



Operative provisions in the Grand Chamber case Kovačević v. Bosnia and Herzegovina

Today, at a public hearing held in the Human Rights Building, Strasbourg, the European Court of Human Rights delivered the operative provisions (conclusions) of its judgment in the case of **Kovačević v. Bosnia and Herzegovina** (application no. 43651/22).

The case concerned the applicant's allegation that the requirements applicable to elections for the House of Peoples of the Parliamentary Assembly and for the Presidency of Bosnia and Herzegovina are discriminatory against him and prevented him from voting for candidates of his choice in those elections in 2022.

The Court upheld the Government's objection to the admissibility of the application on the grounds that the applicant had abused the right of application within the meaning of Article 35 § 3 (a) of the European Convention on Human Rights, and that he lacked victim status under Article 14 of the Convention, in conjunction with Article 3 of Protocol No. 1 to the Convention, and Article 1 of Protocol No. 12.

The complete text of the Grand Chamber's judgment will be published at a later stage. The parties and the public will be informed of the date of publication in due course.

The delivery was also broadcast live on the European Court's YouTube channel. The recording of the delivery will be available from 26 June 2025 on the Court's internet site (<http://www.echr.coe.int>).

Principal facts

The applicant, Slaven Kovačević, is a national of Bosnia and Herzegovina and Croatia, who was born in 1972. He is a political scientist and adviser to a member of the Presidency of Bosnia and Herzegovina.

The Bosnian Constitution has its origins in the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Agreement) signed at the end of the 1992-1995 war. Since then, Bosnia and Herzegovina has been composed of two Entities – the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska – plus the Brčko District which belongs to both. Mr Kovačević lives in Sarajevo which is situated in the Federation.

The Constitution makes a distinction between different categories of the population: the so-called “constituent peoples” (Bosniacs, Croats and Serbs) and “Others and citizens of Bosnia and Herzegovina” (members of ethnic minorities and those who do not declare affiliation with any particular ethnic group). No objective criteria such as language or religion are required to determine one's ethnicity; people decide for themselves.

The Constitution sets out power-sharing arrangements between the “constituent peoples”. For instance, the second chamber of the State Parliament, the House of Peoples, is composed of five Bosniacs and five Croats from the Federation and five Serbs from the Republika Srpska. The Presidency comprises three members: one Bosniac and one Croat from the Federation and one Serb from the Republika Srpska.

Only persons declaring affiliation with one of the three “constituent peoples” are thus entitled to run for the House of Peoples and the Presidency. Moreover, only the voters residing in the Republika Srpska may participate in the selection or election of Serb members of the House of Peoples (indirectly) and the Presidency (through direct elections), whereas only the voters residing in the

Federation may participate in the selection or election of Bosniac and Croat members of those State bodies (indirectly in respect of the members of the House of Peoples, and directly for the Presidency). In contrast, no ethnic requirements apply in elections to the House of Representatives (the first chamber of the State Parliament).

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 30 August 2022.

Relying on Article 14 (prohibition of discrimination) of the European Convention on Human Rights taken in conjunction with Article 3 of Protocol No. 1 (right to free elections) and on Article 1 of Protocol No. 12 (general prohibition of discrimination), Mr Kovačević complained that he was discriminated against because of the territorial and ethnic requirements applicable to elections for the House of Peoples of the Parliamentary Assembly and the Presidency of Bosnia and Herzegovina, which prevented him from voting for the candidates of his choice in the latest legislative and presidential elections of October 2022. He also raised other complaints under Article 3 of Protocol No. 1 taken alone and/or in conjunction with Article 14, and under Articles 13 (right to an effective remedy) and 17 (prohibition of abuse of rights).

In its [judgment](#) of 29 August 2023, the Court held, by a majority of 6 votes to 1, that there had been violations of Article 1 of Protocol No. 12 (general prohibition of discrimination) of the European Convention in respect of Mr Kovačević's not being genuinely represented in the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina and the Presidency of Bosnia and Herzegovina. The Court also held, by a majority of 6 votes to 1, that there was no need to examine either the admissibility or the merits of the applicant's complaint about the composition of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina under Article 14 of the Convention taken in conjunction with Article 3 of Protocol No. 1. The remainder of the applicant's complaints were declared inadmissible, unanimously.

On 14 December 2023 the case was referred to the Grand Chamber at the request of the Government of Bosnia and Herzegovina.

The Government of Croatia and the High Representative for Bosnia and Herzegovina were granted leave to intervene in the written and oral proceedings as third parties in conformity with, respectively, Article 36 § 1 of the Convention and Rule 44 § 1 of the [Rules of Court](#) and Article 36 § 2 of the Convention and Rule 44 § 3 of the Rules of Court.

A public [hearing](#) in the case was held on 20 November 2024.

Judgment was given by the Grand Chamber of 17 judges, composed as follows:

Mattias Guyomar (France), *President*,
Arnfinn Bårdsen (Norway),
Ivana Jelić (Montenegro),
Lado Chanturia (Georgia),
Ioannis Ktistakis (Greece),
Faris Vehabović (Bosnia and Herzegovina),
Stéphanie Mourou-Vikström (Monaco),
Alena Poláčková (Slovakia),
Gilberto Felici (San Marino),
Darian Pavli (Albania),
Erik Wennerström (Sweden),
Saadet Yüksel (Türkiye),
Lorraine Schembri Orland (Malta),
Anja Seibert-Fohr (Germany),

Peeter Roosma (Estonia),
Davor Derenčinović (Croatia),
Mykola Gnatovskyy (Ukraine),

and also Marialena Tsirli, *Registrar*.

Decision of the Court

Having deliberated in private on 20 November 2024 and 25 June 2025, the Court decided as follows:

“The Court

1. *Holds*, by 16 votes to 1, that the applicant’s complaints under Article 3 of Protocol No. 1 to the Convention, taken alone and/or in conjunction with Article 14 of the Convention, regarding the indirect nature of the elections to the House of Peoples of Bosnia and Herzegovina and the amendment of certain electoral rules on the day of the general elections of 2 October 2022 fall outside the scope of the case as submitted to the Grand Chamber;

2. *Upholds*, by 16 votes to 1, the Government’s objection to the admissibility of the application on the following grounds:

(a) by 16 votes to 1, that the applicant has abused the right of application within the meaning of Article 35 § 3 (a) of the Convention;

(b) by 12 votes to 5, that the applicant lacks victim status under Article 14 of the Convention, in conjunction with Article 3 of Protocol No. 1 to the Convention, and Article 1 of Protocol No. 12.

3. *Holds*, unanimously, that it is not necessary to examine the remaining inadmissibility grounds relied upon by the Government.”

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

We are happy to receive journalists’ enquiries via either email or telephone.

Jane Swift (tel: + 33 3 88 41 29 04)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Neil Connolly (tel: + 33 3 90 21 48 05)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.