.

p. 22 in European Commission, 2023b

The adopted law included some provisions that limited the verification powers of the NACP and closed the easset declarations to the public.

p. 22 in European Commission, 2023b

At the end of September, the Parliament re-adopted the law addressing the President's request, while maintaining the other provisions that could create potential weaknesses.

p. 22 in European Commission, 2023b

Deficiencies in the rules of the automated verification of the e-asset declarations continue to exist and should be addressed by the NACP in the medium term.

p. 22 in European Commission, 2023b

To strengthen the institutional ownership and effectiveness of the corruption risk management system, approval of the institutional anti-corruption programmes could be transferred from the NACP to the heads of the relevant state institutions.

p. 22 in European Commission, 2023b

To strengthen the conflict of interest framework, the NACP should improve internal proceedings and take measures to further increase transparency and outreach of its work, including by reporting systematically to the public.

p. 22 in European Commission, 2023b

To build up mutual trust of stakeholders and reach consensus on the best approach on a lobbying regulation framework for Ukraine, an open and participatory discussion should be pursued, including a wide stakeholders' engagement (in particular, civil society groups) and extensive public consultations.

p. 23 in European Commission, 2023b

Despite significant progress, SAPO still needs to further strengthen its political and administrative independence from the Office of the Prosecutor General and other institutions.

p. 23 in European Commission, 2023b

In early 2023, a draft law to address these issues was registered in the Parliament, but was rejected by the responsible parliamentary committee without substantive discussions in February 2023 due to the lack of political consensus

p. 23 in European Commission, 2023b

It urgently needs additional staff to work on investigations (detectives, analysts, technicians), with staffing issues being particularly acute in the three regional offices

p. 28 in European Commission, 2023b

The mechanism continues to suffer from limited financial resources and limited capacities of the Human Rights Commissioner's office.

p. 34 in European Commission, 2023b

While the number of cases of gender-based violence documented by the police has decreased by almost 50% in the first six months of 2022 (773 cases compared to 1 508 cases during the same period in 2021), the number of non-documented cases is unknown and is likely to have increased.

p. 35 in European Commission, 2023b

It should also include the detection of forms of violence against women in their respective institutions and capacitybuilding for police and armed forces as first respondents in cases of conflict-based sexual violence.

p. 35 in European Commission, 2023b

This includes aligning the legal framework with international standards.

p. 35 in European Commission, 2023b

This implies the obligation to cater more to the needs of women soldiers and veterans in terms of equipment, protection against sexual violence and harassment and medical support during and after combat, and reintegration support to civilian life once they retire from the armed forces

p. 35 in European Commission, 2023b

Similarly, there is room to strengthen integrated social services to prevent family separation, support alternative family placements and reintegration of children from institutions into families, including investing more resources into a minimum package of social services as the first steps towards meeting the provisions of the EU Child Guarantee and secure a social service workforce trained in integrated social services and corresponding case management approaches.

p. 35 in European Commission, 2023b

Efforts have been undertaken to protect children in civil and criminal proceedings, but further capacity building to support cases involving children needs to be envisaged.

p. 37 in European Commission, 2023b

This now requires consistent implementation at all levels of government.

p. 37 in European Commission, 2023b

Furthermore, there is limited legal capacity in Ukraine to enable persons with disabilities the opportunity to claim their rights.

p. 37 in European Commission, 2023b

Previous reform attempts have not led to a sufficient reduction in institutionalisation, also due to the lack of capacity at local and regional level.

p. 40 in European Commission, 2023b

In addition, given the overall priority given to winning the war and the scale of the social emergencies created by the Russian war of aggression, increasing difficulties are reported in ensuring adequate state budget allocations for social services.

p. 4 in European Court of Auditors, 2021

Overall, we found that this approach focused insufficiently on grand corruption.

p. 4 in European Court of Auditors, 2021

While the EU has helped to reduce corruption opportunities, grand corruption remains a key problem in Ukraine.

p. 5 in European Court of Auditors, 2021

The Commission supported the Antimonopoly Committee's activities and corporate governance reforms of State Owned Enterprises, but the focus was initially on aligning Ukrainian legislation with EU standards and principles rather than on enforcing competition law.

p. 5 in European Court of Auditors, 2021

However, a substantial number of judges, prosecutors and members of judicial governance bodies still need to undergo integrity vetting.

p. 5 in European Court of Auditors, 2021

EU projects also helped to shape a number of digital tools for preventing corruption, but several tools required further commitment from the national authorities.

p. 10 in European Court of Auditors, 2021

Both the International Monetary Fund (IMF) and Ukraine's government acknowledged the resistance that vested interests had shown to structural reforms

p. 15 in European Court of Auditors, 2021

We noted that, since 2010, the Commission had increasingly emphasised the risks posed by the oligarchic system, and that although significant steps to combat corruption had been taken after the Euromaidan revolution, further consolidation of the anti-corruption framework was still needed.

p. 15 in European Court of Auditors, 2021

We concluded that EU assistance to Ukraine was partially effective in the fight against corruption.

p. 17 in European Court of Auditors, 2021

During the EU-Ukraine dialogue, the EEAS and the Commission stressed the need to prioritise the fight against corruption, and warned that failing to prosecute or impose sanctions on high-profile offenders had damaged public trust.

p. 18 in European Court of Auditors, 2021

one short-term priority worded as follows: "demonstrate serious progress in the fight against corruption, including through the implementation of the comprehensive anti-corruption legal package adopted on 14 October 2014, starting with the setting up and ensuring effective functioning of both the National Anti-Corruption Bureau and the National Agency for the Prevention of Corruption"

p. 21 in European Court of Auditors, 2021

This law was adopted and came into force in April 2020, but now needs to be implemented.

p. 25 in European Court of Auditors, 2021

Despite this support and the support provided by other donors, oligarchs and vested interests continued to undermine reform efforts.

p. 27 in European Court of Auditors, 2021

Legislation is in place, but the reform process requires further political will.

pp. 33 – 34 in European Court of Auditors, 2021

frequent amendments to laws, and delays to or distortions of bylaws, thus preventing the effective implementation of reforms.

p. 34 in European Court of Auditors, 2021

Ukraine passed a law in 2015 criminalising illicit enrichment (an EU budget support condition), but the Constitutional Court of Ukraine (CCU) overturned the law in February 2019 by declaring it unconstitutional.

p. 34 in European Court of Auditors, 2021

It stated that SCU judges who had not undergone integrity and professional assessments should have been transferred to the Supreme Court⁵⁰ on the basis of a special procedure and criteria, but did not specify what these were.

p. 34 in European Court of Auditors, 2021

At the time of the audit, the SCU had still not been wound up

p. 35 in European Court of Auditors, 2021

Although the Commission has been providing assistance to the judicial sector for decades, resistance to change caused major setbacks that Commission analysis and mitigating measures were unable to avoid.

p. 35 in European Court of Auditors, 2021

Although the law aimed to demonopolise the PGO's powers, evaluators commissioned by the Commission found that the law did not make the PGO sufficiently independent of pressure from political stakeholders.

p. 35 in European Court of Auditors, 2021

The way cases are allocated to prosecutors is not robust enough to prevent interference.

p. 35 in European Court of Auditors, 2021

Furthermore, the law was not fully implemented and required revision.

p. 35 in European Court of Auditors, 2021

However, despite the Commission and EUAM's efforts, the reform process was very slow to get off the ground

p. 36 in European Court of Auditors, 2021

According to CSOs, the QDCP's integrity checks relied on self-declarations rather than thorough checks, and there were few reprimand

p. 36 in European Court of Auditors, 2021

At first glance, the selection process looks like a step towards greater independence, but it was carried out within the PGO rather than by the QDCP, contrary to the advice of GRECO's compliance report

p. 36 in European Court of Auditors, 2021

In addition, this selection did not apply to the previously assessed Specialised Anti-Corruption Prosecution Office (SAPO), the Prosecutor-General and their deputies, and prosecutors appointed to administrative positions.

p. 36 in European Court of Auditors, 2021

Law enforcement and prosecution reforms have not yet improved trust, which remains low

p. 37 in European Court of Auditors, 2021

Judicial reform required the re-assessment or evaluation of all judges

p. 39 in European Court of Auditors, 2021

The integrity of their members is thus crucial, but was not checked when they were being appointed

p. 39 in European Court of Auditors, 2021

At the time of the audit, this condition had not been met

p. 39 in European Court of Auditors, 2021

Neither this condition nor the obligation to perform integrity checks of other top judicial bodies, such as the HQCJ and the CCU, were imposed in the MFA programmes before the reform was launched.

p. 41 in European Court of Auditors, 2021

However, such trust remains very low, at between 14 % and 17 % in 2019⁵⁷.

p. 42 in European Court of Auditors, 2021

However, the national authorities had no clear vision of the justice sector and no effective mechanisms for coordinating all justice sector stakeholders.

p. 42 in European Court of Auditors, 2021

All of these issues made crosschecks more difficult, thus delaying the enforcement of court decisions

p. 43 in European Court of Auditors, 2021

Although Ukraine has made progress in this area, several shortcomings remain:

p. 44 in European Court of Auditors, 2021

However, the way the conditions were drafted allowed a degree of discretion, as clear baselines and measurable targets were often missing.

p. 44 in European Court of Auditors, 2021

In general, there was not enough focus on the proper implementation of laws and anti-corruption measures, but also on tangible outcomes.

p. 44 in European Court of Auditors, 2021

Furthermore, the conditions focused on the new anti-corruption system, but not sufficiently or early enough on the integrity and independence of the judicial and law-enforcement sectors

p. 45 in European Court of Auditors, 2021

Our analysis showed that although one of the three anti-corruption benchmarks for the visa liberalisation action

plan60 was achieved, the other two were only partially achieved

p. 45 in European Court of Auditors, 2021

Although this benchmark (implementation of legislation) had not been met at the time of the assessment, it was considered to have been achieved on the basis of positive developments and commitments by the Ukrainian authorities.

p. 46 in European Court of Auditors, 2021

However, the system was not fully effective

p. 46 in European Court of Auditors, 2021

The EC was aware of the NACP's shortcomings in verifying the declarations.

p. 46 in European Court of Auditors, 2021

Finally, in January 2018, the Commission did not validate the third instalment of MFA III because the mechanism for verifying asset declarations submitted by public officials was still not effectively in place.

p. 46 in European Court of Auditors, 2021

The agencies had been created and had started work, but the independence of SAPO and the NACP was questionable. SAPO is part of the Public Prosecutor's Office, and so is still not fully independent.

p. 46 in European Court of Auditors, 2021

They have supported setting up specialised anti-corruption institutions whereas the judiciary and law enforcement remained compromised to a considerable extent by corruption.

p. 47 in European Court of Auditors, 2021

The EEAS and the Commission welcomed the Cabinet of Ministers' endorsement of the strategy in April 2018; however, Parliament never adopted it.

p. 48 in European Court of Auditors, 2021

Crosschecks with 16 registries, but their data are incomplete and inaccurate

p. 49 in European Court of Auditors, 2021

However, the vast majority did not address key corruption risks, and the procedure was treated as a "formality and a box-ticking exercise"

p. 51 in European Court of Auditors, 2021

However, in practice, and despite the EU's involvement, the SBU retains control over wiretapping.

p. 51 in European Court of Auditors, 2021

Although SAPO is responsible for bringing high-level corruption cases to court, it remains part of the Public Prosecutor's Office and is thus not fully independent.

p. 53 in European Court of Auditors, 2021

Nevertheless, ARMA's mandate is limited, as it can only find and trace assets when asked to do so by law enforcement agencies.

p. 56 in European Court of Auditors, 2021

It has also supported Ukraine in building up the Antimonopoly Committee's institutional capacity; however, at the time of the audit, the Committee was still too weak to enforce competition policy.

p. 57 in European Court of Auditors, 2021

However, members of judicial governance bodies, a substantial number of judges and some prosecutors still need to undergo integrity vetting

p. 59 in European Court of Auditors, 2021

However, our assessment is more critical, in particular where outcomes are concerned

p. 59 in European Court of Auditors, 2021

Furthermore, some achievements have been overturned by vested interests.

p. 77 in European Court of Auditors, 2021

Although the EU had introduced several initiatives to reduce corruption opportunities, we found that grand corruption was still a key problem in Ukraine

• A3: Legal Vacuum | 107 Quotations:

p. 6 in European Commission, 2019c

Ukraine has yet to ratify the Istanbul Convention

p. 6 in European Commission, 2019c

Ukraine has not yet ratified the Rome Statute of the International Criminal Court (ICC).

p. 6 in European Commission, 2019c

The Roma minority remains a particularly vulnerable minority group due to a lack of access to identification documents, adequate education or poverty reduction actions.

p. 6 in European Commission, 2019c

However, some representatives of national minorities have expressed concerns over the possible impact of this new law on the rights of persons belonging to national minorities, in the absence of a dedicated law that sets out and regulates these rights.

p. 12 in European Commission, 2019c

The national authority responsible for coordinating activities in this area is not yet clearly defined.

p. 6 in European Commission, 2019c

Ukraine still needs to adopt the audio-visual media legislation that would align this with the EU acquis, a commitment of the AA.

p. 4 in European Parliament, 2021

whereas civil society criticised the decision not to hold elections in 18 local communities in government-controlled areas of Donetsk and Luhansk oblasts with no clear justification for this decision by the civil-military administration, which effectively disenfranchised about 475 000 voters living in these communities;

p. 4 in European Parliament, 2021

whereas some additional measures still need to be adopted in order to avoid any backsliding, with a focus on the judiciary

p. 9 in European Parliament, 2021

Stresses, moreover, the importance of eliminating bureaucratic barriers to voter registration for IDPs, of setting a financial ceiling for campaigning and of enabling the participation of individual candidates, including by reconsidering the plan to introduce a cash deposit for candidates in small communities;

p. 15 in European Parliament, 2021

Is concerned, however, by the outcome of the 27 October 2020 ruling of the Constitutional Court, which created a legal gap in the Ukrainian anti-corruption architecture and seriously weakened the NAPC

p. 18 in European Parliament, 2021

Urges Ukraine to ratify the International Criminal Court's Rome Statute and the Istanbul Convention on preventing and combating violence against women and domestic violence

p. 18 in European Parliament, 2021

regrets the fact that due to the lack of such a methodology, no prosecution cases for rape or sexual violence on the grounds of lack of consent were brought in 2019;

p. 20 in European Parliament, 2021

Notes that measures are required to reinforce the minority rights infrastructure and to build confidence that minority rights will be protected both in law and in practice

p. 20 in European Parliament, 2021

expresses concern over the lack of proper action taken by the Ukrainian authorities to tackle the discrimination and hate speech targeting minority groups, especially the Roma community, which has been the victim of incidents of discrimination, racially motivated violence and manifestations of intolerance;

p. 21 in European Parliament, 2021

urges that a broader consultation be organised with the media community and relevant international organisations to avoid risks to freedom of expression;

p. 22 in European Parliament, 2021

urges Ukraine to establish and effectively implement comprehensive secondary legislation that ensures freedom of belief, counters the continued discrimination against LGBTI persons, feminist activists, persons with disabilities and minorities, and to enhance the protection of their rights

p. 22 in European Parliament, 2021

Regrets the fact that Article 161 of the Criminal Code still does not provide for the punishment of incitement to hatred or violence on grounds of sexual orientation or gender identity, and that these grounds are neither referenced as aggravating forms of offences nor included in the general provisions on aggravating circumstances under Article 67(1)(3)

p. 11 in European Parliament, 2021

Calls for the introduction of the concept of a territorial public entity as a legal person, which is the established practice in the European Union and is recognised in the European Charter of Local Self-Government;

p. 17 in European Parliament, 2021

insists on an early re-establishment of the HQCJ based on an amendment of Law No 3711 in a manner consistent with decision No 4-p/2020 of 11 March 2020 of the Ukrainian Constitutional Court so as to establish an independent HQCJ based on a transparent selection procedure, with the involvement of international experts;

p. 19 in European Parliament, 2021

Notes that the five-year Action Plan for implementing the National Human Rights Strategy of Ukraine expires in 2020 and calls for a thorough review of its main achievements before setting goals for a follow-up action plan

p. 19 in European Parliament, 2021

calls on Ukraine to adopt the laws on the indigenous peoples of Ukraine, on the status of the indigenous Crimean Tatar people, and on amending its Constitution to recognise the national-territorial autonomy of the Crimean Tatar people within Ukraine, and particularly Crimea, which stems from the inalienable right of the indigenous Crimean Tatar people to self-determination

pp. 19 – 20 in European Parliament, 2021

insists that the Ukrainian authorities address the problems of the only television channel in the Crimean Tatar language, ATR, and offer a stable mechanism for financial and technical support in order to enable the TV channel to continue its broadcasting into Russian-occupied Crimea;

p. 20 in European Parliament, 2021

Calls on Ukraine to grant the Commissioner for the Protection of the Official Language, or any entity established to the same end, powers to monitor compliance with the legal provisions on the use of minority languages and on indigenous people;

p. 20 in European Parliament, 2021

points out that such measures should include the strengthening of legal protection, enhancing institutional attention to minority issues and instituting stronger and permanent consultation mechanisms;

p. 21 in European Parliament, 2021

alls on the Ukrainian authorities to prosecute the perpetrators and ensure the safety of media workers and journalists, and urges them to adopt a proportionate approach when regulating the media;

p. 22 in European Parliament, 2021

insists that all human rights violations must be investigated and the perpetrators brought to justice;

p. 22 in European Parliament, 2021

calls on the Ukrainian Government and all political actors to undertake efforts to create an inclusive and tolerant society;

p. 2 in European Commission, 2022d

Freedom of media remained broadly respected but audio-visual media legislation approximating Ukrainian

rules with EU law remains to be adopted, including as regards independence of media regulator, transparency of media ownership, and equal market conditions.

p. 3 in European Commission, 2022d

However it does not include rules on competitive selection of judges and a temporary raise of the quorum for decision-making (as recommended by the Venice Commission).

p. 5 in European Commission, 2022d

In the reporting period, Ukraine was yet to ratify the Istanbul Convention

p. 6 in European Commission, 2022d

The Roma minority, a vulnerable group, continued to face challenges including a lack of access to identity documents and adequate healthcare, education and housing.

p. 6 in European Commission, 2022d

Audio-visual media legislation approximating Ukrainian rules with EU law⁴ is overdue, including as regards the media regulator's jurisdiction over all media types, transparency of media ownership, and equal market conditions. Ukraine established two new entities countering disinformation in 2021.

p. 6 in European Commission, 2022d

Some representatives of minority groups continued to voice concerns regarding a diminishing space for their linguistic identity in the absence of a dedicated law regulating these rights.

p. 5 in European Commission, 2022d

A state policy and mechanisms on remedy and reparation for civilians injured during the hostilities, as well as compensation schemes for lost and damaged property, remain to be established.

p. 7 in European Commission, 2020c

Ukraine has yet to ratify the Istanbul Convention and has not yet ratified the Rome Statute of the International Criminal Court (ICC).

p. 7 in European Commission, 2020c

The Roma minority continues to remain a particularly vulnerable minority group due to a lack of access to identification documents, adequate education or poverty reduction actions.

p. 7 in European Commission, 2020c

Ukraine still needs to adopt the audio-visual media legislation that would align this with EU law, Ukraine's commitment within the Association Agreement.

p. 5 in European Commission, 2020c

A new Strategy has been elaborated by the current administration, following a consultative process, and it is pending approval.

p. 7 in European Commission, 2020c

A state policy and mechanisms on remedy and reparation for civilians injured during the hostilities, as well as

compensation schemes for lost and damaged property, remain to be established.

p. 8 in European Commission, 2020c

At the same time, Ukraine is yet to adopt a Law on National Minorities, which is a recommendation made by the Venice Commission on Ukraine's adoption of the Law on State Language in May 2019.

p. 8 in European Commission, 2020c

Some representatives of minority groups continued to voice concerns regarding the diminishing space for their linguistic identity in the absence of a dedicated law that sets out and regulates these rights.

p. 8 in European Commission, 2020c

The Government prepared draft changes to the Law on Civil Service to address some of these challenges however the legislative proposal was rejected end of September 2020.

p. 9 in European Commission, 2022c

The judiciary is currently seriously understaffed, given that the body responsible for selection procedures was dissolved at the end of 2019.

p. 13 in European Commission, 2022c

The country has not ratified the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

p. 13 in European Commission, 2022c

However, sexual orientation and gender identity are not acknowledged as protected grounds in antidiscrimination legislation.

p. 13 in European Commission, 2022c

Ukraine has not ratified the Istanbul Convention, while gender-based violence remains an issue.

p. 21 in European Commission, 2022c

enact and implement legislation on a selection procedure for judges of the Constitutional Court of Ukraine, including a pre-selection process based on evaluation of their integrity and professional skills, in line with Venice Commission recommendations;

p. 22 in European Commission, 2022c

tackle the influence of vested interests by adopting a media law that aligns Ukraine's legislation with the EU audio-visual media services directive and empowers the independent media regulator;

p. 22 in European Commission, 2022c

finalise the reform of the legal framework for national minorities currently under preparation as recommended by the Venice Commission, and adopt immediate and effective implementation mechanisms

p. 6 in European Commission, 2022c

Central to such reform is the introduction of a credible and transparent selection procedure for appointments of judges to the CCU, including an integrity check

p. 1 in European External Action Service, 2019a

Despite repeated calls from the EU and the civil society, Ukraine has not yet ratified the Rome Statute.

p. 2 in European External Action Service, 2019a

On a less positive note, the ratification of the Istanbul Convention is still pending.

pp. 1 – 2 in European External Action Service, 2020

Some representatives of minority groups continued to voice concerns regarding the diminishing space for their linguistic identity in the absence of a dedicated law that sets out and regulates these rights.

p. 2 in European External Action Service, 2020

Despite repeated calls from the EU and the civil society, Ukraine has yet to ratify the Rome Statute and the Istanbul Convention

p. 1 in European External Action Service, 2020

At the same time, Ukraine is yet to adopt a Law on National Minorities, which is a recommendation made by the Venice Commission in relation to the Law on State Language adopted in April 2019.

pp. 1 – 2 in European External Action Service, 2021

Ukraine is yet to adopt a Law on National Minorities/Communities, which is a recommendation made by the Venice Commission in relation to the Law on State Language adopted in April 2019.

p. 2 in European External Action Service, 2021

Despite repeated calls from the EU and the civil society, Ukraine has yet to ratify the Rome Statute of the International Criminal Court and the Istanbul Convention of the Council of Europe

p. 2 in European External Action Service, 2022

Ukraine has yet to ratify the Rome Statute.

p. 1 in European Commission, 2023d

Enacted a law proposed by the government increasing the staffing cap for the National Anti-Corruption Bureau of Ukraine

p. 1 in European Commission, 2023d

enacted a law regulating lobbying in line with European standards, as part of the anti-oligarch action plan

p. 1 in European Commission, 2023d

enacted a law addressing the remaining Venice Commission recommendations from June 2023 and October 2023 linked to the Law on national minorities, also addressing the Venice Commission recommendations linked to the laws on State language, media and education.

p. 1 in European Commission, 2023a

The last national drug policy strategy expired in 2020 and Ukraine has not yet adopted a new one.

p. 1 in European Commission, 2023b

The code of conduct for members of parliament has not been adopted yet.

p. 3 in European Commission, 2023b

A draft law on public consultation that has passed first reading in the Verkhovna Rada already in 2021, should be adopted.

p. 4 in European Commission, 2023b

However, since the start of Russia's war of aggression, levels of public funding for CSOs have been reduced and no new CSO institutional support mechanism has been established.

p. 7 in European Commission, 2023b

However, following the abolition of the Kyiv district administrative court, access to justice in cases involving central government bodies is undermined, since the new court is not yet established while the temporary court is overwhelmed

p. 8 in European Commission, 2023b

The new administrative court to handle cases involving the central government bodies and staffed by properly-vetted judges needs to be established following the abolition of the Kyiv District Administrative Court.

p. 8 in European Commission, 2023b

introduce a transparent and merit-based selection of management-level prosecutors by amending the legal framework and taking the necessary institutional measures;

p. 8 in European Commission, 2023b

establish the service of disciplinary inspectors following a transparent and meritocratic selection process and resume the handling of disciplinary proceedings against judges prioritising high-profile cases and cases nearing the statute of limitation;

p. 10 in European Commission, 2023b

No formal assessment of the implementation of the strategy was carried out

p. 10 in European Commission, 2023b

A new strategy for the reform of the justice system to respond to the challenges of wartime still needs to be developed, in a transparent and inclusive manner, and adopted.

p. 12 in European Commission, 2023b

The service was not established within the legislative deadline.

p. 12 in European Commission, 2023b

The service of disciplinary inspectors should be urgently established to enable an effective and impartial handling of disciplinary cases.

p. 14 in European Commission, 2023b

In the last few years, a number of courts of first instance stopped hearing cases due to the severe shortage of judges and the absence of the HJC.

p. 16 in European Commission, 2023b

Given the war-related challenges, including displacement of the population and businesses, deterioration of the economic

situation and travel safety concerns, Ukraine should adopt legislation that formally introduces remote hearings and regulates the procedural aspects of such hearings, in full respect of the procedural rights of the parties.

pp. 17 – 18 in European Commission, 2023b

Ukraine has not yet ratified the Rome Statute.

p. 19 in European Commission, 2023b

enact legislation to improve the selection procedures for the SAPO head and key officials, to strengthen the institutional independence of SAPO by transforming it into a separate legal entity, and to increase its level of procedural autonomy as well as establish robust mechanisms for external and internal control and discipline.

p. 25 in European Commission, 2023b

The delay in the adoption of the strategy at the level of the Parliament significantly blocked an effective policy framework and the monitoring of the implementation of anti-corruption reforms.

p. 26 in European Commission, 2023b

adopt legislation to transpose and to implement the provisions of the Istanbul Convention;

p. 26 in European Commission, 2023b

Introduce annual public reporting to the Parliament on the work of the Prosecutor General's Office and the State Bureau of Investigation in investigating acts of torture and protecting victims, and organise a review of the performance of the National Preventive Mechanism

13:242 p. 26 in European Commission, 2023b

Ukraine has yet to accede to the Rome Statute of the International Criminal Court and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of the Council of Europe

p. 27 in European Commission, 2023b

At the same time, additional mechanisms (also nonjudicial) will be needed to overcome the consequences of Russia's brutal war and restore justice in all Ukrainian territories.

p. 27 in European Commission, 2023b

At the same time, Ukraine has yet to ratify and implement some relevant international laws and conventions, such as the Rome Statute of the International Criminal Court.

p. 27 in European Commission, 2023b

In addition, the main recommendations of the European Committee for the Prevention of Torture issued in its 2020 report have not been addressed.

p. 28 in European Commission, 2023b

A permanent body needs to be established that involves civil society organisations and the Human Rights Commissioner to consistently monitor and follow up on alleged torture in the prison system.

p. 30 in European Commission, 2023b

develop a roadmap to support the re-establishment of a pluralistic, transparent and independent post-war media landscape

p. 33 in European Commission, 2023b

A comprehensive law in line with international standards that would regulate the process of organising and conducting events to make full use of the freedom of peaceful assembly in Ukraine is still missing.

p. 34 in European Commission, 2023b

Ukrainian criminal legislation provides for punishment of hate crimes and hate speech based on three characteristics – race, nationality and religious beliefs – but does not cover sexual orientation and gender identity, which is recommended by the European Commission against Racism and Intolerance as a matter of priority.

p. 35 in European Commission, 2023b

There is however still a need to develop procedures and criteria to provide guidance for determining the best interests of the child, including of children in need of care and protection, and giving the best interests of the child due weight as a primary consideration.

p. 2 in European Commission, 2023b

The Parliament's rules of procedure do not regulate the issue of gender balance.

p. 4 in European Commission, 2023b

The final adoption of the draft law on public consultation, which passed first reading in Parliament in March 2021, is still pending.

p. 5 in European Commission, 2023b

In the coming year, Ukraine should in particular: → ensure timely alignment of existing legislation with the Law on administrative procedures in all sectors covered by its scope; → restore merit-based recruitment and the selection process, as well as implement job classification as a precondition for comprehensive salary reform; → make progress in the country-wide roll-out of the Human Resources Management Information System.

p. 5 in European Commission, 2023b

There are no formal requirements or systematic practices for monitoring the implementation of policies and legislation.

p. 10 in European Commission, 2023b

The reform of the CCU should continue with the adoption of a law on the constitutional procedure, in line with Venice Commission recommendations, to improve transparency and accountability in the work of the CCU and make the constitutional procedure more efficient.

p. 11 in European Commission, 2023b

The HCJ had no quorum between February 2022 and January 2023, following the resignation en masse of 10 out of 15 of its members ahead of their vetting by the Ethics Council

p. 11 in European Commission, 2023b

The HQCJ had not been operational since autumn 2019, when a judicial reform law dismissing all its members entered into force.

p. 19 in European Commission, 2023b

Sectors most vulnerable to corruption require targeted risk assessments and dedicated measures to ensure robust corruption prevention.

p. 22 in European Commission, 2023b

The legislative framework should be further improved to also cover apparent conflicts of interest.

p. 23 in European Commission, 2023b

Particularly outstanding issues: improve the selection procedure for SAPO head and key administrative positions of SAPO by aligning it with the procedures applicable to NABU/NACP, strengthen SAPO's institutional independence, and increase its procedural autonomy as well as establish robust mechanisms for external and internal control and discipline.

p. 24 in European Commission, 2023b

It will be important to introduce legal safeguards that will prevent interference in the exclusive investigative powers of NABU by other law enforcement agencies and, in this context, also progress with the SSU reform in line with EU's recommendations.

p. 29 in European Commission, 2023b

So far, there is no designated body or institution responsible for addressing this issue in Ukraine.

p. 29 in European Commission, 2023b

At the same time, a number of issues are not yet fully regulated in Ukraine, such as the restitution and redistribution of church property, and the establishment of principles of relations between state and religious organisations in the spheres of education, social work and humanitarian activities.

p. 34 in European Commission, 2023b

A draft law, prepared by the Ministry of Internal Affairs to include these other protected grounds, was introduced to Parliament in 2021, still has to be adopted.

p. 35 in European Commission, 2023b

At the same time, remaining issues include a lack of available resources, limited data collection and monitoring policies on child rights, which should be solved.

p. 37 in European Commission, 2023b

This leads to barely relevant disaggregated data as Ukraine has not yet introduced the WHO's International Classification of Functioning, Disability and Health for the registration of persons with disabilities.

p. 37 in European Commission, 2023b

Legislation does not provide incentives for employing persons with disabilities in the open labour market.

p. 34 in European Court of Auditors, 2021

In 2020, the Venice Commission pointed out the "extraordinary urgency of the situation", and assessed the problems of judicial reform as being "the result of a poor legislative process [...], a [...] lack of a holistic approach, no proper impact assessments [...], a lack of clarity [...] and] the poor implementation of the laws once they are adopted

• A4: Moral Duties to Reform | 19 Quotations:

p. 4 in European Commission, 2019c

Ensuring that the work of the new Commission is professional, politically impartial and independent also remains essential.

p. 24 in European Commission, 2019c

The EU expects this to continue, including in cooperation with civil society and other stakeholders.

p. 3 in European Parliament, 2022

Invites the authorities of Ukraine, the Republic of Moldova and Georgia to unambiguously demonstrate their political determination to implement the European ambitions of their people by significantly enhancing progress with substantial reforms in order to effectively fulfil the criteria for EU membership as soon as possible;

p. 5 in European Parliament, 2021

whereas support for modernisation, de-oligarchisation, reform and the fight against corruption is still very high among Ukrainian citizens and these expectations should be met without further delay;

p. 15 in European Parliament, 2021

Reiterates that delivering tangible results in the fight against corruption is essential in order to maintain a high level of support for the reform process among citizens, as well as to improve the business environment and attract foreign direct investments

p. 16 in European Parliament, 2021

Urges all political actors to renew their commitment to the reforms that Ukrainian voters have demanded, which are crucial to strengthen the rule of law, eradicate corruption and achieve greater prosperity for Ukraine's population;

p. 9 in European Parliament, 2021

Stresses the importance of pro-democratic reforms and trust in institutions as the most efficient security mechanisms

p. 16 in European Parliament, 2021

underscores that a fully empowered NACP plays a crucial role in this context and that the Constitutional Court's ruling should not be used as a pretext to weaken or sideline it;

p. 20 in European Parliament, 2021

Takes note of the law on supporting the functioning of the Ukrainian language as the state language and asks the Ukrainian authorities to implement the law fully in conformity with its international obligations and in accordance with the recommendations contained in opinion No 960/2019 of the Venice Commission, that is to respect the right of communities to develop and fully use their own language and proceed with the highest degree of consideration and balance towards national minorities, their languages and their rights to education;

p. 20 in European Parliament, 2021

Supports freedom of belief, opinion and expression, and stresses the importance of granting equal access of all

national, ethnic and linguistic minorities to information as critical ingredients of any democracy; condemns hate speech and discrimination based on ethnicity or language, and fake news and misinformation targeting national, ethnic and linguistic minorities;

p. 21 in European Parliament, 2021

underlines the importance of a sustainable public service broadcaster, an independent media regulator and civil society in building resilience against disinformation and other destabilising factors;

p. 22 in European Parliament, 2021

stresses that journalists, human rights defenders and defence lawyers should be able to work independently and without undue interference and intimidation;

p. 22 in European Parliament, 2021

Underlines that gender equality is a key precondition for sustainable and inclusive development;

p. 19 in European Commission, 2022d

At the same time, Ukraine's leaders bore responsibility to resist populist and protectionist measures, such as the outstanding ban on the export of wood, which are at odds with the principles and provisions of the Agreement.

p. 26 in European Commission, 2020c

Further concerted efforts will be required in sectors such as energy, corporate governance of state owned enterprises along with further critical reforms in the area of judiciary reform and the rule of law more broadly, where Ukraine's citizens can be expected to continue their demand for progress.

p. 26 in European Commission, 2020c

This has been reflected clearly in the reaction from Ukrainian society to recent decisions by the Constitutional Court affecting the country's anti-corruption efforts and achievements in this regard since the Revolution of Dignity.

p. 12 in European Commission, 2020c

The decision caused significant public criticism, as it called into question reforms demanded by post-Maidan Ukrainian reform forces and the international community, including through conditions under successive IMF programs, MFA, the Visa Liberalisation Action Plan (VLAP) and the 2014 State building contract.

p. 13 in European Commission, 2023b

In line with European standards and good practices, the selection procedure for the Prosecutor General should be made more transparent, objective and meritocratic, and the dismissal procedure should be depoliticised.

p. 10 in European Court of Auditors, 2021

Grand corruption resulting from weak rule of law and widespread oligarchic influence runs counter to EU values, and is a major obstacle to Ukraine's development

● S1: Positive Circumstances | 388 Quotations:

p. 2 in European Commission, 2019c

A significant international election observation presence in the country assessed these elections as competitive and held with respect for fundamental freedoms.

p. 3 in European Commission, 2019c

In the area of justice, rule of law and the fight against corruption, Ukraine continued to build an effective institutional framework.

p. 3 in European Commission, 2019c

The new High Anti-Corruption Court (HACC) began functioning on 5 September 2019.

p. 4 in European Commission, 2019c

The International Election Observation Mission of the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCEODIHR) assessed the two election rounds as "competitive and held with respect for fundamental freedoms"

p. 4 in European Commission, 2019c

The Central Election Commission (CEC) appointed in September 2018, demonstrated efficient and unbiased performance.

p. 6 in European Commission, 2019c

In January 2019, changes to the Criminal Code came into force, including criminalising domestic violence.

p. 6 in European Commission, 2019c

Ukrainian law enforcement authorities now consider hate motives when classifying attacks based on victims' identities.

p. 9 in European Commission, 2019c

The judges of the newly created High Anti-Corruption Court (HAAC) were selected in February 2019 following a transparent procedure that involved the Public Council of International Experts

p. 10 in European Commission, 2019c

In October the Parliament also adopted a new Law on Protection of Whistleblowers.

p. 10 in European Commission, 2019c

In October 2019, a Law was adopted enabling a full reboot of NAPC, in particular changing its management structure from a collegiate body to a single head and the participation of international experts in the selection of the new head

p. 12 in European Commission, 2019c

It envisages significant reform of the PPO including the vetting of all prosecutors during a two-year period.

p. 12 in European Commission, 2019c

The recently developed Serious and Organised Crime Threat Assessment (SOCTA Ukraine) is a significant step forward in unifying information from eight law enforcement agencies.

p. 24 in European Commission, 2019c

In 2019, Ukraine has undergone a democratic transition with the renewal of its key institutions and the election of new political leaders

p. 4 in European Commission, 2019c

The law enforcement agencies have met international standards in carrying out their duties and helped to ensure smooth electoral processes

p. 4 in European Commission, 2019c

Local self-government was further strengthened by progress in the decentralisation reform launched in 2015, with 968 new amalgamated hromadas (municipalities) being created since then, including 100 since November 2018.

p. 6 in European Commission, 2019c

It also guarantees the possibility for national minorities to study, along with the state language, the language of the national minority.

p. 6 in European Commission, 2019c

Civil society continues to play a very active role in the promotion and oversight of reforms and, increasingly, in the monitoring of AA implementation. 1

p. 10 in European Commission, 2019c

A law re-criminalising illicit enrichment was adopted on 31 October 2019.

p. 10 in European Commission, 2019c

Progress was made on the verification of electronic asset declarations for public officials.

p. 24 in European Commission, 2019c

The swift advance of the reform process by the new authorities after the 2019 electoral cycle builds on the achievements reached since the 2014 Revolution of Dignity.

p. 2 in European Parliament, 2022

whereas in its opinions, the Commission recommended granting Ukraine and the Republic of Moldova candidate status on the understanding that certain reform measures are taken, such as in the areas of the rule of law and the fight against corruption

p. 3 in European Parliament, 2021

whereas the 22nd EU-Ukraine Summit acknowledged the European aspirations of Ukraine, welcomed its European choice, recognised the substantial progress made by Ukraine in its reform process and welcomed the results already achieved in the implementation of the AA and the success of the DCFTA;

p. 3 in European Parliament, 2021

whereas its handling of the processes, as well as the peaceful and orderly transition of power that ensued, should be praised;

p. 4 in European Parliament, 2021

the electoral process was generally calm, well-organised and transparent, and procedures had mostly been followed, and that, overall, the Central Election Commission of Ukraine had met all legal deadlines and operated in an impartial, open and transparent manner;

p. 9 in European Parliament, 2021

Welcomes the new Electoral Code adopted in December 2019, including its provisions on the rights of IDPs

p. 15 in European Parliament, 2021

commends, in this respect, the reconstitution of the National Agency for Prevention of Corruption (NAPC) and the entry into force of the new laws on illicit enrichment and on whistle-blowers in January 2020, as well as the start of the operations of the High Anti-Corruption Court in September 2019;

p. 16 in European Parliament, 2021

Is pleased with the work of the National Anti-Corruption Bureau of Ukraine (NABU), which is arguably the country's most effective anti-corruption institution

p. 16 in European Parliament, 2021

commends the adoption in December 2019 of the new anti-money laundering law, which strengthened the transparency of business ownership structures in Ukraine and represents a considerable improvement of the relevant legal framework

p. 17 in European Parliament, 2021

Welcomes the reform of the office of the Prosecutor-General initiated in September 2019

p. 18 in European Parliament, 2021

Welcomes the amendments to the Ukrainian Criminal Code defining rape and sexual violence through lack of consent and urges the swift development of a methodology for the investigation of crimes of sexual violence

p. 21 in European Parliament, 2021

Notes the undergoing reform efforts in the area of the media

p. 22 in European Parliament, 2021

welcomes the work of Ukrainian human rights organisations and the Crimean prosecutor who, temporarily working from mainland Ukraine, records human rights violations and abuses

p. 7 in European Parliament, 2021

whereas Parliament recognises the leadership and political will by the Ukrainian authorities in providing sufficient protection to national Prides;

p. 10 in European Parliament, 2021

Welcomes the advancements made by Ukraine in the fulfilment of the country's commitments enshrined in the AA, particularly in the fields of agriculture, energy, banking, decentralisation, the digital economy, the environment and electoral procedures;

p. 16 in European Parliament, 2021

acknowledges the first judgments handed down and the HACC's respect of high professional standards;

p. 16 in European Parliament, 2021

Welcomes the draft Anti-corruption Strategy for 2020-2024 and expects that the Verkhovna Rada will soon adopt this

comprehensive strategy, maintaining all of the crucial elements of the draft;

p. 20 in European Parliament, 2021

welcomes Ukraine's initiative to develop the Strategy for the Development and Popularisation of the Crimean Tatar Language for the period up to 2032;

p. 2 in European Commission, 2022d

A law on "de-oligarchisation" was signed by the President in November 2021, providing for restrictions on individuals designated as oligarchs by the National Security and Defence Council.

p. 3 in European Commission, 2022d

In the area of justice, rule of law and the fight against corruption, key laws aiming at reforming the High Council of Justice (HCJ) and re-launching of the High Qualifications Commission of Judges (HQCJ) were adopted and their implementation has started

p. 3 in European Commission, 2022d

Legislation related to the National Agency for Corruption Prevention (NACP) has been largely restored, including deterrent sanctions for submitting false declarations.

p. 3 in European Commission, 2022d

A situation of legal uncertainty for the National Anti-Corruption Bureau (NABU) was resolved with the adoption of a new NABU law.

p. 3 in European Commission, 2022d

Progress was made in the area of digitalisation with the adoption of the law establishing the legal basis for an e-case management system for the anti-corruption institutions.

p. 3 in European Commission, 2022d

The High Anti-corruption Court (HACC) continues building a solid track record and a law on whistle-blowers protection was adopted.

p. 3 in European Commission, 2022d

Another significant step was taken in the reform of Ukraine's system for combating serious economic and financial crimes with the creation of the Bureau for Economic Security (BES).

p. 4 in European Commission, 2022d

The process has been transparent and inclusive.

p. 4 in European Commission, 2022d

Both laws were drafted in an inclusive process involving civil society.

p. 5 in European Commission, 2022d

Ukraine adopted a new National Human Rights Strategy for 2021-2023, based on amendments to the previous strategy and its Action Plan.

p. 5 in European Commission, 2022d

It joined the Biarritz Partnership promoted by G7 countries on, inter alia, inclusion, gender equality in work and education and combating gender-based violence.

pp. 5 – 6 in European Commission, 2022d

In September, a Pride (equality) march was held in Kyiv for the 10th time with some 7,000 participants and in several other Ukrainian cities without major incident, thanks to police protection from counter demonstrations.

p. 6 in European Commission, 2022d

A new law on anti-Semitism was adopted, introducing strengthened punishments for antisemitism and revised mechanisms allowing victims to claim compensation.

p. 6 in European Commission, 2022d

In November 2021, a law on "de-oligarchisation" entered into force.

p. 6 in European Commission, 2022d

Freedom of the media remains broadly respected.

p. 6 in European Commission, 2022d

Drafting a law on national minorities, now renamed Law on National Communities – adoption of which was a recommendation by the Venice Commission relating to adoption of the Law on State Language – continued.

p. 6 in European Commission, 2022d

On 1 July 2021, a law on indigenous peoples was adopted.

p. 9 in European Commission, 2022d

Ukrainian reform efforts in relation to the rule of law and the fight against corruption have in 2021 been focused on restoring legislation intended to guarantee the independence and effectiveness of the anti-corruption institutional framework.

p. 9 in European Commission, 2022d

A law reinstating liability for false asset declarations was also adopted, with imprisonment remaining as a possible sanction, for a maximum of one year.

p. 9 in European Commission, 2022d

The NACP elaborated the new anti-corruption strategy 2020-2024

p. 9 in European Commission, 2022d

The HACC continued to build a solid track record.

p. 9 in European Commission, 2022d

A law on whistle-blowers protection was adopted, including rules on the protection of personal data and on remuneration of whistleblowers, and in response to proposals to weaken such protection.

p. 9 in European Commission, 2022d

Work on the judiciary reform continued in the reporting period.

p. 9 in European Commission, 2022d

In July 2021, two key judicial reform laws were adopted.

p. 9 in European Commission, 2022d

The laws include a temporary but significant role for independent experts nominated by international donors to

the Selection Commission to relaunch the HQCJ and the HCJ Ethics Council charged with selecting new and vetting sitting members of the HCJ and selecting members of the HQCJ

p. 10 in European Commission, 2022d

To combat this phenomenon, the Ukrainian authorities were organising awareness events in close cooperation with international (e.g. OSCE) and non-governmental organisations.

p. 19 in European Commission, 2022d

Throughout 2021 and up until the Russian war of aggression of February this year, Ukraine pursued its implementation of the Association Agreement with the European Union and reforms demanded first and foremost by its citizens.

p. 19 in European Commission, 2022d

This includes commendable efforts to prioritise legislative reform relating to its commitments under the Agreement and necessary coordination among the President's Office, Government, Parliament and civil society to achieve this, as well as engagement and consultation with international partners including the EU and its Member States.

p. 20 in European Commission, 2022d

The rule of law and fight against corruption remained, justifiably, at the centre of reform efforts and engagement with international partners, including as regards critical reform of Ukraine's judiciary.

p. 20 in European Commission, 2022d

Implementation of key reforms adopted this year, such as the reform of the High Council of Justice and High Qualifications Commission of Judges, thus remain a litmus test for broader reform efforts and for Ukraine's further progress in its democratic and strategic European orientation.

p. 2 in European Commission, 2022d

Ukraine's civil society and independent media continue to play an active role in the promotion and oversight of reforms, as well as monitoring of AA implementation.

p. 3 in European Commission, 2022d

A new public finance management strategy was adopted in line with the Public Expenditure and Financial Accountability (PEFA) methodology.

p. 5 in European Commission, 2022d

One-stop-shops (484) offering administrative service locally to citizens and businesses (administrative service centres) and access points (1300) delivering service locally, have now been established or modernised with EU's support..

p. 6 in European Commission, 2022d

A number of restrictions will be applied to those designated as oligarchs, such as ban on sponsoring political parties and ban on participation in privatisation of major state-owned assets.

p. 6 in European Commission, 2022d

The three ethnic groups receive guarantees of legal protection.

p. 6 in European Commission, 2022d

This includes the deprivation of cultural values, eviction or forced relocation from areas of settlement in any form, forced assimilation and/or forced integration in any form.

p. 6 in European Commission, 2022d

Ukraine's civil society continues to play an active role in the promotion and oversight of reforms, as well as monitoring of AA implementation.

p. 7 in European Commission, 2022d

The new 2022- 2025 Public Finance Strategy and the Action Plan for its implementation were adopted in December 2021, in line with the PEFA methodology, international and EU standards.

p. 9 in European Commission, 2022d

In June 2021, Parliament adopted a law enabling digitalisation of the criminal justice system through operationalisation of a modern e-Case Management System for NABU, SAPO and the HACC.

pp. 2 – 3 in European Commission, 2020c

In the area of justice, rule of law and the fight against corruption, Ukraine's institutional framework now includes the High Anti-Corruption Court (HACC), which began working on high-level corruption cases in September 2019 and handed down its first verdict in June 2020.

p. 3 in European Commission, 2020c

An anticipated law on judiciary was put on hold following a negative opinion of the Venice Commission late 2019 and a CCU ruling in March 2020.

p. 5 in European Commission, 2020c

It contains more progressive provisions on gender representation, and improves access to elections for persons with disabilities.

p. 7 in European Commission, 2020c

Marches marking International Women's Day were held peacefully.

p. 7 in European Commission, 2020c

Freedom of the media remain broadly respected in Ukraine, notable achievement in the context of ongoing Russian disinformation campaigns.

p. 10 in European Commission, 2020c

Following a transparent selection procedure and appointment of its judges, the new High AntiCorruption Court (HACC) began operating officially on 5 September 2019, its mandate focused on high-level corruption cases.

p. 10 in European Commission, 2020c

Through respect of high professional standards, the HACC is building up a track record.

p. 10 in European Commission, 2020c

The National Anti-Corruption Bureau of Ukraine (NABU) has continued its work based also on improvements to its capacities granted in 2019 (autonomous wire-tapping

powers, automatic access to the register of electronic asset declarations).

p. 11 in European Commission, 2020c

A process for the selection of the future head of SAPO has been launched by the Office of the Prosecutor General.

p. 11 in European Commission, 2020c

Following an open and transparent selection process that included the participation of international experts, a new head of the NACP was appointed in January 2020.

p. 3 in European Commission, 2020c

New legislation addressing these reservations was submitted to Parliament in July 2020, and is under consideration in the Legal Policy Committee.

p. 5 in European Commission, 2020c

It enfranchises internally displaced persons and other mobile groups of the population.

p. 8 in European Commission, 2020c

The State Service of Ukraine on Ethnic Policy and Freedom of Conscience was established during the second quarter of 2020, and is expected to develop - in close cooperation with representatives of national minorities and international interlocutors - a national strategy for minorities, and to contribute to the Law on National Minorities.

p. 8 in European Commission, 2020c

Despite challenges, Ukraine's civil society continues to play an active role in the promotion and oversight of reforms, as well as monitoring of AA implementation.

p. 11 in European Commission, 2020c

Following NACP's launch in June of a process to draw up a new anti-corruption strategy for Ukraine for 2020-2024, with a state programme for the implementation of the strategy to follow, the strategy was approved by the Cabinet of Ministers in September sent to Parliament for consideration.

p. 12 in European Commission, 2020c

This significant reform of the PPO foresees the vetting of all prosecutors in Ukraine, a process that is ongoing and expected to run until December 2020.

p. 7 in European Commission, 2022c

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) assessed the most recent two-round presidential elections and early parliamentary elections in 2019 as competitive and both overall in respect of fundamental rights and freedoms.

p. 7 in European Commission, 2022c

Ukraine has a vibrant civil society that plays an active role in the promotion and oversight of reforms.

p. 7 in European Commission, 2022c

The legal framework ensures protection of freedom of association, expression and peaceful assembly

p. 9 in European Commission, 2022c

The constitutional and legislative framework guarantees the independence of the judiciary and its impartiality.

p. 9 in European Commission, 2022c

Codes of ethics for judges and prosecutors are in place, as well as an integrated case management system with automated allocation of cases.

p. 9 in European Commission, 2022c

The appointment of judges and prosecutors is in principle based on merit and objective criteria, following public competitions.

p. 10 in European Commission, 2022c

New legislation introducing integrity and professional ethics checks for the key judicial governance bodies (the High Council of Justice, whose main responsibilities include appointments and dismissals of judges, and the High Qualification Commission of Judges which conducts the selection procedures for new judges) was adopted in July 2021, fully in line with Venice Commission recommendations.

p. 10 in European Commission, 2022c

The country is a party to all key international anti-corruption conventions, including the United Nations Convention against Corruption (UNCAC).

p. 10 in European Commission, 2022c

All forms of corruption are criminalized, including illicit enrichment, and the laws regulate conflict of interests, protecting whistle-blowers and ensuring transparent public party financing

pp. 10 – 11 in European Commission, 2022c

Following an inclusive drafting process, a new national anti-corruption strategy with a focus on relevant sectors was elaborated,

p. 11 in European Commission, 2022c

Integrity plans and code of ethics are in place in key parts of the public administration and judiciary with their enforcement being gradually ensured through internal control units and respective disciplinary bodies.

p. 11 in European Commission, 2022c

As regards the law enforcement side, NABU is among the most trusted institutions and has increasingly developed its institutional capacities and a pro-active attitude to address allegations of corruption involving high-level officials.

p. 11 in European Commission, 2022c

The establishment of HACC in 2019 through a transparent, merit based recruitment of judges and staff has greatly facilitated the work of the anti-corruption institutions and led to an overall more effective adjudication of corruption cases.

p. 13 in European Commission, 2022c

Ukraine has ratified the main international human rights instruments and its domestic legal and institutional framework regulating fundamental rights broadly follows European and international standards.

p. 13 in European Commission, 2022c

Ukrainian citizens benefit from freedom of expression and there is a vibrant public civic space.

p. 13 in European Commission, 2022c

Media freedom has also improved significantly in recent years, especially thanks to online media.

p. 13 in European Commission, 2022c

Ukraine has found an overall good balance between the preservation of media freedom and measures against pervasive Russian hybrid and massive disinformation attacks, being multiplied by some local media outlets.

p. 13 in European Commission, 2022c

The Ukrainian Constitution guarantees protection against discrimination, and the Criminal Code and several criminal laws contain stand-alone provisions on hate crimes.

p. 14 in European Commission, 2022c

The rights of persons belonging to minorities are constitutionally guaranteed in Ukraine.

p. 21 in European Commission, 2022c

An active and empowered civil society is a defining feature of Ukrainian democracy.

p. 21 in European Commission, 2022c

Overall, as regards the political criteria, Ukraine is well advanced in reaching the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

p. 21 in European Commission, 2022c

Ukraine has demonstrated the resilience of its institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities.

p. 6 in European Commission, 2022c

The Constitution provides for the fundamental principles of a democratic state, including the rule of law, free elections and the protection of human rights.

p. 6 in European Commission, 2022c

Primacy of international law is explicitly determined by the Constitution rendering the international treaties in force as binding and an integral part of the national legislation of Ukraine.

p. 6 in European Commission, 2022c

During the war, the Ukrainian government has shown institutional resilience and ability to function and remained a reliable international partner.

p. 7 in European Commission, 2022c

The law on national referenda was adopted in January 2021 and the work on the law on local referenda is underway.

p. 7 in European Commission, 2022c

The use of urgent procedures to pass legislation, including in areas relevant to the EU acquis, is relatively limited.

p. 8 in European Commission, 2022c

The legislature and supreme audit institution, together, provide more than adequate oversight during the budget process.

p. 8 in European Commission, 2022c

The law lays the foundation for a modern civil service.

p. 9 in European Commission, 2022c

Ukraine has embarked on the reform of the justice sector and the relevant strategic approach is in place.

p. 10 in European Commission, 2022c

The clearance rate increased to 98 % (97 % in 2018)

p. 10 in European Commission, 2022c

Preventing and combatting corruption has been particularly high on the Ukrainian reform agenda since the Revolution of Dignity.

p. 21 in European Commission, 2022c

The resilience of Ukrainian institutions has been on full display since the Russian invasion, with the government continuing to function at all levels.

p. 1 in European External Action Service, 2019a

Human rights are generally respected and fundamental freedoms upheld in the area under the control of Ukrainian government.

p. 1 in European External Action Service, 2019a

Elections in 2019 were held overall in line with international standards

p. 1 in European External Action Service, 2019a

The freedom of expression and freedom of the media are generally respected.

p. 2 in European External Action Service, 2019a

Despite some attacks by extremists, LGBTI movements in Kyiv and Odesa noted significant positive developments when cooperating with law enforcement agencies during the Pride parades held throughout the country in 2019.

p. 1 in European External Action Service, 2020

Human rights are generally respected and fundamental freedoms overall upheld.

p. 1 in European External Action Service, 2020

Ukraine continues to be characterised by a very vibrant civil society, which plays a key role in promoting reforms.

p. 1 in European External Action Service, 2020

The freedom of expression and freedom of the media are overall respected.

p. 1 in European External Action Service, 2020

The Public Broadcaster (UA:PBC) continued to serve as a watchdog, adhering to journalistic and impartiality standards, which was especially crucial during the 2020 local elections.

p. 1 in European External Action Service, 2021

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p. 1 in European External Action Service, 2021

Although Ukraine does not have a dedicated law on peaceful assembly, freedoms of association and assembly are guaranteed by the Constitution and were generally well respected by the authorities

p. 1 in European External Action Service, 2021

Civil society continued to advocate for a comprehensive reform of the judiciary, including a reform of the Constitutional Court of Ukraine and played an important role in advocating for the adoption of key laws in the area of the judiciary.

p. 1 in European External Action Service, 2022

the Ukrainian government has shown clear commitment to enhance human rights.

p. 1 in European External Action Service, 2022

However, Ukraine has shown openness and enabled international actors access to Russian POWs, while Russia continued to deny access to Ukrainian POWs held in Russia or temporarily occupied territories.

p. 1 in European External Action Service, 2022

The martial law in Ukraine is being regularly re-assessed and extended for 90 days at a time

p. 1 in European External Action Service, 2022

Despite Russia's war of aggression, the Ukrainian civil society has remained vibrant and has bravely stepped up to play a key role in ensuring the country's resilience to withstand Russia's war.

p. 1 in European External Action Service, 2022

Several new grass-root initiatives emerged and many existing civil society organizations re-focused on the war-related needs, including humanitarian support to conflict-affected population, including internally displaced persons, as well as documentation of evidence of war crimes.

p. 2 in European External Action Service, 2022

Despite Russia's war of aggression, Ukraine has proved its resilience as a democratic country, with continued progress on the rule of law reforms and the alignment of its legislation with international human rights standards, also in the context of the EU candidate status granted by the European Council in June 2022.

p. 2 in European External Action Service, 2022

The Constitution of Ukraine guarantees the freedoms of association and assembly and it is generally well respected by the authorities, with limits posed by the war.

p. 2 in European External Action Service, 2022

Freedom of religion and belief remains generally well respected in Ukraine

p. 1 in European Commission, 2023d

The Commission welcomes the significant reform efforts undertaken by Ukraine since the European Council of June 2022, despite Russia's war of aggression

p. 1 in European Commission, 2023d

The Commission considers that Ukraine has made important progress on the seven steps set out in its Opinion of June 2022 and has taken additional measures to complement and sustain these achievements.

p. 1 in European Commission, 2023d

In light of the results achieved since June 2022 under the political criteria, within the framework of the seven steps and beyond, the Commission considers that Ukraine sufficiently fulfils the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, set by the Copenhagen European Council in 1993, provided it continues its reform efforts and addresses the remaining requirements under the seven steps.

p. 2 in European Commission, 2023d

Over the past year, advancement on the reform agendas linked to the fundamentals was noted particularly in Ukraine and Moldova in response to the recommendations in the respective Commission's Opinions.

p. 2 in European Commission, 2023a

Since 2003, Ukraine has been a Member of the Hague Conference on Private International Law and is Contracting Party to twelve conventions, including those concerning child abduction, child protection, child support, service of documents and taking of evidence.

p. 2 in European Commission, 2023a

Ukraine has ratified the 2019 Judgement Convention on 29 August 2022, the same day of the EU's accession to it.

p. 2 in European Commission, 2023a

The legal framework includes rules on family reunification, a general scheme and specific categories for labour migration, and administrative fines for employers if their employees do not have an employment permit

p. 3 in European Commission, 2023a

Ukraine is party to the relevant international conventions, including the 1951 Geneva Refugee Convention and its 1967 Protocol

p. 4 in European Commission, 2023a

Some measures, in place to fight corruption on the border, consist of preventive and internal control measures implemented by the SBGS and the State Customs Service

p. 4 in European Commission, 2023a

Ukraine has some level of preparation to implement the EU acquis in the area of justice, freedom and security.

p. 2 in European Commission, 2023a

There is good judicial cooperation in criminal matters with Eurojust as a consequence of the cooperation agreement signed in 2016 and the work between the Ukrainian liaison prosecutor and Eurojust, as well as between Ukraine and the EU Member States.

p. 2 in European Commission, 2023a

Legislation on voluntary and forced return is in place, including the principle of non-refoulement.

p. 3 in European Commission, 2023a

Free legal assistance is also available.

p. 1 in European Commission, 2023b

Overall, the legal framework remains conducive to the organisation of democratic elections.

p. 1 in European Commission, 2023b

However, legislative tasks are carried out systematically, laying the ground for an uninterrupted democratic decision-making process

p. 1 in European Commission, 2023b

Use of the urgent procedure to pass legislation is relatively limited.

p. 1 in European Commission, 2023b

Despite the circumstances during the reporting period, the Verkhovna Rada conducts systematic legislative activity (including plenary sessions and committee meetings), taking an active part in the overall reform process

p. 1 in European Commission, 2023b

The majority of rules related to integrity and prevention of corruption are regulated by anti-corruption legislation.

p. 2 in European Commission, 2023b

The percentage of female members of Parliament is currently at a historic high of 21%.

p. 3 in European Commission, 2023b

Ukraine's vibrant civil society remains engaged in reform processes and in the response to the impact of Russia's aggression

p. 3 in European Commission, 2023b

The legal framework continues to guarantee the rights of freedoms of association, expression and peaceful assembly

p. 3 in European Commission, 2023b

An ambitious multi-year civil society development strategy is in place, providing for more meaningful engagement with civil society.

p. 3 in European Commission, 2023b

An empowered civil society is a crucial component of any democratic system and is recognised and treated as such by state institutions.

p. 3 in European Commission, 2023b

Civil society remains a key element of Ukrainian democracy, maintaining social bonds and fabrics, and contributing to the resilience of society at large

p. 3 in European Commission, 2023b

Ukraine has several strategic documents to foster civil society engagement, including the 2021- 2026 national strategy for promoting civil society development of September 2021, the national barrier-free strategy, and the national human rights strategy.

p. 3 in European Commission, 2023b

These documents have continued to be implemented despite the impact of Russia's war of aggression and martial law.

p. 4 in European Commission, 2023b

The existing legal framework guarantees the rights to the freedoms of expression, peaceful assembly and association.

p. 4 in European Commission, 2023b

The recently adopted anti-corruption strategy for 2021-2025 is a good example of interactions and consultation with CSOs and proper consideration of their inputs.

p. 5 in European Commission, 2023b

The policy-making system is well established.

p. 7 in European Commission, 2023b

The constitutional right to fair trial has been maintained under martial law.

p. 7 in European Commission, 2023b

Administrative courts have been operating on a regular basis, with some adjustments due to security considerations

p. 7 in European Commission, 2023b

The right to compensation is provided for in the legislation and applied.

p. 7 in European Commission, 2023b

Ukraine has some level of preparation in implementing the EU acquis and European standards in the area of the judiciary, fight against corruption and fundamental rights.

p. 7 in European Commission, 2023b

Despite Russia's war of aggression, good progress was made in this area and the relevant institutions continued operations, the delivery of vital services to citizens and reform efforts, demonstrating remarkable resilience.

p. 7 in European Commission, 2023b

Ukraine has some level of preparation in the functioning of the judiciary.

p. 7 in European Commission, 2023b

Despite the Russian war of aggression, good progress was made with the implementation of the 2021 reform of the judicial governance bodies during the reporting period

pp. 7 – 8 in European Commission, 2023b

The High Council of Justice (HCJ) and the High Qualification Commission of Judges (HQCJ) were re-established following a transparent and meritocratic process with the meaningful involvement of independent experts

p. 8 in European Commission, 2023b

Ukraine also adopted the law on a transparent and merit-based preselection of judges of the Constitutional Court, in line with the Venice Commission recommendations, and started implementing it.

p. 8 in European Commission, 2023b

Legislation was adopted to establish a strong service of disciplinary inspectors and to resume disciplinary proceedings against judges.

p. 8 in European Commission, 2023b

Despite these significant challenges, the Ukrainian judicial, prosecution and other justice institutions showed remarkable resilience by continuing to provide justice services to citizens and companies, while also implementing reforms

p. 8 in European Commission, 2023b

The necessary legislative, organisational and technical measures were taken to allow courts to swiftly adapt their work to the new martial law realities and protect court users, while providing continuous access to justice.

p. 8 in European Commission, 2023b

In particular, legislation was adopted that allowed the territorial jurisdiction of courts to be changed and court cases to be relocated to other parts of the country if it became impossible to administer justice in a certain territory, along with the secondment of judges to other courts.

p. 9 in European Commission, 2023b

The competition included a thorough background check of candidates and an interview with the 64 best candidates

p. 12 in European Commission, 2023b

The legislation provides prosecutors with a sufficient degree of independence and autonomy.

p. 12 in European Commission, 2023b

Accountability and ethics Codes of professional ethics and conduct exist for both judges and prosecutors.

p. 12 in European Commission, 2023b

In August and September 2023, Ukraine adopted two laws for resuming disciplinary proceedings against judges and for establishing an independent service of disciplinary inspectors on the basis of a transparent and meritocratic selection procedure with a meaningful involvement of internationally-nominated experts.

p. 13 in European Commission, 2023b

Moreover, during the interim reform period, a transparent selection procedure, including integrity, professionalism and leadership checks, was successfully piloted for managementlevel prosecutors.

p. 14 in European Commission, 2023b

The government plans to address this problem by optimising the court network.

p. 15 in European Commission, 2023b

After thorough preparation, including business process analysis, the prosecution service, with the support of the EU, has launched the development of a modern e-case management system named SMEREKA.

p. 15 in European Commission, 2023b

It lays the groundwork for mainstreaming mediation in civil, commercial and administrative disputes and in criminal procedures.

p. 15 in European Commission, 2023b

Despite the war, implementation of the law continued and good progress was achieved.

p. 15 in European Commission, 2023b

The government adopted legislation to ensure the provision of mediation services by free legal aid centres, while the Ministry of Justice approved an order for a register of mediators engaged in secondary legal aid and launched the first competitions for such mediators.

p. 15 in European Commission, 2023b

Various mediation organisations and justice sector institutions continued to promote mediation services via training, online resources and awareness raising activities.

p. 15 in European Commission, 2023b

In addition to the existing register of judicial decisions, an electronic database of legal positions of the Supreme Court was created, to facilitate the identification of relevant guidance from the Supreme Court on the interpretation and application of specific legal norms.

p. 15 in European Commission, 2023b

Despite the war-related funding and staffing challenges, most courts in Ukraine maintained 100% or even higher clearance rates in 2022.

p. 16 in European Commission, 2023b

Despite several war-related challenges, the Ukrainian authorities have cooperated closely with the relevant Council of Europe bodies and made efforts to enforce outstanding ECtHR judgments during the reporting period

p. 17 in European Commission, 2023b

A dedicated war crimes prosecution strategy has been adopted and additional resources put in place with the support of international assistance providers, including the European Union Advisory Mission Ukraine, to improve investigations into such crimes.

p. 17 in European Commission, 2023b

Ukraine cooperates effectively with the Atrocity Crimes Advisory Group, a large multilateral initiative established by the EU, the US and the UK in May 2022 to provide strategic advice and operational assistance to the Office of the Prosecutor General in investigating and prosecuting international crimes in Ukraine.

p. 18 in European Commission, 2023b

Ukraine cooperates closely with stakeholders at international level for bringing perpetrators of atrocity crimes to justice, in compliance with the principle of complementarity.

p. 18 in European Commission, 2023b

Ukraine has some level of preparation in the prevention of and fight against corruption.

p. 19 in European Commission, 2023b

New legislative, strategic and institutional improvements were pursued, including the adoption of the national anti-corruption strategy in June 2022, accompanied by a comprehensive state programme for its implementation adopted in March 2023, as well as the restoration of financial reporting of the political parties.

p. 19 in European Commission, 2023b

The new head of the National Anti-Corruption Bureau of Ukraine (NABU) was selected in early March 2023, after a transparent and merit-based procedure.

p. 20 in European Commission, 2023b

It became operational following a transparent selection procedure of 39 judges for the court with the involvement of international experts (Public Council of International Experts).

p. 21 in European Commission, 2023b

There has been a gradual increase in comparative corruption level indexes for Ukraine.

p. 21 in European Commission, 2023b

Three years after a full restructuring and change of governance model under the new head of the agency, selected by an international selection commission, the agency has delivered good results and there are strong signs of its growing independence from political and vested interests.

p. 21 in European Commission, 2023b

The agency has also started to engage in addressing possible corruption risks linked to the large-scale reconstruction of the country.

p. 21 in European Commission, 2023b

An independent external assessment of the effectiveness of the NACP's activity in 2020-2021 was conducted by an expert commission composed of three international experts appointed by the Cabinet of Ministers based on a proposal by international donors, as required by law.

p. 22 in European Commission, 2023b

The advanced electronic asset declaration system has proved to be a key tool for preventing corruption.

p. 22 in European Commission, 2023b

Corruption risk management in public institutions is proactively handled by the NACP

p. 22 in European Commission, 2023b

Corruption risks in draft laws and sectors vulnerable to corruption are successfully assessed and addressed.

p. 23 in European Commission, 2023b

Key anti-corruption institutions responsible for investigating and prosecuting high-level corruption have remained fully operational despite the war.

p. 23 in European Commission, 2023b

Specialised high-quality training is available to 36 the staff of anti-corruption institutions, including through international technical assistance providers.

p. 23 in European Commission, 2023b

Among other law enforcement agencies, the National Police of Ukraine and the State Bureau of Investigation (SBI) were given powers related to corruption investigation.

p. 24 in European Commission, 2023b

Ukraine has ratified the most important international treaties to prevent and combat corruption, including the UN Convention against Corruption and the Council of Europe Criminal and Civil 37 Law Conventions on Combating Corruption.

p. 24 in European Commission, 2023b

The domestic legal framework is broadly aligned with international standards and allows Ukraine to conduct complex criminal investigations into corruption cases.

p. 24 in European Commission, 2023b

Ukraine has duly prioritised systemic measures against oligarchs, in line with the Venice Commission recommendations from June 2023.

pp. 24 – 25 in European Commission, 2023b

In particular, on the basis of the Government's anti-oligarch action plan, Ukraine pursued the reforms of the judicial governance bodies and the Constitutional Court, adopted a new media law, continued to implement the state anticorruption programme and finalised the legal framework on the ultimate beneficial ownership

p. 25 in European Commission, 2023b

In September, the Government revised its anti-oligarch action plan to postpone the implementation of the law on oligarchs and to prepare amendments to the law within three months after the end of the martial law, taking into account the recommendations of the Venice Commission.

p. 25 in European Commission, 2023b

The Parliament approved the anti-corruption strategy for 2021–2025 in June 2022, 2 years after the NACP, responsible for developing it, submitted the document.

p. 25 in European Commission, 2023b

Furthermore, the implementation of these reform measures is likely to increase Ukraine's track record on prosecutions and convictions of high-level corruption cases over time.

p. 25 in European Commission, 2023b

On the basis of the strategy, the NACP developed the state anti-corruption programme (SACP), adopted in March 2023 by the Cabinet of Ministers.

p. 25 in European Commission, 2023b

It includes clear key performance indicators for each government body

p. 25 in European Commission, 2023b

In drafting the strategy and action plan, the NACP carefully considered the findings of sociological surveys and other research, including recommendations and analysis by Ukrainian and international non-governmental organisations.

p. 25 in European Commission, 2023b

The NACP also consulted independent experts and the public.

p. 25 in European Commission, 2023b

The current level of implementation of the programme is reasonable, in particular the development and full operationalisation of the open access information system for monitoring the implementation of the SACP is well advanced.

p. 25 in European Commission, 2023b

Ukraine generally complies with international human rights instruments and has ratified most international conventions on the protection of fundamental rights.

p. 25 in European Commission, 2023b

Dealing with the consequences of these massive violations and devoting attention to mitigating measures was at the centre of the work of the Ukrainian authorities and human rights civil society organisations over the reporting period and will represent a challenge for Ukraine's prosecution, judiciary and society in the years to come.

p. 25 in European Commission, 2023b

The new media law as well as the Law on national minorities (communities) of Ukraine were adopted in December 2022.

p. 25 in European Commission, 2023b

Ukraine ratified the Istanbul Convention and adopted an updated national action plan on the implementation of United Nations Security Council Resolution 1325

pp. 25 – 26 in European Commission, 2023b

It also adopted the 2030 state strategy on ensuring equal rights between men and women.

p. 26 in European Commission, 2023b

Ukraine has ratified most international human rights instruments.

p. 26 in European Commission, 2023b

Human and fundamental rights are generally respected in Ukraine, and the government has shown commitment to protecting them

p. 26 in European Commission, 2023b

In July 2022, the country ratified the Istanbul Convention.

p. 26 in European Commission, 2023b

Considering Russia's full-scale invasion, Ukraine has achieved considerable progress in implementing the 2021-2023 national human rights strategy and its action plan.

p. 26 in European Commission, 2023b

The introduction of martial law in February 2022 and its ongoing extension has not led to an increased level of violations of fundamental rights, and is handled cautiously by Ukrainian authorities.

p. 27 in European Commission, 2023b

Ukrainian authorities have devoted significant efforts to ensuring full accountability for war crimes and the other most serious crimes committed by Russia, including the crime of aggression.

p. 27 in European Commission, 2023b

On the promotion and enforcement of human rights, the Ukrainian Parliament Commissioner for Human Rights is designated as the national human rights institution and accredited by the Global Alliance of National Human Rights Institutions with 'A' status (largely compliant with the Paris Principles)

p. 27 in European Commission, 2023b

In the reporting period, the institution of the Parliamentary Commissioner has shown an active and independent approach, with efforts to adapt the institution to its existing responsibilities by organising it around 9 fundamental fields of work, including issues associated with the war of aggression (war crimes, release of prisoners of war, return of Ukrainian children) and extending its presence to Ukraine's regions.

p. 27 in European Commission, 2023b

On the prevention of torture and ill treatment, in 2022 Ukraine amended relevant legislation by changing approaches to the use of forced feeding of convicts and detainees, strengthening responsibility for acts of torture and introducing a mechanism for the conditional early release for people sentenced to life imprisonment.

p. 27 in European Commission, 2023b

A Human Rights Monitoring Department was established within the National Police under the Ministry of Internal Affairs.

p. 27 in European Commission, 2023b

In addition, the pilot project Custody Records is being implemented in police units to improve standards of protection of the rights of those in police custody and ensuring detainees' rights.

p. 28 in European Commission, 2023b

To implement the Optional Protocol to the UN Convention against Torture in Ukraine, legal amendments made in 2012 assigned the Ukrainian Parliament's Human Rights Commissioner the functions of the National Preventive Mechanism.

p. 28 in European Commission, 2023b

The prison population has fallen sharply in recent years, from 60 621 in 2017 to 42 694 in December 2022

p. 28 in European Commission, 2023b

Probation was introduced in 2015-2016

p. 29 in European Commission, 2023b

Ukraine has ratified ILO Convention 108 on the Protection of Individuals with regard to Automatic Processing of Personal Data.

p. 29 in European Commission, 2023b

The Constitution of Ukraine as well as related legislation and policies provide for the right to freedom of religion and belief.

p. 29 in European Commission, 2023b

In general, Ukrainian public authorities enforce these norms, and incidents of hate speech and intimidation due to religion are infrequent.

p. 29 in European Commission, 2023b

Religions are represented among others in the Ukrainian Council of Churches and Religious Organizations and are in dialogue with public administration mainly via the State Service for Ethnic Affairs and Freedom of Conscience.

p. 29 in European Commission, 2023b

Representatives of religions are effectively collaborating with the Ukrainian administration to support Ukrainians during the war and fight disinformation campaigns that have the objectives to incite inter-ethnic and inter-religious conflict.

p. 29 in European Commission, 2023b

Regarding the fight against antisemitism, in September 2021, Ukraine adopted a law on the prevention and countering of antisemitism, which defines antisemitism, prohibits anti-Jewish acts and adds civil liability

p. 29 in European Commission, 2023b

In 2022, the lowest number of acts of antisemitic vandalism was recorded in 20 years of monitoring, with no cases of antisemitic violence.

p. 29 in European Commission, 2023b

Activities to preserve Ukraine's Jewish cultural life and heritage are supported by the state and civil society and are increasing.

pp. 29 – 30 in European Commission, 2023b

Progress has been made regarding the restitutions of properties confiscated by the Soviet regime.

p. 30 in European Commission, 2023b

Ukraine is in between some and moderate level of preparation in the area of freedom of expression

p. 30 in European Commission, 2023b

Overall, it made good progress in strengthening its legal framework during the reporting period, in particular with the adoption of the Law on media.

p. 30 in European Commission, 2023b

This is a notable achievement in the challenging context of Russia's full-scale invasion, in particular due to its vibrant public civic space and diversity of media outlets, including at regional level.

p. 30 in European Commission, 2023b

Before the beginning of the Russia's war of aggression against Ukraine, the general context was favourable to media freedom and allowed for critical media reporting.

p. 30 in European Commission, 2023b

In the current challenging context of martial law, Ukraine has taken some decisions on restricting access for media and journalists in specific areas and spheres but applied these generally with restraint.

p. 30 in European Commission, 2023b

There have been a limited number of reports on instances of obstructing work and attacks on journalists by individuals.

p. 30 in European Commission, 2023b

The most recent was on journalists covering victory day commemorations in Poltava and reporting from the Kyiv-Pechersky monastery, both with adequate follow-up by law enforcement.

p. 30 in European Commission, 2023b

Incidents from previous years are generally being followed up as well.

p. 30 in European Commission, 2023b

A special police unit was established in 2019 to investigate attacks on journalists.

p. 30 in European Commission, 2023b

In March 2023, the action plan for implementation of the information security strategy was adopted to clarify among others the rules on access and use of information as well as the protection of journalists' rights.

pp. 30 – 31 in European Commission, 2023b

The Parliament resolution of March 2022 on the value of freedom of speech, guarantees of activities of journalists and mass media underlined the importance of independent journalism for public authorities in Ukraine.

p. 31 in European Commission, 2023b

It established the detailed rights of journalists for accreditation and obliges the public authorities to facilitate and support the work of journalists.

p. 31 in European Commission, 2023b

National legislation, the Law on media in particular, duly addresses the issue of hate speech.

p. 31 in European Commission, 2023b

This ensures the free expression of views, while prohibiting genuine and serious incitement to violence and hatred.

p. 31 in European Commission, 2023b

Suspilne adheres to the standards of independent journalism, has the highest trust ratings among radio and television channels and is considered politically neutral and not subject to political influence

p. 32 in European Commission, 2023b

Ukrainian legislation does not include restrictions that limit or prevent the work of the media

p. 32 in European Commission, 2023b

The Ukrainian media landscape of the past few years has been increasingly dynamic and diverse, especially online media.

p. 32 in European Commission, 2023b

The freedom of artistic expression is not restricted and is guaranteed by the Ukrainian constitution.

p. 32 in European Commission, 2023b

Intimidation of artists is rare and is followed up in general by Ukrainian authorities.

p. 32 in European Commission, 2023b

The Independent Media Council promotes high professional standards of journalism and self-regulation in the Ukrainian media sector by providing expert opinions, advice and recommendations based on international standards, national legislation and ethical standards of professional journalism.

p. 32 in European Commission, 2023b

The right to freedom of assembly and association is guaranteed by the Ukrainian constitution, and the government respects these rights.

pp. 33 – 34 in European Commission, 2023b

The Law on media adopted in December 2022 prohibits dissemination in the media and on platforms of shared access to videos of statements that incite hatred towards people and groups based on their national, racial or religious characteristics, as well as statements that incite discrimination based on their ethnic and social origin, citizenship, race, religion and beliefs, age, gender, sexual orientation, gender identity, disability or any other characteristic.

p. 34 in European Commission, 2023b

As regards gender equality, Ukraine has several laws in place, in particular the Law on ensuring equal rights and opportunities of men and women of 2005, the Law on principles of prevention and combating discrimination in Ukraine of 2012 and the Law on prevention of 48 domestic violence of 2018.

p. 34 in European Commission, 2023b

On 18 July 2022, Ukraine ratified the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), which entered into force on 1 November 2022.

p. 35 in European Commission, 2023b

Ukraine ratified the UN Convention on the Rights of the Child, acceded to the three Optional Protocols to the Convention and endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed groups.

p. 35 in European Commission, 2023b

It also ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).

p. 35 in European Commission, 2023b

The last few years have seen progress, with legislation strengthening the social protection of children and support

for families with children, and introducing the notion of the best interests of the child.

p. 36 in European Commission, 2023b

The Law on the basis of social protection of persons with disabilities in Ukraine prohibits discrimination on the basis of disability and introduces quotas for companies.

p. 37 in European Commission, 2023b

Overall, during the reporting period the general trend of increasing tolerance and acceptance of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons in Ukrainian society over the last decade was sustained. The trend towards a decrease in the number of attacks and hate crimes against LGBTIQ persons continues (-44% since 2020).

p. 37 in European Commission, 2023b

The government clearly communicates its support for the rights of LGBTIQ persons and against hate crimes and discrimination.

p. 37 in European Commission, 2023b

Existing legislation, for instance the Labour Code, already provides some level of protection against discrimination based on sexual orientation, and reforms to ensure equal rights are currently under way.

p. 37 in European Commission, 2023b

The media law, adopted on 15 December 2022, bans hate speech and incitement based on sexual orientation and gender identity in media

p. 37 in European Commission, 2023b

The plan also suggests drafting a law that would provide for the elimination of discriminatory provisions that may violate the property and nonproperty rights of unmarried partners as well as the introduction of a registered civil partnership

p. 38 in European Commission, 2023b

During the reporting period, the free legal aid system showed a high level of stability, while legal services quickly adapted to the new conditions.

p. 38 in European Commission, 2023b

In general, the rights of persons belonging to ethnic, linguistic, religious or national minorities are upheld in Ukraine.

pp. 38 – 39 in European Commission, 2023b

It creates rules and structures for national minority rights in Ukraine.

p. 39 in European Commission, 2023b

In the preparatory process, efforts were made to also consult representatives of national minorities.

p. 40 in European Commission, 2023b

In July 2021, Ukraine adopted the strategy promoting the realisation of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society up to 2030.

p. 1 in European Commission, 2023b

Key decisions, especially on defence/security questions, were adopted by clear cross-party majorities.

p. 1 in European Commission, 2023b

Considerable attention was paid to legislation related to EU integration.

p. 2 in European Commission, 2023b

At the same time, according to the government's rules of procedure, gender legal expertise is mandatory for all draft laws drafted by government.

p. 3 in European Commission, 2023b

Volunteer movements and informal civil society groups often act as the backbone of humanitarian action across the country, including in the liberated and in temporarily occupied territories of Ukraine.

p. 3 in European Commission, 2023b

In many respects they are key to the country's resilience.

p. 3 in European Commission, 2023b

Volunteer movements and informal civil society groups often act as the backbone of humanitarian action across the country, including in temporarily occupied territories or newly liberated regions, while many of its members now also serve in Ukraine's armed forces.

p. 3 in European Commission, 2023b

The expertise of Ukrainian civil society organisations on key sector reforms has made them an important partner for the government as well as for Ukraine's international partners.

p. 4 in European Commission, 2023b

CSOs have been expanding their cooperation with public institutions, including on humanitarian response, assistance to internally displaced persons as well as mental health and psychosocial support services.

p. 5 in European Commission, 2023b

The Secretariat of the Cabinet of Ministers conducts quality assurance and coordination of draft documents at the final stages of the process

p. 5 in European Commission, 2023b

Planning and coordination mechanisms for Ukraine's European integration process are in place.

p. 7 in European Commission, 2023b

A number of measures have been taken to make public registers secure, for example storing certain data on servers outside the country.

p. 9 in European Commission, 2023b

Based on opinion surveys, public trust has been growing in recent years (in 2021, 15.5% of respondents trusted the judiciary, while in 2023 it was 24.8%).

p. 11 in European Commission, 2023b

The allocation of cases to judges within a court is based on a random (automatic) system based on objective criteria established by procedural law which, in theory, cannot be influenced by a court president or other judges.

p. 17 in European Commission, 2023b

Ukraine took large-scale legal, institutional and practical measures to ensure the security of court premises and the safety of judges and staff.

p. 17 in European Commission, 2023b

Domestic handling of atrocity crimes Ukrainian authorities have been confronted with the unprecedented scope and gravity of atrocities committed by the Russian Army.

p. 18 in European Commission, 2023b

Following the filing of two ad hoc declarations by the Government of Ukraine accepting the jurisdiction of the International Criminal Court (ICC), Ukraine proactively collaborates with and supports the ICC's Office of the Prosecutor (ICC OTP).

p. 20 in European Commission, 2023b

The High Anti-Corruption Court (HACC) was launched in September 2019 as the main court for adjudicating high-level corruption cases investigated and prosecuted by NABU and SAPO.

p. 20 in European Commission, 2023b

The HACC has continuously increased its overall operational performance and output since its launch.

p. 21 in European Commission, 2023b

In 2013-2022, Ukraine's performance in the Corruption Perceptions Index (CPI) increased from 25 to 33 points (maximum score is 100).

p. 21 in European Commission, 2023b

There is an increase in the share of the population with a negative attitude towards corruption – in 2021, the share was 49% and in 2022 57%.

p. 21 in European Commission, 2023b

More are willing to report corruption cases than in previous years.

p. 21 in European Commission, 2023b

Also, the share of the population and business representatives that support the activities of whistle-blowers has increased – 65% of the population and 86% of business representatives support these activities

p. 22 in European Commission, 2023b

It applies a detailed model methodology and provides guidance in developing institutional anticorruption programmes.

p. 22 in European Commission, 2023b

Ukraine's conflict of interest framework is comprehensive and largely aligned with international anti-corruption standards.

p. 22 in European Commission, 2023b

The NACP is well positioned to conduct monitoring and control over compliance with conflicts of interest legislation.

p. 22 in European Commission, 2023b

The NACP has launched the process of preparation of a new law on lobbying.

p. 23 in European Commission, 2023b

After the appointment, the office stepped up inter-agency cooperation with NABU and reactivated high-profile cases.

p. 23 in European Commission, 2023b

The new Director of NABU was appointed in March 2023 by the Cabinet of Ministers following a merit-based and transparent selection process conducted with the participation of international members in the selection commission.

p. 23 in European Commission, 2023b

NABU has been successfully leading complex high-level investigations and is among the most trusted law enforcement agencies in Ukraine.

p. 24 in European Commission, 2023b

Corresponding amendments to the Criminal Code, Criminal Procedure Code and Tax Code, and to other legislative acts are being prepared for the full implementation of the norms of the OECD Anti-Bribery Convention and the recommendations of the OECD Council.

p. 24 in European Commission, 2023b

To reduce the influence of oligarchs on politics, in September 2021 the Parliament passed the Law on prevention of threats to national security associated with the excessive influence of people with significant economic and political weight in public life (oligarchs).

p. 24 in European Commission, 2023b

The adoption of the law and the announced preparation of the register of oligarchs led some of those possibly affected giving up ownership of certain assets to avoid meeting the criteria for being identified as an oligarch under the law.

p. 27 in European Commission, 2023b

The aim among other things is to monitor observance of human rights and fundamental freedoms by the police in relation to police conduct.

p. 28 in European Commission, 2023b

This is based on the Ombudsman+ model, with a strong focus on joint work with civil society organisations

p. 28 in European Commission, 2023b

It is available through the country, with 600 offices and 3000 probation officers.

p. 28 in European Commission, 2023b

There is a special probation infrastructure for juveniles, separate from adult probation.

p. 29 in European Commission, 2023b

The creation of the new Ukrainian Autocephalous Orthodox Church at the beginning in 2019 did not lead to significantly heightened tensions among Orthodox churches and communities, but to a large part of orthodox believers moving away from the Moscow Patriarchate, which is still ongoing.

p. 29 in European Commission, 2023b

With these measures, Ukraine aims to prevent foreign interference from Russia through a religious entity, while not targeting ordinary followers of the church.

p. 29 in European Commission, 2023b

Concrete efforts have been made regarding Holocaust education and remembrance.

p. 31 in European Commission, 2023b

The selection and appointment of candidates takes place on a competitive basis.

p. 32 in European Commission, 2023b

This is repeated in the Law on culture as well as in other related legislation.

p. 32 in European Commission, 2023b

These professional organisations are involved in public councils that organise dialogue with the government and local authorities, for instance with Suspilne.

p. 33 in European Commission, 2023b

Restrictions on these rights linked to COVID-19 are no longer in force.

p. 33 in European Commission, 2023b

On property rights, there has been a focus on modernising and strengthening these rights since 2013

p. 33 in European Commission, 2023b

The government undertook a number of measures to ensure the legal continuity of property rights and take war damages into account.

p. 33 in European Commission, 2023b

This enables people to claim and receive compensation for property that has been damaged or destroyed as a result of Russia's full-scale invasion.

p. 33 in European Commission, 2023b

In the area of non-discrimination, Ukrainian society remains open in general and tolerant towards respecting persons in vulnerable situations.

p. 33 in European Commission, 2023b

The Ukrainian constitution guarantees protection against discrimination.

p. 33 in European Commission, 2023b

The law on the principles of preventing and combating discrimination in Ukraine prohibits discrimination on different grounds with race, colour, political, religious and other beliefs, sex, age, disability, ethnic or social origin, family and property status, place of residence and language receiving explicit protection.

p. 34 in European Commission, 2023b

The National Police of Ukraine introduced a new data collection form to investigate hate crimes and offences as part of the reporting system.

p. 34 in European Commission, 2023b

The Cabinet of Ministers adopted the 2030 state strategy on ensuring equal rights and opportunities for men and women in August 2022.

p. 34 in European Commission, 2023b

The strategy is a comprehensive document that addresses among others gender inequality and women's participation in public institutions, economics and environmental issues.

pp. 34 – 35 in European Commission, 2023b

In the same period, Ukraine revised the National Action Plan on UN Security Council Resolution 1325 on women, peace and security to address the changing realities in the country and include measures on conflict-related sexual violence.

p. 35 in European Commission, 2023b

Ukrainian authorities have committed to establish a comprehensive response system, including one-stop response centres in the regions to assist the victims, as well as the establishment of investigation mechanisms.

p. 35 in European Commission, 2023b

In May 2022, a memorandum of cooperation was signed between the government and the UN on the prevention and counteraction of sexual violence in wartime.

p. 35 in European Commission, 2023b

Gender equality has also been defined among seven cross-cutting priorities of the government's recovery plan

p. 35 in European Commission, 2023b

Since February 2022, all positions in the Ukrainian armed forces have been opened to women, and in March 2023 more than 60 000 women were serving in the armed forces, a large part being on the frontline of combat operations.

p. 35 in European Commission, 2023b

This is accompanied by increased acceptance of equal rights for women soldiers in Ukrainian society.

p. 35 in European Commission, 2023b

Ukraine has furthermore signed the Safe Schools Declaration, which aims at protecting children and ensuring their right to education in the context of conflict and war.

p. 35 in European Commission, 2023b

Since 2021, the state guarantees a right to all medical services, with equal funding and equal access for children.

p. 35 in European Commission, 2023b

Monetary benefits are provided for children, with higher rates for children with disabilities.

p. 36 in European Commission, 2023b

The 2017 Law on education introduced protection with special educational needs.

p. 36 in European Commission, 2023b

UNICEF has an agreement with the Ministry of Social Policy and the President's Office to support them in the deinstitutionalisation planning process, including the short-term ambition of reunifying or placing all children

who are in institutions as quickly as possible in safe, supported biological or foster families.

p. 36 in European Commission, 2023b

In 2010, Ukraine ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol.

p. 36 in European Commission, 2023b

The National Strategy for Barrier-free Environment in Ukraine, covering the period up to 2030, was adopted in spring 2021

p. 36 in European Commission, 2023b

It provides a framework for empowering persons with disabilities to fully participate in society and ensures their fundamental rights.

p. 36 in European Commission, 2023b

In June 2023, Ukraine adopted the action plan for 2023-2024.

p. 37 in European Commission, 2023b

Surveys conducted in 2022 show that a majority is in favour of same-sex partnerships and equal rights for LGBTIQ persons.

p. 37 in European Commission, 2023b

In addition, Kyiv Pride was held on 25 June 2023 in Warsaw together with the city's Equality Parade, focusing on rights for LGBTIQ persons as well as on the support for Ukraine.

p. 37 in European Commission, 2023b

In March 2023, a draft bill on legalisation of same-sex marriage was introduced by MPs to Parliament and government has committed to approve the bill by the end of 2023.

p. 37 in European Commission, 2023b

Procedural rights are outlined and protected among others in the Law on the judiciary and status of judges and in the Criminal Procedure Code.

p. 38 in European Commission, 2023b

There are safeguards for children who are suspects and accused in criminal proceedings

p. 38 in European Commission, 2023b

Ukraine has been a party to the Council of Europe's Framework Convention for the Protection of National Minorities since 1998 and to the European Charter for Regional and Minority Languages since 2005.

p. 38 in European Commission, 2023b

On 13 December 2022, the Law on national minorities (communities) of Ukraine was adopted.

p. 40 in European Commission, 2023b

On 7 April 2023, the Ukrainian government adopted a state policy strategy on internal displacement until 2025, together with an operational plan for 2023-2025.

p. 40 in European Commission, 2023b

The strategy aims to properly address all issues related to internally displaced persons, and this at all stages: from the decision to relocate these persons to the period when a person decides to return to the liberated and safe territory.

p. 19 in European Court of Auditors, 2021

In the case of corruption, they focused mainly on institution-building, in particular by backing the establishment and operationalisation of anti-corruption institutions/agencies that aim to investigate, prosecute and adjudicate high-level corruption cases.

p. 28 in European Court of Auditors, 2021

SOEs are required by law to draft anti-corruption programmes.

p. 32 in European Court of Auditors, 2021

Reforming the judiciary has been one of Ukraine's highest priorities since it joined the Council of Europe in 1995

p. 33 in European Court of Auditors, 2021

One of the key achievements has been to simplify the court system and to create a new Supreme Court (projects 6, 7 and 15 in Annex II), which was set up in December 2017

p. 33 in European Court of Auditors, 2021

The projects in the judicial system delivered a majority of planned outputs

p. 33 in European Court of Auditors, 2021

According to the Council of Europe, the different legal amendments helped to formally achieve 90 % of the legislative and institutional objectives of the Justice Sector Reform Strategy and Action Plan

p. 35 in European Court of Auditors, 2021

Major progress was made in September 2019, when the President signed the law revamping the prosecutor's office.

p. 36 in European Court of Auditors, 2021

A competition to recruit new prosecutors took place in 2015.

pp. 37 – 38 in European Court of Auditors, 2021

In the latter case, an innovative procedure was used with the Public Council of International Experts – a special advisory body of recognised international legal experts – assisting the HCJ.

p. 41 in European Court of Auditors, 2021

Civil society initiated the “ProZorro” and “DoZorro” e-public-procurement platform to ensure transparency and monitoring

p. 41 in European Court of Auditors, 2021

Civil society also developed the “politically exposed persons” platform.

p. 43 in European Court of Auditors, 2021

The creation of the open data portal⁵⁹ was a major step towards increasing transparency and reducing corruption opportunities.

p. 49 in European Court of Auditors, 2021

NABU's statistics show that there has been progress in terms of open investigations

pp. 49 – 50 in European Court of Auditors, 2021

Its capacity to investigate high-level cases has significantly increased, in particular when compared with the number of high-level profiles that were investigated before NABU was set up

p. 51 in European Court of Auditors, 2021

Through its political dialogue, the EU together with other donors successfully lobbied for a law (eventually adopted in October 2019) enabling NABU to carry out undercover investigations with wiretapping.

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p. 4 in European Commission, 2019c

Gradual implementation of the 2015-2020 national strategy and action plan on human rights is ongoing.

p. 11 in European Commission, 2019c

Qualification assessment of judges resumed in March 2019 following a break due to the focus of the HCJ on the HACC and second Supreme Court competition.

p. 2 in European Commission, 2019c

Since the new Government and Parliament started their work, rapid legislative activity has resumed, reflecting the high demand from the citizens of Ukraine, in particular on economic reforms and rule of law.

p. 4 in European Commission, 2019c

Following the new President's veto on this law in September, a working group was set up in the Parliament to elaborate changes to the text based on the President's proposals.

p. 3 in European Commission, 2019c

After the Constitutional Court ruled the provisions of the Criminal Code on illicit enrichment unconstitutional in February, Parliament adopted a new law on 31 October 2019 reinstating illicit enrichment as a criminal offence

p. 10 in European Commission, 2019c

In June 2019, the Constitutional Court declared the requirement for anti-corruption activists to submit annual electronic asset declarations to be unconstitutional.

pp. 15 – 16 in European Parliament, 2021

recognises the active efforts initiated by President Zelenskyy and taken by political stakeholders to restore legislation and the credibility of the Ukrainian anti-corruption architecture

p. 16 in European Parliament, 2021

urges the Ukrainian authorities to continue their efforts to reinstate a fully operational, effective and comprehensive institutional architecture to fight corruption, including in the judiciary, while fully preserving the latter's independence from the executive and legislative power

p. 11 in European Parliament, 2021

Commends Ukraine for the progress it has made in reforming its public administration and stresses the importance of not slowing down further progress and of submitting any temporary appointments during the COVID-19 period to merit-based recruitment procedures as soon as possible;

p. 4 in European Commission, 2022d

Work on amendments to the Electoral Code to implement previous international and domestic recommendations is underway within a working group in Parliament.

p. 9 in European Commission, 2022d

Legislation related to the NAPC has largely been restored with effect ex nunc, including the powers and role of the NAPC in the asset declaration system.

p. 9 in European Commission, 2022d

They provide the Bureau with a firm legal basis and foresee an independent selection of its Director.

p. 7 in European Commission, 2022d

In March 2021, meritbased recruitment was restored.

p. 9 in European Commission, 2022d

In October 2021, amendments to the NABU law were adopted.

p. 9 in European Commission, 2022d

The HACC was, after long delays, allocated permanent premises.

p. 9 in European Commission, 2022d

They concerned the reform of the HCJ, which is responsible for appointments and disciplinary proceedings, and the re-establishment of the HQCJ which conducts the selection procedures for judges.

p. 9 in European Commission, 2022d

On 31 December 2021, a new permanent Director of the State Bureau of Investigation (SBI) was appointed after a long period of vacancy.

p. 10 in European Commission, 2022d

In 2021, the National Strategy in the Field of Human Rights was updated and the Action Plan for its implementation until 2023 was adopted by relevant authorities.

p. 2 in European Commission, 2020c

A new Electoral Code, which harmonises rules for all types of elections, was adopted in December 2019 and amended further in July 2020 to address technical shortcomings.

p. 5 in European Commission, 2020c

A new Electoral Code harmonising the rules for all types of elections, was adopted in December 2019 and has entered into force, ahead of nationwide local elections in October 2020.

p. 5 in European Commission, 2020c

In July 2020, shortly before the start of the electoral process, Parliament addressed some of the technical shortcomings,

strengthened electoral justice and introduced new important changes to the electoral rules

p. 7 in European Commission, 2020c

Under the new Electoral Code, enfranchising Internally Displaced Persons (IDPs), the latter were able to vote in the nationwide local elections held on 25 October.

p. 10 in European Commission, 2020c

Building the capacity of the Court, including through recruitment of staff, has continued.

p. 11 in European Commission, 2020c

While marked by tension, relations between the management of NABU and SAPO - as well as cooperation between the two institutions - have improved since the summer of 2019, contributing to HACC verdicts.

p. 11 in European Commission, 2020c

It foresaw the involvement of international experts in the selection and vetting of judicial governance bodies, and a reduction in the maximum number of judges of the Supreme Court from 200 to 100, as well as their renewed vetting.

pp. 5 – 6 in European Commission, 2020c

Following the adoption of the new Strategy, a new Human Rights Action Plan is foreseen to be elaborated, under the lead of the Ministry of Justice, containing clearer results indicators.

p. 7 in European Commission, 2020c

There has also been progress in implementing by-laws on the access of IDPs to social benefits, especially for IDPs with special needs.

p. 7 in European Commission, 2022c

A new Electoral Code, which regulates all types of elections, was adopted in 2019, to bring the law overall in line with relevant international standards.

p. 7 in European Commission, 2022c

The Code introduced inter alia an open-list proportional representation system, enfranchised internally displaced persons, and strengthened gender quotas.

p. 7 in European Commission, 2022c

Some recommendations were issued which are being followed-up

p. 7 in European Commission, 2022c

Measures have been taken to support the registration of civil society organisations, and simplify rules on reporting and taxation

p. 9 in European Commission, 2022c

Since the Revolution of Dignity in 2014, Ukraine undertook two rounds of judicial and anticorruption reforms (in 2014-2016 and in 2020-21) to align the judicial system with the principles of the rule of law, to strengthen judicial independence and accountability and to set up independent anti-corruption bodies.

p. 9 in European Commission, 2022c

These reforms also had the aim of making the system more efficient and transparent.

p. 9 in European Commission, 2022c

The first round of justice reforms culminating in constitutional amendments in 2016 succeeded in streamlining the court system from a four to a three-tier one

p. 9 in European Commission, 2022c

Judicial appointments were opened to the entire legal profession and a more transparent judicial selection system was introduced.

p. 9 in European Commission, 2022c

An important addition to the judicial system was the establishment in 2019 of the High Anti-Corruption Court, facilitated by a strong engagement of Ukrainian civil society and the international community.

p. 10 in European Commission, 2022c

These reforms have the potential not only to build an independent and accountable judiciary, but also to reduce the influence of vested interests who used the current judicial governance system to undermine the rule of law in Ukraine.

p. 10 in European Commission, 2022c

To deal with the systemic problem of non-enforcement of domestic court decisions, in 2020, the Government adopted a Strategy on the resolution of non-enforcement of court decisions where a state entity or state owned enterprise is a debtor.

p. 10 in European Commission, 2022c

At the end of 2019, an ambitious reform of the prosecution service was launched.

p. 10 in European Commission, 2022c

In 2021, the Prosecutor General successfully piloted a new procedure for a transparent and merit-based selection of management-level prosecutors.

p. 10 in European Commission, 2022c

In 2022, work has started on turning this interim procedure into a permanent one, and on improving the disciplinary system for prosecutors.

p. 10 in European Commission, 2022c

Increased transparency and preventive measures have brought tangible results in reducing the space for corruption across various sectors.

p. 11 in European Commission, 2022c

Ukraine successfully pursued major reforms to prevent corruption and protect the state budget, particularly in relation to public procurement, public service delivery, energy, banking and the health sector.

p. 11 in European Commission, 2022c

Transparent and comprehensive electronic systems for asset declarations for public officials was put into operation in 2016.

p. 11 in European Commission, 2022c

Similarly, a new international awardwinning electronic system for public procurement Pro-Zorro (and its spin off Pro-Zorro Sale) were introduced to boost transparency in previously opaque procurement processes

p. 11 in European Commission, 2022c

After 2014, the Ukrainian civil society and the international community played a key enabling role in the establishment of specialised anti-corruption institutions, namely the National Anti-Corruption Bureau (NABU), the Specialised Anti-Corruption Prosecution Office (SAPO), the National Agency for Prevention of Corruption (NAPC), the Asset Recovery and Management Agency (ARMA) and the High Anti-Corruption Court (HACC).

p. 12 in European Commission, 2022c

A so-called “Anti-Oligarch law” was signed into law in November 2021, with the strategic objective to limit the excessive influence of oligarchs, by reducing their role in Ukraine’s economic, political, and public life.

pp. 13 – 14 in European Commission, 2022c

There is increasing tolerance and acceptance of lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) persons in the Ukrainian society and law enforcement is supportive in protecting LGBTIQ events.

p. 14 in European Commission, 2022c

Ukraine has undertaken various legal initiatives to improve the rights of the child and ratified the UN Convention on the Rights of the Child as well as acceded to the three Optional Protocols to the Convention.

p. 14 in European Commission, 2022c

It also endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed groups.

p. 14 in European Commission, 2022c

Previous shortcomings in investigating and prosecuting of torture and ill-treatment by law enforcement officials are being addressed by the creation of the Department for Procedural Oversight of Criminal Cases of Torture and Other Serious Violations by Law Enforcement at the Prosecutor-General's Office in October 2019

p. 20 in European Commission, 2022c

Judicial independence has been strengthened and independent anti-corruption bodies have been set up, including a well-functioning High Anti-Corruption Court.

p. 8 in European Commission, 2022c

Ukraine has continued to increase budget transparency since 2017.

p. 10 in European Commission, 2022c

The disposition time in civil and commercial litigious cases decreased to 122 days in 2020, compared to 129 days in 2018 which corresponds to a standard level of efficiency.

p. 11 in European Commission, 2022c

A modern e-case management system has been deployed by NABU, SAPO and HACC for facilitating investigations and adjudication of high-level corruption cases.

p. 13 in European Commission, 2022c

In 2021, Ukraine adopted a new National Human Rights Strategy 2021-2023 and an Action Plan to strengthen efforts to align structures and procedures of its public administration with the international framework.

p. 1 in European External Action Service, 2019a

Overall, the situation in the field of citizens' rights in Ukraine has improved compared to the previous reporting period.

p. 1 in European External Action Service, 2019a

The Election Code, which covers all types of elections, was adopted in December 2019 in an overall positive move towards the harmonisation of the electoral legislation.

p. 1 in European External Action Service, 2019a

The Code has resolved the long-standing problem of enfranchising IDPs and other mobile groups of citizens. Ukraine continues to be characterised by a vibrant civil society, which plays a key role in promoting reforms.

p. 2 in European External Action Service, 2019a

The Ukrainian authorities took several important steps in 2019, including the establishment of a High Anti-Corruption Court (HACC) and the re-boot of the National Agency for the Prevention of Corruption.

p. 2 in European External Action Service, 2019a

Progress was noted in this field, as demonstrated by the changes to the Criminal Procedural Code, which came into force at the beginning of 2019.

p. 2 in European External Action Service, 2019a

Furthermore, Ukraine adopted the Equal Opportunities Code, which protects employees against discrimination

p. 2 in European External Action Service, 2019a

Ukraine has made progress in the implementation of the recommendations of the Venice Commission concerning the Law on Education

p. 1 in European External Action Service, 2020

The Code enfranchised internally displaced persons (IDPs) and other mobile groups of the population, while also containing progressive provisions on gender representation and improving access to elections for persons with disabilities.

p. 2 in European External Action Service, 2020

The State Service on Ethnic Policy and Freedom of Conscience, which was established in the second quarter of 2020, is expected to develop a national strategy for minorities, and to contribute to drafting the Law on National Minorities, in close cooperation with representatives of national minorities and international interlocutors.

p. 1 in European External Action Service, 2021

Efforts of the Ukrainian authorities to adopt a more structured and coordinated approach to tackle hybrid threats, including disinformation, continued.

p. 1 in European External Action Service, 2021

The ban on blood donation of the LGBTI persons was lifted in February.

p. 3 in European External Action Service, 2021

express support to the authorities in their efforts to step up human rights-related initiatives.

p. 2 in European External Action Service, 2022

The Ukrainian government is actively pursuing accountability, with the help of the international community including the EU

p. 2 in European External Action Service, 2022

A major achievement in the area of freedom of expression and freedom of media was the adoption in December 2022 of the media law.

p. 2 in European External Action Service, 2022

In 2022, the Ukrainian Parliament adopted the law on national minorities (communities), a step in aligning Ukraine's national minority legislation with international and European standards and best practices.

p. 2 in European External Action Service, 2022

Ukraine's ratification of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in June 2022 is a major achievement and its implementation will be key

p. 1 in European Commission, 2023d

Ukraine has established a transparent and merit-based pre-selection system for the judges of the Constitutional Court and has completed an integrity-focused reform of the judicial governance bodies

p. 1 in European Commission, 2023d

Ukraine has strengthened the fight against corruption by continuously building a credible track-record of corruption investigations and convictions and ensuring transparent appointments of the heads of the key anti-corruption agencies.

p. 1 in European Commission, 2023d

It has taken additional systemic measures to ensure sustainability of its anti-corruption efforts, including by restoring the electronic asset declaration system, albeit with certain shortcomings, and implementing the state anti-corruption programme.

p. 1 in European Commission, 2023d

Ukraine has strengthened its anti-money laundering framework, including the alignment of its legislation, notably the definition of politically exposed persons, with the FATF standards, and has adopted a comprehensive strategic plan and action plan for the reform of the law enforcement sector

p. 1 in European Commission, 2023d

Ukraine has also stepped-up systemic measures against oligarchs in such areas as competition and political party funding while postponing the application of the anti-oligarch law.

p. 2 in European Commission, 2023d

Progress was achieved in some cases, with judicial reforms advancing, for instance in Albania, Moldova, Serbia and Ukraine

p. 1 in European Commission, 2023d

While the introduction of martial law has led to the derogation of certain fundamental rights, the measures taken are temporary and overall proportionate to the situation in the country

p. 1 in European Commission, 2023a

There is a certain amount of inter-agency cooperation,

p. 1 in European Commission, 2023b

The application of martial law has overall been proportionate.

p. 1 in European Commission, 2023b

Democracy Despite Russia's full-scale invasion in February 2022 and ongoing war of aggression, Ukraine has continued to make progress on democratic and rule of law reforms.

p. 1 in European Commission, 2023b

The granting of EU candidate status to Ukraine in June 2022 has led to a further acceleration of reform efforts

p. 1 in European Commission, 2023b

Key recommendations in the latest OSCE/ODIHR election observation mission reports were addressed

p. 1 in European Commission, 2023b

The electoral code adopted in 2019 harmonised all electoral procedures.

p. 1 in European Commission, 2023b

It introduced, among other things, an open-list proportional representation system and enfranchised internally displaced persons.

p. 1 in European Commission, 2023b

Following the 2020 local elections, work on a comprehensive revision of the electoral code has been ongoing, and the process has been transparent and inclusive.

p. 1 in European Commission, 2023b

The Parliament's rules of procedure are in place and are being amended successively in line with its roadmap for internal reform and capacity building

p. 2 in European Commission, 2023b

In 2020, an amended version of the law on political parties was prepared in a broad consultation and on the basis of a joint OSCE/ODIHR and Venice Commission Opinion.

p. 3 in European Commission, 2023b

Measures were taken to support the registration of civil society organisations and simplify rules on reporting and taxation, for instance the amendments to the Law on volunteering.

p. 3 in European Commission, 2023b

Since the start of Russia's war of aggression, Ukraine's civil society has not only maintained its critical watchdog function but has also stepped up its efforts in terms of service provision, volunteering, humanitarian and human

rights action, complementing the work of public administration and government.

pp. 3 – 4 in European Commission, 2023b

The action plan for the implementation of the national civil society strategy until 2024 was approved in February 2023 and contains 43 tasks across all four specific objectives of the strategy, which aim at improving the system for public participation in government policy-making, creating an enabling environment for civil society development and promote participation of CSOs in the social and economic development of Ukraine and strengthen intersectoral cooperation

p. 4 in European Commission, 2023b

As part of human rights strategy implementation, work is ongoing to improve the anti-bullying legislation.

p. 8 in European Commission, 2023b

The reform of the two key judicial governance bodies – the HCJ and the HQCJ – was completed.

p. 9 in European Commission, 2023b

The reform started in July 2021 with the adoption of ambitious legislation that introduced robust integrity vetting for the HCJ sitting and candidate members, as well as integrity and professionalism checks of HQCJ candidates.

p. 9 in European Commission, 2023b

The legislation envisaged a temporary yet decisive role for independent experts nominated by international donors, including the EU, in the respective selection and vetting bodies

p. 9 in European Commission, 2023b

The reform was fully aligned with the relevant Venice Commission recommendations, 21 focusing on strengthening integrity and public trust in the judiciary.

p. 9 in European Commission, 2023b

With these appointments, the renewed HCJ reached 15 members and became operational again.

p. 9 in European Commission, 2023b

The integrity and professionalism check of 301 HQCJ candidates by the Selection Commission, composed of three national and three international experts, was completed in March 2023.

p. 9 in European Commission, 2023b

This corruption case highlighted on the one hand the robustness of the specialised anticorruption institutions established with strong EU support after the 2014 Revolution of Dignity

p. 9 in European Commission, 2023b

Good progress was achieved with the reform of the Constitutional Court of Ukraine (CCU)

p. 9 in European Commission, 2023b

In December 2022, Ukraine adopted a law to reform the selection procedure for future CCU judges

p. 10 in European Commission, 2023b

In July 2023, Ukraine adopted amendments to the CCU Law, which implemented the outstanding Venice Commission recommendations contained in its Opinions on CCU reform from December 2022 and June 2023.

p. 10 in European Commission, 2023b

Following the adoption of these amendments, the CCU selection reform has started to be implemented.

p. 10 in European Commission, 2023b

The 2021-2023 strategy for the development of the justice system and constitutional judiciary identified the main reform areas in the justice sector, including the reorganisation of local courts, reform of the key judicial governance bodies, consolidation of the Supreme Court key function to guarantee uniformity of jurisprudence, development of alternative dispute resolution, selection of new judges, prosecutorial reform, as well as the reform of the Constitutional Court.

p. 10 in European Commission, 2023b

Part of the reform measures contained in the strategy were duly implemented, in particular the reform of judicial governance bodies and the selection of CCU judges

p. 10 in European Commission, 2023b

In May 2023, the President of Ukraine approved a comprehensive strategic plan for the reform of law enforcement bodies for 2023-2027.

p. 10 in European Commission, 2023b

Among other measures, it provides broad reform guidance for the prosecution service, including the strengthening of its coordination role over the law enforcement agencies and raising legal certainty and uniformity of practice in criminal procedures

pp. 10 – 11 in European Commission, 2023b

An action plan, that will define the expected results, tasks and performance indicators for the strategic plan, is being finalised by the inter-agency working group and with the involvement of the EU experts. I

p. 11 in European Commission, 2023b

Its speedy adoption and steady and consequent implementation should lead to concluding the reform process in the area.

p. 11 in European Commission, 2023b

It resumed its functions only in June 2023 when the HCJ approved its new composition.

p. 12 in European Commission, 2023b

Following the 2014 Revolution of Dignity, Ukraine launched an extraordinary and generalised qualification evaluation (vetting) of judges based on professional competence, professional ethics and integrity requirements.

p. 12 in European Commission, 2023b

In recent years, Ukraine has implemented prosecutorial reform.

p. 12 in European Commission, 2023b

It includes the attestation of prosecutors – where all prosecutors in office are vetted by the HR commissions on the basis of integrity and professionalism criteria.

p. 13 in European Commission, 2023b

Following the Revolution of Dignity, Ukraine has reformed its rules on the selection of judges, introducing more transparency and meritocratic elements.

p. 13 in European Commission, 2023b

The new law improving the selection of judges was prepared in the Parliament's Legal Policy Committee and registered.

p. 13 in European Commission, 2023b

Once the introduction of new transparent and meritocratic rules on the selection and career advancement of prosecutors during the interim two-year prosecutorial reform period in 2019- 2021, several rounds of external recruitments of junior prosecutors took place following the improved rules, which included multiple tests of legal and practical knowledge, general skills as well as integrity checks.

p. 14 in European Commission, 2023b

Over the last few years, the State Judicial Administration has made efforts to interconnect the e-judiciary subsystems with the government electronic services portal Diia, the unified register of convicts, the social information system and others.

p. 15 in European Commission, 2023b

Based on the results of the audit, the e-judiciary system is expected to be upgraded to make the judiciary more efficient and transparent, as well as save costs and improve access to justice services for citizens and businesses.

p. 15 in European Commission, 2023b

This will boost efficiency, transparency and integrity in the criminal justice system.

p. 15 in European Commission, 2023b

In recent years, the Ukrainian judiciary has made major efforts to ensure the uniformity of court practice, which is a key element of the rule of law and legal certainty.

p. 15 in European Commission, 2023b

Several procedural filters were introduced in the Supreme Court, and the Grand Chamber of the Supreme Court became operational.

p. 16 in European Commission, 2023b

To deal with the systemic problem of non-enforcement of domestic court decisions, the government adopted a special strategy in September 2020 and an action plan to implement this strategy in March 2021.

p. 16 in European Commission, 2023b

The action plan envisaged among other things a revision of socialoriented legislation, additional enforcement mechanisms related to state-owned enterprises protected by moratoria, the improvement of legislation on bankruptcy, the introduction of efficient judicial control over the enforcement of court decisions, the improvement of enforcement procedures and expansion of powers of private bailiffs, and the creation of a register of court decisions rendered against state entities.

p. 16 in European Commission, 2023b

This therefore improves the protection of fundamental rights during the enforcement procedure.

p. 16 in European Commission, 2023b

It also duly addressed other war-related challenges, such as the transfer of enforcement cases and replacement of bailiffs, as well as enforcement proceedings that involve Russian residents.

p. 17 in European Commission, 2023b

As a result, Ukraine started taking significant measures to advance its comprehensive framework for addressing atrocity crimes at domestic level.

p. 17 in European Commission, 2023b

The National Police of Ukraine and the Security Service of Ukraine created specialist units to investigate atrocity crimes and strengthen interinstitutional cooperation; the Interagency Working Group on Investigating War Crimes was established.

p. 17 in European Commission, 2023b

To address this problem, the Office of the Prosecutor General started creating a modern e-case management system

p. 17 in European Commission, 2023b

Relevant Ukrainian authorities advanced their coordination with the civil society organisations involved in documenting such crimes.

p. 18 in European Commission, 2023b

There was some progress, in particular with establishing and consolidating a comprehensive anticorruption institutional framework and the gradual building of a steady track record in investigating, prosecuting and adjudicating corruption cases.

pp. 18 – 19 in European Commission, 2023b

This includes high-level convictions and cases moving forward in the courts against officials previously considered 'untouchable'.

p. 19 in European Commission, 2023b

Ukraine stepped up the implementation of reforms in the area of anti-corruption and continued to strengthen the anti-corruption framework after receiving EU candidate status.

p. 19 in European Commission, 2023b

The work conducted in particular by the Specialised Anti-Corruption Prosecutor's Office (SAPO) since its new head was appointed in July 2022, led to globally increased effectiveness of the anti-corruption institutions.

p. 19 in European Commission, 2023b

Ukraine has introduced some reform measures and stepped up efforts to build a credible track record of investigations, prosecutions and convictions of high-level corruption cases, and to some extent the seizure and confiscation of criminal assets.

p. 19 in European Commission, 2023b

The country continued to pursue a rigorous reform path to facilitate the effective functioning of key anti-corruption institutions for ensuring sound operational capacities

p. 21 in European Commission, 2023b

Findings from sociological surveys show a significant decrease in recent years in the share of citizens who have directly experienced corruption (in 2013, the share was 60%, in early 2020 not more than 40%).

p. 22 in European Commission, 2023b

Ukraine has made progress in strengthening its comprehensive framework for the protection of whistle-blowers.

p. 23 in European Commission, 2023b

In September, several new draft laws strengthening the SAPO's autonomy were registered in the Parliament.

p. 25 in European Commission, 2023b

In addition, in August, legislation strengthening the Anti-Monopoly Committee of Ukraine and restoring the financial reporting of political parties and the verification functions was adopted and later signed into effect.

p. 25 in European Commission, 2023b

The adopted strategy outlines highly relevant anti-corruption reforms across sectors and will also play an important 38 role in ensuring transparent and accountable reconstruction efforts in Ukraine.

p. 25 in European Commission, 2023b

The programme contains detailed, actionable measures across sectors and also provides a strategic framework for strengthening the key anti-corruption institutions.

p. 29 in European Commission, 2023b

A draft law on personal data protection was introduced in Parliament on 7 September 2022 and should be adopted to meet the requirements of both Convention 108+ (not yet signed and ratified by Ukraine) and the General Data Protection Regulation.

p. 29 in European Commission, 2023b

Despite stereotypes widely spread by pro-Russian disinformation, antisemitism in Ukraine is significantly less widespread and has been falling continuously in surveys for the last decade.

p. 29 in European Commission, 2023b

As stated by Jewish representatives in June 2023, previously existing low levels of antisemitism have been practically non-existent in Ukraine since the start of Russia's fully-scale invasion.

p. 30 in European Commission, 2023b

According to the Reporters without Borders global ranking of freedom of media, Ukraine improved its position 27 places from 106th to 79th place.

p. 31 in European Commission, 2023b

It also empowered the independent media regulator, which will now need sufficient resources to ensure its independence and sufficient capacities.

p. 37 in European Commission, 2023b

The National Human Rights Action Plan 2021-2023 envisages progress in the status of LGBTIQ persons, for instance by amending the Criminal Code of Ukraine to apply the notion of the term 'bias' as regards sexual orientation and gender identity.

p. 39 in European Commission, 2023b

The amendment to the Law on national minorities was adopted on 21 September to accommodate some of the Venice Commission comments, in particular those directly relevant to the law on national minorities (communities).

p. 4 in European Commission, 2023b

This provides a mechanism to allocate public funding at both national and local level, and a number of calls for proposals have been launched by several ministries and state funds, especially since the launch of online contest-based public funding for projects via the e-governance platform VzaemoDiia in 2021, which facilitated CSO access to public funding while increasing the transparency of the procedure.

p. 4 in European Commission, 2023b

The law on volunteering, amended in 2022, improved for instance the legal standing of volunteers in relation to their hosting organisations.

p. 8 in European Commission, 2023b

It enables the government to start filling more than 2 000 judicial vacancies and to resume the qualification evaluation (vetting) of sitting judges.

p. 16 in European Commission, 2023b

The draft law to streamline the enforcement of court decisions and improve the status of private bailiffs has been pending a second reading since July 2021.

p. 20 in European Commission, 2023b

By the end September 2023, 82 indictments against 203 persons were sent to court and it can be anticipated that the track-record will significantly increase, with the number of indictments likely being doubled in 2023 compared to previous years.

p. 20 in European Commission, 2023b

In 2022, it delivered 37 verdicts against 56 defendants in first instance and 22 verdicts against 27 defendants in second instance, which constitutes an increase over previous years (2021: 34 verdicts against 41 defendants in first instance, and 25 verdicts against 29 defendants in second instance; 2020: 22 verdicts against 25 defendants in first instance, and 8 verdicts against 10 defendants in second instance).

p. 20 in European Commission, 2023b

By the end of September 2023, the HACC has significantly increased its overall performance and delivered 48 verdicts against 64 defendants in first instance, and 26 verdicts against 32 defendants in second instance.

p. 22 in European Commission, 2023b

In September, the Parliament adopted a law restoring the e-asset declaration system and its verification functions by the NACP

p. 23 in European Commission, 2023b

A draft law has been registered in the Parliament to increase the number of NABU staff from 700 to 1 000.

p. 33 in European Commission, 2023b

The government is following up on this.

p. 33 in European Commission, 2023b

In February 2022, the Criminal Code of Ukraine was amended to protect citizens from self-interested property crimes during wartime

p. 34 in European Commission, 2023b

The National Council of Ukraine for Television and Radio Broadcasting currently formalises the criteria for identifying such violations and has the authority to take response measures against any media outlets that commit such violations.

p. 36 in European Commission, 2023b

Since then, the number of inclusive classes and accessibility of schools have increased significantly.

p. 36 in European Commission, 2023b

In February 2023, the President's Office committed to the goal of zero 50 children in institutional care and comprehensive childcare reform.

p. 36 in European Commission, 2023b

It provides for monitoring the barrier-free nature of the physical environment and transport, adapting them to the needs of persons with reduced mobility, as well as introducing new and improved state construction norms and standards.

p. 36 in European Commission, 2023b

The government announced that all restored infrastructure should be compliant with barrier-free environment standards by 2024.

p. 38 in European Commission, 2023b

In 2022, the right to free secondary legal aid was extended to people without documented Ukrainian citizenship, victims of criminal offences during hostilities and armed conflict, and to those deprived of their liberty in the context of Russia's war of aggression against Ukraine.

p. 38 in European Commission, 2023b

A draft Law on excessive length of proceedings was registered in September 2022.

p. 39 in European Commission, 2023b

This would allow Ukraine to reconsider the minority school system also in light of previous Venice Commission recommendations to ensure equal opportunities for persons belonging to national minorities, avoiding disproportionate interference with their rights.

p. 34 in European Court of Auditors, 2021

However, Ukraine's parliament approved a new bill in October 2019 reinstating criminal liability for this offence.

p. 35 in European Court of Auditors, 2021

In December 2020, the Rada reinstated the obligation to declare assets and criminal liability for false declarations with much weaker sanctions, and restored the NACP's powers.

p. 36 in European Court of Auditors, 2021

The 2015 reform of the prosecution system aimed to make prosecutors more professional, efficient and accountable.

p. 41 in European Court of Auditors, 2021

These tools help to expose corruption, and may discourage some corrupt practices

p. 52 in European Court of Auditors, 2021

When compared with the general courts where corruption cases have been stalling for many years, the HACC has started to show its first promising results.

● **S3: Positively Framed Insufficiency | 33 Quotations:**

p. 4 in European Commission, 2019c

The newly elected President of Ukraine, Volodymyr Zelenskyy, called early parliamentary elections for 21 July 2019, on which the International Election Observation Mission concluded that "fundamental rights and freedoms were overall respected and the campaign was competitive, despite numerous malpractices, particularly in the majoritarian races

p. 6 in European Commission, 2019c

In June 2019, women's marches marking International Women's Day, as well as the Kyiv Equality March were held peacefully, although some attacks on lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) events were recorded around the country.

p. 10 in European Commission, 2019c

After some internal conflicts, relations between the management of NABU and SAPO improved over the summer of 2019.

p. 16 in European Parliament, 2021

acknowledges the various forms of pressure and sabotage directed at the anti-corruption institutions as a reflection of the increasingly effective and successful fight against corruptio

p. 2 in European Commission, 2020c

up until the outbreak of the COVID-19 pandemic in Ukraine around this time, rapid legislative activity characterised the early months of the Parliament and Government, reflecting reform expectations from Ukraine's citizens.

p. 11 in European Commission, 2022c

These institutions have comprehensive mandates in line with international standards and operate increasingly independently, with required resources largely in place, while inter-agency coordination could be improved.

p. 11 in European Commission, 2022c

While Ukraine has made notable achievements in the preventive side of addressing corruption, the repressive side needs to be considerably strengthened.

pp. 20 – 21 in European Commission, 2022c

The legal and institutional framework ensuring the respect for fundamental rights is in place and overall complied with but implementation should be further improved

p. 6 in European Commission, 2022c

Relevant legislation is pending in the Parliament.

p. 9 in European Commission, 2022c

It also imposed new examinations and integrity checks for all sitting judges, which led to the resignation of more than one quarter of the judicial corps, about 2000 judges.

p. 2 in European External Action Service, 2019a

Overall, rights of persons belonging to minorities in Ukraine are respected, despite the limited allocation of funding and administrative resources for the promotion and protection of the rights of persons belonging to minorities

p. 1 in European External Action Service, 2020

International and domestic observers assessed the conduct of the elections as overall positive, although they also noticed various irregularities and legal shortcomings

p. 1 in European External Action Service, 2020

The rights of persons belonging to minorities in Ukraine are generally respected, despite the limited allocation of funding and administrative resources for the promotion and protection of their rights.

p. 1 in European External Action Service, 2021

The rights of persons belonging to minorities in Ukraine are generally respected, although funding and administrative resources for the promotion and protection of their rights could be enhanced.

p. 1 in European External Action Service, 2021

The adoption of a Roma Strategy in July 2021 marked a welcome development, although sufficient resources are still to be allocated for its implementation.

p. 2 in European External Action Service, 2022

Overall, while the legal and institutional framework regulating human rights is in place, and laws generally follow European and international standards, their implementation should be strengthened

p. 1 in European Commission, 2023d

It has continued to strengthen the protection of national minorities, in particular through amending the laws on minorities and on education, while further reforms as indicated by the Venice Commission are still to be implemented.

pp. 21 – 22 in European Commission, 2023b

In its final assessment report published in July 2023, the commission concluded that the agency was effective and independent overall but made a set of recommendations to strengthen it further.

p. 23 in European Commission, 2023b

In July 2022, the new head of SAPO was appointed by the Prosecutor General following the finalisation of a selection process that was largely transparent and merit-based, but which lasted more than 18 months.

p. 30 in European Commission, 2023b

Historical cases such as the murders of Georgiy Gongadze in 2000 and Pavlo Sheremet in 2016 have been followed up with renewed efforts in recent years, but still need to be concluded.

pp. 37 – 38 in European Commission, 2023b

Ukraine's legal system is not yet aligned with the EU acquis on procedural rights for suspects and accused persons in criminal proceedings, but measures are being taken in this direction: the presumption of innocence, the right to information about the main procedural rights, the right of access to a lawyer and the right to be present at the trial are provided.

p. 39 in European Commission, 2023b

The adopted accompanying implementing measures address the structures of regional centres of national minorities, financial support to public associations of national minorities, the methodology for using minority languages and the creation of consultative bodies on national minorities, as well as a state programme 'Unity in Diversity' for national minorities, but the implementing bodies remain to be underfunded.

p. 21 in European Commission, 2023b

The result in 2022 is the highest since the updated CPI methodology was launched and Ukraine now ranks 116 out of 180 countries in the CPI.

p. 21 in European Commission, 2023b

Among business representatives, 34 46% believe corruption has decreased and only 16% that it has increased in 2022.

p. 22 in European Commission, 2023b

Several legislative proposals on lobbying regulations were registered but not adopted yet.

p. 23 in European Commission, 2023b

Overall, 15 recommendations have been implemented; nine have been partially implemented satisfactorily; and seven recommendations remain unimplemented.

p. 24 in European Commission, 2023b

This has led to a decrease in profitability and resources, which has limited their ability to influence the political and media spheres.

p. 24 in European Commission, 2023b

Similarly, martial law has resulted in restrictions on the media and with it, the ability of oligarchs to shape public opinion and exercise traditional influence through the media channels they control or controlled.

p. 32 in European Commission, 2023b

An amendment to the Law on state support of media, guarantees of professional activity and social protection of journalists adopted in 2023 provides for specific guarantees

on the remuneration and social security for journalists, but does not include freelance journalists in its scope.

p. 33 in European Commission, 2023b

The introduction of martial law in February 2022 allows the government to introduce temporary restrictions on the right to peaceful assembly, for instance curfews, but it applies them with restraint.

p. 33 in European Commission, 2023b

Since the start of Russia's full-scale invasion, property rights in government-controlled territories have not been limited, apart from the possibilities for the Ukrainian armed forces to requisition property for their needs, in particular in areas near the frontline.

p. 36 in European Commission, 2023b

This led to a number of actions in 2022, even though they were limited by the impact of the Russia's full-scale invasion.

p. 38 in European Commission, 2023b

It proposes reducing the terms of consideration of civil, commercial and administrative cases, introducing a protection mechanism and providing compensation for plaintiffs, but still needs to be adopted.

● S4: EU Value Convergence | 28 Quotations:

p. 2 in European Commission, 2019c

underlining Ukraine's attachment to the democratic principles and values it shares with the EU,

p. 24 in European Commission, 2019c

As Ukraine remains committed to its reform path, the EU will continue to support these reforms and the implementation of the AA with its entire political, financial and technical means, including through its Delegation to Ukraine, the EU Advisory Mission for Civilian Security Sector Reform, the European External Action Service and the European Commission's Support Group for Ukraine.

p. 2 in European Parliament, 2022

whereas the people of Ukraine, the Republic of Moldova and Georgia have for years consistently demonstrated unwavering support for the European course of their countries, embracing European principles and values;

p. 2 in European Parliament, 2022

whereas the EU's relations with Ukraine, the Republic of Moldova and Georgia are based on ambitious association agreements and deep and comprehensive free trade areas (AA/DCFTAs), creating a conducive environment for political association, legislative approximation and economic integration

p. 2 in European Parliament, 2022

whereas Ukraine, the Republic of Moldova and Georgia all submitted both EU accession questionnaires in record time, demonstrating not only their great commitment to the EU's values, but also their great ability and will to achieve these objectives;

p. 4 in European Parliament, 2022

Acknowledges that Ukrainians, Moldovans and Georgians have continuously supported a pro-European orientation of their countries and deserve to live in free, democratic and prosperous countries that are proud and committed members of the European family;

p. 3 in European Parliament, 2022

Welcomes the membership applications of Ukraine, the Republic of Moldova and Georgia as an expression of the European aspirations of the people and their wish to live peacefully and in safety in free, democratic and prosperous countries that maintain good neighbourly relations with all European countries and engage in ever closer cooperation with EU Member States

p. 8 in European Parliament, 2021

Is satisfied that the OCSE/ODIHR election observation missions, with the participation of the European Parliament, assessed the 2019 presidential and parliamentary elections overall as competitive, well-administered and managed in an efficient way, which confirms Ukraine's attachment to the Union's democratic values and is particularly notable in the context of ongoing Russian efforts to destabilise Ukraine;

p. 20 in European Commission, 2022d

Continued demonstration of commitment to broader European norms and principles of good governance, for example as regards the corporate governance of state-owned enterprises and banks, would also serve Ukraine's cause in this regard, in the interest of its citizens.

p. 20 in European Commission, 2022d

While this war may, temporarily, slow the pace of Ukraine's implementation of some obligations and commitments undertaken in the context of the Association Agreement, including the DCFTA, it has not changed the fundamentals of the present report, nor weakened the determination of Ukraine to pursue its European path.

p. 2 in European Commission, 2022c

It has been an underlying motive for democratic changes over the past decade and a driver of a number of key reforms founded on European values.

p. 2 in European Commission, 2022c

Ukraine continued throughout the years as a resilient democracy moving closer to the European Union and gradually aligning with the acquis.

p. 13 in European Commission, 2022c

The legal and institutional framework regulating fundamental rights is in place and laws generally follow European and international standards

p. 20 in European Commission, 2022c

Ukraine is a vital parliamentary-presidential democracy with competitive elections at national and local level, based on a comprehensive constitutional, legislative and institutional framework which overall corresponds to European and international standards.

p. 21 in European Commission, 2022c

Ukraine is a European State which has given ample proof of its adherence to the values on which the European Union is founded.

p. 2 in European External Action Service, 2022

This is an important step in aligning Ukraine's media legislation with the EU acquis, and in particular with the Audio-visual Media Services Directive and as concerns the independence of the regulator.

p. 1 in European Commission, 2023d

Ukraine has aligned its media law with EU law.

p. 1 in European Commission, 2023a

It is partly aligned with the EU acquis

p. 2 in European Commission, 2023a

The specific provisions are partly aligned with the EU acquis

p. 2 in European Commission, 2023a

These rules are partly aligned with the EU acquis.

p. 3 in European Commission, 2023a

Legislation on asylum is broadly in line with the EU acquis, notably on the time it takes to process applications and the asylum applicants' rights, such as the right to access to employment, secondary education, family reunification and subsidiary protection

p. 19 in European Commission, 2023b

The Ukrainian authorities are committed to making continued efforts to achieve steady progress, but its sustainability needs to be monitored and further supported.

p. 25 in European Commission, 2023b

The government has made continued efforts and progress, despite the war, on aligning its legislation with international standards and the EU acquis.

p. 26 in European Commission, 2023b

At the same time, the government has maintained its respect of human and fundamental rights and has shown commitment to protecting them and further aligning them with the EU acquis

p. 29 in European Commission, 2023b

On personal data protection, Ukraine continued working on alignment with the EU acquis.

p. 30 in European Commission, 2023b

Ukraine has taken some steps to align with the Commission's recommendation on the protection, safety and empowerment of journalists.

p. 31 in European Commission, 2023b

The main achievement in the area of freedom of expression was the adoption of the Law on media in December 2022, which modernised the regulation of the entire sector and made an important step towards alignment Ukrainian legislation with the EU's Audiovisual Media Services Directive.

p. 33 in European Court of Auditors, 2021

As far as the adoption of legislation is concerned, the legal framework is more closely aligned with EU standards.

Appendix B: Coded Quotations per Category (Bosnia & Herzegovina)

• A1: Negative Circumstances | 926 Quotations:

p. 4 in European Commission, 2019b

Despite the establishment of a coordination mechanism on EU matters, the authorities could not agree to submit answers to 22 questions: one on the political criteria, four on regional policy, and 17 on education policies.

p. 5 in European Commission, 2019b

The parliamentary dimension of the SAA is not properly functioning.

p. 7 in European Commission, 2019b

The country faces a number of structural issues stemming from its complex institutional set-up coupled with ethnicity-related procedures that adversely affect its functionality.

p. 7 in European Commission, 2019b

Frequent disputes on the distribution of competences between the State and the entities affect their effective exercise and therefore the alignment of legislation with the *acquis* and its implementation in a large number of chapters.

p. 8 in European Commission, 2019b

The Constitution contains ethnic and residence-based provisions which are not in line with the European Convention on Human Rights.

p. 8 in European Commission, 2019b

The composition and decision-making of several administrative bodies are based on ethnic criteria, which risks affecting the implementation of the *EU acquis*.

p. 8 in European Commission, 2019b

Ethnic-based veto rights also could affect the work of the Parliament and of the entity legislative assemblies.

p. 8 in European Commission, 2019b

Such extensive international supervision is in principle incompatible with the sovereignty of Bosnia and Herzegovina and therefore with EU membership

p. 8 in European Commission, 2019b

The right to stand for election to the House of Peoples is restricted on the basis of ethnicity and residence, which is in breach of European standards.

p. 8 in European Commission, 2019b

‘Vital national interest’ vetoes and entity voting also affect the effective functioning of parliaments, risking to delay the adoption of legislation.

p. 8 in European Commission, 2019b

Legislative assemblies at state and entity level display a tendency to use urgent procedures to pass legislation related to *acquis*, adversely affecting the quality of the legislative alignment.

p. 9 in European Commission, 2019b

The complexity of its institutions leads to significant issues related to coordination and harmonisation of the country’s policy stances, notably with respect to the alignment with and implementation of legislation stemming from the *EU acquis*.

p. 10 in European Commission, 2019b

Corruption is widespread and all levels of government show signs of political capture directly affecting the daily life of citizens, notably in health, education, employment and public procurement matters.

p. 10 in European Commission, 2019b

Law-enforcement agencies are fragmented and vulnerable to undue political interference.

p. 10 in European Commission, 2019b

Prosecutors are not sufficiently proactive.

p. 10 in European Commission, 2019b

Financial investigations and asset seizures are largely ineffective.

p. 10 in European Commission, 2019b

The equality of all citizens is not ensured.

p. 10 in European Commission, 2019b

The Constitution of the Republika Srpska entity includes a provision on death penalty, in breach of European standards, and the country has not designated a national preventive mechanism against torture and ill-treatment.

p. 10 in European Commission, 2019b

Public broadcasters are subject to political influence; their financial sustainability is precarious

p. 14 in European Commission, 2019b

Bosnia and Herzegovina does not yet sufficiently fulfil the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, set by the Copenhagen European Council in 1993

p. 1 in European External Action Service, 2019b

However, “the lack of commitment to the rule of law throughout BiH remains a fundamental problem

p. 3 in European External Action Service, 2019b

The complex architecture of the BiH Constitution, adopted as an integral part (Annex IV) of the Dayton General Framework Agreement for Peace, aggravates the rule of law situation in BiH.

p. 3 in European External Action Service, 2019b

Institutional fragmentation as well as frequent disputes on the distribution of competences between levels of government have contributed to a difficult situation, not least in the area of rule of law.

p. 3 in European External Action Service, 2019b

Frequently, referring to the complex constitutional architecture and the difficulties in revising the constitutional set-up appears to serve as an excuse for not taking action, a pretext to evade difficult debates for finding workable solutions, where necessary through pragmatic compromises.

p. 4 in European External Action Service, 2019b

Overall, the current situation in BiH appears to be characterised by a considerable degree of “dysfunctionality” of public institutions at all levels and across the country.

p. 4 in European External Action Service, 2019b

Some key actors show no determination to address or overcome dysfunctions through coordination and cooperation.

p. 4 in European External Action Service, 2019b

Rather, they seem to do everything to obstruct any change that they consider not to be in their own interest.

p. 5 in European External Action Service, 2019b

The positivist and formalistic behaviour of many office holders at all levels often appears as a real obstacle to proper implementation.

p. 5 in European External Action Service, 2019b

In some cases, this is made worse by an attitude of passivity or even obstruction of office holders

p. 5 in European External Action Service, 2019b

There is a widespread perception in the country that in recent years judicial decisions were politicised, that the political parties had taken possession of the state, that office holders had conflicts of interest and mixed up their official mandate with their party/personal agenda

p. 7 in European External Action Service, 2019b

Non-implementation of a ECtHR ruling over a prolonged period is not only a violation of BiH’s international obligations, to which its Constitution refers, but also indicates a serious lack of determination of the country to respect the rule of law.

p. 7 in European External Action Service, 2019b

The failure to comply with the ECtHR’s more than ten years (!) old *Sejdić-Finci* case law has deprived citizens of their rights only because of not belonging to the “right group” or residing in the “wrong part” of the country.

p. 7 in European External Action Service, 2019b

Thus, not taking or not even attempting to take any serious action to urgently comply with this case law will, as a result

of this single issue only, put BiH at a high risk of being criticised for seriously obstructing rule of law principles and for not being really committed to promoting the rule of law.

p. 7 in European External Action Service, 2019b

Likewise, it is unacceptable that in Mostar, no local elections have been held for 10 years.

p. 8 in European External Action Service, 2019b

The civil judiciary is overburdened by an untenable backlog of over 1.9 million cases relating to unpaid utility bills

p. 8 in European External Action Service, 2019b

The outdated enforcement system, the lack of data on utility service users, including debtor’s registry per income category further aggravate the problem.

p. 8 in European External Action Service, 2019b

The legislator must take urgent action to unburden the courts from cases relating to unpaid utility bills, in particular by modernising procedural laws, including enforcement, and improving the corporate governance of publicly owned companies.

p. 8 in European External Action Service, 2019b

Another major source of citizens’ dissatisfaction with the civil justice system is the excessive length of court proceedings.

p. 8 in European External Action Service, 2019b

The BiH Constitutional Court has found violations of the reasonable time clause, guaranteed by the BiH Constitution and the ECHR, in hundreds of cases.

p. 9 in European External Action Service, 2019b

The weak trial management and lenient enforcement of procedural discipline by judges further contribute to lengthy proceedings.

p. 9 in European External Action Service, 2019b

Procedural terms are not strictly enforced, hearings are scheduled in an irregular manner over a long period of time and extension of deadlines is often permitted without serious justification

p. 9 in European External Action Service, 2019b

Efficiency of courts in business related matters, in particular in the areas of contract enforcement and bankruptcy must be significantly improved.

p. 9 in European External Action Service, 2019b

A particular problem persists at the level of the Supreme Court of FBiH which is facing an important backlog of cases relating to protection of veterans’ rights and risks being unable to deliver judgements within a reasonable time.

p. 10 in European External Action Service, 2019b

However, the Ombudsman is deeply politicised and lacks independence.

p. 10 in European External Action Service, 2019b

The criminal justice system in BiH is failing to combat serious crime and corruption.

p. 10 in European External Action Service, 2019b

The lack of coordination and cooperation among the participants of the criminal justice system (i.e. law enforcement bodies, prosecutor's offices and related courts on all levels of authority in BiH) inevitably creates conditions for serious dysfunctionality and lack of efficiency.

p. 10 in European External Action Service, 2019b

Such fragmentation and lack of cooperation has a strong negative impact both on the capacity and efficiency of law enforcement, especially in cases of high-level corruption

p. 11 in European External Action Service, 2019b

Prosecutors are failing to lead crime policy as well as criminal investigations

p. 11 in European External Action Service, 2019b

The quality of many criminal investigations is very low.

p. 11 in European External Action Service, 2019b

In some cases, prosecutors do not prosecute even when there is evidence to do so.

p. 11 in European External Action Service, 2019b

Failure to take obvious investigative steps has been observed, without due justification, particularly in cases dealing with high-level crime or involving 'high level persons'.

p. 11 in European External Action Service, 2019b

Perhaps the most serious problem identified relates to the receptiveness of prosecutors to undue influence and lack of individual independence.

p. 11 in European External Action Service, 2019b

Interference in ongoing cases, pressure, threats and intimidation of prosecutors, but also of judges, have been observed and are a cause of grave concern.

p. 11 in European External Action Service, 2019b

The Federation's lack of political will to establish specialised and independent departments for fight against corruption and organised crime within the FBiH Prosecutor's Office and FBiH Supreme Court is evident.

p. 11 in European External Action Service, 2019b

Like civil proceedings, criminal trials are excessively lengthy, cumbersome and inefficient

p. 11 in European External Action Service, 2019b

Judges are too lenient in the management of trials, allowing for lengthy gaps between hearings and frequent routine postponements with little or no justification

p. 11 in European External Action Service, 2019b

Some judges appear unwilling or unable to enforce the rule of law in the face of determined opposition from persons charged with serious criminal offences

p. 11 in European External Action Service, 2019b

The failure of some defendants to turn up in court is alarming.

p. 11 in European External Action Service, 2019b

It seems almost as if a criminal trial is optional for the accused.

p. 11 in European External Action Service, 2019b

The operational inefficiency in cases of corruption, complex financial crime and organised crime are a cause of particular concern

pp. 11 – 12 in European External Action Service, 2019b

In these cases the judicial system is clearly not functioning, which leads to impunity and lack of trust on the part of the citizens.

p. 12 in European External Action Service, 2019b

Widespread corruption in the public sphere and its strong link to organised crime is worrying.

p. 12 in European External Action Service, 2019b

In cases of high-level corruption unexplainable professional and legal mistakes, negligence, abuse of procedures and questionable court decisions have been observed.

p. 12 in European External Action Service, 2019b

These have no permanent mandate, are understaffed and are subordinated to the cantonal government time in office.

p. 12 in European External Action Service, 2019b

The lack of any meaningful follow-up in 47 cases submitted to the cantonal prosecutor's office is worrisome.

p. 13 in European External Action Service, 2019b

Although having a better record than some other countries in the region on dealing with war crimes, BiH struggles with serious delays internally, in particular regarding the most complex cases.

p. 14 in European External Action Service, 2019b

Over the last years, the HJPC has itself become part of the problem

p. 14 in European External Action Service, 2019b

Serious miscarriages of justice have become apparent due to lack of leadership capacity, allegations of politicisation and conflicts of interest, inefficient organization, insufficient outreach and transparency, and, finally, its failure to implement reforms.

p. 14 in European External Action Service, 2019b

No substantive disciplinary investigation has taken place.

p. 14 in European External Action Service, 2019b

Attempts to reform the HJPC Law have been obstructed by politicians for almost a decade.

p. 14 in European External Action Service, 2019b

These requirements limit open peer election by reducing the number of eligible candidates.

p. 14 in European External Action Service, 2019b

This makes elections to HJPC vulnerable to political pressure.

p. 15 in European External Action Service, 2019b

The problem of ethnic approach in the ranking lists is particularly acute in the case of court presidents and chief prosecutors.

p. 15 in European External Action Service, 2019b

There are evident difficulties with the transition towards a more quality-based system of evaluation of judges and prosecutors.

p. 17 in European External Action Service, 2019b

Numerous complaints have been made in particular during the public debate “Right to Justice”, that individual judicial office holders, sometimes in key positions, do not behave in line with these requirements.

p. 17 in European External Action Service, 2019b

The current system of just gathering asset declarations by judicial office holders on paper without carrying out any checks is pointless

p. 18 in European External Action Service, 2019b

This significantly affects the quality of justice.

p. 19 in European External Action Service, 2019b

Yet, some of their recent controversial positions at critical moments, by taking sides along entity or even ethnic lines, or by opposing stronger integrity standards in line with European recommendations, have suggested their vulnerability to external influence, hence their lack of independence.

p. 19 in European External Action Service, 2019b

The culture of transparency and accountability is under-developed.

p. 19 in European External Action Service, 2019b

Judges and prosecutors do not always act with sufficient transparency.

p. 19 in European External Action Service, 2019b

Judgments are not sufficiently reasoned.

p. 20 in European External Action Service, 2019b

Clearly, the present BiH Constitution as well as the entity constitutions adopted according to this this framework are not suitable to bring the country forward on its way to European integration and – independently from this – to enable it to progress further in consolidating as a stable democracy based on highest human rights standards and to enhance sound economic development.

p. 21 in European External Action Service, 2019b

The article “Responsibilities of and Relations Between the Institutions of Bosnia and Herzegovina and the Entities,” is probably a main source of the dysfunctionality of the country.

p. 21 in European External Action Service, 2019b

A small country of less than four million inhabitants with 14 different legal jurisdictions comprising the state itself, the two entities of the Federation BosniaHerzegovina and the Republika Srpska, the Brčko District and the 10 cantons in the Federation, suffers from what has been once called “institutional overkill”.

p. 23 in European External Action Service, 2019b

Civil justice proceedings are too laborious, complex and formalistic, and take an excessive amount of time.

p. 23 in European External Action Service, 2019b

The criminal justice system in Bosnia and Herzegovina is failing to combat serious crime and corruption.

p. 23 in European External Action Service, 2019b

The HJPC is widely perceived as an unaccountable power in the hands of persons serving the interests of a network of political patronage and influence

p. 23 in European External Action Service, 2019b

They are not suitable to bring the country forward on its way to European integration and to enable it to progress further in consolidating as a stable democracy based on the rule of law, highest human rights standards and to enhance sound economic development.

p. 7 in European Commission, 2021b

Montenegro and Bosnia and Herzegovina made no progress in their judicial reforms

p. 8 in European Commission, 2021b

Bosnia and Herzegovina is lagging behind, with no progress in strengthening its judiciary; in the absence of any meaningful actions, the overall integrity of the sector continued to deteriorate.

p. 8 in European Commission, 2021b

Bosnia and Herzegovina made no progress to tackle widespread corruption and signs of political capture

p. 8 in European Commission, 2021b

The legislative and institutional frameworks remain inadequate and too fragmented.

p. 11 in European Commission, 2021b

However, Kosovo, Serbia and Turkey only made limited progress in the fight against organised crime, with no progress in Bosnia and Herzegovina, where the contact point for cooperation with Europol is not yet operational.

p. 30 in European Commission, 2021b

The blockage of the State institutions is of deep concern and can only be overcome by political dialogue.

p. 30 in European Commission, 2021b

No progress was made as regards the functioning of the judiciary.

p. 51 in European Commission, 2021b

Regarding the political criteria, legislative and executive authorities had a low output due to political polarisation and the disruption caused by pandemic

p. 51 in European Commission, 2021b

Bosnia and Herzegovina's Constitution remains in breach of the European Convention on Human Rights (ECHR), following the Sejdić-Finci and related cases.

p. 51 in European Commission, 2021b

No progress was made in improving the electoral framework in line with European standards and ensuring transparency of political party financing.

p. 51 in European Commission, 2021b

Bosnia and Herzegovina has yet to address the recommendations by the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODIHR), the Venice Commission and the Council of Europe's Group of States against Corruption (GRECO).

p. 52 in European Commission, 2021b

No progress was made in this area over the reporting period.

p. 52 in European Commission, 2021b

Lack of commitment to judicial reform from political actors, and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 52 in European Commission, 2021b

During the pandemic, the negative effects of widespread corruption and signs of political capture continued to manifest strongly during the pandemic, directly affecting the wellbeing of citizens.

p. 52 in European Commission, 2021b

The selective and non-transparent prosecution and judicial follow-up of corruption cases is a cause of concern.

p. 52 in European Commission, 2021b

There are systemic shortcomings in the operational cooperation among law enforcement agencies and a very limited exchange of intelligence.

p. 52 in European Commission, 2021b

The police are vulnerable to political interference.

p. 52 in European Commission, 2021b

Financial investigations and asset seizures are largely ineffective.

p. 52 in European Commission, 2021b

Bosnia and Herzegovina has not taken any steps to establish cooperation with Eurojust.

p. 52 in European Commission, 2021b

No progress was made on guaranteeing freedom of expression and of the media, on protecting journalists against threats and violence by ensuring an appropriate judicial follow-up, nor on ensuring the financial sustainability of the public broadcasting system.

p. 52 in European Commission, 2021b

Challenges persist as regards the freedom of assembly, particularly in the Republika Srpska entity, where activists have been subjected to intimidation and judicial prosecution.

p. 6 in European Commission, 2020b

Bosnia and Herzegovina made no progress in the area of judiciary.

p. 6 in European Commission, 2020b

Obstructions to justice reform from political actors and from within the judiciary, and the poor functioning of the judicial system continued to undermine citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 7 in European Commission, 2020b

In Bosnia and Herzegovina no progress has been made.

p. 7 in European Commission, 2020b

The lack of harmonisation of legislation across the country and weak institutional cooperation and coordination continued to hamper the fight against corruption.

p. 7 in European Commission, 2020b

Bosnia and Herzegovina has seen no progress

p. 9 in European Commission, 2020b

In Bosnia and Herzegovina there has been no progress.

p. 9 in European Commission, 2020b

The authorities and the judiciary have not taken appropriate action to address the key priorities of the Commission opinion and the findings of the Expert Report on Rule of Law ("Pribe report").

p. 25 in European Commission, 2020b

After leaders spent a large part of the reporting period engaging solely in party politics, this period of little progress and Parliamentary backlog ended with the appointment of a new government in late 2019, 14 months after the general elections.

p. 26 in European Commission, 2020b

No progress was made in addressing the Opinion key priorities and the findings of the Expert Report on Rule of Law issues.

p. 26 in European Commission, 2020b

Political obstruction and resistance from within the judiciary to integrity reforms continue to undermine the citizens' enjoyment of rights and trust in institutions, as well as the fight against corruption and organised crime.

p. 26 in European Commission, 2020b

Criminal organisations take advantage of legal and administrative loopholes, and the police is vulnerable to political interference.

p. 45 in European Commission, 2020b

Regarding the political criteria, during most of the reporting period the Parliamentary Assembly of Bosnia and Herzegovina was blocked for political reasons, which resulted in a legislative backlog, and the Council of Ministers acted in caretaker function, pending the

appointment of a new government, which only took place in December 2019, 14 months after the general elections.

p. 45 in European Commission, 2020b

Bosnia and Herzegovina's Constitution remains in breach of the European Convention on Human Rights (ECHR), as per the Sejdić-Finci and related cases.

p. 45 in European Commission, 2020b

No progress was made in improving the electoral framework in line with European standards and ensuring transparency of political party financing.

p. 45 in European Commission, 2020b

No progress was made in ensuring an enabling environment for civil society.

p. 45 in European Commission, 2020b

Meaningful and systematic consultations with civil society remain to be ensured

p. 45 in European Commission, 2020b

Bosnia and Herzegovina is at an early stage with public administration reform (PAR) and there was no progress on ensuring a professional and depoliticised civil service and a coordinated countrywide approach to policy making.

p. 46 in European Commission, 2020b

No progress was made in this area during the reporting period

p. 46 in European Commission, 2020b

No appropriate action was taken to address the findings of the Expert Report on Rule of Law issues.

p. 46 in European Commission, 2020b

Integrity reforms have met resistance from within the judiciary.

p. 46 in European Commission, 2020b

Obstructions to judicial reforms from political actors and from within the judiciary and the poor functioning of the judiciary undermine citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 46 in European Commission, 2020b

No progress was made in addressing the Opinion key priorities and 2019 recommendations in this area, as well as the findings of the Expert Report on Rule of Law issues.

p. 46 in European Commission, 2020b

Corruption remained widespread and is a serious concern, with all levels of government showing signs of political capture directly affecting the daily life of citizens.

p. 46 in European Commission, 2020b

There are systemic shortcomings in the operational cooperation of law enforcement agencies and a very limited exchange of intelligence.

p. 46 in European Commission, 2020b

The police is vulnerable to political interference.

p. 46 in European Commission, 2020b

Challenges remain on freedom of assembly, notably in the Republika Srpska entity.

p. 46 in European Commission, 2020b

There was no progress on guaranteeing freedom of expression and of the media and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and ensuring the financial sustainability of the public broadcasting system.

p. 26 in European Commission, 2020b

Corruption remains widespread, and all levels of government show signs of political capture directly affecting the daily life of citizens

p. 11 in European Commission, 2019a

Frequent disputes on the distribution of competences between the State and the entities affect their effective exercise and therefore the alignment of legislation with the *acquis* and its implementation in a large number of chapters.

p. 11 in European Commission, 2019a

Such ethnic-based veto rights affect the work of the Parliamentary Assembly, risking to delay the legislative process.

p. 11 in European Commission, 2019a

Since 2009 the European Court of Human Rights (ECtHR) has established in the Sejdić-Finci, Zornić, Pilav and Šlaku decisions that these restrictions are in violation of the ECHR and its Protocols

p. 12 in European Commission, 2019a

The independence of the judiciary is not sufficiently guaranteed to shield it from all forms of politicisation and pressures

pp. 13 – 14 in European Commission, 2019a

In its 2005 opinion on the constitutional situation in Bosnia and Herzegovina and the powers of the High Representative,⁷ the Council of Europe's European Commission for Democracy through Law (Venice Commission), although recognising the use of the Bonn powers as beneficial for post-war Bosnia and Herzegovina, noted that 'such an arrangement is fundamentally incompatible with the democratic character of the state and the sovereignty' of Bosnia and Herzegovina, in particular since these powers may be exercised without due process and judicial control.

p. 14 in European Commission, 2019a

Such extensive international supervision is in principle incompatible with the sovereignty of Bosnia and Herzegovina and therefore with EU membership

p. 14 in European Commission, 2019a

The complex constitutional architecture and the frequent disputes on the distribution of competences between levels of government affect the alignment of legislation with the *acquis* and its implementation in a large number of chapters

p. 14 in European Commission, 2019a

The Constitution contains ethnic and residence-based provisions that are not in line with the ECHR and its Protocols.

p. 14 in European Commission, 2019a

Ethnic-based veto rights also adversely affect the work of the Parliamentary Assembly and of entity legislatures.

p. 14 in European Commission, 2019a

Bosnia and Herzegovina needs to strengthen the professionalism and impartiality of constitutional judges and the independence of the Constitutional Court, and ensure sustained compliance with its decisions at all levels of authority.

p. 14 in European Commission, 2019a

The executive powers of the Office of the High Representative needs to be phased out, as such an extensive international supervision is in principle incompatible with EU membership

p. 15 in European Commission, 2019a

The right to stand for election to the Presidency and the House of Peoples is restricted on the basis of ethnicity and residence, which is in breach of European standards, as the ECtHR has held since 2009 in its Sejdić-Finci case-law

p. 15 in European Commission, 2019a

Residents of the city of Mostar have not been able to vote in local elections since 2008, as the Parliamentary Assembly has not been able to replace the electoral provisions repealed in 2010 by the Constitutional Court.

p. 15 in European Commission, 2019a

The Parliamentary Assembly also failed to revise the Electoral Law in line with the 2016 Ljubić decision of the Constitutional Court on the Federation entity House of Peoples, leading to further legal uncertainty.

p. 15 in European Commission, 2019a

Persistent shortcomings include in particular those identified by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) in the final report of its 2018 election observation mission.

p. 15 in European Commission, 2019a

The lack of transparency of media ownership and the influence of political and business interests over editorial policies raise concerns about the ability of most media to provide unbiased political coverage.

p. 15 in European Commission, 2019a

Public broadcasters generally provide electoral contestants with free airtime during the official campaign period; however, some provide significant coverage to only one party or candidate.

p. 16 in European Commission, 2019a

The mere existence of a veto right is a deterrent to tabling legislative initiatives, including in the EU integration process, and should be clearly delimited at all levels.

p. 16 in European Commission, 2019a

Such ethnic-based veto procedures adversely affects the work of the Parliamentary Assembly, risking to delay the legislative process.

p. 17 in European Commission, 2019a

Yet, in the 2014-18 term, 88 laws out of 200 were adopted in fast-track procedure (44%).

p. 18 in European Commission, 2019a

Three cantonal assemblies have not established a gender equality committee.

p. 18 in European Commission, 2019a

Local elections in Mostar, which have not been held since 2008, need to be organised.

p. 18 in European Commission, 2019a

Ethnic-based veto procedures also adversely affect the work of the Parliament and of the entity legislative assemblies, and should be reconsidered.

p. 19 in European Commission, 2019a

The ECtHR has held since 2009 in its Sejdić-Finci case-law that these restrictions are in breach of ECHR and its Protocols.

p. 20 in European Commission, 2019a

The Constitutional Court has found this restrictions discriminatory in its decision

p. 20 in European Commission, 2019a

The participation of women in the executives across the country stands at around 20%, with Tuzla canton scoring highest at 25%, and Herzegovina Neretva canton lowest with no woman.

p. 22 in European Commission, 2019a

There has been no significant follow-up to the signature of the Charter on Cooperation between the Council of Ministers and civil society organisations in November 2017.

p. 25 in European Commission, 2019a

Reflecting the institutional set-up, the policy-making system in Bosnia and Herzegovina is fragmented.

p. 27 in European Commission, 2019a

This compromises the citizens' right to good administration

p. 27 in European Commission, 2019a

The citizens' right to access public information is regulated differently at the state and entity level

p. 29 in European Commission, 2019a

Enforcement capacity is weak, notably due to the fragmentation of law enforcement agencies.

p. 29 in European Commission, 2019a

Corruption is widespread and remains an issue of concern.

p. 29 in European Commission, 2019a

All levels of government show signs of political capture, directly affecting the daily life of citizens, notably in health, education, employment and public procurement matters.

p. 32 in European Commission, 2019a

However, the Republika Srpska entity has not repealed the conflicting provisions of its Constitution providing for an entity-level HJPC.

p. 32 in European Commission, 2019a

The Republika Srpska entity Law on the public prosecution service is equally incompatible with the state-level legislation as regards the conditions for the appointments of prosecutors and needs to be brought into line with the Law on HJPC and the transfer agreement with no further delay.

pp. 33 – 34 in European Commission, 2019a

However, the implementation of some reforms decided by the HJPC, notably on integrity and efficiency, has met resistance from within the judiciary in particular with regard to declaration of assets and performance appraisal.

p. 34 in European Commission, 2019a

This is worrying.

p. 34 in European Commission, 2019a

In practice, judges and prosecutors are vulnerable to pressures, including through self-censorship

p. 34 in European Commission, 2019a

Judges and prosecutors have been subject to politically motivated threats.

p. 34 in European Commission, 2019a

However, reassignments without a specific justification are possible, in particular in small courts; moreover, there is overall no control system in place.

p. 35 in European Commission, 2019a

The legal framework regulating disciplinary procedures is weak.

p. 35 in European Commission, 2019a

The system of appointment and career advancement of judges and prosecutors is not sufficiently based on merit, especially regarding presidents of courts and chief prosecutors.

p. 35 in European Commission, 2019a

Ethnic criteria often prevail over merit, which is a source of serious concern and is in conflict with EU principles.

p. 37 in European Commission, 2019a

However, the overall backlog for pending court cases amounts to 2.2 million cases, out of which approximately 1.9 million are unpaid utility bill cases.

p. 37 in European Commission, 2019a

This seriously harms judicial efficiency.

p. 38 in European Commission, 2019a

The mandate and capacities of this body are weak.

p. 39 in European Commission, 2019a

It does not have any legal basis to impose administrative sanctions if institutions do not cooperate, for example by failing to forward reports on the implementation of anti-corruption strategies or related action plans.

p. 40 in European Commission, 2019a

The Commission on Deciding on Conflict of Interests, established in September 2015, is not independent.

p. 41 in European Commission, 2019a

As regards conflict of interests, the legal framework at all levels is weak as regards both the rules themselves and the way in which they are implemented.

p. 41 in European Commission, 2019a

Lack of transparency seriously hinders the fight against corruption.

p. 43 in European Commission, 2019a

In the area of conflict of interests, the state-level commission has not taken any decision over the past year.

p. 43 in European Commission, 2019a

All levels of government show signs of political capture directly affecting the daily life of citizens, notably in health, education, employment and public procurement matters.

p. 44 in European Commission, 2019a

The European Court of Human Rights (ECtHR) delivered 6 judgments in 2018 finding that Bosnia and Herzegovina had violated rights guaranteed by the ECHR, most of them related to the protection of property and non-enforcement.

p. 44 in European Commission, 2019a

Since September 2016, the ECtHR has found violations of the ECHR in 10 cases (out of 11) relating mainly to the right to a fair trial

p. 44 in European Commission, 2019a

The Sejdić-Finci, Zornić, Šlaku and Pilav rulings have not been implemented as they require constitutional amendments to ensure the equality of political rights among all citizens.

p. 46 in European Commission, 2019a

The provision on the death penalty included in the Constitution of the Republika Srpska entity, even though not enacted in law, is not in line with European standards and needs to be repealed.

p. 46 in European Commission, 2019a

The Constitutional Court has recognised that charging court fees to unsuccessful claimants has resulted in the violation of human rights of victims of wartime sexual violence.

p. 46 in European Commission, 2019a

This judicial practice, which has a particularly detrimental impact on women, should be discontinued.

p. 47 in European Commission, 2019a

The media landscape, although comprising a relatively large number of media outlets, does not reflect real diversity and pluralism and is segmented on the basis of ethnic, business and political affiliation.

p. 47 in European Commission, 2019a

The authorities often downplay the intimidation of journalists, and their reaction, including public condemnation, is weak.

p. 47 in European Commission, 2019a

The BH Novinari association's free media help line recorded 58 cases of violation of journalists' rights in 2018, including 6 cases of physical assault, 17 threats, and 9 cases of political pressure.

p. 48 in European Commission, 2019a

In two occasions, a high-level political leader verbally attacked independent journalists in public.

p. 48 in European Commission, 2019a

There was no progress in 2018 in the investigation and prosecution of past attacks against journalists, and no convictions.

p. 49 in European Commission, 2019a

There is a high degree of online hate speech; criminal prosecution is based on the offence of inciting religious, ethnic and national hatred by means of internet or social networks.

p. 48 in European Commission, 2019a

Therefore, the three public service broadcasters are exposed to political influence, in particular through politically controlled steering boards, with a worrying trend of self-censorship

p. 49 in European Commission, 2019a

Journalism in Bosnia and Herzegovina is a precarious profession, with low wages and little job security and it is therefore prone to self-censorship

p. 49 in European Commission, 2019a

Violence, threats and political pressure against journalists are a cause for concern, with a worrying trend of self-censorship due to the lack of systemic institutional follow-up

p. 50 in European Commission, 2019a

While religious tolerance was symbolically promoted on some well-publicised occasions, cases of discrimination on religious grounds continue to occur, as do incidents targeting religious sites.

p. 50 in European Commission, 2019a

Several controversial cases concerning the construction of religious buildings or monuments on private or public land have been reported in the past decade.

p. 50 in European Commission, 2019a

The legislation provides for a number of grounds for restrictions, imposes excessive responsibility on assembly organisers (requiring their engagement with multiple

authorities), and does not differentiate between gatherings for commercial and non-commercial purposes.

p. 50 in European Commission, 2019a

Civil society organisations have also reported increasing attempts by authorities to restrict peaceful assemblies.

p. 50 in European Commission, 2019a

In late December 2018, peaceful protests by the 'Justice for David' movement in Banja Luka, which had been ongoing since March, were violently dispersed by the police.

p. 50 in European Commission, 2019a

Civil society activists dealing with sensitive issues such as war crimes and the fight against corruption, as well as human rights defenders, have been subject to threats, verbal abuse and physical attacks; women activists have received threats to their bodily integrity.

p. 51 in European Commission, 2019a

The country has been in breach of the ECHR since 2009 for discrimination as regards political rights, since citizens not identifying as Bosniaks, Croats or Serbs or residing in certain parts of the country are not allowed to stand for office in the state-level House of Peoples and Presidency (Sejdić-Finci case-law).

p. 51 in European Commission, 2019a

The Constitutional Court also found the electoral provisions for entity presidents and vice-presidents to be discriminatory.

p. 51 in European Commission, 2019a

The practice of 'two schools under one roof' was recognised as discriminatory by a final ruling of the Supreme Court of the Federation entity in 2014

p. 52 in European Commission, 2019a

Women are underrepresented in politics and public life.

p. 53 in European Commission, 2019a

The exploitation of children and child begging are issues of concern.

p. 53 in European Commission, 2019a

Only a small number of cases of violence against children are reported, resulting in few cases being brought before the courts.

p. 53 in European Commission, 2019a

Not all children in Bosnia and Herzegovina are covered by compulsory health insurance, and marginalised groups, such as the Roma 11, face multiple discrimination.

p. 54 in European Commission, 2019a

Persons with disabilities are among the most vulnerable groups

p. 54 in European Commission, 2019a

The law allows persons with disabilities to be deprived of legal capacity through a judicial process, which is in violation of the Convention.

p. 54 in European Commission, 2019a

Same-sex couples are continuously discriminated against, as the legal system fails to recognise their social and economic rights, including the right to family life.

p. 54 in European Commission, 2019a

The social inclusion of intersex and especially transgender persons, who are particularly marginalised, also needs to be improved.

p. 54 in European Commission, 2019a

Physical assaults have not led to indictments so far

p. 54 in European Commission, 2019a

In 2018 the Constitutional Court recognised that the authorities had violated the right to freedom of assembly of LGBTI persons and the prohibition of torture or inhuman or degrading treatment by failing to ensure the safety of the participants at the 2014 Merlinka Queer Film Festival as well as failing to conduct a thorough investigation and sanction the perpetrators of violence.

p. 54 in European Commission, 2019a

Practice is not fully in line with the ECtHR case-law and the acquis concerning the right to immediate access to a lawyer while in police detention.

p. 56 in European Commission, 2019a

The Roma are the most vulnerable and disadvantaged minority.

p. 56 in European Commission, 2019a

Roma women in particular face multiple forms of discrimination.

p. 56 in European Commission, 2019a

Prejudices and formalistic attitudes still hinder the social integration of the Roma.

p. 57 in European Commission, 2019a

Divided education also needs to be ended, overcoming the practice of ‘two schools under one roof’ and ensuring inclusive and quality education for all.

p. 57 in European Commission, 2019a

Gender-based violence, ill-treatment of detainees and the protection of minorities, including the Roma, are also issues of concern.

p. 5 in European Commission, 2020a

Regarding the political criteria, during most of the reporting period the Parliamentary Assembly of Bosnia and Herzegovina was blocked for political reasons, which resulted in a legislative backlog, and the Council of Ministers acted in caretaker function, pending the appointment of a new government, which only took place in December 2019, 14 months after the general elections.

p. 5 in European Commission, 2020a

Bosnia and Herzegovina’s Constitution remains in breach of the European Convention on Human Rights (ECHR), as per the Sejdić-Finci and related cases.

p. 5 in European Commission, 2020a

No progress was made in improving the electoral framework in line with European standards and ensuring transparency of political party financing.

pp. 5 – 6 in European Commission, 2020a

No progress was made in ensuring an enabling environment for civil society.

p. 6 in European Commission, 2020a

Bosnia and Herzegovina is at an early stage with public administration reform (PAR) and there was no progress on ensuring a professional and depoliticised civil service and a coordinated countrywide approach to policy making.

p. 6 in European Commission, 2020a

No progress was made in this area during the reporting period.

p. 6 in European Commission, 2020a

No appropriate action was taken to address the findings of the Expert Report on Rule of Law issues. I

p. 6 in European Commission, 2020a

Integrity reforms have met resistance from within the judiciary.

p. 6 in European Commission, 2020a

Evident signs of deterioration require urgent measures to strengthen the integrity and regain citizens’ trust in the judiciary, starting with a credible and rigorous system of verification of financial statements of judicial office holders.

p. 6 in European Commission, 2020a

Obstructions to judicial reforms from political actors and from within the judiciary and the poor functioning of the judiciary undermine citizens’ enjoyment of rights and the fight against corruption and organised crime.

p. 6 in European Commission, 2020a

No progress was made in addressing the Opinion key priorities and 2019 recommendations in this area, as well as the findings of the Expert Report on Rule of Law issues.

p. 6 in European Commission, 2020a

Corruption remained widespread and is a serious concern, with all levels of government showing signs of political capture directly affecting the daily life of citizens.

p. 6 in European Commission, 2020a

The police is vulnerable to political interference.

p. 6 in European Commission, 2020a

Challenges remain on freedom of assembly, notably in the Republika Srpska entity.

p. 6 in European Commission, 2020a

Significant reforms are needed to ensure that all citizens are able to exercise their political rights and to overcome the practice of ‘two schools under one roof’ and ensure inclusive and quality education for all.

p. 6 in European Commission, 2020a

There was no progress on guaranteeing freedom of expression and of the media and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and ensuring the financial sustainability of the public broadcasting system.

p. 7 in European Commission, 2020a

The reporting period was marked by the stalemate in forming the state-level and Federation entity governments following the October 2018 elections.

p. 7 in European Commission, 2020a

Nonetheless, the political environment remained polarised, with repeated calls from the Republika Srpska entity, in November 2019 and February 2020, to roll back reforms and to block State-level institution.

p. 8 in European Commission, 2020a

No legislative steps were taken to implement the comprehensive set of recommendations issued by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) and by the Council of Europe's Group of States against Corruption (GRECO).

p. 8 in European Commission, 2020a

Due to the Parliament's inaction following a decision of the Constitutional Court, local elections have not been held in Mostar since 2008.

p. 8 in European Commission, 2020a

In October 2019 the European Court of Human Rights (ECtHR) established in the Baralija case that there was discriminatory treatment of Mostar residents due to the State's failure to enable the conduct of democratic elections.

p. 8 in European Commission, 2020a

The Parliamentary Assembly was blocked for most of 2019 for political reasons, resulting in a heavy legislative backlog

p. 8 in European Commission, 2020a

Blockages continued in 2020 as well.

p. 9 in European Commission, 2020a

The Parliamentary Assembly of Bosnia and Herzegovina was blocked for most of 2019 due to the political dispute surrounding the appointment of a new state-level Council of Ministers.

p. 9 in European Commission, 2020a

This had heavy repercussions on the democratic functions of Parliament, with no progress in legislative work and lack of oversight of the executive

p. 9 in European Commission, 2020a

Citizens who do not declare themselves as Bosniaks, Croats or Serbs cannot be appointed to the state-level House of Peoples; since 2009 the ECtHR has established in its Sejdić-Finci case law that these restrictions are in breach of the Convention and its Protocols.

p. 10 in European Commission, 2020a

Bosnia and Herzegovina has made no progress in ensuring transparency of campaign financing and in preventing misuse of public resources.

p. 10 in European Commission, 2020a

There are no women among the political party leaders, and few in other party leadership positions.

p. 10 in European Commission, 2020a

A new Council of Ministers was not appointed until 23 December 2019, 14 months after the general elections.

p. 11 in European Commission, 2020a

The Constitutional Court of the Federation entity operates with only 5 judges out of 9; this seriously impairs its decision-making, which requires a quorum of five

p. 11 in European Commission, 2020a

Its panel on 'vital national interest' vetoes is not able to function with only 3 judges out of the 7 required.

p. 11 in European Commission, 2020a

The participation of women in the executives across the country stands at around 20%, with the Republika Srpska entity scoring the highest with 6 women out of 16 ministers (37.5%) and Herzegovina-Neretva Canton the lowest with no women among the ministers.

p. 11 in European Commission, 2020a

No progress was made in addressing the Opinion key priority 11 on ensuring an enabling environment for civil society, notably by upholding European standards on freedom of association and freedom of assembly.

p. 11 in European Commission, 2020a

Challenges remain, as exemplified in the case of the "Justice for David" movement in Banja Luka.

p. 12 in European Commission, 2020a

However, activists dealing with sensitive issues have been subject to threats, verbal abuse and physical attacks.

p. 12 in European Commission, 2020a

The distribution of public funds is not fully transparent and impartial.

p. 12 in European Commission, 2020a

Civil society organisations have reported increasing attempts to restrict freedom of assembly, in particular in relation to the 'Justice for David' movement in Banja Luka, whose activists have been subject to intimidation, fines, and judicial prosecution.

p. 12 in European Commission, 2020a

The Sarajevo Pride parade organisers also reported facing with several additional burdens, including extra costs for additional security requirements.

p. 13 in European Commission, 2020a

The policy-making system in Bosnia and Herzegovina remains fragmented.

p. 13 in European Commission, 2020a

The legislative framework on medium-term policy planning is incomplete and uneven.

pp. 13 – 14 in European Commission, 2020a

Otherwise, there has been no progress in developing harmonised legal provisions or methodological guidance for countrywide strategic planning.

p. 16 in European Commission, 2020a

This compromises the citizens' right to good administration.

p. 16 in European Commission, 2020a

Several institutions do not even respond to the recommendations addressed to them, although they are legally obliged to do so.

p. 16 in European Commission, 2020a

No progress was made during the reporting period.

pp. 16 – 17 in European Commission, 2020a

Obstruction of justice reform by political actors and from within the judiciary, and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 17 in European Commission, 2020a

The authorities and the judiciary have not taken action to address the findings of the Expert Report on Rule of Law issues.

p. 17 in European Commission, 2020a

Corruption is widespread and the fight against it has not advanced.

p. 17 in European Commission, 2020a

No progress was made in addressing the Opinion key priority 6

p. 17 in European Commission, 2020a

Two out of three of the 2019 recommendations remain outstanding.

p. 17 in European Commission, 2020a

The authorities and the judiciary have not taken appropriate action to address the findings of the Expert Report on Rule of Law ("Priebe report") issues

p. 17 in European Commission, 2020a

Reforms have also met resistance from within the judiciary, in particular with regard to declaration and verification of assets of judicial office holders and evaluation of judges and prosecutors.

p. 17 in European Commission, 2020a

Obstruction to justice reform from political actors and from within the judiciary, and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 18 in European Commission, 2020a

In the reporting period, numerous shortcomings have become evident in the independence, accountability and efficiency of the High Judicial and Prosecutorial Council

(HJPC), which have further significantly deteriorated trust in the judiciary

p. 18 in European Commission, 2020a

In addition, the President did not distance himself from political interference from other branches of government and took part in high-level political meetings.

p. 18 in European Commission, 2020a

This significantly undermines the independence and impartiality of the judiciary, and how it is perceived by the public.

p. 18 in European Commission, 2020a

The HJPC did not take adequate follow-up action in these cases, including of disciplinary nature, which remains a matter of serious concern.

p. 18 in European Commission, 2020a

In the context of the COVID-19 pandemic, the HJPC failed to promptly ensure the continuity of its own activities.

p. 18 in European Commission, 2020a

No measure was taken in 2019 to improve the independence and impartiality of the judiciary, which needs to be significantly strengthened in line with European standards, including through additional constitutional and legal safeguards.

p. 18 in European Commission, 2020a

Lack of impartiality and conflicts of interest continued to be displayed by courts, in particular at the state level.

p. 18 in European Commission, 2020a

The practice of deviating from the order in which the candidates have been ranked during appointment procedures, notably in the case of managerial positions, continued to be the rule rather than the exception during the reporting period, and is therefore a matter of serious concern.

p. 19 in European Commission, 2020a

Multiple ad-hoc appointment procedures make the system vulnerable.

p. 19 in European Commission, 2020a

Judges and prosecutors remain subject to internal and external pressure, including politically motivated threats and intimidation.

p. 19 in European Commission, 2020a

The citizens' and business world's perception of judicial independence significantly worsened during the reporting period.

p. 19 in European Commission, 2020a

There is no effective and transparent system for the submission, verification and processing of the asset declarations of judges, prosecutors, and members of the HJPC

p. 19 in European Commission, 2020a

This seriously affects the integrity of the judiciary.

p. 19 in European Commission, 2020a

Integrity reforms initiated by the HJPC have met resistance from within the judiciary, in particular with regard to the declaration and verification of assets of judicial office holders.

p. 19 in European Commission, 2020a

This is worrying.

p. 19 in European Commission, 2020a

This decision seriously undermines the integrity objectives of the justice reform and raises impartiality questions.

p. 20 in European Commission, 2020a

Disciplinary procedures continue to have little dissuasive effect.

p. 20 in European Commission, 2020a

There is no specific disciplinary measure for the violation of codes of ethics for judges and prosecutors.

p. 20 in European Commission, 2020a

There has been no progress in providing the disciplinary prosecutor with greater autonomy and independence from the HJPC.

p. 20 in European Commission, 2020a

The disciplinary panels are almost exclusively composed of HJPC members without clear selection criteria

p. 20 in European Commission, 2020a

There are no rules guaranteeing full independence and impartiality of the disciplinary panels or the right to judicial review of their decisions, except in cases of dismissals.

p. 20 in European Commission, 2020a

This is an extremely worrying precedent.

p. 20 in European Commission, 2020a

In 2019, the disciplinary panels composed of HJPC members have ruled that the HJPC President and members may not be subject to disciplinary procedures.

p. 20 in European Commission, 2020a

The appointment and career advancement of judges and prosecutors is not sufficiently based on merit and relies extensively on ethnic criteria or other considerations, especially for presidents of courts and chief prosecutors.

p. 20 in European Commission, 2020a

This is a source of serious concern.

p. 20 in European Commission, 2020a

This precedent is a major setback for judicial reform.

p. 20 in European Commission, 2020a

This decision also affects all pending and future appointments and challenges the competency of the HJPC to enact the evaluation criteria for all judges and prosecutors, contrary to the Commission's recommendations and the case law of the Constitutional Court.

p. 21 in European Commission, 2020a

Transparency and communication needs to be significantly improved in the judiciary's interaction with legal professionals, justice users, the media and public at large.

p. 21 in European Commission, 2020a

Case law lacks consistency.

p. 22 in European Commission, 2020a

The overall backlog for pending court cases amounts to 2.1 million cases, out of which approximately 1.9 million are cases of unpaid utility bills.

p. 22 in European Commission, 2020a

This seriously harms judicial efficiency.

p. 22 in European Commission, 2020a

The backlog for non-utility cases slightly decreased by 3.7% compared to 2018.

p. 23 in European Commission, 2020a

No progress was made in addressing the Opinion key priority 7 and 2019 recommendations, which remain outstanding.

p. 23 in European Commission, 2020a

The authorities and the judiciary have not taken action to address the findings of the Expert Report on Rule of Law issues on the fight against corruption.

p. 23 in European Commission, 2020a

Corruption remained widespread and all levels of government show signs of political capture directly affecting the daily life of citizens.

p. 23 in European Commission, 2020a

There has been no progress on effective implementation of anti-corruption strategies and action plans.

p. 23 in European Commission, 2020a

The track record on prevention and repression of high-level corruption remains very limited, due to operational inefficiency and political interference.

p. 25 in European Commission, 2020a

Deep legal fragmentation and frequent conflicts of jurisdiction leading to transfers of cases slow down proceedings and reduce efficiency.

p. 25 in European Commission, 2020a

The police is not proactive in launching investigations.

p. 25 in European Commission, 2020a

This case triggered unprecedented interference with the investigation.

p. 25 in European Commission, 2020a

Lack of transparency seriously hinders the fight against corruption.

p. 26 in European Commission, 2020a

There has been no progress on effective implementation in 2019.

p. 26 in European Commission, 2020a

The exercise of freedom of assembly remains restricted in the Republika Srpska entity, where activists have been subject to intimidation and judicial prosecution.

p. 26 in European Commission, 2020a

Divided education also needs to end in order to overcome the practice of ‘two schools under one roof’ and ensure inclusive and quality education for all.

p. 26 in European Commission, 2020a

Gender-based violence, ill-treatment of detainees and the protection of minorities, including the Roma, are also issues of concern.

p. 26 in European Commission, 2020a

Last year’s recommendations remain outstanding.

p. 27 in European Commission, 2020a

Bosnia and Herzegovina is not an observer country of the European Union Agency for Fundamental Rights.

p. 27 in European Commission, 2020a

The European Court of Human Rights (ECtHR) delivered 21 judgments concerning 379 applications in 2019 (up from 6 in 2018) finding that Bosnia and Herzegovina had violated rights guaranteed by the European Convention on Human Rights, most of them related to the right to a fair trial, protection of property, right to liberty and security, freedom of expression and non-discrimination.

p. 27 in European Commission, 2020a

Reports of ill-treatment of suspects and prisoners in police stations and detention facilities are processed at a slow rate and only a few officers are punished.

p. 29 in European Commission, 2020a

The country made no progress on addressing the Opinion key priority 12 on guaranteeing freedom of expression and of the media and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and ensuring the financial sustainability of the public broadcasting system.

p. 29 in European Commission, 2020a

Political influence over public broadcasters persists, and their financial sustainability has not been secured.

p. 29 in European Commission, 2020a

Political pressure, intimidation and harassment towards journalists, including physical and verbal attacks continued during the reporting period, without appropriate institutional follow-up

p. 29 in European Commission, 2020a

Serious concern persists over political pressure, intimidation and threats against journalists, and particularly women journalists.

p. 29 in European Commission, 2020a

The authorities continue to downplay the intimidation of journalists, and their reaction remains weak.

p. 29 in European Commission, 2020a

Public institutions do not collect data on threats and attacks against journalists and media workers.

p. 29 in European Commission, 2020a

The BH Novinari association recorded 56 cases of violation of journalists’ rights in 2019, including 9 cases of physical assault, 21 threats out of which 8 death threats, and 10 cases of political pressure.

p. 29 in European Commission, 2020a

29 additional cases have been registered since the beginning of 2020.

p. 29 in European Commission, 2020a

The Ombudsman received 18 complaints, up from 9 in 2018.

p. 30 in European Commission, 2020a

Legal provisions on data protection and on access to information are still interpreted in a way that protects private rather than public interests.

p. 30 in European Commission, 2020a

Such legislation has a chilling effect on freedom of expression for both media and individuals, leading to the risk of self-censorship

p. 30 in European Commission, 2020a

Therefore, the three public broadcasting services are exposed to political influence, in particular through politically controlled steering boards, with a worrying trend of self-censorship

p. 30 in European Commission, 2020a

Such issues continue to pose a threat to the financial independence and sustainability of the public broadcasting system.

p. 30 in European Commission, 2020a

Local public broadcasters are not included in the public broadcasting system and receive funds from local government budgets, with strong risks of political pressure and influence in the absence of clear criteria for the distribution of subsidies.

p. 30 in European Commission, 2020a

The lack of transparency and clear criteria in the distribution of subsidies is a matter of concern.

pp. 30 – 31 in European Commission, 2020a

Self-regulation of online media is of limited effect, and online platforms are often used to incite hatred and spread disinformation.

p. 31 in European Commission, 2020a

Online hate speech is on the rise.

p. 31 in European Commission, 2020a

Civil society organisations have also reported increasing attempts by authorities to restrict peaceful assemblies.

p. 31 in European Commission, 2020a

Members of the 'Justice for David' movement have been unable to organise gatherings in Banja Luka ever since the violent dispersal by the police in December 2018.

p. 31 in European Commission, 2020a

In December 2019, the cantonal police violently dispersed environmental protests in Mostar.

p. 31 in European Commission, 2020a

However, activists dealing with sensitive issues, in particular women's rights, have been subject to threats, verbal abuse and physical attacks.

p. 31 in European Commission, 2020a

Misuse of public funds to support associations at various levels of government has been reported.

p. 32 in European Commission, 2020a

In October 2019, the ECtHR recognised a violation of the right to property in the case of Fata Orlović, and ordered the country to remove from the applicant's land the church that was built there after the war.

p. 32 in European Commission, 2020a

The Ombudsman registered 206 cases in 2019, up from 196 in 2018 and 174 in 2017.

p. 32 in European Commission, 2020a

Discrimination remains under-reported, particularly at the workplace.

p. 32 in European Commission, 2020a

Disputes over education continue, whilst systemic solutions for ensuring inclusive and non-discriminatory education are not in place.

p. 32 in European Commission, 2020a

No progress was achieved in eliminating the 'two schools under one roof' phenomenon, which is in breach of a 2014 ruling by the Federation entity Supreme Court.

p. 32 in European Commission, 2020a

Failure to identify acts as hate crimes and the high burden of proof still makes it difficult to establish intent, leading to few indictments and convictions.

p. 32 in European Commission, 2020a

The case law on hate crimes is not consistent.

p. 33 in European Commission, 2020a

As for the pay gap, despite the lack of official data, women are estimated to earn on average 78% to 85% of a man's salary for the same position.

p. 33 in European Commission, 2020a

Persons with disabilities remain among the most vulnerable groups.

p. 33 in European Commission, 2020a

The law allows persons with disabilities to be deprived of legal capacity through a judicial process, which is in

violation of the Convention on the rights of persons with disabilities, of which the country is party.

p. 34 in European Commission, 2020a

Such a status-based discriminatory approach must end.

p. 34 in European Commission, 2020a

The social inclusion of intersex and transgender persons, who are particularly marginalised, has to be improved.

p. 35 in European Commission, 2020a

The Roma (estimated at 58,000) are the most vulnerable and disadvantaged minority. Roma women in particular face multiple forms of discrimination.

p. 35 in European Commission, 2020a

Discrimination in employment is rampant, with very high unemployment rates.

p. 5 in European Commission, 2021a

Regarding the political criteria, legislative and executive authorities had a low output due to political polarisation and the disruption caused by pandemic.

p. 5 in European Commission, 2021a

Bosnia and Herzegovina's Constitution remains in breach of the European Convention on Human Rights (ECHR), following the Sejdić-Finci and related cases.

p. 5 in European Commission, 2021a

No progress was made in improving the electoral framework in line with European standards and ensuring transparency of political party financing.

p. 5 in European Commission, 2021a

Bosnia and Herzegovina has yet to address the recommendations by the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODIHR), the Venice Commission and the Council of Europe's Group of States against Corruption (GRECO).

p. 5 in European Commission, 2021a

No progress was made in this area over the reporting period.

p. 5 in European Commission, 2021a

The authorities have taken limited action to address the findings of the Expert Report on Rule of Law issues ('Priebe report').

p. 5 in European Commission, 2021a

Persistent and evident signs of deterioration continue to require urgent measures to strengthen the integrity of and regain citizens' trust in the judiciary.

p. 5 in European Commission, 2021a

Lack of commitment to judicial reform from political actors, and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 6 in European Commission, 2021a

During the pandemic, the negative effects of widespread corruption and signs of political capture continued to manifest strongly during the pandemic, directly affecting the wellbeing of citizens.

p. 6 in European Commission, 2021a

The selective and non-transparent prosecution and judicial follow-up of corruption cases is a cause of concern.

p. 6 in European Commission, 2021a

There are systemic shortcomings in the operational cooperation among law enforcement agencies and a very limited exchange of intelligence.

p. 6 in European Commission, 2021a

The police are vulnerable to political interference.

p. 6 in European Commission, 2021a

No progress was made on guaranteeing freedom of expression and of the media, on protecting journalists against threats and violence by ensuring an appropriate judicial follow-up, nor on ensuring the financial sustainability of the public broadcasting system.

p. 6 in European Commission, 2021a

Challenges persist as regards the freedom of assembly, particularly in the Republika Srpska entity, where activists have been subjected to intimidation and judicial prosecution.

p. 8 in European Commission, 2021a

The political environment remained polarised in the reporting period, with repeated calls from the Republika Srpska entity leadership to roll back reforms and to block State-level institutions, the latest in July 2021 after the High Representative used its executive powers to criminalise denial of genocide and war crimes.

p. 8 in European Commission, 2021a

Previous recommendations by OSCE/ODIHR, Venice Commission and GRECO remain unaddressed, including as regards transparency of political party financing.

p. 8 in European Commission, 2021a

No legislative steps were taken to implement the comprehensive set of recommendations issued by OSCE/ODIHR and GRECO on the transparency and integrity of the electoral process and the implementation of election results.

p. 8 in European Commission, 2021a

Ethnic- and residence-based restrictions to the right to stand for election to the Presidency and the House of Peoples of Bosnia and Herzegovina remain in violation of the ECHR and its Protocols.

p. 8 in European Commission, 2021a

In December 2020, in the Pudarčić case, the European Court of Human Rights (ECtHR) found that the applicant, a Serb residing in the Federation entity, was discriminated for his inability to stand as a candidate for the Presidency.

p. 8 in European Commission, 2021a

Municipal elections were held orderly on 15 November 2020 across the country amid the pandemic and were marked by organisational difficulties and divisive campaigning.

p. 9 in European Commission, 2021a

The electoral campaign was marked by divisive rhetoric, verbal attacks, and lack of substantial party programmes for municipalities and cities.

p. 9 in European Commission, 2021a

Municipal elections did not improve local political representation of women: only 5 out of 136 directly elected mayors are women, as well as the indirectly-elected mayor of the City of Sarajevo.

p. 9 in European Commission, 2021a

The polarised political environment further slowed down legislative activities.

p. 9 in European Commission, 2021a

The legislative assemblies in the country remain weak in relation to the executives, with little cooperation among them and weak capacities to ensure a harmonised alignment with the EU acquis.

p. 9 in European Commission, 2021a

The Parliament had a minimal output, despite the outstanding legislative backlog.

p. 9 in European Commission, 2021a

The very limited legislative initiative of the Council of Ministers resulted in the parliamentary adoption of only five sets of amendment to the existing laws by June 2021, all in regular procedure.

p. 10 in European Commission, 2021a

No steps were taken to harmonise the legislation on the registration of political parties across the country and to ensure appropriate follow-up to the outstanding GRECO and OSCE/ODIHR recommendations on political party financing, including on transparency of campaign costs and sanctions for breaches.

p. 10 in European Commission, 2021a

Issues persist in relations to internal party democracy, which include a lack of democratic internal policies and structures.

p. 10 in European Commission, 2021a

There are no women among the political party leaders, and few in other party leadership positions.

p. 10 in European Commission, 2021a

The participation of women in the executives across the country remains at around 20%.

pp. 11 – 12 in European Commission, 2021a

Freedom of assembly and of expression remain restricted in the Republika Srpska entity, where activists of the ‘Justice for David’ movement have been subject to intimidation and judicial prosecution, and where a new crime of offence to the reputation of the Republika Srpska entity and its peoples was introduced in August 2021.

p. 12 in European Commission, 2021a

Activists dealing with sensitive issues remain targets of threats, abuse and physical attacks.

p. 12 in European Commission, 2021a

Freedom of assembly remains restricted in the Republika Srpska entity, where activists of the 'Justice for David' movement continue to be subject to intimidation, fines, and judicial prosecution.

p. 12 in European Commission, 2021a

The crime of offence to the reputation of the Republika Srpska entity and its peoples, introduced by law in August 2021, risks further restricting the space for civil society.

p. 13 in European Commission, 2021a

The policy-making system in Bosnia and Herzegovina remains fragmented.

p. 15 in European Commission, 2021a

There is no systemic, consolidated data on the integrity of civil servants.

p. 15 in European Commission, 2021a

Public perception of corruption among public officials remains high.

p. 16 in European Commission, 2021a

This compromises the citizens' right to good administration.

p. 16 in European Commission, 2021a

Legal provisions on data protection and on access to information are still interpreted in a way that protects private rather than public interests.

p. 16 in European Commission, 2021a

There is no systemic collection of data on the citizens' right to seek compensation for damage caused by unlawful actions or omissions of the public administration.

p. 16 in European Commission, 2021a

No progress was made during the reporting period.

p. 16 in European Commission, 2021a

The poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption.

p. 16 in European Commission, 2021a

Corruption indicators further deteriorated and all levels of government show signs of political capture directly affecting the daily life of citizens.

p. 16 in European Commission, 2021a

Selective and non-transparent prosecution and judicial follow up of corruption cases continued, affecting public interest, but also business operators and investors.

p. 16 in European Commission, 2021a

No progress was made in addressing the Opinion key priority 6.

p. 17 in European Commission, 2021a

Lack of commitment to judicial reform from political actors, and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 17 in European Commission, 2021a

In the reporting period, continued shortcomings in the independence, accountability and efficiency of the HJPC have further deteriorated trust in the judiciary.

p. 17 in European Commission, 2021a

None of the corruption allegations have been properly investigated by the HJPC, which remains a matter of serious concern.

p. 18 in European Commission, 2021a

Multiple ad-hoc appointment procedures make the system vulnerable.

p. 18 in European Commission, 2021a

Judges and prosecutors remain subject to internal and external pressure, including politically motivated intimidation.

p. 18 in European Commission, 2021a

The citizens' and business perception of judicial independence remained low.

p. 18 in European Commission, 2021a

The lack of the system seriously affects the integrity of the judiciary.

p. 19 in European Commission, 2021a

In 2020 the office of the disciplinary prosecutor registered 31 complaints against 31 judicial office holders (50% less than in 2019) and filed 29 disciplinary charges, including in two high-level cases regarding the President of the Court of Bosnia and Herzegovina and the State-level Chief Prosecutor.

p. 19 in European Commission, 2021a

Pressure and intimidation against the office of the disciplinary prosecutor has continued and is a cause of concern; it needs to be forcefully addressed.

p. 19 in European Commission, 2021a

Two court presidents were removed from their management position on the account of disciplinary offence of nepotism and criminal offence.

p. 19 in European Commission, 2021a

The disciplinary panels are almost exclusively composed of HJPC members without clear selection criteria, which constitutes a potential conflict of interest, in particular when members of the HJPC are concerned.

p. 19 in European Commission, 2021a

Promotions continued to be systematically granted in disregard of disciplinary record.

p.19 in European Commission, 2021a

This practice is worrisome.

p. 19 in European Commission, 2021a

This is a source of serious concern.

p. 19 in European Commission, 2021a

This is a major setback for judicial reform which should be urgently remedied via the targeted amendments to the HJPC Law.

p. 19 in European Commission, 2021a

There was no meaningful progress in prosecution and judicial follow-up of cases of public resonance including cases of alleged electoral fraud, notably following elections in Mostar.

p. 19 in European Commission, 2021a

The justice system continues to lack transparency.

p. 20 in European Commission, 2021a

Case law lacks consistency.

p. 20 in European Commission, 2021a

The length of court proceedings in non-utility cases increased to 421 days in 2020, compared to 418 days in 2019.

p. 20 in European Commission, 2021a

Weak trial management and lenient enforcement of procedural discipline by judges further aggravate the situation.

p. 21 in European Commission, 2021a

The overall backlog for pending court cases amounts to 2.1 million cases, out of which approximately 1.8 million are cases of unpaid utility bills.

p. 21 in European Commission, 2021a

This seriously harms judicial efficiency.

p. 22 in European Commission, 2021a

No progress was made in addressing the Opinion key priority 7, the 2020 recommendations and the findings of the Expert Report on Rule of Law issues, which remain outstanding.

p. 22 in European Commission, 2021a

Continued negative effects of widespread corruption and signs of political capture manifested strongly during the COVID-19 pandemic, directly affecting the wellbeing of citizens.

p. 22 in European Commission, 2021a

Within their respective remits, both judicial office holders and political leaders have failed to tackle the generalised phenomenon of corruption and actively obstructed progress, leading to long-term stagnation, and a serious risk of backsliding in this field.

p. 22 in European Commission, 2021a

Selective and non-transparent judicial follow-up in corruption cases of public resonance was observed, alongside pressures and intimidations, and is a cause of significant concern.

p. 22 in European Commission, 2021a

The continued lack of progress at all levels shows the country's lack of advancement in the area and increases the risk of backsliding.

p. 23 in European Commission, 2021a

This trend shows that there is alarmingly low number of final convictions in highprofile cases.

p. 23 in European Commission, 2021a

In the Republika Srpska entity around 4,500 office holders are obliged to submit financial reports, out of whom only 5 financial reports were submitted in 2020.

p. 24 in European Commission, 2021a

In the few high-level corruption cases reported, selective judicial follow-up and legal mistakes, negligence, abuse of procedures, political pressure, questionable court decisions and verbal attacks on the prosecution continued to be observed, including at state level.

p. 24 in European Commission, 2021a

In the reporting period, limited cooperation of law enforcement agencies with the prosecutor's offices and lack of effective control by the prosecutors over the work of police continued to seriously hamper the effectiveness of investigations.

pp. 24 – 25 in European Commission, 2021a

The selective unwillingness of the police, including at the state level, to cooperate with prosecutor's offices, notably in high level corruption cases of public relevance, is a cause of serious concern over their independence and professionalism.

p. 25 in European Commission, 2021a

Pressure and interference, especially in high level cases, has continued and is a source of major concern.

p. 25 in European Commission, 2021a

Lack of transparency seriously hinders the fight against corruption.

p. 25 in European Commission, 2021a

None of the GRECO recommendations have been implemented in their entirety.

p. 26 in European Commission, 2021a

Limited efforts were made over the reporting period to address the Opinion key priorities 5 and 9-13 on fundamental rights.

p. 26 in European Commission, 2021a

Freedom of assembly remains restricted in the Republika Srpska entity, where activists of the 'Justice for David' movement have been subject to intimidation and judicial prosecution, and where a crime of offence to the reputation of the Republika Srpska entity and its peoples was introduced in August 2021

p. 26 in European Commission, 2021a

Divided education needs to end in order to ensure non-discriminatory, inclusive and quality education for all,

including by overcoming the practice of ‘two schools under one roof’.

p. 26 in European Commission, 2021a

Gender-based violence, ill-treatment of detainees and the protection of minorities, including the Roma,⁶ are also issues of concern.

p. 26 in European Commission, 2021a

Previous years’ recommendations remain outstanding.

p. 26 in European Commission, 2021a

The European Court of Human Rights (ECtHR) delivered 8 judgments concerning 19 applications in 2020 (down from 21 in 2019 and 6 in 2018) finding that Bosnia and Herzegovina had violated rights guaranteed by the European Convention on Human Rights (ECHR) in one case.

p. 26 in European Commission, 2021a

The Sejdić-Finci, Zornić, Šlaku, Pilav and Pudarić rulings require constitutional amendments to ensure the equality of political rights among all citizens; they have still not been implemented.

p. 27 in European Commission, 2021a

Reports of ill-treatment of suspects and prisoners in police stations and detention facilities continued to be processed at a slow rate and only a few officers are punished.

p. 27 in European Commission, 2021a

The continued unresolved issue of missing persons is a matter of concern.

p. 28 in European Commission, 2021a

The country made no progress on addressing the Opinion key priority 12 on guaranteeing freedom of expression and of the media and the protection of journalists by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and ensuring the financial sustainability of the public broadcasting system.

p. 28 in European Commission, 2021a

Political influence over public broadcasters persists, and their financial sustainability has not been secured.

p. 28 in European Commission, 2021a

Political pressure, intimidation and harassment towards journalists, including physical and verbal attacks continued during the reporting period, without appropriate institutional follow-up

p. 28 in European Commission, 2021a

Serious concerns continue to persist over political pressure, intimidation and threats against journalists.

p. 28 in European Commission, 2021a

High-level politicians have resorted to public attacks and disparaging remarks against journalists, analysts and media workers, particularly women.

p. 28 in European Commission, 2021a

The authorities continue to downplay the issue and there is no data collection by public institutions on threats and attacks against journalists and media workers.

p. 28 in European Commission, 2021a

The BH Novinari association recorded 69 cases of violation of journalists’ rights in 2020, up from 56 in 2019

p. 29 in European Commission, 2021a

The Communications Regulatory Agency (CRA) still lacks full political and financial independence.

p. 29 in European Commission, 2021a

Therefore, the three public broadcasting services continue to be exposed to political influence, in particular through politically controlled steering boards, with a worrying trend of self-censorship

p. 29 in European Commission, 2021a

Self-regulation of online media is of limited effect, and online platforms continue to be used to spread hate speech and disinformation.

p. 30 in European Commission, 2021a

Cases of discrimination, hate speech and hate crimes on religious grounds continue to occur, as do incidents targeting religious sites, particularly in minority areas.

p. 30 in European Commission, 2021a

The exercise of freedom of assembly remains restricted in the Republika Srpska entity, where human rights defenders and members of ‘Justice for David’ movement have been subject to intimidation and judicial prosecution, including for some of the most serious criminal offences (incitement to violent change of the constitutional order), before being acquitted in court.

p. 30 in European Commission, 2021a

Environmental protests in Mostar saw the police use force to remove demonstrators, who were subsequently fined and prosecuted.

p. 30 in European Commission, 2021a

However, human rights defenders dealing with sensitive issues (women’s rights, LGBTIQ, migrants, environment) continue to be subject to threats, harassment, verbal abuse and physical attacks.

p. 30 in European Commission, 2021a

The authorities have failed so far to promptly and systematically condemn and adequately investigate such attacks.

p. 30 in European Commission, 2021a

The Ombudsman registered 288 cases in 2020, in a continued upward trend from 206 in 2019, 196 in 2018 and 174 in 2017.

p. 30 in European Commission, 2021a

The ECtHR Sejdić-Finci case law has still not been implemented

p. 30 in European Commission, 2021a

No progress was achieved in eliminating the practice of ‘two schools under one roof’, which is in breach of a 2014 ruling by the Federation entity Supreme Court.

p. 31 in European Commission, 2021a

The case law on hate crimes is not consistent.

p. 31 in European Commission, 2021a

Women are under-represented in politics and public life.

p. 31 in European Commission, 2021a

Women are estimated to earn on average 78% to 85% of a man’s salary for the same position.

p. 31 in European Commission, 2021a

The electoral campaign brought stereotypical portrayal of women in the public and media sphere

p. 31 in European Commission, 2021a

Child exploitation and child begging remain of concern.

p. 31 in European Commission, 2021a

Not all children are covered by compulsory health insurance, and marginalised groups, such as the Roma, face multiple forms of discrimination.

p. 31 in European Commission, 2021a

Unaccompanied migrant children face specific challenges, such as accessing safe accommodation and asylum procedures.

p. 32 in European Commission, 2021a

Persons with disabilities remain among the most vulnerable groups and there was no progress in addressing the concerns previously identified, including as regards deprivation of legal capacities, status-based discrimination, accessibility.

p. 32 in European Commission, 2021a

The law continue to allow persons with disabilities to be deprived of legal capacity through a judicial process, which is in violation of international conventions.

p. 32 in European Commission, 2021a

No steps were taken to move for a status-based approach (with war veterans and civilian victims of war enjoying priority) to one based on needs, with a uniform definition of disability, and harmonized eligibility criteria, rights and standards of social protection across the country.

p. 32 in European Commission, 2021a

Persons with disabilities continue to face hurdles to access education, healthcare and social assistance.

p. 32 in European Commission, 2021a

Children with disabilities are one of the most marginalised and excluded groups, facing stigma and discrimination, and inadequate services, especially in health and education.

p. 32 in European Commission, 2021a

The social inclusion of intersex and transgender persons, who are particularly marginalised, has yet to improve.

p. 32 in European Commission, 2021a

The Sarajevo Open Centre documented 13 hate incidents against LGBTIQ persons, including cases of domestic violence.

p. 33 in European Commission, 2021a

The participation in political and public life of members of national minorities remains low.

p. 33 in European Commission, 2021a

The Roma (estimated at 58,000) are the most vulnerable and disadvantaged minority.

p. 33 in European Commission, 2021a

Prejudices and anti-gypsyism still hinder their social inclusion.

p. 33 in European Commission, 2021a

Roma women in particular face multiple forms of discrimination.

p. 33 in European Commission, 2021a

Discrimination in employment is rampant, with very high unemployment rates.

p. 33 in European Commission, 2021a

While classes or schools are not segregated, there is no teaching in and of the Romani language, and the awareness of Roma culture among the rest of the population is very limited.

p. 33 in European Commission, 2021a

Around two thirds of Roma have access to healthcare; children outside education and elderly Roma face the biggest hurdles.

p. 33 in European Commission, 2021a

No step was taken to remove outstanding administrative obstacles, including residence requirements for birth registration and for access to healthcare and education, and to recognise documents for children born abroad.

p. 33 in European Commission, 2021a

Minority returnees are among the most common targets of ethnically driven hate speech and hate crimes.

p. 7 in European Commission, 2024

As previously reported, the Republika Srpska entity continues not to recognise the decisions of the Constitutional Court, including those quashing the entity laws on the non-application of the decisions of the Constitutional Court and of the High Representative, as well as on the unconstitutionality of certain entity-level’s criminal provisions on defamation.

p. 7 in European Commission, 2024

In December 2023, the Republika Srpska entity adopted in first reading a draft law on immunity that, if fully adopted, would curtail the accountability of political representatives and challenge legal certainty.

p. 7 in European Commission, 2024

Furthermore, in December 2023, the Republika Srpska entity adopted in first reading a draft law on referendums

and civic initiatives that, if fully adopted, would provide the legal basis for a separate electoral administration in the entity.

p. 7 in European Commission, 2023d

The Constitutional Court quashed several legal and political acts adopted by the Republika Srpska entity as being in breach of the constitutional and legal order.

p. 7 in European Commission, 2023d

The reintroduction of criminal penalties for defamation in the Republika Srpska entity in July 2023 severely impacts the environment for civil society and represents a major step backwards in the protection of fundamental rights.

p. 7 in European Commission, 2023d

A draft law targeting civil society groups as ‘foreign agents’ was adopted in the first reading by the entity assembly; if fully adopted, would mark another regrettable and undeniable major step backwards.

p. 7 in European Commission, 2023d

In June 2023, the Republika Srpska entity adopted two laws on the non-implementation of the Constitutional Court’s rulings and the High Representative’s decisions, thereby breaching the constitutional and legal order of the country.

p. 20 in European Commission, 2023d

At the same time, there have been negative developments in the Republika Srpska entity.

p. 20 in European Commission, 2023d

The entity called for constitutional judges to resign and adopted a law decreeing that Constitutional Court decisions would not be implemented, in breach of the constitutional and legal order of the country.

p. 20 in European Commission, 2023d

The entity also reintroduced criminal penalties for defamation, restricting freedom of expression and media freedom.

p. 20 in European Commission, 2023d

A draft law targeting civil society groups as ‘foreign agents’ is also pending adoption in the entity; if adopted, it would mark another major step backwards on fundamental rights.

pp. 31 – 32 in European Commission, 2023d

Continued institutionalisation of children without parental care and of children and persons with disabilities is a concern in many countries, particularly Georgia, Moldova, Ukraine and Bosnia and Herzegovina.

p. 40 in European Commission, 2023d

Use of strategic lawsuits against public participation (SLAPP), including by public officials, are on an alarming rise in Serbia and Bosnia and Herzegovina, and are also seen in other countries, such as Albania.

p. 40 in European Commission, 2023d

These have been put forward in the Republika Srpska entity of Bosnia and Herzegovina and in Georgia (but subsequently withdrawn in Georgia due to international and local pressure).

p. 11 in European Commission, 2022b

In Bosnia and Herzegovina, political polarisation and obstructions led to a standstill in the work of democratic institutions and in reforms along the EU path.

p. 11 in European Commission, 2022b

The Presidency, Council of Ministers and Parliament remained blocked until spring 2022.

p. 11 in European Commission, 2022b

The Republika Srpska entity pursued initiatives to unilaterally take over State competences.

p. 12 in European Commission, 2022b

The legislative amendments aimed at establishing a system of verification of asset declarations by judicial office holders were rejected in Parliament in May 2022.

p. 12 in European Commission, 2022b

Due to lack of genuine political commitment to the rule of law and to the EU path, the overall integrity of the justice sector continued to deteriorate.

p. 13 in European Commission, 2022b

Bosnia and Herzegovina’s Parliament rejected a law on conflict of interest, while the judicial follow-up in corruption cases of public resonance was selective and non-transparent.

p. 23 in European Commission, 2022b

Civil society is under pressure in Serbia and the Republika Srpska entity of Bosnia and Herzegovina

pp. 23 – 24 in European Commission, 2022b

Verbal attacks and smear campaigns against civil society organisations and their financing continued in Serbia, while the exercise of freedom of assembly remains restricted in the Republika Srpska entity of Bosnia and Herzegovina.

p. 39 in European Commission, 2022b

The adoption of rule of law reforms has been delayed and is overdue.

p. 62 in European Commission, 2022b

As regards political criteria, parties based in the Republika Srpska entity blocked state-level legislative and executive institutions until spring 2022, leading to an almost complete standstill in reforms during that period

p. 62 in European Commission, 2022b

During a significant part of the reporting period, the Republika Srpska entity pursued to unilaterally take over state competences (including on taxation, the judiciary, defence and security) and dismantle state institutions, endangering the country’s EU accession perspective as set out in the Commission Opinion.

p. 62 in European Commission, 2022b

Some legislative steps were taken to withdraw the Republika Srpska entity from key state bodies and set up parallel bodies at entity level; these laws are suspended and under constitutional review.

p. 62 in European Commission, 2022b

Parliamentary parties could not agree on a solution for constitutional and electoral reforms to bring the Constitution in line with the European Convention on Human Rights, complying with the Sejdić-Finci and related rulings, despite an intense facilitation of talks by the EU and US.

p. 62 in European Commission, 2022b

Amendments to improve electoral standards were rejected in Parliament.

p. 62 in European Commission, 2022b

The Council of Ministers took no steps to develop a national programme for the adoption of the EU acquis.

pp. 62 – 63 in European Commission, 2022b

Due to political obstruction, the Ministry of Finance and Treasury hindered the smooth organisation of the October 2022 elections by withholding the required funds.

p. 63 in European Commission, 2022b

No progress was made in ensuring an enabling environment for civil society.

p. 63 in European Commission, 2022b

No progress was made in this area over the reporting period.

p. 63 in European Commission, 2022b

The independence and impartiality of the judiciary did not improve.

p. 63 in European Commission, 2022b

Inconsistency and overly broad discretion persist in applying the rules on appointment, disciplinary responsibility, career advancement and conflict of interest of judges and prosecutors.

p. 63 in European Commission, 2022b

The Chief Prosecutor of Bosnia and Herzegovina and the chief prosecutor of Republika Srpska were demoted on account of disciplinary offences during the reporting period.

p. 63 in European Commission, 2022b

The Parliament rejected the amendments on integrity to the law on the High Judicial and Prosecutorial Council (HJPC) that would create a credible and rigorous system for verifying the financial statements of judicial office holders.

p. 63 in European Commission, 2022b

The Republika Srpska entity launched a legislative initiative to set up a separate judicial and prosecutorial council at entity level; if adopted, it would violate the legal and constitutional order.

p. 63 in European Commission, 2022b

The lack of political commitment to judicial reform and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 63 in European Commission, 2022b

No progress was made in this area over the reporting period.

p. 63 in European Commission, 2022b

The Parliament rejected a law on conflict of interest.

p. 63 in European Commission, 2022b

Political leaders and judicial institutions failed to tackle widespread corruption and actively blocked progress, leading to longterm stalling and increasing signs of political capture.

pp. 63 – 64 in European Commission, 2022b

The continued lack of progress at all levels increases the risk of backsliding.

p. 64 in European Commission, 2022b

Political leaders and judicial institutions need to urgently remedy the situation.

p. 64 in European Commission, 2022b

The police are vulnerable to political interference.

p. 64 in European Commission, 2022b

No progress was made to guarantee freedom of expression and of the media by protecting journalists from threats and violence and ensuring the financial sustainability of the public broadcasting system.

p. 64 in European Commission, 2022b

Challenges persist as regards freedom of assembly, particularly in the Republika Srpska entity.

p. 4 in European Commission, 2022a

Deep political polarisation and disagreement among the main parties of the ruling coalition led to a standstill in the work of the democratic institutions and on reforms on the EU path

p. 4 in European Commission, 2022a

Until spring 2022 political parties based in the Republika Srpska entity blocked legislative and executive institutions at state level and adopted initiatives to unilaterally take over state competences at entity level, in breach of the constitutional and legal order; the same parties also obstructed the implementation of EU restrictive measures on Russia with which Bosnia and Herzegovina had formally aligned.

p. 4 in European Commission, 2022a

Political parties did not agree on constitutional and electoral reforms.

p. 5 in European Commission, 2022a

As regards political criteria, parties based in the Republika Srpska entity blocked state-level legislative and executive institutions until spring 2022, leading to an almost complete standstill in reforms during that period.

p. 5 in European Commission, 2022a

During a significant part of the reporting period, the Republika Srpska entity pursued to unilaterally take over state competences (including on taxation, the judiciary, defence and security) and dismantle state institutions, endangering the country's EU accession perspective as set out in the Commission Opinion.

p. 5 in European Commission, 2022a

Some legislative steps were taken to withdraw the Republika Srpska entity from key state bodies and set up parallel bodies at entity level; these laws are suspended and under constitutional review.

p. 5 in European Commission, 2022a

Parliamentary parties could not agree on a solution for constitutional and electoral reforms to bring the Constitution in line with the European Convention on Human Rights, complying with the Sejdić-Finci and related rulings, despite an intense facilitation of talks by the EU and US. Amendments to improve electoral standards were rejected in Parliament.

p. 5 in European Commission, 2022a

Due to political obstruction, the Ministry of Finance and Treasury hindered the smooth organisation of the October 2022 elections by withholding the required funds.

p. 5 in European Commission, 2022a

No progress was made in ensuring an enabling environment for civil society.

p. 6 in European Commission, 2022a

No progress was made in this area over the reporting period.

p. 6 in European Commission, 2022a

The independence and impartiality of the judiciary did not improve.

p. 6 in European Commission, 2022a

Inconsistency and overly broad discretion persist in applying the rules on appointment, disciplinary responsibility, career advancement and conflict of interest of judges and prosecutors.

p. 6 in European Commission, 2022a

The Chief Prosecutor of Bosnia and Herzegovina and the chief prosecutor of Republika Srpska were demoted on account of disciplinary offences during the reporting period.

p. 6 in European Commission, 2022a

The Republika Srpska entity launched a legislative initiative to set up a separate judicial and prosecutorial council at entity level; if adopted, it would violate the legal and constitutional order.

p. 6 in European Commission, 2022a

Urgent measures are needed to restore public trust in the judiciary and strengthen its integrity.

p. 6 in European Commission, 2022a

The lack of political commitment to judicial reform and the poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 6 in European Commission, 2022a

No progress was made in this area over the reporting period.

p. 6 in European Commission, 2022a

The Parliament rejected a law on conflict of interest.

p. 6 in European Commission, 2022a

Political leaders and judicial institutions failed to tackle widespread corruption and actively blocked progress, leading to long-term stalling and increasing signs of political capture.

p. 6 in European Commission, 2022a

The continued lack of progress at all levels increases the risk of backsliding.

p. 6 in European Commission, 2022a

Political leaders and judicial institutions need to urgently remedy the situation.

p. 6 in European Commission, 2022a

The police are vulnerable to political interference.

p. 7 in European Commission, 2022a

No progress was made to guarantee freedom of expression and of the media by protecting journalists from threats and violence and ensuring the financial sustainability of the public broadcasting system.

p. 7 in European Commission, 2022a

Challenges persist as regards freedom of assembly, particularly in the Republika Srpska entity.

p. 9 in European Commission, 2022a

During the reporting period, the political environment was marked by deep polarisation and obstructions, which gravely affected the functioning of state institutions and their capacity to adopt the reforms needed to fulfil the Opinion key priorities and advance on the EU path.

p. 9 in European Commission, 2022a

In July 2021, political parties based in the Republika Srpska entity decided not to participate in decision-making at state level, effectively blocking all political institutions (Presidency, Council of Ministers and Parliamentary Assembly) for most of the reporting period.

p. 9 in European Commission, 2022a

There was backsliding on key priority 4, which calls among others to ensure legal certainty on the distribution of competences across levels of government.

p. 9 in European Commission, 2022a

In December 2021, the Republika Srpska entity adopted a plan to unilaterally take over state competences, in breach of the constitutional and legal order.

p. 9 in European Commission, 2022a

In February 2022, the entity adopted a law on immovable property; the High Representative suspended its entry into force in April 2022, pending constitutional review; the entity leadership committed to enforce it anyway, which would endanger legal certainty.

p. 9 in European Commission, 2022a

A draft law on an entity-level judicial and prosecutorial council, in breach of the constitutional and legal order, is in parliamentary procedure in the Republika Srpska entity; its

adoption would further jeopardise the independence of the judiciary.

p. 9 in European Commission, 2022a

Women remain under-represented at all levels of participation and decision-making.

p. 9 in European Commission, 2022a

No progress was made towards addressing Opinion key priority 1 on electoral standards.

p. 9 in European Commission, 2022a

Despite intense facilitation, political parties were unable to agree on reforms to bring the Constitution and electoral framework in line with the European Convention on Human Rights

p. 10 in European Commission, 2022a

Due to political obstruction, the Ministry of Finance and Treasury hindered the smooth organisation of the October 2022 elections by withholding the required funds.

p. 10 in European Commission, 2022a

A set of amendments, prepared with EU and OSCE/ODIHR support to improve the integrity and transparency of the electoral process, was submitted to parliament in April 2022 but was rejected.

p. 10 in European Commission, 2022a

Despite intense facilitation, parties proved unable to find a solution in line with European standards ahead of the 2022 elections.

p. 10 in European Commission, 2022a

As regards internal party democracy, political parties lack democratic internal policies and structures.

p. 10 in European Commission, 2022a

There are no women among party leaders, and few in other leadership positions.

p. 10 in European Commission, 2022a

The political blockade by the Members of Parliament elected in Republika Srpska brought to a halt all legislative activities for most of the reporting period.

p. 10 in European Commission, 2022a

Parliamentary oversight over the executive remains weak at all levels of government.

pp. 10 – 11 in European Commission, 2022a

No improvement was made on registration and financing of political parties.

p. 11 in European Commission, 2022a

Members of Parliament (MPs) elected in Republika Srpska blocked the work of the Parliamentary Assembly of Bosnia and Herzegovina from July 2021 till March 2022.

p. 11 in European Commission, 2022a

Coupled with no legislative initiative from the Council of Ministers, this resulted in very poor legislative output, despite the outstanding backlog.

p. 11 in European Commission, 2022a

The parliamentary oversight of the executive was equally crippled.

p. 11 in European Commission, 2022a

The House of Representatives of the Federation entity failed to timely replace a constitutional judge whose term expired in August 2022.

p. 11 in European Commission, 2022a

The Council of Ministers was dormant for most of the reporting period due to the political blockade.

p. 11 in European Commission, 2022a

The executives have little capacities for coordination and policy planning, including on EU matters

p. 12 in European Commission, 2022a

With only 3 judges out of the 7 required, the court's panel on 'vital national interest' vetoes is not able to function.

p. 13 in European Commission, 2022a

No progress was made in addressing the Opinion key priority 11 on ensuring an enabling environment for civil society, notably by upholding European standards on freedom of association and freedom of assembly.

p. 13 in European Commission, 2022a

Activists dealing with issues perceived as sensitive (anticorruption, women's rights, rights of LGBTIQ persons, migrants, the environment) continued to be subject to threats, abuse and physical attacks

p. 13 in European Commission, 2022a

These activities were hampered by restrictions of movement during the pandemic, which also affected their financial sustainability

p. 13 in European Commission, 2022a

Available public funding decreased during and after the pandemic, and civil society organisations have not been eligible for economic recovery measures reserved to the private sector

p. 15 in European Commission, 2022a

The policy-making system in Bosnia and Herzegovina remains fragmented.

p. 16 in European Commission, 2022a

Constitutional provisions on the general representation of the population in the public administration should not be interpreted as requiring strict ethnic proportionality in the civil service, and the legislation should make sure that ethnic criteria do not prevail over professional criteria in recruitment.

p. 17 in European Commission, 2022a

There are no systemic and consolidated data on the integrity of civil servants

p. 17 in European Commission, 2022a

The public's perception of corruption among public officials remains high.

p. 17 in European Commission, 2022a

This compromises citizens' rights to good administration.

p. 18 in European Commission, 2022a

The enjoyment of the right to access public information remains inconsistent.

p. 18 in European Commission, 2022a

The varying efficiency of courts across the country make citizens' rights to administrative justice uneven

p. 18 in European Commission, 2022a

There is also no systemic collection of data on the citizens' right to seek compensation for damage caused by unlawful actions or omissions of the public administration.

p. 18 in European Commission, 2022a

No progress was made during the reporting period.

p. 18 in European Commission, 2022a

The authorities and the judiciary have taken limited action to address the findings of the Expert Report on Rule of Law issues ('Priebe Report').

p. 18 in European Commission, 2022a

The poor functioning of the judicial system continued to undermine the citizens' enjoyment of rights and the fight against corruption.

p. 18 in European Commission, 2022a

Corruption indicators further deteriorated and all levels of government show signs of political capture directly affecting the daily life of citizens.

p. 18 in European Commission, 2022a

Selective and non-transparent prosecution and judicial follow up of corruption cases continued, affecting the public, businesses and investors.

p. 19 in European Commission, 2022a

No progress was made in addressing Opinion key priority 6 on the functioning of the judiciary.

p. 19 in European Commission, 2022a

Last year's recommendations remain pending.

p. 19 in European Commission, 2022a

In May 2022, the Parliament rejected the legislative amendments aimed at establishing a system to verify asset declarations of judges, prosecutors and HJPC members, which highlights a lack of genuine political commitment to the rule of law and to the country's EU path.

p. 19 in European Commission, 2022a

Persistent and evident signs of deterioration continue to require urgent measures to strengthen integrity and regain the public trust in the judiciary.

p. 19 in European Commission, 2022a

The Chief Prosecutor of Bosnia and Herzegovina and the chief prosecutor of Republika Srpska were demoted on account of disciplinary offences during the reporting period.

p. 19 in European Commission, 2022a

The legislative initiative to set up a separate HJPC body in the Republika Srpska entity would violate the constitutional and legal order and further jeopardise the independence of the judiciary, representing a clear backsliding on the Opinion key priorities; it should be unequivocally abandoned.

p. 19 in European Commission, 2022a

The lack of a common HJPC position in reaction to the initiative of the Republika Srpska entity questioning its status as the single countrywide body of self-governance of the judiciary has exposed its fragility.

p. 20 in European Commission, 2022a

The independence and impartiality of the judiciary did not improve

p. 20 in European Commission, 2022a

This further erodes citizens' trust in an independent and credible judiciary.

p. 20 in European Commission, 2022a

In the reporting period, efforts have been made to streamline appointments by issuing fewer calls with a larger number of vacancies.

p. 20 in European Commission, 2022a

However, the selection procedures are still too long, often to the detriment of staffing needs of courts and prosecutor's offices.

p. 20 in European Commission, 2022a

Undue external pressures have increased, notably by political leaders who publicly target certain judicial office holders and their decisions.

p. 21 in European Commission, 2022a

In 2021 the Office of the Disciplinary Counsel (ODC) registered 925 complaints, out of which 71 ex officio against judicial office holders (28% more than in 2020) and filed 35 disciplinary charges, including 10 against chief prosecutors and court presidents.

p. 21 in European Commission, 2022a

In May 2022 the Chief Prosecutor of Republika Srpska was also demoted following first-instance disciplinary procedure.

p. 21 in European Commission, 2022a

Trust in the appointment system is at its lowest, and immediate resolute action is needed to restore it.

p. 21 in European Commission, 2022a

The injured parties have been waiting for justice for too long and are organising rallies, notably in front of the Prosecutor's Office.

p. 23 in European Commission, 2022a

Nevertheless, the still excessive length of proceedings hampers the citizens' right to trial within a reasonable time

p. 23 in European Commission, 2022a

Court presidents and chief prosecutors still manage the procedural discipline on trials poorly, ignoring concrete recommendations issued by the HJPC

p. 23 in European Commission, 2022a

There is a backlog of over 2.1 million pending court cases, of which some 1.8 million are cases of unpaid utility bills, which continue to hinder efficiency.

p. 23 in European Commission, 2022a

The HJPC attempt to reduce the working time used to calculate the annual performance quotas for judges for all types of cases, if adopted, would result in an annual 9% increase in the backlog, and would risk undoing a decade of hard-fought progress.

p. 24 in European Commission, 2022a

No progress was made in addressing Opinion key priority 7, the 2021 recommendations, and the findings of the Expert Report on Rule of Law issues, which remain outstanding.

p. 24 in European Commission, 2022a

Political leaders and judicial institutions failed to tackle widespread corruption and actively obstructed progress, leading to long-term stagnation and increasing signs of political capture.

p. 24 in European Commission, 2022a

A state-level law on the prevention of conflict of interest was rejected in Parliament in May 2022, indicating a lack of genuine political commitment to the rule of law and to the EU path of the country.

p. 24 in European Commission, 2022a

Selective and non-transparent judicial follow-up in corruption cases of public resonance is a cause of significant concern, alongside pressure and intimidation.

p. 24 in European Commission, 2022a

he number of final convictions in highlevel cases remains very low.

pp. 24 – 25 in European Commission, 2022a

The continued lack of progress at all levels increases the risk of backsliding

p. 25 in European Commission, 2022a

Political leaders and judicial institutions need to urgently remedy the situation

p. 25 in European Commission, 2022a

This trend shows that there continues to be an alarmingly low number of final convictions in high-profile cases

p. 25 in European Commission, 2022a

The trend at state level shows that only few investigations have been finalised.

p. 26 in European Commission, 2022a

A serious concern is that one member of the parliamentary commission in charge of appointments at APIK has been

publicly designated by the U.S. Department of State since September 2018 due to involvement in significant corruption (implying ineligibility for entry to the United States).

p. 27 in European Commission, 2022a

The police are not proactive in launching investigations and investigations are slow.

p. 27 in European Commission, 2022a

The highly formalistic manner in which SIPA is enforcing actions aimed at obtaining evidence, including in high-level corruption cases, is cause of serious concern.

p. 27 in European Commission, 2022a

In the few highlevel corruption cases reported, selective judicial follow-up and legal mistakes, negligence, abuse of procedures, political pressure, questionable court decisions and verbal attacks on the prosecution continued to be observed, including at state level.

p. 27 in European Commission, 2022a

Pressure and interference, especially in high-level cases, has continued and is a major concern.

pp. 27 – 28 in European Commission, 2022a

Pressure and interference, especially in high-level cases, has continued and is a major concern.

p. 28 in European Commission, 2022a

The Court of Bosnia and Herzegovina managed the trial very poorly, resulting in extensive and unjustified delays, which also affected the composition of the court panel, as its president retired.

p. 28 in European Commission, 2022a

A state-level law on prevention of conflict of interest, in line with international standards and best European practices, was rejected in Parliament in May 2022, indicating a lack of genuine political commitment to the rule of law and to the EU path of the country.

p. 29 in European Commission, 2022a

Freedom of assembly remains restricted in the Republika Srpska entity

p. 29 in European Commission, 2022a

Divided education needs to end in order to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of ‘two schools under one roof’.

p. 29 in European Commission, 2022a

Gender-based violence, ill-treatment of detainees and the protection of minorities, including the Roma⁹, continue to cause concern

p. 29 in European Commission, 2022a

In the reporting period, the European Court of Human Rights (ECtHR) delivered 19 judgments that Bosnia and Herzegovina had violated rights guaranteed by the European Convention on Human Rights (ECHR) in 10 cases.

p. 29 in European Commission, 2022a

The Sejdić-Finci, Zornić, Šlaku, Pilav and Pudarić ECtHR rulings on electoral rights require constitutional amendments to ensure equality among all citizens; they have still not been implemented and remain under enhanced supervision.

p. 30 in European Commission, 2022a

The Ombudsman has not opened any minor offence proceedings for non-compliance with its recommendations in the past 7 years, despite having the power to do so, nor has it initiated or intervened in administrative or judicial proceedings.

p. 30 in European Commission, 2022a

As regards torture and ill-treatment, Bosnia and Herzegovina needs to ensure compliance with Article 17 of OPCAT.

p. 30 in European Commission, 2022a

Suspects in police stations and detention facilities face a serious risk of ill-treatment, while reports are processed slowly, cases are not handled carefully, and evidence often gets lost

p. 30 in European Commission, 2022a

The Republika Srpska entity government should consider waiving court fees for victims of wartime torture to which statutes of limitations were applied in the past, as in some 200 cases victims faced repossession of property for defaulting on payments, which is a worrying trend.

p. 30 in European Commission, 2022a

In July 2021, the Republika Srpska entity also criminalised describing the entity or its peoples as aggressor or genocidal creation, with detention penalties from 6 months to 5 years; while no cases were reported in the past year, such a criminal designation risks having a chilling effect on freedom of expression.

p. 31 in European Commission, 2022a

The continued unresolved issue of missing persons is a matter of concern

p. 31 in European Commission, 2022a

Cases of discrimination, hate speech and hate crimes on religious grounds continue to occur.

p. 31 in European Commission, 2022a

Incidents targeting religious sites also continue, particularly in minority and returnee areas, as highlighted by the 9 January events in the Republika Srpska entity.

p. 31 in European Commission, 2022a

In June 2022, some 700 engraved memorials in Mostar's partisan cemetery were destroyed in an act of large-scale vandalism.

p. 31 in European Commission, 2022a

The country made no progress in addressing Opinion key priority 12 to guarantee freedom of expression and of the media and the protection of journalists.

p. 31 in European Commission, 2022a

This requires ensuring the appropriate judicial follow-up in cases of threats and violence against journalists and media

workers and ensuring the financial sustainability of the public broadcasting system.

p. 31 in European Commission, 2022a

The legislative framework needs to be aligned with European and international standards and fully enforced.

p. 31 in European Commission, 2022a

Political influence over public broadcasters persists, and their financial sustainability has not been ensured

pp. 31 – 32 in European Commission, 2022a

Political pressure, intimidation and harassment towards journalists, including physical and verbal attacks, continued during the reporting period, and there was no appropriate institutional follow-up

p. 32 in European Commission, 2022a

There are serious concerns about political pressure, intimidation and threats against journalists.

p. 32 in European Commission, 2022a

The polarised political climate, constant verbal attacks and nationalist rhetoric have created a hostile environment for media freedom.

p. 32 in European Commission, 2022a

High-level politicians continued their public attacks and disparaging remarks against journalists, analysts and media workers, particularly against women.

p. 32 in European Commission, 2022a

The authorities continue to downplay the issue.

p. 32 in European Commission, 2022a

The BH Novinari journalists' association recorded 70 cases of journalists' rights being violated in 2021 (69 in 2020, 56 in 2019).

p. 32 in European Commission, 2022a

The Online Media and Press Council received 509 complaints about hate speech against journalists

p. 32 in European Commission, 2022a

Municipal regulations on public order that threaten administrative fines for online comments (such as the one introduced in Cazin in March 2022) further shrink the space for freedom of expression

p. 33 in European Commission, 2022a

State and entity public broadcasters remain exposed to political influence, in particular through politically controlled steering boards.

p. 33 in European Commission, 2022a

There is a worrying trend of self-censorship, heightened in the context of Russia's war of aggression against Ukraine.

p. 33 in European Commission, 2022a

Republika Srpska's RTRS spreads Russian and Serbian disinformation including on Russia's aggression on Ukraine and on Bosnia and Herzegovina's EU accession path.

p. 33 in European Commission, 2022a

The position of female and male journalists is unequal.

p. 33 in European Commission, 2022a

During the pandemic, female journalists and media professionals were particularly confronted with indirect discrimination and suffered more severe professional consequences: more than 10% of female journalists lost their jobs in this period, and more than 95% of them suffered financially.

p. 33 in European Commission, 2022a

Although authorities have not formally introduced restrictions, the environment for reconciliation-related themes is challenging.

p. 33 in European Commission, 2022a

Self-regulation of online media has a limited effect, and online platforms continue to be used to spread hate speech and disinformation.

p. 34 in European Commission, 2022a

The exercise of freedom of assembly remains restricted in the Republika Srpska entity, where in May 2022 local police forbade the “white armbands” march on the 30th anniversary of ethnic cleansing in Prijedor.

p. 34 in European Commission, 2022a

However, human rights defenders dealing with issues perceived as sensitive (e.g. anticorruption, women’s rights, LGBTIQ persons’ rights, migrants, the environment) continue to be subject to threats, harassment, verbal abuse and physical attacks.

p. 34 in European Commission, 2022a

As a key priority, the authorities need to promote a conducive and enabling environment for civil society, and ensure effective consultation on legislative developments on freedom of association.

p. 34 in European Commission, 2022a

Discrimination continues to be under-reported, particularly at the workplace, and judicial practice has shown a lack of uniform application of burden of proof, excessive length and non-enforcement of final decisions.

p. 34 in European Commission, 2022a

No progress was made in eliminating the practice of ‘two schools under one roof’, which is in breach of a 2014 ruling by the Federation entity Supreme Court.

p. 34 in European Commission, 2022a

The name of the Bosnian language is not recognised in schools in the Republika Srpska entity, leading to recurrent school boycotts; the related Constitutional Court decisions have yet to be implemented.

p. 34 in European Commission, 2022a

134 ethnic-related hate incidents were recorded in 2021, and 8 convictions were handed down in 2021 (119 and 3 in 2020, 131 and 1 in 2019)

p. 34 in European Commission, 2022a

The case law on hate crimes is not consistent.

p. 35 in European Commission, 2022a

The gender pay gap remains significant at around 25%.

p. 36 in European Commission, 2022a

Persons with disabilities remain among the most vulnerable groups and there was no progress in addressing the concerns previously identified, including as regards deprivation of legal capacities, status-based discrimination, accessibility.

p. 36 in European Commission, 2022a

The law continues to allow persons with disabilities to be deprived of their legal capacity through a judicial process – in violation of international conventions.

p. 36 in European Commission, 2022a

Persons with disabilities continue to face hurdles to access education, healthcare and social assistance.

p. 36 in European Commission, 2022a

Children with disabilities remain one of the most marginalised and excluded groups, facing stigma and discrimination, and inadequate services, especially in health and education.

p. 36 in European Commission, 2022a

The social inclusion of intersex and transgender persons, who are particularly marginalised, has yet to improve

p. 36 in European Commission, 2022a

The Sarajevo Open Centre documented 14 hate incidents against LGBTIQ persons in 2021, including cases of domestic violence.

p. 37 in European Commission, 2022a

The participation in political and public life of members of national minorities remains low

p. 37 in European Commission, 2022a

The Roma are the most vulnerable and disadvantaged minority.

p. 37 in European Commission, 2022a

Anti-Roma stereotypes and prejudices, discrimination and anti-gypsyism still hinder their social inclusion.

p. 37 in European Commission, 2022a

Roma women in particular face multiple forms of discrimination.

p. 37 in European Commission, 2022a

Roma women's rights are also violated in cases of domestic violence, early marriages, trafficking in human beings and labour exploitation of children.

p. 37 in European Commission, 2022a

No progress was made in developing a methodology for data collection nor in developing a policy for the legalisation of informal economy practices concerning the Roma.

p. 37 in European Commission, 2022a

Discrimination in employment remains rampant, with very high unemployment rates.

p. 37 in European Commission, 2022a

While classes or schools are not segregated, there is no teaching in and of the Romani language, and the awareness of Roma culture among the rest of the population is very limited.

p. 37 in European Commission, 2022a

Around two thirds of Roma have access to healthcare; children outside education and elderly Roma face the biggest hurdles.

p. 37 in European Commission, 2022a

No step was taken to remove administrative obstacles, including residence requirements for birth registration and for access to healthcare and education, and to recognise documents for children born abroad.

p. 38 in European Commission, 2022a

Arbitrary limitations to the human rights of foreigners, including restrictions of movement introduced during the pandemic, should be removed, and the respect of the nonrefoulement principle should be ensured.

p. 1 in European External Action Service, 2022

On freedom of expression and of the media, no progress was made on ensuring the appropriate judicial follow-up to cases of threats and violence against journalists.

p. 1 in European External Action Service, 2022

Challenges persist as regards the freedom of assembly, particularly in the Republika Srpska entity.

p. 1 in European External Action Service, 2022

Gender-based violence, ill treatment of detainees and the protection of minorities, including Roma, continued to be issues of concern, and the social inclusion of LGBTI persons remains to be improved.

p. 1 in European External Action Service, 2022

No progress was made in ensuring an enabling environment for civil society.

p. 1 in European External Action Service, 2022

The political blockage by Republika Srpska-based political parties led to an almost complete standstill in reforms until spring 2022.

p. 1 in European External Action Service, 2022

The Republika Srpska entity also pursued efforts to unilaterally take over state competences and dismantle state institutions; the related legislation has since been quashed by the Constitutional Court.

pp. 1 – 2 in European External Action Service, 2022

Despite an intense facilitation of talks by the EU and the United States, parliamentary parties could not agree on a solution for constitutional and electoral reforms to end ethnic- and residence-based discrimination, thus complying with the Sejdić-Finci ECtHR case law.

p. 3 in European Parliament, 2023

having regard to the Transparency International 2022 Corruption Perceptions Index ranking BiH 110th out of 180 countries

p. 5 in European Parliament, 2023

whereas more than 25 years after the end of the war, the country still faces deep division promoted by political elites, secessionist attempts by the Republika Srpska (RS) entity's leadership and challenges in the rule of law, governance, accountability, freedom of expression and the media, as well as corruption, which contribute to the departure of thousands of citizens each year;

p. 5 in European Parliament, 2023

whereas discrimination in BiH on the grounds of ethnicity, gender and sexual orientation, and the protection of the rights of minorities continue to pose a challenge;

pp. 5 – 6 in European Parliament, 2023

whereas on 23 March 2023, the Republika Srpska National Assembly adopted amendments to the Criminal Code of the Republika Srpska, reintroducing criminal penalties for defamation, and RS entity President Milorad Dodik announced plans to introduce a 'foreign agent' law

p. 6 in European Parliament, 2023

whereas on 21 June 2023 the RS National Assembly adopted a Law on Amendments to the Law on the Publication of Laws and Other Regulations of Republika Srpska and on 27 June 2023 it adopted a Law on the Non-Application of the Decisions of the Constitutional Court of Bosnia and Herzegovina, thus undermining the integrity of the Constitutional Court and the Constitution of BiH

p. 6 in European Parliament, 2023

whereas actors responsible for malign foreign direct and proxy interference and disinformation aim to sow discord, violence and inter-ethnic tensions, and destabilise BiH and the whole Western Balkans region, particularly in the context of Russia's war of aggression against Ukraine

p. 6 in European Parliament, 2023

regrets the political blockages that hindered its completion, which should have been overcome by domestic actors

p. 6 in European Parliament, 2023

regrets the slow pace of implementation since 2019;

p. 6 in European Parliament, 2023

urges all political actors to end, refrain from and overcome institutional blockages, which delay important decision-making, to avoid slipping back into obstructive policies and nationalistic rhetoric, and to show commitment, prioritise and make significant progress on the necessary EU-related reforms by advancing on the steps outlined in the Commission recommendation and the Brussels political agreement of 12 June 2022 on principles for ensuring a functional BiH;

p. 8 in European Parliament, 2023

Denounces in the strongest terms the recurring inflammatory rhetoric and secessionist laws and policies by the leadership of the RS entity, including the celebration of the unconstitutional so-called 'RS Day' and other events that

cause tensions, as well as the refusal to implement the rulings of the Constitutional Court of BiH;

p. 8 in European Parliament, 2023

underlines that such actions destabilise BiH, undermine the Dayton Peace Agreement, contradict BiH's EU perspective and endanger access to EU funding

p. 9 in European Parliament, 2023

Strongly condemns the joint declaration of the ruling majority in the RS entity on the protection of state property and the RS entity's constitutional status, which has called for a special unit to monitor the inter-entity line;

p. 9 in European Parliament, 2023

condemns, furthermore, the adoption by the RS National Assembly on 27 June 2023 of the Law on the Non-Application of the Decisions of the Constitutional Court of Bosnia and Herzegovina and on 21 June 2023 of the Law on Amendments to the Law on Publication of Laws and Other Regulations of Republika Srpska

p. 9 in European Parliament, 2023

stresses that these laws directly undermine the integrity of the Constitutional Court of BiH and the BiH Constitution;

p. 10 in European Parliament, 2023

Recalls that EU funding for projects in the RS entity must remain frozen until the reversal of democratic backsliding by the RS entity and until full alignment with the CFSP, notably on the implementation of restrictive measures;

p. 11 in European Parliament, 2023

regrets, however, that they took place against a backdrop of stagnant reforms, divisive rhetoric, reported political and financial impediments, accusations of the trading of Polling Station Commission positions between political parties, and other irregularities reported to observers, including instances of social welfare, development and public infrastructure projects initiated by incumbent presidents or governments in the election period;

p. 11 in European Parliament, 2023

expresses concern about the amount of public expenditure used in attempting to influence the electorate;

p. 11 in European Parliament, 2023

expresses, however, concerns regarding the timing, transparency and lack of consultations in these processes;

p. 12 in European Parliament, 2023

strongly denounces all forms of intimidation and threats by some political actors in BiH against the members of the CEC and encourages the BiH authorities and the EU Delegation to offer support to CEC members in the event of threats

p. 12 in European Parliament, 2023

Calls for the elimination of selective justice, the case backlog, corruption, a lack of transparency and poor oversight, which undermine the full enjoyment of citizens' rights;

p. 12 in European Parliament, 2023

expresses its concern over reports of political pressure and irregularities in the selection of high-ranking judges and prosecutors;

p. 12 in European Parliament, 2023

Calls on the authorities to allow access to journalists to trials and calls on courts to publish their decisions online and respond to freedom of information requests in a timely manner;

p. 12 in European Parliament, 2023

Strongly opposes any attempt to establish parallel institutions at entity level, which undercuts the constitutional and legal order

p. 12 in European Parliament, 2023

condemns, in this regard, the re-adoption of the RS entity Law on Immovable Property Used for the Functioning of Public Authority, previously annulled by the Constitutional Court and twice suspended by the High Representative;

p. 12 in European Parliament, 2023

calls on the RS entity to immediately withdraw and revoke the laws claiming state property, and to cease re-registering state assets as RS property without delay;

p. 12 in European Parliament, 2023

strongly condemns the RS entity's National Assembly's vote aimed at establishing a separate HJPC, as well as its conclusions disputing the work of the BiH Constitutional Court, calling for its final and binding decisions to be disrespected and the blockage of its work, as well as calling on a Constitutional Court judge to resign;

p. 13 in European Parliament, 2023

Expresses its deep concern about the lack of progress on preventing widespread corruption and the increasing signs of state capture, political interference and obstruction, pressure and intimidation;

p. 13 in European Parliament, 2023

reiterates the need to investigate political and administrative links to organised crime;

p. 13 in European Parliament, 2023

regrets the lack of final convictions for high-level corruption cases, which risks fostering a culture of impunity;

p. 14 in European Parliament, 2023

condemns all inflammatory rhetoric and warmongering that fuel tensions and divisions in BiH society;

p. 14 in European Parliament, 2023

Condemns, in particular, the banning of a march commemorating the victims of the massacre in Prijedor by RS entity security forces

p. 14 in European Parliament, 2023

strongly condemns the violent attacks on 25 March 2023 against two returnees to Višegrad and urges the RS authorities to investigate these cases and hold the perpetrators accountable;

p. 15 in European Parliament, 2023

Strongly condemns attacks and threats, smear campaigns, insults, intimidation and strategic lawsuits against public participation (SLAPP) against journalists and media workers, including by politicians and public figures including the recent attacks on journalists Aleksandar Trifunović and Nikola Morača, and by private companies;

p. 15 in European Parliament, 2023

insists on appropriate, systematic and effective judicial follow-up and the protection of journalists, including by a special layer of protection in the criminal code and improved capacities of prosecutors and judges;

p. 15 in European Parliament, 2023

Is deeply concerned by the introduction and parliamentary consideration of amendments to the RS entity's criminal code reintroducing criminal penalties for defamation;

p. 16 in European Parliament, 2023

is, however, concerned that the public broadcaster of RS has denied the broadcasting of this film about the Srebrenica genocide;

p. 16 in European Parliament, 2023

condemns the public funding by some municipalities of RS of the propaganda revisionist film 'Republika Srpska: The Struggle for Freedom';

p. 16 in European Parliament, 2023

condemns the incidents in Banja Luka during International Women's Day;

p. 16 in European Parliament, 2023

Expresses its concerns about political obstructions to the freedom of assembly for LGBTIQ+ activists and incitement to violence from certain politicians

p. 16 in European Parliament, 2023

denounces the banning of a public gathering in Banja Luka in solidarity with activists, journalists, and LGBTIQ+ people;

p. 16 in European Parliament, 2023

strongly condemns the subsequent violent attacks and pressure on journalists and activists in Banja Luka, as well as the insufficient police action to prevent it;

pp. 16–17 in European Parliament, 2023

further condemns the RS entity leadership's plans to introduce a new law banning LGBTIQ+ persons from education institutions;

p. 17 in European Parliament, 2023

condemns the ongoing segregation and discrimination against them, particularly against Roma children in education

p. 17 in European Parliament, 2023

highlights the disproportionate poverty of Roma people;

p. 17 in European Parliament, 2023

Notes that persons with disabilities, particularly children, are one of the most marginalised groups in BiH;

p. 17 in European Parliament, 2023

regrets the fact that many children with disabilities continue to be placed in institutions;

p. 17 in European Parliament, 2023

reiterates its call for an urgent end to the ongoing discriminatory practice of 'two schools under one roof', in line with court rulings

p. 17 in European Parliament, 2023

condemns the decision of the RS entity's government to adopt a Draft Law on NGOs, aimed at shrinking the space and activity of civil society and that risks criminalising the work of many of its organisations, labelling those receiving international funding as foreign agent

pp. 17–18 in European Parliament, 2023

urges the RS National Assembly not to adopt this legislation;

p. 18 in European Parliament, 2023

expresses serious concerns about reports of violent pushbacks into BiH

p. 18 in European Parliament, 2023

is concerned about the reports of insufficient reception conditions in the EU-funded centre in Lipa;

p. 4 in European Commission, 2023b

Positive developments at state level were in stark contrast to negative developments at the level of the Republika Srpska entity, impacting the country as a whole.

p. 5 in European Commission, 2023b

Recent developments, mainly in the Republika Srpska entity, are going against the positive momentum.

p. 5 in European Commission, 2023b

Notably, the entity called for constitutional judges to resign and adopted a law decreeing that Constitutional Court decisions would not be implemented, calling into question the authority, integrity and the unimpeded functioning of the Constitutional Court and breaching the constitutional and legal order of the country.

p. 5 in European Commission, 2023b

The entity also reintroduced criminal penalties for defamation, which severely impact the environment for civil society and restrict freedom of expression and media freedom, representing a major step backwards in the protection of fundamental rights.

p. 5 in European Commission, 2023b

A draft law targeting civil society groups as 'foreign agents' was adopted in the first reading by the entity assembly

p. 5 in European Commission, 2023b

If finally adopted, this law would further undermine the effective functioning of democracy and would mark another regrettable and undeniable major step backwards.

p. 5 in European Commission, 2023b

As regards political criteria, elections took place in October 2022. The High Representative intervened multiple times in electoral matters, including on the evening of the election day, which according to OSCE/ODIHR challenged legal certainty.

p. 6 in European Commission, 2023b

The entity leadership determined to enforce such laws nevertheless, endangering legal certainty.

p. 6 in European Commission, 2023b

The entity assembly called on state-level constitutional judges to resign, and in June 2023 it legalised the non-publication of decisions of the High Representative and the non-implementation of the rulings of the Constitutional Court, calling into question the authority and integrity of the Constitutional Court and breaching the constitutional and legal order of the country

p. 7 in European Commission, 2023b

The independence and impartiality of the judiciary did not improve.

p. 7 in European Commission, 2023b

Persistent and evident signs of deterioration continue to require urgent measures to strengthen integrity and regain the public's trust in the judiciary.

p. 7 in European Commission, 2023b

The poor functioning of the judicial system continued to undermine citizens' enjoyment of rights and the fight against corruption and organised crime.

p. 7 in European Commission, 2023b

The Republika Srpska entity assembly called on state-level constitutional judges to resign and legalised the non-implementation of the rulings of the Constitutional Court, calling into question the authority and integrity of the Constitutional Court and breaching the constitutional and legal order of the country

p. 7 in European Commission, 2023b

No progress was made in the fight against corruption.

p. 7 in European Commission, 2023b

Although there were some indictments pertaining to high-level corruption, the overall track record on preventing and repressing corruption (including at high level) remains insignificant due to operational inefficiency and political interference.

p. 7 in European Commission, 2023b

The police is vulnerable to political interference.

pp. 7 – 8 in European Commission, 2023b

Gender-based violence, ill-treatment of detainees and inadequate protection of minorities, including the Roma⁶, continue to cause concern.

p. 8 in European Commission, 2023b

There was backsliding in guaranteeing freedom of expression and freedom of the media by protecting journalists from threats and violence and ensuring the financial sustainability of the public broadcasting system.

p. 8 in European Commission, 2023b

Criminal penalties for defamation, reintroduced in the Republika Srpska entity in July 2023, severely impact the environment for civil society and restrict freedom of expression and of the media.

p. 8 in European Commission, 2023b

In September 2023, a draft law targeting civil society groups as 'foreign agents' was also adopted in first reading in the Republika Srpska entity assembly; if fully adopted, it would mark another regrettable and undeniable major step backwards.

p. 11 in European Commission, 2023b

In June 2023 the Republika Srpska entity adopted a law on the non-application of decisions of the Constitutional Court, in breach of the constitutional and legal order, further hindering legal certainty.

p. 11 in European Commission, 2023b

Occasionally political leaders continue spreading historical revisionism and glorifying war criminals, including by denying and trivialising genocide, war crimes, and crimes against humanity

p. 13 in European Commission, 2023b

Cases of femicide sparked public protests and exposed systemic shortcomings of response to gender-based and domestic violence, including in the legislative alignment with the Istanbul convention.

p. 13 in European Commission, 2023b

While the overall legal and regulatory framework is broadly in line with the EU acquis, recently the Republika Srpska entity adopted in the first reading a draft law targeting civil society actors as 'foreign agents' which, if fully adopted, would mark another regrettable and undeniable major step backwards.

p. 13 in European Commission, 2023b

There continue to be concerns about political pressure, intimidation and threats against journalists.

p. 13 in European Commission, 2023b

In July 2023 the Republika Srpska entity re-introduced criminal penalties for defamation, with disproportionate restrictions that severely impact freedom of expression and of the media and representing a major step backwards.

p. 13 in European Commission, 2023b

No action was taken to ensure the financial sustainability of the public broadcasting system

p. 14 in European Commission, 2023b

Ahead of the vote and even directly after the closure of the polls, the High Representative intervened multiple times in electoral matters, including on budget and rules.

p. 14 in European Commission, 2023b

Recent developments, mainly in the Republika Srpska entity, are going against the positive momentum.

p. 14 in European Commission, 2023b

Notably, the entity adopted a law not to implement Constitutional Court decisions and criminalised defamation, severely restricting media freedom and representing a major step backwards in the protection of fundamental rights

p. 14 in European Commission, 2023b

A draft law targeting civil society as ‘foreign agents’ is also pending adoption in the entity.

p. 14 in European Commission, 2023b

If adopted, this law would further undermine the effective functioning of democracy and would mark another regrettable and undeniable major step backwards.

pp. 14 – 15 in European Commission, 2023b

These developments have a severe negative impact on progress on key priority 4 on the improvement of the institutional framework, including at the constitutional level; key priority 12 on the guarantees of freedom of expression and the media; and key priority 11 on ensuring an enabling environment for civil society.

p. 15 in European Commission, 2023b

In June 2023, the Republika Srpska entity legalised the non-publication of a decisions of the High Representative and decreed that the rulings of the Constitutional Court would not be implemented, in breach of the constitutional and legal order.

p. 15 in European Commission, 2023b

Entity authorities determined to enforce them anyway, thereby calling into question the authority and integrity of the Constitutional Court and to breach the constitutional and legal order of the country

p. 15 in European Commission, 2023b

In April 2023, the Republika Srpska entity assembly called on state-level constitutional judges to resign.

p. 15 in European Commission, 2023b

This is of concern.

p. 15 in European Commission, 2023b

Neither before nor after the October 2022 elections did the Parliament amend the election law to address outstanding recommendations by OSCE/ODIHR and GRECO on electoral standards, including as regards transparency of political party financing.

p. 15 in European Commission, 2023b

The High Representative imposed several changes to the electoral framework, including on the evening of the election day, which according to OSCE/ODIHR challenged legal certainty.

p. 15 in European Commission, 2023b

No steps were taken by the Parliament to harmonise the legislation on the registration of political parties across the country, nor to remove from the Constitution any ethnic and residence-based discrimination in voting rights, in line with European Court of Human Rights (ECtHR) rulings.

p. 15 in European Commission, 2023b

On the evening of election day, following the closure of the polls, the High Representative imposed significant amendments to the election law and to the constitution of the Federation entity, including for the appointment of cantonal delegates to the entity House of Peoples.

p. 15 in European Commission, 2023b

According to OSCE/ODIHR this challenged legal certainty, as the full impact of the cantonal assembly vote was not foreseeable by electoral contestants and voters.

p. 16 in European Commission, 2023b

Appeals against alleged irregularities in the vote caused delays in the publication of results.

p. 16 in European Commission, 2023b

The judicial prosecution of reported cases of electoral frauds has been weak.

p. 16 in European Commission, 2023b

Political parties should respect its independence and refrain from threatening to dismiss CEC members.

p. 16 in European Commission, 2023b

Despite the appointment of two women, as Chairs of the Council of Ministers and of the Presidency, the October 2022 elections led to a decrease in the participation of women in politics.

p. 16 in European Commission, 2023b

There are no women among party leaders, and few in other leadership positions.

p. 16 in European Commission, 2023b

Early mayoral elections took place in six municipalities in February 2023, with very low turnouts and multiple reports of incidents, including voter fraud and family voting.

p. 16 in European Commission, 2023b

Parliamentary oversight over the executives remains weak.

p. 16 in European Commission, 2023b

No improvement was made on the registration and financing of political parties.

p. 16 in European Commission, 2023b

The Parliamentary Assembly went into pre-electoral recess from August until December 2022, which resulted in a very poor legislative output, despite the outstanding backlog, as in the previous period.

p. 16 in European Commission, 2023b

Parliamentary oversight of the executive was very weak.

pp. 16 – 17 in European Commission, 2023b

At entity level, the Republika Srpska assembly includes only 12 women among 83 MPs (14.5%, down from 18 MPs), and the Federation House of Representatives has 27 women out of 98 MPs (27%, down from 30 MPs).

p. 17 in European Commission, 2023b

The House of Representatives of the Federation entity has failed to replace a constitutional judge whose term expired in August 2022; he will continue to serve until replaced.

p. 18 in European Commission, 2023b

Besides the chairwoman, there is only one woman out of nine ministers in the Council of Ministers, in charge of civil affairs (previously two, in charge of foreign affairs and defence).

p. 18 in European Commission, 2023b

The new government of the Republika Srpska entity, in office since December 2022, adopted legislative initiatives aimed at restricting fundamental freedoms and the space for civil society, including amendments to re-criminalise defamation and a draft law targeting NGOs as foreign agents.

p. 18 in European Commission, 2023b

The entity government again proposed legislation on immovable property, defying constitutional jurisprudence that had clarified that it had no competence to do so, and legalised the non-implementation of the rulings of the Constitutional Court in the entity.

pp. 19 – 20 in European Commission, 2023b

The reintroduction of criminal penalties for defamation in the Republika Srpska entity, which entered into force in August 2023, severely impacts the environment for civil society.

p. 20 in European Commission, 2023b

Legislative initiatives in parliamentary procedure in the Republika Srpska entity to target civil society organisations as foreign agents, if adopted, would mark a regrettable and undeniable major step backwards.

p. 20 in European Commission, 2023b

The space for civil society is particularly under threat in the Republika Srpska entity, due to continued attacks by the political leaders, which have led to instances of physical assault, as in March 2023 in Banja Luka.

p. 20 in European Commission, 2023b

The Republika Srpska entity also reintroduced criminal penalties for defamation in July 2023.

p. 20 in European Commission, 2023b

The legislative initiative targeting civil society organisations as foreign agents, if adopted, would severely curtail civil liberties in the entity.

p. 20 in European Commission, 2023b

Activists dealing with issues perceived as sensitive (anti-corruption, women's rights, rights of LGBTIQ persons, migrants, the environment) continued to be subject to threats, abuse and physical attacks.

p. 20 in European Commission, 2023b

In some instances, the authorities abused the tax framework to intimidate civil society groups.

p. 21 in European Commission, 2023b

The policy-making system in Bosnia and Herzegovina continues to be fragmented.

p. 22 in European Commission, 2023b

All of this hampers public scrutiny of government work.

p. 23 in European Commission, 2023b

As a result, at cantonal level, the final selection may depend on ethnic background rather than merit.

p. 24 in European Commission, 2023b

There is no systemic and consolidated data on the integrity of civil servants.

p. 24 in European Commission, 2023b

Legislation on the right to access information remains fragmented.

p. 25 in European Commission, 2023b

The poor functioning of the judicial system continued to undermine citizens' enjoyment of rights and the fight against corruption.

p. 25 in European Commission, 2023b

In addition, under the adopted amendments external experts tasked with monitoring the functioning and enforcement of the asset declaration system are not allowed to access personal data contained in asset declarations and supporting documents.

p. 25 in European Commission, 2023b

The Republika Srpska entity assembly called on state-level constitutional judges to resign and legalised the non-implementation of the rulings of the Constitutional Court, in breach of the constitutional and legal framework of the country.

p. 25 in European Commission, 2023b

While the High Representative annulled these laws, Republika Srpska entity authorities determined to enforce them anyway.

p. 26 in European Commission, 2023b

The Council still struggles to regain public trust, including in the professional community, as it continued to adopt inconsistent and inadequately reasoned decisions on appointment decisions.

p. 27 in European Commission, 2023b

Undue external pressures have increased, especially by political leaders who publicly target certain judicial office holders and their decisions, notably the prosecutors in the case Novalić et al. on public procurement fraud of COVID-19 medical equipment.

p. 27 in European Commission, 2023b

In June 2023, the Republika Srpska entity legalised the nonpublication of decision of the High Representative and the non-implementation of the rulings of the Constitutional Court, in breach of the constitutional and legal framework.

p. 27 in European Commission, 2023b

Entity authorities determined to enforce them anyway.

p. 27 in European Commission, 2023b

In addition, under the adopted amendments external experts tasked with monitoring the functioning and enforcement of the asset declaration system are not allowed to access personal data contained in asset declarations and supporting documents

p. 28 in European Commission, 2023b

Disciplinary procedures continue to have little dissuasive effect, despite their number being high compared to the European average.

p. 28 in European Commission, 2023b

Although appointment rules are based on merit, exceptions based on ethnicity and other considerations continue to prevail

p. 28 in European Commission, 2023b

As a consequence, appointments significantly deviate from merit-based ranking, casting doubts as to fairness.

p. 28 in European Commission, 2023b

This was again evident in a March-April 2023 appointment to the Republika Srpska entity Prosecutor's Office, where the HJPC appointed a candidate ranked last, on the pretext of ethnic balance.

p. 28 in European Commission, 2023b

Trust in the appointment system is at its lowest, including within the professional community.

pp. 28 – 29 in European Commission, 2023b

In addition, there is a concern with continued delays in appointments, which results in courts being unable to appoint panels for cases, endangering the effective delivery of justice, especially in cases of recusal.

p. 29 in European Commission, 2023b

This further affects the courts' performance.

p. 30 in European Commission, 2023b

Nevertheless, the still excessive length of proceedings hampers the citizens' right to trial within a reasonable time.

p. 30 in European Commission, 2023b

There is a backlog of over 2 million pending court cases, of which some 1.7 million are cases of unpaid utility bills, which continue to hinder efficiency.

p. 32 in European Commission, 2023b

No progress was made in addressing Opinion key priority 7, the 2022 recommendations, and the findings of the Expert Report on Rule of Law issues.

p. 32 in European Commission, 2023b

Selective and non-transparent judicial follow-up in corruption cases of public resonance is a cause of significant concern, alongside pressure and intimidation.

p. 32 in European Commission, 2023b

The track record on preventing and repressing corruption (including at high level) remains insignificant, due to operational inefficiency and political interference.

p. 32 in European Commission, 2023b

The number of final convictions in high-level cases remains very low.

p. 33 in European Commission, 2023b

This trend shows that there continues to be an alarmingly low number of final convictions in high-profile cases.

p. 33 in European Commission, 2023b

The trend at state level shows that only a few investigations have been finalised.

p. 33 in European Commission, 2023b

Prison sentences are often suspended or even converted into fines with little dissuasive effect.

p. 33 in European Commission, 2023b

As regards asset declarations, about 600 state-level officials are required to submit their financial reports for verification, out of whom only 212 submitted their financial reports in 2022 (291 in 2021).

p. 33 in European Commission, 2023b

In 2022, no proceedings for failure to submit declarations or inaccuracies were initiated, no reports were checked and no sanctions were imposed.

p. 33 in European Commission, 2023b

In the Republika Srpska entity, around 4 000 office holders are obliged to submit financial reports, out of whom only 129 submitted financial reports in 2022 (990 in 2021).

p. 35 in European Commission, 2023b

The highly formalistic manner in which SIPA is enforcing actions aimed at obtaining evidence, including in high-level corruption cases, is a cause of serious concern.

p. 35 in European Commission, 2023b

Pressure, interference and verbal attacks on judicial office holders, especially in high-level cases, continued without a systemic and efficient response by the HJPC and remain a major concern.

p. 35 in European Commission, 2023b

In the reporting period, the limited cooperation of law-enforcement agencies with prosecutor's offices and lack of effective monitoring by the prosecutors over the work of police continued to seriously hamper the effectiveness of investigations.

p. 35 in European Commission, 2023b

The selective unwillingness of the police, including at state level, to cooperate with prosecutor's offices, notably in high-level corruption cases, is a cause of serious concern, calling into question their independence and professionalism.

p. 36 in European Commission, 2023b

Lack of transparency seriously hinders the fight against corruption.

p. 37 in European Commission, 2023b

There was backsliding in guaranteeing freedom of expression.

p. 37 in European Commission, 2023b

The reintroduction of criminal penalties for defamation in the Republika Srpska entity in July 2023 severely impacts the environment for civil society, restricting freedom of expression and of the media and represents a major step backwards in the protection of fundamental rights.

p. 37 in European Commission, 2023b

In September 2023, the entity assembly adopted in first reading a draft law targeting civil society groups as foreign agents; if fully adopted, would mark another regrettable and undeniable major step backwards.

p. 37 in European Commission, 2023b

Freedom of assembly remains restricted in large parts of the country.

p. 37 in European Commission, 2023b

Divided education needs to end in order to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of ‘two schools under one roof’.

p. 37 in European Commission, 2023b

Gender-based violence, ill-treatment of detainees and the insufficient protection of minorities, including the Roma, continue to cause concern.

p. 38 in European Commission, 2023b

In the reporting period, the European Court of Human Rights (ECtHR) delivered nine judgments that Bosnia and Herzegovina had violated rights guaranteed by the European Convention on Human Rights (ECHR) in six cases (10 in 2022).

p. 39 in European Commission, 2023b

The Republika Srpska entity government has not yet taken measures to waive court fees for victims of wartime torture to which statutes of limitations were applied in the past: as a consequence, victims continue to face repossession of property for defaulting on payments, which is worrying.

p. 39 in European Commission, 2023b

Political leaders continued to engage in historical revisionism, including genocide denial and glorification of war criminals, also contesting established facts and the independence or impartiality of international and domestic tribunals.

p. 39 in European Commission, 2023b

The criminal designation in the Republika Srpska legislation for describing the entity or its peoples as aggressor or as genocidal continues to have a chilling effect on freedom of expression in the entity.

p. 39 in European Commission, 2023b

The continued unresolved issue of missing persons is a matter of concern.

p. 40 in European Commission, 2023b

No progress was made in aligning legislation with the EU acquis on data protection, notably the General Data Protection Regulation (GDPR).

p. 40 in European Commission, 2023b

Incidents targeting religious sites also continue, particularly in minority and returnee areas, as highlighted by incidents involving Bosniak returnees to Višegrad in March and April 2023, and Serb returnees to the Mostar area.

p. 40 in European Commission, 2023b

There was backsliding in addressing Opinion key priority 12 to guarantee freedom of expression and of the media and the protection of journalists.

p. 40 in European Commission, 2023b

Political pressure, intimidation and harassment towards journalists, including physical and verbal attacks, continued during the reporting period, and there was no appropriate institutional follow-up

p. 40 in European Commission, 2023b

Political influence over public broadcasters persists, and their financial sustainability remains in question.

p. 40 in European Commission, 2023b

The reintroduction of criminal penalties for defamation in the Republika Srpska entity, adopted by law in July 2023, severely impacts freedom of expression and of the media and represents a major step backwards in the protection of fundamental rights.

p. 40 in European Commission, 2023b

The Sarajevo Canton government endorsed a draft law that would introduce sanctions for online ‘fake news’; if adopted, it could be abused to restrict online communications and intimidate reporters.

p. 41 in European Commission, 2023b

There continue to be serious concerns about political pressure, intimidation and threats against journalists.

p. 41 in European Commission, 2023b

The polarised political climate, constant verbal attacks and nationalist rhetoric have created a hostile environment for media freedom.

p. 41 in European Commission, 2023b

High-level politicians continued their public attacks and disparaging remarks against journalists, analysts and media workers, particularly against women.

p. 41 in European Commission, 2023b

The authorities continue to downplay the issue with no public statements on these issues, and institutional follow-up is weak.

p. 41 in European Commission, 2023b

The BH Novinari journalists' association recorded 73 cases of journalists' rights being violated in 2022 (70 in 2021, 69 in 2020).

p. 41 in European Commission, 2023b

The reintroduction of criminal penalties for defamation in the Republika Srpska entity, adopted by law in July 2023, severely impacts free speech and freedom of expression and of the media.

p. 41 in European Commission, 2023b

The procedure to appoint its management does not guarantee pluralistic representation of interested stakeholders and full independence from the regulated sector and from political influence.

p. 42 in European Commission, 2023b

Republika Srpska's RTRS public channel spreads Russian and Serbian disinformation, including on Russia's aggression on Ukraine and on Bosnia and Herzegovina's EU accession path.

p. 42 in European Commission, 2023b

The high number of strategic lawsuits against public participation (SLAPP) further fuels self-censorship

p. 42 in European Commission, 2023b

Online platforms are used to spread hate speech and disinformation, as self-regulation of online media has a limited effect.

p. 42 in European Commission, 2023b

In April 2023, the government of Sarajevo Canton endorsed a draft law defining the internet as a public space and introducing disproportionate sanctions for the online dissemination of undefined 'fake news'; if adopted, this provision could be abused to restrict online communications and intimidate reporters.

p. 43 in European Commission, 2023b

Although authorities have not formally introduced restrictions, the environment for reconciliation-related themes is challenging.

p. 43 in European Commission, 2023b

The exercise of freedom of assembly remains restricted in the Republika Srpska entity, where in March 2023 the local police banned an LGBTIQ event.

p. 43 in European Commission, 2023b

However, human rights defenders dealing with issues perceived as sensitive (e.g. anti-corruption, women's rights, LGBTIQ persons' rights, migrants, the environment) continue to be subject to threats, harassment, verbal abuse and even physical attacks.

p. 43 in European Commission, 2023b

The authorities have failed to promptly and systematically condemn and properly investigate such attacks.

p. 43 in European Commission, 2023b

In September 2023, the Republika Srpska entity adopted in first reading a legislative initiative on a special registry and transparency of work of non-profit organisations, which

would impose excessive and unwarranted restrictions on civil society organisations and targeting them as 'foreign agents'.

p. 43 in European Commission, 2023b

If fully adopted, this draft law would adversely affect civil society, including in engaging with stakeholders without fear of repercussions.

p. 43 in European Commission, 2023b

This draft law should be abandoned, in line with the joint opinion of ODIHR and Venice Commission

p. 43 in European Commission, 2023b

Additionally, civil society organisations in the Herzegovina-Neretva Canton face continuous pressure from the authorities with repetitive and excessive inspections.

p. 44 in European Commission, 2023b

Discrimination continues to be under-reported, particularly at the workplace, and judicial practice has shown lack of uniform application of burden of proof, excessive length and nonenforcement of final decisions.

p. 44 in European Commission, 2023b

The Ombudsman registered 208 cases of discrimination in 2022 (173 in 2021, 288 in 2020), of which the most frequent concerned discrimination at the workplace, ethnic discrimination and discrimination on the basis of social position and gender.

p. 44 in European Commission, 2023b

No progress was made in eliminating the practice of 'two schools under one roof', which is in breach of 2014 and 2021 rulings by the Federation entity Supreme Court concerning the Herzegovina-Neretva and the Central Bosnia Canton.

p. 44 in European Commission, 2023b

Despite Constitutional Court decisions, the name of the Bosnian language is still not recognised in schools in the Republika Srpska entity, leading to recurrent school boycotts.

p. 44 in European Commission, 2023b

Failure to identify acts as hate crimes and the high burden of proof still make it difficult to establish intent, leading to few indictments and convictions.

p. 44 in European Commission, 2023b

During the reporting period, a number of cases of gender-based violence leading up to the murder of women (femicide) garnered public attention and sparked protests across several cities in Bosnia and Herzegovina.

p. 46 in European Commission, 2023b

Persons with disabilities are among the most vulnerable groups.

p. 46 in European Commission, 2023b

No steps were taken to address concerns regarding deprivation of legal capacity, status-based discrimination, and accessibility.

p. 46 in European Commission, 2023b

The law continues to allow persons with disabilities to be deprived of their legal capacity through a judicial process, in violation of international conventions.

p. 46 in European Commission, 2023b

Persons with disabilities continue to face hurdles in accessing education, healthcare and social assistance.

p. 46 in European Commission, 2023b

Children with disabilities remain one of the most marginalised and excluded groups, facing stigma and discrimination along with inadequate services, especially in health and education.

p. 46 in European Commission, 2023b

The social inclusion of intersex and transgender persons, who continue to be particularly marginalised, has yet to improve.

p. 46 in European Commission, 2023b

In March 2023, the local police prohibited an LGBTIQ pride event in Banja Luka and did not protect activists from physical attacks, nor were the perpetrators prosecuted.

p. 46 in European Commission, 2023b

Harmful comments by high-level politicians and public figures against the LGBTIQ community contributed to these developments.

p. 46 in European Commission, 2023b

The Sarajevo Open Centre documented 13 hate incidents against LGBTIQ persons in 2022, including cases of domestic violence.

p. 47 in European Commission, 2023b

The participation in political and public life of persons belonging to national minorities remains low.

p. 47 in European Commission, 2023b

Minorities and unaffiliated citizens, remain barred from running for the Presidency and House of Peoples.

p. 47 in European Commission, 2023b

This has been repeatedly condemned by the ECtHR since 2009 (Sejdić-Finci case law).

p. 47 in European Commission, 2023b

The Roma are the most vulnerable and disadvantaged minority.

p. 47 in European Commission, 2023b

Anti-Roma stereotypes and prejudices, discrimination and anti-gypsyism still hinder their social inclusion.

p. 47 in European Commission, 2023b

Roma women in particular face multiple forms of discrimination.

p. 47 in European Commission, 2023b

They often lack resources, access to services, awareness about their rights and information on protection mechanisms.

p. 47 in European Commission, 2023b

Roma women's rights are also violated in cases of domestic violence, early marriages, trafficking in human beings and labour exploitation of children.

p. 47 in European Commission, 2023b

Discrimination in employment remains rampant, with very high unemployment rates.

p. 47 in European Commission, 2023b

While classes or schools are not segregated, there is no teaching in and of the Romani language, and the awareness of Roma culture among the rest of the population is very limited.

p. 48 in European Commission, 2023b

Arbitrary limitations to their human rights, including restrictions of movement introduced during the pandemic, should be removed.

• A2: Insufficient Circumstances | 795 Quotations:

p. 5 in European Commission, 2019b

The Stabilisation and Association Parliamentary Committee was established in November 2015 as part of the SAA bodies, but it failed to adopt its rules of procedure due to the insistence of some delegates from Bosnia and Herzegovina on the inclusion of ethnic voting provisions not in line with European standards.

p. 7 in European Commission, 2019b

To prevent such systematic disputes and ensure effective implementation of the acquis, Bosnia and Herzegovina needs to ensure legal certainty on the distribution of competences among the levels of government

p. 8 in European Commission, 2019b

Several of its decisions remain not enforced

p. 8 in European Commission, 2019b

The professionalism and independence of Constitutional Court judges needs to be strengthened, starting with improving their eligibility criteria and appointment procedures.

p. 8 in European Commission, 2019b

The Constitutional Court needs to be able to take a proactive and independent role to address conflicts of competence.

p. 8 in European Commission, 2019b

Its legitimacy must be recognised by all authorities, to ensure sustained compliance with its decisions.

p. 8 in European Commission, 2019b

Comprehensive impact assessments of proposed legislation are often not ensured and legislative oversight of the executives, including monitoring the implementation of legislation needs to be stepped up

pp. 8–9 in European Commission, 2019b

The cooperation among legislative assemblies as well as their capacities to assess the legislation against the EU acquis are weak and should also be significantly enhanced, if necessary by pooling resources countrywide.

p. 9 in European Commission, 2019b

This is notably the case at cantonal level where capacities to deliver on EU membership obligations are insufficient.

p. 9 in European Commission, 2019b

The constitutional and legislative framework is incomplete and does not sufficiently guarantee the independence, autonomy, accountability and efficiency of the judiciary.

p. 9 in European Commission, 2019b

In order to strengthen the guarantees of judicial independence and prosecutorial autonomy, including from all forms of politicisation and pressures, the HJPC and the statelevel court system should be provided with an explicit constitutional status.

p. 9 in European Commission, 2019b

The Law on the HJPC should be revised to better regulate the appointment, appraisal and disciplinary procedures of members of the judiciary, and provide appropriate legal remedies against final decisions of the HJPC.

p. 10 in European Commission, 2019b

The fight against corruption and organised crime is hampered by a lack of harmonisation of legislation across the country and by weak institutional cooperation and coordination.

p. 10 in European Commission, 2019b

The policy, institutional and legal framework to prevent corruption is fragmented and has significant gaps.

p. 10 in European Commission, 2019b

Fight against money laundering needs to be stepped up

p. 10 in European Commission, 2019b

Final convictions in high-level corruption cases are very rare and sanctions are not deterrent enough.

p. 10 in European Commission, 2019b

The legislation and institutions on fundamental rights are largely in place; they should be fully implemented and substantially improved, including by harmonising legislation within the country and aligning it with European standards, strengthening administrative capacity and providing adequate resources for the effective enforcement of fundamental rights.

p. 10 in European Commission, 2019b

The laws on non-discrimination and on gender equality are in place but not sufficiently enforced, including on gender-based violence.

p. 10 in European Commission, 2019b

Violence, threats and political pressure against journalists are a cause for concern; the protection of journalists and the

investigative and judicial follow-up to threats and attacks against them are inadequate.

p. 10 in European Commission, 2019b

An enabling environment for civil society is not yet fully in place, including on freedom of assembly and association.

p. 10 in European Commission, 2019b

The protection and inclusion of vulnerable groups is not yet adequate, in particular for persons with disabilities, children, LGBTI people,⁷ members of the Roma community, detainees, migrants and asylum seekers.

p. 10 in European Commission, 2019b

Inclusive and quality education for all is also necessary to overcome the practice of ‘two schools under one roof’ and to implement the related court rulings.

p. 10 in European Commission, 2019b

The political environment is not yet conducive to reconciliation and to overcoming the legacies of the past.

p. 11 in European Commission, 2019b

War crime processing is still subject to a backlog of cases, and a revised national war crime strategy needs to be adopted

p. 14 in European Commission, 2019b

In this respect, the country needs to dedicate considerable efforts to sufficiently fulfil such criteria by strengthening its institutions in order to guarantee democracy, the rule of law, human rights and respect for and protection of minorities.

p. 14 in European Commission, 2019b

Bosnia and Herzegovina needs to improve its electoral framework and the functioning of the judiciary.

p. 14 in European Commission, 2019b

It should also strengthen the prevention and fight against corruption and organised crime, including money-laundering and terrorism, as well as ensure effective functioning of border management, migration and asylum systems.

p. 14 in European Commission, 2019b

It needs to step up the protection of fundamental rights of all citizens, including by ensuring an enabling environment for civil society and reconciliation and the protection and inclusion of vulnerable groups

p. 15 in European Commission, 2019b

Ensure that elections are conducted in line with European standards by implementing OSCE/ODIHR and relevant Venice Commission recommendations, ensuring transparency of political party financing, and holding municipal elections in Mostar.

p. 15 in European Commission, 2019b

Guarantee the independence of the judiciary, including its self-governance institution (HJPC);

p. 16 in European Commission, 2019b

Reform the Constitutional Court, including addressing the issue of international judges, and ensure enforcement of its decisions;

p. 16 in European Commission, 2019b

Ensure equality and non-discrimination of citizens, notably by addressing the Sejdić-Finci ECtHR case law;

p. 16 in European Commission, 2019b

Ensure that all administrative bodies entrusted with implementing the *acquis* are based only upon professionalism and eliminate veto rights in their decisionmaking, in compliance with the *acquis*.

p. 16 in European Commission, 2019b

Strengthen the prevention and fight against corruption and organised crime, including money laundering and terrorism,

p. 16 in European Commission, 2019b

Strengthen the protection of the rights of all citizens, notably by ensuring the implementation of the legislation on non-discrimination and on gender equality.

p. 16 in European Commission, 2019b

Ensure an enabling environment for civil society, notably by upholding European standards on freedom of association and freedom of assembly.

pp. 16 – 17 in European Commission, 2019b

Guarantee freedom of expression and of the media and the protection of journalists, notably by (a) ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers, and (b) ensuring the financial sustainability of the public broadcasting system.

p. 17 in European Commission, 2019b

Improve the protection and inclusion of vulnerable groups, in particular persons with disabilities, children, LGBTI persons, members of the Roma community, detainees, migrants and asylum seekers, as well as displaced persons and refugees in line with the objective of closure of Annex VII of the Dayton Peace Agreement.

p. 1 in European External Action Service, 2019b

The country “will need to fundamentally improve its legislative and institutional framework to ensure it meets” a number of key priorities set out in the Opinion, a considerable number of which intend to improve the overall rule of law situation in the country.⁷

p. 2 in European External Action Service, 2019b

While these past initiatives have certainly contributed to some progress, a significant breakthrough, enabling the country to adequately meet rule of law standards, has not yet occurred.

p. 4 in European External Action Service, 2019b

This attitude negates the laudable attempts of many office holders who try - in their day-to-day work - “to make things function” despite all difficulties and obstacles.

p. 4 in European External Action Service, 2019b

In BiH, important rule of law areas such as the judiciary require systemic reforms.

p. 4 in European External Action Service, 2019b

A common understanding and a common sense of responsibility across levels of government and institutions for overcoming rule of law shortcomings in the country are desperately needed.

p. 4 in European External Action Service, 2019b

A culture of responsibility, accountability and transparency still needs to be fully developed within public institutions.

p. 5 in European External Action Service, 2019b

Clearly: lost time has to be made up; obstruction should stop

p. 5 in European External Action Service, 2019b

Decisions should not be unnecessarily vetoed.

p. 5 in European External Action Service, 2019b

Obstacles need to be removed and options explored for realizing the shared goal.

p. 5 in European External Action Service, 2019b

Instead, there is a considerable gap between legislation and practice which needs to be bridged.

p. 5 in European External Action Service, 2019b

Implementation of rule of law is insufficient, often due to poor management of human resources, political interference and a lack of a culture of accountability and transparency.

p. 5 in European External Action Service, 2019b

Where changes are decided, their implementation and its regular, systematic monitoring often fall short.

p. 5 in European External Action Service, 2019b

It is not sufficient to adopt reforms in regulations and rulebooks

p. 5 in European External Action Service, 2019b

Change needs to be facilitated, accompanied and explained to those who bear the burden of implementing it.

p. 5 in European External Action Service, 2019b

Appointments and promotions in all sectors of public activity must be based on qualification and merit.

p. 5 in European External Action Service, 2019b

All public action has to be accountable; wrongdoings and irregularities need to be met with appropriate remedial action and sanctions.

p. 5 in European External Action Service, 2019b

Accountability must be established above all by addressing failure and misbehaviour and fighting impunity.

p. 6 in European External Action Service, 2019b

Officials working in public bodies need to have confidence that they can carry out their duties free from direct or indirect pressure.

p. 6 in European External Action Service, 2019b

For the time being, the system has not yet achieved the level of maturity needed to allow it to dispense with the need for international judges, but this must remain the ultimate objective.

p. 8 in European External Action Service, 2019b

Appropriate resources must be allocated to ensure the proper functioning of the system.

p. 8 in European External Action Service, 2019b

In order to enable the civil judiciary to focus its limited resources on serious matters courts must be relieved of the cases relating to enforcement of uncontested small debts.

p. 9 in European External Action Service, 2019b

Judges must manage trial proceedings efficiently and ensure full respect of procedural discipline.

p. 9 in European External Action Service, 2019b

A strong commitment and empowerment of judges is necessary to facilitate delivery of justice within reasonable time.

p. 9 in European External Action Service, 2019b

Efficiency of courts in business related matters, in particular in the areas of contract enforcement and bankruptcy must be significantly improved.

p. 9 in European External Action Service, 2019b

The High Judicial and Prosecutorial Council (HJPC) and Ministries of Justice must coordinate necessary actions to ensure the correct implementation of all the above measures.

p. 9 in European External Action Service, 2019b

However, generally applicable administrative rules and procedures often do not seem to be respected.

p. 9 in European External Action Service, 2019b

More specifically, administrative justice is not efficient in protecting the individual rights of citizens against decisions or the failure to act of public authorities.

p. 10 in European External Action Service, 2019b

Taking into account its broad competence, it should be more proactive in carrying out its mandate and fully using its powers, based on a non-ethnic approach.

p. 10 in European External Action Service, 2019b

In particular, the Ombudsman should use its competence to initiate or intervene in judicial proceedings, which may result in legally binding decisions of the court.

p. 10 in European External Action Service, 2019b

None of the four existing criminal justice jurisdictions is adequately functioning.

p. 10 in European External Action Service, 2019b

This jurisdiction needs to be properly defined and exercised, in line with the recommendations of the European Commission and of the Venice Commission.

p. 10 in European External Action Service, 2019b

Cooperation between state, entities/district and cantonal jurisdictions is extremely weak

p. 11 in European External Action Service, 2019b

The special departments at the BiH Prosecutor's Office and Prosecutor's Office in the Republika Srpska entity exist but did not achieve any results in high-level cases.

p. 12 in European External Action Service, 2019b

However much more effort, courage, responsibility and higher ethical standards are needed to make a decisive difference and eradicate the deep-rooted corruption.

p. 12 in European External Action Service, 2019b

However, even in these cases the sanctions do not have a deterrent effect.

p. 12 in European External Action Service, 2019b

Investigations in corruption cases are, as a rule, limited in scope and fail to reveal the full personal, territorial or financial extent of the offence.

p. 12 in European External Action Service, 2019b

The Agency for the Prevention of Corruption and Coordination of the Fight against Corruption (APIK) failed to become visible and vocal.

p. 12 in European External Action Service, 2019b

It missed a number of important occasions to place itself at the heart of the fight against corruption, including in the area of whistle-blowers' protection.

p. 12 in European External Action Service, 2019b

Although there is legislation on the protection of whistle-blowers at State level, Republika Srpska entity and Brčko District concrete results are less than modest.

pp. 12 – 13 in European External Action Service, 2019b

There is also an acute need for more effective application of the laws in practice, and for continuing monitoring of their effectiveness and a willingness to amend them where weaknesses become apparent.

p. 13 in European External Action Service, 2019b

Specialised departments in prosecutor's offices must start to deal effectively with high-level corruption cases and their independence must be strongly safeguarded.

p. 13 in European External Action Service, 2019b

A renewed impetus is needed to ensure that the mere passing of time does not lead to impunity for perpetrators.

p. 14 in European External Action Service, 2019b

However the HJPC needs serious reform and a radical change of behaviour.

p. 14 in European External Action Service, 2019b

Despite a number of practical improvements adopted on the basis of expert peer review missions supported by the Commission, the HJPC did not manage to assert itself as an institution at the service of the judiciary

p. 14 in European External Action Service, 2019b

The procedure for the election of the HJPC members must be revised

p. 14 in European External Action Service, 2019b

The disciplinary procedures and bodies within HJPC must be radically reformed.

pp. 14 – 15 in European External Action Service, 2019b

While the professionalism and courage of disciplinary prosecutors of the Office of the Disciplinary Counsel (ODC) merit mention, it is highly problematic that disciplinary panels which take the decisions, contain a majority or are completely composed of HJPC members.

p. 15 in European External Action Service, 2019b

Although the decisions need to be open to judicial review, this is not yet possible under the current legislation.

p. 15 in European External Action Service, 2019b

Furthermore, the HJPC's initiatives to improve the quality of justice must be consolidated and expanded.

p. 15 in European External Action Service, 2019b

The work of the HJPC requires a significant increase in transparency and outreach.

p. 16 in European External Action Service, 2019b

The election of HJPC members should be conducted according to a system of proportional representation which could make the artificial establishment of quotas redundant

p. 17 in European External Action Service, 2019b

In order to regain the trust of the population, the judiciary needs to immediately show full transparency and determination to establish a rigorous and credible system of checks of asset declarations of judicial office holders.

p. 17 in European External Action Service, 2019b

There is an urgent need to step it up, as one element of a broader integrity check.

p. 17 in European External Action Service, 2019b

However, the application of the new Rulebook has been objected to by the Data Protection Agency upon a complaint by judges from the Court of BiH and subsequently suspended by the HJPC.

p. 17 in European External Action Service, 2019b

However, recent events call for a strengthening of the revised Rulebook to allow for its full application to all judicial office holders without exception and to all judicial management positions.

p. 17 in European External Action Service, 2019b

To ensure its credibility the process must be subject to close external monitoring, including the possibility of international monitoring of its functioning and enforcement.

p. 18 in European External Action Service, 2019b

Although compulsory, the quality and the duration of the initial training programme for newly appointed judges and prosecutors are inadequate.

p. 18 in European External Action Service, 2019b

The quality of the current initial training of the newly appointed judicial office holders should be significantly improved.

p. 19 in European External Action Service, 2019b

Associations of judges and prosecutors should play a more constructive role in the judicial reform process.

p. 19 in European External Action Service, 2019b

The judicial proceedings as well as judicial institutions are not sufficiently open to the public and media

p. 20 in European External Action Service, 2019b

up to now, the various initiatives to address constitutional shortcomings have not resulted in any significant reform.

p. 20 in European External Action Service, 2019b

In parallel to working on constitutional reforms, every possible effort should be made immediately to address shortcomings within the current constitutional framework.

p. 20 in European External Action Service, 2019b

At the end, such “solutions” will not suffice

p. 20 in European External Action Service, 2019b

Therefore, serious work on reforming the constitutional framework of the country has to start without any further delay.

p. 23 in European External Action Service, 2019b

Proper enforcement and sufficient remedies are needed to ensure effective legal protection against violations of such rights.

p. 23 in European External Action Service, 2019b

Important improvements in the civil and criminal justice systems are required.

p. 23 in European External Action Service, 2019b

The current system of just gathering asset declarations on paper without carrying out any checks is pointless and needs to be stepped up

p. 23 in European External Action Service, 2019b

The present BiH Constitution as well as the entity constitutions need fundamental reforms, in particular to overcome the “institutional overkill”. T

p. 14 in European Commission, 2021b

Political actors and institutions need to engage in a transparent and inclusive dialogue to address long-standing electoral shortcomings ahead of the next general elections in October 2022

p. 30 in European Commission, 2021b

In Bosnia and Herzegovina, the public political commitment of the authorities at all levels of government to the strategic goal of European integration has not been turned into concrete action, as political leaders continued to engage in divisive rhetoric and unconstructive political disputes, which have hindered overall progress on the 14 key priorities.

p. 30 in European Commission, 2021b

Bosnia and Herzegovina needs to fundamentally improve its legislative and institutional framework, including at constitutional level where necessary, to comply with the requirements of EU membership

p. 30 in European Commission, 2021b

Political actors and institutions need to engage in a transparent and inclusive dialogue, including on electoral and constitutional reforms to address long-standing electoral shortcomings.

p. 30 in European Commission, 2021b

Bosnia and Herzegovina will have to deliver on a critical mass of reforms before the Commission could recommend granting candidate status to the country.

p. 51 in European Commission, 2021b

Inclusive process of electoral reform, through genuine dialogue and in line with European standards that would eliminate all forms of inequality and discrimination in the electoral process, is paramount.

p. 51 in European Commission, 2021b

A number of Constitutional Court decisions have yet to be fully enforced.

p. 52 in European Commission, 2021b

Limited progress was made in ensuring an enabling environment for civil society

p. 52 in European Commission, 2021b

The authorities have taken limited action to address the findings of the Expert Report on Rule of Law issues ('Priebe report')

p. 52 in European Commission, 2021b

Although some preparatory steps were taken, the contact point for cooperation with Europol is not yet operational.

p. 52 in European Commission, 2021b

Significant reforms are needed to ensure that all citizens are able to exercise their political rights and to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of 'two schools under one roof'.

p. 7 in European Commission, 2020b

Authorities only react weakly to concerns over political pressure, intimidation and threats against journalists.

p. 25 in European Commission, 2020b

Bosnia and Herzegovina needs to fundamentally improve its legislative and institutional framework, including at constitutional level where necessary, to comply with the requirements of EU membership

p. 26 in European Commission, 2020b

Further reforms are needed to ensure that elections are conducted in line with European standards.

p. 26 in European Commission, 2020b

The country needs to ensure a professional and depoliticised civil service and a coordinated countrywide approach to policy making

p. 26 in European Commission, 2020b

Bosnia and Herzegovina is at an early stage of preparation in the prevention and fight against corruption and organised crime.

p. 26 in European Commission, 2020b

Significant reforms are needed to ensure that all citizens are able to effectively exercise their voting rights and to overcome the practice of "two schools under one roof"

p. 26 in European Commission, 2020b

Bosnia and Herzegovina needs to guarantee freedom of expression and of the media, and the protection of journalists, as well as an enabling environment for civil society, notably by upholding European standards on freedom of association and freedom of assembly.

p. 46 in European Commission, 2020b

Significant reforms are needed to ensure that all citizens are able to exercise their political rights and to overcome the practice of 'two schools under one roof' and ensure inclusive and quality education for all.

p. 11 in European Commission, 2019a

To prevent such systematic disputes and ensure effective implementation of the acquis, Bosnia and Herzegovina needs to ensure legal certainty on the distribution of competences among the levels of government.

p. 12 in European Commission, 2019a

Significant reforms are needed to ensure that all citizens can effectively exercise their political rights, irrespective of their ethnicity and residence.

p. 12 in European Commission, 2019a

To safeguard the principle of independence of all judges, the consistency of case-law should rather be ensured through decisions of higher courts

pp. 12 – 13 in European Commission, 2019a

The professionalism and independence of Constitutional Court judges need to be strengthened, starting with improving their eligibility criteria and appointment procedures.

p. 13 in European Commission, 2019a

The issue of international judges in the Constitutional Court needs to be addressed.

p. 13 in European Commission, 2019a

The Court needs to be able to take a proactive and independent role, and its judges must act with full impartiality.

p. 14 in European Commission, 2019a

Bosnia and Herzegovina needs to ensure legal certainty on the distribution of competences across levels of government, and introduce a substitution clause to allow the state to temporarily exercise competences of other levels of

government to prevent serious breaches of EU law for which the country would be held liable as a whole.

p. 14 in European Commission, 2019a

Significant incremental reforms are needed to ensure that all citizens can effectively exercise their political rights, in compliance with the Sejdić-Finci case-law of the ECtHR.

p. 14 in European Commission, 2019a

The issue of international judges in the Constitutional Court needs to be addressed.

p. 15 in European Commission, 2019a

The legal framework is generally conducive to holding democratic elections, but the effective exercise of the voting rights of all citizens is not fully ensured.

p. 15 in European Commission, 2019a

The country needs to conduct a comprehensive review of the election legislation to ensure compliance with ECtHR and Constitutional Court decisions and to ensure the transparency and legitimacy of the election process and outcomes.

p. 18 in European Commission, 2019a

Its gender equality commission has a limited impact on the quality of legislation.

p. 18 in European Commission, 2019a

Significant reforms are needed to ensure that all citizens can effectively exercise their right to vote and stand for election

p. 18 in European Commission, 2019a

Ethnic-based restrictions for election to legislative bodies need to be removed to comply with the ECtHR Sejdić-Finci case-law.

p. 18 in European Commission, 2019a

Outstanding OSCE/ODIHR recommendations need to be addressed without delay to improve the integrity of the electoral process.

p. 20 in European Commission, 2019a

In the absence of broader institutional reforms, such decision has not been implemented.

p. 22 in European Commission, 2019a

Only some municipalities have a legal framework for transparent funding of civil society organisations on the basis of clearly defined criteria and monitoring and evaluation tools

p. 22 in European Commission, 2019a

The distribution of public funds to civil society organisations is not fully transparent and systematic.

p. 22 in European Commission, 2019a

Public funding calls and, in some cases, the results of selections, have been publicly available, but certain mechanisms for distribution of funds are not legally binding and were not fully implemented.

p. 25 in European Commission, 2019a

Although there is a legal framework for sectoral strategies at entity level, harmonised legal provisions and guidance for countrywide strategic planning are lacking.

p. 27 in European Commission, 2019a

Although the legal framework has established oversight mechanisms, including Parliaments, the State Audit Institution and the Human Rights Ombudsman, their recommendations are rarely implemented.

p. 27 in European Commission, 2019a

The full implementation of Ombudsman's recommendations by the respective authorities is low and several addressed institutions do not even respond to its recommendations, although legally obliged to do so.

p. 28 in European Commission, 2019a

However, there is no systematic collection of data related to implementation of public liability cases, and it is therefore not possible to assess the enforcement of these legal guarantees.

p. 29 in European Commission, 2019a

The constitutional and legislative framework on the judiciary is incomplete and its independence needs to be strengthened.

p. 29 in European Commission, 2019a

Conflicts of jurisdiction in criminal matters need to be addressed and consistency of case-law enhanced across the country's legal orders.

p. 29 in European Commission, 2019a

The legislative framework on preventing and combatting corruption presents significant gaps due to the non-harmonisation of legislation, strategies and action plans.

p. 29 in European Commission, 2019a

The legislative and institutional framework for the protection of fundamental rights is largely in place; it needs to be fully implemented and substantially improved by harmonising legislation throughout the country and aligning it with European standards, strengthening administrative capacities and providing adequate resources for the effective enforcement of fundamental rights.

p. 29 in European Commission, 2019a

Significant incremental reforms are needed to ensure the political and legal equality of all citizens and to ensure inclusive and quality education for all, overcoming the practice of 'two schools under one roof'.

p. 30 in European Commission, 2019a

A countrywide 2014-2018 Justice Sector Reform Strategy was only adopted in September 2015, and its action plan in 2017; their implementation is significantly behind schedule.

p. 30 in European Commission, 2019a

The Council of Ministers needs to urgently extend the action plan.

p. 30 in European Commission, 2019a

However, the measures set out in the strategy are not sufficiently funded by the respective levels of government

p. 31 in European Commission, 2019a

The Venice Commission recommended clarifying this provision on criminal jurisdiction.

p. 32 in European Commission, 2019a

In spite of commitments taken in the context of the Structured Dialogue on Justice since 2012, the Republika Srpska entity has not yet amended its legislation to render it compatible with the Law on HJPC.

p. 32 in European Commission, 2019a

To strengthen the role of the HJPC as a guarantor of the independence of the judiciary, the HJPC needs to be provided with an explicit constitutional status, including clear rules on its composition and powers.

p. 33 in European Commission, 2019a

However, the Law on the HJPC has several deficiencies concerning judicial appointments, performance appraisal, disciplinary procedures, conflict of interest and declaration of assets.

p. 33 in European Commission, 2019a

Moreover, it does not provide for the right to an effective legal remedy against final decisions of the HJPC, except those on the dismissal of judges and prosecutors.

p. 33 in European Commission, 2019a

In order to align the Law on the HJPC with European standards, in its related opinions issued in 2012 and 2014 the Venice Commission recommended in particular to: (i) improve the rules on selecting the HJPC members; (ii) establish two sub-councils, for judges and prosecutors respectively; (iii) avoid setting quotas along ethnic lines as they may undermine the effective functioning of the system; and (iv) avoid an increased risk of politicisation of appointment procedures.

p. 33 in European Commission, 2019a

The Ministry of Justice has not implemented those recommendations by finalising a consolidated draft law.

p. 33 in European Commission, 2019a

In the context of the Structured Dialogue on Justice, the European Commission recommended stepping up the level of independence and accountability of the judiciary by addressing shortcomings in particular in relation to appointments, integrity and disciplinary matters.

p. 33 in European Commission, 2019a

It also recommended significantly improving the quality criteria in performance appraisal.

p. 34 in European Commission, 2019a

The HJPC needs to pursue reforms with determination, also through reinforced monitoring, to increase accountability.

p. 34 in European Commission, 2019a

There is also a need to ensure a better distribution of human resources throughout the judiciary and to improve judicial transparency through better interaction with media and society.

p. 34 in European Commission, 2019a

Judicial independence and prosecutorial autonomy must be further strengthened.

p. 34 in European Commission, 2019a

In particular, the HJPC needs to be provided an explicit constitutional status and the rules on appointment, conflict of interests and disciplinary measures need to be strengthened in line with European standards.

p. 34 in European Commission, 2019a

Judges and prosecutors throughout the country need to act independently and impartially.

p. 34 in European Commission, 2019a

The security features of the case management system for courts and prosecutors' offices need to be improved to prevent possible abuse.

p. 34 in European Commission, 2019a

Enforcement should be strengthened also through closer monitoring by the HJPC.

p. 34 in European Commission, 2019a

The revision of the Law on the HJPC should introduce stricter rules on conflict of interests for both judges and prosecutors who are already in place and for candidates for judicial positions, including judicial associates.

p. 35 in European Commission, 2019a

The transparency and credibility of the system need to be further strengthened by adopting legislation allowing to cross-check financial statements with databases of other relevant administrations, notably the tax administration.

p. 35 in European Commission, 2019a

Enforcement has improved but is not satisfactory, with too little dissuasive effect.

p. 35 in European Commission, 2019a

The administrative and functional position of the Office of the Disciplinary Prosecutor within the HJPC needs to be revised to further strengthen its operational autonomy and independence in decision-making and to reduce the potential for undue interference.

p. 35 in European Commission, 2019a

To improve the system, the conditions for the first entry into the judiciary should be distinguished from those applying to transfer and promotion during the career.

p. 35 in European Commission, 2019a

With a view to strengthening the independence and the impartiality of the judiciary, there is a need to undertake a thorough and balanced appraisal of performance of judges and prosecutors along the criteria adopted by the HJPC and based on EU standards, which promote a merit-based career and ensure that quality of work is better reflected in the overall evaluation of judicial professionals.

p. 36 in European Commission, 2019a

The justice system is not sufficiently transparent.

p. 36 in European Commission, 2019a

The legal status of these panels needs to be better defined in order to formalise and upgrade their work to be able to effectively contribute to the consistency of case-law, without calling into question the independence of all judges

p. 38 in European Commission, 2019a

The constitutional and legal framework governing the judiciary is incomplete and does not provide sufficient guarantees of independence, accountability and efficiency.

p. 38 in European Commission, 2019a

The Law on the High Judicial and Prosecutorial Council (HJPC) needs to be revised to better regulate the appointment, appraisal and disciplinary procedures of members of the judiciary, and provide appropriate legal remedies against final decisions of the HJPC, in line with European standards.

p. 38 in European Commission, 2019a

In order to strengthen the guarantees of judicial independence and prosecutorial autonomy, including from all forms of politicisation and pressures, the HJPC and the state-level court system should be provided with an explicit constitutional status.

p. 38 in European Commission, 2019a

Further efforts are required to improve the functioning of the judiciary, in particular as regards impartiality and efficiency by upgrading the existing case management system and reforming the enforcement procedure laws to relieve the courts of the burden of uncontested civil and commercial claims. Initial and continuous training need to be significantly improved, including by establishing a functioning mentorship system.

p. 39 in European Commission, 2019a

Its premises are not adequate.

p. 40 in European Commission, 2019a

The Council of Europe Group of States against Corruption (GRECO) concluded in its compliance report adopted in December 2018 that Bosnia and Herzegovina had implemented satisfactorily only 10 of the 22 recommendations it had issued in 2011 on incriminations and transparency of party financing

p. 41 in European Commission, 2019a

The Federation entity has legislation regulating conflict of interests which is not implemented due to legal uncertainty on the institution in charge.

p. 41 in European Commission, 2019a

The Law on political party financing needs to be further aligned with international standards, particularly with pending GRECO recommendations.

p. 41 in European Commission, 2019a

Legislation on freedom of access to information at state and entity level is only partly in line with international and European standards.

p. 41 in European Commission, 2019a

The legislative framework for the repression of corruption in Bosnia and Herzegovina is fragmented, as there are

numerous laws at various levels of government regulating the issue, without sufficient consistency between them.

p. 42 in European Commission, 2019a

Anti-corruption strategies need to be harmonised throughout the country and to receive adequate funding.

p. 43 in European Commission, 2019a

Further efforts are needed to establish a track record of proactive investigations, prosecutions and final convictions for corruption, in particular in high-level cases resulting in major damage to public funds.

p. 43 in European Commission, 2019a

Effective sanctions are also necessary to serve as a deterrent.

p. 43 in European Commission, 2019a

Financial investigations are not launched systematically in corruption cases and the concept needs further alignment with Financial Action Task Force standards

p. 43 in European Commission, 2019a

Law enforcement agencies need to enjoy operational autonomy, free from undue political interference, as they need to act effectively and impartially when investigating allegations of corruption.

p. 43 in European Commission, 2019a

Decisive political commitment is needed to actively promote integrity and fight corruption.

p. 43 in European Commission, 2019a

However, there are still significant gaps

p. 43 in European Commission, 2019a

The lack of harmonisation of the entity-level criminal codes seriously hamper anti-corruption policy.

pp. 43 – 44 in European Commission, 2019a

The fragmentation of strategies and action plans across the different levels of government makes their implementation less effective

p. 44 in European Commission, 2019a

Anti-corruption strategic documents need to be better aligned throughout the country.

p. 44 in European Commission, 2019a

Corruption prevention bodies at all levels of government need to be permanent, independent institutions with a clear and ambitious mandate and adequate resources.

p. 44 in European Commission, 2019a

Legislation on conflict of interests at all levels needs to be aligned with GRECO recommendations and international standards.

p. 44 in European Commission, 2019a

There is a need for strong political will to effectively address corruption issues, as well as a robust criminal justice response to high-level corruption.

p. 44 in European Commission, 2019a

In the coming year, Bosnia and Herzegovina should therefore in particular: → ensure the implementation of anti-corruption strategies and action plans, notably by providing appropriate resources and establishing monitoring mechanisms; → ensure the effective functioning and coordination of corruption prevention bodies among themselves and with the Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK); → demonstrate progress towards establishing a track record on the repression and prevention of corruption, notably by imposing effective and deterrent sanctions, including the confiscation of proceeds of crime.

p. 44 in European Commission, 2019a

The European Convention on Human Rights (ECHR) and its Protocols are directly applicable within the domestic legal order and enjoy supremacy over other laws, though not over the Constitution, which has been found to be in breach of the Convention as regards non-discrimination in electoral matters.

p. 48 in European Commission, 2019a

The police and the judiciary need to ensure impartial, prompt, thorough, independent and effective investigations and prosecutions in cases of threats and violence against journalists and media workers.

p. 48 in European Commission, 2019a

Defamation has been decriminalised since 2002, but politicians often use civil suits to intimidate journalists.

p. 48 in European Commission, 2019a

Courts should ensure expedient processing of defamation cases and consistency of case-law on damage awards, as the abuse of defamation lawsuits risks having a chilling effect on freedom of expression and pushing journalists towards self-censorship

p. 48 in European Commission, 2019a

The 2003 Law on the public broadcasting system is only partially enforced, and entity laws on broadcasting are not in line with it.

p. 49 in European Commission, 2019a

The legislative framework on media freedom, including hate speech, defamation and access to information needs to be applied effectively and be further aligned with the EU and international standards.

p. 49 in European Commission, 2019a

The law on the public broadcasting system has not been implemented and entity-level legislation is not harmonised with it.

p. 50 in European Commission, 2019a

Freedom of assembly laws should be harmonised across the country and brought into line with European and international standards.

p. 50 in European Commission, 2019a

The authorities need to promote a conducive and enabling environment for civil society and ensure that any legislative development on freedom of association is subject to effective consultation.

p. 51 in European Commission, 2019a

Land registries need to become more accessible for women, the poor, and vulnerable groups.

p. 51 in European Commission, 2019a

However, the law needs to be effectively applied and enforcement mechanisms need to be improved.

p. 51 in European Commission, 2019a

Such decision in case U-14/12 remains not implemented as well.

p. 51 in European Commission, 2019a

However, 56 schools are still organised in this way in 28 localities of 13 municipalities in three cantons (Zenica-Doboj, Central Bosnia, Herzegovina-Neretva).

p. 51 in European Commission, 2019a

This needs to be harmonised and aligned with the acquis, which penalises the public incitement to violence or hatred based on race, colour, religion, descent or national or ethnic origin.

p. 52 in European Commission, 2019a

However, these measures have not been thoroughly implemented.

p. 52 in European Commission, 2019a

Gender impact assessments of policy and legislative processes are not carried out, although they are required by law

p. 52 in European Commission, 2019a

However, the legislation on the prevention of and protection from genderbased violence, in particular domestic violence, is not effectively implemented, which is a concern.

p. 53 in European Commission, 2019a

However, laws at the entities and the Brčko District level have not been fully implemented or harmonised with each other

p. 54 in European Commission, 2019a

The prosecution of hate crimes and hate speech against LGBTI persons is insufficient.

p. 55 in European Commission, 2019a

The institutional framework is largely in place but its capacity to engage in policymaking is limited.

p. 56 in European Commission, 2019a

The law on national minorities does not grant them the protections foreseen by the FCNM.

p. 56 in European Commission, 2019a

As regards cultural rights, while the law guarantees national minorities the right to education in their own language and the right to have their history and culture included in the curricula, the availability of the 'national group of subjects' for Bosniaks, Croats or Serbs living in a minority situation is limited, as access thresholds are very high (18 minority pupils per class).

p. 56 in European Commission, 2019a

Despite recent improvements, housing conditions for the Roma population in Bosnia and Herzegovina are not adequate, as many live in informal settlements without access to water and electricity.

p. 57 in European Commission, 2019a

The legislative and institutional framework on fundamental rights is largely in place; it needs to be fully implemented and substantially improved by harmonising legislation throughout the country and aligning it with European standards, strengthening administrative capacities and providing adequate resources for the effective enforcement of fundamental rights.

p. 57 in European Commission, 2019a

Significant reforms are needed to ensure that all citizens are able to effectively exercise their voting rights and thus bring the country's constitutional and legislative framework into line with the Sejdić-Finci case-law of the ECtHR.

p. 41 in European Commission, 2019a

Similarly, the Brčko District has legislation on conflict of interests in the public institutions but is not implemented

p. 4 in European Commission, 2020a

The public political commitment of the authorities at all levels of government to the strategic goal of European integration remained to a large extent merely declarative and was not turned into concrete actions, as political leaders spent the reporting period engaging in party politics and unconstructive political disputes, which impeded the appointment of a new government until late 2019, 14 months after the October 2018 elections, and hindered its work afterwards

p. 6 in European Commission, 2020a

There are systemic shortcomings in the operational cooperation of law enforcement agencies and a very limited exchange of intelligence.

p. 6 in European Commission, 2020a

As regards fundamental rights, while the legislative and institutional framework is largely in place; a comprehensive strategic framework remains to be adopted.

p. 7 in European Commission, 2020a

Although a political agreement had been found already in March 2019, Bosnia and Herzegovina remained with a caretaker government for 14 months until December 2019, while coalition partners remained embroiled in a longstanding dispute over the NATO integration of the country and over the control of the Sarajevo and Tuzla cantonal governments.

p. 8 in European Commission, 2020a

The legislative assemblies in the country remain weak in relation to the executives, with little cooperation among them and weak capacities to ensure a harmonised alignment with the EU acquis.

p. 8 in European Commission, 2020a

Legislation and practices on registration of political parties and on political party financing needs to be improved.

p. 9 in European Commission, 2020a

Despite legislation laying down a 40% gender quota for candidates, in the 2018-2022 term women account for 21% of the members of the House of Representatives (9 out of 42) and 20% of the members of the House of Peoples (3 out of 15).

p. 9 in European Commission, 2020a

The rules of procedure requiring gender balance in the appointment of members of the collegiums and of delegations to international organisations are largely ignored.

p. 10 in European Commission, 2020a

The legislation on the registration of political parties needs to be harmonised across the country.

p. 10 in European Commission, 2020a

The Central Election Commission's audit department needs to strengthen its capacity to monitor compliance with the regulation on political party financing. T

p. 10 in European Commission, 2020a

The country needs to ensure appropriate legislative and institutional follow-up to the outstanding GRECO and OSCE/ODIHR recommendations on political party financing, including transparency of campaign costs and sanctions for breaches.

p. 11 in European Commission, 2020a

The entity Presidency and Parliament should swiftly proceed to fill the judicial vacancies.

p. 12 in European Commission, 2020a

The legislation on freedom of peaceful assembly needs to be harmonised across the country and aligned with European standards, in particular as regards grounds for restriction and the responsibility of organisers.

p. 12 in European Commission, 2020a

Legislation on public consultations is uneven across the country and there is no strategic framework for cooperation with civil society.

p. 14 in European Commission, 2020a

The legal framework for inclusive and evidence-based policy development is incomplete and not consistently implemented.

p. 14 in European Commission, 2020a

The legal framework on public consultations needs to be improved and applied consistently.

p. 14 in European Commission, 2020a

The legislative framework does not fully establish standards for monitoring and reporting on key government planning documents at each level of government, thus preventing public scrutiny over government work

p. 14 in European Commission, 2020a

Beyond legislative measures, more efforts are needed to raise awareness on various forms of consultation with the public.

p. 16 in European Commission, 2020a

The recommendations of oversight mechanisms (Parliaments, the State Audit Institution and the Human Rights Ombudsman) are rarely implemented.

p. 16 in European Commission, 2020a

The right to access public information remains uneven due to shortcomings in statutory deadlines for replying to public information requests, an incoherent system to submit requests, incompleteness of the information provided by the authorities, hardly accessible information to the public and the poor use of a comprehensive public interest test to justify a refusal to grant access to information.

p. 16 in European Commission, 2020a

The citizens' right to administrative justice remains uneven due to the differences in efficiency of courts across the country.

p. 16 in European Commission, 2020a

Though applicants may file a case with the Constitutional Court, this measure does not ensure acceleration of the pending proceedings.

p. 17 in European Commission, 2020a

The countrywide 2014-2018 justice sector reform strategy and its action plan are outdated and implementation is significantly behind schedule.

p. 17 in European Commission, 2020a

It has had almost no impact on reforms.

p. 17 in European Commission, 2020a

Bosnia and Herzegovina needs to step up the strategy's implementation, notably by establishing an updated timeline and by ensuring adequate monitoring and funding.

p. 17 in European Commission, 2020a

The legal and institutional framework has significant shortcomings.

p. 18 in European Commission, 2020a

Corruption allegations against the HJPC President have not been properly investigated.

p. 18 in European Commission, 2020a

As an Opinion key priority, Bosnia and Herzegovina needs to adopt the new Law on the HJPC on the basis of the 2018 legislative initiative to strengthen the independence and accountability of the HJPC as a guarantor of the independence of the judiciary.

p. 18 in European Commission, 2020a

These issues need to be addressed in the light of the European Commission's recommendations and the findings of the Expert Report on the Rule of Law issues.

p. 18 in European Commission, 2020a

The rules on the appointment, promotion, career advancement, conflict of interests and disciplinary responsibility of judges and prosecutors do not sufficiently safeguard their independence.

p. 18 in European Commission, 2020a

In particular, appointments and career advancement are not sufficiently based on merit.

pp. 18 – 19 in European Commission, 2020a

Efforts are also needed to make judicial appointment procedures more transparent.

p. 19 in European Commission, 2020a

Appointment decisions need to be more thoroughly motivated, according to predetermined criteria.

p. 19 in European Commission, 2020a

The application of regulatory safeguards aiming to ensure impartiality is not consistent, notably for conflict of interests.

p. 19 in European Commission, 2020a

There are no sufficient security features to prevent abuse of the random case allocation provided for by the case management system, especially in small courts, where reassignments without a specific justification are possible.

p. 19 in European Commission, 2020a

All courts and prosecutors' offices have integrity plans, however their implementation is uneven.

p. 19 in European Commission, 2020a

Decisive action must be taken to regain citizens' trust in the judiciary, starting with a set of indispensable integrity-related amendments to the current Law on HJPC.

p. 19 in European Commission, 2020a

To alleviate concerns about potential abuse and manipulations, greater transparency must be ensured through publication of asset declarations and close external monitoring.

p. 19 in European Commission, 2020a

These amendments should be urgently adopted by the legislator, to establish a credible and rigorous system of verification of asset declarations of judges and prosecutors, and members of the HJPC

p. 20 in European Commission, 2020a

Criteria for access to the judicial profession and in particular for promotions remain insufficient.

p. 21 in European Commission, 2020a

The justice system is not sufficiently accessible and transparent.

p. 21 in European Commission, 2020a

The legal status and effectiveness of the judicial panels for the harmonisation of case law in civil, criminal and administrative matters need to be significantly strengthened.

p. 21 in European Commission, 2020a

Training for judges and prosecutors remains insufficient.

p. 21 in European Commission, 2020a

Significant improvements in the duration and quality of mandatory training are urgently needed.

p. 21 in European Commission, 2020a

Its content should not be limited to legal issues, but also address values and professional skills.

p. 22 in European Commission, 2020a

The length of court proceedings in 2019 further decreased (418 days) compared to 2018 (464 days) in non-utility cases, as did the clearance rate at 103 % (105 % in 2018), but remains very high.

p. 22 in European Commission, 2020a

Weak trial management and lenient enforcement of procedural discipline by judges add to lengthy proceedings.

p. 23 in European Commission, 2020a

Lack of harmonisation of legislation across the country and weak institutional cooperation and coordination continued to hamper the fight against corruption.

p. 23 in European Commission, 2020a

The authorities need to ensure appropriate legislative and institutional follow-up to the outstanding GRECO recommendations, notably on political party financing and conflict of interest.

p. 24 in European Commission, 2020a

Efforts remain insufficient to establish a track record of proactive investigations, prosecutions and final convictions for corruptio

p. 24 in European Commission, 2020a

However, the functioning and coordination of corruption prevention bodies among themselves and with the APIK are not sufficiently effective.

p. 24 in European Commission, 2020a

Their independence needs to be significantly strengthened, as do human and material resources.

p. 25 in European Commission, 2020a

The criminal justice policy throughout the whole country is largely ineffective in the fight against corruption.

p. 25 in European Commission, 2020a

This is in part due to inadequate penalties that do not ensure sufficient deterrence.

p. 25 in European Commission, 2020a

However, their effectiveness in fighting corruption remains very weak.

p. 25 in European Commission, 2020a

The lack of harmonisation of legislation across the country and weak institutional cooperation and coordination continued to hamper the fight against corruption.

pp. 25 – 26 in European Commission, 2020a

The legislation on political party financing needs to be further aligned with international standards, particularly with pending GRECO recommendations

p. 26 in European Commission, 2020a

None of the GRECO recommendations have been implemented in their entirety.

p. 26 in European Commission, 2020a

The authorities need to ensure appropriate legislative and institutional follow-up to fulfil the outstanding recommendations, notably on political party financing and conflict of interest.

p. 26 in European Commission, 2020a

Anti-corruption strategies and action plans have been put in place across the country, but need to be urgently updated and harmonised.

p. 26 in European Commission, 2020a

Anti-corruption strategies need to be harmonised across the country; adequate funding should be provided and monitoring mechanisms established to ensure their implementation.

p. 26 in European Commission, 2020a

Limited efforts were made over the reporting period to address the Opinion key priorities 5 and 9-13 on fundamental rights.

p. 26 in European Commission, 2020a

Significant reforms are needed to ensure that all citizens are able to effectively exercise their political rights and thus bring the country's constitutional and legislative framework into line with the Sejdić-Finci case-law of the ECtHR.

p. 27 in European Commission, 2020a

The Sejdić-Finci, Zornić, Šlaku and Pilav rulings require constitutional amendments to ensure the equality of political rights among all citizens; they have not been implemented.

p. 27 in European Commission, 2020a

The Law on the Ombudsman has to be amended in line with the 2017 re-accreditation recommendations, in order to improve the Ombudsman's independence and effectiveness and designate it as a national preventive mechanism against torture and ill-treatment – an international obligation of the country; the House of Representatives has rejected such amendments during the reporting period.

p. 27 in European Commission, 2020a

The Ombudsman has not opened any minor offence proceedings for non-compliance with its recommendations in the past 5 years, despite having competence to do so.

p. 27 in European Commission, 2020a

It also has not made use of its competence to initiate or intervene in administrative or judicial proceedings.

p. 28 in European Commission, 2020a

The country needs to ensure full compliance with this decision.

p. 28 in European Commission, 2020a

Legislation on the prison system is neither sufficiently harmonised throughout the country nor fully aligned with European and international standards.

p. 28 in European Commission, 2020a

Bosnia and Herzegovina needs to bring its laws in line with EU data protection legislation.

p. 29 in European Commission, 2020a

The legislative framework needs to be aligned with European and international standards and fully enforced.

p. 29 in European Commission, 2020a

The law on the public broadcasting system remains unimplemented and entity-level legislation is still not harmonised with this Law.

p. 30 in European Commission, 2020a

Defamation has been decriminalised since 2002, but politicians continue to use civil suits to intimidate journalists.

p. 30 in European Commission, 2020a

Courts should step up their efforts to ensure an expedient processing of defamation cases and consistency of case law on damage awards, to prevent any chilling effect that would force journalists into self-censorship

p. 30 in European Commission, 2020a

Legislation on freedom of access to information remains non-harmonised across the country and is still not in line with international and European standards.

p. 30 in European Commission, 2020a

Legislation on hate speech still needs to be fully aligned with the ECtHR case law and the EU acquis.

p. 30 in European Commission, 2020a

The Communications Regulatory Agency (CRA) enjoys operational independence, but lacks full political and financial independence.

p. 30 in European Commission, 2020a

The procedure to appoint its management needs to be improved.

p. 30 in European Commission, 2020a

The 2003 law on the public broadcasting system is only partially enforced, and entity laws on broadcasting are not in line with it.

p. 31 in European Commission, 2020a

Criminal prosecution is limited to the offence of inciting religious and ethnic hatred through the internet or social networks.

p. 31 in European Commission, 2020a

While religious tolerance has been symbolically promoted on some occasions, cases of discrimination, hate speech and hate crimes on religious grounds continue to occur, as do incidents targeting religious sites.

p. 31 in European Commission, 2020a

Freedom of assembly laws need to be harmonised across the country and brought in line with European standards, in

particular when it comes to grounds for restriction and responsibility of organisers.

p. 31 in European Commission, 2020a

The authorities should refrain from actions that adversely impact the exercise of freedom of assembly, and adopt measures to ensure the full enjoyment of such rights.

p. 31 in European Commission, 2020a

As a key priority, the authorities need to promote a conducive and enabling environment for civil society, free from corruption, and ensure that any legislative development on freedom of association is subject to effective consultation.

p. 32 in European Commission, 2020a

Implementation of the ruling is pending.

p. 32 in European Commission, 2020a

The Law on the prohibition of discrimination aims at full alignment with the EU acquis, but it is not applied effectively, and there is no adequate collection of reliable statistical data.

p. 32 in European Commission, 2020a

The ECtHR Sejdić-Finci case-law has still not been implemented.

p. 32 in European Commission, 2020a

Entity-level legislation criminalises hate speech only when causing national, racial and religious hatred and it still needs to be aligned with the EU acquis.

p. 32 in European Commission, 2020a

Equality between women and men is largely provided for in the legislation, which remains to be harmonised across the country and effectively enforced

p. 33 in European Commission, 2020a

Gender impact assessments of policy and legislative processes are not carried out, although they are required by law.

p. 33 in European Commission, 2020a

The institutional response to gender-based violence needs to be improved, including on protective measures, victim support, legal aid and safe accommodation

p. 33 in European Commission, 2020a

Bosnia and Herzegovina needs to accelerate the prosecution of crimes of sexual violence, provide reparation to women who are victims of war crimes, and secure witness protection

p. 33 in European Commission, 2020a

Data collection needs to be improved to enable the development of sound policies targeting key gender gaps, and provide relevant data on gender-based violence.

p. 34 in European Commission, 2020a

Support is limited and varies depending on the origin of the disability, as persons with war-related disabilities (war veterans and civilian victims of war) enjoy priority over other persons with disabilities.

p. 34 in European Commission, 2020a

Even though the law prohibits discrimination, persons with disabilities continue to face challenges regarding access to education, healthcare and social assistance.

p. 34 in European Commission, 2020a

The four criminal codes are harmonised to include hate crimes on grounds of sexual orientation and gender identity; the prosecution of hate crimes and hate speech against LGBTI persons remains insufficient. T

p. 34 in European Commission, 2020a

The procedural rights of suspects, accused persons, witnesses and victims are generally upheld, although access remains uneven across the country.

p. 34 in European Commission, 2020a

The four criminal procedure codes in the country are yet to be further harmonised, and their enforcement varies.

p. 34 in European Commission, 2020a

While the legislative and institutional framework for the protection of minorities is largely in place, its implementation is limited.

p. 4 in European Commission, 2021a

The public political commitment of the authorities at all levels of government to the strategic goal of European integration has not been turned into concrete action, as political leaders continued to engage in divisive rhetoric and unconstructive political disputes, which have hindered progress on the 14 key priorities so far.

p. 5 in European Commission, 2021a

A number of Constitutional Court decisions have yet to be fully enforced.

p. 5 in European Commission, 2021a

Limited progress was made in ensuring an enabling environment for civil society.

p. 6 in European Commission, 2021a

As regards fundamental rights, while the legislative and institutional framework is largely in place, Bosnia and Herzegovina has yet to adopt a comprehensive strategic framework.

p. 6 in European Commission, 2021a

Significant reforms are needed to ensure that all citizens are able to exercise their political rights and to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of ‘two schools under one roof’.

p. 8 in European Commission, 2021a

Bosnia and Herzegovina has taken some significant step on the 14 key priorities, but most substantive issues remain outstanding.

p. 8 in European Commission, 2021a

Political actors and institutions need to engage in a transparent and inclusive dialogue to address long-standing

electoral shortcomings ahead of the next general elections in October 2022.

p. 9 in European Commission, 2021a

The Parliamentary Assembly convened regularly, however the legislative output was minimal, including on key EU-related laws.

p. 9 in European Commission, 2021a

Legislation and practices on registration of political parties and on political party financing need to be improved.

p. 9 in European Commission, 2021a

Parliamentary representation of women remains unchanged, at around 20%, despite a 40% gender quota for candidates; rules of procedure requiring gender balance are largely ignored.

p. 10 in European Commission, 2021a

The new rules of procedure introduced in June 2020 in Republika Srpska entity significantly shortened the length of sessions but did not particularly improve the quality of parliamentary work.

p. 10 in European Commission, 2021a

The Central Election Commission needs to strengthen its audit capacity to monitor compliance on political party financing.

p. 11 in European Commission, 2021a

The President and Parliament of the Federation entity have not yet filled the vacancies at the Constitutional Court of the Federation entity, which since 2019 operates with only 5 judges out of 9; this seriously impairs its decision-making, which requires a quorum of five.

p. 11 in European Commission, 2021a

Its panel on ‘vital national interest’ vetoes is not able to function with only 3 judges out of the 7 required. T

p. 12 in European Commission, 2021a

The legislation on freedom of assembly needs to be harmonised across the country and aligned with European standards, in particular as regards grounds for restriction and the responsibility of organisers.

p. 12 in European Commission, 2021a

The legislation on public consultations is uneven across the country and meaningful and systematic consultations remain to be ensured.

p. 12 in European Commission, 2021a

The Council of Ministers needs to enact the 2017 charter on cooperation with civil society organisations.

p. 13 in European Commission, 2021a

The legislative framework on medium-term policy planning is unevenly developed.

p. 13 in European Commission, 2021a

The legal framework for inclusive and evidence-based policy development needs to be consistently implemented across all levels of government.

p. 13 in European Commission, 2021a

The legal framework on public consultations needs to be improved and consistently applied.

pp. 13 – 14 in European Commission, 2021a

The legislative framework does not fully establish standards for monitoring and reporting on key government planning documents at each level of government, hampering public scrutiny over government work.

p. 14 in European Commission, 2021a

Beyond legislative measures, more efforts are needed to raise awareness on various forms of consultation with the public, and to strengthen the technical capacities at all levels of government to regularly use them.

p. 15 in European Commission, 2021a

While all levels of government have a code of ethics, the Brčko District still has to align its own with the civil service law.

p. 15 in European Commission, 2021a

Measures to promote integrity in public service are only partially in place and are not systematically applied.

p. 16 in European Commission, 2021a

The enjoyment of the right to access public information remains uneven.

p. 16 in European Commission, 2021a

The legislative framework has to be aligned with international and European standards.

p. 16 in European Commission, 2021a

The varying efficiency of courts across the country render the citizens' right to administrative justice uneven.

p. 16 in European Commission, 2021a

The authorities and the judiciary have taken limited action to address the findings of the Expert Report on Rule of Law issues,⁵ and political commitment towards justice reform remains insufficient.

p. 16 in European Commission, 2021a

As regards fundamental rights, significant reforms are needed to ensure that all citizens are able to effectively exercise their political rights and thus bring the country's constitutional and legislative framework into line with the Sejdić-Finci case-law of the ECtHR.

p. 16 in European Commission, 2021a

Three out of four 2019 recommendations remain outstanding and one has been addressed to a limited extent.

p. 16 in European Commission, 2021a

The authorities and the judiciary have taken limited action to address the findings of the Expert Report on Rule of Law Issues ('Priebe report').

p. 17 in European Commission, 2021a

Persistent and evident signs of deterioration continue to require urgent measures to strengthen integrity and regain citizens' trust in the judiciary.

p. 17 in European Commission, 2021a

The legal and institutional framework has significant shortcomings.

p. 17 in European Commission, 2021a

The Law on Courts should achieve greater legal certainty, and clarify the courts' subject matter jurisdiction.

p. 18 in European Commission, 2021a

Limited action was taken in 2020 to improve the independence and impartiality of the judiciary, which need to be significantly strengthened in line with European standards, including through additional constitutional and legal safeguards.

p. 18 in European Commission, 2021a

The rules on the appointment, promotion, career advancement, conflict of interests and disciplinary responsibility of judges and prosecutors remain insufficient to safeguard their independence.

p. 18 in European Commission, 2021a

The HJPC amended its internal rules on appointment procedures, disciplinary measures and integrity standards; however, their inconsistent and non-transparent implementation continued to hamper judicial independence and public trust.

p. 18 in European Commission, 2021a

The HJPC needs to ensure that judicial appointment procedures are merit-based and transparent, and that appointment decisions are thoroughly reasoned.

p. 18 in European Commission, 2021a

The regulatory safeguards on impartiality remain weak and are applied inconsistently, notably for conflict of interests and case allocation.

p. 18 in European Commission, 2021a

There are no sufficient security features to prevent abuse of the random case allocation and the reassignment of cases without due justification.

p. 18 in European Commission, 2021a

This is a cause of major concern and needs to be urgently remedied by the HJPC in cooperation with court presidents and chief prosecutors.

p. 18 in European Commission, 2021a

Such practices need to be forcefully addressed.

p. 18 in European Commission, 2021a

The HJPC needs to review its reporting mechanism, to ensure effective follow up and safeguard judicial independence.

p. 18 in European Commission, 2021a

Obstruction to integrity reforms from political actors and from within the judiciary needs to be addressed by legislative amendments.

p. 18 in European Commission, 2021a

All courts and prosecutors' offices have integrity plans, but their implementation is uneven.

p. 18 in European Commission, 2021a

The HJPC has put in place an integrity unit in September 2020, as part of its secretariat, whose activity has had only limited impact.

p. 18 in European Commission, 2021a

Implementation of integrity plans and code of ethics and their monitoring must be stepped up

p. 19 in European Commission, 2021a

Disciplinary procedures continue to be limited and have little dissuasive effect.

p. 19 in European Commission, 2021a

The appointment and career advancement of judges and prosecutors is not sufficiently based on merit and continued to rely extensively on ethnic criteria or other considerations, especially for presidents of courts and chief prosecutors.

p. 19 in European Commission, 2021a

Merit criteria for access to the judicial profession and in particular for promotions remain insufficient.

p. 19 in European Commission, 2021a

In January 2021, the online database of court decisions was opened to the public free of charge; however the database does not yet include all key court decisions and indictments, in particular in corruption cases.

p. 20 in European Commission, 2021a

The legal status and effectiveness of the judicial panels for the harmonisation of case law in civil, criminal and administrative matters need to be significantly strengthened.

p. 21 in European Commission, 2021a

The backlog for non-utility cases slightly decreased by 5% compared to 2019, however the pandemic reduced the efficiency especially in first instance courts.

p. 21 in European Commission, 2021a

The backlog of unpaid utility bill cases and small financial claims needs to be reduced significantly.

p. 21 in European Commission, 2021a

Though applicants may file a case with the Constitutional Court, this measure does not ensure acceleration of the pending proceedings, and remains a continuous violation of the individuals' rights, under the ECHR.

p. 21 in European Commission, 2021a

The use of court settlement and alternative dispute resolution methods is underdeveloped and the issue of increased backlog of cases is being addressed by the HJPC solely by appointment of additional judges, which remains inefficient

p. 21 in European Commission, 2021a

However, the supervisory body has not yet been established and sufficient funding must be provided to ensure attainment of its main target of completion of all war crimes cases by 2023.

p. 21 in European Commission, 2021a

Regional judicial cooperation in processing war crime cases remains ineffective.

p. 22 in European Commission, 2021a

Lack of harmonisation of legislation across the country and weak institutional cooperation and coordination continued to hamper results.

p. 22 in European Commission, 2021a

The track record on prevention and repression of high-level corruption remains insignificant, due to operational inefficiency and political interference.

p. 22 in European Commission, 2021a

The Sarajevo canton authorities continued corruption prevention activities, however efficient follow-up from prosecution and judiciary remains to be ensured.

p. 23 in European Commission, 2021a

Efforts remain insufficient to establish a track record of proactive investigations, prosecutions and final convictions for corruption.

p. 23 in European Commission, 2021a

This has to be remedied with urgency.

p. 23 in European Commission, 2021a

Sanctions are not sufficiently effective, dissuasive and proportionate.

p. 23 in European Commission, 2021a

The lenient sanctions imposed are not proportionate and have little dissuasive effect.

p. 23 in European Commission, 2021a

Despite the state-level commission being established, no reports were checked and no sanctions were imposed.

p. 23 in European Commission, 2021a

Rules on conflict of interests are not enforced in the Federation entity or in the Brčko District.

p. 24 in European Commission, 2021a

Legislation at all levels of government needs to be aligned with the EU acquis.

p. 24 in European Commission, 2021a

The functioning and coordination of corruption prevention bodies among themselves and with the APIK continued to be ineffective.

p. 24 in European Commission, 2021a

The independence of corruption prevention bodies set up at the cantonal level needs to be significantly strengthened, as do human and material resources.

p. 24 in European Commission, 2021a

The criminal justice policy throughout the country is largely ineffective in the fight against corruption.

p. 24 in European Commission, 2021a

This is in part due to inadequate law enforcement and penalties that do not ensure sufficient deterrence

p. 24 in European Commission, 2021a

Deep legal fragmentation and frequent conflicts of jurisdiction leading to transfers of cases slow down proceedings and reduce efficiency.

p. 25 in European Commission, 2021a

However, their effectiveness in fighting corruption remains very weak.

p. 25 in European Commission, 2021a

These specialised departments must start to deal effectively with highlevel corruption cases and their independence must be significantly strengthened.

p. 25 in European Commission, 2021a

The lack of harmonisation of legislation across the country continued to hamper the fight against corruption.

p. 25 in European Commission, 2021a

The Republika Srpska entity needs to align its conflict of interest legislation with international standards.

p. 25 in European Commission, 2021a

The legislation on political party financing needs to be urgently aligned with international standards, particularly with pending GRECO recommendations.

p. 25 in European Commission, 2021a

Legislation on freedom of access to information at state and entity level needs to be aligned with international and European standards.

p. 25 in European Commission, 2021a

Data protection laws continued to be interpreted in a way that protects private rather than public interests.

p. 25 in European Commission, 2021a

The anti-corruption strategies and action plans continued to be outdated, except in the Republika Srpska entity, and effective implementation continued to be lacking at all levels, further hampering a harmonised strategic approach across the country.

p. 26 in European Commission, 2021a

There was no systematic followup to the 204 accepted recommendations from the November 2019 Universal Periodic Review.

p. 26 in European Commission, 2021a

Consequently, the protection of human rights continues to be uneven across the country.

pp. 26 – 27 in European Commission, 2021a

Bosnia and Herzegovina still needs to amend the Law on the Human Rights Ombudsman in order to improve the independence and effectiveness of this body and designate it as national 6 In line with the terminology of European institutions the umbrella term ‘Roma’ is used here to refer to a number of different groups, without denying the specificities of these groups.preventive mechanism against torture and ill-treatment – an international obligation of the country.

p. 28 in European Commission, 2021a

Further efforts are needed on a regional scale to solve the issue.

p. 28 in European Commission, 2021a

No progress was made in aligning the legislation with the EU acquis on data protection.

p. 28 in European Commission, 2021a

The legislative framework needs to be aligned with European and international standards and fully enforced.

p. 28 in European Commission, 2021a

The law on the public broadcasting system remains unimplemented and entity-level legislation is still not harmonised with this Law.

p. 29 in European Commission, 2021a

Despite the decriminalisation of defamation since 2002, politicians continue to use civil suits to intimidate journalists

p. 29 in European Commission, 2021a

The legislation on freedom of access to information and on hate speech remains fragmented and not in line with international and European standards.

p. 29 in European Commission, 2021a

The legal provisions on data protection and on access to information are still interpreted in a way that protects private rather than public interests.

p. 29 in European Commission, 2021a

The 2003 law on the public broadcasting system continues to be only partially enforced, and entity laws on broadcasting are still not aligned with it.

p. 29 in European Commission, 2021a

Criminal prosecution is limited to the offence of inciting religious and ethnic hatred through the internet or social networks.

p. 30 in European Commission, 2021a

Freedom of assembly laws still need to be harmonised across the country and brought in line with European standards, in particular on grounds for restriction and responsibility of organisers, as highlighted by the organisation of Pride Marches in Sarajevo.

p. 30 in European Commission, 2021a

Regarding property rights, no steps were taken to update and interconnect the entity-level cadastre and land registry databases and no solution was found to pending repossession cases.

p. 30 in European Commission, 2021a

The 2009 law on the prohibition of discrimination, which aims at full alignment with the EU acquis, is still not applied effectively, and there is no reliable data collection.

p. 30 in European Commission, 2021a

Discrimination continues to be underreported, particularly at the workplace, and judicial practice has shown a lack of uniform application of burden of proof, excessive length and non-enforcement of final decisions.

p. 31 in European Commission, 2021a

The name of the Bosnian language is not recognised in schools in the Republika Srpska entity, leading to recurrent school boycotts; the related Constitutional Court decisions are yet to be implemented.

p. 31 in European Commission, 2021a

Entity-level legislation criminalises hate speech only when causing national, racial and religious hatred and it still needs to be aligned with the EU acquis.

p. 31 in European Commission, 2021a

Failure to identify acts as hate crimes and the high burden of proof still makes it difficult to establish intent, leading to few indictments and convictions.

p. 31 in European Commission, 2021a

The prohibition of hate speech in online media is not monitored nor enforced.

p. 31 in European Commission, 2021a

The implementation of the Council of Europe Convention on cybercrime and its additional protocol remains only partial

p. 31 in European Commission, 2021a

Legislation on gender equality remains to be harmonised across the country and effectively enforced.

p. 31 in European Commission, 2021a

Gender impact assessments are not carried out as required by law.

p. 31 in European Commission, 2021a

The treatment of maternity, paternity and family leave differs between entities and among cantons.

p. 31 in European Commission, 2021a

The institutional response to gender-based violence needs to be improved, including on protective measures, victim support, legal aid and safe accommodation.

p. 31 in European Commission, 2021a

Bosnia and Herzegovina needs to accelerate the prosecution of crimes of sexual violence, provide reparation to women victims of war crimes, and secure witness protection.

p. 31 in European Commission, 2021a

Data collection needs to be improved to enable the development of sound policies targeting key gender gaps, and provide relevant data on gender-based violence.

p. 31 in European Commission, 2021a

The authorities need to collect precise and consistent data on child poverty rates and violence against all children.

p. 32 in European Commission, 2021a

Entity-level laws on juvenile justice have not been fully implemented or harmonised with each other.

p. 32 in European Commission, 2021a

The four criminal codes are harmonised to include hate crimes on grounds of sexual orientation and gender identity; the prosecution of hate crimes and hate speech against LGBTIQ persons remains insufficient.

p. 32 in European Commission, 2021a

The procedural rights of suspects, accused persons, witnesses and victims are generally upheld, although access remains uneven across the country.

p. 32 in European Commission, 2021a

The four criminal procedure codes are yet to be further harmonised, and their enforcement is uneven.

p. 33 in European Commission, 2021a

Without comprehensive coverage and clear minimum common standards, the right to legal aid continues to be upheld unevenly, to the detriment of the most vulnerable.

p. 33 in European Commission, 2021a

The Brčko District adopted a law on the rights of national minorities in October 2020; a national minorities' council in the district is yet to be established.

p. 33 in European Commission, 2021a

The legalisation of informal settlements is ongoing but uneven.

p. 2 in European Commission, 2024

The Commission noted that, overall, further efforts are required for Bosnia and Herzegovina to fulfil the 14 key priorities set out in the Commission Opinion on its EU membership application and the steps specified in the Commission recommendation for candidate status, all of which remain fully valid.

p. 4 in European Commission, 2024

Bosnia and Herzegovina should strengthen cooperation among law enforcement agencies, and adopt a strategic approach towards fighting serious and organised crime.

p. 5 in European Commission, 2024

This has to be continued with resolute steps to finalise key reforms in the upcoming period in line with EU rules and standards.

p. 7 in European Commission, 2024

The Grand Chamber of the Constitutional Court is no longer functional, which has considerable consequences for the efficiency of the Court.

p. 7 in European Commission, 2024

As already reported, both entities' assemblies should swiftly appoint judges to the vacant seats and ensure the full composition of the Constitutional Court.

p. 7 in European Commission, 2024

As previously reported, while the overall legal and regulatory framework is broadly in line with the EU acquis, the Republika Srpska entity adopted in the first reading a draft law targeting civil society actors as ‘foreign agents’ which, if fully adopted, would mark a step backwards.

p. 20 in European Commission, 2023d

A number of Constitutional Court decisions have yet to be fully enforced, notably on state property.

p. 20 in European Commission, 2023d

Both entities’ assemblies should swiftly appoint judges to ensure the full composition of the Constitutional Court.

p. 20 in European Commission, 2023d

The country needs to urgently finalise the pending constitutional and electoral reforms.

p. 20 in European Commission, 2023d

Reforms are still needed to bring the Constitution into line with the European Convention on Human Rights, complying with the Sejdić-Finci case law.

p. 39 in European Commission, 2023d

The capacity of administrative courts and the quality of decisions is insufficient to ensure individuals’ rights to administrative justice (in Serbia, North Macedonia, Albania, Bosnia and Herzegovina, and Moldova).

p. 40 in European Commission, 2023d

Significant progress needs to be made – for instance in Georgia, Serbia, Montenegro, Bosnia and Herzegovina and Kosovo – to improve the availability and transparency of public funding, which should be distributed on the basis of objective criteria.

p. 11 in European Commission, 2022b

General elections took place on 2 October; according to the preliminary findings of OSCE/ODIHR, they were overall competitive and well organised but marked by mistrust in public institutions and ethnically divisive rhetoric.

p. 12 in European Commission, 2022b

Bosnia and Herzegovina is lagging behind on justice reform, with no progress in strengthening the sector.

p. 23 in European Commission, 2022b

Adoption of legal measures led to improvements in some Western Balkan countries; however, the legal framework needs to be further improved and consistently implemented to ensure an enabling environment for civil society, including as regards registration processes, enhancing the availability and transparency of public funding (Bosnia and Herzegovina, North Macedonia, Serbia) and conditions for volunteering (Albania, Kosovo).

p. 39 in European Commission, 2022b

The June 2022 European Council called on the leaders of Bosnia and Herzegovina to urgently finalise the pending constitutional and electoral reforms.

p. 39 in European Commission, 2022b

These reforms should be advanced as an utmost priority.

p. 39 in European Commission, 2022b

adopt, as a matter of priority, integrity amendments in the existing law of High Judicial and Prosecutorial Council;

p. 40 in European Commission, 2022b

take decisive steps to strengthen the prevention and fight against corruption and organised crime;

p. 40 in European Commission, 2022b

guarantee freedom of expression and of the media and the protection of journalists, notably by ensuring the appropriate judicial follow-up to cases of threats and violence against journalists and media workers;

p. 62 in European Commission, 2022b

A number of Constitutional Court decisions have yet to be fully enforced.

p. 63 in European Commission, 2022b

General elections took place on 2 October; according to the preliminary findings of OSCE/ODIHR, they were overall competitive and well organised but marked by mistrust in public institutions and ethnically divisive rhetoric

p. 63 in European Commission, 2022b

Bosnia and Herzegovina is at an early stage of preparation as regards its judiciary.

p. 64 in European Commission, 2022b

Although in the reporting period there have been some indictments pertaining to high-level corruption sentences, the overall track record on preventing and repressing corruption (including at high level) remains insignificant, due to operational inefficiency and political interference.

p. 64 in European Commission, 2022b

Significant reforms are still needed to ensure that all citizens are able to exercise their political rights and to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of ‘two schools under one roof’.

p. 4 in European Commission, 2022a

Yet, for most of the reporting period this commitment was not turned into concrete reform actions.

p. 5 in European Commission, 2022a

A number of Constitutional Court decisions have yet to be fully enforced.

p. 5 in European Commission, 2022a

General elections took place on 2 October; according to the preliminary findings of OSCE/ODIHR, they were overall competitive and well organised but marked by mistrust in public institutions and ethnically divisive rhetoric.

p. 6 in European Commission, 2022a

In line with Opinion’s key priority 14, the country needs to complete essential steps on public administration reform by ensuring a professional and depoliticised civil service and a

coordinated countrywide approach to policy-making, while establishing a political decisionmaking body to steer PAR.

p. 6 in European Commission, 2022a

Bosnia and Herzegovina is at an early stage of preparation as regards its judiciary.

p. 6 in European Commission, 2022a

Although in the reporting period there have been some indictments pertaining to high-level corruption sentences, the overall track record on preventing and repressing corruption (including at high level) remains insignificant, due to operational inefficiency and political interference.

p. 7 in European Commission, 2022a

Significant reforms are still needed to ensure that all citizens are able to exercise their political rights and to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of ‘two schools under one roof’.

p. 9 in European Commission, 2022a

Institutions started to return to functioning in Spring 2022, but the backlog of reforms has not been addressed.

pp. 9 – 10 in European Commission, 2022a

While the Central Electoral Commission introduced some improvements via by-laws, the Parliament did not adopt amendments to the election law to address outstanding recommendations by OSCE/ODIHR and GRECO, including as regards transparency of political party financing.

p. 10 in European Commission, 2022a

No steps were taken to harmonise the legislation on the registration of political parties across the country.

p. 10 in European Commission, 2022a

The inter-agency working group on electoral reforms (IAWG) was unable to endorse draft amendments to address the recommendations by OSCE/ODIHR and GRECO.

p. 10 in European Commission, 2022a

General elections took place on 2 October; according to the preliminary findings of OSCE/ODIHR, they were overall competitive and well organised but marked by mistrust in public institutions and ethnically divisive rhetoric.

p. 10 in European Commission, 2022a

The CEC needs to strengthen its audit capacity to monitor compliance on political party financing.

p. 11 in European Commission, 2022a

This requires effectively implementing the legislation on coordination of EU matters, including the coordination mechanism, and strengthening the Directorate for European Integration.

p. 12 in European Commission, 2022a

The Council of Ministers had a minimal legislative output, adopting only three draft laws (on customs offenses and on the state budget) and a set of amendments (to the law on the High Judicial and Prosecutorial Council).

p. 12 in European Commission, 2022a

The President and Parliament of the Federation entity have not yet filled the vacancies at the Constitutional Court of the Federation entity, which since 2019 operates with only 5 judges out of 9; this seriously impairs its decision-making, which requires a quorum of five.

p. 13 in European Commission, 2022a

While the overall legal and regulatory framework governing establishment and functioning of civil society organisations is broadly in line with the EU *acquis*, much remains to be done for public institutions to ensure an enabling environment for civil society, including on freedom of association and of assembly, in line with Opinion key priority 11.

p. 13 in European Commission, 2022a

The legislation on public consultations is uneven across the country, and meaningful and systematic consultations remain to be ensured.

p. 13 in European Commission, 2022a

The Council of Ministers needs to enact the 2017 charter on cooperation with civil society organisations.

p. 14 in European Commission, 2022a

Civil service laws remain not harmonised with each other and merit principles not enshrined in all recruitment procedures, while the monitoring of human resources is not effective to detect irregularities.

p. 14 in European Commission, 2022a

In line with Opinion key priority 14, Bosnia and Herzegovina needs to complete essential steps to improve the overall functioning of the public administration by ensuring a professional and depoliticised civil service and a coordinated countrywide approach to policy making.

p. 15 in European Commission, 2022a

The legal framework for inclusive and evidence-based policy development is in place but inconsistently implemented.

p. 15 in European Commission, 2022a

Although in place, the legal framework on public consultations needs to be consistently applied at all levels of government.

p. 15 in European Commission, 2022a

Line ministries must boost their capacity to conduct regulatory impact assessments and public consultations in legislative planning, and improve the oversight function to ensure their quality.

p. 15 in European Commission, 2022a

The regulatory framework for standards for monitoring and reporting on key government planning documents at all levels has not improved, and this hampers public scrutiny of government work.

p. 15 in European Commission, 2022a

In addition to integrating public consultations in legislative planning, more work is needed to raise awareness about different types of public consultations, and strengthen capacity at all levels of government so that they are used more regularly

p. 16 in European Commission, 2022a

Bosnia and Herzegovina has not yet achieved sufficient budget transparency, although in 2021 state institutions and entities published their respective citizens' budgets online.

p. 16 in European Commission, 2022a

The criteria for dismissals disciplinary procedures and appeals set out in the legislation are still insufficiently applied.

p. 17 in European Commission, 2022a

While all levels of government have a code of ethics, the Brčko District still has to align its own with the civil service law.

p. 17 in European Commission, 2022a

Measures to promote integrity in the public service are only partially in place and are not systematically applied.

p. 17 in European Commission, 2022a

Recommendations from oversight mechanisms such as parliamentary scrutiny and independent institutions, such as the State Audit Institution and the Human Rights Ombudsman are still poorly implemented.

p. 18 in European Commission, 2022a

Legislation on the right to access to information remains fragmented and not in line with international and European standards.

p. 18 in European Commission, 2022a

Rules on data protection and on access to information are still interpreted in a way that protects private interest rather than public interests.

pp. 18 – 19 in European Commission, 2022a

As regards fundamental rights, significant reforms are needed to ensure that all citizens are able to effectively exercise their political rights and thus bring the country's constitutional and legislative framework into line with the Sejdić-Finci case-law of the ECtHR.

p. 19 in European Commission, 2022a

Despite targeted action of its leadership to address shortcomings within its remit, public trust in the judiciary remains low.

p. 19 in European Commission, 2022a

Implementation of the HJPC Reform Program 2021-2023, including the new communication strategy and action plan, achieved little impact on key judicial standards in practice, notably on merit-based appointments, accountability, efficiency and transparency.

pp. 19 – 20 in European Commission, 2022a

The HJPC Presidency has to step up its oversight role and assume responsibility for substantial reforms.

p. 20 in European Commission, 2022a

More tangible results are expected, notably in the area of fighting corruption and nepotism in the judiciary.

p. 20 in European Commission, 2022a

The HJPC should increase its own accountability by providing thorough and transparent reasoning of its final decisions, especially on appointments, in line with European standards.

p. 20 in European Commission, 2022a

The HJPC, as well as all courts and prosecutor's offices, should undertake more efforts to restore public trust in the independence of the judiciary.

p. 20 in European Commission, 2022a

Rules on appointments, disciplinary responsibility, career advancement and conflict of interest of judges and prosecutors continue to be applied inconsistently and with overly broad discretion.

p. 20 in European Commission, 2022a

Deviations from objective appointment criteria affect trust in the integrity and objectivity of the process.

p. 20 in European Commission, 2022a

Professional integrity and suitability standards are rarely taken into account in career development, and judicial office holders often get promoted despite having disciplinary or criminal records.

p. 20 in European Commission, 2022a

The HJPC must urgently demonstrate more objectivity in conducting appointment procedures, which must be based on pre-determined, objective and accessible criteria.

p. 20 in European Commission, 2022a

The random case allocation system remains vulnerable to abuses, which affects impartiality.

p. 20 in European Commission, 2022a

Court presidents and chief prosecutors in coordination with the HJPC need to take action to increase transparency and provide justification for redistributing cases manually.

p. 20 in European Commission, 2022a

The threat reporting mechanism and subsequent public reactions of the HJPC must be reviewed.

p. 20 in European Commission, 2022a

Integrity plans are in place in almost all courts and prosecutor's offices, yet with limited results.

p. 21 in European Commission, 2022a

Disciplinary procedures continue to have little dissuasive effect.

p. 21 in European Commission, 2022a

To this aim, the HJPC has to apply consistently the criteria of suitability of candidates for judicial posts, in line with Commission recommendations.

p. 21 in European Commission, 2022a

There has been no progress in addressing the shortcomings concerning the composition and potential conflict of interest in the formation of disciplinary panels.

p. 21 in European Commission, 2022a

Although appointment rules are based on merit, exceptions based on ethnicity and other considerations continue to prevail.

p. 21 in European Commission, 2022a

As a consequence, appointments significantly deviate from merit-based ranking, casting doubts over fairness.

p. 21 in European Commission, 2022a

Effective and prompt investigations and judicial follow-up must be ensured for those cases.

p. 22 in European Commission, 2022a

To improve public trust and increase transparency, adequate training on public communications and media relations for courts and prosecutors' offices are needed.

p. 23 in European Commission, 2022a

A law to protect that right was adopted at state level in June 2022, but is still missing in the Federation entity.

p. 23 in European Commission, 2022a

Civil and criminal procedural codes have to be revised to make judicial proceedings more efficient.

p. 23 in European Commission, 2022a

Entity-level laws and regulations on enforcement have to be amended urgently in order to increase efficiency.

p. 24 in European Commission, 2022a

Legislation is not harmonised across the country, and cooperation and coordination among anti-corruption bodies is poor.

p. 24 in European Commission, 2022a

Although in the reporting period there have been some indictments pertaining to high-level corruption sentences, the track record on preventing and repressing corruption (including at high level) remains insignificant, due to operational inefficiency and political interference.

p. 25 in European Commission, 2022a

Efforts remain insufficient to establish a track record on proactive investigations, prosecutions and final convictions for corruption.

p. 25 in European Commission, 2022a

In particular, progress in tackling high-level corruption remains insignificant and needs to be seriously stepped up

p. 25 in European Commission, 2022a

Sanctions are not sufficiently effective, dissuasive and proportionate.

p. 25 in European Commission, 2022a

In the area of conflicts of interest, a state-level commission, established in July 2020, remains ineffective and has dealt with a few cases only

p. 25 in European Commission, 2022a

The commission confirmed the conflict of interest of the deputy director of the Agency for Prevention of Corruption

of Bosnia and Herzegovina but did not impose a sanction as he was no longer an official

p. 25 in European Commission, 2022a

As regards asset declarations, about 600 state-level officials are required to submit their financial reports for verification, out of whom only half (291) submitted their financial reports in 2021 (231 in 2020).

p. 26 in European Commission, 2022a

In the Republika Srpska entity, around 4 000 office holders are obliged to submit financial reports, out of whom only one fourth (990) submitted financial reports in 2021.

p. 26 in European Commission, 2022a

Rules on conflicts of interest are not enforced in the Federation entity.

p. 26 in European Commission, 2022a

In all cases, the courts finally imposed sanctions lower than the minimum provided by law; such judicial practice must be further scrutinised in light of the principle of dissuasiveness and efficiency of sanctions.

p. 26 in European Commission, 2022a

Legislation at all levels of government needs to be aligned with the EU acquis.

p. 26 in European Commission, 2022a

The functioning of corruption prevention bodies and their coordination, including with APIK, continued to be ineffective.

p. 26 in European Commission, 2022a

APIK faces challenges to ensure it is able to function independently.

p. 26 in European Commission, 2022a

The independence of corruption prevention bodies at the entity and cantonal levels and their human and material resources need to be significantly strengthened.

p. 27 in European Commission, 2022a

The Una Sana Canton is yet to establish the body that will implement the legislation on reporting and verifying asset declarations of public officials, which entered into force in February 2021.

p. 27 in European Commission, 2022a

The audit department of the Central Election Commission needs more capacity to monitor compliance with political party financing laws.

p. 27 in European Commission, 2022a

Criminal justice policy and the legislative framework throughout the country is largely ineffective and inadequate for the fight against corruption.

p. 27 in European Commission, 2022a

This is in part due to inadequate law enforcement and penalties that do not ensure sufficient deterrence.

p. 27 in European Commission, 2022a

Deep legal fragmentation and frequent conflicts of jurisdiction leading to transfers of cases slow down proceedings and reduce efficiency.

p. 27 in European Commission, 2022a

In the reporting period, the limited cooperation of law enforcement agencies with the prosecutor's offices and lack of effective monitoring by the prosecutors over the work of police continued to seriously hamper the effectiveness of investigations

p. 27 in European Commission, 2022a

However, their effectiveness in fighting corruption remains very weak.

p. 27 in European Commission, 2022a

These specialised departments must start to deal effectively with highlevel corruption cases and their independence must be significantly strengthened.

p. 28 in European Commission, 2022a

The lack of harmonisation of legislation across the country continued to hamper the fight against corruption.

p. 28 in European Commission, 2022a

The Republika Srpska entity also needs to align its conflict of interest legislation with international standards.

p. 28 in European Commission, 2022a

Lack of transparency seriously hinders the fight against corruption.

p. 28 in European Commission, 2022a

The legislation on political party financing needs to be urgently aligned with international standards, particularly with pending GRECO recommendations.

p. 28 in European Commission, 2022a

Legislation on freedom of access to information at state and entity level needs to be aligned with international and European standards.

p. 28 in European Commission, 2022a

Data protection laws continued to be interpreted in a way that protects private rather than public interests, thus hindering the prevention and repression of corruption

p. 28 in European Commission, 2022a

None of the GRECO recommendations have been implemented in their entirety.

p. 28 in European Commission, 2022a

The authorities need to ensure appropriate legislative and institutional follow-up to fulfil the outstanding recommendations, notably on political party financing and conflict of interest.

p. 28 in European Commission, 2022a

The anti-corruption strategies and action plans at all levels of government remain outdated, except in the Republika Srpska entity, and effective implementation continue to be lacking, further hampering a harmonised strategic approach across the country

p. 29 in European Commission, 2022a

Significant reforms are needed to ensure that all citizens are able to effectively exercise their political rights and thus bring the country's constitutional and legislative framework into line with the Sejdić-Finci case-law of the ECtHR.

p. 29 in European Commission, 2022a

Recommendations from previous years are pending.

p. 29 in European Commission, 2022a

Consequently, the protection of human rights continues to be uneven across the country.

p. 29 in European Commission, 2022a

Bosnia and Herzegovina still needs to amend the Law on the Human Rights Ombudsman to strengthen the independence and effectiveness of this body and designate it as a national preventive mechanism against torture and ill-treatment – an international obligation of the country

p. 30 in European Commission, 2022a

The tripartite composition and consensual decision-making of the Ombudsman institution still needs to be revised in the mid-term to ensure its effective functioning.

p. 30 in European Commission, 2022a

Its independence needs to be strengthened.

p. 31 in European Commission, 2022a

The Parliament should discuss and amend the criminal code to regulate genocide denial and glorification of war criminals in line with the 2008 EU Council framework decision on combating racism and xenophobia.

p. 31 in European Commission, 2022a

The law on missing persons remains to be amended.

p. 31 in European Commission, 2022a

No progress was made in aligning legislation with the EU acquis on data protection, including the General Data Protection Regulation.

p. 31 in European Commission, 2022a

No steps were taken to make the Personal Data Protection Agency more independent or to increase its human and financial resources necessary for the effective performance of its tasks and exercise of its powers.

p. 31 in European Commission, 2022a

The law on the public broadcasting system remains unimplemented and entity-level legislation is still not harmonised with this Law.

p. 32 in European Commission, 2022a

Last year's recommendations are still valid

p. 32 in European Commission, 2022a

Although defamation has been decriminalised since 2002, politicians and public officials continue to use civil suits to intimidate journalists.

p. 32 in European Commission, 2022a

To prevent an environment that forces journalists into self-censorship, courts should step up their efforts to ensure an expedient processing of defamation cases and consistency of case-law on damages awarded.

p. 32 in European Commission, 2022a

Legislation on free access to information and hate speech remains fragmented and is not in line with international and European standards

p. 32 in European Commission, 2022a

Legal provisions on data protection and on access to information are still interpreted in a way that protects private rather than public interests.

p. 32 in European Commission, 2022a

The Communications Regulatory Agency (CRA) still lacks full political and financial independence.

p. 32 in European Commission, 2022a

The procedure to appoint its management must be revised to improve the public's perception of it as a neutral and independent body.

pp. 32 – 33 in European Commission, 2022a

This is the result of the 2003 law on the public broadcasting system not being enforced, and of the entity laws on broadcasting being inconsistent with it, in particular as concerns the collection of fees.

p. 33 in European Commission, 2022a

Criminal prosecution is limited to inciting religious and ethnic hatred on the internet or social networks.

p. 34 in European Commission, 2022a

Laws on freedom of assembly have yet to be harmonised across the country and brought in line with European standards, in particular on grounds for restriction and responsibility of organisers.

p. 34 in European Commission, 2022a

The authorities have failed to promptly and systematically condemn and properly investigate such attacks.

p. 34 in European Commission, 2022a

Regarding property rights, no steps were taken to update and interconnect the entity-level cadastre and land registry databases and no solution was found to pending repossession cases.

p. 34 in European Commission, 2022a

The Commission for real property claims of displaced persons and refugees is inoperative.

p. 34 in European Commission, 2022a

The 2009 law on the prohibition of discrimination, which aims at full alignment with the EU acquis, is still not applied effectively.

p. 34 in European Commission, 2022a

The ECtHR *Sejdić-Finci* case law has yet to be implemented.

p. 34 in European Commission, 2022a

Entity-level legislation criminalises hate speech only when causing national, racial and religious hatred and it still needs to be aligned with the EU acquis.

p. 34 in European Commission, 2022a

Failure to identify acts as hate crimes and the high burden of proof still makes it difficult to establish intent, leading to few indictments and convictions.

p. 35 in European Commission, 2022a

Legislation on gender equality remains to be harmonised across the country and effectively enforced.

p. 35 in European Commission, 2022a

Greater involvement and political commitment needs to be ensured however in its implementation with clearly defined steps and milestones, tasks, and responsibilities.

p. 35 in European Commission, 2022a

Gender impact assessments are not carried out as required by law

p. 35 in European Commission, 2022a

The institutional response to gender-based violence needs to be improved, including on protective measures, victim support, legal aid and safe accommodation.

p. 35 in European Commission, 2022a

Bosnia and Herzegovina needs to accelerate the prosecution of crimes of sexual violence, provide reparation to women victims of war crimes, and secure witness protection.

p. 35 in European Commission, 2022a

Bosnia and Herzegovina needs to strengthen the implementation of child-friendly justice including for children belonging to minorities, migrant children and children with disabilities.

p. 36 in European Commission, 2022a

The country needs to move from a status-based approach (with war veterans and civilian victims of war enjoying priority) to one based on needs, with a uniform definition of disability, and harmonised eligibility criteria, rights and standards of social protection across the country

p. 36 in European Commission, 2022a

The Council for Persons with Disabilities needs to be further engaged in all relevant processes.

p. 36 in European Commission, 2022a

While legislation is harmonised and includes provision on hate crimes on grounds of sexual orientation and gender identity, the effective application of the criminal code provisions through prosecution of hate crimes and hate speech against LGBTIQ persons remains insufficient.

p. 36 in European Commission, 2022a

Bosnia and Herzegovina needs to take efficient measures to ensure it.

p. 37 in European Commission, 2022a

Without comprehensive coverage and clear minimum common standards, the right to legal aid continues to be upheld unevenly, to the detriment of the most vulnerable

p. 1 in European External Action Service, 2022

Significant reforms are needed to bring the Constitution in line with the European Convention on Human Rights, ensuring that all citizens are able to exercise their political rights (Sejdić-Finci ECtHR case law), and to overcome the practice of ‘two schools under one roof’ thus guaranteeing non-discriminatory, inclusive and quality education for all children.

p. 1 in European External Action Service, 2022

Elections took place on 2 October; according to the findings of OSCE/ODIHR, they were overall competitive and well organised but marked by mistrust in public institutions and ethnically divisive rhetoric.

p. 5 in European Parliament, 2023

whereas the Council has called on BiH’s leadership to urgently finalise constitutional and electoral reforms

p. 9 in European Parliament, 2023

calls on the authorities to swiftly implement all Constitutional Court rulings;

p. 11 in European Parliament, 2023

Regrets the failure of political actors to bring the constitution and the electoral framework in line with the European Convention on Human Rights, by failing to implement rulings of the European Court of Human Rights (in the Sejdić-Finci, Zornić, Pilav and Šlaku cases)

p. 11 in European Parliament, 2023

regrets also that rulings of the Constitutional Court of BiH have still not been implemented, hindering equal political rights for all citizens;

p. 11 in European Parliament, 2023

Calls on all decision makers to reach an agreement, in line with the verdicts of international and domestic courts as well as the Brussels political agreement of 12 June 2022

pp. 11 – 12 in European Parliament, 2023

condemns statements and proposals aiming to undermine BiH’s statehood and constitutional values, and recalls that BiH needs to address shortcomings in its constitutional framework, bringing it into line with EU standards and principles;

p. 12 in European Parliament, 2023

Calls on BiH to harmonise party registration rules and to ensure the transparency of political party financing in line with international standards and the recommendations of relevant international bodies

p. 12 in European Parliament, 2023

Calls for urgent measures to strengthen the judiciary’s integrity, independence and professionalism based on the 14 key priorities and the Priebe Report recommendations, including via additional safeguards and a consistent application of objective rules and criteria on case allocation, appointments, disciplinary responsibility, career

advancement, conflicts of interest and verification of judges’ and prosecutors’ assets in order to rebuild public trust;

p. 12 in European Parliament, 2023

takes positive note of the OHR’s decision and repeats the call to align entity legislation with the rulings of the Constitutional Court;

p. 13 in European Parliament, 2023

Calls for the transparent use of EU financial assistance;

p. 13 in European Parliament, 2023

Urges the authorities to conduct criminal proceedings in a timely manner and step up efforts to effectively prosecute and arrive at final rulings in high-level corruption cases;

p. 13 in European Parliament, 2023

Calls for increased resources and competences for anti-corruption structures, including their active involvement in addressing Group of States against Corruption (GRECO) recommendations, as well as the adoption of integrity plans for these structures

p. 13 in European Parliament, 2023

Urges BiH to align its legislation and take action on anti-money laundering and countering the financing of terrorism;

p. 13 in European Parliament, 2023

reiterates the need for transparency, competition and equal treatment in the public procurement process, as well as to reduce the abuse of public resources;

p. 13 in European Parliament, 2023

calls, therefore, for improvement, including through stronger capacities for monitoring, management and support

p. 13 in European Parliament, 2023

calls for more robust and efficient legislation on the use of natural resources and for greater transparency and integrity, notably in the area of concessions, in particular with regard to several major projects with Chinese and Hungarian companies;

p. 13 in European Parliament, 2023

Reaffirms the significance of genuine reconciliation, cooperation and peaceful coexistence in BiH and calls on all authorities to actively promote and ensure access to truth, justice and non-selective reparations;

p. 14 in European Parliament, 2023

regrets that no criminal proceedings have been initiated and no perpetrator has been brought to justice, following the amendments introduced to the Penal Code in 2021 by former High Representative Valentin Inzko criminalising these acts;

p. 14 in European Parliament, 2023

calls on the judicial authorities of BiH to take appropriate legal action;

p. 14 in European Parliament, 2023

Takes positive note of the ongoing reduction in the backlog of war crimes cases, but regrets that the pace remains slow, hindering the strategic goal to solve all cases;

p. 14 in European Parliament, 2023

Calls on the authorities to ensure the implementation of the revised National War Crimes Processing Strategy, notably through an adequate division of cases between prosecutors' offices, prioritising the most complex cases at state level;

p. 14 in European Parliament, 2023

Calls for the harmonisation of legislation aimed at guaranteeing a wide range of rights for civilian victims of war;

p. 15 in European Parliament, 2023

Calls for further efforts on the issue of missing persons, including the implementation of the relevant legislation and the establishment of a fund that supports their families

p. 15 in European Parliament, 2023

Stresses that insufficient progress has been made in the implementation of Annex VII of the Dayton Peace Agreement on refugees, internally displaced persons and returnees

pp. 15 – 16 in European Parliament, 2023

urges the RS entity to withdraw the amendments and to ensure full protection of the freedom of expression and of the media;

p. 16 in European Parliament, 2023

urges for the implementation of effective access to legal remedies and the prosecution of such cases without delay;

p. 16 in European Parliament, 2023

recalls the need to strengthen the independence and effectiveness of the Human Rights Ombudsman;

p. 16 in European Parliament, 2023

calls for the effective application of anti-discrimination and human rights policies;

p. 16 in European Parliament, 2023

Notes the under-representation of women in politics, public life and higher ranks of security services and that gender impact assessments are not being carried out as required by law;

p. 16 in European Parliament, 2023

calls for the harmonisation of legislation on gender equality with the Istanbul Convention and putting relevant strategies in place

p. 16 in European Parliament, 2023

strongly condemns increasing femicide rates and urges BiH to improve efforts to prevent violence against women as well as the institutional response to sexual and gender-based violence, to collect data on femicides, increase and improve access to victim support, legal aid and safe accommodation, and establish crisis centres for victims of sexual violence

p. 16 in European Parliament, 2023

reiterates that BiH should accelerate the prosecution of crimes of sexual violence, providing reparation to women victims of war crimes and securing witness protection;

p. 17 in European Parliament, 2023

Calls for the stepping up of the protection of the rights of the Roma minority, including of their access to public services, education and healthcare;

p. 17 in European Parliament, 2023

strongly recommends embedding reconciliation into the education process

p. 17 in European Parliament, 2023

calls on BiH to reduce the administrative barriers for students wishing to continue their education in another canton or entity;

p. 17 in European Parliament, 2023

calls on the authorities to foster a conducive environment for the work of and to systematically condemn and prosecute all threats, harassment, attacks and intimidation, including by politicians and public figures, and SLApp. against human rights defenders and civil society activists;

p. 17 in European Parliament, 2023

calls for an active and open dialogue with civil society and its involvement in the EU integration process;

p. 17 in European Parliament, 2023

Calls for the protection and promotion of the freedom of assembly, of association and of expression to be enhanced, including by bringing laws in line with European and international standards;

p. 18 in European Parliament, 2023

stresses the need to increase transparency in and the democratic scrutiny of the allocation and implementation of EU funds in this field, in particular the funds implemented by the International Organization for Migration;

p. 4 in European Commission, 2023b

The positive momentum that followed the granting of candidate status resulted in limited progress on the Opinion's key priorities.

p. 6 in European Commission, 2023b

A number of Constitutional Court decisions have yet to be fully enforced, including on state property

p. 6 in European Commission, 2023b

Both entities' assemblies should appoint judges swiftly to the vacant judges' seats and ensure the full composition of the Constitutional Court.

p. 6 in European Commission, 2023b

Constitutional and electoral reforms are still needed to bring the Constitution into line with the European Convention on Human Rights, complying with the Sejdić-Finci case law.

p. 7 in European Commission, 2023b

Bosnia and Herzegovina is at an early stage of preparation as regards its judiciary

p. 7 in European Commission, 2023b

Such changes hamper the effectiveness of the asset-declaration system and therefore need to be amended.

p. 7 in European Commission, 2023b

Inconsistency and overly broad discretion persist in applying the rules on appointment, disciplinary responsibility, career advancement and conflict of interest of judges and prosecutors.

p. 7 in European Commission, 2023b

Significant reforms are still needed to ensure that all citizens can exercise their voting rights and to ensure non-discriminatory, inclusive and quality education for all, including by overcoming the practice of ‘two schools under one roof’.

p. 10 in European Commission, 2023b

The electoral frameworks remains to be aligned with European standards and recommendations.

p. 10 in European Commission, 2023b

The High Representative imposed several changes to the electoral framework, including on the evening of the election day (2 October 2022), which according to OSCE/ODIHR challenged legal certainty.

p. 11 in European Commission, 2023b

This key priority requires fundamental reforms, including at constitutional level to improve the institutional framework of Bosnia and Herzegovina.

p. 11 in European Commission, 2023b

Bosnia and Herzegovina should address outstanding issues concerning war crime trials, missing persons, redress of wartime victims of torture and sexual violence, and transitional justice.

p. 12 in European Commission, 2023b

These changes hamper the effectiveness of the asset declaration system and therefore need to be amended.

p. 13 in European Commission, 2023b

Legislation on gender equality and on anti-discrimination is not harmonised across the country or effectively enforced

p. 14 in European Commission, 2023b

The protection and inclusion of persons in vulnerable situation should be further addressed.

p. 14 in European Commission, 2023b

The positive momentum which followed the granting of candidate status resulted in limited progress on the key priorities during the reporting period.

p. 15 in European Commission, 2023b

Entity parliaments should instead swiftly appoint judges to the vacant seats to ensure the unimpeded functioning of the Constitutional Court of Bosnia and Herzegovina.

p. 15 in European Commission, 2023b

To swiftly respond to unconstitutional initiatives by the Republika Srpska entity, the Constitutional Court needs to reform its own rules of procedures, including to be able to suspend unconstitutional legislation before its entry into force

p. 15 in European Commission, 2023b

Overall, elections were competitive and well organised, but marked by mistrust in public institutions and ethnically divisive rhetoric.

p. 15 in European Commission, 2023b

The Parliament needs to address OSCE/ODIHR and GRECO recommendations to improve the integrity of and public trust in the electoral process, ahead of the 2024 local elections.

p. 15 in European Commission, 2023b

The country needs urgently finalise the pending constitutional and electoral reforms.

p. 15 in European Commission, 2023b

These reforms should be advanced as an utmost priority.

p. 15 in European Commission, 2023b

According to OSCE/ODIHR, elections were competitive and well organised overall, but were marked by mistrust in public institutions and ethnically divisive rhetoric.

p. 16 in European Commission, 2023b

The CEC needs to strengthen its audit capacity to monitor compliance on political party financing.

p. 16 in European Commission, 2023b

The country needs to further harmonise its legislation with the gender equality law, implement measures to reduce verbal violence against women in politics, increase visibility of women candidates and improve party cultures to secure equal participation of women.

p. 16 in European Commission, 2023b

No follow-up was given to the findings and recommendations of the interim investigative committee of the House of Representatives on the state of the judiciary, published in June 2022.

p. 16 in European Commission, 2023b

Despite legislation laying down a 40% gender quota for candidates, after the 2022 elections women account only for 24% of the members of the House of Representatives (10 out of 42, down from 11) and 13% of the members of the House of Peoples (2 out of 15, down from 3).

p. 16 in European Commission, 2023b

Rules of procedure requiring gender balance are largely ignored, and there are no measures to promote the political representation of disadvantaged women.

p. 17 in European Commission, 2023b

The entity assemblies have not yet replaced them, thus impairing the Court’s decision-making.

p. 17 in European Commission, 2023b

Both entity assemblies should complete appointment procedures and ensure the full composition of the Constitutional Court.

p. 19 in European Commission, 2023b

The Opinion's key priority 11 on ensuring an enabling environment for civil society still needs to be addressed, notably by upholding European standards on freedom of association and freedom of assembly.

p. 20 in European Commission, 2023b

While the overall legal and regulatory framework governing the establishment and functioning of civil society organisations is broadly in line with the EU acquis, much remains to be done for public institutions to ensure an enabling environment for civil society, including on freedom of association and of assembly, in line with Opinion key priority 11.

p. 20 in European Commission, 2023b

The legislation on public consultations is uneven across the country, and meaningful and systematic consultations must be ensured.

p. 20 in European Commission, 2023b

The e-consultation web platform is underutilised and is not in use at entity or cantonal level, where most legislation of public interest is developed and adopted.

p. 20 in European Commission, 2023b

Some six years after its adoption in 2017, the Council of Ministers still needs to enact its charter on cooperation with civil society organisations.

p. 20 in European Commission, 2023b

Civil society organisations that provide services to disadvantaged groups, in place of public authorities, should receive appropriate public funding.

p. 22 in European Commission, 2023b

The legal framework for inclusive and evidence-based policy development is in place but is implemented inconsistently.

p. 22 in European Commission, 2023b

However, regulatory impact assessments are not used to prioritise policy proposals and are not used as planning tool.

p. 22 in European Commission, 2023b

The legal framework on public consultations needs to be consistently applied at all levels of government.

p. 22 in European Commission, 2023b

However, regular sectoral monitoring reports remain unpublished, as is also the case for implementation reports of government annual working plans.

p. 22 in European Commission, 2023b

Bosnia and Herzegovina has not yet achieved sufficient budget transparency

p. 22 in European Commission, 2023b

The lack of harmonisation of the charts of accounts at state and entity level makes it difficult to access consolidated data.

p. 22 in European Commission, 2023b

The merit-based recruitment, promotion and dismissal of civil servants using objective criteria is not fully ensured, particularly in the entities and the Brčko District.

p. 23 in European Commission, 2023b

The recruitment process needs to become more transparent and better ensure the professionalisation of the civil service

p. 23 in European Commission, 2023b

The system needs to offer the right incentives so that more professional candidates apply for public sector positions

p. 23 in European Commission, 2023b

The criteria for dismissals, disciplinary procedures and appeals set out in the legislation are still insufficiently applied.

p. 23 in European Commission, 2023b

All levels of government need to improve the collection of data on gender equality in public administration and systematically promote the adoption of institutional policies on gender equality and sexual harassment.

p. 24 in European Commission, 2023b

Measures to promote integrity in the public service are only partially in place and are not applied systematically.

p. 24 in European Commission, 2023b

No progress was made in improving the uptake of recommendations from oversight mechanisms such as parliamentary scrutiny and from independent institutions – such as Ombudsmen and State Audit Institutions, in the public administration, compromising citizens' rights to good administration.

p. 24 in European Commission, 2023b

The independence of the appeal process still needs to be brought in line with international and European standards.

p. 24 in European Commission, 2023b

Rules on data protection and access to information are still interpreted in a way that protects private rather than public interests and such rights are inconsistently ensured across government levels.

p. 24 in European Commission, 2023b

The varying efficiency of courts across the country make citizens' rights to administrative justice uneven.

p. 24 in European Commission, 2023b

No progress was made in putting in place effective remedies for the protection of rights to judgment within a reasonable time at any level of government and the situation remains particularly problematic in the Federation entity.

p. 25 in European Commission, 2023b

Limited progress was made during the reporting period to address the related Opinion key priorities and the findings of the Expert Report on rule of law issues

p. 25 in European Commission, 2023b

Persistent and evident signs of deterioration continue to require urgent measures to strengthen integrity and regain public trust in the judiciary.

p. 25 in European Commission, 2023b

Compared to the version on which the Venice Commission were consulted, the system of verification of assets provided for by the amendments that were adopted has been weakened as regards the right of the HJPC to request additional information from natural and legal persons.

p. 25 in European Commission, 2023b

These provisions hamper the effectiveness of the asset-declaration system and therefore need to be amended, to ensure that the HJPC and the external experts can effectively access all information that is necessary to exercise the functions provided for them in the law.

p. 25 in European Commission, 2023b

The entity assemblies have not yet proceeded to replace them, thus impairing the Court's decision making

p. 26 in European Commission, 2023b

The 2021-2023 HJPC reform programme has had little impact on merit-based appointments, accountability, efficiency and transparency, in the absence of an efficient monitoring mechanism and of a set of qualitative and quantitative indicators to monitor trends in organised crime and corruption cases.

p. 26 in European Commission, 2023b

The HJPC has to step up its oversight role and assume responsibility for substantial reforms.

p. 26 in European Commission, 2023b

More tangible results are expected, notably in the area of fighting corruption and nepotism in the judiciary.

p. 26 in European Commission, 2023b

The HJPC should increase its own accountability by providing thorough and transparent reasoning of its final decisions, especially on appointments, in line with European standards.

p. 26 in European Commission, 2023b

The HJPC must urgently improve its monitoring of the judicial management structures and ensure the accountability of court presidents and chief prosecutors in cases of poor performance.

p. 26 in European Commission, 2023b

The independence and impartiality of the judiciary did not improve, despite the newly introduced amendments to the HJPC rules of procedure aiming at improving appointments.

pp. 26 – 27 in European Commission, 2023b

The HJPC, as well as all courts and prosecutor's offices, should undertake more efforts to restore public trust in the independence of the judiciary.

p. 27 in European Commission, 2023b

These amendments have yet to have a tangible impact.

p. 27 in European Commission, 2023b

The random case allocation system remains vulnerable to abuses, which affects impartiality. D

p. 27 in European Commission, 2023b

Deviations have been reported from the automated random allocation of cases, and some even sanctioned.

p. 27 in European Commission, 2023b

The entity assemblies have not yet replaced them, thus impairing the Court's decision-making.

p. 27 in European Commission, 2023b

Compared to the version on which the Venice Commission were consulted, the system of verification of assets provided for by the amendments that were adopted has been weakened as regards the right of the HJPC to request additional information from natural and legal persons.

pp. 27 – 28 in European Commission, 2023b

These provisions hamper the effectiveness of the asset-declaration system and therefore need to be amended, to ensure that the HJPC and the external experts can effectively access all information that is necessary to exercise the functions provided for them in the law.

p. 28 in European Commission, 2023b

Integrity plans are in place in almost all courts and prosecutor's offices, yet with limited results.

p. 28 in European Commission, 2023b

An improved and comprehensive ethics and integrity training is needed, including for newly appointed judges and prosecutors.

p. 28 in European Commission, 2023b

Rules and training on evidence gathering before disciplinary panels should be improved in line with Commission recommendations, as should the evaluation of ethical standards.

p. 30 in European Commission, 2023b

The issues as regards legal status and effectiveness of judicial harmonisation panels remain unresolved

p. 30 in European Commission, 2023b

A law to protect that right was adopted at state level in June 2022, but is yet to be introduced in the Federation entity.

p. 30 in European Commission, 2023b

Court presidents and chief prosecutors continue to manage poorly procedural discipline for trials, ignoring concrete recommendations issued by the HJPC.

p. 32 in European Commission, 2023b

The backlog in war crime cases continues to diminish; however, it is likely that the revised deadline to complete their processing by the end of 2023 will not be met.

p. 32 in European Commission, 2023b

Legislation is not harmonised across the country.

p. 32 in European Commission, 2023b

An efficient application of conflicts of interest rules and verification of asset declarations is only present in the Sarajevo Canton.

p. 32 in European Commission, 2023b

Recommendations of the previous year have largely not been implemented and remain therefore valid.

pp. 32 – 33 in European Commission, 2023b

Efforts remain insufficient to establish a track record on proactive investigations, prosecutions and final convictions for corruption.

p. 33 in European Commission, 2023b

In particular, progress in tackling highlevel corruption remains insignificant and needs to be seriously stepped up

p. 33 in European Commission, 2023b

It is imperative for the law enforcement agencies and the judiciary in Bosnia and Herzegovina to take a more proactive stance in combating organised crime and corruption.

p. 33 in European Commission, 2023b

Sanctions are not sufficiently effective, dissuasive or proportionate.

p. 33 in European Commission, 2023b

Plea bargain agreements are frequent and lenient sanctions are too often applied without sufficient justification.

p. 33 in European Commission, 2023b

The prosecution does not use effectively the available mechanisms to confiscate criminal proceeds.

p. 33 in European Commission, 2023b

Financial investigations are rare and indictments frequently fail to include relevant information or evidence related to the illegal gain.

p. 33 in European Commission, 2023b

The state-level commission on conflicts of interest established in July 2020 remains ineffective: it held a single session in 2022, and has only dealt with a few cases.

p. 34 in European Commission, 2023b

Rules on conflicts of interest are still not enforced in the Federation entity.

p. 34 in European Commission, 2023b

In all cases, the courts finally imposed sanctions lower than the minimum provided by law; such judicial practice must be further scrutinised in light of the principle of dissuasiveness and efficiency of sanctions.

p. 34 in European Commission, 2023b

Legislation at all levels of government needs to be aligned with the EU acquis.

p. 34 in European Commission, 2023b

The functioning of corruption prevention bodies and their coordination, including with APIK, continued to be ineffective.

p. 34 in European Commission, 2023b

APIK faces challenges in ensuring its independence, including in the selection of its management. A

p. 34 in European Commission, 2023b

APIK should play a much more proactive role in implementing GRECO recommendations and aligning with international standards

p. 34 in European Commission, 2023b

The independence of corruption prevention bodies at entity and cantonal levels and their human and material resources need to be significantly strengthened.

p. 35 in European Commission, 2023b

The audit department of the Central Election Commission needs more capacity to monitor compliance with political party financing laws.

p. 35 in European Commission, 2023b

The criminal justice policy and the institutional and legislative frameworks across the country are largely ineffective and inadequate for the fight against corruption.

p. 35 in European Commission, 2023b

This is in part due to insufficient law-enforcement capacity to investigate, and to penalties that do not sufficiently ensure deterrence.

p. 35 in European Commission, 2023b

Deep legal fragmentation and frequent conflicts of jurisdiction leading to transfers of cases slow down proceedings and reduce efficiency

p. 35 in European Commission, 2023b

However, their effectiveness in fighting corruption remains very weak.

p. 36 in European Commission, 2023b

The lack of harmonisation of legislation across the country continued to hamper the fight against corruption.

p. 36 in European Commission, 2023b

The Republika Srpska entity also needs to align its conflict of interest legislation with international standards.

p. 36 in European Commission, 2023b

Rules on conflicts of interest are still not enforced in the Federation entity.

pp. 36 – 37 in European Commission, 2023b

The legislation on political party financing urgently needs to be aligned with international standards, particularly with pending GRECO recommendations.

p. 37 in European Commission, 2023b

Legislation on freedom of access to information at state and entity level needs to be aligned with international and European standards.

p. 37 in European Commission, 2023b

Data protection laws continued to be interpreted in a way that protects private rather than public interests, hindering the prevention and repression of corruption

p. 37 in European Commission, 2023b

Barely 1 of 15 GRECO recommendations has been satisfactorily implemented in the 4th evaluation round.

p. 37 in European Commission, 2023b

The authorities need to ensure appropriate legislative and institutional follow-up to fulfil the outstanding recommendations, notably on political party financing and conflict of interest.

p. 37 in European Commission, 2023b

Limited efforts were made to address Opinion key priorities 5 and 9-13 on fundamental rights.

p. 37 in European Commission, 2023b

The country needs to urgently finalise the pending constitutional and electoral reforms.

p. 37 in European Commission, 2023b

These reforms should be advanced as an utmost priority.

p. 37 in European Commission, 2023b

Significant reforms are needed to ensure that all citizens are able to effectively exercise their active and passive voting rights and thus bring the country's constitutional and legislative framework into line with the Sejdić-Finci case-law of the ECtHR.

p. 37 in European Commission, 2023b

Recommendations from previous years have not been implemented and remain valid.

pp. 37 – 38 in European Commission, 2023b

In the coming year, Bosnia and Herzegovina should in particular: → implement court rulings to end divided education; → ensure full respect, protection and promotion of freedom of assembly, association and expression, and refrain from further actions that adversely impact their exercise; → harmonise and improve legislation against domestic and gender-based violence to meet international standards and align laws across the country to the Gender Equality Law to increase the public and political participation of women.

p. 38 in European Commission, 2023b

No significant progress was made towards addressing most of the 204 accepted recommendations from the November 2019 Universal Periodic Review.

p. 38 in European Commission, 2023b

There are five cases under enhanced supervision by the Committee of Ministers. The Sejdić-Finci, Zornić, Šlaku, Pilav and Pudarić ECtHR rulings on electoral rights require constitutional amendments to ensure equality among all citizens; they have still not been implemented and remain under enhanced supervision.

p. 38 in European Commission, 2023b

Consequently, the protection of human rights continues to be uneven across the country.

p. 38 in European Commission, 2023b

Its independence needs to be strengthened and it should continue its efforts to act more proactively.

p. 38 in European Commission, 2023b

As regards torture and ill-treatment, Bosnia and Herzegovina still needs to ensure compliance with Article 17 of the Optional Protocol to the Convention Against Torture (OPCAT)

p. 39 in European Commission, 2023b

The laws need to be harmonised across the country and brought in line with European and international standards.

p. 40 in European Commission, 2023b

No steps were taken to increase the independence and the human and financial resources of the Personal Data Protection Agency.

p. 40 in European Commission, 2023b

This key priority requires ensuring the appropriate judicial follow-up to threats and violence against journalists, including cases involving women journalists and media workers, and also ensuring the financial sustainability of the public broadcasting system.

p. 40 in European Commission, 2023b

No steps were taken to align the legislative framework with European and international standards or to fully enforce it.

p. 40 in European Commission, 2023b

The Law on the public broadcasting system remains unimplemented and entity-level legislation is still not harmonised with this law.

pp. 40 – 41 in European Commission, 2023b

Last year's recommendations were not implemented and thus remain valid.

p. 41 in European Commission, 2023b

No official countrywide data is collected on threats and attacks against journalists and media workers and their judicial follow-up

p. 41 in European Commission, 2023b

Although defamation had been decriminalised since 2002, politicians and public officials continue to use civil lawsuits to intimidate journalists

p. 41 in European Commission, 2023b

To prevent an environment that forces journalists into self-censorship, courts should step up their efforts to ensure expedient processing of defamation cases and consistency of case-law on damages awarded.

p. 41 in European Commission, 2023b

Legislation on free access to information and hate speech remains fragmented.

p. 41 in European Commission, 2023b

The independence of the appeal process still needs to be brought in line with international and European standards.

p. 41 in European Commission, 2023b

The Communications Regulatory Agency (CRA) still lacks full political and financial independence.

p. 41 in European Commission, 2023b

It must be amended to improve the public's perception of it as a neutral and independent body.

pp. 41 – 42 in European Commission, 2023b

Legal provisions on data protection and access to information are still interpreted in a way that protects private rather than public interests.

p. 42 in European Commission, 2023b

Criminal prosecution is limited to the incitement of religious and ethnic hatred on the internet or social networks.

p. 43 in European Commission, 2023b

Laws on freedom of assembly are still not harmonised across the country and are not in line with European standards, in particular as regards grounds for restriction and responsibility of organisers.

p. 43 in European Commission, 2023b

As a key priority, the authorities need to promote a conducive and enabling environment for civil society, and ensure effective consultation on legislative developments on freedom of association.

p. 43 in European Commission, 2023b

Entities and cantons have legislation which is not in line with the constitutional and legal framework.

p. 44 in European Commission, 2023b

The 2009 law on the prohibition of discrimination, which aims at full alignment with the EU acquis, is still not applied effectively due to a number of problems, including insufficient use of available legal remedies such as collective lawsuits, divergent court practice, excessive length of proceedings, and lack of a unified data collection system on discrimination cases.

p. 44 in European Commission, 2023b

Entity-level legislation criminalises hate speech only when causing national, racial and religious hatred and it still needs to be aligned with the EU acquis.

p. 44 in European Commission, 2023b

Legislation on gender equality is still not harmonised across the country or effectively enforced. T

p. 44 in European Commission, 2023b

Despite being prescribed by law, gender impact assessments are still not being carried out.

p. 44 in European Commission, 2023b

While Bosnia and Herzegovina has developed a partial index of gender equality, work on data collection needs to proceed to enable the development of sound policies targeting key

gender gaps, providing relevant data on gender-based violence.

p. 44 in European Commission, 2023b

These incidents exposed existing systemic shortcomings of the institutional response to gender-based violence.

pp. 44 – 45 in European Commission, 2023b

Improvements are particularly needed on issuing and enforcing protective measures, continuous and comprehensive victim support, legal aid, and safe accommodation.

p. 45 in European Commission, 2023b

The country needs to introduce urgent legislative changes to ensure the transposition of remaining obligations stemming from the Istanbul convention, including by amending its criminal legislation.

p. 45 in European Commission, 2023b

The Federation entity still needs to harmonise its criminal code with the Istanbul Convention by opening the process for public consultations and involving women's rights organisations.

p. 45 in European Commission, 2023b

Bosnia and Herzegovina still needs to address the August 2020 decision of the UN Committee on the Elimination of Discrimination against Women (CEDAW) on providing all forms of redress to victims of wartime sexual violence.

p. 45 in European Commission, 2023b

It further needs to accelerate the prosecution of crimes of sexual violence, secure witness protection and provide reparation to women victims of war crimes.

p. 45 in European Commission, 2023b

Bosnia and Herzegovina needs to strengthen the implementation of child-friendly justice including for children belonging to minorities, migrant children and children with disabilities.

p. 45 in European Commission, 2023b

Entity-level laws on juvenile justice have still not been fully implemented or harmonised with each other.

p. 46 in European Commission, 2023b

The country needs to move from a status-based approach (with war veterans and civilian victims of war enjoying priority) to one based on needs, with a uniform definition of disability, and harmonised eligibility criteria, rights and standards of social protection across the country.

p. 46 in European Commission, 2023b

While legislation includes provision on hate crimes on grounds of sexual orientation and gender identity, the prosecution of hate crimes and hate speech against LGBTIQ persons remains insufficient.

p. 47 in European Commission, 2023b

The authorities still need to comply with the recommendations of the fourth review cycle under the Framework Convention for the Protection of National Minorities from November 2017 to condemn statements of

politicians and public figures inciting ethnic hatred and to take measures promoting intercultural dialogue and understanding.

p. 48 in European Commission, 2023b

The country also needs to provide adequate humanitarian assistance and protection (including shelter, food and medical assistance) and effective access to the asylum procedure for asylum seekers and migrants.

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p. 8 in European Commission, 2019b

Significant incremental reforms are therefore needed to ensure that all citizens can effectively exercise their political rights, in compliance with the SejdićFinci case law of the European Court of Human Rights (ECtHR).

p. 8 in European Commission, 2019b

As for local elections, due to the lack of legal framework the citizens of Mostar have not been able to elect a municipal council since 2008.

p. 9 in European Commission, 2019b

A Law on the Courts of Bosnia and Herzegovina should be adopted to prevent conflicts of jurisdiction and ensure the required legal certainty in criminal matters.

p. 9 in European Commission, 2019b

Ultimately, Bosnia and Herzegovina needs to establish a judicial body to ensure the consistent interpretation of the law and the harmonisation of case-law, while fully ensuring the principle of independence of all judges.

p. 10 in European Commission, 2019b

Bosnia and Herzegovina needs in particular to adopt and implement legislation on conflict of interests and whistle-blowers' protection, ensure the effective functioning and coordination of anti-corruption bodies, align the legislation and strengthen capacities on public procurement, ensure effective cooperation among law enforcement bodies and with prosecutor's offices, demonstrate progress towards establishing a track record of proactive investigations, confirmed indictments, prosecutions and final convictions against organised crime and corruption, including at high-level, and de-politicise and restructure public enterprises and ensure transparency of privatisation processes.

p. 10 in European Commission, 2019b

There are no countrywide strategies on human rights and on antidiscrimination

p. 10 in European Commission, 2019b

The authorities have to develop regular cooperation and consultations with civil society organisations.

p. 16 in European Commission, 2019b

Improve the functioning of the judiciary by adopting new legislation on the High Judicial and Prosecutorial Council and of the Courts of Bosnia and Herzegovina in line with European standards.

p. 16 in European Commission, 2019b

Ensure the right to life and prohibition of torture, notably by (a) abolishing the reference to death penalty in the Constitution of the Republika Srpska entity and (b) designate a national preventive mechanism against torture and ill-treatment.

p. 8 in European External Action Service, 2019b

Action plans to reduce the backlog and legislative initiatives have not yet materialised.

p. 8 in European External Action Service, 2019b

Legislation and implementing measures need to be adopted urgently to address the excessive length of proceedings.

p. 9 in European External Action Service, 2019b

The legislator must urgently enact legislation to address this situation, including by considering the transfer of competence to cantonal courts in these matters.

p. 11 in European External Action Service, 2019b

The excessively hierarchical structure, the absence of any adequate independence safeguards and of a system of accountability are noteworthy.

p. 12 in European External Action Service, 2019b

There is a need to adopt legislation on whistle-blower protection at the FBiH entity level and expand the scope of existing legislation to the private sector.

p. 16 in European External Action Service, 2019b

The new law on HJPC should also provide for greater representativeness of all HJPC members by open peer election at the same moment and on a wider basis. The

p. 4 in European Commission, 2021b

Bosnia and Herzegovina needs to deliver on a critical mass of reforms towards fulfilling the 14 key priorities before the Commission may consider recommending the country for candidate status.

p. 30 in European Commission, 2021b

Persistent and evident signs of deterioration continue to require urgent measures to strengthen the integrity of the judiciary and regain citizens' trust.

p. 52 in European Commission, 2021b

Persistent and evident signs of deterioration continue to require urgent measures to strengthen the integrity of and regain citizens' trust in the judiciary.

p. 52 in European Commission, 2021b

No progress was made in this area over the reporting period; urgent action is required to adopt the pending legislation on public procurement and conflict of interest.

p. 52 in European Commission, 2021b

As regards fundamental rights, while the legislative and institutional framework is largely in place, Bosnia and Herzegovina has yet to adopt a comprehensive strategic framework.

p. 25 in European Commission, 2020b

Bosnia and Herzegovina needs to address the 14 key priorities from the Commission's May 2019 Opinion on the EU membership application of the country, in line with the relevant Council Conclusions of December 2019.

p. 26 in European Commission, 2020b

Urgent measures are required, starting with a credible and rigorous system of verification of assets of judicial office holders and members of the High Judicial and Prosecutorial Council.

p. 26 in European Commission, 2020b

Significant efforts are needed regarding financial investigations and asset seizure.

p. 26 in European Commission, 2020b

Meaningful and systematic consultations with civil society remain to be ensured.

p. 46 in European Commission, 2020b

Evident signs of deterioration require urgent measures to strengthen the integrity and regain citizens' trust in the judiciary, starting with a credible and rigorous system of verification of financial statements of judicial office holders.

p. 46 in European Commission, 2020b

As regards fundamental rights, while the legislative and institutional framework is largely in place; a comprehensive strategic framework remains to be adopted.

p. 12 in European Commission, 2019a

A separate state-level court of appeal is missing.

p. 12 in European Commission, 2019a

The Constitution needs to explicitly guarantee the independence of the judiciary and provide an explicit constitutional basis for the HJPC and the state-level court system.

p. 12 in European Commission, 2019a

Ultimately, Bosnia and Herzegovina needs to establish a judicial body to ensure the consistent interpretation of the law and the harmonisation of case-law, while fully ensuring the principle of independence of all judges.

p. 13 in European Commission, 2019a

This practice risks creating a legal vacuum if the parliament does not adopt a compliant provision in due time.

p. 14 in European Commission, 2019a

The Constitution needs to explicitly guarantee the independence of the judiciary, including the Court of Bosnia and Herzegovina, the Prosecutor's Office and the High Judicial and Prosecutorial Council as the self-governance institution of the judiciary.

p. 15 in European Commission, 2019a

However, there is no strategy to address other outstanding recommendations, including the need for several levels of authority to regularly review constituency boundaries.

p. 16 in European Commission, 2019a

There is no mechanism in place to ensure a comprehensive impact assessment of the proposed legislation at all levels, with the exception of a fiscal assessment of the budgets.

p. 17 in European Commission, 2019a

There are no specific standing committees on oversight and control of the Republika Srpska entity government.

pp. 18 – 19 in European Commission, 2019a

The assemblies should, in particular, ensure that adopted legislation includes impact assessments and step up the oversight of the governments, including monitoring the implementation of legislation.

p. 22 in European Commission, 2019a

In Bosnia and Herzegovina, the legislative framework on public consultations differs across levels of government and there is no strategic framework for cooperation with civil society.

p. 22 in European Commission, 2019a

The Council of Ministers needs to operationalise the Charter provisions including by developing regular cooperation and consultations with civil society organisations.

p. 22 in European Commission, 2019a

Not all institutions at all levels of government have designated specific bodies or contact points in charge of dialogue and cooperation with civil society organisations.

p. 22 in European Commission, 2019a

Overall, Bosnia and Herzegovina needs to ensure a framework for the transparent funding of civil society organisation

p. 25 in European Commission, 2019a

The regulatory and legal framework on medium-term policy planning is in place at state and entity levels, but not in some cantons and in the Brčko District.

p. 27 in European Commission, 2019a

There are no mechanisms for monitoring whether the laws on free access to information are implemented effectively.

p. 28 in European Commission, 2019a

There are no effective remedies against excessive length of judicial proceedings; though applicants may file a case to the Constitutional Court, this instrument does not enable acceleration of the pending proceedings.

p. 31 in European Commission, 2019a

However, Bosnia and Herzegovina failed to adopt the Law on the Courts of Bosnia and Herzegovina in line with EU standards, including the definition of criminal offences and sanctions in specific areas of particularly serious crime on the model of Article 83 of the Treaty on the Functioning of the European Union.

p. 31 in European Commission, 2019a

The country needs to adopt this law with no further delay with a view to reinforcing legal certainty and the functioning of the judiciary, notably in the fight against serious crime.

p. 31 in European Commission, 2019a

This law should also provide for a separate second-instance appellate court to strengthen the independence of the judicial review of the decisions of the Court of Bosnia and Herzegovina.

p. 33 in European Commission, 2019a

The Law on the HJPC needs to be finalised on the basis of that initiative and adopted in Parliament as a matter of priority.

p. 34 in European Commission, 2019a

The independence of the judiciary is not guaranteed explicitly under the Constitution, which only refers to the general principle of the rule of law

p. 34 in European Commission, 2019a

There is no specific disciplinary measure for violation of the codes of ethics.

pp. 34 – 35 in European Commission, 2019a

The absence of an effective system of submission, verification and processing of financial statements seriously affects the credibility of the efforts to strengthen the integrity within the judiciary.

p. 35 in European Commission, 2019a

There is no effective judicial appeal against final HJPC decisions concerning either appointment or performance appraisal; such appeal needs to be guaranteed in the relevant legislation.

p. 36 in European Commission, 2019a

Case-law lacks consistency as there is no judicial body with countrywide jurisdiction tasked with ensuring consistent interpretation of the law across the four legal orders in Bosnia and Herzegovina.

p. 36 in European Commission, 2019a

There is ultimately a need to establish a judicial body to effectively ensure the consistent interpretation of the law and the harmonisation of case-law across the legal orders in the country, in order to guarantee a more uniform application of the law, while fully ensuring the principle of independence of all judges.

p. 38 in European Commission, 2019a

A Law on the Courts of Bosnia and Herzegovina in line with European standards should also be adopted to prevent conflicts of jurisdiction in criminal matters and ensure the required legal certainty.

p. 38 in European Commission, 2019a

In view of the plurality of legal orders in the country, Bosnia and Herzegovina needs to establish a judicial body to ensure the consistent interpretation of the law and the harmonisation of case-law, while fully ensuring the principle of independence of all judges.

p. 39 in European Commission, 2019a

In the coming year, Bosnia and Herzegovina should in particular: → adopt the revised Law on the HJPC and Law on the Courts of Bosnia and Herzegovina in line with European standards; implement the measures in the area of criminal procedure as set out in the HJPC action plan; apply consistently and improve rules on the appointment,

performance appraisal, integrity and training of judges and prosecutors; → adopt the revised National War Crimes Strategy; → revise the enforcement procedure laws in the entities and Brčko District, in particular with a view to reducing the backlog of utility bill cases by relieving the courts from the burden of uncontested claims.

p. 40 in European Commission, 2019a

In the Federation entity, there is no institution effectively dealing with conflict of interests.

p. 40 in European Commission, 2019a

The Brčko District Electoral Commission, which is in charge of enforcing legislation on conflict of interests, does not perform this function due to uncertainties about the available legal remedies and insufficient human resources.

p. 40 in European Commission, 2019a

In the Federation entity there is no law providing for the establishment of a similar institution.

p. 41 in European Commission, 2019a

No legislation is in place in the Federation entity

p. 41 in European Commission, 2019a

There is no legislation to effectively prevent corruption in the private sector and no regulation of lobbying.

p. 42 in European Commission, 2019a

Those departments need to be established with no further delay.

p. 43 in European Commission, 2019a

There is no system in place for effectively checking the funding of political parties and electoral campaigns.

p. 45 in European Commission, 2019a

Bosnia and Herzegovina needs to develop a comprehensive policy framework on the promotion and enforcement of human rights, including countrywide strategies on human rights, on non-discrimination, and on the protection of minorities.

p. 45 in European Commission, 2019a

In the absence of strategies setting minimum standards, the lack of harmonisation of legislation and of coordination among institutions leads to uneven protection of human rights across the country.

p. 46 in European Commission, 2019a

Bosnia and Herzegovina lacks a countrywide strategy on transitional justice to ensure a policy framework for dealing with the legacies of the past.

p. 46 in European Commission, 2019a

Bosnia and Herzegovina also needs to implement the November 2017 recommendations of the UN Committee against Torture.

p. 50 in European Commission, 2019a

In the coming year, Bosnia and Herzegovina should in particular: → ensure protection of journalists and a systematic institutional follow-up of threats and violence

against them; → ensure the financial sustainability and political independence of public broadcasters, and harmonise entity legislation with the state-level law on the public broadcasting system; → adopt legislation on media ownership transparency and criteria on public advertising.

p. 53 in European Commission, 2019a

Bosnia and Herzegovina needs to develop and adopt a new action plan on child protection including measures on children without parental care, children with disabilities and juvenile justice across the country.

p. 57 in European Commission, 2019a

The country also needs to develop a comprehensive strategic framework on human rights and on the protection of minorities.

p. 57 in European Commission, 2019a

In the coming year, Bosnia and Herzegovina should in particular: → implement court rulings to put an end to divided education; → designate the national preventive mechanism on torture and ill-treatment and amend the Law on the Human Rights Ombudsman; → align the legislation on data protection and on freedom of access to information with EU standards.

p. 6 in European Commission, 2020a

Meaningful and systematic consultations with civil society remain to be ensured.

p. 8 in European Commission, 2020a

Bosnia and Herzegovina does not have an action plan for this.

p. 9 in European Commission, 2020a

There are no measures to promote the political representation of disadvantaged groups of women.

p. 11 in European Commission, 2020a

Meaningful and systematic consultations with civil society remain to be ensured as part of an inclusive policy dialogue.

p. 11 in European Commission, 2020a

A framework for the transparent funding of civil society organisations is needed.

p. 12 in European Commission, 2020a

A framework for the transparent funding of civil society is needed across the country.

p. 12 in European Commission, 2020a

Meaningful and systematic consultations remain to be ensured.

p. 12 in European Commission, 2020a

The Council of Ministers needs to enact the 2017 charter on cooperation with civil society organisations, notably by developing regular cooperation and consultations.

p. 16 in European Commission, 2020a

There are no effective remedies against the excessive length of judicial proceedings.

p. 17 in European Commission, 2020a

Evident signs of deterioration require urgent measures to strengthen the integrity and regain citizens' trust in the judiciary, starting with a credible and rigorous system of verification of assets of judicial office holders.

p. 17 in European Commission, 2020a

In the coming year, Bosnia and Herzegovina should in particular: → adopt the new law on the High Judicial and Prosecutorial Council and the new law on the Courts of Bosnia and Herzegovina, in line with European standards; → establish urgently a credible and rigorous system of verification of asset declarations of judges and prosecutors, and members of the High Judicial and Prosecutorial Council; → apply consistently and significantly improve rules and practices on the appointment, integrity and training of judges and prosecutors; ensure that a system of performance appraisal is in place; → effectively implement the revised National War Crimes Strategy and put in place a new Justice Sector Reform Strategy.

p. 17 in European Commission, 2020a

At the same time, decisive action must be taken to draft and adopt a new strategy and action plan without further delay.

pp. 17 – 18 in European Commission, 2020a

As an Opinion key priority, the country needs to adopt the new Law on Courts of Bosnia and Herzegovina in order to achieve greater legal certainty and improve the functioning of the judiciary, notably in the fight against serious crime.

p. 18 in European Commission, 2020a

The law should clarify the courts' subject-matter jurisdiction for particularly serious crimes in line with the standards set out in the Treaty on the Functioning of the European Union.

p. 18 in European Commission, 2020a

This law should also provide for a separate second instance appellate court to strengthen the independence of the judicial review of the decisions of the Court of Bosnia and Herzegovina.

p. 19 in European Commission, 2020a

Dedicated sanctions for undue influence of the judicial office holders or public comments that would undermine their independence are not available.

p. 19 in European Commission, 2020a

There are no established procedures carrying penalties against undue influence or threats to judicial independence.

p. 19 in European Commission, 2020a

The process for recruiting judges and prosecutors does not include any thorough integrity and assets verification or any assessment of the candidates' ethical and moral standards.

p. 19 in European Commission, 2020a

The lack of a separate second instance jurisdiction to review the decisions of the Court of Bosnia and Herzegovina further aggravates the issue.

p. 21 in European Commission, 2020a

Ultimately, Bosnia and Herzegovina needs to establish a judicial body to ensure the consistent interpretation of the

law and harmonisation of case law across the four legal orders in the country

p. 23 in European Commission, 2020a

In the coming year, Bosnia and Herzegovina should in particular: ☞ adopt the law on the prevention of conflict of interest at state level, and complete the legal framework on the protection of whistle-blowers; ☞ demonstrate progress towards establishing a track record on the repression and prevention of high level corruption, and ensure an effective and independent judicial process in the COVID-related corruption cases; ☞ adopt a new state-level anticorruption strategy and action plan, and ensure the effective functioning and coordination of corruption prevention bodies at all levels of government.

p. 24 in European Commission, 2020a

In the area of conflict of interests, a state-level commission has not yet been established.

p. 24 in European Commission, 2020a

There is no legislation on whistle-blower protection in the Federation entity.

p. 25 in European Commission, 2020a

The country made no progress in adopting a comprehensive law on prevention of conflict of interest, in line with international standards.

p. 26 in European Commission, 2020a

The state-level anticorruption strategy and action plan have expired.

p. 26 in European Commission, 2020a

New strategic documents need be adopted with no delay and their implementation significantly improved.

p. 26 in European Commission, 2020a

The country also needs to develop a comprehensive strategic framework on human rights and on the protection of minorities, including on transitional justice.

p. 26 in European Commission, 2020a

In the coming year, Bosnia and Herzegovina should in particular: ☞ implement court rulings to put an end to divided education; ☞ designate the national preventive mechanism on torture and ill-treatment and amend the Law on the Human Rights Ombudsman; ☞ ensure full respect, protection and promotion of freedom of assembly and expression, and refrain from further actions that adversely impact the exercise of these rights.

p. 27 in European Commission, 2020a

Bosnia and Herzegovina has no comprehensive policy framework on the promotion and enforcement of human rights, including countrywide strategies on human rights, on nondiscrimination, and on the protection of minorities in the absence of these strategies, the protection of human rights continues to be uneven across the country.

p. 28 in European Commission, 2020a

Bosnia and Herzegovina lacks a countrywide strategy on transitional justice to ensure a policy framework for dealing with the legacies of the past.

p. 29 in European Commission, 2020a

In the coming year, Bosnia and Herzegovina should in particular: ☞ ensure the protection of journalists and a systematic institutional follow-up on threats and violence against them; ☞ ensure the financial sustainability and political independence of public broadcasters, and harmonise entity legislation with the state-level law on the public broadcasting system; ☞ adopt legislation on media ownership transparency and criteria on public advertising.

p. 30 in European Commission, 2020a

Bosnia and Herzegovina needs to adopt legislation on media ownership transparency and set up a detailed register that would give systematic insight into ownership structures and prevent hidden media concentration.

p. 30 in European Commission, 2020a

Freedom of expression online is still not specifically regulated across the country.

p. 32 in European Commission, 2020a

Concerning non-discrimination policies, countrywide human rights and anti-discrimination strategies have yet to be adopted.

p. 32 in European Commission, 2020a

The authorities need to take concrete measures to counter hate speech in the printed and electronic media, as well as in official discourse.

p. 32 in European Commission, 2020a

There is a lack of monitoring mechanisms and enforcement of the prohibition of hate speech in online media.

p. 33 in European Commission, 2020a

As regards the rights of the child, Bosnia and Herzegovina needs to develop and adopt a new action plan on child protection.

p. 33 in European Commission, 2020a

Multi-sectoral and comprehensive implementation mechanisms are still not in place, in particular as regards accessibility and training.

p. 34 in European Commission, 2020a

The country has yet to adopt an action plan on the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; work on its development resumed in 2019 and continued in 2020.

p. 34 in European Commission, 2020a

The legal system fails to recognise the social and economic rights of same-sex couples, including the right to family life.

p. 35 in European Commission, 2020a

Bosnia and Herzegovina still lacks a countrywide strategic document on national minorities.

pp. 5 – 6 in European Commission, 2021a

No progress was made in this area over the reporting period; urgent action is required to adopt the pending legislation on public procurement and conflict of interest.

p. 8 in European Commission, 2021a

An action plan on the key priorities remains pending with the Council of Ministers due to political disagreements on the distribution of competences.

p. 8 in European Commission, 2021a

Bosnia and Herzegovina does not have an action plan for this.

p. 9 in European Commission, 2021a

A uniform and effective system of monitoring the implementation of conclusions and recommendations adopted at oversight hearings or plenary sessions is yet to be developed.

p. 12 in European Commission, 2021a

Meaningful and systematic consultations with civil society remain to be ensured as part of an inclusive policy dialogue.

p. 12 in European Commission, 2021a

The adoption of a framework for the transparent funding of civil society organisations remains outstanding.

p. 12 in European Commission, 2021a

A framework for the transparent and impartial distribution of public funds to associations is needed across the country; only few municipalities adopted regulations on the issue.

p. 13 in European Commission, 2021a

The country has yet to establish a political decision-making body to steer and coordinate reforms across all levels of government.

p. 15 in European Commission, 2021a

The Federation entity still needs to adopt legislation on whistle-blowers' protection, and the Republika Srpska entity on declaration of assets; such legislation should be aligned with international standards at all levels of government.

p. 16 in European Commission, 2021a

There is a lack of effective institutional mechanisms to supervise the implementation of laws or sanction violations.

p. 17 in European Commission, 2021a

In the coming year, Bosnia and Herzegovina should in particular: ☞ urgently adopt the integrity-related targeted amendments to the HJPC Law establishing among other a credible and rigorous system of verification of asset declarations of judges and prosecutors, and members of the High Judicial and Prosecutorial Council; ☞ adopt the new law on the High Judicial and Prosecutorial Council and the new law on the Courts of Bosnia and Herzegovina, in line with European standards; ☞ apply consistently merit-based appointment practices, without prevalence of ethnic criteria, and ensure that quality criteria are applied in performance appraisal; ☞ effectively implement the revised National War Crimes Strategy, notably by appointing the supervisory body, and adopt a new Justice Sector Reform Strategy.

p. 17 in European Commission, 2021a

Bosnia and Herzegovina needs to develop and adopt a new 2021-2027 Justice Sector Reform Strategy and action plan to replace the ones expired in 2018, notably by establishing a

credible implementation timeline and ensuring adequate monitoring and funding.

p. 17 in European Commission, 2021a

No progress was made on the Opinion key priority 6, requiring the country to adopt the new Law on Courts of Bosnia and Herzegovina and the new Law on the High Judicial and Prosecutorial Council (HJPC) which indicates continued insufficient political commitment to pursue key rule of law reforms.

p. 17 in European Commission, 2021a

It should also provide for a separate second instance appellate court.

p. 17 in European Commission, 2021a

The new Law on the HJPC should strengthen the independence, professionalism and accountability of the judiciary.

p. 17 in European Commission, 2021a

The Ministry of Justice should swiftly finalise the drafts of both laws, in line with European Commission recommendations, and submit them to the Venice Commission for an opinion, before adoption by the Council of Ministers and submission for parliamentary procedure.

p. 18 in European Commission, 2021a

The new Law on the HJPC should address these shortcomings.

p. 18 in European Commission, 2021a

There are no dedicated sanctions for undue influence of the judicial office holders or public comments that would undermine their independence.

p. 18 in European Commission, 2021a

The recruitment of judges and prosecutors does not include any thorough integrity and assets verification or any assessment of the candidates' ethical and moral standards.

p. 19 in European Commission, 2021a

These cases require a thorough, independent and transparent follow up

p. 19 in European Commission, 2021a

Plans to provide the disciplinary prosecutor with greater autonomy and independence from the HJPC, in particular through sufficient separation of premises and infrastructure, must be urgently pursued by the HJPC.

p. 19 in European Commission, 2021a

There are no rules guaranteeing full independence and impartiality of the disciplinary panels or the right to judicial review of their decisions, except in cases of dismissals.

p. 19 in European Commission, 2021a

The targeted amendments to the law on the HJPC should provide for disciplinary liability of all members of the HJPC, including the President.

p. 19 in European Commission, 2021a

Disciplinary background should be duly taken into account in the performance, appraisal and promotion of judicial office holders to enhance a rule of law culture in the judiciary.

p. 19 in European Commission, 2021a

Targeted amendments to the Law on the HJPC should provide for suspension of appointments and promotions subject to verification of asset declarations.

p. 19 in European Commission, 2021a

Irregularities detected during verifications should be automatically referred to the office of the disciplinary prosecutor, and properly reflected in the appointment and promotion process.

p. 19 in European Commission, 2021a

A system of thorough and balanced performance appraisal based on quality criteria must continue to be in place and consistently applied to all judges and prosecutors, in line with the European standards.

pp. 19 – 20 in European Commission, 2021a

The database, needs to be systematically populated to foster consistent case law across the country.

p. 20 in European Commission, 2021a

The judiciary needs to significantly improve transparency in its interaction with legal professionals, justice users, the media and public at large.

p. 20 in European Commission, 2021a

Dedicated case law departments should also be in operation in all the highest judicial instances.

p. 20 in European Commission, 2021a

Comprehensive training on public communication and media relations for courts and prosecutors' offices is required to ensure transparency and public trust in the judiciary.

p. 20 in European Commission, 2021a

Ultimately, Bosnia and Herzegovina needs to establish a judicial body to ensure the consistent interpretation of the law and harmonisation of case law across the country.

p. 21 in European Commission, 2021a

Annual quotas to reduce the backlog in connection with qualitative performance appraisal criteria should continue to be used to reduce the backlog of cases, without hampering the quality of justice.

p. 21 in European Commission, 2021a

An effective remedy for excessive length of proceedings needs to set up with no delay at all levels of government

p. 21 in European Commission, 2021a

Efficiency reform measures need to better explore and promote the potential of alternative dispute resolution methods, notably conciliation and mediation, in line with European standards and best practices.

p. 21 in European Commission, 2021a

The Council of Ministers must establish the supervisory body and ensure sufficient funding with no further delay.

p. 22 in European Commission, 2021a

The Prosecutor's Office of Bosnia and Herzegovina should enhance its efforts to process the most complex cases and improve the quality of investigations and indictments.

p. 22 in European Commission, 2021a

No action was taken towards the adoption of new strategic documents at state and Federation entity levels.

pp. 22 – 23 in European Commission, 2021a

In the coming year, Bosnia and Herzegovina should in particular: ☹️ adopt the law on the prevention of conflict of interest at state level, and further harmonise the legislation at entity and Brčko District levels with international standards and best European practices; complete the legal framework and step up implementation on the protection of whistle-blowers; ☹️ demonstrate progress towards establishing a track record on the repression and prevention of high level corruption, and ensure an effective and independent judicial process in the COVID-related corruption cases; ☹️ amend criminal legislation to address lack of harmonisation and competence conflicts, excessive length of proceedings and weak institutional cooperation in corruption cases across the country; adopt a new state-level anticorruption strategy and action plan, and ensure the effective functioning and coordination of corruption prevention bodies at all levels of government.

p. 23 in European Commission, 2021a

In particular, progress in high-level cases remains insignificant and needs to be seriously stepped up

p. 23 in European Commission, 2021a

Such judicial practice must be further scrutinised in the light of the principle of dissuasiveness and efficiency of sanctions.

p. 24 in European Commission, 2021a

There is no legislation on whistle-blower protection in the Federation entity and the 2018 legislation adopted by Brčko District is not implemented.

p. 24 in European Commission, 2021a

APIK should play a much more proactive role in implementing GRECO recommendations and aligning with international standards.

p. 24 in European Commission, 2021a

Bosnia and Herzegovina needs to introduce a comprehensive and effective system of electronic public procurement to foster transparency and reduce abuse of public resources.

p. 24 in European Commission, 2021a

An enhanced monitoring and inspection control system remains necessary to tackle corruption and irregularities in public procurement procedures.

p. 24 in European Commission, 2021a

The audit department of the Central Election Commission needs stronger capacities to monitor compliance with political party financing regulations.

p. 25 in European Commission, 2021a

Specialised departments at the Federation entity prosecutor's office and Supreme Court have not yet been set up

p. 25 in European Commission, 2021a

The country made no progress in adopting a state-level law on prevention of conflict of interest, in line with international standards and best European practices.

p. 25 in European Commission, 2021a

The Federation entity needs to adopt legislation on conflict of interest as well as on the effective protection of whistle-blowers.

p. 25 in European Commission, 2021a

There is no legislation to effectively prevent and address corruption in the private sector and no regulation of lobbying.

p. 25 in European Commission, 2021a

The authorities need to ensure appropriate legislative and institutional follow-up to fulfil the outstanding recommendations, notably on political party financing and conflict of interest.

p. 25 in European Commission, 2021a

New strategic documents need be adopted with no delay and their implementation should start with no delay.

p. 25 in European Commission, 2021a

Anti-corruption strategies need to be harmonised across the country; adequate funding should be provided and strong monitoring mechanisms established to ensure their implementation.

p. 26 in European Commission, 2021a

Significant reforms are needed to ensure that all citizens are able to effectively exercise their political rights and thus bring the country's constitutional and legislative framework into line with the Sejdić-Finci case-law of the ECtHR.

p. 26 in European Commission, 2021a

The country needs to develop a comprehensive strategic framework on human rights and on the protection of minorities, including on transitional justice.

p. 26 in European Commission, 2021a

In the coming year, Bosnia and Herzegovina should in particular: ☞ implement court rulings to put an end to divided education; ☞ designate by law the Human Rights Ombudsman as preventive mechanism against torture and ill-treatment; ☞ ensure full respect, protection and promotion of freedom of assembly and expression, and refrain from further actions that adversely impact the exercise of these rights.

p. 26 in European Commission, 2021a

Bosnia and Herzegovina has not taken any steps towards adoption of a comprehensive policy framework on the promotion and enforcement of human rights, including countrywide strategies on human rights, on non-discrimination, and on the protection of minorities.

p. 27 in European Commission, 2021a

There is no countrywide strategy on the prison system, and no steps were taken to improve detention conditions, starting by harmonising the legislation across the country and bringing it in line with with European and international standards.

p. 27 in European Commission, 2021a

No steps were taken to adopt a state-level framework law clearly defining countrywide criteria on the rights of civilian victims of war-time torture in order to fulfil its pending obligations under the Convention against Torture.

p. 28 in European Commission, 2021a

In the coming year, Bosnia and Herzegovina should in particular: ☞ ensure the protection of journalists and a systematic institutional follow-up on threats and violence against them; ☞ ensure the financial sustainability and political independence of public broadcasters, and harmonise entity legislation with the state-level law on the public broadcasting system; ☞ adopt legislation on media ownership transparency and criteria on public advertising.

p. 29 in European Commission, 2021a

Courts should step up their efforts to ensure an expedient processing of defamation cases and consistency of case law on damage awards, to prevent any chilling effect that would force journalists into self-censorship

p. 29 in European Commission, 2021a

The procedure to appoint the CRA management needs to be revised to improve its public perception as a neutral and independent body.

p. 29 in European Commission, 2021a

No steps were taken to adopt legislation on media ownership transparency, to ensure transparency and prevent hidden media concentration, nor legislation on advertising or criteria for the distribution of subsidies

p. 30 in European Commission, 2021a

As a key priority, the authorities need to promote a conducive and enabling environment for civil society, and ensure effective consultation on legislative developments on freedom of association.

p. 30 in European Commission, 2021a

Concerning non-discrimination policies, there was no progress towards adoption of countrywide human rights and anti-discrimination strategies.

p. 30 in European Commission, 2021a

Disputes over education continue, whilst systemic solutions for ensuring inclusive and nondiscriminatory education are not in place.

p. 31 in European Commission, 2021a

The authorities need to take concrete measures to counter hate speech, particularly in official discourse.

p. 31 in European Commission, 2021a

As regards the rights of the child, Bosnia and Herzegovina still needs to develop and adopt a new action plan on child protection

p. 31 in European Commission, 2021a

Alternatives must be found to the detention of irregular migrant families with children, and the registration of births of children of undocumented migrants must be ensured.

p. 32 in European Commission, 2021a

The legal system fails to recognise the social and economic rights of same-sex couples, including the right to family life; a report identifying the necessary legislative amendments is pending adoption by the Federation entity government since April 2021.

p. 32 in European Commission, 2021a

Bosnia and Herzegovina needs to ensure the right to immediate access to a lawyer while in police detention.

p. 33 in European Commission, 2021a

The legal framework needs to be completed by adopting laws in the Federation entity and the Central Bosnia Canton.

p. 33 in European Commission, 2021a

A needs assessment is required to identify and address the main gaps and ensure effective equal access to justice for all, irrespective of the place of residence.

p. 33 in European Commission, 2021a

No progress was made towards adopting a countrywide strategy on national minorities; the Republika Srpska entity adopted a 2020-2024 strategy in October 2020.

p. 33 in European Commission, 2021a

The government should adopt a comprehensive Roma action plan (encompassing housing, employment, education, healthcare, and cross-cutting issues). T

p. 3 in European Commission, 2024

The new law on the HJPC should also ensure the right of the HJPC to request additional data in the asset declaration verification system.

p. 22 in European Commission, 2022b

North Macedonia still needs to approve a new law on state organisation, while Bosnia and Herzegovina has not started developing a legal framework that would ensure more accountability.

p. 23 in European Commission, 2022b

It is essential that security measures are not misused, e.g. through anti-terrorism legislation or legislation on preventing the financing of the proliferation of weapons of mass destruction (Türkiye), prevention of money laundering and terrorist financing (Kosovo) or restrictions on free access to information (Montenegro) or freedom of assembly (Bosnia and Herzegovina).

p. 40 in European Commission, 2022b

Adopt a new law on the High Judicial and Prosecutorial Council and adopt the law on Courts of Bosnia and Herzegovina;

p. 40 in European Commission, 2022b

adopt the law on Prevention of Conflict of Interest;

p. 40 in European Commission, 2022b

Ensure prohibition of torture, notably by establishing a national preventive mechanism against torture and ill-treatment;

p. 63 in European Commission, 2022b

In line with Opinion's key priority 14, the country needs to complete essential steps on public administration reform by ensuring a professional and depoliticised civil service and a coordinated countrywide approach to policy-making, while establishing a political decision-making body to steer PAR.

p. 63 in European Commission, 2022b

Executive and legislative authorities failed to adopt additional safeguards.

p. 63 in European Commission, 2022b

Urgent measures are needed to restore public trust in the judiciary and strengthen its integrity

p. 64 in European Commission, 2022b

A new law on anti-money laundering and terrorism financing in line with the EU acquis needs to be urgently adopted.

p. 64 in European Commission, 2022b

While the legislative and institutional framework on fundamental rights is largely in place, there is no comprehensive strategic framework.

p. 5 in European Commission, 2022a

The Council of Ministers took no steps to develop a national programme for the adoption of the EU acquis.

p. 6 in European Commission, 2022a

Executive and legislative authorities failed to adopt additional safeguards.

p. 6 in European Commission, 2022a

The Parliament rejected the amendments on integrity to the law on the High Judicial and Prosecutorial Council (HJPC) that would create a credible and rigorous system for verifying the financial statements of judicial office holders.

p. 7 in European Commission, 2022a

A new law on anti-money laundering and terrorism financing in line with the EU acquis needs to be urgently adopted.

p. 7 in European Commission, 2022a

While the legislative and institutional framework on fundamental rights is largely in place, there is no comprehensive strategic framework.

p. 11 in European Commission, 2022a

There is no parliamentary monitoring of compliance with the recommendations of independent institutions, and of their annual reports.

p. 11 in European Commission, 2022a

There are no specific standing committees on oversight and control of the government in either entity, and the assemblies do not follow up on the work of administrative bodies

p. 13 in European Commission, 2022a

Meaningful and systematic consultations with civil society remain to be ensured as part of an inclusive policy dialogue.

p. 13 in European Commission, 2022a

The adoption of a framework for the transparent funding of civil society organisations remains outstanding.

p. 13 in European Commission, 2022a

A framework for the transparent and impartial distribution of public funds to associations remains needed across the country.

p. 13 in European Commission, 2022a

There is no state-level legal framework on volunteering, which is regulated by the entities and Brčko District.

p. 16 in European Commission, 2022a

There is no systematic promotion of gender equality in the civil service, and the representation of women in top management varies from only 19% in the Republika Srpska entity to 41% in the state institutions.

p. 17 in European Commission, 2022a

The Federation entity still needs to adopt legislation on whistle-blower protection, and the Republika Srpska entity's legislation on declaration of assets is also pending; such legislation should be aligned with international standards at all levels of government.

p. 18 in European Commission, 2022a

Effective remedies for the excessive length of judicial proceedings are not yet ensured at all levels of government, although in June 2022, a law to protect the citizen's right to trial within reasonable time was adopted at the state level.

p. 19 in European Commission, 2022a

In the coming year, Bosnia and Herzegovina should, in particular: → adopt a new justice sector reform strategy and implement the revised national war Crimes strategy effectively, notably by appointing the supervisory body; → urgently re-introduce into parliamentary procedure and adopt the integrity amendments to the Law on the High Judicial and Prosecutorial Council establishing among others a credible and rigorous system of verification of asset declarations of judicial office holders; → finalise the new draft law on the High Judicial and Prosecutorial Council and on the Courts of Bosnia and Herzegovina, in line with European standards, and request the opinion of the Venice Commission; → consistently apply merit-based appointment practices, without prevalence of ethnic criteria, and ensure that quality criteria are applied in performance appraisals.

p. 19 in European Commission, 2022a

Bosnia and Herzegovina still needs to adopt a new Justice Sector Reform Strategy for 2021- 2027 and the related action plan.

p. 19 in European Commission, 2022a

The new strategy must include all key reforms recommended in the Commission Opinion and analytical report, as well as in the Expert's Report on Rule of Law issues in Bosnia and Herzegovina ('Priebe report').

p. 19 in European Commission, 2022a

The strategy should be supported by an efficient mechanism of governance, monitoring and reporting on its performance, with the possibility to adopt corrective actions, and it should be supported by adequate budgetary allocations.

p. 20 in European Commission, 2022a

Executive and legislative authorities failed to adopt additional safeguards.

p. 20 in European Commission, 2022a

In the absence of a new law on the HJPC, the rules on conflict of interest for the entire judiciary are still non-binding.

p. 20 in European Commission, 2022a

There are no available remedies against actions undermining judicial independence, including threats

p. 20 in European Commission, 2022a

There has been no progress towards establishing a robust system to verify asset declarations of judges, prosecutors and HJPC members, as legislative amendments providing integrity checks have been rejected in Parliament.

p. 21 in European Commission, 2022a

The HJPC should introduce an in-depth evaluation of suitability of candidates, notably during promotion procedures.

p. 21 in European Commission, 2022a

Introducing an inspectorate service should be seriously considered.

p. 21 in European Commission, 2022a

A new law on the HJPC should introduce judicial review of HJPC decisions; in the meantime, the HJPC has to re-assess its criteria and introduce clear reasoning for each appointment, duly taking into account criminal cases and disciplinary records of candidates.

p. 22 in European Commission, 2022a

Public appearances and social media use by judicial officials remain to be regulated.

p. 22 in European Commission, 2022a

Ultimately, Bosnia and Herzegovina needs to establish a judicial body capable of ensuring the consistent interpretation of the law and harmonisation of case-law across the country.

p. 23 in European Commission, 2022a

A supervisory body remains needed to ensure comprehensive oversight, endorse decisions required to improve the processing of war crimes, validate the implementation of the strategy and secure continuous funding

p. 23 in European Commission, 2022a

The Council of Ministers should swiftly establish the new supervisory body.

p. 24 in European Commission, 2022a

No action was taken to adopt new strategic documents at state level and in the Federation entity.

p. 25 in European Commission, 2022a

Targeted risk assessments and dedicated measures to address corruption are needed, in particular in the most vulnerable sectors

p. 25 in European Commission, 2022a

In the coming year, Bosnia and Herzegovina should, in particular: → Submit into parliamentary procedure and adopt the law on the prevention of conflict of interest at state level, and further harmonise the legislation at entity and Brčko District levels with international standards and best European practices; complete the legal framework and step up implementation on the protection of whistle-blowers; amend the criminal legislation to address the lack of harmonisation and competence conflicts, excessive length of proceedings and weak institutional cooperation in corruption cases; → Demonstrate progress towards establishing a track record on preventing and repressing high-level corruption; improve cooperation between the police and the prosecutors' offices. → Adopt a new state-level anticorruption strategy and action plan.

p. 26 in European Commission, 2022a

There is no legislation on whistle-blower protection in the Federation entity

p. 27 in European Commission, 2022a

Bosnia and Herzegovina needs to introduce a comprehensive and effective system for electronic public procurement to foster transparency and reduce the abuse of public resources

p. 27 in European Commission, 2022a

An enhanced monitoring and inspection control system remains necessary to tackle corruption and irregularities in public procurement procedures.

p. 27 in European Commission, 2022a

Specialised departments at the Federation entity prosecutor's office and Supreme Court have not yet been set up

p. 28 in European Commission, 2022a

A draft law on conflict of interests, aligned with international standards and GRECO recommendations, needs to be submitted into parliamentary procedure, and adopted without further delay.

p. 28 in European Commission, 2022a

The Federation entity needs to adopt legislation on conflict of interest as well as on the effective protection of whistle-blowers

p. 28 in European Commission, 2022a

There is no legislation to effectively prevent and address corruption in the private sector and no regulation of lobbying.

p. 28 in European Commission, 2022a

The state-level strategy on anti-corruption expired in the end of 2019 and no new strategy has been adopted since.

p. 28 in European Commission, 2022a

New strategic documents need be adopted, harmonised across the country, and their implementation should start without delay.

p. 29 in European Commission, 2022a

The country still needs to develop a comprehensive strategic framework on human rights and on the protection of minorities, including on transitional justice.

p. 29 in European Commission, 2022a

In the coming year, Bosnia and Herzegovina should, in particular: → implement court rulings to end divided education; → designate by law the Human Rights Ombudsman as a preventive mechanism against torture and ill-treatment; → ensure full respect, protection and promotion of freedom of assembly and expression, and refrain from further actions that adversely impact the exercise of these rights.

p. 29 in European Commission, 2022a

Bosnia and Herzegovina still has not taken any steps in adopting a comprehensive policy framework on the promotion and enforcement of human rights, including countrywide strategies on human rights, non-discrimination, and the protection of minorities.

p. 30 in European Commission, 2022a

No steps were taken to adopt a state-level framework law clearly defining countrywide criteria on the rights of civilian victims of war-time torture to meet its pending obligations under the Convention against Torture.

p. 30 in European Commission, 2022a

Bosnia and Herzegovina still needs to address the August 2019 decision of the UN Committee against Torture (UNCAT) on providing all forms of redress to victims of wartime torture through an effective reparation scheme.

p. 30 in European Commission, 2022a

There is no countrywide strategy on the prison system, and no steps were taken to improve detention conditions, starting by harmonising the legislation across the country and bringing it in line with with European and international standards.

30 in European Commission, 2022a

The country should further expand the use of alternatives to detention, in particular in the Republika Srpska entity.

p. 30 in European Commission, 2022a

On reconciliation, Bosnia and Herzegovina still lacks a countrywide policy framework for dealing with the legacies of the past, including a countrywide strategy on transitional justice.

p. 31 in European Commission, 2022a

There was no progress in establishing a support fund for the families of missing persons, as provided for by the law, and improving the work of the Missing Persons Institute and the forensic capacities at state level.

p. 32 in European Commission, 2022a

In the coming year, Bosnia and Herzegovina should, in particular: → ensure the protection of journalists and a systematic institutional follow-up on threats and violence

against them; → ensure the financial sustainability and political independence of public broadcasters, and harmonise entity legislation with the state-level law on the public broadcasting system; → adopt legislation on media ownership transparency and criteria on public advertising.

p. 32 in European Commission, 2022a

Official countrywide data collection on threats and attacks against journalists and media workers is still lacking.

p. 32 in European Commission, 2022a

The mandate of the CRA Board has expired at the end of 2017; the Parliament has not appointed a new board for the whole 2018-2022 term.

p. 33 in European Commission, 2022a

The Federation Parliament has not filled the vacancies at the Steering Board of the public broadcaster FTV nor appointed a director of FTV since 2013.

p. 34 in European Commission, 2022a

Concerning non-discrimination policies, there was no progress in adopting countrywide human rights and anti-discrimination strategies.

p. 34 in European Commission, 2022a

Disputes over education continue, whilst systemic solutions for ensuring inclusive and nondiscriminatory education are not in place.

pp. 34 – 35 in European Commission, 2022a

The authorities need to take concrete measures to counter hate speech, particularly in official discourse.

p. 35 in European Commission, 2022a

The authorities do not monitor or enforce the prohibition of hate speech in online media.

p. 35 in European Commission, 2022a

As regards the rights of the child, Bosnia and Herzegovina still needs to develop and adopt a new action plan on child protection to replace the one for 2015-2018.

p. 36 in European Commission, 2022a

Same-sex couples' social and economic rights, including the right to a family life, are not recognised.

p. 36 in European Commission, 2022a

The report identifying the necessary legislative amendments to address this issue is still pending adoption by the Federation entity government since April 2021.

p. 36 in European Commission, 2022a

Laws to protect the right to trial within a reasonable time are pending adoption at the state level and in the Federation entity.

p. 37 in European Commission, 2022a

No progress was made towards adopting a countrywide strategy on national minorities.

p. 1 in European External Action Service, 2022

Bosnia and Herzegovina has yet to adopt a comprehensive strategic framework and the protection of human rights continues to be uneven across the country.

p. 2 in European External Action Service, 2022

The absence of a systematic follow-up means that the country still has to address most of the 204 accepted recommendations from the November 2019 Universal Periodic Review (UPR), as well as the seventy nine recommendations and three requests received in October 2021 by the UN Committee on Economic, Social and Cultural Rights.

p. 7 in European Parliament, 2023

Calls for consistent countrywide coordination, harmonisation and alignment with, and the integration of, EU standards across policy fields, as well as for improved planning and monitoring of reforms through political and technical coordination, including by adopting a national programme for the adoption of the EU acquis by the competent BiH authorities without further delay

p. 10 in European Parliament, 2023

calls for BiH's renewed commitment to the EU policy dialogue by swiftly engaging in regular inter-parliamentary cooperation through the Stabilisation and Association Parliamentary Committee (SAPC), which would contribute to the fulfilment of the 14 key priorities;

p. 11 in European Parliament, 2023

calls on BiH political actors to support and establish a functioning coordination structure to steer public administration reform;

p. 11 in European Parliament, 2023

urges the authorities to take adequate measures to prevent issues with and abuses of public funds in the future and to address the inadequate transparency and accountability of campaign finances

p. 12 in European Parliament, 2023

Reaffirms its call on BiH to adopt integrity amendments, a new Law on the High Judicial and Prosecutorial Council (HJPC) and a new Law on Courts in line with European standards

p. 13 in European Parliament, 2023

Urges BiH to adopt conflict of interest laws and an anti-corruption strategy, and enforce conflict of interest and lobbying rules across all administrative levels, together with stronger protection for whistleblowers, in line with EU standards, and to ensure the implementation of existing laws by independent institutions;

p. 13 in European Parliament, 2023

calls for safeguards against political interference in police work;

p. 13 in European Parliament, 2023

remains concerned about the sector's vulnerabilities to corruption and irregularities, and calls for a procurement law that sufficiently and adequately addresses them;

p. 14 in European Parliament, 2023

calls on the authorities to adopt a new strategy for the post-2023 period;

p. 14 in European Parliament, 2023

urges the RS entity to adopt legislation in this regard;

p. 14 in European Parliament, 2023

Calls on the state authorities to adopt a law on the victims of torture during the war;

p. 15 in European Parliament, 2023

reiterates its call for additional measures and concrete programmes on sustainable return, access to healthcare and employment, social protection and education, and full respect for their rights;

p. 16 in European Parliament, 2023

calls on the BiH authorities to gather statistical data on hate crimes categorised by motivation;

p. 16 in European Parliament, 2023

calls on BiH to take practical steps to promote the inclusion of and prevent violence against the LGBTIQ+ community, including by adding sexual orientation and gender identity to hate crime provisions in criminal codes;

p. 17 in European Parliament, 2023

reiterates its call on BiH to ensure their protection, develop and adopt a strategy on deinstitutionalisation, granting people with disabilities a dignified life, in line with the Convention on the Rights of Persons with Disabilities, to which BiH is a signatory

p. 17 in European Parliament, 2023

Calls on the Federation of BiH, the RS entity and the Brčko District to draft a law on ensuring legal gender recognition based on self-determination, in accordance with European Court of Human Rights practice and the World Health Organization's revision of ICD-11, which came into force in January 2022, and which depathologises trans identities in all areas of life;

p. 17 in European Parliament, 2023

calls on the RS entity and Brčko District to also initiate processes for the drafting of legislative solutions for the recognition of same-sex partnerships, in order to provide same-sex couples with equal treatment countrywide;

p. 7 in European Commission, 2023b

Executive and legislative authorities failed to adopt additional safeguards

p. 7 in European Commission, 2023b

The Ministry of Justice is yet to submit a draft statelevel law on the prevention of conflict of interest in line with European standards to the Council of Ministers for adoption.

p. 7 in European Commission, 2023b

A new law on anti-money laundering and terrorism financing in line with the EU acquis urgently needs to be adopted.

p. 12 in European Commission, 2023b

Bosnia and Herzegovina should finalise and adopt the two comprehensive judicial reform laws – the new Law on the HJPC and the new law on the Courts of Bosnia and Herzegovina – in line with the opinions of the Venice Commission.

p. 16 in European Commission, 2023b

As regards internal party democracy, political parties lack democratic internal policies and structures.

p. 16 in European Commission, 2023b

There is no parliamentary monitoring of compliance with the recommendations of independent institutions or of their annual reports.

p. 17 in European Commission, 2023b

There are no specific standing committees on oversight and control of the government in either entity and the assemblies do not follow up on the work of administrative bodies.

p. 19 in European Commission, 2023b

Meaningful and systematic consultations with civil society have yet to be ensured as part of an inclusive policy dialogue.

p. 19 in European Commission, 2023b

A framework for the transparent funding of civil society organisations still needs to be adopted.

p. 20 in European Commission, 2023b

A framework for the transparent and impartial distribution of public funds to associations is needed across the country.

p. 20 in European Commission, 2023b

There is no state-level legal framework on volunteering, which is regulated by the entities and Brčko District.

p. 24 in European Commission, 2023b

Additionally, there has been no legislative development at Federation level with regard to whistle-blower protection, and declaration of assets at Republika Srpska entity.

p. 24 in European Commission, 2023b

There is also no systemic collection of data on the citizens' right to seek compensation for damage caused by unlawful actions or omissions of the public administration.

pp. 25 – 26 in European Commission, 2023b

In the coming year, Bosnia and Herzegovina should, in particular: → urgently appoint constitutional judges from both entities to all vacant positions and thus ensure the full composition and functioning of the Constitutional Court; and for the courts in general, consistently appoint judges based on merit, without prevalence of ethnic criteria, and appraise the performance of judges based on quality criteria; → revise and implement the integrity-related provisions of the Law on the HJPC to ensure the effectiveness of integrity checks in line with European standards, including by enabling the HJPC and external experts to access all information that is necessary to properly perform their functions; finalise and adopt the new Law on the HJPC and the new law on the Courts of Bosnia and Herzegovina, in line with the Opinion of the Venice Commission; → adopt a new justice sector reform strategy and increase efforts to

effectively implement the revised national war crimes strategy;

p. 26 in European Commission, 2023b

Bosnia and Herzegovina still needs to adopt a new Justice Sector Reform Strategy for 2021- 2027 and the related action plan.

p. 26 in European Commission, 2023b

The new strategy must include all key reforms recommended in the Commission Opinion and analytical report, in the Experts' Report on Rule of Law issues in Bosnia and Herzegovina ('Priebe Report'), and, where relevant, the activities included in the 2021-2023 HJPC reform programme and beyond.

p. 26 in European Commission, 2023b

Executive and legislative authorities failed to adopt additional safeguards.

p. 27 in European Commission, 2023b

A new comprehensive Law on the HJPC should provide for a single annual entry examination to join the judiciary, and more stringent appointment criteria.

p. 28 in European Commission, 2023b

There has been no progress in addressing the shortcomings concerning composition and potential conflict of interest in the formation of disciplinary panels in the HJPC.

p. 28 in European Commission, 2023b

Introducing an inspectorate service or vesting an existing body with similar functions should be seriously considered.

p. 30 in European Commission, 2023b

Ultimately, as noted in the Opinion key priorities, Bosnia and Herzegovina needs to establish a judicial body capable of ensuring the consistent interpretation of the law and harmonisation of case-law across the country.

p. 32 in European Commission, 2023b

The Ministry of Justice is yet to submit a draft state-level law on the prevention of conflict of interest in line with European standards to the Council of Ministers for adoption

p. 32 in European Commission, 2023b

Targeted risk assessments and dedicated measures to address corruption are needed, in particular in the most vulnerable sectors.

p. 32 in European Commission, 2023b

In the coming year, Bosnia and Herzegovina should in particular: → adopt the Law on the prevention of conflict of interest in state-level institutions, in line with European standards, and harmonise the legislation of entities and Brčko District with international standards and best European practices; complete the legal framework and step up implementation on the protection of whistle-blowers; → demonstrate progress towards establishing a track record on preventing and repressing high-level corruption; improve cooperation between the police and the prosecutors' offices; → prepare and adopt a new state-level anti-corruption strategy and action plan.

p. 34 in European Commission, 2023b

Other cantons should introduce similar measures.

p. 34 in European Commission, 2023b

There is still no legislation on whistle-blower protection in the Federation entity.

p. 35 in European Commission, 2023b

The Una Sana Canton is yet to establish the body that will implement the legislation on reporting and verifying asset declarations of public officials, which entered into force in February 2021.

p. 35 in European Commission, 2023b

Bosnia and Herzegovina needs to introduce a comprehensive and effective system for electronic public procurement to improve transparency and reduce the abuse of public resources.

pp. 35 – 36 in European Commission, 2023b

Specialised departments at the Federation entity Prosecutor's Office and Supreme Court have not yet been set up

p. 36 in European Commission, 2023b

After a draft law on conflict of interest was rejected in Parliament in May 2022, the Ministry of Justice of Bosnia and Herzegovina is yet to submit a draft state-level law on the prevention of conflict of interest in line with European standards to the Council of Ministers for adoption.

p. 36 in European Commission, 2023b

The Federation entity Parliament needs to adopt legislation on conflict of interest and on the effective protection of whistle-blowers that was adopted by the entity government in August 2022

p. 37 in European Commission, 2023b

There is no legislation to effectively prevent and address corruption in the private sector and no regulation of lobbying.

p. 37 in European Commission, 2023b

The state-level strategy on anti-corruption expired at the end of 2019 and the Council of Ministers has not adopted a new strategy since, further hampering a harmonised strategic approach across the country.

p. 37 in European Commission, 2023b

This should be remedied as a priority.

p. 37 in European Commission, 2023b

The Council of Ministers did not adopt the strategy for the 2022-2024 period, which had been drafted as an interim solution by the Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK) and instructed APIK to draft a new strategic document for 2024-2028.

p. 37 in European Commission, 2023b

New strategic documents need be adopted and harmonised across the country, and their implementation should start without delay.

p. 37 in European Commission, 2023b

Sufficient funding should be provided and strong monitoring mechanisms set up to ensure their implementation.

p. 37 in European Commission, 2023b

The action plan on women, peace and security needs to be finalised and adopted.

p. 37 in European Commission, 2023b

The country still needs to develop a comprehensive strategic framework on human rights and on the protection of minorities, including on transitional justice.

p. 38 in European Commission, 2023b

Bosnia and Herzegovina still lacks a comprehensive policy framework on the promotion and enforcement of human rights, including countrywide strategies on human rights, nondiscrimination, and the protection of minorities.

p. 39 in European Commission, 2023b

No progress was made towards adopting a state-level framework law clearly defining countrywide criteria on the rights of civilian victims of wartime torture to meet Bosnia and Herzegovina's pending obligations under the Convention against Torture.

p. 39 in European Commission, 2023b

No substantial steps were taken to address the August 2019 decision of the UN Committee against Torture (UNCAT) on providing all forms of redress to victims of wartime torture through an effective reparation scheme, including by providing compensation and issuing a formal apology to the victim.

p. 39 in European Commission, 2023b

The continued absence of a countrywide strategy on the prison system and the lack of progress in improving detention conditions is a concern.

p. 39 in European Commission, 2023b

The country should further expand the use of alternatives to detention, in particular in the Republika Srpska entity.

p. 39 in European Commission, 2023b

Bosnia and Herzegovina still lacks a countrywide policy framework for dealing with the legacies of the past, including a countrywide strategy on transitional justice.

p. 41 in European Commission, 2023b

In the coming year, Bosnia and Herzegovina should, in particular: → ensure the protection of journalists and systematic institutional follow-up of threats and violence against them; → ensure the financial sustainability and political independence of public broadcasters, and harmonise entity legislation with the state-level law on the public broadcasting system; → adopt legislation on media ownership transparency and criteria for public advertising.

p. 41 in European Commission, 2023b

The mandate of the CRA Board expired at the end of 2017; the Parliament has not appointed a new board for the whole 2018-2022 term.

p. 43 in European Commission, 2023b

This requires the adoption of a state-level law, in line with jurisprudence of the Constitutional Court.

p. 43 in European Commission, 2023b

There are no strategic documents that address this issue.

p. 44 in European Commission, 2023b

Concerning non-discrimination, there was no progress towards adopting countrywide human rights and anti-discrimination strategies.

p. 44 in European Commission, 2023b

Disputes over education continue, while systemic solutions for ensuring inclusive and non-discriminatory education are not in place.

p. 44 in European Commission, 2023b

The new action plan on women, peace and security needs to be finalised and adopted, so that activities may resume at full speed.

p. 44 in European Commission, 2023b

An effective mechanism of monitoring and accountability systems, and sufficient funding from the budget for implementing the action plans remain priorities in this area.

p. 45 in European Commission, 2023b

Furthermore, it needs to finish developing and adopt legislation on protection against domestic violence.

p. 45 in European Commission, 2023b

The Brčko District should allow for criminal prosecution of offenders.

p. 45 in European Commission, 2023b

The Republika Srpska entity needs to implement legislation in this field and recognise the role of specialised civil society organisations contributing to the protection of victims.

p. 45 in European Commission, 2023b

As regards the rights of the child, no steps were taken by Bosnia and Herzegovina to develop and adopt a new action plan on child protection to replace the one for 2015-2018.

p. 46 in European Commission, 2023b

While the legal and institutional framework for persons with disabilities is in place, the lack of dedicated budgetary funds hampers implementing measures that would improve their position.

p. 46 in European Commission, 2023b

Bosnia and Herzegovina needs to urgently develop and adopt a deinstitutionalisation strategy to move towards community-based care.

p. 46 in European Commission, 2023b

No steps were taken to recognise and ensure the enjoyment of same-sex couples' social and economic rights, including the right to a family life.

p. 47 in European Commission, 2023b

Without comprehensive coverage and clear minimum common standards, the right to legal aid continues to be upheld unevenly, to the detriment of the most vulnerable.

p. 47 in European Commission, 2023b

No progress was made towards adopting a countrywide strategy on national minorities.

p. 47 in European Commission, 2023b

No progress was made in developing a methodology for data collection nor in developing a policy for the legalisation of informal economy practices concerning the Roma.

pp. 47 – 48 in European Commission, 2023b

No step was taken to remove administrative obstacles, including residence requirements for birth registration and for access to healthcare and education, and to recognise documents for children born abroad.

● A4: Moral Duties to Reform | 46 Quotations:

p. 4 in European External Action Service, 2019b

It is essential that everybody understands that such reforms are in the first place in the interest of the country and its citizens.

p. 4 in European External Action Service, 2019b

Reforms are primarily needed to bring the country forward, to contribute to a better, more reliable and safer life for its citizens and not just to tick the boxes in to-do-lists in the framework of the EU accession process.

p. 4 in European External Action Service, 2019b

Such a culture is required to promote greater consistency in policy and action and to ensure clarity and foreseeability of law and practice.

p. 19 in European External Action Service, 2019b

This is not the way to serve the general interest of the judiciary.

p. 22 in European External Action Service, 2019b

Progress is desperately needed in the interest of the country and its citizens.

p. 23 in European External Action Service, 2019b

As the central institution to ensure the independence and the functioning of the BiH judiciary the HJPC's legal framework and its functioning need to be significantly improved, to better serve the interests of the judiciary and the citizens.

p. 23 in European External Action Service, 2019b

The common interest should prevail, and not the ethnic approach.

p. 12 in European Commission, 2020a

Only a few municipalities have regulations for the transparent funding of civil society organisations that are based on clearly defined criteria and require monitoring and evaluation tools.

p. 27 in European Commission, 2020a

Bosnia and Herzegovina needs to fulfil its obligations under the Convention against Torture, including by adopting a state-level framework law clearly defining countrywide criteria on the rights of civilian victims of war-time torture, which remain uneven across the country.

p. 5 in European Commission, 2021a

Inclusive process of electoral reform, through genuine dialogue and in line with European standards that would eliminate all forms of inequality and discrimination in the electoral process, is paramount.

p. 22 in European Commission, 2021a

The political leaders and criminal justice system institutions need to urgently remedy the situation.

p. 25 in European Commission, 2021a

It is essential to ensure an independent, effective and impartial judicial follow-up in these cases by state level prosecutor's office and the Court of Bosnia and Herzegovina, which have high public resonance and elicited concern over the state of corruption in the country.

p. 28 in European Commission, 2021a

Authorities are expected to act swiftly and demonstrate zero tolerance for threats or attacks against the media, including by ensuring effective police investigations and judicial prosecution leading to final convictions of perpetrators.

p. 2 in European Commission, 2024

Further, the Council underlined the urgency for the country to move forward on its EU path, in particular via fulfilling all 14 key priorities as identified in the Commission's Opinion and endorsed by the Council in 2019.

p. 5 in European Commission, 2024

This strengthens even further the need for Bosnia and Herzegovina to deliver on the necessary reforms

p. 20 in European Commission, 2023d

Overall, further efforts are required for Bosnia and Herzegovina to fulfil the 14 key priorities set out in the Commission Opinion on its EU membership application and the steps specified in the Commission recommendation for candidate status.

p. 13 in European Commission, 2022a

An empowered civil society is a crucial component of any democratic system and should be recognised and treated as such by public institution

p. 32 in European Commission, 2022a

Authorities are expected to act swiftly and demonstrate zero tolerance for threats or attacks against the media, including by ensuring effective police investigations and judicial prosecution leading to final convictions of the perpetrators.

p. 1 in European External Action Service, 2022

They call upon the country to strengthen non-discrimination and gender equality, ensure the prohibition of torture, guarantee freedom of expression and media freedom, improve the protection and inclusion of groups in vulnerable

situations, and promote an environment conducive to reconciliation.

p. 5 in European Parliament, 2023

whereas BiH's advancement towards EU accession requires genuine reconciliation, based on the diverse, multicultural character of the country and its entities, and respect for its unity, sovereignty and territorial integrity, equal rights, and non-discrimination for all its citizens, in line with EU standards and values

p. 6 in European Parliament, 2023

Encourages all political authorities to seize the momentum to meaningfully advance on implementing the 14 key priorities in line with the aspirations of all citizens, respecting the accountability of institutions and the quality and transparency of the process

p. 7 in European Parliament, 2023

Underscores that BiH's path towards EU accession needs to be anchored in functioning democratic institutions, the rule of law, good governance, the fight against corruption and organised crime, respect for fundamental rights and equality and non-discrimination for all citizens;

p. 9 in European Parliament, 2023

Reiterates that the rulings of the Constitutional Court of BiH have to be respected in order to fully ensure stability and constitutional order in the country

p. 11 in European Parliament, 2023

Reiterates the central role of the rule of law and institutional integrity; recalls the need for harmonised, merit-based civil service standards across BiH's administrative levels, enabling a professional, streamlined, depoliticised and accountable public administration that can deliver services to BiH citizen

p. 11 in European Parliament, 2023

calls on the OHR to act in line with its mandate, preventing the strengthening of political or ethnic divisions and tensions in the country and in the wider region, and recalls that the Bonn Powers should be used as a measure of last resort;

p. 11 in European Parliament, 2023

supports transparent and inclusive reforms underpinned by comprehensive consultations and public dialogue involving civil society that would enable a sustainable transformation of the Dayton Peace Agreement in line with European standards and principles, overcoming divisions and ensuring equality and non-discrimination of all citizens and adequately diverse political representation at all levels of governance, in line with EU values and principles, and progress on the path towards the EU;

p. 11 in European Parliament, 2023

takes note of the concept of constituent peoples but stresses that this concept should not in any way lead to discrimination of other citizens or imply any additional rights for people identifying with one of these groups compared with other citizens of BiH;

p. 13 in European Parliament, 2023

points to the added value of effective country-wide and European cooperation among law enforcement agencies in the fight against corruption and organised crime;

p. 14 in European Parliament, 2023

Calls on political and religious leaders in BiH to work towards promoting unity, inclusivity, reconciliation and peace

p. 14 in European Parliament, 2023

for which he has been convicted, including the ethnic cleansing in the Lašva Valley; calls on all political forces, particularly members of the government in BiH, to condemn this statement and clearly distance themselves from it

p. 15 in European Parliament, 2023

Emphasises the vital role of independent media for conveying accurate, timely and transparent information

p. 15 in European Parliament, 2023

underlines the importance of ensuring the transparency of media ownership and the financial sustainability of the public broadcasting system;

p. 16 in European Parliament, 2023

Highlights the importance of ensuring adequate representation of minority and vulnerable groups in the public media, as well as media pluralism, the representation of all communities and cultures, and the availability of content in all official languages;

p. 16 in European Parliament, 2023

Condemns all forms of discrimination, segregation, violence and hate speech against women, minorities, including ethnic minorities, LGBTIQ+ persons, people with disabilities, refugees, displaced persons and people on the move, and calls on BiH to ensure their protection and fundamental freedoms;

p. 16 in European Parliament, 2023

calls on BiH to safeguard and promote the countrywide rights of all minorities, including their rights to participate in democratic elections

p. 16 in European Parliament, 2023

calls on BiH to ensure gender equality in all aspects of public and private life;

p. 17 in European Parliament, 2023

underlines the need for equal access to support;

p. 17 in European Parliament, 2023

encourages the government to draft this law without delay;

p. 17 in European Parliament, 2023

Underscores the importance of non-discriminatory, inclusive and quality education, including by making curricula more inclusive, taking into account cultural and linguistic diversity, eliminating counter-factual content that promotes division, and fostering critical thinking

p. 18 in European Parliament, 2023

Reiterates the need for solidarity-based migration and asylum management which upholds human rights and international law, including in detention centres, and an appropriate, dignified and fair distribution of reception capacities across the country, with the effective inclusion of civil society actors in the reception response in order to ensure monitoring;

p. 18 in European Parliament, 2023

underlines the principle of non-refoulement and the prohibition of inhuman treatment in returns;

p. 20 in European Commission, 2023b

An empowered civil society is a crucial component of any democratic system and should be recognised and treated as such by public institutions.

p. 25 in European Commission, 2023b

All institutions in the country must now cooperate constructively and in good faith with the HJPC to fully implement the law and ensure the effectiveness of the integrity checks.

p. 40 in European Commission, 2023b

Any such norms must fully respect freedom of expression standards.

p. 42 in European Commission, 2023b

Any such norms must fully respect freedom of expression standards.

p. 47 in European Commission, 2023b

Pending constitutional and electoral reforms are of utmost importance to ensure equality for all.

● **S1: Positive Circumstances | 336 Quotations:**

p. 5 in European Commission, 2019b

Bosnia and Herzegovina has developed appropriate administrative capacities to ensure the implementation of the SAA provisions, in particular concerning the smooth operation of the Stabilisation and Association Council, Committee and sectoral sub-committees.

p. 5 in European Commission, 2019b

This decision was based on substantial progress in the areas of justice, freedom and security and fulfilment of the 174 specific conditions set out in the roadmap for visa liberalisation, such as the introduction of biometric passports.

p. 7 in European Commission, 2019b

The Constitution guarantees the fundamental principles of a democratic state, including the rule of law, free elections and the protection of human rights.

p. 5 in European External Action Service, 2019b

In many areas, legislation in line with European and other international standards is already in place.

p. 9 in European External Action Service, 2019b

Remedies of this kind exist in BiH.

p. 12 in European External Action Service, 2019b

The courage and professionalism of a few members of the judiciary, prosecutors and law enforcement officers has been observed

p. 12 in European External Action Service, 2019b

The Sarajevo canton specialised anti-corruption body stands out as a good example.

p. 21 in European External Action Service, 2019b

The references in the Constitution to international instruments, in particular in relation to human rights and freedoms,³⁰ not only allow and require BiH to attain highest human rights standards, but also builds into the Constitution a certain dynamism enabling BiH to follow the development of human rights standards at international level

p. 23 in European External Action Service, 2019b

On the positive side, the group warmly welcomes the fact that there also exists – within the judicial system as well as among the broad public – a strong desire to overcome difficulties and to make things turn out for the better.

p. 23 in European External Action Service, 2019b

In this context, the open and positive statements at the public debate “Right to Justice” favouring a strengthening of the rule of law in Bosnia and Herzegovina and a willingness to work towards that end give rise to optimism for the future of the country.

p. 14 in European Commission, 2021b

In Bosnia and Herzegovina, an inter-agency working group was established in May 2021 to discuss electoral and constitutional reforms.

p. 51 in European Commission, 2021b

An inter-agency working group, is expected to discuss electoral and constitutional reforms, was established in May 2021

p. 51 in European Commission, 2021b

Municipal elections were held in Mostar in December 2020, for the first time since 2008.

p. 52 in European Commission, 2021b

Bosnia and Herzegovina is at an early stage/has some level of preparation as regards its judiciary.

p. 52 in European Commission, 2021b

Bosnia and Herzegovina is at an early stage/has some level of preparation in the prevention and fight against corruption and organised crime.

pp. 6 – 7 in European Commission, 2020b

One positive sign of engagement is the agreement of Albania, Bosnia and Herzegovina, Kosovo, Montenegro and North Macedonia to participate in the Sofia priority action on monitoring of trials in high-level corruption and organised crime cases; further discussion in this regard is needed with Serbia.

p. 11 in European Commission, 2020b

In Bosnia and Herzegovina, legislative amendments adopted in July 2020 should allow holding local elections in Mostar in December, for the first time since 2008.

p. 11 in European Commission, 2020b

Political leaders also reached an agreement on further electoral reform.

p. 25 in European Commission, 2020b

In the past few months the political situation in Bosnia and Herzegovina has shown some positive developments and a positive dynamic, amid the COVID-19 pandemic.

pp. 25 – 26 in European Commission, 2020b

Steps have been taken in the recent months to address some of the key priorities from the Opinion: In October 2019, the Council of Ministers adopted an action plan for the implementation of the recommendations from the Commission's 2019 analytical report, although the content was not fully agreed among all levels of government.

p. 26 in European Commission, 2020b

Legislative amendments following a political agreement in June 2020 should allow holding local elections in Mostar in December for the first time since 2008, thus fulfilling part of key priority

p. 26 in European Commission, 2020b

Preparations are also ongoing to hold the joint parliamentary committee.

p. 46 in European Commission, 2020b

Bosnia and Herzegovina is at an early stage/has some level of preparation in the area of judiciary

p. 46 in European Commission, 2020b

Bosnia and Herzegovina is at an early stage/has some level of preparation in the prevention and fight against corruption and organised crime.

p. 46 in European Commission, 2020b

Some steps were made – notably, the Constitutional Court repealed the provision on the death penalty in the Republika Srpska entity constitution, and the first LGBTI Pride Parade took place peacefully in Sarajevo.

p. 10 in European Commission, 2019a

The Constitution guarantees the fundamental principles of a democratic state, including the rule of law, free elections and the protection of human rights.

p. 10 in European Commission, 2019a

It emphasises full freedom of movement of persons, goods, services, and capital throughout Bosnia and Herzegovina.

p. 10 in European Commission, 2019a

The Constitution commits Bosnia and Herzegovina to ensuring the highest level of internationally recognised human rights and fundamental freedoms and stipulates that the rights and freedoms set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols are directly applicable and have priority over all other law.

p. 11 in European Commission, 2019a

It guarantees specific collective rights for the members of the constituent peoples in the composition and decision-making procedures of the legislative and executive bodies.

p. 11 in European Commission, 2019a

The Constitution provides for the separation of legislative and executive powers.

p. 14 in European Commission, 2019a

A process towards closing the OHR has been underway since 2008; its outcome depends on an agenda of five objectives and two conditions⁸.

p. 14 in European Commission, 2019a

Overall, the Constitution of Bosnia and Herzegovina enshrines the basic principles necessary for a parliamentary democracy based on the rule of law, protection of human rights and division of power

p. 17 in European Commission, 2019a

Gender equality committees are tasked with reviewing legislative proposals to ensure their compliance with domestic and international obligations on gender equality and non-discrimination.

p. 17 in European Commission, 2019a

The assembly has an equal opportunities committee.

p. 18 in European Commission, 2019a

The Parliament and other legislative assemblies in Bosnia and Herzegovina are generally in a position to adopt legislation and exercise democratic control and oversight on the executives.

p. 22 in European Commission, 2019a

Bosnia and Herzegovina has a complex system of executive power, which is broadly functioning.

p. 22 in European Commission, 2019a

Sector-specific consultations are organised occasionally through dedicated working groups.

p. 28 in European Commission, 2019a

The citizens' right to administrative justice is ensured by law.

p. 28 in European Commission, 2019a

The citizens' right to seek compensation for damage caused by unlawful actions or omissions of the public administration is explicitly ensured by law at State, entity and Brčko District level.

p. 29 in European Commission, 2019a

Bosnia and Herzegovina has some level of preparation to implement the acquis and European standards in the area of judiciary and fundamental rights.

p. 30 in European Commission, 2019a

A monitoring and reporting mechanism is in place at technical and political level.

p. 32 in European Commission, 2019a

The Republika Srpska entity adopted some amendments to its law on courts regarding the appointment of judges, thus legislating on a matter that had been transferred from the entity to the State by virtue of the transfer agreement.

p. 33 in European Commission, 2019a

In June 2018, the HJPC submitted to the Ministry of Justice a legislative initiative to amend the Law on the HJPC with a view to complying with those recommendations.

p. 33 in European Commission, 2019a

Within the current legislative framework, a number of rules were adopted in 2018-19 by the HJPC on the basis of its self-regulatory powers.

p. 33 in European Commission, 2019a

A 2018-20 HJPC action plan is in place, covering most notably measures to strengthen the fight against organised crime and corruption, by strengthening the autonomy of the main actors in the criminal procedure chain, improving the quality of financial investigations, increasing the impact of assets seizure and improving the courts' sentencing policy, including on sentences pursuant to plea bargain agreements.

p. 34 in European Commission, 2019a

The constitutions of the entities and the Brčko District Statute includes the principle of independence of the judiciary.

p. 34 in European Commission, 2019a

Regulatory safeguards aiming at ensuring impartiality are generally in place

p. 34 in European Commission, 2019a

There are rules on disqualification of judges, notably for conflict of interests in court cases.

p. 34 in European Commission, 2019a

The case management system for judges and prosecutors provides for random case allocation.

p. 34 in European Commission, 2019a

The regulatory and institutional framework ensuring the accountability of the judiciary is in place as part of the general competence of the HJPC, notably its monitoring powers.

p. 35 in European Commission, 2019a

Criteria on performance appraisal for all judges and prosecutors have been in force since January 2019 with the aim to reform the previous appraisal system based on quantity which could be abused by prioritising easy cases to fill in the quota or by neglecting the quality of the legal reasoning

p. 35 in European Commission, 2019a

The new system also takes into account quality of performance.

p. 38 in European Commission, 2019a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the area of the judiciary.

p. 39 in European Commission, 2019a

The Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption (APIK) was set up at state level in 2009 as an independent body, accountable to Parliament.

p. 39 in European Commission, 2019a

Corruption prevention bodies have also been set up in both entities, in Brčko District and in all cantons.

p. 39 in European Commission, 2019a

There are a large number of mechanisms for citizens to report corruption.

p. 41 in European Commission, 2019a

The legislation on whistle-blower protection provides administrative protection to all staff employed in the institutions and bodies established at state level.

p. 42 in European Commission, 2019a

Those provisions are in line with international and EU standards, particularly in that they preserve the full capacity of the judicial authorities to fight against serious crime.

p. 42 in European Commission, 2019a

Anti-corruption strategies are in place at the various levels of government.

p. 42 in European Commission, 2019a

At state level, the 2015-2019 anti-corruption strategy and action plan are in place, having been adopted after wide public consultations

p. 42 in European Commission, 2019a

In the Republika Srpska entity, there is an anti-corruption strategy for the period 2018-2022 with a related action plan.

p. 42 in European Commission, 2019a

In the Federation entity, a strategic framework has been in place since 2016.

p. 42 in European Commission, 2019a

Each canton also has its own strategy for the prevention of corruption except the Bosnia-Podrinje Canton, which opted for a stand-alone action plan.

p. 42 in European Commission, 2019a

The Brčko District has its own strategic framework to counter corruption.

p. 43 in European Commission, 2019a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the fight against corruption

p. 43 in European Commission, 2019a

The country has overall established an institutional, legal and strategic framework to combat corruption

p. 44 in European Commission, 2019a

The Constitution aims to guarantee the highest level of protection of internationally recognised human rights and fundamental freedoms.

p. 44 in European Commission, 2019a

The country has ratified all major European and international human rights instruments, most of which are included in its Constitution.

p. 45 in European Commission, 2019a

The last selection procedure held in 2017 was open to the participation of civil society.

p. 45 in European Commission, 2019a

On the right to life, in 2003 Bosnia and Herzegovina ratified Protocol No 13 to the ECHR concerning the abolition of the death penalty in all circumstances

p. 46 in European Commission, 2019a

The Constitution prohibits torture and ill-treatment. Bosnia and Herzegovina is party to the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment and its optional protocol.

p. 47 in European Commission, 2019a

A law on the protection of personal data has been in place since 2006

p. 47 in European Commission, 2019a

Freedom of expression, including media freedom, is guaranteed by the Constitution and by law

p. 49 in European Commission, 2019a

There is some level of preparation on freedom of expression.

p. 50 in European Commission, 2019a

Freedom of thought, conscience and religion is guaranteed by the Constitution and legislation, and is generally upheld in practice

p. 50 in European Commission, 2019a

Freedom of assembly is guaranteed in the Constitution and regulated at entity or cantonal level.

p. 50 in European Commission, 2019a

Freedom of association is enshrined in constitutions and legislation at all levels, and is generally upheld

p. 51 in European Commission, 2019a

Property rights are protected by the Constitution.

p. 51 in European Commission, 2019a

In the field of non-discrimination policies, the Law on prohibition of discrimination has been in force since 2009

p. 51 in European Commission, 2019a

Legislation on hate crimes is harmonised across the four criminal codes in the country.

p. 51 in European Commission, 2019a

Entity-level legislation criminalises hate speech only when causing national, racial and religious hatred.

p. 52 in European Commission, 2019a

Legislation providing for equality between women and men is largely in place.

p. 52 in European Commission, 2019a

The Constitution includes the Convention on the elimination of all forms of discrimination against women (CEDAW) as one of the human rights agreements to be applied in Bosnia and Herzegovina.

p. 52 in European Commission, 2019a

The gender equality strategy is implemented via countrywide gender action plans; the latest was adopted in 2018

p. 53 in European Commission, 2019a

As regards the rights of the child, Bosnia and Herzegovina is party to the Convention on the Rights of the Child and its three optional protocols.

p. 54 in European Commission, 2019a

The country adopted a disability policy in May 2008 and both entities adopted strategic frameworks for advancement of the rights and status of persons with disabilities following the expiration of the state-level policy.

p. 54 in European Commission, 2019a

On the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, the four criminal codes are harmonised to include hate crimes on grounds of sexual orientation and gender identity.

p. 54 in European Commission, 2019a

Sexual orientation, gender identity and sex characteristics are also explicitly prohibited grounds for discrimination since the 2016 amendments to the law on anti-discrimination.

p. 54 in European Commission, 2019a

The Sarajevo Canton appointed a prosecutor as contact person for hate crimes on grounds of sexual orientation and gender identity, which is a good practice.

p. 54 in European Commission, 2019a

However, law enforcement officials and members of the judiciary have started to receive training on LGBTI issues.

p. 54 in European Commission, 2019a

These rights are enshrined in criminal procedure codes and other legal acts and generally upheld.

p. 55 in European Commission, 2019a

The rights of persons belonging to minorities are guaranteed by the Constitution.

p. 55 in European Commission, 2019a

The antidiscrimination law is complemented by the 2003 Law on the protection of the rights of members of national minorities, which commits the country to respect, protect, preserve and develop the ethnic, cultural, linguistic and religious identity of the 17 recognised national minorities.

p. 41 in European Commission, 2019a

The Sarajevo canton has a Law on asset declarations of public functions holders in the canton, covering conflict of interests.

p. 4 in European Commission, 2020a

The Constitutional Court repealed the provision on the death penalty in the Republika Srpska entity constitution, fulfilling part of key priority 10.

p. 6 in European Commission, 2020a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the area of judiciary.

p. 6 in European Commission, 2020a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the prevention and fight against corruption and organised crime.

p. 8 in European Commission, 2020a

These developments paved the way for Central Electoral Commission to announce the holding of local elections on 20 December 2020 in Mostar.

p. 11 in European Commission, 2020a

In 2019, the Sarajevo Canton government introduced ambitious anticorruption and transparency measures, restructuring public companies and addressing infrastructural and environmental challenges in the canton.

p. 11 in European Commission, 2020a

The entity and state governments adopted in October 2019 and January 2020 respectively a document outlining a socio-economic reform programme for 2019-2022.

p. 11 in European Commission, 2020a

The overall legal and regulatory framework for civil society in Bosnia and Herzegovina is broadly in line with the EU acquis.

p. 12 in European Commission, 2020a

The legislation on freedom of association is broadly in line with standards and generally upheld

p. 13 in European Commission, 2020a

The Federation entity adopted a set of bylaws regulating annual, three-year and strategic planning

p. 16 in European Commission, 2020a

Bosnia and Herzegovina has some level of preparation to implement the EU acquis and European standards in the area of judiciary and fundamental rights.

p. 17 in European Commission, 2020a

The first LGBTI Pride Parade was held in Sarajevo.

p. 17 in European Commission, 2020a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the area of the judiciary.

p. 22 in European Commission, 2020a

The strategy provides the necessary framework for Bosnia and Herzegovina to process the backlog of war crimes cases more efficiently, by providing clearer criteria for distribution

of cases to lower courts and prosecutors' offices and thus allowing the state-level Prosecutor's Office to focus on the most complex cases.

p. 23 in European Commission, 2020a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the fight against corruption.

p. 24 in European Commission, 2020a

The institutional framework on corruption prevention is largely in place and dedicated corruption prevention bodies have been set up in almost all jurisdictions.

p. 24 in European Commission, 2020a

During the reporting period, APIK has finalised a framework plan for the prevention of corruption during the COVID-19 pandemic, which led to subsequent action plans agreed by the relevant levels of government, except the Republika Srpska entity.

p. 24 in European Commission, 2020a

The anticorruption office of the Sarajevo Canton made good progress.

p. 25 in European Commission, 2020a

The corruption prevention body of the Sarajevo Canton has advanced a mapping of corruption risks and adopted a methodology on public procurement monitoring in COVID-19 pandemic-related measures.

p. 25 in European Commission, 2020a

Special Prosecution Offices were established at the state level and in the Republika Srpska entity.

p. 26 in European Commission, 2020a

The legislative and institutional framework on fundamental rights is largely in place.

p. 26 in European Commission, 2020a

Notably, the Constitutional Court repealed the provision on the death penalty in the Republika Srpska entity constitution, and the first LGBTI Pride Parade took place peacefully in Sarajevo.

p. 27 in European Commission, 2020a

Bosnia and Herzegovina has ratified all major European and international human rights instruments, most of which are included in its Constitution.

p. 27 in European Commission, 2020a

As regards torture and ill-treatment, the Ombudsman received 129 complaints in 2019, down from 144 in 2018.

p. 29 in European Commission, 2020a

There is some level of preparation on freedom of expression.

p. 29 in European Commission, 2020a

In July 2019, the Banja Luka court condemned in first instance for attempted murder one of the assaulters of a journalist who had been reporting on the 'Justice for David' demonstrations in August 2018.

p. 31 in European Commission, 2020a

The constitutional and legal guarantees of freedom of thought, conscience and religion have generally continued to be upheld.

p. 31 in European Commission, 2020a

In September 2019, the first Pride March was organised successfully in Sarajevo, with a counter demonstration held the day before.

p. 31 in European Commission, 2020a

Freedom of association is generally upheld

p. 32 in European Commission, 2020a

Legislation on hate crimes is harmonised across the four criminal codes in the country.

p. 32 in European Commission, 2020a

The country has a 2018-2022 gender action plan, as well as an action plan on women, peace and security.

p. 34 in European Commission, 2020a

In September 2019, the first pride parade was held in Sarajevo without incidents amid heavy security; over 2,000 participants expressed their support for LGBTI rights and other marginalised communities, as well as the right to freedom of assembly and expression of all citizens.

p. 35 in European Commission, 2020a

The process of civil registration is well advanced.

p. 35 in European Commission, 2020a

The authorities, in cooperation with donors and civil society, acted during the COVID-19 pandemic to support the most vulnerable, including the Roma.

p. 4 in European Commission, 2021a

In particular, municipal elections were held in Mostar in December 2020, for the first time since 2008, fulfilling part of key priority 1.

p. 5 in European Commission, 2021a

Municipal elections were held in Mostar in December 2020, for the first time since 2008.

p. 5 in European Commission, 2021a

Bosnia and Herzegovina is at an early stage/has some level of preparation as regards its judiciary.

p. 5 in European Commission, 2021a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the prevention and fight against corruption and organised crime.

p. 8 in European Commission, 2021a

Municipal elections were held in Mostar in December 2020, for the first time since 2008.

pp. 8 – 9 in European Commission, 2021a

Voting took place in Mostar on 20 December 2020 for the first time since 2008, thanks to legislative amendments adopted in July 2020, thus complying with the 2010 decision of the Constitutional Court and the 2019 ECtHR decision in the Baralija case.

p. 9 in European Commission, 2021a

The Central Election Commission (CEC) demonstrated a professional, independent and proactive approach, despite political attacks by; a court ruling on the legality of the March and May 2020 appointments to the CEC is still pending.

p. 11 in European Commission, 2021a

Limited progress was made in addressing the Opinion key priority 11 on ensuring an enabling environment for civil society, notably by adopting a new law on freedom of assembly in the Brčko District, broadly in line with EU standards.

p. 12 in European Commission, 2021a

The overall legal and regulatory framework for civil society in Bosnia and Herzegovina is broadly in line with the EU acquis.

p. 12 in European Commission, 2021a

The legislation on freedom of association is broadly in line with standards and generally upheld.

p. 12 in European Commission, 2021a

The new law adopted in July 2020 in the Brčko District, broadly in line with EU standards, should be used as a model in all other jurisdictions.

p. 16 in European Commission, 2021a

Bosnia and Herzegovina has some level of preparation to implement the EU acquis and European standards in the area of judiciary and fundamental rights

p. 16 in European Commission, 2021a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the area of the judiciary.

p. 21 in European Commission, 2021a

The implementation of the revised National War Crime Strategy has started.

p. 22 in European Commission, 2021a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the fight against corruption.

p. 23 in European Commission, 2021a

The HJPC has adopted criteria for the identification of high-level corruption cases.

p. 23 in European Commission, 2021a

In the area of conflict of interests, a state-level commission has been established in July 2020.

p. 23 in European Commission, 2021a

A positive trend continued in the Sarajevo Canton, where 1,163 asset declarations were submitted for about 900 public positions by office holders.

p. 24 in European Commission, 2021a

The anticorruption office of the Sarajevo Canton continued to make good progress and remains an isolated good example.

p. 24 in European Commission, 2021a

The corruption prevention body of the Sarajevo Canton continued the good practice of mapping corruption risks and implementation of the methodology on public procurement monitoring in COVID-19 pandemic-related measures

p. 24 in European Commission, 2021a

In May 2021 the Tuzla Canton adopted legislation to establish an anticorruption office, on the model of the Sarajevo Canton.

p. 25 in European Commission, 2021a

Special anti-corruption departments within prosecution offices were established at the state level and in the Republika Srpska entity.

p. 26 in European Commission, 2021a

The legislative and institutional framework on fundamental rights is largely in place.

p. 26 in European Commission, 2021a

Bosnia and Herzegovina has ratified all major European and international human rights instruments, most of which are included in its Constitution.

p. 28 in European Commission, 2021a

There is some level of preparation on freedom of expression.

p. 30 in European Commission, 2021a

Freedom of thought, conscience and religion continue to be generally upheld

p. 30 in European Commission, 2021a

The Brčko District adopted in July 2020 a law on freedom of assembly, largely in line with European standards, which should be used as a model in other jurisdictions.

p. 30 in European Commission, 2021a

The third Sarajevo Pride march took place peacefully in August 2021; for the first time, the cantonal authorities agreed to cover all additional security costs.

p. 30 in European Commission, 2021a

Freedom of association continues to be generally upheld

p. 31 in European Commission, 2021a

Legislation on hate crimes is harmonised across the four criminal codes in the country.

p. 31 in European Commission, 2021a

The country has a 2018-2022 gender action plan, as well as an action plan on women, peace and security.

p. 31 in European Commission, 2021a

The Republika Srpska entity adopted a 2020-2024 strategy for combating domestic violence

p. 32 in European Commission, 2021a

Both entities adopted strategic frameworks for persons with disabilities.

p. 32 in European Commission, 2021a

An action plan on the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons was developed and is pending adoption by the Council of Ministers.

p. 32 in European Commission, 2021a

The third Sarajevo Pride march took place peacefully in August 2021; for the first time, all additional security costs for the assembly were covered by the authorities.

p. 33 in European Commission, 2021a

The process of civil registration is well advanced.

p. 2 in European Commission, 2024

Since the granting of candidate status by the European Council in December 2022, the public commitment of political parties in Bosnia and Herzegovina to the strategic goal of European integration has brought some positive results.

p. 3 in European Commission, 2024

The integrity checks on judicial office holders and HJPC members may now start.

p. 3 in European Commission, 2024

Bosnia and Herzegovina authorities are working towards a new Law on the HJPC, which should be finalised and adopted in line with the opinion of the Venice Commission.

p. 3 in European Commission, 2024

A working group has been formed to develop amendments.

p. 3 in European Commission, 2024

The Ministry of Justice is finalising the draft Law on the Courts of Bosnia and Herzegovina and expected to submit it to the Council of Ministers for adoption in March.

p. 3 in European Commission, 2024

The new law on the prevention of conflict of interest was adopted by the Council of Ministers on 6 March then it was adopted by both Houses of Parliament on 8 March.

p. 3 in European Commission, 2024

A law on anti-money laundering and countering terrorism financing (AML/CFT) was adopted by the Council of Ministers in December 2023 and by the Parliament in February 2024.

p. 4 in European Commission, 2024

A Risk Assessment for the AML/CFT on virtual assets accompanied with an Action Plan for 2024-2027 was adopted by the Council of Ministers on 1 February 2024.

p. 4 in European Commission, 2024

Bosnia and Herzegovina authorities have finalised at working group level the draft new law on personal data protection, which is a precondition for the entry into force of the Eurojust cooperation agreement.

p. 4 in European Commission, 2024

A strategy on public procurement 2024-2028 has been finalised and is pending adoption by the Council of Ministers.

p. 4 in European Commission, 2024

This is a first final court ruling on high level corruption.

p. 4 in European Commission, 2024

In October 2019 the Constitutional Court repealed the reference to death penalty in the Constitution of the Republika Srpska entity.

pp. 4 – 5 in European Commission, 2024

In August 2023 the Parliament amended the Law on the human rights Ombudsman to designate it as national preventive mechanism against torture and ill-treatment – an international obligation of the country.

p. 5 in European Commission, 2024

All prosecutors' offices and law enforcement agencies have appointed contact points for journalists, to be publicised on the platform safejournalists.net.

p. 5 in European Commission, 2024

As a first step to urgently address the financial situation of the state-level public broadcaster, in February 2024 the Council of Ministers granted it funds from the revenues of the Communication Regulatory Agency

p. 5 in European Commission, 2024

A working group is being established to draft a new law on the public broadcasting system.

p. 6 in European Commission, 2024

The Council of Ministers appointed a supervisory body for the implementation of the national war crimes processing strategy.

p. 6 in European Commission, 2024

The Peacebuilding Steering Committee has become operational on 19 February 2024, which is also the platform for policy dialogue on reconciliation.

p. 7 in European Commission, 2024

The Ministry of Justice is drafting a strategy for an enabling environment for civil society organisations, which should be submitted to the Council of Ministers for adoption.

p. 7 in European Commission, 2023d

Parliament adopted a number of laws related to the 14 key priorities and the steps specified in the Commission recommendation for candidate status.

p. 20 in European Commission, 2023d

The Commission also welcomes the swift entry into office of a new Council of Ministers in January 2023.

p. 20 in European Commission, 2023d

The public commitment of political parties to the strategic goal of European integration has brought positive results.

p. 20 in European Commission, 2023d

Steps and commitments were made towards the fulfilment of the key priorities and to address the steps specified in the Commission recommendation for candidate status

p. 20 in European Commission, 2023d

The Council of Ministers adopted strategies to counter organised crime, made an updated risk assessment and an accompanying action plan on anti-money laundering and combating the financing of terrorism, adopted strategies and action plans on migration and on terrorism, and appointed a supervisory body for the implementation of the national war crimes processing strategy.

p. 20 in European Commission, 2023d

The country adopted laws, notably on integrity in the judiciary through amendments of the High Judicial and Prosecutorial Council; torture prevention (designating the Ombudsman as national preventive mechanism); foreigners; freedom of access to information and adopted the Gender Action Plan.

p. 20 in European Commission, 2023d

The public commitment of the coalition parties to the strategic goal of European integration has brought positive results, since the granting of candidate status.

p. 11 in European Commission, 2022b

Political actors demonstrated a unified approach in allowing Bosnia and Herzegovina to adopt the public procurement law, as well as to become a Participating State of the Union Civil Protection Mechanism.

p. 11 in European Commission, 2022b

On the same day, the High Representative imposed amendments to the constitution of the Federation entity and to the election law, aimed at addressing a number of functionality issues and the timely formation of authorities.

p. 22 in European Commission, 2022b

In Bosnia and Herzegovina, the first ever comprehensive public finance management strategy is awaiting adoption by the Council of Ministers.

p. 39 in European Commission, 2022b

The parties agreed to implement these commitments urgently and no later than six months from the formation of all authorities, following the elections, which took place on 2 October.

p. 39 in European Commission, 2022b

Subsequently, in line with the 14 key priorities, Bosnia and Herzegovina adopted amendments to the public procurement law in August and amendments of the comprehensive strategy on public financial management by all levels of government in June-July.

p. 39 in European Commission, 2022b

In relation to the fight against corruption and organized crime, Bosnia and Herzegovina made important gains.

p. 63 in European Commission, 2022b

Notably, positive steps were taken in the area of public finance management: (i) a comprehensive and countrywide public finance management (PFM) strategy was adopted, which now needs to be implemented; (ii) each level of government started implementing PFM strategies; (iii) state institutions improved some professional trainings; and (iv) and the Federation entity amended its administrative procedures.

p. 63 in European Commission, 2022b

Bosnia and Herzegovina is at an early stage/has some level of preparation in the prevention of and fight against corruption and organised crime.

p. 64 in European Commission, 2022b

Adopting action plans for the social inclusion of the Roma in April 2022 and on the rights of LGBTIQ persons in July 2022 are positive steps in this regard.

p. 6 in European Commission, 2022a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the prevention of and fight against corruption and organised crime.

p. 7 in European Commission, 2022a

Adopting action plans for the social inclusion of the Roma in April 2022 and on the rights of LGBTIQ persons in July 2022 are positive steps in this regard.

p. 9 in European Commission, 2022a

In the political agreement they signed in Brussels on 12 June 2022, party leaders committed to an ambitious agenda of reforms, in line with the 14 key priorities, to advance decisively on its EU path following the 2 October general elections.

p. 10 in European Commission, 2022a

A Citizens' Assembly of randomly-selected citizens presented their recommendations for constitutional changes, based on a deliberative democracy approach, in March 2022.

p. 10 in European Commission, 2022a

In August 2022, the Court of Bosnia and Herzegovina confirmed in appeal that the parliament had acted in line with the law when appointing members of the Central Election Commission (CEC) in March and May 2020.

p. 11 in European Commission, 2022a

A positive exception is the interim investigative committee on the state of the judiciary of the House of Representatives which, despite delays due to the political blockage, published its findings in June 2022.

p. 11 in European Commission, 2022a

Such a committee is in place in the Brčko District.

p. 13 in European Commission, 2022a

The advisory body of the Council of Ministers for civil society organisations held two working sessions in 2021.

p. 13 in European Commission, 2022a

Grassroot organisations proactively advocated for policy changes

p. 13 in European Commission, 2022a

Civil society organisations also provide services to disadvantaged groups, in substitution to public authorities.

p. 18 in European Commission, 2022a

Bosnia and Herzegovina has some level of preparation to implement the EU acquis and European standards in the area of judiciary and fundamental rights.

p. 19 in European Commission, 2022a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the area of the judiciary.

pp. 22 – 23 in European Commission, 2022a

61% of judges and prosecutors and 51% of managers are women.

p. 23 in European Commission, 2022a

The clearance rate increased slightly to 97% in 2021 (96% in 2020).

p. 23 in European Commission, 2022a

The backlog of non-utility cases decreased slightly by 1.3% compared to 2020.

p. 23 in European Commission, 2022a

Within the scope of its mandate, the HJPC has proactively overseen the work of the prosecutors and courts in implementing the strategy.

p. 24 in European Commission, 2022a

Bosnia and Herzegovina is at an early stage/has some level of preparation in the fight against corruption

p. 26 in European Commission, 2022a

The Brčko District adopted a law on preventing conflict of interest in March 2021 and appointed a related commission in June 2021.

p. 26 in European Commission, 2022a

In the Sarajevo Canton, office holders' asset declarations are published on the cantonal anti-corruption office website.

p. 26 in European Commission, 2022a

In the Sarajevo Canton, the positive trend continued.

p. 26 in European Commission, 2022a

In 2021, 1 380 asset declarations were submitted to the cantonal Office for the Prevention of Corruption (1 163 in 2020) and 42 office holders who failed to submit declarations were sanctioned with misdemeanour fines, of which nine orders were appealed before minor offences courts.

p. 26 in European Commission, 2022a

In 2021, the Brčko District established the Office for the prevention of corruption that is also responsible for implementing the 2018 legislation on whistle-blowers protection.

p. 26 in European Commission, 2022a

The anti-corruption office of the Sarajevo Canton continued to make good progress and remains a good example among cantonal bodies.

p. 27 in European Commission, 2022a

In May 2021, the Tuzla Canton adopted legislation to establish an anticorruption office and in December 2021 a

Law on reporting and verification of asset declarations of public officials, following the model of the Sarajevo Canton.

p. 27 in European Commission, 2022a

Special anti-corruption departments within prosecution offices were established at the state level and in the Republika Srpska entity

p. 29 in European Commission, 2022a

The legislative and institutional framework on fundamental rights is largely in place.

p. 29 in European Commission, 2022a

Bosnia and Herzegovina has ratified all major European and international human rights instruments, most of which are included in its Constitution

p. 31 in European Commission, 2022a

Some positive steps were taken at local level

p. 31 in European Commission, 2022a

Freedom of thought, conscience and religion continue to be generally upheld

p. 31 in European Commission, 2022a

There is some level of preparation on freedom of expression

p. 33 in European Commission, 2022a

Freedom of artistic expression is guaranteed by legislation and generally respected.

p. 34 in European Commission, 2022a

The 2020 Brčko District law on freedom of assembly, largely in line with European standards, should be used as a model in other jurisdictions.

p. 34 in European Commission, 2022a

The third Sarajevo Pride march took place in June 2022.

p. 34 in European Commission, 2022a

Freedom of association continues to be generally respected.

p. 34 in European Commission, 2022a

Legislation on hate crimes is harmonised across the four criminal codes in the country

p. 35 in European Commission, 2022a

The country has a 2018-2022 Gender Action Plan, which has been implemented as planned with regard to addressing domestic violence.

p. 35 in European Commission, 2022a

An action plan on women, peace and security is also in place and significant efforts were made across the country in order to create an environment supportive of greater participation of women in the police and in the army.

p. 36 in European Commission, 2022a

Both entities adopted strategic frameworks for persons with disabilities.

p. 36 in European Commission, 2022a

In July 2022, the Council of Ministers adopted the action plan on the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons which had benveloped in 2020.

p. 36 in European Commission, 2022a

The third Sarajevo Pride march took place on 25 June 2022.

p. 37 in European Commission, 2022a

A national minorities' council in the Brčko district was established in May 2022.

p. 37 in European Commission, 2022a

As one of the 17 officially recognised national minorities, the Roma are protected by the antidiscrimination law.

p. 37 in European Commission, 2022a

In April 2022, the Council of Ministers adopted a countrywide action plan for the social inclusion of Roma men and women 2021-2025, encompassing antidiscrimination and combatting anti-gypsyism, housing, employment, education and healthcare.

p. 37 in European Commission, 2022a

Its strategic goals and measures are largely harmonised with the Poznan Declaration.

p. 1 in European External Action Service, 2022

The legislative and institutional framework on fundamental rights and democracy is largely in place and overall in line with the relevant international and European standards.

p. 2 in European External Action Service, 2022

Bosnia and Herzegovina continued its dialogue and cooperation with domestic, European and international human rights organisations and monitoring bodies.

p. 3 in European Parliament, 2023

having regard to the Mostar Agreement signed on 17 June 2020 on the holding of elections in Mostar

p. 6 in European Parliament, 2023

Commends the swift implementation of the results of the October 2022 general elections, the appointment of a new state-level government, the signing of a coalition programme and the resumption of political decision-making;

p. 6 in European Parliament, 2023

welcomes the appointment of the President and two Vice-Presidents of the Federation of BiH and the formation of governments at the level of the Federation of BiH and its canton

p. 7 in European Parliament, 2023

Reaffirms its support for the mandates of the Office of the High Representative (OHR) as regards the civilian aspects, notably in enhancing stability and democratic processes in BiH, and EUFOR Operation Althea as regards the military aspects in overseeing the implementation of the Dayton Peace Agreement, until the country has fulfilled the '5+2 agenda' and its international supervision ends

p. 10 in European Parliament, 2023

Welcomes the establishment of the working bodies of the House of Peoples of the BiH's parliamentary assembly

p. 11 in European Parliament, 2023

Welcomes the fact that the elections held in October 2022 were generally well organised and competitive, and that the campaign respected fundamental freedoms of association, assembly and expression

p. 11 in European Parliament, 2023

Takes note of the changes introduced by the High Representative to the election law and constitution of the Federation of BiH, aimed at addressing a number of functionality issues; e

p. 13 in European Parliament, 2023

Welcomes the appointment of a national coordinator for the European Multidisciplinary Platform Against Criminal Acts and expects BiH's cooperation with Europol and Eurojust to be fully functional

p. 13 in European Parliament, 2023

welcomes, in this regard, the signature of the Rulebook on the operation of the National/Joint Contact Point for cooperation with Europol;

p. 13 in European Parliament, 2023

welcomes local-level initiatives commemorating civilian war victims, the completion of the monument in the Brčko District and the decision by the OHR to amend the Law on the Center for the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide, in order to facilitate the work of the Memorial Center

p. 14 in European Parliament, 2023

takes positive note of the adoption of legislation on the protection of Civilian Victims of War in the Brčko District and in the Federation of BiH, both recognising and providing rights to children;

p. 16 in European Parliament, 2023

welcomes the adoption of the LGBTI Action Plan for Bosnia and Herzegovina 2021-2024 and the establishment of a focal point in charge of overseeing anti-LGBTIQ+ hate crimes in Cantonal Prosecutor's Offices; calls on BiH to take practical steps to promote the inclusion of and prevent violence agai

p. 17 in European Parliament, 2023

welcomes, in this context, the adoption of an Action Plan on Roma Inclusion;

p. 17 in European Parliament, 2023

supports the more intense participation of citizens in policy-shaping forums, such as the countrywide citizens' assembly in BiH, and takes good note of its policy recommendations

p. 18 in European Parliament, 2023

welcomes the opening of negotiations on BiH's upgraded status agreement with the European Border and Coast Guard Agency (Frontex) and calls for its timely conclusion in order to facilitate better protection and management of its borders, in line with fundamental rights and international standards

p. 4 in European Commission, 2023b

The formation of a state-level coalition government at record speed is an important proof of a new political dynamism and will.

p. 4 in European Commission, 2023b

The Council of Ministers adopted strategies to counter organised crime, made an updated risk assessment and an accompanying action plan on anti-money laundering and combating the financing of terrorism, adopted strategies and action plans on migration and on terrorism, and appointed a supervisory body for the implementation of the national war crimes processing strategy.

p. 4 in European Commission, 2023b

The contact point with Europol finally started operations in June 2023.

p. 4 in European Commission, 2023b

The Council of Ministers endorsed a set of draft laws, notably on: integrity in the judiciary; torture prevention (designating the Ombudsman as national preventive mechanism); foreigners; and freedom of access to information.

p. 5 in European Commission, 2023b

The new Council of Ministers took significant steps to adopt EU reforms following the granting of candidate status: it adopted the strategy on organised crime, an updated risk assessment and accompanying action plan on anti-money laundering and combating terrorism financing, as well as the strategies and action plans on migration and on terrorism

pp. 5 – 6 in European Commission, 2023b

It also appointed a supervisory body for implementation of the national war crimes processing strategy.

p. 6 in European Commission, 2023b

The contact point with Europol finally started operations in June 2023

p. 6 in European Commission, 2023b

The Council of Ministers also endorsed a set of draft laws, notably on: integrity in the judiciary; torture prevention (designating the Ombudsman as national preventive mechanism); foreigners; and freedom of access to information.

p. 7 in European Commission, 2023b

Some progress was made in this area.

p. 7 in European Commission, 2023b

The Council of Ministers also appointed a new supervisory body overseeing the implementation of the national war crimes strategy.

p. 7 in European Commission, 2023b

Some progress was made in the fight against organised crime.

p. 7 in European Commission, 2023b

The contact point for cooperation with Europol started operating in June 2023.

p. 7 in European Commission, 2023b

The legislative and institutional framework on fundamental rights is largely in place.

p. 7 in European Commission, 2023b

Pride marches have been held regularly since 2020, and an action plan on the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons was adopted in July 2022.

p. 7 in European Commission, 2023b

The gender action plan was adopted in October 2023. G

p. 10 in European Commission, 2023b

Municipal elections were held in Mostar in December 2020.

p. 11 in European Commission, 2023b

The Council of Ministers appointed a supervisory body for the implementation of the national war crimes processing strategy.

p. 11 in European Commission, 2023b

Some positive action was taken at local level (Mostar, Brčko).

p. 12 in European Commission, 2023b

The Europol contact point started operating in June 2023, and Bosnia and Herzegovina deployed a liaison officer to The Hague.

p. 13 in European Commission, 2023b

In October 2019 the Constitutional Court repealed the reference to death penalty in the Constitution of the Republika Srpska entity.

p. 13 in European Commission, 2023b

The key priority is completed.

p. 14 in European Commission, 2023b

Pride marches have been held regularly since 2020.

p. 14 in European Commission, 2023b

State and entity-level legislative assemblies were swiftly formed by March, and executive bodies by May.

p. 14 in European Commission, 2023b

The Presidency took office in November, and for the first time since 1995 includes a woman, Željka Cvijanović (SNSD), also as first female chair

p. 14 in European Commission, 2023b

A new state-level Council of Ministers was swiftly set up after the vote and took office in late January, chaired for the first time by a woman, Borjana Krišto (HDZ BiH).

p. 14 in European Commission, 2023b

Following the granting of candidate status, the public commitment of political parties to the strategic goal of European integration has brought positive results.

p. 14 in European Commission, 2023b

The formation of a state-level coalition government at record speed is an important proof of a new political dynamism and will

p. 16 in European Commission, 2023b

The House of Representatives established a standing committee for the fight against corruption and the kleptocracy.

p. 17 in European Commission, 2023b

Such a committee is in place in the Brčko District.

p. 17 in European Commission, 2023b

For the first time since 1995 it included a woman, who served as its chair for the first 8 months.

p. 18 in European Commission, 2023b

The new Council of Ministers, appointed in late January, took some significant steps to adopt EU reforms following the granting of candidate status.

p. 18 in European Commission, 2023b

It also appointed a supervisory body for the implementation of the national war crimes processing strategy.

p. 18 in European Commission, 2023b

The Council of Ministers also endorsed a set of draft laws, notably on integrity in the judiciary; torture prevention (designating the Ombudsman as national preventive mechanism); on foreigners, and freedom of access to information.

p. 20 in European Commission, 2023b

Grassroot civil society organisations proactively advocate for policy changes.

p. 20 in European Commission, 2023b

Women's associations in particular play a key role in reaching out to the most vulnerable, including victims and survivors of domestic and gender-based violence.

p. 22 in European Commission, 2023b

Some progress was noted in this area in Republika Srpska entity, by introducing regulatory impact assessment to be conducted also for draft secondary legislation.

p. 22 in European Commission, 2023b

The regulatory framework for standards for monitoring and reporting on key government planning documents at all levels is in place.

p. 25 in European Commission, 2023b

Bosnia and Herzegovina has some level of preparation to implement the EU acquis and European standards in the area of judiciary and fundamental rights.

p. 25 in European Commission, 2023b

Some progress was made in addressing Opinion key priority 6 on the functioning of the judiciary.

p. 25 in European Commission, 2023b

The Council of Ministers also appointed a supervisory body to oversee the implementation of the national war crimes strategy.

p. 26 in European Commission, 2023b

The HJPC has a communication strategy, its action plan, and a communication plan on ethics, integrity and prevention of conflict of interest.

p. 28 in European Commission, 2023b

In April 2023, the HJPC introduced a new system to evaluate candidates, notably for promotions, taking into account their disciplinary records.

p. 30 in European Commission, 2023b

The clearance rate increased to 104% in 2021 (99% in 2021).

p. 30 in European Commission, 2023b

The backlog of non-utility cases decreased slightly by 5% compared to 2021.

p. 31 in European Commission, 2023b

The revised National War Crime Strategy (NWCS) continued to be implemented effectively.

p. 31 in European Commission, 2023b

The HJPC, within its mandate, monitored the work of prosecutors and judges to that end, until March 2023, when the Council of Ministers finally appointed a new supervisory body to oversee implementation of the strategy.

p. 32 in European Commission, 2023b

Some indictments for high-level corruption were raised during the reporting period.

p. 34 in European Commission, 2023b

The Brčko District adopted a law on preventing conflict of interest in March 2021 and appointed a related commission in June 2021.

p. 34 in European Commission, 2023b

In the Sarajevo Canton, the positive trend continued.

p. 34 in European Commission, 2023b

The cantonal Law on prevention of corruption entered into force in January 2023.

p. 34 in European Commission, 2023b

A new law on whistle-blower protection, entered into force in the Sarajevo Canton in January 2023.

p. 34 in European Commission, 2023b

The new parliamentary commission supervising the work of APIK was appointed in March 2023.

p. 34 in European Commission, 2023b

The anti-corruption office of the Sarajevo Canton continued to make good progress and remains a good example among cantonal bodies.

p. 35 in European Commission, 2023b

Canton 10 adopted a decree establishing an anti-corruption Office in October 2022.

p. 35 in European Commission, 2023b

Special anti-corruption departments within prosecution offices were established at state level and in the Republika Srpska entity.

p. 36 in European Commission, 2023b

The Prosecutor's Office of Bosnia and Herzegovina made good progress in efficiently investigating SKY ECC related cases, establishing a team of 12 prosecutors to cover them.

p. 36 in European Commission, 2023b

In August 2022, the Sarajevo Canton adopted a Law on prevention, suppression and the fight against corruption.

p. 36 in European Commission, 2023b

Both entities are implementing the strategies adopted in 2021 to develop internal financial controls in the public sector.

p. 37 in European Commission, 2023b

The legislative and institutional framework on fundamental rights is largely in place.

p. 37 in European Commission, 2023b

The gender action plan was adopted in October 2023.

p. 38 in European Commission, 2023b

Bosnia and Herzegovina has ratified all major European and international human rights instruments, most of which are included in its Constitution.

p. 38 in European Commission, 2023b

In August 2023, the Parliament amended the Law on the human rights Ombudsman to strengthen the independence and effectiveness of this body and designate it as a national preventive mechanism against torture and ill-treatment – an international obligation of the country.

p. 39 in European Commission, 2023b

Positive steps were taken at local level.

p. 40 in European Commission, 2023b

There is some level of preparation on freedom of expression.

p. 42 in European Commission, 2023b

However, the trend is declining.

p. 43 in European Commission, 2023b

Freedom of artistic expression is guaranteed by legislation and generally respected.

p. 43 in European Commission, 2023b

The 2020 Brčko District law on freedom of assembly, largely in line with European standards, should be used as a model in other jurisdictions.

p. 43 in European Commission, 2023b

The fourth Sarajevo Pride march took place without incidents in June 2023.

p. 43 in European Commission, 2023b

Freedom of association continues to be generally respected.

p. 44 in European Commission, 2023b

Legislation on hate crimes is harmonised across the four criminal codes in the country.

p. 44 in European Commission, 2023b

The new gender action plan was adopted in October 2023.

p. 46 in European Commission, 2023b

Both entities and the Brčko District have started developing their own roadmaps in cooperation with UNICEF.

p. 46 in European Commission, 2023b

In July 2022, the Council of Ministers adopted the action plan on the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons which was developed in 2020.

p. 46 in European Commission, 2023b

The fourth Sarajevo Pride march took place in June 2023.

p. 46 in European Commission, 2023b

A statelevel law to protect the right to be tried within a reasonable time was adopted and entered into force in June 2022; a similar law is still pending adoption in the Federation entity.

p. 47 in European Commission, 2023b

As one of the 17 officially recognised national minorities, the Roma are protected by the antidiscrimination law.

p. 47 in European Commission, 2023b

The process of civil registration is well advanced; a roadmap to end statelessness has been developed.

● **S2: Insufficiency Correction | 111 Quotations:**

p. 7 in European Commission, 2019b

The country has since reconstructed its institutions and economic infrastructure, and prepared itself to undertake the path of EU accession.

p. 9 in European Commission, 2019b

Important reforms have taken place over time in the area of the judiciary, notably with the establishment of the Court of Bosnia and Herzegovina and of a single self-regulatory body of the judiciary, the High Judicial and Prosecutorial Council (HJPC).

p. 15 in European External Action Service, 2019b

The reform puts much more emphasis on genuine quality, which is balanced against quantity.

p. 16 in European External Action Service, 2019b

In this context, the ongoing restructuring of the Secretariat is welcome.

p. 17 in European External Action Service, 2019b

A revised Rulebook has been drafted by the HJPC and positively assessed by the Commission.

p. 30 in European Commission, 2021b

Still, some significant steps have been taken, to address a few key priorities from the Opinion.

p. 52 in European Commission, 2021b

Integrity amendments are due to enter in parliamentary procedure; their adoption is key to establish a credible and rigorous system of verification of financial statements of judicial office holders.

p. 26 in European Commission, 2020b

The Constitutional Court repealed the provision on the death penalty in the Republika Srpska entity constitution, fulfilling part of key priority 10.

p. 45 in European Commission, 2020b

Amendments adopted in July 2020 should allow holding local elections in Mostar for the first time since 2008.

p. 10 in European Commission, 2019a

Entity constitutions and laws have been amended to be brought in line with the Constitution, to ensure equality and non-discrimination among members of constituent peoples across the whole country.

p. 15 in European Commission, 2019a

The electoral legislation was last amended in May and June 2016 to address some of the shortcomings identified by the OSCE/ODIHR and Council of Europe's Group of States against Corruption (GRECO) on campaign financing, the deregistration process of parties and independent candidates, the threshold for distribution of mandates on candidate lists, and fines for violating the election process.

p. 33 in European Commission, 2019a

They aim to address some deficiencies of the judiciary, in particular regarding the criteria for the appointment and performance appraisal of judges and prosecutors.

p. 34 in European Commission, 2019a

In the area of declarations of assets for judges and prosecutors, the HJPC has adopted a rulebook aiming to clarify and improve the system of submission, verification and processing of financial statements, which were in the past collected and shelved without any meaningful verification and follow-up

p. 36 in European Commission, 2019a

Since 2014, panels for harmonisation of case-law in civil, criminal and administrative matters have been in place to address this issue.

p. 37 in European Commission, 2019a

Plans are in place for reducing the backlog of the oldest cases

p. 37 in European Commission, 2019a

Their implementation, together with annual quotas for measuring the performance of judges, has led to a progressive reduction in the number of pending cases and their duration.

p. 46 in European Commission, 2019a

Bosnia and Herzegovina has started addressing some of the recommendations of the 2016 report of the European committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT).

p. 4 in European Commission, 2020a

Legislative amendments following a political agreement in June 2020 should allow holding local elections in Mostar in December for the first time since 2008, thus fulfilling part of key priority 1.

p. 5 in European Commission, 2020a

Amendments adopted in July 2020 should allow holding local elections in Mostar for the first time since 2008.

p. 6 in European Commission, 2020a

Some steps were made – notably, the Constitutional Court repealed the provision on the death penalty in the Republika Srpska entity constitution, and the first LGBTI Pride Parade took place peacefully in Sarajevo

p. 8 in European Commission, 2020a

A political agreement in June 2020, leading to legislative amendments in July, should allow for local elections to be finally held in Mostar on 20 December 2020.

p. 8 in European Commission, 2020a

Some progress was made towards addressing part of the Opinion key priority 1 on ensuring that elections are conducted in line with European standards by implementing the recommendations of the Office for Democratic Institutions and Human Rights at the Organisation for Security and Cooperation in Europe (OSCE/ODIHR) and relevant Venice Commission recommendations, ensuring transparency of political party financing, and holding municipal elections in Mostar.

p. 8 in European Commission, 2020a

Legislative amendments adopted in July 2020 should allow residents of Mostar to vote by the end of the year.

p. 8 in European Commission, 2020a

A political agreement on 17 June 2020 was followed by the swift adoption of legislative amendments in July 2020

p. 17 in European Commission, 2020a

As regards fundamental rights, the provision on the death penalty in the constitution of the Republika Srpska entity was declared unconstitutional.

p. 22 in European Commission, 2020a

The revised National War Crime Strategy was adopted by the Council of Ministers on 24 September 2020.

p. 27 in European Commission, 2020a

On the right to life, in October 2019 the Constitutional Court repealed the provision on death penalty in the Republika Srpska entity constitution.

p. 31 in European Commission, 2020a

The Brčko District adopted in July 2020 a law on freedom of assembly, largely in line with European standards

p. 32 in European Commission, 2020a

There was some progress in recognising the name of the Bosnian language in schools in the Republika Srpska entity.

p. 32 in European Commission, 2020a

The Republika Srpska entity further aligned its legislation on protection against family violence with the Istanbul convention; it entered into force on 1 January 2020.

p. 4 in European Commission, 2021a

Still, some significant steps have been taken, amid the pandemic, to address the key priorities from the Opinion.

p. 4 in European Commission, 2021a

An interagency working group was established in May 2021, to discuss constitutional and electoral reforms required to address key priorities 1 and 4.

p. 5 in European Commission, 2021a

An inter-agency working group is expected to discuss electoral and constitutional reforms, was established in May 2021.

p. 5 in European Commission, 2021a

Integrity amendments are due to enter in parliamentary procedure; their adoption is key to establish a credible and rigorous system of verification of financial statements of judicial office holders.

p. 8 in European Commission, 2021a

Some progress was made towards addressing part of the Opinion key priority 1 as municipal elections were held in Mostar on 20 December 2020, for the first time since 2008, in the context of the local elections which were held orderly in November across the country.

p. 8 in European Commission, 2021a

An inter-agency working group was established in May 2021 to discuss electoral and constitutional reforms.

p. 8 in European Commission, 2021a

In May 2021, an inter-agency working group (IAWG) was established to discuss constitutional and electoral reforms to address key priorities 1 and 4 ahead of the October 2022 general elections.

p. 8 in European Commission, 2021a

The working group, composed of members of parliament and of government of both ruling and opposition parties, is expected to prepare legislative amendments to bring the electoral framework in compliance with the case law of the ECtHR and with European standards.

p. 9 in European Commission, 2021a

A new Mostar city council and mayor took office by February 2021, thus fulfilling part of key priority 1.

p. 9 in European Commission, 2021a

The Parliament's oversight of the executive improved; the Council of Ministers survived a no-confidence vote in January 2021.

p. 9 in European Commission, 2021a

An ad-hoc investigative committee on the situation in the judicial institutions held 32 sessions by June 2021.

pp. 16 – 17 in European Commission, 2021a

Action was taken towards the establishment of a system of verification of asset declarations of judicial office holders.

p. 17 in European Commission, 2021a

To this aim, targeted amendments to the law on the High Judicial and Prosecutorial Council, have been adopted by the Council of Ministers, and are due to enter the parliamentary procedure.

p. 17 in European Commission, 2021a

In May 2021, the HJPC adopted a 2021-2023 HJPC Reform Program, including measures to strengthen the quality, integrity, efficiency of the judiciary and fight against organised crime and corruption.

p. 18 in European Commission, 2021a

Preliminary action was taken towards the establishment of a system of verification of asset declarations of judges and prosecutors and members of the HJPC, in line with the Commission's recommendations.

p. 18 in European Commission, 2021a

As a positive step, in June 2021 the Council of ministers adopted the targeted amendments to the HJPC law, which are now to be submitted for parliamentary procedure.

p. 31 in European Commission, 2021a

In July 2021 the High Representative enacted amendments to the criminal code expanding the scope of such criminal offence.

pp. 32 – 33 in European Commission, 2021a

In order to address systemic violations of the right to a fair trial within a reasonable time and the right to an effective remedy, as identified by the Constitutional Court, in October 2020 the Republika Srpska entity and in February 2021 the Brčko District adopted laws to protect the right to trial within a reasonable time; similar laws are pending adoption at the State level and in the Federation entity.

p. 33 in European Commission, 2021a

In February 2021, the Parliamentary Assembly improved the manner and procedure of electing the members of the State-level national minority council and prescribing the duration of their mandate.

p. 2 in European Commission, 2024

In its 2023 Communication on enlargement policy, the Commission welcomed the reforms efforts undertaken by Bosnia and Herzegovina since the meeting of the European Council of December 2022 granting candidate status to the country.

p. 3 in European Commission, 2024

The Parliament adopted the integrity amendments to the HJPC Law in September 2023.

p. 3 in European Commission, 2024

Certain provisions that hampered the right of international experts to access personal data were corrected in January 2024.

p. 3 in European Commission, 2024

The law aims to improve the level of compliance with European standards at state level.

p. 3 in European Commission, 2024

It improves provisions on risk assessment and provides for a permanent coordinating body of all authorities in charge of preparing it, in line with the EU acquis.

p. 7 in European Commission, 2024

The Zenica-Doboj Canton (in December 2023) and the Una-Sana Canton (in January 2024) adopted laws aiming to align with European standards on freedom of assembly

p. 20 in European Commission, 2023d

The Commission welcomes the reforms efforts undertaken by Bosnia and Herzegovina since the meeting of the European Council of December 2022 granting candidate status to the country.

p. 11 in European Commission, 2022b

These initiatives are now either suspended or under constitutional review.

p. 11 in European Commission, 2022b

State institutions started to return to functioning in spring 2022 and initial steps were taken to address the backlog of reforms.

p. 4 in European Commission, 2022a

Institutions started to return to functioning in Spring 2022, and some steps were taken afterwards to start address the backlog of reforms.

p. 5 in European Commission, 2022a

On the same day, the High Representative imposed significant amendments to the constitution of the Federation entity and to the Bosnia and Herzegovina election law, aimed at addressing a number of functionality issues and the timely formation of authorities.

p. 9 in European Commission, 2022a

In May 2022 the Constitutional Court confirmed that entities have no right to unilaterally withdraw consent from agreements to transfer specific competences to the state level.

p. 10 in European Commission, 2022a

On 6 June 2022, with executive powers, the High Representative allocated the required budget to the Central Electoral Commission and amended the electoral law and the law on the financing of state institutions to prevent such blockages in the future.

p. 10 in European Commission, 2022a

In January and May 2022 the Central Election Commission adopted by-laws addressing some recommendations by OSCE/ODIHR and GRECO, including on transparency on party financing (including on transparency of campaign

costs and sanctions for breaches) and integrity of the voter registration process abroad.

p. 10 in European Commission, 2022a

On 27 August, the High Representative imposed amendments to the election law with the aim to improve the integrity of the electoral process and strengthen the role of the Central Election Commission.

p. 10 in European Commission, 2022a

Between July 2021 and March 2022 the EU and US, with the support of the Venice Commission, facilitated talks among political parties on a package of electoral and constitutional reforms to improve electoral standards, remove ethnic and residence-based discrimination from the Constitution in line with European Court of Human Rights (ECtHR) rulings, provide a new electoral model for the Presidency, and reform the constitution of the Federation entity to improve its functionality.

p. 10 in European Commission, 2022a

On the same day, the High Representative imposed significant amendments to the constitution of the Federation entity and to the Bosnia and Herzegovina election law, aimed at addressing a number of functionality issues and the timely formation of authorities.

p. 22 in European Commission, 2022a

On 5 March 2021, an online database of court decisions was opened to the public free of charge, containing over 16 000 entries as of June 2022.

p. 22 in European Commission, 2022a

Further steps were taken to increase the harmonisation of jurisprudence: in 2021, in coordination with the four highest judicial instances, the HJPC created a case law portal allowing access to over 4 070 judicial stances and selected court decisions.

p. 26 in European Commission, 2022a

The Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK) granted administrative protection to whistle-blowers in two cases out of three requests in 2021, compared with zero in 2020

pp. 26 – 27 in European Commission, 2022a

The anticorruption office continued increasing transparency standards in the Sarajevo Canton, establishing four new publicly accessible registries in 2021 on public procurement, subsidies for agriculture beneficiaries, subsidies for small business development and the transfers to non-profit organisations and individuals.

p. 27 in European Commission, 2022a

In the Brčko District, following the adoption of legislation establishing an anticorruption office in 2018, the authorities finally appointed in October 2021 its director and two deputies.

p. 28 in European Commission, 2022a

In 2021, both entities adopted strategies for development of the system of internal financial control in the public sector.

pp. 29 – 30 in European Commission, 2022a

The draft amendments were submitted to the Council of Ministers in December 2021. In line with the terminology of European institutions the umbrella term 'Roma' is used here to refer to a number of different groups, without denying the specificities of these groups and sent for parliamentary procedure only in August 2022.

p. 31 in European Commission, 2022a

In August 2022, the Presidency ratified Protocol 223 amending the Council of Europe Convention for the protection of individuals with regard to the automatic processing of personal data.

p. 34 in European Commission, 2022a

Discrimination cases have started to be registered separately within the HJPC managed Case Management System since early 2021, which should allow for data collection on all categories and types of discrimination as provided by the law.

p. 34 in European Commission, 2022a

Following a ruling of the Constitutional Court in July, in August 2021 the Federation entity Supreme Court established discrimination also concerning the 'two schools under one roof' practice in the Central Bosnia Canton.

p. 37 in European Commission, 2022a

The process of civil registration is well advanced; a roadmap to end statelessness has been developed.

p. 3 in European Parliament, 2023

having regard to the political agreement of 12 June 2022 on principles for ensuring a functional Bosnia and Herzegovina that advances on the European path,

p. 9 in European Parliament, 2023

welcomes, therefore, the decisions by the High Representative annulling the two laws, thus upholding the Dayton Peace Agreement, the Constitution of BiH and the rule of law in BiH;

p. 11 in European Parliament, 2023

welcomes progress on appointing heads of important state agencies

p. 12 in European Parliament, 2023

welcomes the intervention by the OHR of 7 June 2022 to improve the integrity of the electoral process and strengthen the role of the CEC after the failure of the inter-agency working group on electoral reform and the BiH Parliament to do so;

p. 12 in European Parliament, 2023

Strongly encourages initiatives to improve the democratic process, democratic institutions and the rule of law in the country, such as the EU pilot project for the introduction of an electronic system of voter identification and a faster transmission of election results;

p. 12 in European Parliament, 2023

welcomes, therefore, the approval by the Council of Ministers of the Draft Law on Amendments to the Law on the HJPC, and calls on the Parliamentary Assembly of BiH to approve it;

p. 13 in European Parliament, 2023

Takes positive note of the steps taken to increase the alignment of public procurement laws with the EU acquis, as well as the adoption of a plan for integrity and the fight against corruption by the Public Procurement Agency

p. 17 in European Parliament, 2023

Welcomes the progress on the elaboration of a law at Federal level that would give same-sex couples access to partnership rights;

p. 7 in European Commission, 2023b

In August 2023 the Parliament adopted a Law on freedom of access to information and amended the Law on the human rights Ombudsman to designate it as the national preventive mechanism against torture and ill-treatment.

p. 12 in European Commission, 2023b

The Parliament amended the Law on public procurement in August 2022, and bylaws have been put in place.

p. 13 in European Commission, 2023b

In August 2023 the Parliament amended the Law on the human rights Ombudsman to designate it as national preventive mechanism against torture and ill-treatment – an international obligation of the country.

p. 14 in European Commission, 2023b

Important steps and commitments towards the fulfilment of the key priorities were taken, despite negative legislative developments at entity level.

p. 15 in European Commission, 2023b

The Constitutional Court suspended and then quashed several legal and political acts adopted by the Republika Srpska entity that were in breach of the constitutional and legal order, including twice on state property matters, which the High Representative had previously also suspended.

p. 17 in European Commission, 2023b

In October and November 2022, the Federation House of Peoples finally appointed four entity-level constitutional judges to the vacant judgeships.

p. 17 in European Commission, 2023b

The appointment restored the functioning of the court's panel on 'vital national interest'.

p. 17 in European Commission, 2023b

The Council of Ministers took swift action to bring forward the reforms required to address the Opinion key priorities, notably by adopting several strategies and draft laws, which now need to be approved in Parliament

p. 18 in European Commission, 2023b

The contact point with Europol finally started operations in June 2023, after a 5-years long delay.

p. 22 in European Commission, 2023b

The Republika Srpska entity government adopted new guidelines for consultations in order to improve transparency early in the legislative planning.

p. 22 in European Commission, 2023b

Some efforts were undertaken to improve sectoral monitoring by adopting a new Decision on annual work planning and method of monitoring and reporting at state level.

p. 24 in European Commission, 2023b

In August 2023 the Parliament adopted a Law on freedom of access to information, intended to improve the proactive disclosure of information and the transparency of state-level institutions.

p. 25 in European Commission, 2023b

In September 2023, Bosnia and Herzegovina amended the Law on the HJPC with the aim of establishing a system to verify the asset declarations of judges, prosecutors and HJPC members

p. 27 in European Commission, 2023b

The HJPC strived to improve its appointment policies, most notably by amending the relevant rules of procedure to ensure that appointments are based on pre-determined, objective and accessible criteria.

p. 27 in European Commission, 2023b

The adopted integrity-related amendments to the Law on the HJPC introduce binding rules on conflict of interest for the entire judiciary and the HJPC.

p. 27 in European Commission, 2023b

In September 2023, Bosnia and Herzegovina amended the Law on the HJPC with the aim of establishing a system to verify the asset declarations of judges, prosecutors and HJPC members.

pp. 29 – 30 in European Commission, 2023b

The HJPC started to improve the communication of judicial institutions with media and citizens, notably through media and web toolkits, a media action plan, and guidelines on social media for judicial office holders, whose effect should be closely monitored.

p. 30 in European Commission, 2023b

Regarding the harmonisation of jurisprudence, the case-law portal created in 2021 by the HJPC in coordination with the four highest judicial instances in Bosnia and Herzegovina now allows access to over 10 540 judicial stances, court decisions and legal interpretations.

p. 30 in European Commission, 2023b

Civil and criminal procedural codes have to be revised to make judicial proceedings more efficient.

p. 31 in European Commission, 2023b

Regional judicial cooperation in processing war crime cases has improved slightly.

p. 34 in European Commission, 2023b

The cantonal anti-corruption office continued increasing transparency standards, establishing in 2022 a register of vacancies in the public sector and an interactive map of building construction and forest cutting in the Sarajevo Canton.

p. 37 in European Commission, 2023b

In August 2023 the Parliament amended the Law on the human rights Ombudsman, designating the institution as national preventive mechanism against torture and ill-treatment.

p. 39 in European Commission, 2023b

The Federation entity took no steps to adopt legislation to enable the transfer of prisoners between entities, staff professionalisation and a parole system.

p. 41 in European Commission, 2023b

In August 2023, the Parliament adopted a Law on freedom of access to information applying to the State-level institutions, intended to improve the pro-active disclosure of information and the transparency of state-level institutions.

p. 46 in European Commission, 2023b

This is key to addressing systemic violations of the right to a fair trial and ensuring the right to an effective remedy, in line with Constitutional Court rulings and European standards.

p. 47 in European Commission, 2023b

A total of 15 local communities have revised their local Roma action plans.

● **S3: Positively Framed Insufficiency | 65 Quotations:**

p. 15 in European Commission, 2019a

Elections in Bosnia and Herzegovina are overall organised in an orderly manner and genuinely competitive, but are characterised by segmentation along ethnic lines.

p. 22 in European Commission, 2019a

An institutional mechanism for consultations, the e-consultation web platform, was launched in 2016 for the state-level institutions only.

p. 28 in European Commission, 2019a

The efficiency of courts has improved in the recent years, but remains uneven across the country

p. 44 in European Commission, 2019a

The legislative framework on human rights and on the protection of minorities is in place; it needs to be fully implemented and further brought in line with EU standards.

p. 32 in European Commission, 2020a

In December 2019, the Supreme Court of the Republika Srpska entity recognised the discrimination and violation of the right to education of Bosniak pupils and ordered the Vrbanjci branch school to introduce subjects from the Bosnian curriculum for them; these subjects remain not available for the school year 2020/2021.

p. 35 in European Commission, 2020a

The mapping of needs of Roma has to start; the government is working with the Regional Cooperation Council on mapping and consolidating learning models on Roma language and culture in view of including them in the education curricula.

p. 25 in European Commission, 2021a

In March 2021 the Brčko District adopted a new law on prevention of conflict of interest, which needs to be effectively implemented and further aligned with best European practices.

p. 28 in European Commission, 2021a

The Ombudsman received 11 complaints, compared to 18 in 2019 and 9 in 2018.

p. 31 in European Commission, 2021a

119 ethnic-related hate incidents were recorded and 3 convictions were handed down in 2020, compared to 131 and 1 in 2019 and 121 and 2 in 2018.

p. 33 in European Commission, 2021a

In 2020, the Ombudsman received three complaints concerning minority rights (compared to seven in 2019 and four in 2018) and issued one recommendation.

p. 5 in European Commission, 2024

Despite some developments referred to in the report, which are going against the positive momentum, the general commitment to the country's EU path has translated into tangible results.

p. 11 in European Commission, 2022b

The High Representative used his executive powers four times during the reporting period to overcome obstruction including to provide funds to organise the October 2022 elections.

p. 39 in European Commission, 2022b

Despite political turmoil and the upcoming general elections, the leaders of the political parties represented in the Parliamentary Assembly of Bosnia and Herzegovina in June 2022 committed to principles for ensuring a functional Bosnia and Herzegovina that advances on the European path. T

p. 39 in European Commission, 2022b

Political parties could not agree on constitutional and electoral reforms, and the High Representative at his own initiative used the Bonn Powers four times, including on electoral standards, financing of elections and amendments to the constitution of the Federation entity.

p. 63 in European Commission, 2022b

On the same day, the High Representative imposed significant amendments to the constitution of the Federation entity and to the Bosnia and Herzegovina election law, aimed at addressing a number of functionality issues and the timely formation of authorities.

p. 4 in European Commission, 2022a

Parliament rejected the integrity package on electoral standards, which were later imposed by the OHR.

p. 4 in European Commission, 2022a

Parliament also rejected rule of law reforms, including on conflicts of interest and on integrity in the judiciary, which remain pending and are expected to be adopted following the re-initiation of the legislative procedure by the Ministry of Justice.

p. 4 in European Commission, 2022a

The High Representative for Bosnia and Herzegovina (OHR) resorted four times to its executive powers, including on electoral standards and financing.

p. 11 in European Commission, 2022a

The parliament adopted only the law on customs offenses in May 2022, in urgent procedure, and the law on the protection of the right to trial within a reasonable time before the Court of Bosnia and Herzegovina, as well as the amendments to the public procurement law.

p. 19 in European Commission, 2022a

The interim investigative committee on the state of the judiciary of the House of Representatives, despite delays due to the political blockage, published its findings in June 2022.

p. 22 in European Commission, 2022a

The justice system still lacks transparency but some improvements are visible

p. 22 in European Commission, 2022a

The HJPC also adopted a communication strategy and action plan, which remain to be implemented.

p. 23 in European Commission, 2022a

The length of court proceedings in first-instance cases (not dealing with utility bills) decreased to 409 days in 2021 (434 in 2020), but still remains very high

p. 23 in European Commission, 2022a

The revised National War Crime Strategy is being implemented, despite the failure of the Council of Ministers to appoint a new supervisory body.

p. 24 in European Commission, 2022a

While progress were noticeable at state level with 15 indictments confirmed and an 86% conviction rate, there is still room for improvement.

p. 24 in European Commission, 2022a

Unlike in other cantons, the Sarajevo canton authorities continued corruption prevention activities, but efficient follow-up by the prosecution and judiciary was missing.

p. 26 in European Commission, 2022a

Asset declarations of elected officials are made available to the public through the Central Election Commission website, although it has no obligation to check their accuracy.

p. 28 in European Commission, 2022a

In March 2021 the Brčko District adopted a new law on the prevention of conflict of interest, which needs to be implemented effectively and further aligned with best European practices.

p. 29 in European Commission, 2022a

Limited efforts were made in the reporting period to address Opinion key priorities 5 and 9-13 on fundamental rights, notably by adopting action plans for the social inclusion of the Roma in April 2022 and on the rights of LGBTIQ persons in July 2022. F

p. 32 in European Commission, 2022a

The Ombudsman received 9 complaints (11 in 2020, 18 in 2019).

p. 34 in European Commission, 2022a

The Ombudsman registered 173 cases in 2021 (288 in 2020, 206 in 2019).

p. 36 in European Commission, 2022a

In April 2022, the Municipal Court in Sarajevo issued a first instance judgement recognising for the first time a violation of the antidiscrimination law against LGBTIQ persons in a case concerning online hate speech by an elected cantonal representative.

p. 36 in European Commission, 2022a

The procedural rights of suspects, accused persons, witnesses and victims are generally upheld, although access remains uneven across the country.

p. 37 in European Commission, 2022a

In 2021, the Ombudsman received 3 complaints concerning minority rights (compared to 3 in 2020 and 7 in 2019) and issued one recommendation.

p. 37 in European Commission, 2022a

12 local communities started revising their local Roma action plans.

p. 37 in European Commission, 2022a

Compulsory education enrolment rates have increased, but the number of school drop-outs is still very high.

p. 1 in European External Action Service, 2022

Limited efforts were made in 2022 to address Opinion key priorities related to fundamental rights, notably by adopting action plans for the social inclusion of the Roma in April and on the rights of LGBTI persons in July.

p. 1 in European External Action Service, 2022

The High Representative imposed significant election reforms, including on the evening of election day

p. 12 in European Parliament, 2023

acknowledges the steps taken by the Central Election Commission (CEC) and calls for its capacities to be strengthened, in line with its legal procedures; s

p. 16 in European Parliament, 2023

Welcomes the success of the third BiH Pride March in 2022, but regrets that this event continues to face administrative obstacles and discrimination

p. 4 in European Commission, 2023b

Important steps and commitments were made towards the fulfilment of the key priorities, despite negative legislative developments at entity level.

p. 6 in European Commission, 2023b

The Constitutional Court suspended or quashed several legal and political acts by the Republika Srpska entity.

p. 7 in European Commission, 2023b

In September 2023, Bosnia and Herzegovina amended the Law on the High Judicial and Prosecutorial Council (HJPC) with the aim of establishing a system to verify the asset declarations of judges, prosecutors and HJPC members, albeit with changes compared to the version on which the Venice Commission was consulted.

p. 7 in European Commission, 2023b

Bosnia and Herzegovina is between an early stage and some level of preparation in the prevention of and fight against corruption and organised crime.

p. 12 in European Commission, 2023b

The Parliament adopted integrity amendments to the HJPC Law in September 2023, albeit with changes compared to the version on which the Venice Commission was consulted.

p. 13 in European Commission, 2023b

The Council of Ministers adopted a new gender action plan in October 2023; a new action plan on women, peace and security remains to be adopted

p. 14 in European Commission, 2023b

An action plan on the rights of LGBTIQ persons was adopted in July 2022 and remains to be implemented.

p. 15 in European Commission, 2023b

The High Representative annulled these laws in July.

p. 15 in European Commission, 2023b

General elections took place on 2 October 2022 following interventions by the High Representative in June and July to ensure the appropriate budget and with the stated aim of improving the integrity and transparency of the electoral process and strengthening the role of the Central Election Commission.

p. 25 in European Commission, 2023b

Bosnia and Herzegovina is in between an early stage and some level of preparation in the area of the judiciary.

p. 25 in European Commission, 2023b

The Constitutional Court suspended and then quashed several legal and political acts adopted by the Republika Srpska entity.

p. 27 in European Commission, 2023b

The Constitutional Court suspended and then quashed several legal and political acts adopted by the Republika Srpska entity.

p. 27 in European Commission, 2023b

The High Representative annulled such laws in July.

p. 29 in European Commission, 2023b

The justice system still lacks transparency, but some efforts for improvement were undertaken.

p. 30 in European Commission, 2023b

The length of court proceedings in first-instance cases (not for utility bills) further decreased to 378 days in 2022 (409 in 2021, 434 in 2020), but is still high

p. 32 in European Commission, 2023b

Bosnia and Herzegovina is in between an early stage and some level of preparation in the fight against corruption

p. 32 in European Commission, 2023b

Unlike in other cantons, the Sarajevo Canton authorities continued corruption prevention activities, but there was a lack of efficient follow-up by the prosecution and judiciary.

p. 36 in European Commission, 2023b

This is another step towards establishing a comprehensive legal anti-corruption framework at cantonal level in the absence of a uniform regulation at entity level.

p. 36 in European Commission, 2023b

The Brčko District needs to maintain efforts to implement effectively the law on the prevention of conflict of interest adopted in March 2021 and further align with best European practices.

p. 37 in European Commission, 2023b

In August 2023 the Parliament adopted a Law on freedom of access to information to improve the pro-active disclosure of information and the transparency of state-level institutions; the independence of the appeal process remains to be ensured.

p. 40 in European Commission, 2023b

Freedom of thought, conscience and religion continue to be generally upheld but cases of discrimination, hate speech and hate crimes on religious grounds continue to occur.

p. 42 in European Commission, 2023b

The Press and Online Media Council received 566 complaints in 2022 (1 073 in 2021), almost all related to online content.

p. 46 in European Commission, 2023b

The procedural rights of suspects, accused persons, witnesses and victims are generally upheld, although access remains uneven across the country, particularly for witnesses and victims.

p. 46 in European Commission, 2023b

The country has not aligned with the EU *acquis* on victims' rights and compensation to victims of crime, but has taken some steps through the provision of related services, in particular victim support and the development of referral mechanisms for long-term physical, psychological and practical assistance.

p. 47 in European Commission, 2023b

Compulsory education enrolment rates have increased, but the number of school drop-outs is still very high.

● **S4: EU Value Convergence | 10 Quotations:**

p. 4 in European Commission, 2019b

With the entry into force of the SAA, Bosnia and Herzegovina opened a new chapter in its relations with the EU and confirmed its commitment to pursue EU accession.

p. 7 in European Commission, 2019b

Bosnia and Herzegovina is committed to its objective of membership of the European Union, as reiterated in multiple decisions of the Presidency, and has increasingly focused its legislative efforts on adopting reforms in view of EU accession.

p. 5 in European Commission, 2024

Since the European Council of December 2022 has granted candidate status to Bosnia and Herzegovina, the public commitment of the political leadership to the strategic goal of European integration was taken forward by important reforms and have brought positive results.

p. 5 in European Commission, 2024

The dedication and the commitment of the political leadership to the principles for ensuring a functional Bosnia and Herzegovina that advances on the European path is highly welcomed by the Commission.

p. 7 in European Commission, 2023d

Following the granting of candidate status in December 2022, the new ruling coalition declared advancing on the EU path as a top priority of its coalition agreement and expressed commitment to addressing the 14 key priorities from the Commission's Opinion on Bosnia and Herzegovina's application for membership of the EU, Bosnia and Herzegovina's Council of Ministers adopted several strategies (on terrorism, organised crime, money laundering and migration) and draft laws.

p. 4 in European Commission, 2022a

The public commitment of political parties to the strategic goal of European integration has been further confirmed in Brussels in June 2022 in a political agreement on principles for ensuring a functional Bosnia and Herzegovina that advances on the European path, in line with the 14 key priorities set out in the Commission Opinion.

p. 5 in European Parliament, 2023

whereas the clear majority of the population of Bosnia and Herzegovina (BiH) aspires towards Euro-Atlantic integration for sustainable peace, stability, democracy and prosperity;

p. 8 in European Parliament, 2023

Strongly supports BiH's sustained aspirations towards Euro-Atlantic integration and NATO membership and calls on all political actors to act on them with concrete political action

p. 4 in European Commission, 2023b

At the Political Forum the authorities reconfirmed their commitment to the strategic goal of EU accession.

p. 4 in European Commission, 2023b

Following the granting of candidate status, the public commitment of political parties to the strategic goal of European integration brought positive results.