



XVI<sup>e</sup> Congrès de la Conférence des Cours constitutionnelles européennes  
XVI<sup>th</sup> Congress of the Conference of European Constitutional Courts  
XVI. Kongress der Konferenz der Europäischen Verfassungsgerichte  
XVI Конгресс Конференции европейских конституционных судов

**Synthèse / Summary / Kurzfassung / резюме**

**BOSNIE-HERZÉGOVINE / BOSNIA AND HERZEGOVINA /  
BOSNIEN UND HERZEGOWINA / БОСНИЈА И ГЕРЦЕГОВИНА**

**The Constitutional Court of Bosnia and Herzegovina  
Ustavni Sud Bosne i Hercegovine**

**Anglais / English / Englisch / английский**

## **Summary of the Report for the XVI<sup>th</sup> Congress of the Conference of European Constitutional Courts in 2014**

Having regard to the fact that Bosnia and Herzegovina does not have status of the member of the European Union it was not possible to respond to a number of questions from the questionnaire prepared for the XVI<sup>th</sup> Congress of the Conference of European Constitutional Courts in 2014.

On the relation between the Constitutional law and the European law it may be spoken within the context of the application of the international sources of law in the case of Bosnia and Herzegovina. Primarily, it concerns the field of fundamental rights safeguarded by the European Convention on the Protection of Human Rights and Fundamental Freedoms (“the European Convention”). The European Convention together with its Protocols nos. 1, 4, 6, 11, 12 and 13 became an integral part of the legal system of Bosnia and Herzegovina and it has the priority over all other law through the constitutional norm contained in Article II(2) of the Constitution of Bosnia and Herzegovina. For Bosnia and Herzegovina, as well as for all other States, Contracting Parties to the European Convention, it represents the common minimum standard of rights and freedoms of an individual in its legal system. Additionally, the Constitution of Bosnia and Herzegovina provides for the enjoyment of rights and freedoms contained in the international treaties listed in Annex I to the Constitution of Bosnia and Herzegovina.

The jurisprudence of the Constitutional Court of Bosnia and Herzegovina is largely motivated by the case-law of the European Court of Human Rights. Reference to the jurisprudence of the European Court of Human Rights in the decisions of the Constitutional Court of Bosnia and Herzegovina is common and it might be stated that it is represented in every decision of the Court relating to its appellate jurisdiction. There are not so many examples of the case-law of the European Courts of Justice yet. However, it is of importance to note that the Constitutional Court of Bosnia and Herzegovina explores different sources of jurisprudence when deciding the cases from its jurisdiction and the case-law of these Courts will certainly be represented where appropriate.

In the practice of the Constitutional Court of Bosnia and Herzegovina since there are no examples in which it referred to the jurisprudence of other constitutional courts but powerful bilateral and multilateral cooperation which enables the exchange of experiences with other constitutional courts exists. The Constitutional Court of Bosnia and Herzegovina

actively participates in the work of round tables and multilateral events relating to the constitutional law and jurisprudence.

In view of the fact that Bosnia and Herzegovina does not have status of the member of the European Union, it is hard to speak about the harmonization of the jurisprudence of the Constitutional Court of Bosnia and Herzegovina with the jurisprudence of the European courts of justice and on the impact of the case-law thereof to the jurisprudence of the national courts and vice versa. However, the sincere hope exists that Bosnia and Herzegovina will take a path which would allow us some time in future to say a lot on this topic.