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Bosnia and Herzegovina: Compliance with obligations and commitments and implementation of the post-accession co-operation programme

Document presented by the Secretary General

Eleventh Report (May – October 2005)

Executive Summary

More than three years after joining the CoE and 10 years after Dayton, major reforms agreed in the field of police, defence and public broadcasting have opened the door to negotiations on a “Stabilisation and Association Agreement” (SAA) between BiH and the EU. They have also brought BiH closer to a PfP agreement with NATO. What is now required in order to capitalise on this success, achieved after strong international pressure, is the political will of BiH authorities to ensure effective and smooth implementation of agreed reforms.

Progress has also been achieved in the fields of human rights and the rule of law with respect to the reform of the judiciary and, in particular, the functioning of the War Crimes Chamber of the BiH Court and the work of the Srebrenica Working Group in RS, as well as the appointment of an Acting Government Agent to the European Court of Human Rights. In the light of the CoE’s Venice Commission Opinion of last March, unofficial discussions are under way on an overall constitutional reform which will allow *inter alia* the phasing out of the “Bonn powers” and the OHR as a whole.

Conversely, with respect to other CoE post-accession commitments, no progress has been registered or things have actually gone backwards. This is mainly the case with respect to BiH’s commitment to eliminate all aspects of discrimination based upon ethnic origins in the field of education. Recent trends to separate children along ethnic lines constitute a clear retrograde step. Also no progress has been registered with respect to the adoption of legislation in the fields of higher education, revision of the electoral law and restructuring of the Ombudsman institutions. No progress has either been made with respect to the ‘compatibility exercise’ between domestic legislation and the ECHR.

It is to be hoped that with the SAA process underway, BiH authorities will now pay increased attention to unfulfilled CoE post-accession commitments, especially in the field of education, in order to ensure the common European future of BiH.

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I. INTRODUCTION

1. Bosnia and Herzegovina (BiH) joined the Council of Europe (CoE) on 24 April 2002. Accession to the CoE followed the adoption of Opinion No. 234(2002) of the Parliamentary Assembly (PACE) which lists a series of commitments to be met by BiH following its accession to the Organisation, in accordance with an agreed time-table. Issues of specific interest for the Committee of Ministers, in particular the full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY or The Hague Tribunal) and the transfer of all war criminal indictees, were the subject of an exchange of letters between the BiH authorities and the Chair of the Committee of Ministers.

2. In joining the CoE, BiH accepted to be submitted to a specific monitoring procedure under the authority of the Committee of Ministers and benefited from a targeted post-accession co-operation programme in order to fulfil its obligations and commitments. This monitoring procedure consists of a regular quarterly report prepared by the Secretariat for examination by the Committee of Ministers Rapporteur Group on Democratic Stability (GR-EDS). Immediately after discussion by the GR-EDS the Secretariat reports are made public.

3. The present report is based *inter alia* on information gathered by a Secretariat Delegation which visited BiH from 26 to 29 September 2005 (see programme of the visit reproduced in Appendix), as well as contributions by the Special Representative of the Secretary General (SRSG) in BiH and the staff of the CoE's Sarajevo Office.

II. POLITICAL CONTEXT

4. During the last months two main, quite conflicting trends have dominated political developments in BiH:

5. On the one hand, some major reforms, pushed for years by the international community, have finally been approved, mainly the defence, police and broadcasting reforms, allowing the European Commission (EC) to recommend on 21 October 2005 the launch of negotiations for a Stabilisation and Association Agreement (SAA) with BiH. This is an historical decision marking, few weeks before the 10th Dayton Anniversary, a decisive shift away from the country's post-war reality.

6. On the other hand, one year before the next general elections, in sensitive fields linked to people's every-day life and the future of BiH as a whole, such as education, we have witnessed a hardening of resistance to reforms and a dangerous politicisation along nationalist lines.

7. This discrepancy could be explained by the very fact that education reforms as well as others linked to CoE post-accession commitments, such as for instance the revision of the electoral law or the restructuring of the Ombudsman institutions, have been shadowed by those considered to be an absolute priority for the launch of the SAA process with the EU. It is to be hoped that more political attention will now be paid to other fields, especially to that of education, in order to ensure a common European future for BiH.

III. DEMOCRATIC INSTITUTIONS

A. Strengthening and functioning of democratic institutions (at State and Entity level)

1. Reinforcing BiH Statehood, reform ownership and integration into Europe

8. With respect to international relations, the EC decision to recommend the launch of negotiations on a SAA between BiH and the EU has undoubtedly been the major development in the period covered by the present report. The decision has been taken just after the adoption of the Agreement on police reform, a major achievement towards reinforcing of BiH statehood (see below paras. 63-65).

9. At the same time, the success of the defence reform has brought BiH closer to accession to the Partnership for Peace (PfP) with NATO. The Law on Defence and the Law on Service in the Armed Forces of BiH were adopted early October 2005. The former provides for the transfer of the authority over defence from the entity to the state level, introduces a single defence budget, regulates a common defence system throughout the country and establishes and defines the chain of command. The Law on Service in the Armed Forces of BiH sets the basis for the creation of a professional single military organised on the UK model of “regional” regiments and controlled by BiH. In its Communiqué of 7 October 2005 the Steering Board of the Peace Implementation Council (PIC) warmly welcomed the recent adoption of the defence reform noting that the creation of a NATO compatible single military force will give BiH the armed forces it needs to meet the security challenges of the 21st Century. The only obstacle to accession to the PfP with NATO remains respect of the BiH commitment to fully co-operate with the ICTY, including the transfer to the Hague of all war crimes indictees.

10. The Indirect Taxation Authority has made timely administrative preparations for the introduction of VAT on 1 January 2006. This reform will establish a more equitable and efficient method of indirect-tax collection, bring the BiH fiscal system in line with the rest of Europe and reduce the opportunities for corruption and tax evasion by tackling the black and grey economies. Work has started on drafting legislation on salaries of institutions in BiH which should allow salaries to be kept in line with the state’s capacity to pay. However, there is a need for consultation with all stakeholders on this draft, especially as regards the judiciary, since judicial independence may be at stake (see also below paragraphs 42 and 58), and other autonomous bodies such as the Communications Regulatory Agency (CRA).

11. While all these recently adopted or planned reforms are to be welcomed, their success depends on effective and smooth implementation.

12. Also, with the SAA process under way, the need for more radical and sustainable reforms becomes more apparent. Such reforms may only be achieved if an overall constitutional change is to be agreed by all three constituent peoples. 10 years after Dayton there is a growing feeling that BiH has come as far as it could under its present constitutional arrangements. A constitutional change will not only allow the state to be more functional, closer to its citizens and less expensive for tax payers, but will also allow the development of ownership by the national authorities and the phasing out of the Bonn Powers and the OHR as a whole. In the words of the High Representative, “provided that the necessary progress is made, by the October 2006 general elections there is every possibility that the OHR will not exist and that the Bonn powers have been got rid of”.

13. It is thus encouraging that overall constitutional reform is increasingly being discussed in the last months. The Venice Commission’s Opinion on ‘the Constitutional situation in Bosnia and

Herzegovina and the powers of the High Representative', published last March (doc. CDL-AD(2005)004), is much cited in these discussions which are being held within various civil society initiatives, one being the Dayton Project/US Institute for Peace. Main BiH political parties have agreed to set up a working group under this initiative to examine to which extent the constitutional changes recommended by the Venice Commission could be implemented at state level. Ambassador Hays, former Principal Deputy High Representative, acts as a facilitator. The SRSG and the Deputy Secretary of the Venice Commission have taken part in these talks. While it remains uncertain whether an agreement on constitutional reform can be found before the elections in the coming year, it is already an important achievement that for the first time there are concrete discussions between the main political parties with the aim of constitutional reform, something which a year ago constituted a taboo. It is, however, uncertain to what extent positions expressed by political parties representatives within this working group are validated by their political leaders.

2. Election Legislation

14. One year before the next elections – due for October 2006 – the Working Group on the revision of the electoral law, composed of representatives of the Parliament, the Council of Ministers and the Electoral Commission, has so far failed to agree on any amendments to this law, including those recommended by both ODIHR and the CoE's Venice Commission. Thus, a long-standing accession commitment which should have been fulfilled two and a half years ago – i.e. by 24 April 2003 – has not been honoured yet.

15. Current discussions within the Working Group concern *inter alia* the introduction of passive registration, which should allow a higher turnout, and the acceleration of the publication process of elections results. At the same time, concerns have been expressed that members of the Working Group may attempt to propose amendments which would actually constitute a step backwards, such as the increase of the electoral threshold (currently fixed at 3%). At any event, the chances that any amendments to the electoral law are agreed before the end of the year seem to be rather dim. Some fear that the law may be amended just at the eve of next year's elections, a fact which will definitely not increase people's trust in the electoral process.

16. The constitutional amendments recommended by the Venice Commission in its Opinion on the constitutional situation in BiH with respect to the current rules on the composition and election of the House of Peoples and of the Presidency are being discussed as part of the overall constitutional reform (see above). According to the Venice Commission, these rules seem incompatible with Article 14 ECHR (read in conjunction with Article 3 of the First Additional Protocol to the ECHR), as regards the House of Peoples, and with Protocol No. 12 ECHR – which entered into force on 1 April 2005 – as regards the Presidency.

B. Development and functioning of local democracy (powers and finances)

1. State level

17. Whereas different options regarding the structure of the state and the entities are currently being discussed as part of the overall constitutional reform, local self-government reform gains a special topicality and should be a major priority for both BiH and the CoE for the coming months: a strong and effective local self-government could and should accompany all these various options and remains unaffected by one or the other choice. CoE should pursue its efforts in pushing forward such a reform throughout the whole country and a monitoring visit of the Congress of Local and Regional Authorities of the CoE to BiH, if possible before the end of the year, could give additional impetus in this direction.

18. Ratification of the European Outline Convention on Transfrontier Co-operation and its Amending Protocols, a commitment which should have been fulfilled one and a half year ago – i.e. by 24 April 2004 – has not been honoured yet.

2. Entity level

19. In the FBiH, a draft Law on the Principles of Local –Self Government passed first reading at the House of Representatives before the summer recess. Also amendments to the FBiH Constitution, establishing a proper legal framework for the law, are currently in procedure in the FBiH Parliament. It is worth noting that both legislative initiatives originated from the Parliament itself and were not “imposed” by the international community, as it has happened with other major reforms. The CoE is following closely these developments, and there are signs that both the law and the constitutional amendments will be approved before the end of the year.

20. At a Working Group meeting, organised on 5 October 2005, on the CoE appraisal of the draft Law, the representatives of the Committee on Constitutional and Legal Matters and of the Committee on Local Self-Government of the FBiH House of Representatives agreed with the key suggestions of the CoE experts. The CoE is expecting the revised draft law shortly for final assessment. In the opinion of the Chairman of the Committee on Constitutional and Legal Matters, the aim of the reform should consist in regulating at Entity level minimum standards for local self-government while maintaining the Canton’s right to grant municipalities more rights and responsibilities – but not less. In this respect, he referred to the German model as a suitable one. The CoE has also agreed to re-launch the FBiH Work Programme for Better Local Government in co-operation with the Parliament of the FBiH.

21. In RS, the implementation of the Work Programme for Better Local Government in RS is progressing. A number of key amendments to sectoral legislation, rulebooks and regulations necessary for the effective implementation of the new Law on Local Self-Government have recently been approved by the Ministry of Administration and Local Self-Government, in consultation with the Association of Towns and Municipalities of RS. Moreover, the draft law on the status of functionaries (senior local elected officials) and the draft law on ownership right of local self-government units over real estate property are currently in procedure in the RS National Assembly. The CoE offered assistance in the drafting of these laws but no formal request has been received so far from the Ministry.

C. Civil society

22. Civil society development seems to be somewhat linked to the complex set-up of the country and to the still very strong international presence. Many NGOs – owing also to the war situation- have been created and developed in donor-driver fashion, with very weak links to the real societal demands. Furthermore, the prevailing nationalist agenda of many parties has atomised civil society and provoked an “ethnisation” of NGOs. Furthermore, the difficulty of financing NGOs domestically creates a rather limited space for their action.

23. Strengthening the civil society in BiH should constitute a priority for future CoE activities in the country to allow it to become a driving force for reforms. Youth organisations, parents’ associations, students’ and pupils’ councils should be particularly targeted in the context of the current educational crisis. No sustainable longer-term objectives in this field are to be achieved without support of the main stakeholders in civil society.

IV. HUMAN RIGHTS

A. CoE Conventions in the field of human rights

1. ECHR: ‘Compatibility Exercise’ and Government Agent

24. At the beginning of September, an Acting Government Agent was appointed by the BiH authorities to the ECtHR.

25. In contrast, no progress has been made with respect to the ‘compatibility exercise’ of BiH legislation with the ECHR. As repeatedly noted in previous reports, a good quality compatibility report is not only necessary to honour a post-accession commitment, but is of utmost importance for BiH itself since it can serve as a basis for a programme of further legislative and other reforms. For the moment, the report produced by the national Working Group does not meet the necessary standards to allow its publication and the CoE has repeatedly stressed the need to replace the composition of this Group and include lawyers having the necessary knowledge and linguistic skills. While the original financing for this exercise, foreseen in a Joint Programme CoE/EC, is no longer available because of the delays, the CoE is ready to secure the continuation of this important activity provided that the composition of the national Working Group be changed along the lines proposed.

26. It would seem that the whole issue has been politicised and that there is no clear understanding on the side of BiH authorities of the importance of the matter both for future co-operation between BiH and the CoE and for the country itself.

2. European Social Charter

27. The revised European Social Charter, signed in May 2004, has not yet been ratified. However, the process towards ratification is underway and making good progress.

3. Protection of national minorities (the ‘Others’)

28. On 11 May 2005, the CoE Committee of Ministers adopted [Resolution ResCMN\(2005\)3](#) on the implementation of the Framework Convention for the Protection of National Minorities by BiH which summarises the current situation of minority protection in the country.

29. As a follow-up to the CM Resolution and upon the initiative of the Ministry of Human Rights and Refugees, two positive steps have recently been taken:

- Firstly, the House of Representatives adopted amendments to the 1993 Law on the Protection of Rights of Persons Belonging to National Minorities providing for the long-expected establishment of a Council of National Minorities. The new Council should be established within two months as from the publication of the new legislation. Problems in implementing this provision may be caused by two main factors: on the one hand, the law mentions 17 national minorities on the basis of the 1991 census; the figures are significantly different now but, in the absence of a recent census, there is no reliable source of information; on the other hand, not all minorities are represented through associations or other bodies.

- Secondly, the Council of Ministers adopted on 22 July 2005 a “Roma Strategy in BiH” setting up priorities in tackling the specific problems related to Roma. It is essential that necessary legislative measures are now elaborated and that appropriate resources are allocated for implementation so that the Strategy does not remain a simple reflection paper.

30. A follow-up seminar to the CM Resolution is now being organised by the CoE and the BiH Ministry of Human Rights and Refugees, hopefully taking place before the end of this year.

31. Pending an overall constitutional reform, the problems mentioned in the previous report as regards the position of 'others' throughout the country and their marginalisation from policy-making, as well as discrimination against persons belonging to one of the constituent peoples who *de facto* live in a minority situation at the Entity or canton level remain the same (see doc. [SG/Inf\(2005\)8](#), para. 36; see also [CRI\(2005\)2](#) and [CDL-AD\(2005\)004](#)).

32. The European Charter for Regional or Minority Languages – to be signed and ratified by the end of the second year of BiH membership to the CoE (i.e. by 24 April 2004) – was signed on 7 September 2005, but not yet ratified.

B. Human Rights institutions

1. Restructuring of the Ombudsman institutions in BiH

33. The adoption by the Council of Ministers of amendments to the Law on the Ombudsman in BiH providing for the restructuring of the institution in accordance with the principles agreed upon on 19 April 2004 (see doc. [CDL-AD\(2004\)028rev](#)) and the Venice Commission's Opinion on the previous draft (see doc. [CDL-AD\(2004\)031](#)) was applauded in the previous Secretariat report as an important positive development towards honouring by BiH of its CoE post-accession commitments (see doc. [SG/Inf\(2005\)8](#), paras. 42-44).

34. However, adoption of this draft law was delayed and the whole issue has since been highly politicised. A discussion of the draft at the House of Representatives of the BiH parliament, scheduled for 28 September, was postponed due to the refusal of the Serb representatives to support the draft without the express prior consent of the RS authorities on the planned reform.

35. What is even more worrying, a series of amendments tabled by a Croat (HDZ) representative and a Serb (SDS) representative largely undermine the principles of the Ombudsman reform as previously agreed with the BiH government. More specifically, the proposed amendments, if adopted, would preserve three Ombudsmen positions with a two year rotating chairperson possessing nominal coordinating competencies and exclude the currently serving State Ombudsmen from the transitional process. The latter could thus remain in office until the end of their mandate in 2008 despite the fact that their appointment was not transparent and that, according to the Venice Commission Opinion, the principle of a transparent appointment procedure should apply right after the end of the transitional period in 2006.

36. It is essential that the BiH authorities, both at the executive and parliamentary levels, realise that any restructuring of the institution which undermines previously agreed principles and recommendations of the Venice Commission will imply the failure of BiH to honour an important post-accession commitment.

37. As regards the current functioning of the Ombudsmen institutions, the Secretariat Delegation received a copy of the Annual Reports of the Entity Ombudsmen: in 2004, 11,400 complaints were registered by the FBiH Ombudsmen through which 25,059 citizens requested protection of their rights; in RS the written applications registered amounted to 4,517 while approx. 20,000 persons addressed the institution seeking protection of their rights. The highest number of cases in both entities continues to concern access to justice and social rights. It is a

welcome development that the institution becomes more and more known and has gained the trust of citizens. The experience so far acquired by the entity Ombudsmen should not be lost in the framework of the on-going reform of the institution but passed on to the merged institution which will, at any event, have branch offices throughout the country.

2. The Human Rights Commission and the Constitutional Court

38. Thanks to an EC grant, the financing and functioning of the Human Rights Commission within the Constitutional Court has been secured for the whole 2006. Out of a total of 8,800 cases inherited from the former Human Rights Chamber at the end of December 2003, the Commission – composed exclusively of domestic judges as of the beginning of 2005 – has still to deal with some 3,800 cases (as of end September 2005).

40. As regards the BiH Constitutional Court's own caseload, in 2004 the Court managed to deal with all cases pending from the previous years. Out of 1,900 cases registered in 2005, by September 2005 the Court had already judged 1,300 cases. 103 cases from 2004 should be dealt with by the end of 2005. These figures mark an impressive record of efficient and rapid handling of cases by the BiH Constitutional Court.

41. The Working Group charged with proposing amendments to the organization and jurisdiction of the Constitutional Court has so far prepared three constitutional amendments providing for: the withdrawal of international judges from and thus the full nationalisation of the Constitutional Court by the end of 2008; the *a priori* control of constitutionality; and the constitutional basis for legislation which will regulate as appropriate issues regarding finances, the status of the court staff, interim measures etc.

42. The BiH Constitutional Court adopted at the end of September 2005 an Opinion according to which it should not be included in the draft Law on the Salaries and Compensations in the Institutions of BiH being prepared at government level (see above para. 10) in the absence of any constitutional basis for this. In view of its constitutionally guaranteed independence, including its financial and administrative autonomy, the Constitutional Court held that it should autonomously use the financial means allocated to it from the state budget while taking account of the criteria laid down in the Law on the Salaries (see also doc. [CDL-JU\(2004\)066syn](#)).

C. Co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY)

43. The need for BiH to continue to improve co-operation with the ICTY has recently been re-iterated in the EC recommendation to the European Council to open negotiations on a SAA with BiH. At its last meeting beginning of October, the Peace Implementation Council welcomed the recent transfers of indictees to the Tribunal but also reiterated that this process would not be complete until every indictee was in the Hague, including Karadzic and Mladic. For his part, the President of the ICTY, Judge Meron, in his annual address to the UN General Assembly on 11 October, said that “overall, the RS’ level of co-operation with Tribunal remain[ed] insufficient, as it ha[d] provided no information on these two fugitives and ha[d] failed to transfer wartime documentation to The Hague.”

44. At the same time, the RS Government has recently been praised by the OHR and the international community as a whole for having “finally taken seriously its obligation to make available the information that they had in their possession about the crimes that took place in Srebrenica in the period from 11 - 19 July 1995.” The Srebrenica Working Group report was considered as a serious attempt comprehensively to catalogue all persons implicated in the events

in and around Srebrenica in the relevant period. This marks a genuine attempt to break with the past and to uncover the whole truth about what happened in Srebrenica.

45. The report and the documents have been forwarded to the ICTY and the BiH Prosecutors Office, who will now need to decide how to proceed with any investigations. No names from the report will be made public to ensure that subsequent investigations are not undermined. ICTY and BiH Prosecutors will prioritise their investigations to focus initially on individuals who are still holding office in RS or BiH institutions. The annexes presented in the report do not assess the level of responsibility and do not constitute evidence of an individual being guilty of committing a crime. Investigations concerning crimes in Srebrenica are already underway before the BiH War Crimes Chamber and this report will be used in these investigations or as a basis for opening new investigations.

D. Sustainable return of refugees and displaced persons

46. No further developments may be reported for the last six months as regards the Property Law Implementation (PLI), restitution of property and handover, as well as return of refugees and IDPs. Reference is thus made to the previous report, doc. [SG/Inf\(2005\)8](#), paragraphs 58-64.

E. Human trafficking

47. The internal trafficking and forced prostitution of local women and girls has recently increased in BiH (see for instance the U.S. State Department Report on Trafficking in Persons, released in summer 2005). Domestic legislation has proven inadequate to address the problem. The State Co-ordinator for Anti-trafficking Issues has therefore commissioned an expert research report to include recommendations for improved referral mechanisms. In addition, the State Co-ordinator has tasked the Working Group for Protection of Victims and Witnesses of the State Group on Combating Trafficking in Human Beings to draft a temporary instruction on procedures for the treatment of local victims for adoption by the BiH Council of Ministers. Once adopted, the instruction will temporarily remedy the shortcomings of the legislation until a more durable solution is found. The OSCE Mission is providing advice and assistance in order to address the issue of lack of legal and effective referral mechanisms for local victims of trafficking. Also, the International Organisation for Migration (IOM) has launched at the beginning of October a project for preventing human trafficking in BiH.

F. Freedom of expression and information

48. The Law on the BiH Public Broadcasting System was finally adopted by the BiH House of Peoples at the beginning of October 2005, following the decision of the Constitutional Court according to which this law did not harm the Vital National Interests of Croats in BiH. Pursuant to the new law, the public broadcasting system in BiH will consist of the nation-wide BiH Radio –Television (BHRT), the FBiH Radio Television (RTFBiH), the RS Radio-Television (RTRS) and a common legal entity within that system (the Corporation of Public RTV Services in BiH). The law also specifies that the Corporation will have its bodies in Sarajevo, Banja Luka and Mostar.

49. On 31 October 2005, the Law on the BiH Public Broadcasting Service was also adopted by the BiH House of Peoples. As the text of the law as adopted by the House of Peoples differs from the one adopted by the House of Representatives, a parliamentary commission has been formed for the purpose of harmonising the text of the law. The House of Peoples did not support the amendment proposing that the programme of BHRT would be adjusted to the needs of certain

constituent peoples in BiH and broadcast in the three official languages – Bosnian, Croat and Serb - on three different channels.

50. The adoption of the BiH Public Broadcasting System and Service Laws marks the fulfilment of an important EC Feasibility Study requirement and was one of the bases for the EC decision to recommend the launch of negotiations for a SAA. The EC has underlined the importance that the new broadcasting legislation be implemented. In this respect, media professionals and experts have expressed concern that the establishment of a public broadcasting system built out of four legal entities may prove to be too complex, inefficient and expensive.

51. On 1 May 2005, the European Convention on Transfrontier Television, ratified on 5 January 2005, entered into force in BiH.

G. Alternative (civil) service/Conscientious objection

52. Following the adoption of the defence reform, a single, professional army should be established and conscription should be eliminated as of January 2006. Thus, the commitment regarding the adoption of a Law on Conscientious Objection becomes redundant.

V. RULE OF LAW

A. CoE Conventions in the criminal law field

53. Ratification of the Convention on Cybercrime – due by 24 April 2005 - and its Additional Protocol, both signed on 9 February 2005, are in parliamentary procedure. Ratification of the Additional Protocol to the European Convention on Combating Terrorism, signed also on 9 February 2005, is pending before the BiH presidency.

B. Reform of the Judiciary

54. The first trial before the War Crimes Chamber of the Court of BiH – that of Boban Simsic – began on 14 September 2005. The ability to prosecute war criminals in BiH's own courts is a key element for reconciliation. Two weeks later, on 29 September 2005, the first ICTY indictee was transferred from The Hague to Sarajevo to be tried by the War Crimes Chamber of the State Court. The transfer of 7 more cases involving 12 accused persons has been requested by the ICTY Prosecutor. At the same time, highly sensitive war crimes cases are being transferred from local courts to the War Crimes Chamber.

55. From the outset of the establishment of the War Crimes Chamber it was planned that international presence in this chamber – strong for the first two years - would gradually reduce during the third to fifth years. However, no such plan had been agreed with respect to the presence of international judges in the second chamber for Organised Crime, Economic Crime and Corruption who, at present, constitute the majority in the relevant panels. Upon an initiative of the President of the State Court and in agreement with the High Representative, the gradual phasing out of international judges is now also planned for the second chamber of the State Court. As of the beginning of January 2006, permanent panels for organised crime, economic crime and corruption trials will comprise two domestic judges and one international judge so that the majority will pass to local hands. It is expected that with the gradual takeover of responsibilities for the work of this chamber by domestic judges, the conditions for strengthening the capacities that BiH needs for efficient fight against organised crime, economic crime and corruption will be strengthened. Therefore, there will be no need for additional appointments of international judges (i.e. extension of mandates of judges which expire end of 2006). This is a

most welcome development towards the systemic transfer of ownership to the domestic authorities.

56. Another issue which needs close attention in the near future, again in the context of reinforcing BiH statehood, is the creation of a Supreme Court at state level with appellate and cassation jurisdiction. While each entity has its own Supreme Court, such a higher jurisdiction is lacking at state level. Its establishment requires constitutional amendments which could be elaborated with the assistance of the CoE's Venice Commission as part of the overall constitutional reform or as a separate issue.

57. As regards the process of re-appointments of judges and prosecutors by the High Judicial and Prosecutorial Council (HJPC), only 30 posts remain to be filled and this because of difficulties in finding candidates who satisfy the ethnic criteria. In the meantime, the problem of backlog of cases remains tremendous. 20 *ad hoc* judges have been recruited to deal with this backlog but many more are needed. Approximately 500,000 pending cases concern complaints by public enterprises against individuals or private enterprises. In Sarajevo alone, 280,000 such cases have not even been registered. The HJPC is analysing the situation in order to propose measures to address this problem, as well as that related to the enforcement of judicial decisions.

58. Following the freezing of judicial salaries in December 2004 by Decision of the High Representative, a Working Group on the Reform of Judicial Salaries in BiH, created upon the initiative of the High Representative, submitted this summer to OHR a report proposing a 5.5% decrease of the judicial salaries so as to reduce overall staff costs and allow for financing of other running expenses of the courts and prosecutor's offices. It is however unclear how this proposal fits with the draft law being prepared on salaries and compensation of institutions in BiH (see above para. 10).

59. The Office of the Disciplinary Counsellor – a semi-autonomous body under the authority of the HJPC – has been established. The HJPC is also proposing the creation of a single BiH Judicial and Prosecutorial Training Centre, financed by the State budget, as an equally semi-autonomous body under the authority of HJPC. The CoE, in co-operation with the EC in the past and now with the Canadian International Development Agency, has played an important role in supporting the two existing training centres, mainly through assistance with the continuous training activities (for judges and prosecutors), and in establishing an initial training system (for future judges and prosecutors).

C. Fight against corruption and organised crime

60. In its Compliance Report on BiH (doc. GRECO-RC(2005)1 of 20 May 2005), GRECO concluded that BiH had implemented satisfactorily or dealt with in a satisfactory manner the vast majority of the recommendations contained in the First Round Evaluation Report.

61. In September, BiH signed the UN Convention against Corruption. According to the Chairman of the Transparency International (TI) BiH Board of Directors, BiH has registered a slight decrease of corruption although certain sectors remained very disappointing. For its part, the Corruption Perception Index (CPI), released on 18 October 2005 by TI, ranks BiH 88th out of 158 ranked states. Previously BiH was ranked 82nd.

62. It is to be hoped that police reform, as recently agreed, will allow for a much more efficient fight against organised crime and corruption.

D. Police reform

63. Following a major breakthrough in RS and under strong international pressure, a clear majority in the RS National Assembly adopted at the beginning of October an Agreement on Police Reform, meeting the three EC conditions according to which all legislative and budgetary competencies for all police matters must be vested at the State level; functional local police areas must be determined by technical policing criteria, where operational command is exercised at the local level; no political interference is allowed with operational policing. The agreement on police reform was adopted by the BiH House of Peoples on 18 October 2005, thus allowing the EC to recommend the launch of negotiations for a SAA several days later.

64. According to the newly adopted agreement, within five years BiH will have a single integrated police service at the state level and local police areas that meet the European Commission's requirements. The executive authorities in BiH should form by 31 December 2005 a single working body – the Directorate for the Implementation of the Police Restructuring – as the common provisional body of the parties in the agreement in order to ensure efficient implementation of the process. The Directorate will have to design a plan for implementing police reform in BiH by phases, including the proposals for the police regions by 30 September 2006 at the latest. The proposed plan should be adopted by the executive bodies by 31 December 2006 and forwarded for ratification to parliaments not later than 60 days after that.

65. The EC intends to monitor this process closely and may suspend the SAA negotiations if there is failure to honour the agreement. Other individual PIC members, including the US, have declared their intention to follow developments very closely and to assist in the process.

E. Prison system

66. The process of prison reform – for which CoE is the lead organisation – continues. However, there is still lack of a coherent BiH strategy towards prisons issues. Such a strategy needs to address issues linked to the creation of a single prison administration for BiH, the consideration of alternative measures to imprisonment and the elaboration of a national Action Plan to combat drug abuse. There is an urgent need for harmonisation of provisions among the three jurisdictions (FBiH, RS and the Brcko district). Following a conference organised in Sarajevo in September on criminal justice and the prison system (see below para. 88), the BiH Minister of Justice promised to issue regulations to allow implementation of provisions on alternative measures to imprisonment by the end of October 2005.

67. The CoE continues to work closely with the Registry of the War Crimes Chamber in developing the necessary regulations and training of staff with respect to the pre-trial high security detention facility in place since February 2005. At the same time, international donors' funds are still being sought for a project proposal to build a high security State level prison and remand facilities for some 400 persons. The CoE is supporting this initiative.

VI. EDUCATION

68. Reforms in the education field have met with strong resistance during recent months and there has been a retrograde step and a continuous failure of BiH to honour relevant post-accession commitments. One year before the next general elections, politics have dangerously invaded education in a manner harmful to the children of BiH and BiH's future.

A. Primary and Secondary Education

69. Increased politicisation along nationalist lines has led to repeated incidents of separation of children based on ethnicity across BiH at the beginning of the 2005/2006 school year in violation of BiH post-accession commitment to “eliminate all aspects of discrimination and segregation based upon ethnic origins.”

70. Municipal authorities in Herzegovina-Neretva Canton (Canton 7), at the beginning of September, adopted decisions to divide “two schools under one roof” by establishing new schools in replacement of existing branch schools, thus adding physical separation between Bosniak and Croat pupils in Prozor/Rama and Capljina municipalities to already existing programmatic (2 parallel curricula) and legal separation. The CoE had written, through the SRSG, to both municipalities ahead of these decisions, warning that such moves violated BiH’s post-accession commitments. EU Ambassadors in BiH, the OSCE Mission, and OHR, acting in concert with the CoE, subsequently also issued written and oral condemnations. At its meeting of 7 October 2004, the Peace Implementation Council (PIC) voiced its deep concern at the repeated failure of education authorities to implement legal regulations and fulfil the CoE post-accession commitments.

71. It should be recalled that the legal and administrative unification of the so-called “two schools under one roof” in the FBiH is provided for legislation and the subsequent Instruction issued by the Minister of Education of the Herzegovina-Neretva Canton (Canton 7). However, it has never really been implemented with the exception of the Mostar Gymnasium and 2 primary schools.

72. The unification of the Mostar Gymnasium, endorsed by the Cantonal and city boards of HDZ and SDA, led to a shared administration (a Croat Director and a Bosniak Deputy Director, as well as a Bosniak Head of Board), a shared meeting room for teachers and social mixing of students from the two ethnic groups in numerous shared extra-curricula activities. The Secretariat Delegation visited the Mostar Gymnasium and acquired a very positive impression. The success of its unification has been recognised by parents and students and has led to an increase in student enrolment, particularly in the Croat curriculum, where the number of first year students (aged 14) doubled in September 2005 (see also below para. 82).

73. However, in other “two-schools under one roof”, children from different ethnic groups often attend classes in two different shifts (one in the morning and the other in the afternoon) or, where shifts are mixed, the age group is different (for instance, the 6 to 8 year old Bosniak children go to school in the morning together with the 9 to 11 year old Croat children). The creation of the “two schools under one roof”, an initiative promoted by the International Community, was *inter alia* designed to allow socialising among children of different ethnic groups, at least during extra curricula activities and in the playground. This was seen as a first step towards an ultimate and more ambitious objective of integrated education with a framework curriculum accommodating cultural diversity through the national group of subjects. But through the tactics of double shifts, even physical unification was prevented. At the same time, although a firm commitment was given by all Ministers of Education to respect the set of criteria agreed upon in the use of symbols and names in the schools, these criteria were never properly implemented. Thus, it can still happen that children of an ethnic group attend classes in a classroom where the ethnic or religious symbols of the other group are present. The recent decisions of municipal councils to create separate main schools in some municipalities in Canton 7, following what seems to be a high-level political deal between HDZ and SDA, should thus be seen against this background.

74. The decision taken on separation and the creation of the separate school “Alija Isakovic” for Bosniak pupils in Prozor Rama (Canton 7) was finally annulled by the municipal council at the beginning of October. This reversal was mainly the result of protests by Croat parents who did not accept the idea of Bosniaks obtaining their own school in the Canton.

75. A new problem appeared recently in Zepce (Canton 4) where a lack of textbooks and of a curriculum in Croat language precipitated protests by Croat parents and a subsequent boycott, specifically arguing in favour of an 8-year rather than a 9-year education. While an 8-year education system is provided for in Croatia, the Framework Law on Primary and Secondary Education in BiH, adopted in June 2004, provides for a 9-year system. Thus any other option violates existing legislation. At the same time, in Central Bosnia Canton (Canton 6), Bosniak parents have put forward demands for the introduction of the “national group of subjects” according to the curriculum of their own choice, while in one instance they have demanded a separate school. Lastly, groups of returnee parents in the Republika Srpska increasingly voiced their requests demanding the introduction of the so-called “national group of subjects” (language and literature, history, geography and religious education) or a separate curriculum.

76. To sum-up, beyond the issue of administrative and legal unification of “two schools under one roof”, the main issue on which CoE and the rest of the International Community should continue to insist is full integration in education and an education system equal to all and respectful of the constitutional principle of equality of the three languages of the constituent peoples on the whole territory of BiH. A gradual evolution from three distinct curricula to a common core curriculum with the three languages being used equally in all schools and a national group of subjects to ensure respect for cultural diversity must be the only long-term objective which can ensure a common future for BiH.

77. In addition to technical assistance, strong political commitment on the part of the International Community, including the CoE, is a prerequisite for helping to create the conditions for modernising the education system in BiH and to achieve such long-term objectives. No progress can be made with a system that involves 14 Ministries of Education with ill-defined areas of responsibility, constitutionally assigned authority to Cantonal Ministers of Education in the Federation and, as was recently witnessed, policy decisions made even at the municipal level to separate children along ethnic lines. To change this system which essentially prevents and even blocks much-needed reforms, political initiatives need to prioritise support for overall constitutional changes.

B. Higher education

78. The adoption of a state-level law on higher education continues to be in an *impasse* leaving the country in a legal vacuum and with the co-existence of different and contradictory higher education systems. An internationally acceptable draft Framework Higher Education Law, prepared in accordance with the Bologna criteria by the State Ministry of Civil Affairs with CoE assistance, has not yet been submitted to parliament. There is an urgent need to pursue the search for consensus on this draft enabling the adoption of a framework legislation at the state level which would provide norms in higher education at a country-wide level, unify universities into one single legal entity, comply with the Bologna criteria and Lisbon Recognition Convention and introduce the European Credit Transfer system.

VII. CoE CO-OPERATION PROGRAMMES WITH BiH

79. The European Initiative for Democracy and Human Rights (EIDHR) Joint Programme of co-operation between the European Commission (EC) and the Council of Europe (CoE) “Bosnia I” came to an end on 15 August, 2005. This Joint Programme, designed to help BiH to fulfil its obligations and commitments to the CoE and achieve the standards required by the Copenhagen criteria, dealt specifically with reform of the judicial system, penitentiary reform and the promotion of Human Rights and Civic Education within the education system.

80. Satisfactory progress was made in these fields, but the ‘compatibility exercise’ to assess conformity of domestic legislation with the ECHR, also foreseen under the Joint Programme, ran into delays and difficulties. An external evaluation of this EIDHR Joint Programme was commissioned in September 2005, and the full report is expected in early 2006.

81. Another Joint Programme BiH - CARDS “Judicial Training Centres, including Law Faculty Reform” came to an end on 20 October 2005. The overall objective of the 46 activities under this JP was to enhance the professional capacity of the judicial system within Bosnia and Herzegovina.

82. In September 2005, Council of Europe Bank (CEB) approved a loan to the benefit of the Mostar Gymnasium. The CEB financing will enable the local authorities to complete the physical rehabilitation of the building and will facilitate the integration of students from other premises, increasing the school’s capacity to 1065 students. A successful implementation of the project should provide conditions for meaningful interaction between the students of the two Croat and Bosniak curricula, including via shared library/resource and sports facilities. The Mostar Gymnasium represents an important model for other schools in the move towards full integration of schools in Bosnia and Herzegovina.

83. There has been a large number of other significant assistance activities during the past six months. Many of these have been developed in the education area, and have included *inter alia*: expert assistance on the latest draft of the state-level Higher Education Law for BiH; finalisation and formal endorsement within the framework of the joint EC/CoE project of the prototype statute for integrated BiH universities.

84. On 14-15 September in Sarajevo a Regional Conference on “Higher Education Governance and Reform in BiH” took place to review the two-year joint CoE/EC project “Modernising Governance and Management of Universities in BiH” and to promote the objectives of a new joint project in Higher Education currently under preparation with the EC delegation in BiH, and a signature ceremony of all 14 Ministers of Education of BiH, convened by the Minister of Civil Affairs, took place in Sarajevo on 22 April 2005 where the Guidelines for History and Geography Textbook Writers and the new Curricula for Foreign Languages were endorsed by all Ministers except the RS Minister of Education.

85. On 24-25 June 2005, the Final Evaluation and Review of the Programmes for Education for Democratic Citizenship, undertaken in co-operation with the EC and the education authorities in BiH, was held in Sarajevo.

86. In the local self-government field, the 2nd Conference of Mayors and Civil Society, opened by Prime Minister Adnan Terzic, was organised in Brcko on 17-18 April 2005. The Conference adopted an Action Plan to further increase co-operation among municipalities and to strengthen local self-government. In June, the 2nd Steering Group meeting of the Beacon Best

Practices Programme was held with participation of elected members of the Association of Towns and Municipalities of RS and the Association of Municipalities and Cities of FBiH. Following meetings of its Advisory Panel and Steering Group, the BiH Beacon Scheme was officially launched on 28 September.

87. In the field of reform of the judiciary and within the framework of the EC/CoE Joint Programme «Support to the Centres for Judicial and Prosecutorial Training in BiH», the CoE Office organised in May 2005 in Sarajevo a Regional Workshop on the role of judicial training for the development of the judicial systems in South Eastern Europe. Within the PACO Impact project, a workshop took place in Sarajevo on “Initiation of revision of the Anti-corruption strategy and action plan”.

88. Regarding Prison Reform, under the Canadian-funded Prison Reform project, a conference was organised in September 2005 in Sarajevo on "Making our community safer: exploring new possibilities for criminal justice and prison system". The Conference generated a series of recommendations for future action pertaining to the fragmentation of legislation, inadequate political interest in the just execution of criminal sanctions and the reinforcement of implementation of alternative measures.

89. A training workshop on "Training of Trainers of Lawyers on the European Convention on Human Rights" was organised in Mostar as a follow-up to the courses held in 2004/2005 within the framework of the Joint Programme between the CoE and EC on assisting BiH in fulfilling the post-accession commitments.

VIII. CONCLUSIONS AND RECOMMENDATIONS FOR ACTION

90. After three and a half years of CoE membership and 10 years after Dayton, major reforms agreed in the field of police, defence and media have opened the door to negotiations for a SAA between BiH and the EU thus allowing BiH to have an institutionalised relationship with the EU. What is now required in order to capitalise on this success, achieved only after strong international pressure, is the political will of BiH authorities at all levels concerned to ensure effective and smooth implementation of agreed reforms.

91. Progress has also been achieved in the reform of the judiciary and in particular the functioning of the War Crimes Chamber of the BiH Court, as well as with respect to the work of the Srebrenica Working Group established by the RS government. The appointment of an Acting Government Agent to the European Court of Human Rights is also a welcome development. Progress in the implementation of local self-government can also be noted.

92. Conversely, with respect to certain other CoE post-accession commitments, either no progress has been registered or things have actually gone backwards. Thus, there has not only been a failure to honour the commitment to eliminate all aspects of discrimination based upon ethnic origins in the field of education, but recent developments reveal a worrying pattern throughout the country to align educational policy and institutions along ethnic lines, thus constituting a clear step backwards. Again in the field of education, no progress has been registered with respect to a framework higher education law. The revision of electoral law is far from being completed, even though the next general elections are only one year away. The restructuring of the Ombudsman institutions is not achieved and a good draft law applauded in the previous report is now threatened by amendments which constitute a retrograde step. A number of CoE conventions, such as the Convention on Cybercrime, the European Outline Convention on Transfrontier Co-operation and its Protocols, the revised European Social Charter and the European Charter for Regional or Minority Languages have been signed but not ratified. Last but not least, the long-

expected ‘compatibility exercise’ between domestic legislation and ECHR continues to be hostage to political considerations which have no place in what should be primarily a legal expert task.

93. It is to be hoped that now that SAA negotiations are underway, the international community and BiH authorities will pay increased attention to unfulfilled CoE post-accession commitments, especially in the field of education. Indeed, if children are separated at school age along ethnic lines, how will they work together later on to ensure the common European future of their country?

94. In the light of the above concluding remarks, the following specific recommendations are addressed to the BiH authorities, most of which reiterate recommendations already made in previous Secretariat reports:

A. Democratic institutions

i. *The institutional and action capacity of State institutions – including the Council of Ministers and the Ministry of Foreign Affairs - should be further strengthened, inter alia through the recruitment of qualified staff.*

ii. *The current momentum created by the Opinion of the Venice Commission of last March as regards the constitutional debate in the country must not be lost but followed-up by a comprehensive constitutional reform, subject to the consensus of the three constituent people and with the continuing assistance, if need be, of the CoE and its Venice Commission. Such a reform should accompany the process of transfer of competences and responsibilities from the Entities (or Cantons in the FBiH), if the country wants to achieve full ownership of its institutions and future, a progressive phasing out of the High Representative’s Bonn powers and of the role played by the international community in general, and full integration into Europe and Euro-Atlantic structures.*

iii. *The revision of the electoral legislation, at all levels, taking into account recommendations made by both the OSCE/ODIHR and the CoE/Venice Commission, should be accelerated for completion early next year if the new law is to be applied to the general elections of October 2006. The need to amend the constitutional rules on the composition and election of the House of Peoples and of the Presidency – adjudged by the Venice Commission to be incompatible with the ECHR and its Protocol 12 respectively - should be addressed as part of the first stage of constitutional reform in accordance with recommendations made by this Commission.*

iv. *The European Outline Convention on Transfrontier Co-operation and its Amending Protocols must be ratified. Progress in the implementation of the European Charter of Local Self-Government must be ensured through (a) the adoption of relevant legislation and constitutional amendments - in consultation with CoE experts – in the FBiH, and (b) the implementation of relevant legislation in the RS, with CoE assistance. Local self-government reform should be made a high priority in the coming months, both for BiH and the CoE.*

v. *By-laws regarding the functioning of NGOs must be simplified and streamlined to allow for an enhanced presence of civil society and a more active participation of NGOs in the legislative and general reform process. CoE activities aiming at strengthening civil society should be given higher priority.*

B. Human Rights

- i. Serious consideration must urgently been given by the competent State authorities to the need to complete the delayed 'compatibility exercise' and they must reconsider the composition of the national working group of experts on the basis of criteria linked to professional experience and linguistic knowledge, leaving aside any political considerations.
- ii. Problems linked to access to social protection should be addressed and the ratification of the revised European Social Charter seriously pursued.
- iii. Appropriate follow-up should be given to the resolution adopted by the CM in May 2005 on the implementation of the Framework Convention for the Protection of National Minorities (ResCMN(2005)3) and to the recommendations by ECRI made public in February 2005 with respect to discrimination against the non-constituent peoples (the 'others'), as well as discrimination against persons belonging to one of the constituent peoples who de facto live in a minority situation at the Entity or cantonal level. Implementation of the Law on the Protection of Rights of Persons Belonging to National Minorities, in particular through the establishment of a Council of National Minorities, must be accelerated and the relevant law, adopted by the House of representatives, should also be adopted by the House of Peoples without further delay. The adoption of a "Roma strategy in BiH" in July 2005 is a welcome development but should now be accompanied by a more concrete action plan. The European Charter for Regional or Minority Languages should also be ratified.
- iv. The draft Law on Amendments to the Law on the Ombudsman in BiH, prepared by the Ministry of Human Rights and Refugees taking into account the principles previously agreed with the Venice Commission on the restructuring of the institution, should be adopted by the BiH Parliamentary Assembly without further delay, whereas amendments which constitute a retrograde step and undermine these principles should not be accepted.
- v. The momentum gained at the beginning of the year as regards co-operation with the ICTY and the transfer of indictees should continue and the transfer of all indictees, including the most wanted ones, should be completed. Appropriate follow-up to the report of the Srebrenica Working Group should now be given by the prosecuting authorities.
- vi. The process of refugees' and IDPs' return must be consolidated and completed, inter alia through direct negotiations among the three states mainly concerned, i.e. BiH, Croatia and Serbia and Montenegro.

C. Rule of Law

- i. International presence in Chamber II of the State Court for Organised Crime, Economic Crime and Corruption should progressively phase out as of the beginning of next year in accordance with a plan agreed between the President of the State Court and the High Representative. The creation of a Supreme Court at state level should be envisaged, and the assistance of the CoE and its Venice Commission in this respect could be requested. The increasing backlog of cases and lack of enforcement of judicial decisions should be tackled as a matter of urgency.

ii. Adequate responses must be given to corruption and organised crime in BiH to encourage foreign investment. Increased efficiency in the fight against organised crime and illegal trafficking should be facilitated by the recently agreed police reform which must now be successfully implemented, in accordance with EC principles.

iii. A coherent BiH strategy towards prison reform, with CoE assistance, is still needed, including the creation of a single prison administration, consideration of alternative measures to imprisonment and the elaboration of a national Action Plan to combat drug abuse.

iv. The Cybercrime convention, signed on 9 February 2005, should now be ratified.

D. Education

i. Recent trends in imposing separation of pupils along ethnic lines must be reversed and the administrative and legal unification of existing “two schools under one roof” in the FBiH must finally be implemented, in accordance with the law and repeated calls by the CoE and the OSCE and along the model of the Mostar Gymnasium. Also implementation of laws and by-laws on primary and secondary education must be accelerated. Strong political support must be given by both the BiH authorities and the international community in order to achieve longer-term objectives necessitating also structural changes and linked to constitutional reform.

ii. A new impetus should be given to the elaboration of the Framework Higher Education Law – in impasse at the time of drafting – with a view to ensuring compliance with the Bologna criteria and the Lisbon Recognition Convention.

Appendix I

PROGRAMME OF THE SECRETARIAT'S VISIT TO SARAJEVO, MOSTAR AND STOLAC (26-29 SEPTEMBER 2005)

Monday 26 September 2005 (Sarajevo and Mostar)

- | | |
|-------------|--|
| 16h00-16h50 | Meeting with representatives of BiH Ministry of Foreign Affairs (MFA)
- Mr. Adnan Hadžikapetanović, SG MFA
- Mr. Mihajlo Sužnjević, desk officer |
| 17h00-17h45 | Meeting with the Head of the OSCE mission to BiH
- HE Ambassador Douglas Davidson |
| 18h00 | Departure to Mostar |
| 20h15 | Dinner in Mostar with the Cantonal Minister of Education of Herzegovina-Neretva Canton (Canton 7)
- Mr. Jozo Musa |

Tuesday 27 September 2005 (Mostar and Stolac)

- | | |
|-------------|--|
| 8h00- 8h45 | Working breakfast with the representative of OSCE, Mostar
- Mr. Matthew Newton, OSCE Regional Education Advisor |
| 9h00- 9h45 | Meeting with representatives of the Mostar Gymnasium
- Ms. Ankica Čović, Director of the Gymnasium Mostar
- Ms. Jasna Bratić, Head of the board of the gymnasium |
| 10.00 | Departure for Stolac |
| 10h45-11h45 | Meeting with Primary and Secondary School management and teachers
- Mr. Tomo Marković, Director, Primary school Stolac, Croat Curriculum
- Mr. Nedžad Pezo, Coordinator, Primary school Stolac, Federation Curriculum
- Ms. Zdenko Milanović, Director, Secondary school Stolac, Croat Curriculum
- Mr. Kasim Korjenić, Coordinator, Secondary school Stolac, Federation Curriculum
- Four primary & secondary school teachers' representatives, Croat and Federal Curriculum |
| 11h45-12h15 | Meeting with Student councils' representatives
- Ms. Božena Raguž, President of Student Council, Croat curriculum
- Mr. Adis Ražić, President of Student Council, Federation Curriculum |
| 13h00-13h30 | Meeting with representatives of the Parents' Council, primary school Prozor and NGO «Phoenix» |

- 14h30-15h15 Meeting with the Cantonal leadership of SDA
- Mr Alija Šator, Cantonal vice-president of the SDA
- 15h30-16h15 Meeting with the Cantonal leadership of HDZ
- Mr Miroslav Ćoric, Cantonal Prime Minister (HDZ)
- Mr Mladen Boskoić, Representative in the FBiH House of Peoples
- 16h30-17h30 Meeting with representatives of the Pedagogical Institute
- Head of Pedagogical Institute Mostar East
- Head of Pedagogical Institute Mostar West
- 17h30 Departure to Sarajevo

Wednesday 28 September 2005 (Sarajevo)

- 8h00-9h00 Working breakfast with representatives of the BiH Constitutional Court
- Mr. Faris Vehabović
- Mr. Kulender
- 9h00-10h00 Meeting with the Assistant Minister of the Ministry of Human Rights
- Mr. Slobodan Nagradić
- 10h00-11h00 Meeting with Mr. Srdjan Arnaut, Chief of Cabinet, BiH Ministry of Civil Affairs, and the Advisor of the FBiH Minister of Education
- 11h00-12h00 Meeting with representatives of the BiH PA
- Mr. Aljoša Čampara, Secretary General
- 12h15-13h00 Meeting with Advisers of the BiH Presidency
- Mr Stjepan Kljuić, Adviser to Mr Ivo Miro Jovic, Croat member of BiH tripartite presidency
- 13h00-14h30 Working lunch with the representative of the European Commission
- Mr. Michael Docherty, Second Secretary, Head of Democratic Stabilisation and Social Development Section
- 14h30-15h30 Meeting with representatives of the FBiH and RS Ombudsmen
- Ms. Vera Jovanović, FBiH
- Mr. Milan Šubarić, RS
- 16h00-18h00 Meeting with representatives of the media and the civil society
- Ms. Vildana Selimbegović, chief editor, BH DANI magazine
- Mr. Ivan Lovrenović, independent intellectual
- 19h30 Working dinner with representatives of the International Community
- Mr. Mark Wheeler – Political Advisor OHR/Liaison Officer with OSCE
- Ms. Daria Duilović - OHR
- Mr. Claude Kieffer - OSCE
- Ms. Azra Junuzović - OSCE

Thursday 29 September 2005 (Sarajevo)

- 9h00-10h00 Meeting with the representative of the FBiH Parliament's Constitutional and Legal Affairs Commission
- Mr. Slaviša Šućur, Chairman
- 10h00-11h00 Meeting with the representative of the Electoral Commission
- Ms. Lidija Korac
- 12h30-13h15 Meeting with representatives of the High Judicial and Prosecutorial Council
- Mr. Branko Perić, President
- Mr. Sven Marius Urke, Member and Advisor to the Secretariat
- 13h15-14h15 Meeting with the President of the State Court
- Ms. Medžida Kreso

Composition of the Secretariat Delegation

Ms Despina Chatzivassiliou, Acting Head of the Monitoring Department, Directorate of Strategic Planning (DSP)

Ms Diana Radu, Programme Adviser, Directorate of Strategic Planning (DSP)

Ms Lilit Nikoghosyan, Monitoring Department, Directorate of Strategic Planning (DSP)

Mr Tim Cartwright, Special Representative of the Secretary General (SRSG) in BiH

Mr Esad Mavrić, Executive Secretary, CoE Sarajevo Office