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## 2018 Report on Bosnia and Herzegovina

### European Parliament resolution of 13 February 2019 on the 2018 Commission Report on Bosnia and Herzegovina (2018/2148(INI))

(2020/C 449/09)

*The European Parliament,*

- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina (BiH), of the other part,
- having regard to the Protocol on the Adaptation of the SAA between the European Communities and their Member States, of the one part, and BiH, of the other part, to take account of the accession of the Republic of Croatia to the European Union, which was initialled on 18 July 2016 and entered into force on 1 February 2017,
- having regard to BiH's application for membership of the European Union on 15 February 2016 and the submission of the country's replies to the Commission questionnaire on 28 February 2018,
- having regard to the European Council conclusions of 19-20 June 2003 on the Western Balkans and to the annex thereto entitled 'The Thessaloniki Agenda for the Western Balkans: moving towards European integration',
- having regard to the Council conclusions of 16 October 2017 on Bosnia and Herzegovina, of 26 June 2018 on enlargement and the stabilisation and association process, and of 15 October 2018 on Bosnia and Herzegovina / EUFOR Operation Althea,
- having regard to the first meeting of the EU-BiH Stabilisation and Association Parliamentary Committee (SAPC) held on 5-6 November 2015, the second meeting of the EU-BiH Stabilisation and Association Council held on 10 July 2017, the third meeting of the EU-BiH Stabilisation and Association Committee held on 27 March 2018 and the third meeting of the EU-BiH Stabilisation and Association Council held on 13 July 2018,
- having regard to the Berlin Process, notably the Chair Conclusions of the Heads' meeting of the London Western Balkans Summit of 10 July 2018, the three joint declarations signed on the same day on regional cooperation and good neighbourly relations, on missing persons and on war crimes, and the anti-corruption statement issued by BiH on the same occasion,
- having regard to the Sofia Declaration adopted during the EU-Western Balkans summit of 17 May 2018 and to the Sofia Priority Agenda annexed thereto,
- having regard to the Commission communication of 6 February 2018 entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' (COM(2018)0065),
- having regard to the Commission communication of 17 April 2018 entitled '2018 Communication on EU Enlargement Policy' (COM(2018)0450), accompanied by the Commission Staff Working Document entitled 'Bosnia and Herzegovina 2018 Report' (SWD(2018)0155),
- having regard to the statement of 2 May 2018 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, and the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, on the electoral reform in BiH for the elections of the Federation entity House of Peoples,
- having regard to the results of the elections held on 7 October 2018,

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- having regard to the statement of preliminary findings and conclusions of the OSCE/ODIHR International Election Observation Mission, published on 8 October 2018,
  - having regard to the joint statement of 8 October 2018 by VP/HR Mogherini and Commissioner Hahn on the elections in Bosnia and Herzegovina,
  - having regard to the joint conclusions of the economic and financial dialogue between the EU and the Western Balkans and Turkey of 25 May 2018,
  - having regard to the EU local statement of 1 June 2018 on the BiH Criminal Procedure Code,
  - having regard to the fifty-third <sup>(1)</sup> and fifty-fourth <sup>(2)</sup> reports to the UN Security Council of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina of 3 May 2018 and 31 October 2018 respectively,
  - having regard to the Reform Agenda for BiH 2015-2018 adopted in July 2015 as well as the Coordination Mechanism adopted by the Council of Ministers of BiH and the governments of the Federation of BiH and the Republika Srpska (RS) on 23 August 2016,
  - having regard to its previous resolutions on the country,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0467/2018),
- A. whereas the EU remains committed to BiH's European perspective and to its territorial integrity, sovereignty and unity;
- B. whereas the country's EU membership application represents a strategic choice and a commitment to advance towards the EU;
- C. whereas the Commission is preparing its opinion on BiH's application for EU membership; whereas BiH, making use of the coordination mechanism on EU matters, drew up its replies to the Commission's questionnaire and submitted them on 28 February 2018; whereas BiH received more than 600 follow-up questions on 20 June 2018 and has not yet been able to send its replies to the additional questions;
- D. whereas since mid-2017 there has been a marked slowdown in the adoption of EU-related reforms, despite BiH's commitment to the Reform Agenda; whereas EU accession is a comprehensive process requiring political will, joint efforts by all stakeholders and consensus on the Reform Agenda; whereas BiH citizens must be placed at the centre of institutional, economic and social reforms;
- E. whereas general elections were held in BiH on 7 October 2018; whereas political parties have not been able to agree on the changes to the electoral law needed to address the legal loophole resulting from the Constitutional Court decisions in the Ljubić case concerning the election of the members of the Federation's House of Peoples; whereas the facilitation efforts on this issue, led by the EU and US ambassadors to BiH, with the involvement of the Venice Commission, have not been fruitful;
- F. whereas BiH remains in breach of the European Convention on Human Rights, as per the Sejdić-Finci and related cases; whereas the Commission has been tasked by the Council to pay particular attention to this issue when drawing up its opinion on BiH's application for membership; whereas the opinion of the Commission is expected, therefore, to analyse functionality-related issues and review the legal framework for compatibility with the EU acquis, identifying constitutional and other necessary reforms; whereas the closer BiH comes to obtaining EU membership, the more pressing the need for constitutional reform, aimed at enhancing functionality and ensuring human rights protection, will become; whereas, so far, the political leadership of the country has been unable to remedy the related shortcomings in the BiH constitution;

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<sup>(1)</sup> S/2018/416, 3.5.2018.

<sup>(2)</sup> S/2018/974, 31.10.2018.

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- G. whereas 13 decisions of the BiH Constitutional Court and numerous entity-level constitutional decisions (28 in the Federation and 7 in the Republika Srpska) are currently not being implemented; whereas implementing constitutional court decisions is an essential element for upholding the rule of law;
- H. whereas BiH is also a signatory to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991);
- I. whereas there is no place in modern Europe for the glorification of persons convicted of war crimes and crimes against humanity;
- J. whereas the persistent challenges in the reconciliation process should be addressed more vigorously;
- K. whereas corruption, including at the highest level, continues to be widespread;
1. Welcomes the submission of BiH's answers to the Commission's questionnaire; urges BiH to respond to the follow-up questions, which are of a more technical nature, in a timely, transparent and detailed manner in order to contribute to the Commission's opinion on the application for EU membership;
2. Is concerned about the marked slowdown in the pace of reforms due to disagreements between parties and the highly polarised pre-electoral campaign that started very early; stresses that the declared commitment of the BiH authorities to the European path must be matched by consistent implementation of reforms stemming from the Reform Agenda and translated into concrete results, to the benefit of citizens, regardless of their ethnic and religious affiliation; regrets that, apart from the adoption of the countrywide strategies in the field of the environment, rural development and energy, and of some important reform measures, such as the amendments to the Law on Excise Duties necessary for ensuring IMF and EBRD funding, no substantial progress has been achieved;
3. Regrets that divisive ethno-nationalistic rhetoric once again dominated the electoral campaign and continues to characterise the political discourse involving political actors on all sides; calls on all political leaders to engage without delay in the formation of the governments at all levels, by working constructively together, in the interests of the citizens of their country; calls for the EU integration process to be properly communicated to the public also as a project for reconciliation and the development of a political culture based on compromise and mutual understanding;
4. Notes that this electoral cycle was once more marked by segmentation along ethnic lines and that the electoral campaign was focused mainly on divisive issues linked to the past, rather than on proposing concrete solutions to resolve citizens' day-to-day problems; deplors the nationalistic and inflammatory pre-election rhetoric that deepens the gap between the three constituent peoples; notes that the 7 October 2018 elections were competitive and generally orderly, despite some irregularities, and that BiH citizens exercised their democratic right in a calm and orderly manner; reiterates that all alleged election-related irregularities should be investigated and condemned in the clearest possible terms, and any unlawful activities prosecuted; stresses the continuing shortcomings in the democratic election process and expects the OSCE/ODIHR recommendations to be addressed without delay; recalls that the 2010 Constitutional Court decision concerning the democratic right of the citizens of Mostar to vote in local elections has not yet been implemented;
5. Regrets that no compromise was reached prior to the elections with regard to changes to the electoral legislation required to address the legal loophole resulting from the Constitutional Court decisions in the Ljubić case on the election of the members of the Federation House of Peoples; takes note of the Central Election Commission (CEC) decision on allocation of seats in the Federation House of Peoples adopted on the 18 December 2018 and calls on all political actors to address the remaining legal gaps in the BiH Elections Law in a systematic way; urges all political leaders and elected members of parliaments to show responsibility, to avoid statements challenging the unity of the state, to put aside their

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conflicting views and to find compromises and solutions which will be acceptable to all; warns against delays and attempts to block the formation of the authorities after the elections, as this would not serve the interests of citizens, nor the objective of European integration; stresses that holding elections, implementing the results and forming the government in accordance with relevant legal provisions is an essential feature of a well-functioning democracy, as well as a requirement for any country aspiring to join the EU;

6. Firmly reiterates the need for rapid formation of the Federation House of Peoples in line with rulings by the Constitutional Court of Bosnia and Herzegovina, as recalled also in the joint statement by VP/HR Mogherini and Commissioner Hahn on the elections in BiH;

7. Regrets that the issue of democratic and legitimate representation of three constituent peoples and of all citizens remains unresolved; urges all parties to find a timely compromise as this issue should be addressed as soon as possible by the new legislators, including through the operationalisation of the decisions of the European Court of Human Rights in the Sejdić-Finci and related cases; reiterates the need to proceed with constitutional, political and electoral reforms that would transform BiH into a fully effective, inclusive and functional state based on the rule of law;

8. Deplores the fact that, owing to the attempts to introduce ethnic blocking into the SAPC's voting rules, delegates from BiH have still been unable to agree on the rules of procedure for the SAPC, which has consequently not met for three years; regrets the failure to cooperate with the European Parliament, recalls that this is a clear breach of the obligations stemming from the SAA and urges all actors to agree to and accept the SAPC's rules of procedure based on the European Parliament's recommendations on the subject; notes that functioning democratic institutions, including the parliament, are a prerequisite for advancing the EU integration process;

9. Is concerned about the lack of systematic regulatory impact assessments and public consultations, the insufficient and low-quality monitoring and reporting and the lack of a formal requirement to publish key government planning documents;

10. Calls for the adoption of further non-discriminatory and gender-sensitive countrywide strategies in areas such as employment and public financial management, which will enable consistent implementation of reforms throughout the country, as well as access to further IPA funding; notes with satisfaction that the adoption of relevant countrywide strategies has allowed for additional IPA II funding in key areas, such as agriculture and rural development, environment and energy, under the recently revised Indicative Strategy Paper for the period 2014–2020; stresses the need to ensure better absorption of pre-accession assistance, notably by improving donor coordination and administrative capacity; urges the adoption of a national programme for approximation of the country's laws with the EU acquis, a legal requirement under the SAA and an indispensable means of preparing for EU accession;

11. Renews its call for the adoption of a countrywide strategy on human rights; underlines that amendments to the Ombudsman Law should be adopted as soon as possible, in order to ensure compliance with the Paris Principles; deems it necessary for BiH to establish a national preventive mechanism for the prevention of torture and ill treatment, and to adopt a state law on the rights of civilians tortured during the war, in accordance with its international obligations; considers that BiH should make more effort to bring the conditions in prisons and police holding facilities into line with international standards; urges once more the authorities of the Republika Srpska to repeal the provision on the death penalty from the entity's constitution; reiterates the need to ensure non-discriminatory access to justice throughout the country through a harmonised and sustainable system of free legal aid; calls on the authorities to actively promote European values and to continue pursuing a European perspective;

12. Calls on the BiH authorities to take concrete steps to mainstream gender into all policies, including the Reform Agenda, and expresses its concern about the under-representation of women in decision-making positions, in particular at local level; urges political parties in BiH to do more to ensure women are represented at all levels of the political system;

13. Deplores the fact that BiH remains in breach of the European Convention on Human Rights by not implementing the rulings of the European Court of Human Rights (ECHR) in the Sejdić-Finci, Zornić, Pilav and Šlaku cases, which allows overt discrimination between citizens in BiH in flagrant contradiction with EU values and norms; recalls that the Commission should pay attention to this issue when preparing its opinion; maintains that implementing these rulings

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would help to establish a functioning democratic society; stresses that, as in the case of any aspiring member of the EU, BiH is expected to progressively align its constitutional and legal system with the requirements of the EU acquis regarding non-discrimination, and expects progress to be made on these essential issues in due course; insists that implementing these rulings should not affect further implementation of the Reform Agenda and must lead to the elimination of any restriction on the right to stand for election based on ethnicity and residence or owing to a citizen's choice not to affiliate with a constituent people; believes, therefore, that constitutional and electoral reform should go hand-in-hand; calls on the political leaders to avoid nationalistic rhetoric that leads to the division of society and to continue with political dialogue and activities that lead to cooperation between the political representatives of the three peoples and others;

14. Calls for more effective measures to combat all forms of discrimination, in particular by adopting countrywide human rights and anti-discrimination strategies; encourages the cooperation of the three peoples and others on cultural, religious and educational issues, bridging ethnic divides; regrets that there was no progress in addressing the 'two schools under one roof' issue; urges that decisive action be taken at all levels in order to find systemic solutions that will ensure inclusive and non-discriminatory education for all children; notes that the adoption of programmes and curricula throughout the whole territory of BiH should respect the cultural and linguistic diversity of the peoples while stressing mutual understanding and reconciliation; is concerned that a lack of resources and coordination is hampering the implementation of the 2015-2018 action plan for children; welcomes the BiH legislation on foster care and underlines the need to support further deinstitutionalisation of child care throughout the country; calls for improved access to education and to appropriate social services for children with disabilities and, more generally, for improved access to buildings, institutions and transport for persons with disabilities;

15. Calls for more effective implementation of the legal provisions regarding equality between men and women, reducing pay gaps between men and women and enhancing access to the labour market for women, and for the combating of gender stereotypes in society; notes with concern the lack of effective implementation of the legislation on the prevention of and protection from gender-based violence, in particular domestic violence; points out the need to bring the legislation into line with the Istanbul Convention; urges that progress be made towards ensuring that the rights of persons with disabilities are respected, in particular by swiftly addressing the relevant UN recommendations; acknowledges the steps taken towards the legal protection of LGBTI persons but stresses that more needs to be done in order to prosecute violence and hate crimes against them, as well as to promote their social inclusion;

16. Is concerned that lack of coordination between different levels of authority and lack of funding continue to hamper effective protection of minorities and vulnerable groups, in particular Roma people; calls for additional steps to be taken to reinforce the protection of minority rights; notes with concern that the results of the 2017 survey on marginalised Roma people in BiH shows their limited access to opportunities in every aspect of human development; condemns the stigmatisation and social exclusion of Roma people; calls on the authorities to commemorate the victims of the Roma Holocaust, to mark 2 August as Roma Holocaust Memorial Day, and to include Roma victims in their commemorations held on 27 January each year to mark Holocaust Remembrance Day; welcomes the adoption of a revised 2017-2020 Roma action plan on housing, employment and healthcare; insists that measures be taken to further improve the education, employment rates, health, housing and living conditions for Roma people and other minorities, focusing on improving and fully implementing the relevant existing policy and legislative frameworks; expresses concern about the low representation of members of national minorities in political and public life;

17. Takes note of BiH's participation in the 2018 OECD PISA assessment, enabled by the European Commission's financial support; congratulates BiH's educational institutions (competent ministries and institutions at the cantonal, entity and state levels, and in the Brčko District) for their cooperation and willingness to work together; urges future governments at all levels to use the test results, which are expected to be published in 2019, to engage in a constructive debate on and development of education reforms that will lead to better quality of educational output;

18. Calls for a comprehensive reform of the social protection systems, by eliminating discriminatory practices in accordance with human rights obligations and ensuring that adequate minimum standards are set for the protection of the most vulnerable populations, including addressing gaps in legislation that prevent some children from having medical

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insurance; invites all the relevant institutions in BiH to strengthen coordination and collaboration on child rights monitoring, including through the establishment of a comprehensive child rights data collection mechanism in BiH;

19. Notes that BiH remains a country of origin, transit and destination for trafficking in human beings; calls for border management to be improved and the specialised human trafficking investigation units to be strengthened in order to effectively combat smugglers;

20. Is concerned about insufficient educational and economic reforms, which are leading to high levels of youth unemployment and economic emigration, and the lack of adequate policies and investment in children and young people; urges BiH to address the high gender imbalance of labour force participation rates and the exclusion of young people belonging to minority groups from education and employment measures; calls for a much more proactive and systematic policy vis-à-vis BiH's young people, which should aim at empowering young people in the country; encourages BiH, in this respect, to establish a dedicated framework and ensure the full functioning of the Commission for Coordination of Youth Issues within the BiH Ministry of Civil Affairs;

21. Calls for strategies and legislation on the rights of persons belonging to minority groups and their protection to be fully implemented and supported by public funds;

22. Calls on BiH to ensure the right to property; points out the lack of a comprehensive legislative framework on handling restitution claims and encourages the authorities to open a dialogue with interested parties on issues pertaining to the restitution of, or compensation for, seized property;

23. Regrets the lack of progress on freedom of expression and the independence of the media; clearly rejects continued attempts to put political and financial pressure on the media; condemns the recurrent cases of intimidation, death threats and verbal and physical attacks against journalists, in particular investigative journalists covering non-prosecuted war crimes cases; calls on the authorities to collect data on these cases, ensure swift investigation and prosecution of the perpetrators and promote an environment conducive to freedom of expression; points out the need to strengthen the financial stability and political neutrality of the Communications Regulatory Agency; reiterates its call to ensure the independence and sustainable financing of the public broadcasters, as well as the availability of content in all official languages; calls for more attention to be paid to the working conditions of journalists throughout the sector; expresses its concern about the lack of transparency of media ownership and reiterates its call to ensure full transparency by adopting the appropriate legislative framework; deplores the fact that due to political obstruction a functional public broadcasting service could not be established; reiterates its call to ensure media pluralism and emphasises that producing and broadcasting TV and radio content in all official languages of BiH would contribute to protecting cultural diversity in the country; stresses that, as is the case for other countries in the region, concerns remain regarding political instrumentalisation of the media, either directly by political players, or by business players in their attempts to exert political influence;

24. Welcomes efforts aiming at promoting reconciliation, mutual respect and religious tolerance in the country, including those of the Inter-Religious Council of BiH; deplores continued cases of discrimination on religious grounds, as well as incidents targeting religious sites; praises and supports those who fight for freedom of expression, fight against hate speech and religious hatred, and promote inclusion; rejects incitement to fear against others and calls on the authorities to react promptly and consistently in all these cases;

25. Welcomes the adoption of the Strategic Framework for the Public Administration Reform in Bosnia and Herzegovina 2018-2022 and calls for its swift implementation; draws attention again to the fragmentation and politicisation of the policy-making system in BiH, and stresses the need for reform of the constitutional framework in line with the highest standards of human rights and freedoms and the need to improve the quality, coherence and financial affordability of public policies throughout the country; calls for the adoption of a countrywide strategy on public financial management and for increased budget transparency in BiH, as well as for stronger mechanisms to prevent inefficiency and waste of public resources, including in the area of public procurement; calls in particular for action to be taken to reduce the risk of politicisation of civil service, through an effective human resources management system at all administrative levels, as well as by standardising civil service procedures across all governmental levels, particularly between the federal and cantonal levels in the Federation;

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26. Acknowledges that some progress has been made in establishing institutional mechanisms of cooperation between authorities and civil society organisations (CSOs) and in ensuring public financing for CSOs; reiterates its call for the adoption of a strategic framework of cooperation with civil society at all levels of governance, for the transparency of public decision-making to be enhanced and for additional efforts to be made in enabling public scrutiny of governments' work; highlights, furthermore, the need to increase the involvement of civil society in planning, monitoring and implementing the EU support programmes; urges the authorities to conduct an effective dialogue which could lead to legislative and capacity-building initiatives that would strengthen the capacities of social partners and civil society; underlines the need for public funding to be made available for CSOs working on human rights, democracy and the rule of law, including watchdog and advocacy organisations, as well as for small grassroots organisations;

27. Remains concerned by the widespread corruption in BiH and the persistent gap between the declared political will to fight it and the lack of concrete results; underlines that there is no track record of high profile cases and that the legal and institutional framework for combating systemic corruption in areas such as political party financing, public procurement, conflicts of interest and asset declaration is weak and inadequate; calls for steps to be taken to improve the legal and institutional anti-corruption framework in line with European standards, by better harmonising the action plans adopted at various levels, implementing the existing strategies and enhancing the cooperation between corruption prevention bodies and with the anti-corruption agency;

28. Considers that additional efforts are needed to improve the fight against widespread corruption; urges that action be taken to significantly improve track records in the area of prevention and repression of corruption, including measures to impose effective and deterrent sanctions, including the confiscation of assets acquired through crime; emphasises the need to build up the capacity to counter and investigate economic, financial and public procurement-related crimes; stresses that particular attention should be given to conducting effective checks on the financing of political parties and electoral campaigns and to improving public access to and oversight of the asset declarations of public officials, including those standing for election; calls for the GRECO recommendations to be addressed, notably those on political party financing and conflicts of interest; deems it essential for BiH to adopt a law on conflicts of interest in accordance with European and international standards; urges BiH to conduct an analysis of the existing anti-corruption legal framework and subsequently to adopt a coherent strategy to address gaps and weaknesses identified, in accordance with international and European standards;

29. Welcomes the adoption of the action plan on the implementation of the 2014-2018 Justice Sector Reform Strategy in March 2017 and the establishment of the necessary reporting and monitoring structures; points to the need for decisive action regarding its implementation; is concerned by continuing politically motivated threats against the judiciary; reiterates the need to strengthen the independence of the judiciary, including from political influence, as well as its impartiality, professionalism, efficiency and accountability; welcomes the detailed action plan adopted with a view to implementing the European Commission's recommendations on issues within the remit of the High Judicial and Prosecutorial Council (HJPC) aimed at strengthening appointment, disciplinary and integrity measures as regards the judiciary, including through improved asset declarations; urges the swift adoption and implementation of related legislative acts; emphasises the need to revise the HJPC Law based on the Commission's recommendations and the Opinion of the Venice Commission; calls for standardisation of penal codes for war crime cases and emphasises the importance of gender assessments of the ongoing judicial reform;

30. Regrets the fact that authorities at all levels continue to disregard or reject binding decisions of the judiciary, including at the highest instance, and recalls that such acts represent a serious challenge to the rule of law;

31. Welcomes the further reduction in the backlog of war crime cases, the continued positive trend in the prosecution of war crime cases involving sexual violence and improvements in in-court victim and witness support; urges the BiH authorities to harmonise legislation on civilian victims of war to cover victims of sexual violence, in order to prevent discrimination regarding status and access to reparations across the different entities; calls for prompt amendment of the national war crimes strategy, in order to ensure a more efficient distribution of cases between different levels of governance, along with new criteria and timelines for processing the most complex cases;

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32. Notes that a comprehensive transitional justice strategy and a solid mechanism for compensation of gross wartime human rights violations across the country, including for victims of war-related sexual violence, are still lacking; calls for the adoption of the Law on Victims of Torture, the Strategy on Transitional Justice and the Programme for Victims of Sexual Violence, and for the establishment of a special fund for compensation for victims of wartime rape, torture and abuse, and the setting up of adequate compensation mechanisms for civilian victims of war, to include restitution, compensation, rehabilitation, reparation and guarantees of non-repetition;

33. Reiterates its support for the initiative to establish the Regional Commission tasked with establishing the facts about all victims of war crimes and other serious human rights violations committed on the territory of the former Yugoslavia (RECOM); stresses the importance of BiH leaders taking serious action on its establishment; underlines the importance of this process and the need for active engagement of all regional political leaders in order for RECOM to start its work without further delay; calls attention to the Coalition for RECOM's proposal for an action plan with clear dates and benchmarks;

34. Deplores any kind of glorification of persons convicted of the gravest crimes against humanity; calls, as a matter of urgency, for respect for victims of war crimes and reconciliation to be promoted; reminds all political leaders and institutions in BiH that they have a responsibility to assess war-time events objectively, in the interests of truth, reconciliation and a peaceful future, and to avoid misuse of the judiciary for political purposes; emphasises that the processing of war crimes must be based on the concept of judicial independence and must not be exploited for politicisation in order to serve everyday political ends, engage in historical revisionism or exacerbate divisions within society; notes with regret the decision by the Republika Srpska National Assembly to revoke its endorsement of the 2004 Srebrenica Commission Report and condemns statements from all sides that glorify war criminals;

35. Underlines that, although significant progress has been achieved, the legacy of conflict-related sexual violence (CRSV) and trauma from the 1992-1995 war still needs proper attention in BiH; stresses that it must be ensured that female and male survivors, including children born in that context, have equitable access to care, support and justice through comprehensive reparations, including rehabilitation and alleviation of the stigmatisation of CRSV survivors;

36. Acknowledges that certain, yet still insufficient, progress has been achieved in the implementation of Annex VII to the Dayton Peace Agreement on refugees and internally displaced persons; notes the slow progress in dealing with the persistent high number of internally displaced persons, minority returnees, refugees and missing persons; calls on the authorities to embark on intensive cooperation between the two entities and fully share all relevant military and intelligence data in order to identify persons still missing as a result of the war; welcomes recent initiatives aiming to enhance regional cooperation with a view to resolving the issue of missing persons and calls on the authorities in BiH to engage in this process; underlines the importance of collecting data on returnees; condemns cases of attacks against their property and notes that the success of the returnee policy in BiH is instrumental for reconciliation;

37. Calls for the implementation of additional measures and concrete programmes in terms of the sustainable return of refugees, access to health care and employment, social protection, safety and education, and for significant attention to be paid to damages compensation for property that cannot be returned; urges, in this regard, the resumption of operations of the Commission for Real Property Claims of Displaced Persons and Refugees;

38. Deplores the fact that the country still suffers due to the existence of landmines, which cover around 2,2 % of its total area and directly affect the safety of more than 540 000 inhabitants; welcomes the EU's continued support to mine action and applauds the Demining Battalion of the Armed Forces in BiH for its excellent work; notes with concern the lack of sufficient quantities of state-of-the-art demining technology, which could lead to a drop from the current rate of 3 km<sup>2</sup> of territory cleared per year to less than 1 km<sup>2</sup> as of 2020; urges the Member States, therefore, to properly equip the Demining Battalion with the necessary means and equipment;

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39. Welcomes the adoption of the 2017-2020 Strategy for Combating Organised Crime and the progress in implementing the action plans on anti-money laundering measures and on the financing of terrorism; calls for a stepping-up of efforts to establish a track record of investigations, prosecutions, final convictions and confiscation of proceeds of organised crime; welcomes the long-awaited adoption of the amendments to the Criminal Procedure Code (CPC) by the BiH House of Representatives on 17 September 2018, as they are essential for the ability of rule of law institutions to conduct sensitive investigations and cooperate with international law enforcement agencies, and calls on the Commission to follow the implementation of these amendments closely; stresses that bringing the Law on the Intelligence Security Agency into line with European and international standards should remain a high priority for the authorities; appreciates the fact that BiH has been removed from the FATF list of 'high-risk third countries with structural deficiencies in anti-money laundering/countering the financing of terrorism', and calls for further efforts in order for it to be removed from the EU list of high-risk countries;

40. Calls for continued efforts to combat radicalisation and for further measures to identify, prevent and comprehensively address the issue of foreign fighters, along with the illicit arms trade, and to trace money intended for further radicalisation; encourages the authorities to further improve BiH's capacities for countering terrorism through better coordination, cooperation and exchange of criminal intelligence, the prevention of youth radicalisation, and deradicalisation programmes; calls on the authorities to develop a strategy to combat cybercrime and similar security threats; recalls the need for stronger cooperation on border management issues with neighbouring countries;

41. Commends the BiH authorities' efforts to stop departures of its citizens to foreign battlefields, and urges the authorities to apply appropriate sentencing for foreign terrorist fighters and to manage their subsequent social reintegration; notes with concern that radicalisation cells have been reported in certain locations in the country;

42. Notes with concern the increasing number of migrants arriving in BiH lately and the lack of coordination between different government levels in responding to this situation; considers that the issue of migration should not be politicised; welcomes the EU humanitarian aid to address the increasing needs of refugees, asylum seekers and migrants in the country, and the adoption on 10 August 2018 of a special measure (worth EUR 6 million) to support BiH in managing the migration flows; emphasises the importance of taking into account the gender perspective of humanitarian aid and the impact of refugee camps on host communities; believes that cooperation with neighbouring countries and the EU is essential in addressing this common challenge;

43. Calls for the adoption of a new set of EU-oriented reforms immediately after the formation of the new authorities in BiH, in order to resume the reform process and advance the country's European integration; insists that effective conditionality should accompany EU financial support and that action plans and monitoring frameworks should be developed by the EU in line with the 20 principles of the European Pillar of Social Rights in order to realise the 'new reinforced social dimension', as stipulated in the 2018 Strategy for the Western Balkans; acknowledges that some progress has been made by BiH regarding economic development and competitiveness, but notes that the country is still at an early stage of establishing a functioning market economy; strongly believes that advancing socio-economic reforms, with the proper involvement of social partners, should be a high priority after the elections, with a view to improving living conditions in the country; notes the very limited progress in the social field; stresses the need to strengthen the economic fundamentals, such as growth, employment and the fight against the informal economy; points out the importance of restructuring the public sector, including public enterprises, further reducing the informal economy and the related fiscal burden on labour, improving the business environment (also through developing BiH's single economic space), strengthening growth-friendly use of public finances, notably by focusing on medium-term needs such as infrastructure and education, and providing timely and exhaustive statistics in line with European and international standards;

44. Notes the slow progress in environmental and climate protection; recalls the need to align with the EU acquis and to ensure effective and structured implementation of the environmental legislation throughout the country, in accordance with EU standards and in line with the countrywide Environmental Approximation Strategy; stresses again the need to swiftly address the transboundary air pollution caused by the oil refinery in Brod in line with EU environmental policies;

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emphasises that BiH needs to comply in full with its obligations under the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment, in particular in the Neretva River Basin and Trebišnjica; underlines that planning and construction of hydropower plants and projects require compliance with international and EU environmental legislation, including the Birds and Habitats Directives and the Environmental Impact Assessment Directive; stresses the urgent need to avoid any negative impacts on areas of high nature value by improving the quality of environmental impact assessments and guaranteeing public participation and consultation of civil society in relevant projects;

45. Notes that the electricity and gas markets remain fragmented and dominated by key incumbent companies; calls on the BiH authorities to further develop the country's transport and energy infrastructure and to urgently create functional energy and transport chains; calls on BiH to take advantage of the new EU package for development of regional connectivity, and to work towards completing the Regional Energy Market in line with its climate commitments; advocates continued investments in infrastructure projects that will improve transport connectivity within BiH and with neighbouring countries; calls, when contractors are to be chosen, for tendering rules and the principle of transparency to be observed in order to prevent misuse of powers and corruption and to guarantee the selection of the best offers; expresses its support to the proposal of lowering roaming charges in the Western Balkans;

46. Welcomes BiH's constructive and stable bilateral relations and the signing of a number of bilateral agreements with its neighbours; calls for the strengthening of good neighbourly relations with the countries in the region and for further efforts to resolve all outstanding bilateral issues, including border demarcation with Serbia and Croatia, also with the aim of advancing towards membership of European organisations;

47. Welcomes BiH's Foreign Policy Strategy for the period 2018-2023 adopted by the Presidency of BiH, clearly stating that EU membership is one of the country's main strategic objectives; regrets the fact that the degree of alignment with EU declarations and decisions of the Council regarding the Common Foreign and Security Policy (CFSP) dropped to 61 % in 2017; stresses the need for results regarding progressive alignment with the CFSP and calls for substantial improvement in this area, which constitutes an essential component of EU membership; strongly urges BiH to align itself with Council decisions introducing EU restrictive measures in the context of Russia's illegal annexation of Crimea and events in eastern Ukraine, and deplores the deliberate lack of cooperation in this respect from some political actors;

48. Notes the increasing influence of foreign powers in BiH and firmly believes that stronger EU engagement on the part of BiH remains the best way to ensure progress towards European values, stability and prosperity in the country; welcomes the continued presence of EUFOR Operation Althea in the country, which assists in capacity building and training of the armed forces of BiH, as well as retaining deterrence capacity to support a safe and secure environment; welcomes the extension of EUFOR's mandate by the UN Security Council until November 2019;

49. Urges the authorities to ensure strict alignment with EU and international standards and policy objectives in the field of energy and climate change; deplores the fact that the country's efforts to combat climate change remain on the declarative level while at the same time decisions are being taken on the planning of new coal thermal power plants; calls, therefore, for the cancellation of the hydropower projects and plans that are harmful to nature, against the will of the local population, not in line with local or entity spatial development plans and beneficial only to investors;

50. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Presidency of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, the governments and parliaments of the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District, and the governments of the ten cantons.

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