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Alternative Report on Bosnia and Herzegovina's Progress on Its Path to European Union Membership for the Period

August 2024 to
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of Bosnia and Herzegovina
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Inicijativa za monitoring
evropskih integracija BiH

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Inicijativa za monitoring
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List of Acronyms and Abbreviations

AFCOS Anti-Fraud Coordination Service

AMS Audit Management System

APIK Agency for the Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina

DEI Directorate for European Integration

EC European Commission

ECtHR European Court of Human Rights

EU European Union

Europol European Union Agency for Law Enforcement Cooperation

Frontex Frontex – European Border and Coast Guard Agency

GRECO Group of States against Corruption

HJPC High Judicial and Prosecutorial Council

HRM human resource management

HRMIS Human Resource Management Information system

IBM Integrated Border Management

IPA Instrument for Pre-accession Assistance

LGBTIQ lesbian, gay, bisexual, transgender, intersex, queer

NIPAC National IPA Coordinator

NPAA National Programme for the Adoption of the EU acquis

NPM National Preventive Mechanism

ODIHR Office for Democratic Institutions and Human Rights

OLAF European Anti-Fraud Office

OSA Intelligence-Security Agency of Bosnia and Herzegovina

PAR public administration reform

PI Integration Programme

PIFC public internal financial control

PPA Public Procurement Agency

PPP public-private partnership

PRB Procurement Review Body

RS Republika Srpska

RTV Public Broadcasting System

SAA Stabilisation and Association Agreement

SIPA State Investigation and Protection Agency

SLAPP strategic lawsuit against public participation

SOCTA Serious and Organised Crime Threat Assessment

UN United Nations

1. Introduction

Bosnia and Herzegovina's European integration process has been marked by prolonged stagnation despite occasional formal steps forward. Since the submission of the application for membership in 2016 and the granting of candidate status in 2022, the key Cluster 1 – Fundamentals¹ remains the area in which BiH demonstrates the least reform momentum. The European Commission's annual reports from 2016 to 2024 consistently repeat the same recommendations, highlighting political blockades, a fragmented institutional framework, and systemic corruption risks. The consequences are measurable – not only in terms of slowed reforms, but also through missed opportunities to use EU funds and a reduced capacity to absorb EU financial assistance, which directly affects the country's socio-economic development.

These problems have also been continuously highlighted by the alternative reports of the Initiative for Monitoring the European Integration of BiH, which for nearly a decade have served as an independent mirror of the process. These reports add dimensions that the European Commission often addresses only partially, such as the social and human consequences of stagnation: discrimination against minorities, delays in transitional justice processes, and the systemic absence of equal opportunity policies. Civil society analyses clearly underline that stagnation in European integration is not merely an administrative challenge, but a continuation of political and social divisions rooted in the post-war period.

Throughout 2024 and 2025, this impasse became even more visible and politically sensitive. On 21 March 2024, the European Council issued a political signal to open accession negotiations with Bosnia and Herzegovina, setting out clearly defined prerequisites that the state was expected to fulfil before the negotiating framework could become operational. However, by November 2025, the key steps remained unimplemented. A chief negotiator had not been appointed, nor had the negotiating structure been established, while the integration programme – the basic document outlining how BiH intends to align with the EU *acquis* – had not been adopted. Furthermore, the adoption of key judicial laws, such as the new Law on the HJPC and the Law on the Courts of BiH, remains outstanding. The European Commission's 2025 Report confirms the continuity of earlier criticism: in Cluster 1 there is no substantial progress, while individual reform actions remain isolated and lack systemic impact.

¹ Under the new EU enlargement methodology adopted in 2020, the negotiating chapters are grouped into six thematic clusters. Cluster 1 (Fundamentals) covers key areas such as the functioning of democratic institutions, the rule of law, public administration reform, the judiciary, and financial control. This cluster is the first to be opened and the last to be closed, meaning that progress within it determines the overall pace of the negotiation process.

1.1. Methodology

This report has been prepared using a multilayered analytical approach that brings together the institutional and societal perspectives on the European integration process in Bosnia and Herzegovina. The methodology rests on three complementary components:

- an analytical dimension, reflecting the perspective of the European Commission,
- a societal dimension, based on analysis and insights from civil society organisations; and
- a concluding assessment, which connects the findings of both dimensions and situates them within the broader framework of European values, accountability, and the public interest.

For years, the Initiative for Monitoring the European Integration of BiH has published alternative reports that have made it evident that many of the European Commission's recommendations are repeated year after year. Therefore, the objectives of the 2025 Alternative Report are twofold:

- to identify and assess the Commission's continuously repeated recommendations within Cluster 1, with a particular focus on Chapters 5, 23, 24, and 32, as well as on the functioning of democratic institutions and public administration reform;
- to analyse key processes from 2024/2025 (negotiating structure, integration programme, actions of domestic actors) and determine the obstacles preventing the start of accession negotiations.

The report integrates insights from the European Commission's official Bosnia and Herzegovina Progress Reports for the period 2016–2025, the alternative reports prepared by the Initiative for Monitoring the European Integration of BiH over the same period, and findings collected through consultative discussions with civil society organisations monitoring developments in the areas of the rule of law, public administration, fundamental rights, media, public finance, and the European integration process.

The report is written from two complementary perspectives – institutional and societal – to demonstrate that stagnation in Cluster 1 is not only a technical issue, but also a political and societal one. This approach allows the document to serve not merely as a retrospective analysis but also as a guide for action and for future systematic monitoring of reforms.

2. Analysis of European Commission Recommendations in Cluster 1 for the Period 2016–2025

For nearly a decade, Bosnia and Herzegovina has faced stagnation in Cluster 1 – from the functioning of democratic institutions and public administration reform to the judiciary, fundamental rights, justice, freedom, security, and financial control – with the European Commission's recommendations from 2016 to 2025 repeating almost unchanged, which indicates a lack of political will, institutional unaccountability, and widespread corruption. The Alternative Reports of the Initiative for Monitoring the European Integration of BiH, published over the same period, confirm these findings while offering a broader, more socially attuned perspective. They show that stagnation is not merely a technical matter of aligning with the EU acquis, but a reflection of deeper societal and political structures, ethnic divisions, impunity, and the absence of transitional justice – issues the Initiative has highlighted for years. The structure that follows therefore traces the European Commission's recommendations chronologically (2016–2025), examining how they have evolved and the actual level of implementation across the areas covered by Cluster 1 to provide a clear picture of where and why reforms have stalled, and how the repetition of the same recommendations has become a symptom of systemic deadlock.

2.1. Functioning of Democratic Institutions

The functioning of democratic institutions in BiH – elections, parliament, government, public administration, and the enabling environment for civil society – has for ten years been among the lowest-rated areas in the European Commission's reports. From 2016 to 2025, the Commission has repeatedly warned of the same structural weaknesses: an ethnically divided and fragmented system of governance, blockage mechanisms through ethnic vetoes, the politicisation of public administration, and dysfunctional coordination between levels of government. The resulting recommendations – reform of the electoral legislation in line with the judgments of the European Court of Human Rights (Sejdic-Finci and related cases) and the recommendations of the Venice Commission, GRECO and ODIHR; limiting the use of vetoes; depoliticising the civil service and police; and protecting the space for civil society – remain substantively unchanged. Their long-term repetition reflects not only technical shortcomings but deeply entrenched political patterns aimed at deliberately obstructing the reform process. Instead of substantive change, the authorities frequently fulfil form without substance, which the Commission describes as "limited progress", while the Initiative interprets this as a deliberate strategy to preserve the status quo.

Members of the Initiative describe this same period as a consequence of the ethnic model of governance and the absence of political accountability. They call for reform of the electoral system in line with ECtHR judgments and warn about manipulation of the electoral process (e.g. voting from abroad in 2018), misuse of social benefits and public resources during election campaigns, all of which directly undermine citizens' trust.² They further emphasise that the Constitution is not only ethnically discriminatory but also gender-discriminatory: it contains no explicit provision on gender equality or the prohibition of gender-based discrimination, is drafted exclusively in the masculine grammatical gender, and the catalogue of rights does not recognise key rights related to reproductive health, protection from violence, and labour rights. For this reason, one of the long-standing recommendations calls for the constitutional reform to also remove gender discrimination from the Constitution, with participation of civil society.

During the period 2020–2022, these problems became even more visible as a result of the pandemic and new political crises, while the Commission again stressed the need to strengthen parliamentary efficiency, limit the use of vetoes, and establish a functional coordination mechanism.

The European Commission continuously emphasises the importance of the Coordination Mechanism for the European Integration Process in BiH, which should enable harmonised decision-making across all levels of government. In practice, the mechanism remains dysfunctional and overly politicised: it often serves as an instrument of blockage and deadlock between different levels of government, including in areas that are not directly related to EU integration.³ It is therefore described as a complex and dysfunctional mechanism allowing multiple blockages,⁴ created as a compromise in which all levels of government were given a veto right regardless of efficiency.

In its 2025 Report, the Commission calls for simplifying procedures within the Council of Ministers of BiH, strengthening the operational role of the Directorate for European Integration, and adopting a unified state-level programme for the adoption of the EU acquis (NPAA/integration programme). Nine years after the decision of 2016, BiH still does not speak with one voice towards the EU, and decisions are politicised and blocked before even reaching Brussels.

The Initiative has been flagging these issues from the very beginning. Already in 2016, it noted that the Commission merely acknowledged the establishment of the Coordination Mechanism, although the procedure in the Council of Ministers was non-transparent and politically charged. Later reports highlighted that appointments, working dynamics, and decision-making remained non-transparent – a fact that became evident when responses to the European Commission's Questionnaire took 14 months, during which the Mechanism did not resolve political disputes but merely formalised them. By 2019, the Initiative concluded that the Mechanism was used practically only for responding to the Questionnaire, without genuine public involvement.

² Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, 2018 Alternative Analytical Report on the Application of Bosnia And Herzegovina for EU Membership: Political Criteria, available at: <https://eu-monitoring.ba/en/2018-alternative-analytical-report-on-the-application-of-bosnia-and-herzegovina-for-eu-membership-political-criteria/>

³ Ibid

⁴ Ibid., p. 15.

Key decisions on EU-related matters are made outside formal institutions, within narrow political formats. The core problem lies in the fact that all levels of government have been granted equal blocking powers, allowing any level – even one without actual competence – to halt the process.

When this is compared with the European Commission's 2025 Report, a complete correspondence becomes evident: the problem is systemic, embedded in the very structure of the mechanism that enables blockages and slows down BiH's integration path. The Commission now openly calls for correcting these mistakes – strengthening the DEI, adopting a single programme for the transposition of the EU acquis, and depoliticising the process – the things that the Initiative's members have been demanding for nearly a decade.

Since 2023, the crisis has taken on an explicit constitutional and security dimension. The adoption of the Law on the Non-Application of Decisions of the Constitutional Court of BiH in the Republika Srpska, together with a series of acts targeting civil society (the re-criminalisation of defamation, the draft "foreign agents" law, and the law on immunity), has been assessed by the Commission as a serious backsliding. The Initiative describes these acts as repressive measures aimed at shrinking pluralism and discrediting civil society organisations, activists, and journalists.⁵ Although the Strategy for Creating an Enabling Environment for Civil Society Development (2025–2029) and the accompanying Action Plan (2025–2026) were adopted, the public consultation process remains neither systematic nor transparent. The Initiative's members view the draft foreign agents law as a threat to freedom of association and expression, linking these developments to broader trends of genocide denial, glorification of war criminals, and the erosion of transitional justice mechanisms.⁶

Institutional dysfunction is particularly visible in the work of the Constitutional Court of BiH. The Commission calls for its full and depoliticised functioning, while the Initiative's members point to deeper problems: incomplete composition, politicised appointments, slow decision-making, and the fact that plenary sessions can be held only with the presence of international judges.⁷ This undermines trust in domestic legal protection and pushes citizens toward international human rights mechanisms instead.

In 2025, the European Commission further links the political crisis to "systematic attacks on the legal and constitutional order by the Republika Srpska entity"⁸ and calls on the entity to fully recognise and implement the decisions of the Constitutional Court of BiH and to fill the vacant judicial posts.⁹ The report notes the political capture of institutions and the lack of coordination, both of which directly affect the daily lives of citizens.

⁵ Alternative Report on Bosnia and Herzegovina's Progress on the European Union Membership Path for the period April 2023 – July 2024, p. 44, available at: <https://eu-monitoring.ba/site/wp-content/uploads/2024/10/Alen-ENG-web.pdf>

⁶ Ibid.

⁷ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

⁸ European Commission, Bosnia and Herzegovina 2025 Report, p. 21, available at: https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2025_en

⁹ Ibid., p. 4.

The Commission places particular emphasis on the gender dimension of political inequality.¹⁰ Legislation, including the Election Law, must be aligned with the Law on Gender Equality of BiH to increase the participation of women in public and political life. This comes after years of warnings by the Initiative's member organisations that the constitutional and electoral framework does not guarantee equal rights, and after the Commission only in 2024 explicitly incorporated gender inequality into the political criteria.

Overall, from 2016 to 2025 there has been no substantive progress in the functioning of democratic institutions. The Commission repeats the same recommendations (electoral and constitutional reform, limiting veto powers, depoliticising the public administration, establishing functional coordination, safeguarding the space for civil society), while civil society provides a more concrete – often sharper – account of abuses and the political maintenance of the status quo. The shared conclusion is that citizens are the primary losers, as a blocked and discriminatory system prevents equal access to rights, including political representation.

2.2. Public Administration Reform

Public administration reform in BiH displays over the past decade a pattern of slow and partial progress: formal alignment with European principles rarely translates into real changes in practice. European Commission reports from 2016 to 2025 consistently repeat the same diagnosis and recommendations: depoliticising human resources policy, professionalising the civil service, managerial accountability, and ensuring effective policy planning and coordination. However, the long-term failure to implement these recommendations does not stem from technical shortcomings, but from deliberate political control over the administration, which is treated as an instrument of loyalty rather than a public service. Early reports highlight a fragmented administrative system and the absence of a unified state-level strategy, while later assessments expand the focus to include harmonisation of civil service legislation and strengthening public financial management. Analyses by Initiative member organisations during the same period emphasise that depoliticisation is the backbone of all other reforms: ethnic quotas and political interference in recruitment undermine meritocratic principles and produce inefficient public services, particularly for vulnerable groups – issues the Commission acknowledges but less frequently frames in terms of social consequences.¹¹

Between 2019 and 2022, the Commission increasingly links stalled reforms to political obstruction and institutional inertia at the entity level, while the Priebe Report further connects governance weaknesses with the erosion of the rule of law. Although a formal step forward occurred in 2020 with the adoption of the 2018–2022 PAR Strategic Framework and related action plans, the reforms lack a political mechanism capable

¹⁰ Ibid., p. 22. None of the parliamentary parties is led by a woman; women make up only 22.7% of municipal councillors and 5.6% of mayors.

¹¹ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, BiH Alternative Report 2016: Political Criteria, available at: https://eu-monitoring.ba/site/wp-content/uploads/2016/07/HRP_alternativni-izvjestaj_ENG-web.pdf

of giving them operational strength and coherence. For this reason, the Commission repeatedly calls for: the establishment of a political steering body for the reform, the modernisation of civil service laws, and the introduction of a performance monitoring system. At the same time, the Initiative notes that institutional documents mask a persistent absence of political will to change entrenched patterns of loyalty and control, leaving the bureaucracy as an extension of political structures.¹²

According to the Commission's assessments, overall implementation of public administration measures remains very low (around 14% in 2023¹³ and 16% in 2024¹⁴). The Commission again calls for harmonisation of civil service legislation, consistent application of merit-based system, and functional HRM/HRMIS tools for performance tracking and detection of irregularities. The Initiative stresses that the problem does not lie in the lack of strategies, but in their implementation and alignment across government levels.¹⁵ Public administration reform remains trapped between government levels, lacking a unified strategic and budgetary framework and relying excessively on donors, which undermines its sustainability.¹⁶ It is further emphasised that the reform must incorporate a gender-sensitive and inclusive approach to recruitment, as existing models fail to take account of gender inequalities and unequal access to decision-making positions.¹⁷

A particular point of criticism concerns the insufficient use of HRMIS tools and the lack of publicly available data on civil servants' performance, which the Initiative's members see as further evidence of formalism.¹⁸ Without clear accountability mechanisms and performance monitoring, public administration reform creates only an illusion of progress, while decision-making and recruitment practices remain essentially unchanged.

The Commission's 2025 Report notes that Bosnia and Herzegovina remains between an early and a moderate level of preparedness, with limited progress and continued reliance on donor funding. This confirms the findings of the Initiative's members that the problem reflects a deeper governance crisis: institutions function only to the extent permitted by political elites, while citizens and professional civil servants remain hostages of a system in which loyalty overrides legality.¹⁹ According to the Initiative's members, the key to resolving this lies in redefining the very purpose of the administra-

¹² Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Comparative Overview of the BiH Country Report 2016 by the European Commission and Alternative Report for BiH 2016, available at: <https://eu-monitoring.ba/site/wp-content/uploads/2016/11/Komparativni-pregled-izvještaja-EK-i-APR-za-2016-ENG.pdf>

¹³ European Commission, Bosnia and Herzegovina 2023 Report, p. 20, available at: https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf

¹⁴ European Commission, Bosnia and Herzegovina 2024 Report, p. 25 (2.1.2 Public Administration Reform), available at: https://enlargement.ec.europa.eu/document/download/451db011-6779-40ea-b34b-aoeeda451746_en?filename=Bosnia%20and%20Herzegovina%20Report%202024.pdf

¹⁵ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Alternative Reports on Bosnia and Herzegovina's Application for European Union Membership 2021, 2022, and 2023–2024, chapters of public administration reform.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Potemkin's Candidacy – 2022 Alternative Report on Bosnia And Herzegovina Progress on the Road to the European Union Membership – Political Criteria, available at: https://eu-monitoring.ba/site/wp-content/uploads/2023/04/paper-67-ENG_Layout-1.pdf

¹⁹ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

tion: it must become a service to citizens, rather than a terrain for political bargaining. In this sense, the messages of the Commission and the Initiative converge: without genuine depoliticisation, professional human resources management, gender- and socially inclusive staffing policies, enforcement of court decisions, and operational coordination of EU integration, public administration reform remains declarative rather than transformative – a process that produces documents but not change.

2.3. Chapter 5 – Public Procurement

From 2016 to 2025, public procurement has remained one of the most consistently problematic areas of Bosnia and Herzegovina's EU integration process. Year after year, the European Commission reiterates the same recommendations: alignment of legislation with EU directives, strengthening the Public Procurement Agency and the Procurement Review Body, digitalisation of procedures, and regulation of concessions/public-private partnerships. At the same time, civil society organisations point to deeper structural causes of reform failure – above all systemic corruption and avoidance of oversight.

In earlier reports (2016–2018), the focus was on aligning the Public Procurement Law with EU directives, strengthening institutional capacities, and establishing e-procurement. Parallel to this, the alternative reports warned that the European Commission described the problems in mild terms, without identifying political responsibility, which allowed formal steps to be presented as substantive reforms.²⁰ The Initiative already at that time underscored that corruption, concessions, and public-private partnerships lying outside meaningful oversight were key sources of abuse.²¹

During the pandemic (2020–2022), these assessments were confirmed. The Commission noted "some progress" following the 2022 amendments to the Law, while the Initiative's members documented extensive misuse of negotiated procedures without prior publication and the use of the pandemic as justification for non-transparent procurement. Their message was that the legislative framework may exist, but practice is selective and corruption-prone.²² The pandemic further exposed the slow pace of digitalisation and delays, while the Initiative members highlighted that digitalisation remained a missed opportunity for transparency, given that critical stages (submission of tenders, tender opening, evaluation, contracting) remained outside a fully electronic system.²³ At the same time, reforms were taking place without a valid strategy – the previous strategy expired in 2020, and a new one was not adopted until 2024 – leaving legislative changes in a strategic vacuum.

²⁰ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Comparative Overview of the BiH Country Report 2016 by the European Commission and Alternative Report for BiH 2016, available at: <https://eu-monitoring.ba/site/wp-content/uploads/2016/11/Komparativni-pregled-izvještaja-EK-i-APR-za-2016-ENG.pdf>

²¹ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, 2018 Alternative Analytical Report on the Application of Bosnia And Herzegovina for EU Membership: Political Criteria, available at: https://eu-monitoring.ba/site/wp-content/uploads/2018/04/APR-ENG_2018_web-1.pdf

²² Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, 2019-2020 Alternative Report on the Application of Bosnia and Herzegovina for the European Union Membership: Political Criteria, chapter "Public Procurement in BiH – COVID-19 Pandemic", available at: https://eu-monitoring.ba/site/wp-content/uploads/2021/07/HRP_inicijativa_eng_web-1.pdf

²³ Ibid.

In the 2023–2024 period, a new line of concern emerged: an increasing number of public enterprises were purchasing goods and services outside the public procurement regime, while prosecutor's offices did not treat such cases as criminal offences. The Initiative's alternative reports assessed that the system was quietly reverting to pre-tendering practices – legislative amendments matter little if certain actors can bypass the rules with impunity.²⁴ Although the Public Procurement Portal has been upgraded, transparency remains selective: not all stages of the procedure are published, annual reports are incomplete, and tender documentation is accessible only to registered participants, limiting the scope for public scrutiny.²⁵ The Initiative also highlighted the example of the cantonal register and the "red flag" system in Sarajevo Canton as evidence that a transparent model is possible – but is not being institutionalised as a standard at the state level.²⁶

The appeals system remains a standing recommendation of the Commission: formally aligned, but marked by shortcomings in deadlines, scope, and the capacities of the Procurement Review Body. The amendments adopted by the Parliamentary Assembly of BiH in 2024 to improve the efficiency of legal remedies are recorded by the European Commission as progress; however, the increase in fees for appeal procedures – which the Initiative's members were among the first to warn about – discourages small tenderers and effectively closes the market. Legal protection becomes less accessible,²⁷ while the Procurement Review Body, faced with a high caseload, continues to pursue an inconsistent practice and decisions that often fail to address the substance of disputes.²⁸

Reports submitted by the Public Procurement Agency and by the Initiative's members most often conclude without indictments, as prosecutor's offices do not consider the avoidance of procurement procedures or manipulation within them to constitute criminal offences. The alternative reports describe this as "institutional tolerance", in which the system formally operates, but corruption is normalised.²⁹ The area of conces-

24 The Prosecutor's Office of the Tuzla Canton discontinued the investigation against the management of the Kreka Coal Mine, despite the fact that the managers had circumvented the requirement for an open tendering procedure for the rental of mining machinery, justifying their actions as being "in the interest of the service". Similarly, the Prosecutor's Office declined to conduct an investigation against the management of RiTE Gacko for avoiding open tendering procedures in contracts worth nearly BAM 30 million. Such decisions further undermine trust in the public procurement system, as they create the perception that violations of the law go unpunished. A concerning trend is also observed in the growing number of public enterprises that no longer conduct public procurement procedures at all, thereby further eroding the integrity of the procurement system and enabling preferential treatment of certain interests without public oversight. See: Alternative Report on Bosnia and Herzegovina's Progress on the European Union Membership Path for the period April 2023 – July 2024, p. 102, available at: <https://eu-monitoring.ba/site/wp-content/uploads/2024/10/Alen-ENG-web.pdf>

25 Alternative Report on Bosnia and Herzegovina's Progress on the European Union Membership Path for the period April 2023 – July 2024, available at: <https://eu-monitoring.ba/site/wp-content/uploads/2024/10/Alen-ENG-web.pdf>

26 2021 Alternative Report on Bosnia and Herzegovina's Progress on the Road to the European Union Membership: Political Criteria, available at: https://eu-monitoring.ba/site/wp-content/uploads/2022/05/ENG_FINAL_WEB.pdf

27 Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

28 2021 Alternative Report on Bosnia and Herzegovina's Progress on the Road to the European Union Membership: Political Criteria, available at: https://eu-monitoring.ba/site/wp-content/uploads/2022/05/ENG_FINAL_WEB.pdf

29 The 2023–2024 Alternative Report on BiH's Progress notes that the Public Procurement Agency and civil society organisations submitted multiple reports to prosecutor's offices regarding suspected illegalities and the avoidance of public procurement procedures. In most cases, the prosecutor's offices concluded that the elements of a criminal

sions/PPPs remains particularly problematic: since 2016, the European Commission has assessed the framework as fragmented and non-harmonised, while the Initiative's members warn that hundreds of contracts are concluded without public disclosure and without a central register, entirely outside the public procurement regime. Even the BiH Concessions Commission acknowledges the lack of political will to establish a centralised register of concession contracts, further undermining transparency.³⁰ For this reason, the Initiative calls for concessions to be brought under the same rules as public procurement – transparency, e-communication, conflict-of-interest requirements, and legal protection.

In its 2025 report, the European Commission stresses that public procurement remains a sector with a high corruption risk, weak oversight mechanisms, limited use of e-systems, and virtually no sanctioning of irregularities. Progress is predominantly administrative rather than structural, prompting the Commission to call for a shift from planning to genuine implementation.

The Initiative translates these findings into a clearer diagnosis: Bosnia and Herzegovina has reached the limit of formal reforms – without institutional willingness to implement legislation and prosecute abuses, no real progress is possible. A culture of impunity remains dominant, audit recommendations are ignored, and serious cases of tender-rigging are rarely prosecuted. Amendments to the law, such as increased appeal fees, also produce unintended effects – instead of strengthening competition, they further close the market. The Initiative emphasises that progress cannot be measured by the number of legislative amendments but by the system's resilience to abuse and the level of public oversight. They propose introducing the right of appeal also for actors representing the public interest (prosecutor's offices, attorneys general, nongovernmental organisations) to strengthen societal oversight and institutional accountability.

They particularly warn that the area of concessions remains non-transparent and outside institutional control: concession contracts are concluded without public disclosure and without clear criteria, and even the BiH Concessions Commission does not have the support needed to establish a central register. For all these reasons, progress in public procurement remains superficial. Substantive reform will only be possible once oversight bodies and prosecutor's offices demonstrate readiness to sanction abuses rather than merely follow formal legislative changes.

2.4. Chapter 23 – Judiciary and Fundamental Rights

The long-standing deadlock in justice sector reform in Bosnia and Herzegovina is not the result of a lack of recommendations or strategies, but of deeply entrenched political resistance to depoliticisation and strengthening the independence of institu-

offence were not present, resulting in the suspension of investigations. This practice confirms the existence of institutional tolerance toward abuses in public procurement, where the legal framework exists but is not applied, and corruption is normalised through the failure to prosecute evident irregularities.

³⁰ 2021 Alternative Report on Bosnia and Herzegovina's Progress on the Road to the European Union Membership: Political Criteria, available at: https://eu-monitoring.ba/site/wp-content/uploads/2022/05/ENG_FINAL_WEB.pdf

tions. Between 2016 and 2025, the European Commission has consistently reiterated the same requirements: HJPC reform, professionalisation of the judiciary, combating corruption, and safeguarding fundamental rights. However, these recommendations have had little tangible effect, as formal amendments are repeatedly used to simulate reform while the core centres of power within the judiciary remain unchanged.

Political influence over appointments, ethnic distribution of posts, weak disciplinary mechanisms, and the absence of sanctions constitute the backbone of the structural capture of the judiciary. The Initiative does not interpret these phenomena merely as technical weaknesses, but as symptoms of deliberate political control over the justice system, in which the High Judicial and Prosecutorial Council operates more as a political instrument than as a guarantor of independence. At the same time, the fundamental rights of citizens – including freedom of expression, the rights of women, LGBTIQ people, war victims, and persons with disabilities – remain unrealised precisely due to institutional passivity and lack of accountability.

In this context, the Commission's warnings about limited or no progress have become routine, while genuine change remains absent because authorities systematically avoid addressing the root causes – political control and impunity. The Initiative's alternative reports not only confirm the Commission's diagnosis but also deepen the understanding of its origins: a justice system that exists in form but does not function in the interest of citizens. Chapter 23 thus becomes a mirror of the wider institutional crisis, where all key principles converge – rule of law, political accountability, protection of the vulnerable, and equality before the law.

The **judiciary** in BiH has been in a state of permanent crisis since 2016, as reflected in the European Commission's recurring recommendations on HJPC reform and strengthening of judicial independence. Reports for 2016–2018 underline political influence, non-meritocratic appointments, delays in processing war crimes cases, and weak performance in combating corruption. The 2019 Priebe Report explicitly identifies the political capture of the judiciary and views the new HJPC law as the key to depoliticisation. That same year, the European Commission further highlights systemic deficiencies in efficiency, the weak protection of human rights, and the absence of results in more complex corruption cases.³¹ From 2020 to 2022, the Commission reiterates the same requirements – addressing delays in appointments, strengthening integrity, delivering concrete results in anti-corruption, and improving the protection of fundamental rights.³²

By 2023/2024, the tone becomes sharper due to backsliding in the Republika Srpska – the adoption of legislation that derogates the state-level judicial framework and the re-criminalisation of defamation. In addition to standard recommendations, the Commission emphasises the obligation to uphold the constitutional order. The Initiative links these developments not only to institutional backsliding but also to risks

³¹ Priebe et al., Expert Report on Rule of Law issues in Bosnia and Herzegovina, European Commission, 2019, p. 10–12, 21, available at: <https://www.eeas.europa.eu/sites/default/files/documents/2024/ExpertReportonRuleofLawissuesinBosniaandHerzegovina.pdf>

³² European Commission, Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions – 2019 Communication on EU Enlargement Policy, Brussels, 2019, p. 8–9.

for reconciliation, given the denial of genocide, failure to prosecute hate crimes, and selective prosecution of war crimes – which organisations have identified as key indicators of systemic deterioration of the rule of law.³³

In the 2025 Report, the Commission notes the absence of a new state-level judicial reform strategy or action plan, and that while the HJPC has its own plan, it lacks a monitoring system. The Commission also issues a specific warning regarding the attempt by the Republika Srpska in March 2025 to establish an entity-level judicial council and to prohibit the work of the state HJPC within the RS territory.³⁴ The Constitutional Court of BiH subsequently annulled this attempt, and the Commission stresses that compliance with this ruling is essential for judicial independence and the rule of law.

When it comes to **integrity**, the impartiality of judges and prosecutors remains a central problem. Since 2016, the Commission has linked the lack of integrity to widespread corruption. By 2025, political influence persists, disciplinary mechanisms remain weak, and transparency in appointments is limited. Codes of ethics and integrity plans exist on paper, but no violation has ever resulted in a serious sanction. Political and internal pressures continue, and mechanisms for reporting threats are inconsistent. The Commission warns that appointments are often based on ethnic affiliation and calls for the new Law on the HJPC to introduce annual competitions, performance-based promotion, and a reduced role of ethnic quotas. Although a system of random allocation of cases exists, the number of manual reallocations (64,000)³⁵ remains alarmingly high. The Commission also notes the establishment of a unit for verifying asset declarations, supported by EU experts, as the first concrete step toward operational integrity checks.

The Initiative has for years stressed that codes of ethics without independent oversight and external monitoring remain a dead letter.³⁶ The alternative reports generally confirm the Commission's findings but underline that the capture of the judiciary is deeper than what official documents reflect: delays in war crimes cases, the weak visibility of victims of torture and sexual violence, and the fact that transitional justice is treated more as a formal obligation than as actual access to justice for victims.³⁷

³³ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Alternative Report on Bosnia and Herzegovina's Progress on the European Union Membership Path for the period April 2023 – July 2024, Sarajevo, 2024, chapters on the rule of law and freedom of association; Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Potemkin's Candidacy – 2022 Alternative Report, chapter "Reconciliation, Transitional Justice and Memorialisation".

³⁴ European Commission, Bosnia and Herzegovina 2025 Report, available at: https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2025_en

³⁵ Ibid., p. 26.

³⁶ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, 2018 Alternative Analytical Report on the Application of Bosnia And Herzegovina for EU Membership: Political Criteria; and 2019 Alternative Report on the Application of Bosnia and Herzegovina for European Union Membership: Political Criteria. Available at: <https://eu-monitoring.ba/en/publications/>

³⁷ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Potemkin's Candidacy – 2022 Alternative Report on Bosnia And Herzegovina Progress on the Road to the European Union Membership – Political Criteria, Sarajevo, 2022, chapter "Transitional Justice and Reconciliation"; and Alternative Report on Bosnia and Herzegovina's Progress on the European Union Membership Path for the period April 2023 – July 2024, 2024, chapter "Rule of Law and Prosecution of War Crimes". Available at: <https://eu-monitoring.ba/en/publications/>

The Initiative continuously emphasises that judicial reforms are largely formal, without real political will or accountability. The High Judicial and Prosecutorial Council is seen by the Initiative's members as a central point of political control rather than a guarantor of independence. Instead of thorough and systemic integrity checks, authorities choose cosmetic changes that do not affect existing power networks. While the Commission positively assesses the adoption of legal amendments, civil society warns that formal alignment with standards does not automatically strengthen the rule of law: the HJPC has become more closed, its sessions less transparent, and public oversight limited.³⁸ In their view, progress can only be measured through concrete results: depoliticised appointments, transparent functioning of the HJPC, and effective accountability mechanisms.³⁹

The Initiative notes that asset verification for judges and prosecutors is selective and slow, met with resistance from within the judiciary, and without publicly available results. Therefore, it proposes that the EU more firmly link financial support to the judiciary with measurable indicators – the number and quality of integrity checks, the availability of asset data, and the number and outcomes of disciplinary proceedings.⁴⁰

The same applies to the fight against corruption. Since 2016, the Commission has consistently registered limited or no progress, while repeating the same recommendations. Strategies and laws are adopted, but results in high-level corruption cases are lacking.⁴¹ BiH still has no credible outcomes despite individual investigations against senior officials; indictments against former leaders of the OSA and the Court of BiH, and proceedings against former ministers and mayors are mentioned, but there are simultaneous warnings of systemic corruption and state capture. Prosecutor's offices are not initiating any major corruption cases, while Sarajevo is cited as a rare positive example due to the memorandum of cooperation between the prosecutor's office, the police, and the anti-corruption office.⁴² Additionally, it is emphasised that the RS police actively obstruct the execution of arrest warrants issued by state authorities, which is seen as an indicator of political control over the judiciary and security structures.

The Initiative interprets these findings even more sharply: in practice, limited progress means an absence of impact. Most high-level corruption cases are not prosecuted at all; those that reach the courts typically end in acquittals or symbolic sanctions.⁴³ Prosecutor's offices act selectively, mostly under international pressure or due to

³⁸ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ See the European Commission's BiH Reports: 2016 (section "Fight against corruption"); 2020 (rule of law chapter); and 2024 (section "Fight against corruption"). The 2024 Law on Conflict of Interest has not been implemented: the commission has issued no sanctions and has not adopted implementing legislation. The legal framework remains fragmented and not aligned with European standards; whistle-blower protection is absent at most levels; anti-corruption bodies are politically dependent and under-resourced; and APIK does not function as a central co-ordinating body. The 2024–2028 Anti-Corruption Strategy exists only at the state level, while the entities pursue their own policies (the Republika Srpska adopted its own strategy without consulting APIK). Cooperation between police and prosecutor's offices is weak, financial investigations and asset confiscation are rare, and since 2022 SIPA has not submitted a single report on high-level corruption.

⁴² European Commission, Bosnia and Herzegovina 2025 Report, p. 34.

⁴³ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

media visibility, while politically sensitive cases remain untouched.⁴⁴ For this reason, the Initiative's members propose that concrete indicators be built into the negotiating framework for Chapter – the number of indictments, final judgments, assets seized, and implementation of audit recommendations – and that the EU shift from a model of "technical alignment" to a results-based approach.⁴⁵ In their view, corruption is not a deviation but the modus operandi of those in power, and genuine reform is possible only through a comprehensive integrity check of the judiciary, depoliticisation of institutions, and robust external oversight by the EU.⁴⁶

In the area of transitional justice, the European Commission has continuously recorded slow progress in prosecuting war crimes, fragmented reparation mechanisms, and weak coordination. The adoption of the state-level strategy has not produced the expected results, so in its 2025 report the Commission calls for an extension of the strategy beyond 2025 and strengthened efforts toward actual implementation. It also notes limited and selective regional cooperation – progress with Serbia and Montenegro, but difficulties with Croatia due to divergent legal qualification of crimes and the prohibition on extraditing its own nationals.

The Initiative, however, warns that transitional justice has been reduced to a formality: the laws exist but are rarely enforced. The 2021 Law prohibiting the denial of genocide and glorification of war criminals is scarcely implemented – the prosecutor's office shows no initiative, and reports are dismissed.⁴⁷ In 2025, the Prosecutor's Office of Bosnia and Herzegovina issued 33 orders not to open an investigation under Article 145a of the BiH Criminal Code in cases concerning the denial, trivialisation, or justification of war crimes, crimes against humanity, and genocide, while it filed only a single indictment under the same article.⁴⁸ That indictment, concerning the glorification of the convicted war criminal Fikret Abdić, was dismissed by the Court of Bosnia and Herzegovina, which held that the "elements of the criminal offence" under Article 145a were not met.⁴⁹ Earlier, the Court of Bosnia and Herzegovina issued the first first-instance judgment under Article 145a, sentencing Vojin Pavlović to two years and six months' imprisonment.⁵⁰ According to the Srebrenica Memorial Centre's statistics, denial of the genocide in Srebrenica has been recorded 99 times – most often, 76 instances, through active denial, and 21 times through relativisation of genocide.⁵¹

⁴⁴ Ibid.

⁴⁵ Vidi: Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, 2023–2024 Alternative Report, Sarajevo, 2024; see also 2022 Alternative Report, "Chapter 23 – Judiciary and Fundamental Rights".

⁴⁶ See 2019–2020 Alternative Report, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo, 2020, p. 42.

⁴⁷ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

⁴⁸ Prosecutor's Office of Bosnia and Herzegovina. Prosecutorial Decisions 145a. <https://www.tuzilastvobih.gov.ba/?opcija=sadrzaj&kat=12&id=100&jezik=b>

⁴⁹ Detektor.ba. "Odbačena optužnica za veličanje Fikreta Abdića, osudenog za ratni zločin protiv civilnog stanovništva". Selma Melez. 22 September 2025. <https://detektor.ba/2025/09/22/odbacena-optuznica-za-velicanje-fikreta-abdica-osudjenog-za-ratni-zlocin-protiv-civilnog-stanovnistva/>

⁵⁰ Court of Bosnia and Herzegovina. "Otpremljena prvostepena presuda u predmetu Vojin Pavlović". 7 august 2025. <https://www.sudbih.gov.ba/Post/Read/Otpremljena%20prvostepena%20presuda%20u%20predmetu%20Vojin%20Pavlovi%C4%87>

⁵¹ Srebrenica Memorial Centre. Izvještaj o negiranju genocida 2025. https://srebrenicamemorial.org/assets/photos/editor/izvjestaj_o_negiranju_genocida_2%20-%20Copy%201.pdf

With the aim of memorialising victims of the 1992–1995 war in and around Stolac, an initiative was launched in October to establish a memorial centre at the site of the former Koštana Hospital in Stolac.⁵² In 1993, Koštana Hospital served as a detention camp for civilians,⁵³ where nearly 500 people were imprisoned and at least five were killed.⁵⁴ Local authorities, however, according to civil society organisations, further obstruct memorialisation processes by rejecting requests to mark sites of atrocities in Bratunac, Kalinovik and Stolac.⁵⁵ Such practices, they warn, disrespect victims and undermine reconciliation,⁵⁶ which the Initiative's member organisations see as a de facto normalisation of revisionism in public space,⁵⁷ especially due to its impact on the education system and public discourse. In this regard, the members of the Initiative consider that the European Union should more decisively insist on the enforcement of existing laws and the introduction of measurable indicators of progress in this area, including the number of prosecuted cases of genocide denial, the number of proceedings against public officials who glorify war crimes, and visible results in the marking of atrocity sites. Without such an approach, assessments of "limited progress" in the field of transitional justice lack any real foundation.

In the area of fundamental rights, particularly freedom of expression, the European Commission has since 2016 documented political and economic pressure on the media, SLAPPs, attacks on journalists, non-transparent ownership, and the financial instability of the public broadcasting system. The recommendations are repeated: strengthening the protection of journalists, ownership transparency, and independence of regulators. In 2023, the tone becomes sharper due to the re-criminalisation of defamation in the RS entity; the Commission calls for faster and more effective investigations into attacks on journalists, improved statistics, and sustainable financing of the public broadcaster. The Initiative warns that an atmosphere of fear and self-censorship is emerging and describes both the re-criminalisation of defamation and the draft "foreign agents" law in the RS as a serious blow to freedom of expression.

The Initiative notes that the number of defamation lawsuits against journalists has sharply increased,⁵⁸ while the EU and the Delegation, in their view, insufficiently respond in public. They call for the introduction of a specific criminal offence for attacks on journalists, alignment of the Law on Free Access to Information with international standards, and a much more proactive EU approach. Representatives of media organisations point out that the EU has on several occasions "rewarded" the adoption of

⁵² Tačno.net. "Stolac glasno kreće sa novom inicijativom, i pravnom borbom". 1 October 2025. <https://tacno.net/stolac-glasno-krece-sa-novom-inicijativom-i-pravnom-borbom/>

⁵³ JUDGMENT. Volume III. Prosecutor v. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Čorić, Berislav Pušić. 29. November 2017. <https://www.icty.org/x/cases/prlic/acjug/en/171129-judgement-vol-3.pdf>

⁵⁴ N1. Đenana Kaminić-Puce. "Obilježena godišnjica zločina u Koštanjoj bolnici: 'Neka Stolac bude opomena i nikad više logor'". 4 August 2025. <https://n1info.ba/vijesti/obiljezena-godisnjica-zlocina-u-kostanjoj-bolnici-neka-stolac-bude-opomena-i-nikad-vise-logor/>

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ See: Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, 2022 Alternative Report on BiH Progress on the Road to the European Union Membership.

⁵⁸ According to data from journalists' associations, approximately 200 criminal reports were filed in the Republika Srpska after the re-criminalisation of defamation, including several dozen against journalists and media outlets. However, only a very small number of cases have resulted in judicial outcomes, illustrating the gap between political intent and judicial practice.

substandard legislation (particularly the FOI Law), merely to record political progress, thereby sending a message that media freedoms may be suppressed for broader political goals. They also highlight instances where high-ranking EU officials visited the country without allowing journalists to ask questions, which further narrows the space for public scrutiny.⁵⁹

Regarding **hate speech and hate crimes**, the Commission notes that the legislative framework exists, but investigations and judgments remain rare. In 2025, hate speech continues to spread, particularly online, with a very weak institutional response. Dozens of incidents have been recorded (physical attacks, damage to religious sites, offensive graffiti, threats),⁶⁰ yet the reactions of the competent authorities remain sporadic. Social networks and online media are the main channels for the dissemination of ethnic, religious and political hostility; self-regulation is ineffective, reports are infrequent and mostly limited to the most extreme cases. The Commission warns that the authorities do not demonstrate zero tolerance towards threats against journalists, activists and LGBTIQ persons, while systemic weaknesses in the protection of minorities persist throughout the entire period. The number of SLAPPs is increasing, and the network of contact points for threats against journalists still has no measurable results.

The Initiative emphasises that hate crimes are almost invisible in practice – prosecutor's offices avoid recognising the hate motive, many prosecutors lack training to identify these motives, resulting in inadequate qualification and sanctioning. The Initiative's members call for systemic training of police and prosecutors, harmonisation of the list of protected characteristics across the country, and regular publication of statistics on prosecution.

Bosnia and Herzegovina continues to receive negative assessments due to the non-implementation of ECtHR judgments in the cases of Sejdic-Finci, Zornic, Pilav, Šlaku and Pudarić. The constitutional and electoral frameworks remain misaligned with the European Convention, and political consensus on reform is lacking. The Commission reiterates that **constitutional and electoral** reforms are preconditions for meeting the political criteria and the key priorities of the 2019 Opinion. In its alternative reports, the Initiative consistently argues that the failure to implement these ECtHR judgments is the most visible evidence that BiH remains an ethnocratic rather than a civic model, and that the Constitution is structurally discriminatory because it does not allow all citizens equal active and passive suffrage.⁶¹ It also criticises the European Commission for using overly neutral and diplomatic language in annual reports and for failing to name political actors who have been blocking constitutional and electoral reforms for years, even though it is clear that the blockages are political rather than technical in nature.⁶² The Initiative's members further stress that the issue of electoral reform is often used

⁵⁹ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 24 October 2025.

⁶⁰ Organization for Security and Co-operation in Europe. Hate Monitor. <https://www.osce.org/hatemonitorbih>

⁶¹ Faris Vehabović, Models for the Constitutional Reform and the Reform of Election Law in Line with the Decisions of the European Court of Human Rights, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo, 2022. Available at: https://eu-monitoring.ba/site/wp-content/uploads/2022/02/HRP_inicijativa_eng_web.pdf

⁶² Comparative Overview of the BiH Country Report 2016 by the European Commission and Alternative Report for BiH 2016, Sarajevo, 2016, p. 2–3, available at: <https://eu-monitoring.ba/site/wp-content/uploads/2016/11/Komparativni-pregled-izvještaja-EK-i-APR-za-2016-ENG.pdf>

to reinforce ethnonational positions – instead of implementing the Court's judgments, additional mechanisms for blocking and maintaining special collective rights are demanded, contrary to what the ECtHR held in Zornić and subsequent decisions.⁶³

The Initiative's members also offer concrete solutions: models that remove ethnic and territorial requirements for candidacy, introduce civic or proportional election of the Presidency members, and apply the principle of "one person – one vote".⁶⁴ In their view, compromise is possible only within the framework of the Convention, but not at the expense of citizens' equality.

In the area of **women's rights**, the Commission reiterates a familiar pattern: the normative framework is largely in place, but implementation is uneven. A positive development is the new FBiH Law on Protection from Domestic Violence and Violence Against Women (March 2025) and amendments to the Criminal Code aimed at alignment with the Istanbul Convention. At the same time, regression is occurring in the Republika Srpska, where the concept of "gender identity" has been removed from the criminal legislation, and the entity's Constitutional Court previously declared the term "gender" unconstitutional. Members of the Initiative warn that conservative and right-wing groups strongly influenced the wording of laws, downplayed the need for a clear definition of femicide, and neglected the protection of LGBTI persons.

The Initiative considers many reform steps to be largely declarative. Femicide is not recognised as a specific criminal offence throughout BiH, and fragmentation of legislation across entities leaves women without uniform protection. Institutions tend to react only after tragedies, while violence against women journalists and activists is rarely granted a gender dimension, and misogyny in the public sphere remains unpunished.⁶⁵ The Initiative calls for the urgent introduction of femicide into criminal legislation, proactive protection measures, and continuous training for all stakeholders in the system.

The **Ombudsman Institution** is seen by the Commission as a key but under-resourced mechanism. Amendments to the Law on the Ombudsman adopted in 2023, introducing the mandate of the national preventive mechanism against torture, are assessed positively, but they do not address the core problems – political influence, collective decision-making, and lack of resources. Members of the Initiative stress that the very structure of the institution (a three-member collective body appointed through political agreement) leads to paralysis, particularly in politically sensitive cases (attacks on journalists, human rights defenders, SLAPPs). They propose reforming the selection and decision-making model and strengthening the mandate, including the possibility for individual action by an Ombudsperson in sensitive cases to prevent political appointees from blocking institutional responses.

⁶³ Alternative Report on the Application of BiH for the EU Membership, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo, 2019, chapter "Political Criteria"; see also: Potemkin's Candidacy – 2022 Alternative Report on Bosnia And Herzegovina Progress on the Road to the European Union Membership – Political Criteria, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo, 2022.

⁶⁴ See footnote 61.

⁶⁵ Vidi: 2016–2024 Alternative Reports by the Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, chapters on media freedoms and attacks on journalists.

In the chapter on **the rights of persons with disabilities**, the European Commission offers a highly critical assessment: the legal and institutional framework is incomplete, oversight is weak, there is no unified definition of disability aligned with the UN Convention, social protection standards differ across entities and cantons, and institutionalisation – including of children – continues to prevail over community-based services. The Commission calls for alignment with the EU acquis on accessibility, development of supported decision-making, and rapid adoption and implementation of a deinstitutionalisation strategy. The lack of gender-disaggregated data further complicates planning.

The Initiative views this as an area with minimal political interest and urges the European Union to explicitly include deinstitutionalisation and accessibility among key indicators.⁶⁶ It emphasises that progress cannot be measured through strategies and action plans, since the number of users in institutions is not decreasing and funding for community-based services remains stagnant. It also highlights the gender dimension of disability and the multiple discrimination faced by women with disabilities, an aspect barely noted in the Commission's reports.

Overall, the review reveals a pattern of stagnation and regression in the field of the judiciary and fundamental rights, with only limited positive developments. BiH remains caught between formal alignment and substantive change: while the Commission records limited progress, civil society warns that without political will, transparency, and accountability, the reform process remains a simulation rather than a genuine transformation towards European standards.

2.5. Chapter 24 – Justice, Freedom and Security

Although the European Commission's reports from 2016 to 2025 cover a wide range of issues in the area of justice, freedom and security, from the fight against organised crime to migration management, the fundamental problems remain unchanged: the absence of political accountability, insufficient coordination and the instrumentalisation of the security sector. The Commission repeats almost identical recommendations year after year, from the coordination of police agencies and integrated border management to functional migration and asylum systems and a more effective fight against organised crime and terrorism, while formal advances in legislation and strategies do not translate into real changes on the ground. In this way, Chapter 24 becomes an example of a broader pattern of reforms that operate more at the level of form than substance.

In its reports, the Initiative does not question the need for alignment with EU standards but warns that the biggest obstacle to implementation is the politicisation of the sector without efficient civilian oversight, the selective application of regulations and the disregard for human rights, particularly in migration and asylum policy. From 2020 to 2022, while the Commission focuses on formal alignment and strategies, the member organisations of the Initiative show that the fundamental problems lie in implementation: in

⁶⁶ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

human trafficking, the number of child victims is increasing (forced begging, forced marriages), accommodation and follow-up care are inadequate, and very few people reach the merits of the asylum procedure due to poor profiling, a lack of translation and limited territorial accessibility.

As shown by the findings of both the European Commission and the Initiative, progress in this area cannot be measured by the number of strategies or laws, but by the degree of their implementation, the availability of protection, the quality of inter-institutional cooperation and the actual improvement of citizens' safety. Without addressing the deeper causes – political control, institutional fragmentation and formalism – the reform potential from Chapter 24 remains trapped between declarations and reality.

Despite individual steps forward in legislative alignment and technical cooperation with the EU (the Law on Border Control at the beginning of the year and the Frontex status agreement in June), the actual resilience of the justice, freedom and security system in BiH remains questionable. Key reform measures are often limited to the formal fulfilment of requirements from the European agenda, while the substantive obstacles – such as the selective application of laws, the politicisation of security structures and the lack of protection for the vulnerable – are not addressed systemically. The European Commission increasingly points to these shortcomings, but without actual mechanisms of political pressure and measurable implementation standards, its warnings remain declarative.

The Initiative's reports show that the problems do not lie only in technical implementation, but also in the political instrumentalisation of the security sector and the absence of real accountability. They continuously warn that there is no effective civilian oversight of security agencies,⁶⁷ which opens space for politicisation, selective investigations and undermines the professional integrity of the police. Such a situation undermines the foundations of reforms in the fight against organised crime and terrorism, because problems are addressed administratively rather than through political accountability.⁶⁸

The Initiative is particularly critical of migration policy, which the EC in its reports largely views through the lens of border management and technical cooperation with the EU, while humanitarian and human-rights protection aspects are overlooked. Organisations on the ground document limited access to asylum procedures, a lack of translation, police violence and push-backs, and warn that the Frontex agreement must be accompanied by independent oversight mechanisms, as similar arrangements in other countries have documented cases of push-backs and the use of excessive force.⁶⁹ Therefore, although the agreement is an important step on the EU path, they empha-

67 See: 2018 Alternative Report, Chapter: Civilian Oversight of Security Forces; 2019 Alternative Report, Chapter: Civilian Oversight of Security Services; 2022 Alternative Report, the section on political influences on law enforcement authorities.

68 See: Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Potemkin's Candidacy – 2022 Alternative Report on Bosnia And Herzegovina Progress on the Road to the European Union Membership – Political Criteria, Chapter "Justice, Freedom and Security" (the lack of political will and the shifting of accountability to the administrative level in the fight against organised crime).

69 Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for 2016 – 2025), 23 October 2025.

sise the need for transparent reporting on its implementation and the protection of the rights of people on the move.

The Initiative further identifies a structural gap between strategies and their implementation. Laws and action plans are often adopted to formally meet EU requirements, but without budgetary and human resources, without coordination, and without systematic monitoring of results. This pattern is described as a "reform simulation",⁷⁰ where progress is measured by the number of adopted documents, while actual effects barely change. Civil society thus provides a corrective perspective compared to the EC's approach, warning that progress based solely on adopting laws and strategies does not align with the reality on the ground.

2.6. Chapter 32 – Financial Control

The financial control system in BiH is fragmented and weak, and since 2016 the European Commission has been repeating the same recommendations on Public Internal Financial Control (PIFC). In the initial period, the focus was on adopting PIFC strategies and strengthening internal audit, but coordination remained weak. Central harmonisation units formally exist, and the FBiH adopted the Law on Financial Management and Control,⁷¹ yet there is neither a unified framework nor genuine managerial accountability.

Since 2019, the Priebe Report has linked poor financial management with corruption. Instead of new laws, the EC increasingly calls for implementation: detailed strategies, independent audit institutions, and better following of recommendations. Assessments remain at the "early stage" and "limited progress," with remarks that consolidated reports are delayed and internal controls are not integrated with the budget cycle. Member organisations of the Initiative continuously warn that weaknesses in the financial control system are not only due to a lack of capacity but also to political control and party influence over management structures, leaving managerial accountability formal and financial planning instrumentalised.⁷² Delegation and accountability are often politically "captured", public enterprises have minimal capacity for internal control, and the Brčko District of BiH still lacks a functional internal audit. Member organisations of the Initiative have for years pointed out that the Brčko District of BiH and public enterprises remain blind spots of the PIFC system – lacking capacity, standards, and an institutional culture of accountability.⁷³

⁷⁰ Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Alternative Report on Bosnia and Herzegovina's Progress on the European Union Membership Path for the period April 2023 – July 2024, chapter on the functioning of democratic institutions.

⁷¹ Official Gazette of the FBiH, 38/16.

⁷² See: Alternative Report on Political Criteria for BiH for 2023 – 2024, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo, p. 40 – 45.

⁷³ See: Alternative Report on Political Criteria for BiH, 2021, 2022, and 2023 – 2024, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo (see: 2021, p. 18 – 22; 2022, p. 46 – 50; 2023 – 2024, p. 44 – 47).

Pandemic-related procurement and the loss of IPA funds further exposed the absence of preventive controls and transparency. The Initiative described pandemic-related procurement as a "stress test"⁷⁴ that exposed the complete lack of preventive controls and transparency in the spending of public money, with direct consequences for donor trust and the loss of EU funds.

In 2022, the EC noted "a certain level of preparedness": legislation and methodologies were updated, a joint IT application for public internal financial control and regular consolidated reports were introduced. At the same time, it called for strengthening managerial accountability, the PFM framework and oversight of public enterprises. The member organisations of the Initiative warn that technical progress does not bring real change while external audit remains without effect and auditors' recommendations are ignored – audit findings rarely result in sanctions or political consequences.⁷⁵ As a result, the audit process loses its purpose and discourages any serious fight against irregularities.

In 2023 and 2024 the EC continues to record limited progress: strategies are formally implemented, online reporting and training are advancing, but public internal financial control is not genuinely embedded in public finance management; performance indicators and the oversight of fiscal risks in public enterprises are almost non-existent. The delegation of powers remains "captured" at the political top, and the BD BiH still has no internal audit. The EC calls for constitutionally strengthening the independence of audit institutions and for better implementation of their findings.

Members of the Initiative also warn about fragmented, non-standardised reporting on irregularities in the use of EU funds: the data are not public and IT records are inconsistent, leaving no room for systematic learning from mistakes or for genuine public oversight. Although the Ministry of Finance is the formal contact point for OLAF, there is no effective coordination mechanism nor a unified system for fraud prevention and the protection of the EU's financial interests.⁷⁶

Overall progress remains largely limited. Even when the EC notes "some progress" in technical elements (IT tools, consolidated reports, methodologies), the key messages remain unchanged: weak managerial accountability, partial integration of PIFC into PFM, insufficient practical independence of audit institutions and weak parliamentary oversight. The 2025 Report confirms that the system remains fragmented, that recommendations of internal and external audit are rarely implemented, that BiH still lacks a functional coordination system for the protection of the European Union's financial interests (AFCOS), and that the legal framework for the protection of the EU's financial interests and for standardised reporting on irregularities continues to lag behind the EU acquis.

⁷⁴ See: 2021 Alternative Report on Political Criteria for BiH, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo, p. 19 – 24.

⁷⁵ Alternative Report on Political Criteria for BiH for 2023 – 2024, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, Sarajevo, p. 35 – 41.

⁷⁶ Alternative Report on Bosnia and Herzegovina's Progress on the European Union Membership Path for the period April 2023 – July 2024, Initiative for Monitoring the EU Integration of Bosnia and Herzegovina, p. 38 – 52.

2.7. Trends and Long-Standing Repeated Recommendations

The long-standing repeated recommendations under Cluster 1 can be reduced to several closely linked reform lines which, despite different formulations, recur in every report from 2016 to 2025. Basically, it is a transition from formal alignment to actual implementation – from adopting laws and strategies to demonstrating results and political accountability. Instead of cumulative progress, a pattern is evident in which, after each new cycle of normative measures, key recommendations remain unfulfilled, while certain political actions undo previous advances. This is most visible in areas where the effects of reforms should be immediately apparent: depoliticisation of the administration, results in combating high-level corruption, functional coordination, and the elimination of constitutional and electoral discrimination. Instead of the progressive closure of these issues, regression is observed through the adoption of restrictive laws, the contesting of Constitutional Court decisions, and attempts to establish parallel institutional frameworks.

The member organisations of the Initiative deepen this picture further: while the EC records limited progress, alternative reports show how the long-term neglect of the same recommendations produces concrete social consequences – it normalises impunity, reinforces the ethnocratic model of governance and deepens citizens' distrust in institutions. While the EC maintains a tone of "limited progress" and "partial preparedness", the organisations name the actors and the consequences: they show how the capture of institutions, impunity for corruption, restrictive laws targeting the media and civil society, and the non-implementation of ECtHR judgments directly translate into unequal access to rights, insecurity and growing public distrust. This is why the member organisations of the Initiative insist that conditionality be tied to results, rather than to the number of adopted documents, and that the EU make more explicit use of the political weight of its recommendations.

The first block of recommendations concerns the foundations of the political system: the constitutional and electoral framework, the functioning of institutions and public administration. The European Commission consistently calls for the removal of constitutional and electoral discrimination in line with ECtHR judgments, the alignment of the electoral system with the European Convention and the Law on Gender Equality, the reduction of veto possibilities, the strengthening of the parliamentary role and the consistent respect of Constitutional Court decisions. Civil society reads these demands as a call to abandon the ethnocratic, deeply discriminatory model: it sees the Constitution as both ethnically and gender discriminatory, and the existing electoral system as a tool for reproducing the same political elite, accompanied by the misuse of public resources and the selective application of rules. The coordination mechanism and the Integration Programme in this context are not just technical tools, but a reflection of political will – the Initiative describes them as a complex and dysfunctional mechanism that enables multiple blockades and a formal facade behind which real decisions are made in narrow, non-transparent political formats. Public administration reform, which the European Commission views through the principles of depoliticisation and professionalisation, appears in civil society analyses as a key test: the administration remains

an extended arm of political parties, while citizens, especially vulnerable groups, continue to be users of inconsistent, politicised services.

The second set of recommendations concerns the judiciary, the fight against corruption and organised crime. For the EC, the focus is on reforming the HJPC, strengthening integrity, and achieving measurable results in high-level corruption cases; for years, the reports have repeated the need for transparent appointments, asset checks, effective disciplinary procedures, and a higher number of indictments, verdicts and confiscated assets. Civil society translates these requirements into the language of the system's structural capture: the HJPC is seen as a hub of political influence, ethnic quotas and closed networks of power, while anti-corruption policies are viewed as declarative.

According to the alternative reports, corruption is not an incident but a modus operandi – especially in public procurement, employment and the management of public enterprises. This is why organisations call for deeper interventions (vetting of the judiciary, linking EU support to results, clear indicators on the number and outcomes of investigations and verdicts), warning that the existing reform model has been exhausted and that "limited progress" in fact conceals the absence of substantive change. The same pattern is repeated in the area of organised crime: laws and strategies exist, but civil society points to selective implementation, weak civilian oversight of the security sector and the politicisation of police structures.

The third block covers the management of public resources – public procurement, concessions, public-private partnerships, and the system of financial control. The European Commission emphasises the need for full digitalisation of procurement, strengthening the Public Procurement Agency and the Procurement Review Body, accessible legal protection, and the inclusion of public enterprises under public procurement rules. Civil society provides very concrete evidence of a "parallel reality": pandemic-related procurements are described as a stress test that exposed the abuse of emergency procedures, circumvention of e-procurement, and the absence of preventive controls. They particularly warn of "grey zones" in concessions and public-private partnerships, where the lack of a central register and non-transparent contracts allows for the long-term privatisation of public assets without public oversight. The increase in appeal fees in procurement is seen as limiting access to justice for smaller tenderers and further closing the market. In the area of internal financial control and auditing, while the EC notes technical progress (IT tools, methodologies, consolidated reports), organisations point out that without real sanctions and political consequences for ignoring audit findings, the system remains formally regulated but practically ineffective. Their conclusion is that without public access to data on irregularities and a stronger coordination system to protect the European Union's financial interests, Bosnia and Herzegovina lacks the capacity to safeguard either its own or EU financial resources.

The fourth block covers fundamental rights, transitional justice and the broader democratic space. The EC insists on strengthening freedom of expression, protection of journalists, media ownership transparency, financial sustainability of public broadcasting system, and an enabling environment for civil society. Civil society demonstrates what the absence of these reforms means in practice: it records a rise in SLAPPs, physical attacks and online campaigns against journalists, the normalisation of hate speech and political pressures, while simultaneously assessing institutional

responses as slow and selective. Laws on “foreign agents”, the re-criminalisation of defamation, and the lack of systemic protection for human rights defenders are seen in analyses as attempts to narrow the space for criticism. In the area of hate crimes and hate speech, the gap between the formal framework and reality is particularly pronounced: although hate motives are recognised in the laws, organisations point out that prosecutors’ offices rarely recognise and qualify such offences, hate speech is almost never sanctioned, and the lack of reliable statistics conceals the scale of the problem. Regarding gender equality and gender-based violence, the EC reiterates that the legislative framework is mostly harmonised, while civil society emphasises that fragmented regulations, uneven implementation, the failure to recognise femicide, and insufficient funding of services mean that women do not, in practice, enjoy equal protection. In transitional justice, the gap is even more pronounced: while the EC speaks of “slow progress”, organisations document systematic impunity for genocide denial, obstruction of memorialisation, and selective regional cooperation, concluding that revisionism is being normalised and transmitted into the education system. The rights of persons with disabilities, minorities, and LGBTIQ persons appear in civil society reports as an area of minimal political interest, where norms are rarely translated into concrete services, accessibility, and real opportunities for equal participation.

The fifth block relates to Chapter 24 – Justice, Freedom and Security. The EC emphasises the importance of a functional migration and asylum system, integrated border management, and the fight against human trafficking, money laundering, and terrorism. Civil society complements this agenda with findings from the field: limited access to asylum procedures, push-back practices, lack of translation and support, as well as reports of police violence against people on the move. It particularly warns that the security sector remains highly politicised and insufficiently subject to civilian oversight, undermining the credibility of formal reforms in the fight against organised crime and terrorism. In this context, agreements with the EU (including arrangements with Frontex) represent a dual challenge in civil society analyses: on one hand, they are necessary for integration into EU security regimes, but on the other, they require much stronger and more transparent human rights protection mechanisms than currently exist.

Taken together, the European Commission reports and the analyses of the member organisations of the Initiative are not contradictory but operate on different levels: the Commission maps formal progress and reiterates key recommendations, while civil society illustrates what happens when those recommendations are not implemented for years. It is precisely at the overlap of these two perspectives that a clear analytical message emerges, revealing a consistent and concerning trend: the reform process in BiH functions as a permanent simulation of progress. This discrepancy between the formal dynamics of reforms and the actual state of affairs represents the most important trend in Cluster 1 during the observed period. A qualitative leap in Cluster 1 depends on whether the long-standing repeated recommendations – as set by the EC and concretised by civil society – are actually translated into measurable changes in practice that citizens can experience in the functioning of institutions, access to justice, and everyday safety.

3. Analysis of Key EU Integration Processes in BiH (2024 – 2025)

3.1. Overall Overview: Chronological Timeline of Events (January 2024 – September 2025)

The reporting period from January 2024 to September 2025 was marked by a clear gap between the strong political signal sent from Brussels and the limited readiness of domestic institutions to translate that signal into concrete steps. In March 2024, the European Council opened accession negotiations with Bosnia and Herzegovina, instructing the Commission to prepare the negotiating framework and stipulating that the Council would adopt this framework only once BiH fulfilled all relevant steps from the Commission's October 2022 recommendations. In doing so, the geopolitical "green light" was linked to a set of very precise domestic obligations, primarily in the areas of rule of law, institutional functionality, and strengthening coordination.

The fourteen key priorities from the Commission's 2019 Opinion have remained the overarching reference point and the clear normative strategic framework for Bosnia and Herzegovina. However, for the formal opening of negotiations, the Commission specified that eight preconditions needed to be addressed: adoption of the Law on the Courts of BiH, adoption of a new overarching Law on the HJPC, a functional coordination mechanism (including the Integration Programme and the appointment of the National IPA Coordinator), operational implementation of the conflict-of-interest regime, stable functionality of the Constitutional Court, and the appointment of the chief negotiator along with the establishment of the negotiating structure. Politically, reaching an agreement on constitutional and electoral reforms also remained a priority.

Thus, following the political encouragement, the focus shifted to the factual preconditions for the start of negotiations. The European Commission stressed that, without the adoption of the aforementioned laws, the formal opening of negotiations could not begin, while the member organisations of the Initiative pointed out that reform processes were being conducted outside the institutions, through narrow political agreements and parallel decision-making channels, often without the involvement of technical structures. The coordination mechanism, envisaged as an instrument of horizontal cooperation between levels of government, remained in practice constrained by rules that prevent it from functioning effectively.

By September 2025, Bosnia and Herzegovina had achieved certain normative progress, the success of which largely depends on the implementation of the adopted laws. However, it did not meet the key requirements that would "unlock" the formal opening of negotiations. In September 2023, amendments to the Law on the HJPC were adopted, strengthening the integrity of judicial office-holders. However, the amendments did not fully address the recommendations of the Venice Commission and the

EU, and implementation was delayed due to the late adoption of the budget.⁷⁷ The Law on the Prevention of Conflict of Interest (Official Gazette of BiH, 18/24) was adopted, but its implementation depends heavily on the adoption of implementing regulations. In February 2024, the Law on the Prevention of Money Laundering and Financing of Terrorism was adopted,⁷⁸ yet its implementation likewise depends on the adoption of a number of implementing regulations and the establishment of a coordination body. The migration and border-management framework was improved through the Law on Aliens (2023) and the adoption of the Law on Border Control,⁷⁹ while amendments to the Law on the Human Rights Ombudsman of Bosnia and Herzegovina (2023) established the national preventive mechanism against torture.

When examining individual processes, it is clear that formal progress has been accompanied by deep structural stagnation. The political significance of the "green light" given in March 2024 was undisputed, but negotiations had not begun by September 2025 because not all required conditions were met. Legislative efforts in the areas of the judiciary and coordination were identified as key preconditions. The new overarching Law on the HJPC, for which the BiH Council of Ministers adopted a draft in March 2025, was not adopted, nor was the Law on the Courts of BiH. In the area of freedom of expression and the media, no new legislative solution was adopted, while the priority concerning constitutional and electoral reforms remained at the level of political consultations, with no amendments adopted.

The lack of a formally established negotiating structure and the failure to appoint the chief negotiator further slowed progress and exposed the deep politicisation of the process. Instead of first defining the legal framework, competences, and accountability system, the debate opened with the names of potential candidates, with ethnic affiliation once again outweighing professional competence. As a result, the negotiation process entered a phase in which political will substitutes legal certainty, while the risk of appointing party-affiliated individuals to lead the negotiating structure created the possibility that political blockades could be directly transferred into the negotiating framework. Instead, the member organisations of the Initiative propose a model based on a non-partisan, technically competent person with experience in EU affairs – mirroring the earlier period of negotiations under the Stabilisation and Association Agreement, when the negotiator held a professional rather than a political mandate.⁸⁰

Between late 2023 and November 2025, Bosnia and Herzegovina's institutions took limited steps towards establishing a negotiating structure, a process that remained incomplete. Throughout 2024, political actors repeatedly emphasised the need to respect the coordination mechanism, which was operationalised through the Colle-

⁷⁷ The obligation to declare assets was limited to members of the same household, the scope of required information was reduced, subjective "risk assessments" were introduced to determine whose asset records would be reviewed, and sanctions remained weak. Implementation was not possible due to delays in adopting the 2024 budget and the failure to establish the relevant department, leading to interim solutions (acting appointments) to avoid a collapse of the quorum in 2025. Additional amendments allowed newly appointed office-holders to assume their duties before asset checks are completed, with subsequent verification and potential disciplinary measures – a solution that undermines the initial integrity objective.

⁷⁸ Official Gazette of BiH, 13/24.

⁷⁹ Official Gazette of BiH, 7/25.

⁸⁰ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH's Progress for the period 2016 – 2025), 30 October 2025.

gium for European Integration. This body instructed working groups to carry out technical work on the explanatory screening (review of DEI materials, identification of issues for the European Commission, internal consolidation, and submission to the Collegium Secretariat). At the same time, the Collegium “took note” of the need to establish the negotiating structure and tasked the Commission for European Integration with preparing a draft decision within 15 days. While the procedure was formally initiated, it produced no visible outcome. In the meantime, a preliminary political agreement was reached on the selection of the chief negotiator. However, the political crisis in BiH prevented a final agreement, exposing the fundamental politicisation of the process. Instead of clearly defining the legal basis and competences of the post, the discussion on potential candidates opened with their names, with ethnic affiliation placed ahead of professional expertise from the very beginning. Although in September 2025 the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina adopted the Decision on the Establishment of the Office and the Procedure for Appointing the Deputy Chief Negotiator of Bosnia and Herzegovina for conducting accession negotiations with the European Union, as well as a conclusion calling on parliamentary caucuses to submit their proposals for the Chief Negotiator and Deputy Chief Negotiators by 10 November, the BiH Council of Ministers did not discuss the Draft Decision on the Establishment of the Office of the Chief Negotiator with the European Union as a temporary body of the BiH Council of Ministers on the same day, despite it being on the agenda. This created legal and institutional confusion regarding competences and procedures.

Although the **Integration Programme** was not adopted by the end of the reporting period, the drafting process demonstrated a certain level of technical maturity as well as serious systemic shortcomings. The working groups within the coordination mechanism delivered an extensive set of data required for the preparation of the Integration Programme. However, the process remained non-transparent, given that access to draft versions was restricted, working group sessions were not open even to observers, and communication on key decisions relied on informal sources.⁸¹ Although the document was formally submitted to the European Commission, the public was never informed about its status, nor whether the Commission provided comments and to what extent those comments were taken into account. The Initiative emphasises that the Directorate for European Integration should have played a more proactive role – not only as a technical body, but as the authority responsible for professional and public communication about the process.⁸² According to the member organisations of the Initiative, the existing communication strategy has been reduced to promotional messages and does not provide the public with a real picture of obligations, deadlines, or priorities.⁸³

Another major challenge during this period was the drafting and harmonisation of the **Reform Agenda**. The process was formally launched at the end of November 2023, when the BiH Council of Ministers established a working team following the coordination-mechanism matrix, with unanimous decision-making on all issues but without a clearly defined mechanism for resolving disputes. The coordinating institution for

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

the working team was the Directorate for Economic Planning. The working team succeeded in harmonising 111 out of the 113 requested measures, with two remaining contentious: the appointment of judges and the validity of decisions of the Constitutional Court of BiH, and the implementation of competition policy, including alignment with the EU *acquis* and the removal of the entity veto in the State Aid Council and the Competition Council. In June 2025, however, the BiH Council of Ministers adopted a draft Reform Agenda that had not been harmonised across all levels of government and submitted it to the European Commission in that form. The Commission did not accept the non-harmonised draft, which resulted in the loss of pre-financing and the forfeiture of EUR 108.5 million from EU funds, which were redirected for use by other countries.

The BiH Council of Ministers finally adopted the Reform Agenda on 30 September 2025. The adopted agenda was submitted to the European Commission for approval. Once approved, BiH will become eligible to use funds under the Growth Plan, with the obligation to fully implement the agreed measures, including those that have remained unaddressed for years. Access to these funds will depend directly on the pace and quality of reform implementation, which from a communication aspect makes the European process more understandable to the wider public. The process of adopting the Reform Agenda demonstrated that political compromises in BiH are often the result of pressure rather than genuine consensus. Certain measures were modified beyond recognition in order to secure acceptance from all sides, while the most sensitive topics, particularly those concerning human rights, were postponed to the final year of the cycle. This created the appearance of fulfilling obligations while postponing genuine reforms.⁸⁴ Additionally, the drafting process was closed to the public: parliament had no insight, consultations were limited, and civil society and the media obtained information only through freedom-of-information requests. The adoption of the document itself was driven by political pressure and the need to avoid a complete deadlock, rather than by consensus on its substance. The rhetoric of political leaders, particularly at the entity level, further demonstrated the lack of genuine commitment to reforms – the view that the process should be used to “extract whatever is possible without major concessions”⁸⁵ clearly illustrates the perception of European integration as a foreign-policy rather than a socio-developmental process.⁸⁶

In conclusion, the period between January 2024 and September 2025 clearly shows that a political signal from the EU cannot compensate for the lack of operational readiness. Without the formal adoption of the Integration Programme, the establishment of the negotiating structure, and the adoption of key rule-of-law legislation, BiH remains in a kind of limbo in which political messages translate into anticipation.

The willingness of the authorities to involve civil society in EU integration processes is almost non-existent. Examples from practice show simulated consultations, disregard for proposals, and selective invitations extended only to “suitable” organisations.⁸⁷ Also, in the context of cooperation with the EU Delegation, preference is given to actors who are project-visible, while organisations providing direct legal and psychological support

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

to victims are overlooked. Member organisations of the Initiative warn that the EU, through its soft tone and focus on technical progress, unintentionally legitimises stagnation: they are consulted when data are needed, but insufficient investment is made in long-term protection mechanisms (legal aid, monitoring of attacks, crisis hotlines). They suggest that the EU Delegation should review its criteria for selecting partners and provide greater support to organisations that genuinely strengthen the protection of rights, rather than merely meet formal project requirements.⁸⁸

It is particularly illustrative in the case of the Advisory Body for Cooperation with Civil Society – a body envisaged as a bridge between the authorities and civil society organisations, but which has not been formed for years precisely because of political blockades and disagreements over “acceptable” representatives.⁸⁹

The member organisations of the Initiative point out that such behaviour is not accidental: it reflects a systemic tendency of the authorities to maintain complete control over the narrative of European integration, while the space for a critical voice continues to narrow. At the same time, the EU and international actors rarely react to such occurrences, which further normalises the exclusion of civil society from substantive dialogue.

Nevertheless, the Initiative views the plurality of its roles and approaches as an advantage: the benefits of membership are promoted, while at the same time maintaining the role of a corrective mechanism that monitors the quality of the EU accession process. The critical function of civil society is particularly important in monitoring the implementation of standards under Cluster 1, as previous practice has shown that Bosnia and Herzegovina often adopts laws formally, while implementation fails to follow.

Particularly concerning is the discrepancy between the content of the European Commission’s reports and the public statements of European officials. While the reports point to serious weaknesses in meeting obligations, public messages often highlight “positive developments”, “progress”, and “positive signals”, which confuses the public and relativises the problems.

In parallel, domestic institutions increasingly communicate exclusively through party channels and social media. Information on key documents, such as the Reform Agenda and the Integration Programme, is published via party leaders’ Twitter accounts instead of through institutional statements. In such circumstances, Parliament, the media, and civil society are left without timely and reliable information, which further undermines trust in the process.

The members of the Initiative therefore call for the return of debate to the institutions and the establishment of minimum standards of democratic accountability. The European integration process should be measured by the quality of procedures, not the number of laws adopted. Unless the negotiating structure is established on professional, stable, and transparent foundations, Bosnia and Herzegovina risks entering

⁸⁸ Interview with representatives of civil society organisations (online consultations held as part of the preparation of the Alternative Report on BiH’s Progress for the period 2016 – 2025), 23 October 2025.

⁸⁹ Ibid.

accession negotiations unprepared and without an internal consensus on its objectives. While the European Union insists on a "single voice" from Bosnia and Herzegovina, in reality this voice often comes from outside the institutions, through political agreements that are subsequently formalised. Such practice undermines the purpose of technical structures, demotivates professional staff, and distances the public from the European project.

The Reform Agenda and the Integration Programme are important instruments for Bosnia and Herzegovina's European path, but without political accountability, public transparency, and the inclusion of civil society – they remain only a bureaucratic framework rather than a real driver of change.

The Initiative therefore calls for the establishment of independent mechanisms to monitor the implementation of the Agenda, involving organisations capable of objectively assessing the fulfilment of obligations and publicly pointing to delays, deviations, or wrong priorities.⁹⁰ Such a monitoring mechanism is the only way to ensure the credibility of the entire process, as already envisaged in the legislation.

⁹⁰ Ibid.

Conclusion and Recommendations

At the core of this analysis lies a simple fact: Cluster 1 in Bosnia and Herzegovina has for nearly a decade been defined by a pattern of systematically repeated recommendations and limited progress in their implementation. More than half of the recommendations issued by the European Commission between 2016 and 2025 recur year after year, driven by political blockades, fragmented competences, and deeply rooted corruption risks. Even when the legal and institutional framework is improved, such progress rarely translates into verifiable and sustainable implementation. The judiciary, public administration reform, public procurement, and the financial control system best illustrate this paradox – normative progress without real impact.

In 2024 and 2025, this pattern also acquired its political reflection. The geopolitical “green light” granted by the European Council in March 2024 did not translate into the formal opening of negotiations precisely because the essential preconditions were not met: the overarching Law on the HJPC and the Law on the Courts of BiH were not adopted, the negotiating structure was not established, the chief negotiator was not appointed, and the Integration Programme was not finalised. This confirms what civil society has been warning about for years – that without functional coordination, transparent procedures and political accountability, reform processes remain merely declarative.

While it should be acknowledged that certain legal and strategic developments have been made, they cannot yet be regarded as substantial progress, as they still await their institutional logistics: full implementation, adoption of implementing regulations, establishment of operational registers, functioning of coordination and supervisory bodies, and complete digitalisation of public procurement procedures. Until these elements are fully operational in practice, the impact will remain limited.

Accountability, according to the constitutional arrangement, is both distributed and shared, but it is not anonymous. In other words, blockades can no longer be justified by the complexity of the system; they are clearly reflected in decisions that have not been made and in decisions that could be made immediately.

Recommendations

Independent assessments by civil society organisations confirm stagnation and regression in Cluster 1, as reforms in the areas of rule of law, governance, and human rights largely remain at a formal level. State capture continues to undermine institutions that should ensure integrity and accountability, while pressures on journalists, activists, and citizens are increasing through measures such as the re-criminalisation of defamation and the adoption of “foreign agent” legislation. Any compromise that weakens the oversight or legitimises rights violations cannot be considered progress towards

EU membership. The long-term trend, documented both by the European Commission and independent civil society monitoring, shows that Bosnia and Herzegovina has largely exhausted the space for "formal" progress without changing the way institutions actually function – a pattern clearly visible in Cluster 1, where most areas remain trapped in stagnation or are sliding into outright regression.

Institutional Reform and Coordination Mechanism

Reforms must advance simultaneously in three interdependent areas: the reform of the coordination mechanism for European integration, the establishment and appointment of the Office of the Chief Negotiator, and the adoption of the first National Programme for the Adoption of the EU Acquis (NPAA). These processes must proceed in parallel as a single reform package. The coordination mechanism should be redesigned to ensure efficiency and accountability. All levels of government must remain involved to ensure alignment, while the current system of unanimous decision-making must be replaced. No level of government should hold a veto in technical working groups, which should instead operate through stable, professional coordination and achieve consensus based on majority or expertise.

The Chief Negotiator should be appointed based on expertise and integrity, rather than ethnic or political affiliation, with a mandate independent of the term of any government and in accordance with the Constitution. The mandate, composition, and internal rules of the Office of the Chief Negotiator must be clearly defined by a legal act, with transparent appointment procedures and safeguards against day-to-day political interference, ensuring that negotiations are led by a professional structure rather than temporary political coalitions. Simplified procedures, clear deadlines, and a single plan binding on all levels of government are necessary to ensure that any future progress pertaining to the National Programme for the Adoption of the EU Acquis is credible and measurable.

The NPAA must not be treated solely as a technical document. It should be financially balanced, time-bound, linked to domestic budgets, the Reform Agenda, and the Growth Plan for the Western Balkans, with clearly assigned responsibilities and milestones that can be monitored by parliaments and civil society. Without such an operational NPAA, the formal opening of negotiations risks remaining disconnected from the real capacities of institutions to adopt and implement the *acquis*.

Meaningful Civil Society Participation and Oversight

Civil society participation must be a permanent and essential part of the European integration process. Its role in monitoring the implementation of the Reform Agenda and the negotiation process should be based on expertise rather than ethnic or political affiliation, with a shift from formal consultations to structured and continuous dialogue. Organisations should be involved in the design and monitoring of reforms according to their thematic expertise. Structures overseeing the implementation of the Reform Agenda must also ensure genuine participation of civil society, as required by existing regulations, while cooperation with EU Member States should become more systematic to enable proactive information exchange on BiH's European path.

To achieve this, existing mechanisms – such as advisory bodies for cooperation with civil society – must finally be established or made fully functional, with transparent membership criteria, regular public sessions, and an obligation for institutions to respond to civil society recommendations. Civil society organisations that provide direct legal assistance, monitor rights violations, and conduct independent analyses of Cluster 1 should be treated as strategic partners – which also implies predictable funding – rather than merely as occasional project consultants.

Long-term monitoring conducted by the Initiative should be formally recognised as a complementary oversight tool: EU institutions and national authorities should systematically use such independent assessments when evaluating progress, rather than relying solely on governments' own progress reports.

Implementation of Priorities in Cluster 1

The credibility of the EU path depends on depoliticisation, accountability, and tangible results. Judicial reform must ensure independence and transparency: the new Law on the High Judicial and Prosecutorial Council should introduce merit-based appointment procedures, integrity checks, and public access to data on disciplinary proceedings. The adoption of the Law on the Courts of BiH should further strengthen the competences and jurisdiction of state-level judicial institutions, rather than diminish them in favour of entity-level bodies.

Anti-corruption reforms must ensure full implementation of the laws on conflict of interest and whistleblower protection, the independent functioning of supervisory bodies, and the efficient prosecution of high-level corruption cases. The focus must shift from adopting legislation to achieving results – final court verdicts, confiscation of illicit assets, and rebuilding public trust. Measurable indicators – such as the number and quality of final verdicts in high-level corruption cases, the value of frozen and confiscated assets, and the degree of implementation of audit recommendations – should become the key indicators for assessing progress under Chapter 23.

Protection of fundamental rights requires stronger guarantees. Defamation should be decriminalised, restrictive laws on non-governmental organisations repealed, and the protection of journalists, returnees, activists, and vulnerable groups ensured. Bosnia and Herzegovina should adopt a comprehensive transitional justice framework that covers the prosecution of war crimes and genocide, inclusive memorialisation, justice and reparations for victims, as well as sanctions for the denial or glorification of genocide. Gender equality must be systematically embedded within institutions through the harmonisation of all legislation across all levels of government, particularly aligning the Election Law with the Law on Gender Equality, including binding quotas and enforcement mechanisms. This also implies that the persistent non-implementation of European Court of Human Rights judgments (such as Sejdic-Finci and related cases) and the absence of femicide as a distinct criminal offence should be treated as structural violations of fundamental rights, rather than as technical delays.

Public administration reform must ensure that public institutions are professional, citizen-oriented, and resilient to political influence. Recruitment and promotion should

be merit-based, supported by digital HRM systems for transparent evaluation, and sustained through domestic financing rather than relying on donors. Financial management, transparency, and integrity must be strengthened across all sectors. Public procurement should be fully digitalised, with publication of all contracts, open access to data, and efficient oversight of the Procurement Review Body. Oversight of concessions and public-private partnerships should be integrated into the public procurement system, while internal financial control mechanisms (PIFC) and AFCOS cooperation with OLAF must be operational at all levels of government.

In all these areas, the key progress lies in moving from “paper compliance” to verifiable practice: comprehensive e-procurement, a public register of concessions, functional internal audits in public enterprises, and an active AFCOS system that regularly detects and reports irregularities in the use of EU funds. Without these operational changes, Bosnia and Herzegovina will remain formally aligned with many EU standards while continuing to lose public resources and donor trust.

Conditionality, Partnerships, and Democratic Transformation

The European Union and its Member States can strengthen this process by consistently conditioning political recognition and financial support on measurable progress in the areas of governance, rule of law, and human rights. Regular and structured dialogue with civil society, both in Bosnia and Herzegovina and at the EU level, should help strengthen strategic communication and increase public understanding of the EU process. Greater transparency, proactive information disclosure, and meaningful citizen participation are essential to achieving this goal, as they build trust and increase democratic pressure for reform implementation. Bosnia and Herzegovina should also be included in EU mechanisms open to candidate countries, such as gaining the observer status at the EU Agency for Fundamental Rights, to strengthen the capacities of institutions and civil society, and to enable both officials and civil society organisations to contribute to EU policymaking prior to accession.

The European Union should more decisively adopt a results-based model: disbursements from IPA III and the Growth Plan should be clearly linked to verifiable outcomes in Cluster 1 – such as the implementation of anti-corruption strategies, protection of civil space, enforcement of ECtHR judgments, and operational independence of institutions in the judiciary – rather than merely the formal adoption of strategies and laws. At the same time, the EU must ensure that its public messaging aligns with its own reports: political encouragement should not obscure serious findings of regression, particularly regarding civil space, media freedom, and attacks on the constitutional order.

Bosnia and Herzegovina's European path must be measured by results that improve people's lives: independent institutions, transparent governance, and full protection of rights. As the country approaches a politically sensitive period, with snap elections in the Republika Srpska marked by legal uncertainty and doubts about their conduct, and general elections scheduled for the following year, civil society's concern is growing regarding the quality and timing of key reforms. The Initiative is particularly concerned

that insisting on the rapid adoption of the remaining two laws required to hold the first intergovernmental conference could jeopardise the quality of legislation and have long-term negative effects on the functioning and independence of the judiciary. The accelerated adoption of weak or politically compromised solutions for the sake of opening negotiations would reproduce the fundamental problem identified throughout this report: simulated progress that deepens, rather than dismantles, state capture.

Moving from declarations to implementation, from political control to public accountability, and from ethnic fragmentation to civic equality remains the only way for the European integration process to become a genuine democratic transformation. This requires that long-standing recommendations in Cluster 1 on the constitutional prohibition of discrimination, judicial system integrity, financial control, media freedom, and civil space, finally translate into tangible changes that citizens can see: equal rights, fair trials, responsible use of public funds, and real protection for those who raise their voices. Only under these conditions can European integration cease to be a symbolic project managed by political elites and become a social contract shared between institutions and citizens.

ABOUT THE AUTHOR

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Sanja Ramić is a lawyer and an expert in European integration and human rights, with twenty years of experience in the field of Bosnia and Herzegovina's European integration, including monitoring the accession process and aligning domestic legislation with international and European standards. She has cooperated with national institutions, international organisations, and civil society organisations in BiH and the region, and the EU on issues of the rule of law, human rights protection, and the transposition of the EU acquis. She is the author of many articles, studies, and analyses on Bosnia and Herzegovina's accession to the European Union and on alignment with international and European human rights standards. She holds a master's degree in European Studies from the Centre for Interdisciplinary Postgraduate Studies of the University of Sarajevo "Prof. Dr. Zdravko Grebo" and a master's degree in European and International Human Rights Law from Leiden University in the Netherlands. She currently advises United Nations organisations on matters related to the European integration process and is involved in initiatives aimed at analysing and developing policies related to Bosnia and Herzegovina's European integration.

ABOUT THE INITIATIVE

The Initiative for Monitoring the European Integration of Bosnia and Herzegovina is an informal coalition of civil society organisations that contributes to the monitoring of reforms and oversees the application of European Union policies, laws and standards, focusing on the issues of democratisation, the rule of law, and human and minority rights. Find out more about the Initiative at: <https://eu-monitoring.ba/o-inicijativi/>.

Members of the Initiative:

- Aarhus Centre in BiH, Sarajevo
- Association for Democratic Initiatives, Sarajevo
- Balkan Investigative Reporting Network in BiH, Sarajevo
- BH Journalists, Sarajevo
- Centre for Investigative Reporting, Sarajevo
- Cure Foundation, Sarajevo
- Foreign Policy Initiative BH, Sarajevo
- Helsinki Citizens' Assembly, Banja Luka
- Kali Sara Association, Sarajevo
- Land of Children, Tuzla
- MyRight – Empowers People with Disabilities, Sarajevo
- Network for Building Peace Association, Sarajevo
- Oštra nula, Banja Luka
- Pro Peace BiH, Sarajevo
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- Transparency International in BiH, Banja Luka/Sarajevo
- TRIAL International, Sarajevo
- Vaša prava BiH, Sarajevo
- Women's Association "Make a Difference", Sarajevo
- Youth Centre Kvart, Prijedor
- Youth Initiative for Human Rights in BiH, Sarajevo
- Zašto ne, Sarajevo

The initiative is coordinated by the Coordination Board composed of: Balkan Investigative Reporting Network in BiH, BH Journalists, Centre for Investigative Reporting, Sarajevo Open Centre, Transparency International in BiH, Vaša prava BiH, and Zašto ne

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