

Accession of Bosnia and Herzegovina to the Council of Europe: Progress Review # 12, Nov 2, 2000

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Accession Requirement		Status			
		Un-Satisfied	Partially Satisfied	Satisfied	Legislation imposed by OHR
#3 Human Rights Institutions					
Commitment to adequate funding of the Human Rights Chamber, Ombudsperson and Commission for Displaced Persons and Refugees	BIH	X			
Full compliance with decisions of the Human Rights Chamber and recommendations of the Ombudsperson	BiH			X	
	Fed		X		
	RS		X		

Establishment of a working group with OHR and Council of Europe for restructuring human rights protection mechanisms in accordance with recommendations of the Venice Commission	Fed		X		
	RS		X		
Passage of legislation on the Ombudsmen recommended by the Venice Commission and guaranteeing their continuing independence	Fed		X		
Establishment of the Ombudsmen as a multi-ethnic institution	RS		X		
#4 Judicial System					

Adoption of the laws to establish independent selection procedures for judges and prosecutors and priority to adequate judicial salaries	Fed			X	X
	RS			X	
#5 Constitutional Court					
Commitment to adequate funding of the Constitutional Court in a manner which sustains its independence and implementation of its decisions	BiH	X			
#6 Compliance with the European Convention on Human Rights					
Adoption of Immigration and Asylum Law	BiH			X	

Adoption of Law on Associations and Foundations respecting independence of Non-Governmental Organisations	BiH		X		
	Fed		X		
	RS		X		
Establishment of groups to examine compatibility of legislation with ECHR, and regular consultation with OHR and CoE on legislative initiatives	Fed		X		
	RS		X		
Legislation on Conscientious Objection and Alternative Service	Fed	X			
	RS	X			
Revised Law on Internal Affairs	RS	X			
Revised Law on Citizenship	BiH			X	X ¹
	Fed	X			
	RS			X	
Adoption of the Criminal Code and Code of Criminal Procedure	RS		X		
#7 ICTY					
Full Cooperation with the ICTY	Fed	X			
	RS	X			

#9 Property Laws (Return of Refugees and Displaced Persons)					
Full co-operation and compliance with Annex 7 on Refugees and Displaced Persons of the Dayton Peace Agreement in the Implementation of the property laws	Fed	X			
	RS	X			
Revised laws to guarantee the right to return of individuals whose apartments have been permanently reallocated to another person	Fed			X	X
	RS			X	X
Revised Law on Housing Relations	Fed			X	X
	RS			X	X
Establishment of a mechanism to ensure access to and recognition of personal documents	Fed	X			
	RS	X			

Full implementation of the Decisions of the Human Rights Chamber concerning former Yugoslav National Army (JNA) apartments	Fed		X		
Establishment of an effective property claims process	RS		X		
#11 Education					
Substantial progress in the amendment of textbooks, including withdrawal of all offensive materials by beginning of 1999/2000 school year	Fed		X		
	RS	X			
Review of the education system in order to eradicate all aspects of ethnic segregation	Fed	X			
	RS	X			

<i>Total Human rights accession-related requirements</i>	40	15	15	10	6 ²
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1. As opposed to other imposed legislation, the State *Law on Citizenship* was subsequently adopted by both Chambers of the BiH Parliamentary Assembly.
2. Of nine satisfied CoE accession tasks requiring adoption of legislation (that excludes the task under Heading 3 the full compliance with decisions of the human rights chamber, Ombudsperson and Commission for Displaced persons and Refugees by the State authorities) only three – the BiH Law on Immigration and Asylum, the BiH Revised Law on Citizenship and The [RS] Laws to Establish Independent Selection Procedures for Judges and Prosecutors and Priority to Adequate Judicial Salaries – were adopted by relevant governmental bodies. The other five were imposed. Out of the six laws imposed, only one, the State Law on Citizenship, was subsequently passed by the BiH Parliamentary Assembly.

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OHR Human Rights/ Rule of Law Department