

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 34891/21
Zlatan BEGIĆ
against Bosnia and Herzegovina

The European Court of Human Rights (Fourth Section), sitting on 27 January 2026 as a Chamber composed of:

Lado Chanturia*, President*,
Jolien Schukking,
Lorraine Schembri Orland,
Anja Seibert-Fohr,
Ana Maria Guerra Martins,
Anne Louise Bormann, ad hoc *judge*,
Sebastian Răduleţu*, judges*,

and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to the above application lodged on 16 June 2021,

Having regard to the observations submitted by parties,

Considering that Mr Faris Vehabović, the judge elected in respect of Bosnia and Herzegovina, was unable to sit in the case (Rule 28 of the Rules of Court) and that the President of the Chamber decided to appoint Ms Anne Louise Bormann to sit as an *ad hoc* judge (Rule 29),

Having deliberated, decides as follows:

INTRODUCTION

1. The present case concerns the compatibility of the constitutional and electoral system of Bosnia and Herzegovina with the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). In that regard, the applicant invoked Articles 10 and 14 of the Convention, Article 3 of Protocol No. 1 and Article 1 of Protocol No. 12 to the Convention.

THE FACTS

2. The applicant, Mr Zlatan Begić, is a citizen of Bosnia and Herzegovina, who was born in 1975 and lives in Tuzla. He was represented before the Court by Ms S. Razić, a lawyer practising in Tuzla.

3. The Government of Bosnia and Herzegovina ("the Government") were represented by their then acting Agent, Ms H. Bačvić.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

5. The applicant is a high-ranking official of the Democratic Front and a member of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina. He does not declare affiliation with any "constituent people" (persons who declare affiliation with Bosniacs, Croats and Serbs) and thus belongs to the constitutional category of "Others" (for more information about those categories, see *Sejdić and Finci v. Bosnia and Herzegovina* [GC], nos. 27996/06 and 34836/06, § 11, ECHR 2009).

RELEVANT LEGAL FRAMEWORK

6. The Constitution of Bosnia and Herzegovina (hereinafter referred to as "the Constitution") is an annex to the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina ("the Dayton Agreement"), initialled at Dayton on 21 November 1995 and signed in Paris on 14 December 1995. The Constitution confirmed the continuation of the legal existence of Bosnia and Herzegovina as a State, while modifying its internal structure. In accordance with the Constitution, Bosnia and Herzegovina consists of two Entities (the Federation of Bosnia and Herzegovina and the Republika Srpska) and the Brčko District in the joint ownership (condominium) of the two Entities.

7. The Constitution introduced a number of power-sharing arrangements at the State level, making it impossible to adopt decisions against the will of the representatives of any "constituent people", including a vital interest veto, an Entity veto, a bicameral system, as well as a collective Presidency.

8. Pursuant to Article IV of the Constitution, the Parliamentary Assembly has two chambers: the House of Peoples and the House of Representatives. The House of Peoples comprises 15 delegates, two-thirds from the Federation (including 5 Croats and 5 Bosniacs) and one-third from the Republika Srpska (5 Serbs). The designated Croat and Bosniac delegates from the Federation are selected, respectively, by the Croat and Bosniac delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska are selected by the National Assembly of the Republika Srpska. The House of Representatives comprises 42 Members, two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska. Members of the House of Representatives are directly elected from their Entity. All legislation requires the approval of both chambers.

9. Article IV § 3 (d) of the Constitution, introducing an Entity veto, reads as follows:

> "All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity."

COMPLAINTS

10. The applicant complained under Articles 10 and 14 of the Convention, and Article 3 of Protocol No. 1 and Article 1 of Protocol No. 12 to the Convention that, as a result of different power-sharing arrangements (notably, the Entity veto), the legislative process could be blocked by a minority of members of parliament. In his view, that was discriminatory and incompatible with the concept of "effective political democracy" to which the Preamble to the Convention referred.

THE LAW

A. The parties' submissions

11. The Government contended that the applicant could not be considered to have victim status in relation to his complaints under Articles 10 and 14 of the Convention or under Article 3 of Protocol No. 1 and Article 1 of Protocol No. 12 to the Convention. Nor were those provisions applicable *ratione materiae* to the applicant's abstract arguments which did not fall within their scope.

12. The applicant disagreed. He asserted that his vote as a member of the House of Representatives carried disproportionately less weight than the vote of a delegate to the House of Peoples, although the latter category was not directly elected. That was because all legislation required the approval of both chambers and the number of delegates to the House of Peoples was lower than the number of members of the House of Representatives. Furthermore, as a result of the Entity veto, the members of the House of Representatives and/or the delegates to the House of Peoples from the Republika Srpska had the power to block the passing of bills even if such bills had the support of a majority of members of parliament. That was owing to the fact that the number of members of the House of Representatives and delegates to the House of Peoples from the Federation of Bosnia and Herzegovina, such as the applicant, was significantly higher than the number of members of the

House of Representatives and delegates to the House of Peoples from the Republika Srpska. For example, he submitted that several important pieces of legislation (such as legislation concerning the COVID-19 pandemic and denial of war crimes, crimes against humanity and genocide) could not be adopted as a result of the arrangements in issue.

B. The Court's assessment

13. The Court notes that while the Government's objections concern two distinct admissibility issues, they are closely connected in the specific context of the present case. It considers that those objections essentially converge on the same underlying assertion that the applicant's complaints constitute an abstract challenge to the constitutional and electoral system of an *actio popularis* nature, which does not – in the present case – concern the protection of any individual rights under the Convention or the Protocols thereto (see paragraph 12 above). That being so, the Court considers that this discussion pertains primarily to the question of "victim status" under Article 34 of the Convention – which seeks, *inter alia*, to exclude from the Convention system applications which constitute an *actio popularis* entailing an abstract challenge to the domestic legislation – and will therefore examine the Government's objections mainly from that perspective. The material scope of the rights in question (that is, Articles 10 and 14 of the Convention and Article 3 of Protocol No. 1 and Article 1 of Protocol No. 12 to the Convention) will nevertheless inform, where relevant, its determination as to whether the applicant indeed sought protection of his individual rights under the Convention or the Protocols thereto in his capacity as a "victim" (within the meaning of Article 34), as opposed to advancing general criticism of the electoral legislation.

14. In accordance with the well-established case-law of the Court, in order to claim to be the "victim" of a violation of the rights set forth in the Convention or the Protocols thereto, a person, non-governmental organisation or group of individuals must be "directly affected" by the disputed measure. The Convention does not, therefore, provide for the bringing of an *actio popularis* for the interpretation of the rights set out therein or permit applicants to complain about a provision of national law simply because they consider, without having been directly affected by it, that it may contravene the Convention. It is, however, open to applicants to contend that a law violates their rights, in the absence of an individual measure of implementation, if they belong to a class of people who risk being directly affected by the legislation or if they are required either to modify their conduct or risk being prosecuted. That being said, in order for an applicant to be able to claim to be a victim in such circumstances, he or she must produce reasonable and convincing evidence of the likelihood that a violation affecting him or her personally will occur; mere suspicion or

conjecture is insufficient in this respect (see *Kovačević v. Bosnia and Herzegovina* [GC], no. 43651/22, §§ 166-71, 25 June 2025, with further references).

15. The Court considers that the present applicant did not demonstrate that the impugned constitutional provisions had directly affected him. The crux of his case is that certain constitutional arrangements introduced in 1995 in order to end the armed conflict were not in the best interest of the citizens of Bosnia and Herzegovina. As an example, he submitted that several important pieces of legislation could not be adopted as a result of those arrangements (see paragraph 12 above). However, the applicant failed to show that he had suffered any specific consequences in that regard. It appears from the applicant's vague and general submissions that he also complained that not all votes had equal weight because of the impugned constitutional arrangements. However, the Court has held that Article 3 of Protocol No. 1, taken alone or in conjunction with Article 14 of the Convention, does not guarantee equal voting influence for all voters (see, by analogy, *X. v. Iceland*, no. 8941/80, Commission decision of 6 December 1981, Decisions and Reports (DR) 27, p. 145; *Liberal Party, Mrs R. and Mr P. v. the United Kingdom*, no. 8765/79, Commission decision of 18 December 1980, DR 21, p. 211; and *Mathieu-Mohin and Clerfayt v. Belgium*, 2 March 1987, § 54, Series A no. 113). Like in *Kovačević* (cited above, § 210), the Court considers that the applicant's complaint was directed at effecting a change to the constitutional and electoral structure of Bosnia and Herzegovina – purportedly in the interest of the general public – rather than vindicating his individual rights guaranteed by the Convention and the Protocols thereto.

16. It follows that the application is incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4 of the Convention. In view of this finding, and for the reasons noted in paragraph 13 above, the Court does not consider that the Government's objection regarding the applicability *ratione materiae* of the relevant provisions requires a separate examination in the present case.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 3 February 2026.

Simeon Petrovski Deputy Registrar	Lado Chanturia President