



**ANNUAL REPORT ON RESULTS OF THE
ACTIVITIES OF THE INSTITUTION OF
HUMAN RIGHTS OMBUDSMAN OF
BOSNIA AND HERZEGOVINA FOR 2011**

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INTRODUCTION

Present Report is prepared based on Articles 34 and 35 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina, which stipulates obligation of BiH Ombudsman Institution to present results of its annual activities to the Parliamentary Assembly of Bosnia and Herzegovina, Peoples Assembly of Republika Srpska and the Parliament of the Federation of Bosnia and Herzegovina. The Report is also designed to the widest range of the public, since appropriate indicator of human rights situation in Bosnia and Herzegovina. This is illustrated by the fact that in 2011 the Institution received and answered on 160 media requests, where the Ombudsmen provided comments or answer on certain questions, and which is also reliably indicator of good cooperation between the Institution and media who are one of the pillars of Ombudsmen's authority and significantly contributes to implementation of ombuds-recommendations, having in mind that the Ombudsmen have no instrument for enforcement of their recommendations.

This Report contains statistic and numeric indicators on Ombudsmen activities in 2011, structure of complaints, review on office-to-office and departments bases, brief analyses, illustrative examples, tabular presentation of recommendations issued by the Ombudsmen to competent organs and bodies, as well as initiatives for changes of inadequate legal provisions.

The Report also presents the way of functioning of the Institution: number of employees, technical equipment, budget and finances, (even in aggravated circumstances the Institution worked positively), and cooperated with other institutions, organizations and media.

Concretely, in 2011 the Institution had contacts with 6821 citizens. Number of received complaints is 3607, and 1683 cases was transferred from previous year, so in 2011 there were 4750 cases processed.

Department for following political and civil rights received the most – 1815 complaints, and the main number is related to courts, that is, on non-resolving of court cases in reasonable time period (623); administration (400), property and legal relations (228)

The greatest increase of complaints, compared to previous year, took place in Department for elimination of all forms of discrimination (19,8%).

Economy crises impact the life of the citizens and families, which led them to address the Institution. Assessing the complaints well grounded, Ombudsmen issued 222 recommendations, most of them related to labor relations, which leads to conclusion that in this very sensitive and important area human rights are often violated.

As well as in the case of other well grounded complaints, BiH Ombudsmen step forward with the authority of the Institution and well argumentation, so even in the time of intervention 891 cases were

closed. The Ombudsmen assess that in 2011 better cooperation with the institutions at all levels of the authority was achieved.

BiH Ombudsmen, as an independent national human rights institution established to promote good governance and the rule of law, protection of the rights and freedoms of natural and legal persons, serves the citizens to strengthen their position in the country and time burdened with a number of problems, the time of transition and crises. Ombudsmen Institution the more important is, if one knows that strategic goal of BiH is accession to European Union, and besides acceptance of European values and adoption of legislation, it is essential to create preconditions for establishment of „good governance“. In terms of its consistency and clear criteria the role of Ombudsmen Institution is of quite considerable.


The fact that so many people addressed the Institution, for us was and is additional motive and challenge.

March, 2012

BiH Ombudsmen:



Nives Jukić



Ljubomir Sandić



Jasminka Džumhur

CHAPTER I – COMPETENCIES OF OMBUDSMAN INSTITUTION AND ITS PROCEDURES

1.1. Legal bases for the work of Ombudsman Institution

Basis for functioning of the BiH Ombudsman are provided for in Annexes IV and VI of the General Framework Agreement on Peace for Bosnia and Herzegovina concluded on 14 December 1995 and, based on which the Institution has started to function in 1996.

According to Annex VI of the General Framework Agreement for Peace in Bosnia and Herzegovina, BiH Ombudsman and Human Rights Chamber constituted BiH Human Rights Commission which presumed that democracy and human rights were important factors for the development of society and preconditions for the establishment of the state structures and mechanisms leading to its international integration. Currently, BiH Ombudsman functions on the basis of BiH Constitution and the Law on the Ombudsman which guaranties its independence and provides infrastructural framework for the protection and promotion of human rights and fundamental freedoms.

The Law on BiH Ombudsman was adopted in 2000, and then amended in 2002 and 2006. The Law defines powers and competencies of the Ombudsman, rules of procedure in following up the work of the authorities and institutions upon the complaints of citizens and ex officio, and other important issues related to functioning of this national human rights mechanism for the protection of fundamental human rights and freedoms.

Institution of Human Rights Ombudsman of BiH is established in 1996 and at that time function of the Ombudsman was performed by a single person, an international. At the beginning of 2004 the ownership of the Institution was transferred to the BiH nationals, but the number of function-holders was increased from one to three.

Amendments to the Law on Human Rights Ombudsman of BiH were adopted, envisaging the appointment of new Ombudspersons and merger of the institutions until 31.12.2006, as well as obligation for the entities to adopt legislation on cessation of functioning of entity ombuds-institutions within the same deadline. The aim of the merger of ombudsman institutions in BiH was more balanced treatment of the complaints in the entire territory of BiH, so ensuring the equal level of human rights protection, and more economic and functional operation of so unified institution

With regard to the implementation of said amendments, at the end of 2008 the new Ombudspersons were appointed, and merger-related activities were completed in 2010

1.2. Mandate of BiH Ombudsman

In human rights protection system, the BiH Ombudsman is an independent institution established to promote good governance and the rule of law, protection of the rights and freedoms of natural persons and legal entities, guaranteed by BiH Constitution and international treaties appended thereto and ratified by BiH

Special powers are given to the Ombudsman by the Law on Prohibition of Discrimination¹, Freedom of Access to Information Act² and the Law on Ministerial, Government and Other Appointments in Bosnia and Herzegovina³ according to which the Ombudsman is empowered to assist natural and legal entities through provision of information related to their rights and obligations, availability of court or other forms of protection, processing of individual and collective complaints, proposing procedures, mediations, etc.

Authorities are obligated to cooperate with the Ombudsman and provide it with appropriate assistance during its investigation, enable personal interviews, ensure insight in all the files relevant for the examination of allegations contained in complaint. It is not in the mandate of Ombudsmen to change decisions of public organs or to take over the role of an organ that process appeal, neither to interfere in court decision-making process.

1.3. Right to file complaint with Ombudsman Institution

According to The Law on Ombudsman „**Any natural or legal person claiming a legitimate interest may complain to the Institution without any restriction.**” Nationality, citizenship, residence, gender, minority, ethnicity, religion, legal incapacity, imprisonment of any kind, and, in general terms, a special relationship with, or dependence on, a government body may not restrict the right to lodge a complaint with the Institution.

Complaining to the Institution or the latter's intervention shall not entail for the complainant any criminal, disciplinary or other sanction or any disadvantage or discrimination.

Correspondence addressed to an Ombudsman or to the Institution from places where individuals are held in detention, in imprisonment or in custody may not be the subject of any kind of censorship, nor may such correspondence be opened. Conversations between a complainant and an Ombudsman or persons delegated by the Ombudsman may never be monitored or interfered with.

The work of the Institution is free of charge to the person concerned and does not require the assistance of counsel or a solicitor.

1.4. Admissibility and ground for complaints

The Institution shall register and the complaints filed with it. When an Ombudsman decides not to pursue a complaint, he or she shall do so in writing, explaining the grounds and informing the person concerned of the most appropriate means of taking action, if any exist, leaving it to the person concerned to use those which he or she considers most suitable.

The Institution shall consider cases involving the poor functioning of, or violations of human rights and liberties committed by, any government body at all levels. The Institution's competence shall also comprise the power to investigate all complaints concerning violations of rights and freedoms allegedly committed by the military administration.

¹ "Official Gazette of BiH", no: 59/09

² "Official Gazette of BiH", no: 28/00, 45/06, 102/09

³ "Official Gazette of BiH", no: 7/03

An Ombudsman may refuse to pursue anonymous complaints and complaints which he or she considers to have been made in bad faith, which are ill founded, which include no claim, which entail damage to the legitimate rights of a third party, or which were lodged with the Institution more than 12 months after the facts, events or decisions complained of. No appeal lies against the decision of an Ombudsman or the Institution

The Institution's competence shall comprise the power to investigate all complaints made about the poor functioning of the judicial system or the poor administration of an individual case and to recommend appropriate individual or general measures. An Ombudsman shall not interfere with the adjudicative functions of a court, but may initiate court proceedings or intervene in pending proceedings, whenever he or she finds that such action is necessary for the performance of his or her duties. An Ombudsman may also make recommendations to the government body party or be consulted by the parties. Such circumstances could provide a ground for filing complaint with BiH Ombudsman Institution.

1.5. Handling of complaints

The Institution shall act either on receipt of a complaint or ex officio and may undertake general investigations. The Institution may recommend appropriate individual and/or general measures. If, at any stage of the procedure, an Ombudsman finds that a case does not fall within his/her jurisdiction, he or she shall refer the case to the appropriate institution. An Ombudsman may refer cases of alleged human rights violations to the highest judicial authorities of Bosnia and Herzegovina competent in human rights matters, pursuant to the rules concerning appeals to these authorities, whenever he or she finds that this is necessary for the effective performance of his or her duties.

Ombudsmen may suggest to competent organ within 10 days stopping execution of challenged administrative decision, where, during an investigation, an Ombudsman finds that the execution of such decision may result in irreparable prejudice for the rights of the complainant.

When the case under investigation concerns the conduct of persons employed in government service and is connected with the duties they perform, the Institution shall inform the person concerned and either his or her superior or the body to which he or she is attached and may demand written statements.

The official concerned shall reply in writing and submit all the documents and evidence which he or she considers relevant, within the time limit indicated to him or her. Upon request, the time limit may be extended. An Ombudsman may check the veracity of documents and statements. An Ombudsman may require government bodies to hand over any documents he or she considers necessary to perform his or her duties, including those classified as confidential or secret in accordance with law. In such cases, the Ombudsman shall apply the requisite discretion to these documents and shall not make them available to the public.

Following investigation conducted and documents collected, including statements by a complainant and organs or institutions involved in the case, an Ombudsman issues recommendation to competent organs or institutions to restore violated right and, to this end, propose appropriate

measures. Organs and institutions which receive such recommendation are obliged to answer in writings on the effects of the recommendation within time period indicated by an Ombudsman⁴

In the case of non-compliance with Ombudsman recommendation by certain organ or institution, the Ombudsmen shall firstly inform superior organ, and then the case shall be incorporated *in special and annual report on results and activities by the Ombudsmen which is submitted to the Parliaments and the Presidency of BiH.*

⁴ All other recommendations of an Ombudsman or of the Institution shall be accessible to the public, except in cases in which they relate to matters which are confidential or secret, or where the complainant has expressly requested that his or her name and the circumstances of the complaint should not be revealed.

CHAPTER II - STATISTICAL AND NUMERICAL INDICATORS REGARDING ACTIVITIES PERFORMED BY OMBUDSMAN INSTITUTION IN 2011

Legal advisors of reception offices talk to the citizens, immediately or through telephone, and provide complainants with information on how to file complaint with Ombudsman. Where needed, they assist citizens to compose complaint and/or provide them with professional advices, i.e. indicate organs or institutions that should be addressed, and explain them actions to be taken for resolving of particular problem.

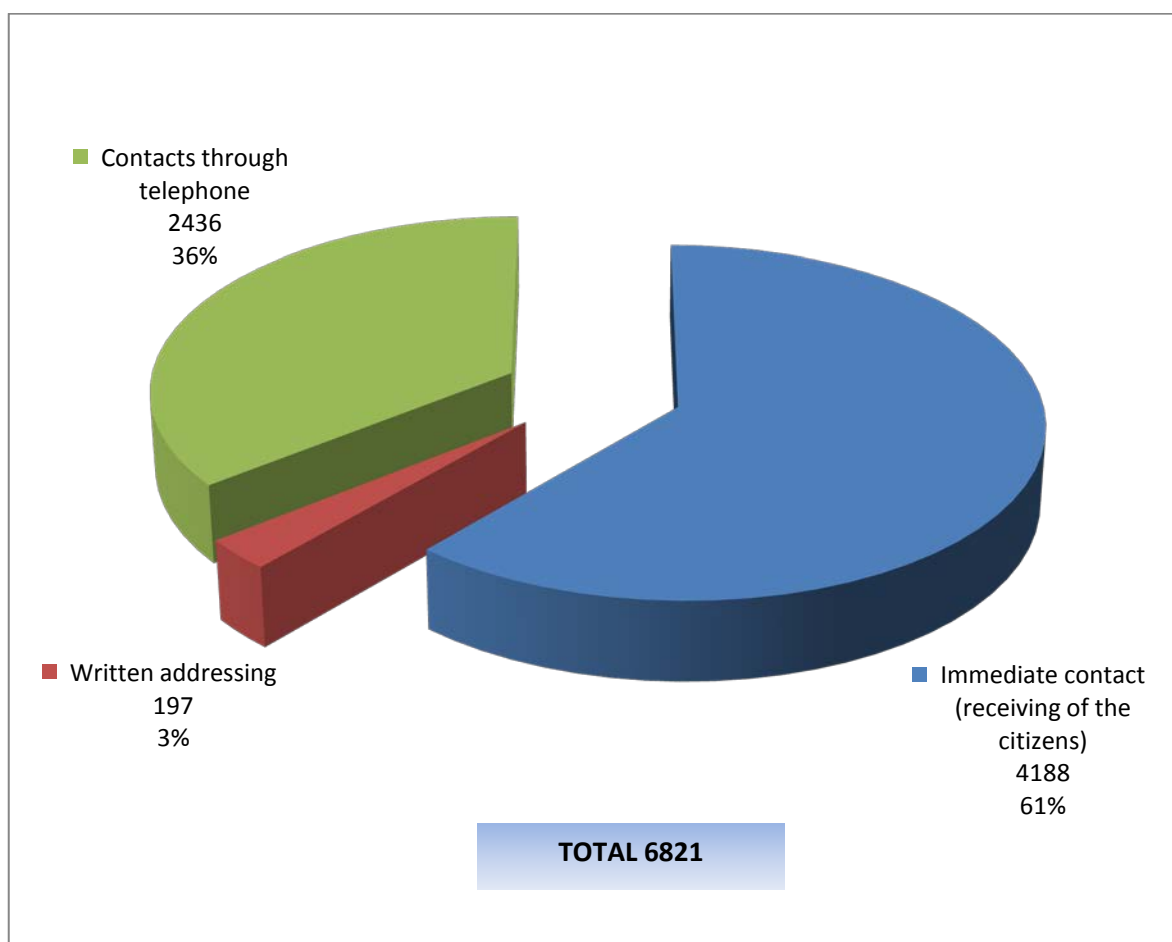


Chart 1: Contacts with the citizens during 2011 without direct work on the case

In 2011 Ombudsman Institution received **3067 complaints**, and with cases transferred from 2010 (**1683 complaints**), in 2011 there were total of **4750 cases**. A number of complaints received in 2011 is approximately the same as in 2010, when total number of complaints received was 3298.

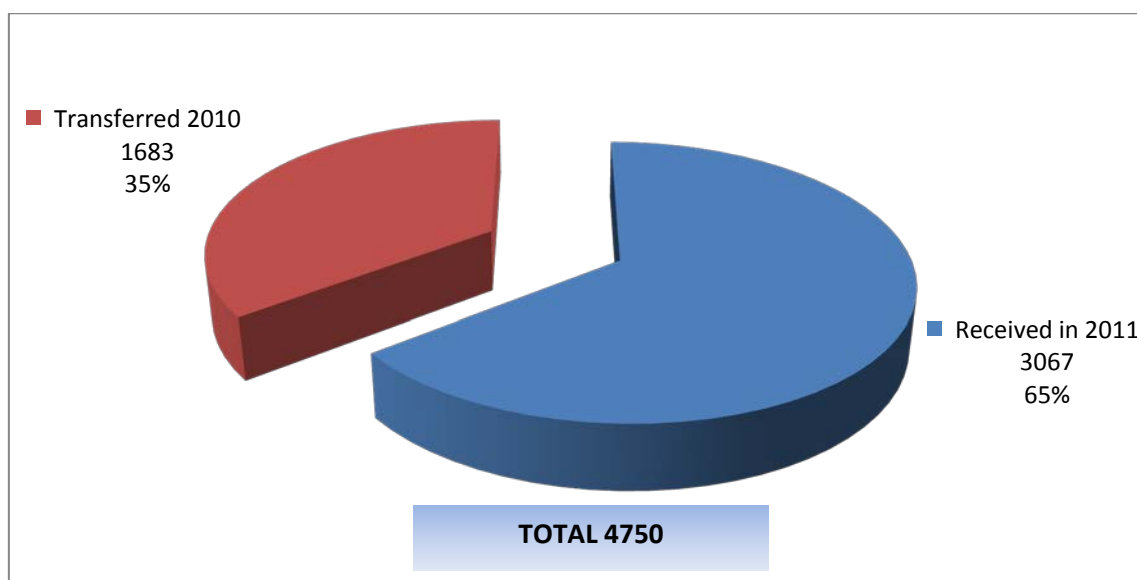


Chart 2: Complaints received in 2011 and those transferred from 2010

In 2011 in handling of complaints Ombudsman Institution undertook 9613 various activities related to its cases, including investigations concerning complaints registered, issuance of recommendations, organs explanation as to recommendations issued, monitoring of court or administrative procedures, provision of information to complainant on explanation by responsible party, urgencies to competent organs, requests for supplement to the complaint.

Out of total number of complaints received in 2011, 1259 complaints are still processed, which means that 1808, or 60%, of received complaints are closed during this reporting period. Further, out of total number of cases that were processed, including those transferred from previous calendar years (4750 complaints), 2889 complaints were resolved, which is 61%.

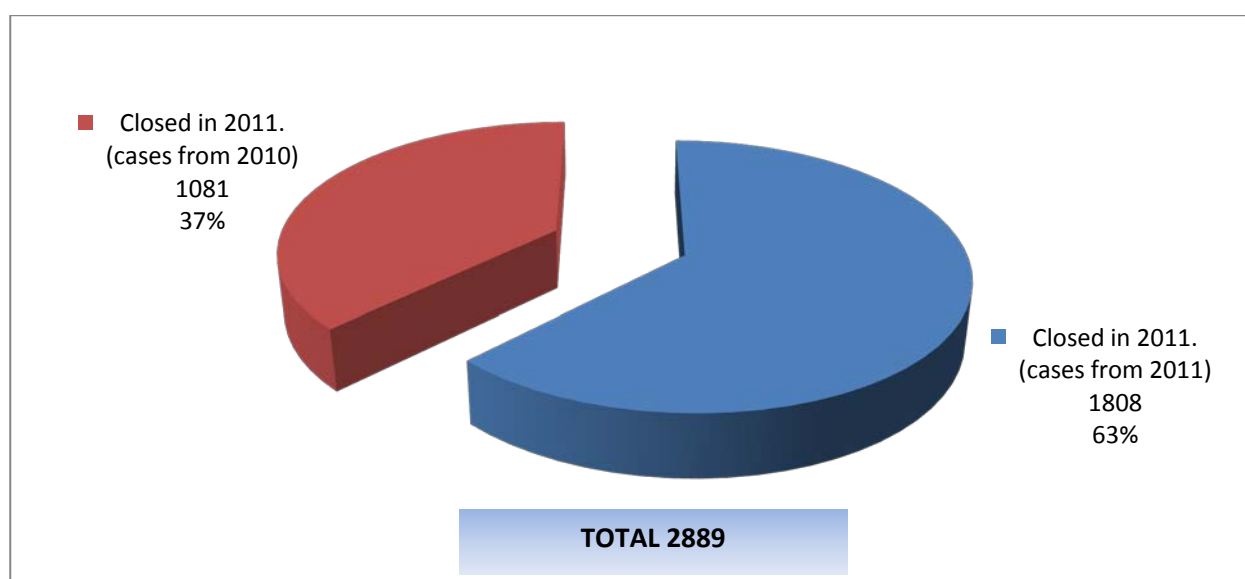


Chart 3: Cases closed in 2011

Statistical data that follows shows ways of finalizing cases according to the Law on Human Rights Ombudsman of BiH and its Rules of Procedure.

The Main number of cases in 2011 was resolved during Ombudsmen Institution's intervention redressing violated right, due to which a complainant addressed Ombudsman Institution. In this way 891 cases were resolved.

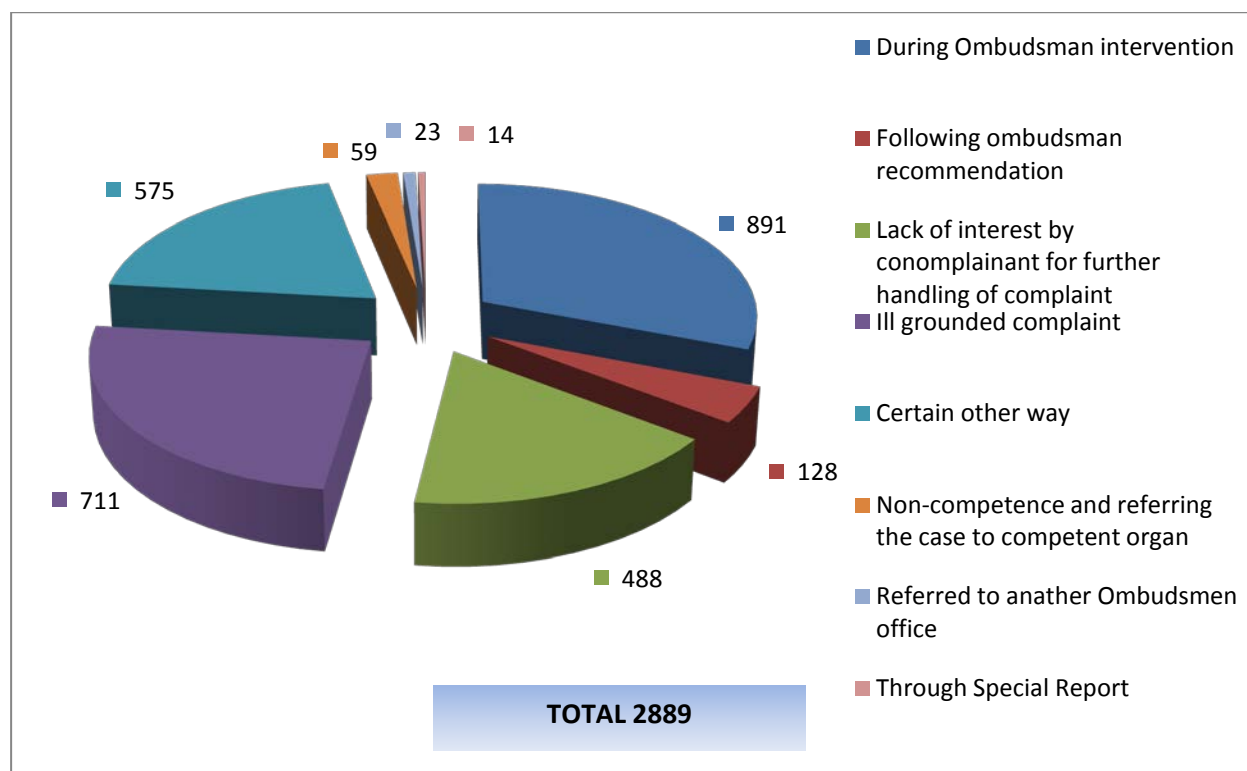


Chart 4: The way in which the cases were resolved in 2011

The cases registered in Ombudsman Institution are divided among Departments according to type of violation. Compared to previous year, the most increase of complaints was registered in Department for elimination of all forms of discrimination (41,5%) and Department for following the rights of detainees/prisoners (19,8%)

DEPARTMENT	Received in 2010	Transferred from 2010	Received in 2011
Department for following political and civil rights.	1851	983	1815
Department for economic, social and cultural rights	962	428	735
Department for following the rights of persons with disabilities	147	78	86
Department for following the rights of national religious and Other Minorities.	8	6	9
Department for following the rights of detainees/prisoners	101	52	121
Department for following the rights of the child	94	55	110
Department for elimination of all forms of discrimination	135	81	191
TOTAL	3298	1683	3067

Table 1: Comparison of number of complaints received in 2010 and 2011, including the number of cases transferred from 2010

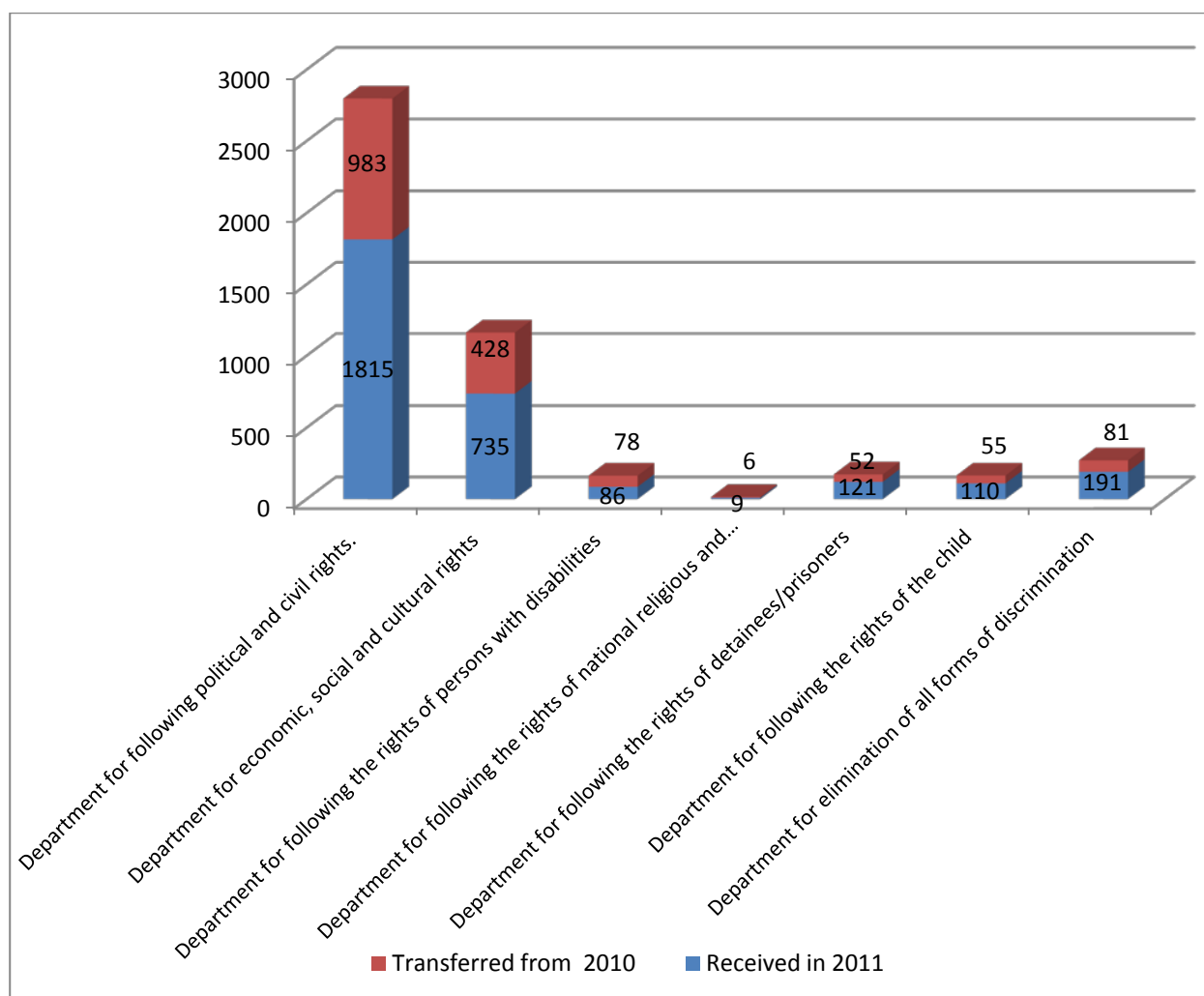


Chart 5: Number of cases received in received in 2011 and those transferred from 2010. Review on department-to-department bases

According to number of complaints received in 2011, compared to 2010 and in relation to territorial organization of Ombudsman Institution, the greatest increase was registered in Brčko Office where in 2011 number of 445 cases were registered, which is 31% more than in 2010. One of the reasons for this is a great flow of cases from Tuzla municipality, and where Brčko Office organizes the days when the public is admitted.

OFFICE	Received in 2010	Transferred from 2010	Received in 2011
Banja Luka	766	354	880
Brčko	445	200	339
Mostar	222	132	245
Sarajevo	1397	927	1602
Livno	237	70	232
TOTAL	3067	1683	3298

Table 2: Comparison of number of complaints received in 2010 and 2011, including the number of cases transferred from 2010. Review on office-to-office bases

2.1. Recommendations forwarded to governmental organs

In 2011 BiH Ombudsman Institution issued 221 recommendations concerning cases where the violation of right was determined. Structure of recommendations according to type of right violated is as follows: area of labor relations (33); procedure before administrative organs (32); suppression and prevention of discrimination (26), governmental, ministerial and other appointments (25), functioning of courts (20) and freedom of access to information (17).

OFFCE	Number of recommendations issued in 2011	Number of recommendations issued in 2010
Banja Luka	72	182
Brčko	9	46
Mostar	3	10
Sarajevo	130	97
Livno	7	6
Ukupan broj preporuka	221	341

Table 3: Comparison of recommendations issued on office-to-office bases for 2010 and 2011

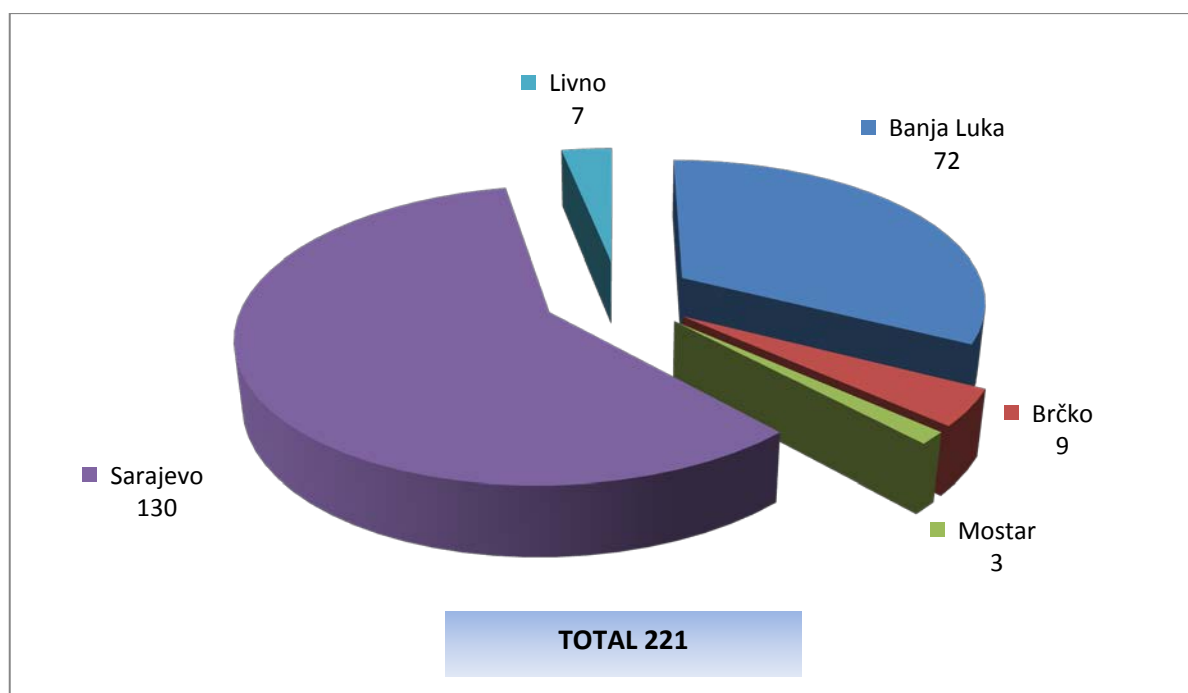


Chart 6: Number of recommendations issued in 2011 on office-to-office bases.

In 2011 Ombudsman Institution intended to strengthen mechanisms for following implementation of recommendations, which constitutes of the indicators of attitude of competent organs towards Ombudsman Institution as human rights protection mechanism. Indicators at disposal of Ombudsman Institution show that out of complete number of recommendations issued 71 recommendations were implemented, while in 60 cases cooperation was achieved, however, without compliancy with recommendation. These are the cases where governmental institutions showed

interest for cooperation with Ombudsman Institution to eliminate cases resulting in human rights violations, yet they also presented certain obstacles disabling implementation of recommendation issued. In five cases there was registered partial implementation of recommendation, while even in 57 cases competent organs did not provide the Institution with answer within indicated time period following reception of recommendation. As to 28 recommendations, it is determined that they were not complied with by competent organs. Down are tables and charts showing the way of implementation of recommendations issued in 2011:

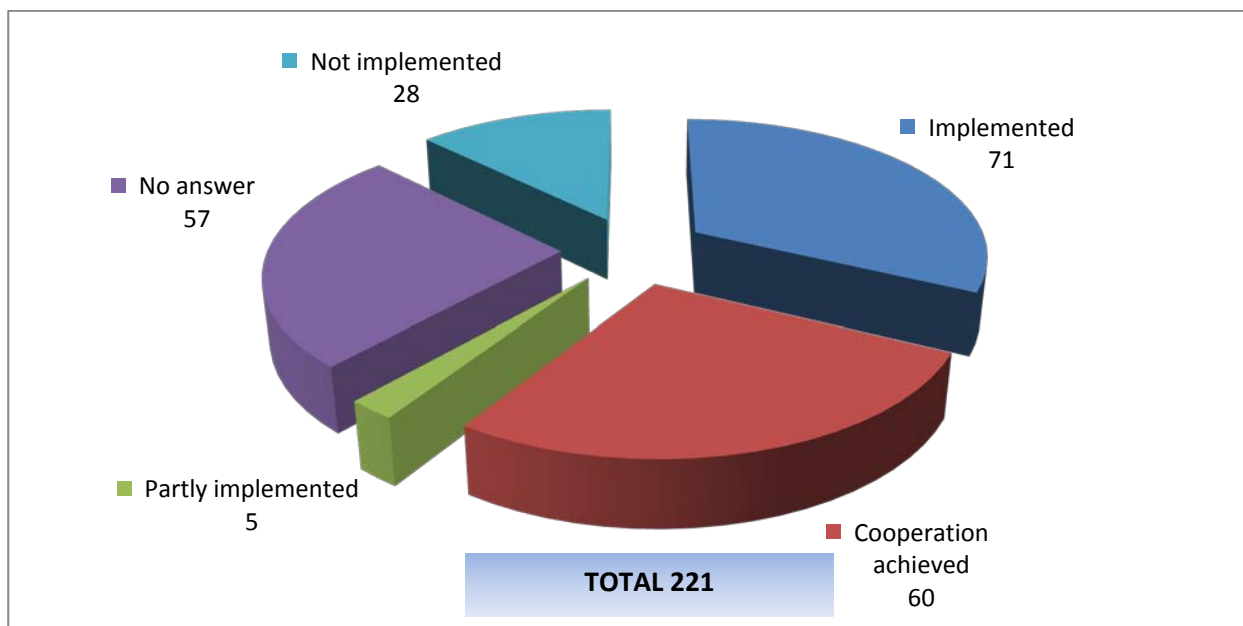


Chart 7: Review of recommendations according to way of implementation in 2011

In 2011 Ombudsmen prepared two special reports and one analyses of the situation. These are Special Report Related to Protection of the Rights of the Child in Criminal Proceedings and Special Report Related to Complaint no: Ž-BL-05-717/11,⁵ and Analyses of the Situation of the Rights of the Child and their Implementation in Pre-school breeding up and education. Since all special reports and analyses forwarded to competent organs contain recommendations with a view to remove detected human rights violations, these recommendations are registered in the register of recommendations.

2.2. Statistical data on territorial belongings of the citizens addressing ombudsman Institution

With a view to ensure indicators for activities targeted to improvement of human rights situation it is surely important to identify territorial location of living of the complainants, although this criteria, having in mind the structure of Ombudsmen Institution, is a relative indicator, since complainants are enabled to file complaint in any of Institution's offices regardless of complainant's place of living or residence. It is also important to have in mind the fact that great migrations of citizens happened, as well as that there were still great number of citizens with status of internally displaced persons, refugees, who still lived in collective centres, etc. One of the determinants is also the fact that a

⁵ P-114/11 i P-162/11

complaint was filed with the office active in the same area where the human rights violator has its seat, which resulted in the fact that more complaints were registered in the territories with more complex structure of the authorities. Consequently, in 2011 a number of 2111 citizens from territory of FBiH filed complaints, 718 from RS, 117 from the District of Brčko, 102 from abroad and 19 through e-mail.

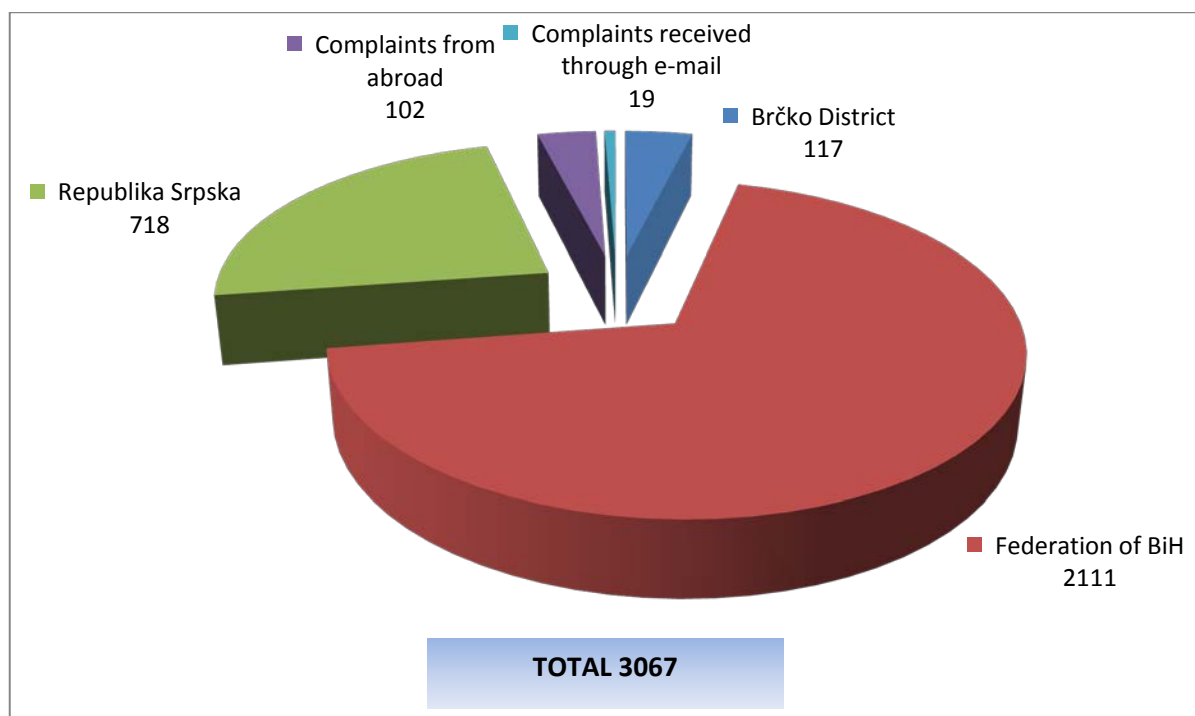


Chart 8: number of complaints filed according to territorial belongings of complainants

2.3. Review of number of complaints against opposite parties

Based on number of complaints filed with the Institution it could be concluded that most frequent human rights offenders are: Federation Institute for Pension and Disablement Insurance, RS Commission for Implementation of Article 182 of labor legislation, the Government of the District of Brčko, etc. Comparing these indicators with indicators of 2010, it could be concluded that number of complaints, alleging mention subjects as offenders, decreased, which should be viewed through prism of general trend of decrease of number of complaints registered in 2011. Courts are still institutions alleged by complainants as human rights violators. Tabular review shows number of complaints against opposite parties:

Number	Organ	Number of cases
1.	Federation Institute for Pension and Disablement Insurance	56
2.	Commission for Implementation of Article 182 of Labor Legislation of RS	45
3.	The Government of District of Brčko	41
4.	Federation Ministry of Work and Social Policy	34
5.	Correctional Institution of closed type in Zenica	32
6.	Interior Ministry of Canton Sarajevo	27
7.	Federation Institute for Pension and Disablement Insurance - Cantonal Administrative Service Tuzla	25

8.	The Government of the Federation of Bosnia and Herzegovina	23
9.	Tuzla Municipality	21
10.	Municipality Centar Sarajevo	21
11.	Municipality Stari Grad	21
12.	Institute for Pension and Disablement Insurance of Republika Srpska, Banja Luka branch	19
13.	The Ministry of Refugees and Displaced Persons of Republika Srpska	19
14.	The Ministry of Work and Veterans and Disablement Protection of Republika Srpska	18
15.	Interior Ministry of Canton Tuzla	17
16.	The Ministry of Defense of BiH	15
17.	Interior Ministry of Canton 10	15
18.	Institute for Pension and Disablement Insurance of Republika Srpska, Bijeljina branch	14
19.	Glamoč Municipality	14
20.	Municipality Novi Grad – Sarajevo	14

Table 4: 20 opposite parties that were most complained about by the citizens in 2011, excluding judiciary

Number	Court	Number of complaints
1.	Municipal Court in Sarajevo	75
2.	Municipal Court in Livno	59
3.	Basic Court in Banja Luka	54
4.	Municipal Court in Tuzla	51
5.	Cantonal Court in Tuzla	28
6.	Cantonal Court in Sarajevo	24
7.	Municipal Court Mostaru	23
8.	County Court in Banja Luka	23
9.	Constitutional Court of Bosnia and Herzegovina	18
10.	Municipal Court Velika Kladuša	17

Table 5: 10 opposite parties that were most complained about by the citizens

CHAPTER III - INITIATIVES FOR CHANGES OF LEGAL PROVISIONS

In 2011 Ombudsmen Institution forwarded several initiatives to competent legislative bodies related to changes and modifications of pieces of legislation from area of freedom of access to information and ministerial, governmental and other appointments. The Peoples Assembly of RS was forwarded initiative for adoption of the Law on Amendments to Freedom of Access to Information Act ⁶ and the Law on Amendments to the Law on Ministerial, Governmental and Other Appointments of Republika Srpska⁷. Ombudsman Institution was informed that the initiative ⁸ is in conformity with parliamentary rules of procedure and that it is referred to further procedure.

Additionally, Ombudsmen Institution forwarded initiative to the House of Representatives of the Parliament of the Federation of BiH related to adoption of the Law on Amendments to the Law on Ministerial, Governmental and Other Appointments of F BiH ⁹, the Law on Amendments to the Family Law and the Law on Amendments to the Law on Civil Procedure. According to information came from FBiH Parliament, submitted initiative is referred to further procedure.¹⁰, and the Ombudsmen shall be informed on outcome of the initiatives.

On 02.09.2011 Human Rights Ombudsman of BiH forwarded initiative to FBiH Parliament related to adoption of Decision on Amendments of the Constitution of the Federation of BiH in the part covering work and functioning of Ombudsmen of FBiH, governing itself with principle of legal security which should be a guarantor of equal protection of human rights and fundamental freedoms. As a constitutional category established by the Constitution of the Federation of BiH (Chapter II *Human Rights and Fundamental Liberties*, item B) in process of unification of entity Ombudsman Institutions with State-level Institution of Human Rights Ombudsmen of BiH, Federation Ombudsmen ceased to work on 01.03.2010 following adoption of the Law on the Way of Cessation of Functioning of the Institution of Ombudsmen of the Federation of BiH („Official Gazette of F BiH”, No: 51/2007) and previously adopted Law on Amendments to the Law on Human Rights Ombudsman of BiH („Official Gazette of Bosnia and Herzegovina“, no: 32/06). On 14.11.2011 Federation Parliament informed BiH Ombudsmen Institution that at the session of Constitutional Commission of the House of Representatives of Federation Parliament *mentioned initiative was accepted and conclusion adopted on procedure for changes of provisions of the Constitution of the Federation of BiH related to functioning of the Federation Ombudsmen Institution.*

⁶ Initiative no.: Ž-BL-03-196/11 of 06.04.2011.

⁷ Initiative no.: Ž-LI-05-115/11 of 14.06.2011.

⁸ Answer no.: 01-641/11 of 19.04.201 and no.: 01-1023/11 of 27.06.2011.

⁹ Initiative no.: Ž-LI-05-115/11 of 02.06.2011.

¹⁰ Answer no.: 01-02-513/11 of 30.06.2011.

CHAPTER IV - HANDLING OF COMPLAINTS – STRUCTURE OF COMPLAINTS AND REVIEW ON OFFICE-TO-OFFICE AND DEPARTMENT-TO-DEPARTMENT BASES

In 2011 the most number of registered complaints took place in the Department for Following of Political and Civil Right (1815), which is, in comparison to 2010, 36 complaints less and in the Department for Economic, Social and Cultural Rights (735 complaints), while in the same period in 2010 there were 962 complaints registered. Compared to 2010, increase of complaints were registered in the Department for Elimination of All Forms of Discrimination (191 complaints), while in 2010 there were 135 complaints, and in the Department for Following the Rights of Detainees/Prisoners there were 121 complaints and in the Department for Following the Rights of the Child there were 110 complaints registered, and in 2010 in the same Department there were 101 complaints registered.

ODJEL	Received in 2011	Received in 2010
Department for following political and civil rights.	1815	1851
Department for economic, social and cultural rights	735	962
Department for following the rights of persons with disabilities	86	147
Department for following the rights of national religious and Other Minorities.	9	8
Department for following the rights of detainees/prisoners	121	101
Department for following the rights of the child	110	94
Department for elimination of all forms of discrimination	191	135
TOTAL	3067	3298

Table 6: Number of complaints on department-to-department bases received in 2011 and 2010

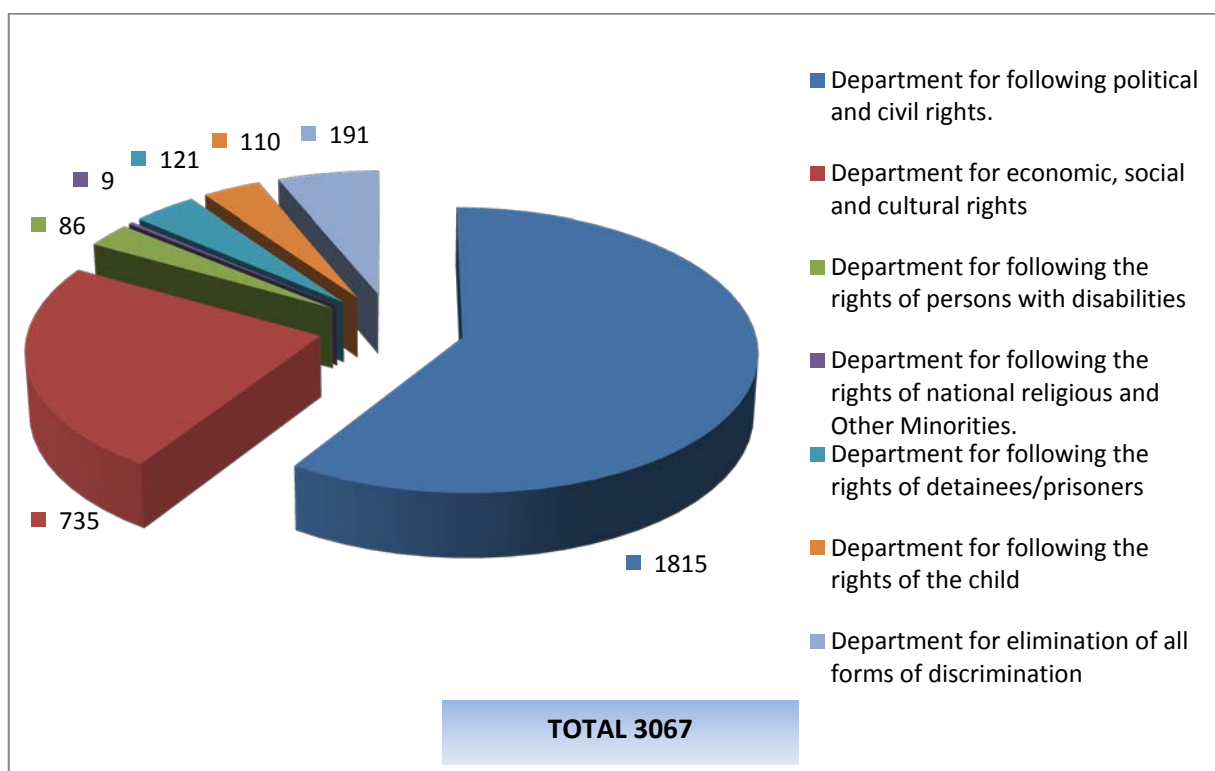


Chart 9: Number of complaints on department-to-department bases received in 2011

4.1. Head Office Banja Luka

In 2011 Head Office in Banja Luka (hereinafter Banja Luka), which is also the Seat of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, received 766 complaints, and together with 354 complaints transferred from previous years the Banja Luka Office handled 1120 cases. Out of this number 867 cases were closed and 72 recommendations issued, while 253 cases are transferred in 2012.

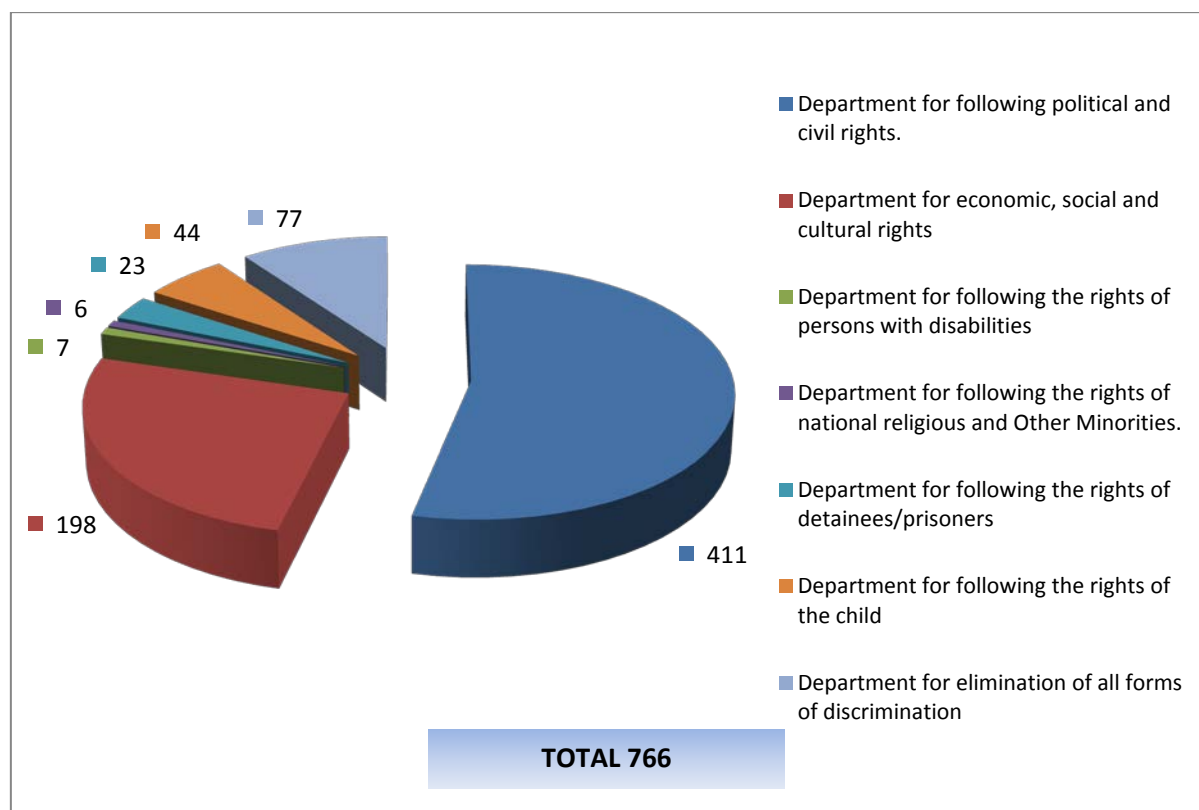


Chart 10: Review of complaints received in Head Office Banja Lukas in 2011 on department-to-department bases

Analysis of complaints received

From tabular review of complaints received it could be concluded that in 2011 the greatest number of complaints was filed due human rights violations from competence of **Department for Following Political and Civil rights – 411 complaints**, which is 53,66% in relation to the rest of complaints received. Further analysis of complaints received in Department for Following Political and Civil Rights shows that the citizens most frequently complaint about functioning of judicial institutions and administrative organs (250 complaints), 147 related to functioning of judicial organs and 103 related to functioning of administrative organs.

Complaints filed due to functioning of judicial organs, as well as in previous year, were mainly related to violation of the right to trial in reasonable period of time, that is, slowness and non-effectiveness, non-execution of final court decisions, as well as to work of the judges.

Complaints against the work of administrative organs were also related to slowness and non-effectiveness and disrespect for legally determined deadlines.

Significant number of complaints filed with Banja Luka Office also fall in the competence of Department for Following Political and Civil Rights, is related to the work of police – 21 complaints.

These complaints are most frequently related to failure of individual policeman to take all legally prescribed actions targeted to exercise and protection of citizens' rights, suspicions of corruption, and certain number of complaints even indicate partiality of organs responsible for supervision and control of the work of policemen, and that they do not perform their duty in conformity with law.¹¹

Number of complaints filed in 2011 in Banja Luka Office that are related to ministerial, governmental and other appointments is 26. Complaints filed are mainly related to irregularities in vacancy notices processing, disrespect for legally determined principles by the Law on Ministerial, Governmental and Other Appointments of Republika Srpska, which particularly applies to principles of legality and quality stipulated by Article 3 of the Law, non-provision of forms to the candidates in which they should fill all circumstances concerning conflict of interests.

In 2011 in Banja Luka Office there were 66 complaints related to freedom of access to information. Complaints filed most frequently indicate failure of public organ to take decision on request submitted for access to information in legally prescribed deadline, and refusal to enable access to information..¹²

From tabular review of complaints filed with Banja Luka Office in 2011 it is visible that 198 complaints were registered by the Department for Following Economic, Social and Cultural Rights, out of which 90 complaints (45,45%) are related to violation of right to work¹³. Filed complaints indicate violation of worker rights committed by employers, where rights are violated in employment procedure, non-payment of salaries, compensation for overtime work, disabling annual leave, non-payment of pension and disablement insurance contributions, etc. With regard complaints concerning work of Commission for Implementation of Article 182 of Labor Legislation of Republika Srpska, the most number of complaints are related to execution of decisions acknowledging the redundancy. Mentioned cases are closed through adequate advice provided to complainants on how to carry out insight in list of payments of redundancies in competent Commissions, and in conformity with provisions of Freedom to Access to Information Act of RS.

In 2011 Department of All Forms of Discrimination of Banja Luka Office received 77 complaints, and compared 2010 when 32 complaints were received, the number of complaints handled by this Department is more than doubled. Most of complaints are related to mobbing, discrimination based on national and social origin, as well as to various forms of abusing.¹⁴

In this reporting period Department for Following the Rights of the Child of Banja Luka Office there were registered 44 complaints related to children's right to education, health protection, execution of court decisions regarding supporting of a child and maintaining personal contacts with children, including children' rights for protection against abusing and neglecting. Responsible parties alleged in complaints are most frequently social work centers, schools and courts.

The rest of the complaints received in Head Office in Banja Luka in 2011 are grouped in Department for Following the Rights of Detainees/Prisoners – 23 that are mainly related to possibility of usage of prison benefits and visits, as well as to exercise of health care and hygienic conditions; then Department for Following the Rights of Persons with Disabilities 7, and Department for Following the National, Religious and Other Minorities Rights - 7, related to political rights in context of application of

¹¹ Ž-BL-04-484/11; Ž-BL-05-413/11

¹² Ž-BL-04-841/10; Ž-BL-06-665/10

¹³ Ž-BL-05-371/11; Ž-BL-04-553/11

¹⁴ Ž-BL-01-483/11; Ž-BL-06-255/11

Election Law of Bosnia and Herzegovina, that is, election of members of national minorities in municipal councils and municipal assemblies, including national minorities' health protection.¹⁵

What was spot on the occasion of addressing to the Ombudsmen is that a great number of citizens is not enough acquainted with basic human rights, and which organs are competent for resolving of particular problems. The citizens do not know to whom to address in the cases when they have certain problems, so that great number of immediate contacts with Head Office in Banja Luka are resolved through provision of legal advices and advices to whom to address. Most frequently it is about socially vulnerable cases, as well as the citizens in difficult financial situation needing legal aid, concerning concretely about writing of various submissions and representation before court, so they are advised to address to the Center for provision of free legal aid.

In 2011 in Banja Luka Office there were closed 867 cases, out of which 236 are resolved during Ombudsmen intervention, 136 were closed due to ill grounds for complaint and 103 due to non-interest of complainants for further procedure. 48 cases were resolved through Ombudsmen recommendations, through special reports 8, nine cases were referred to competent organ, two cases were referred to another Ombudsman Office and 296 cases were resolved in some other way.

Out of 72 recommendations issued in 2011 by Banja Luka Office 27 are implemented, cooperation achieved in 15 cases, while 18 recommendations were not realized and 12 recommendations were not answered at all.

Illustrative cases

Complaint no: Ž-BL-04-529/11

The complainant addressed to Ministry of Work and Veterans and Disablement Protection of Republika Srpska, requesting single monetary assistance due to his very difficult living situation. Following Ombudsmen intervention, mentioned Ministry informed the Institution that the complainants request was fulfilled and that he was approved monetary resources in amount of KM 300,00.

Complaint no: Ž-BL-05-514/11

The complainant addressed Ombudsmen Institution concerning Pension and Disablement Insurance, Banja Luka Branch, due to non-payment of pension for June, July, August, September and October of 2011. Following Ombudsmen Intervention, Pension and Disablement Fund, Banja Luka Branch, informed the Institution that all pension arrears were paid in the bank account of the complainant.

Complaint no: Ž-BL-06-372/11

The complaint was lodged against the work of Territorial office Karaula, Travnik municipality, alleging that this office issued him citizenship certificate containing an obvious mistake, that is, without family name. In its answer on allegations from the complaint the Territorial office indicated that the mistake was corrected and that corrected certificate was not delivered to the complainant, since on indicated contact address the complainant was „unknown“. With purpose to ensure complainant's right, Ombudsmen Institution take a role of a „channel“ for communication between complainant and

¹⁵ Ž-SA-03-528/11

Territorial office, and finally, following registrar's failure to meet agreement made, Ombudsmen Institution requested the Mayor of Travnik Municipality to ensure that Territorial office carry out its obligation in accordance with law. Following intervention of Ombudsmen Institution the complainant was ensured exercise of the right, so, through Ombudsmen Institution, complainant obtained original citizenship certificate and birth certificate.

Complaint no: Ž-BL-05-497/11

Complaint was lodged against the work of public enterprise „Šume Republike Srpske“, Forest Economy Doboj, alleging that this enterprise did not answer on complainant's request for access to information within deadline envisaged by Freedom of Access to Information Act of Republika Srpska. Since, following initial intervention of Ombudsmen Institution, the complainant was not satisfied with answer from Forest Economy Doboj, the Ombudsmen intervened again, and the complainant was provided with all requested information.

Complaint no: Ž-BL-04-552/11

Complainant – a group of citizens from Javoran, Kneževo municipality, addressed Ombudsmen Institution to protect health of citizens living in mentioned area endangered by deposited waste. Following Ombudsmen's intervention, competent municipal police ordered recovery of unloaded waste. RS health inspector informed Ombudsmen Institution that recovery and burying of mentioned waste was done and that health of the citizens was not any more endangered.

Complaint no: Ž-BL-06-73/11

Complaint was lodged against the work of Interior Ministry of Canton Una-Sana, the Federation of Bosnia and Herzegovina, alleging that he, through authorized person, repeatedly addressed mentioned Ministry, requesting this organ to issue him identification number in order to provide Pension and Disablement Fund of RS with mentioned number, since payment of his pension was stopped. The Ministry refused to issue identification number through authorized person, insisting personal visit by the complainant, although he due his age (almost 90), bad health condition and the fact that he lived in Srbija, was not in possibility to come personally. Following Ombudsmen intervention mentioned Ministry issued identification number to the complainant.

4.2. Regional Office Brčko

In 2011 Regional Office Brčko (hereinafter Brčko Office) received 445 complaints, which together with complaints transferred from previous years made 671 complaints, out of which 277 cases were closed, and 9 recommendations were issued.

In this reporting period there were 1415 immediate and telephone contacts with the citizens who, besides requests for protection of rights, also requested legal advice and aid through writing of submissions and representations before judicial and administrative organs.

With a view to enable citizens simpler and easier access to the Institution, in Tuzla the Ombudsmen organized the days when the public was admitted, and complains filed on such occasions are registered in Brčko Office.

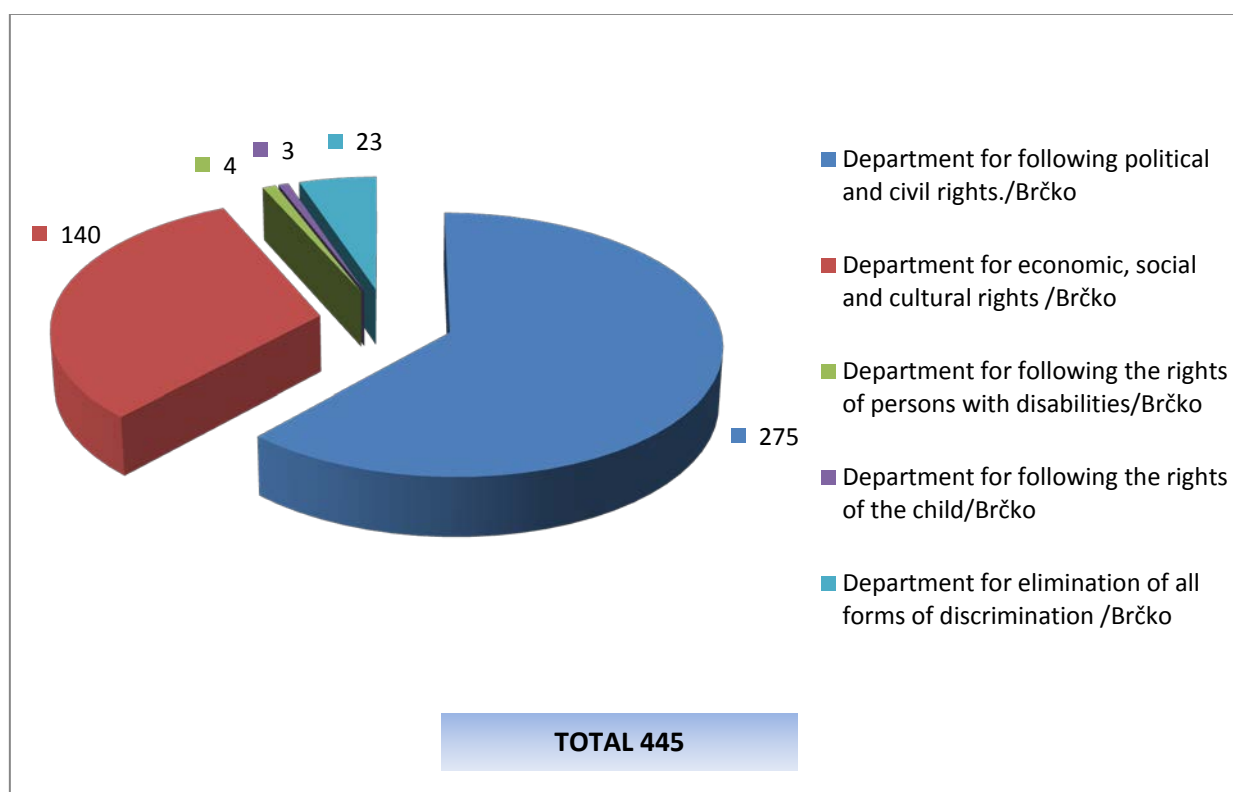


Chart 11: Review of complaints received in Regional Office Brčko in 2011 on department-to-department bases

Analysis of complaints received

From tabular review of complaints it is visible that in Brčko Office the greatest number of received complaints was from competence of **Department for Following Political and Civil Rights (275)**. The citizens complained about functioning of judicial institutions (124), work of administrative organs (63) and violation of property rights (50). Further analysis of complaints filed determined that the greatest number of received complaints was related to violation of right to trial in reasonable period of time. Answering requests of Ombudsmen Institution to explain allegations contained in the complaints, courts forwarded typical explanations that the cases would be processed according to the plan of taking decisions on older cases, according to initial age of cases.

Out of complete number of complaints received by **Department for Economic, Social and Cultural Rights the greatest number is related to violation of the right to pension (40), rights from area of social protection (37) and labor and labor related rights (32).**

Within competence of **Department for Following the Rights of Persons with Disabilities**, the citizens mainly complained about impossibility of exercise the right to monetary imbursement, which is consequence of disharmony between legislation of Canton Tuzla and the Law on Bases of Social Protection, Protection of Civil Victims of War and Protection of Families with Children of FBiH. In connection, Ombudsmen Institution issued recommendations to the Government of Canton Tuzla and the Assembly of Canton Tuzla to undertake all necessary activities for harmonization of legislation of Canton Tuzla from area of social and disablement protection with the provisions of Federation Law, and, with a view to application of harmonized legislation, to ensure resources for regular payment of monetary imbursement to persons with disabilities.¹⁶

Compared to 2010 Department for Elimination of All forms of Discrimination registered increase of complaints (22), out of which the greatest number is filed due to mobbing of employees of public institutions.

Department for Protection of the Rights of the Child received three complaints due to violation of children's rights regarding children with difficulties in psycho-physical development due to disablement of their inclusion in pre-school education¹⁷. In one of the cases parents of a child, a partially sighted person, addressed Ombudsmen Institution following information by director of kindergarten that their son would not be in possibility to be received in kindergarten due to lack of employees. Since in this way right of the child to education and socialization were endangered, which at the same time indicated discrimination of children with special needs, Ombudsmen Institution conducted investigation resulting in enrollment of the child in older group, by which attendance in kindergarten was ensured in accordance with legal regulations on inclusion.

In this reporting period in Regional Office Brčko 277 cases were closed (103), mainly following intervention by the Ombudsmen Nine recommendations were forwarded to the Government of Brčko District, Cantonal Court in Tuzla, the Government of Canton Tuzla and Kladanj municipality. .

Illustrative cases

Complaint no: Ž-BR-05-401/11

On 07.06.2002, before basic court Bijeljina complainant put forward a charge due to determined nullity of the contract on exchanges of immovable property and stressed that before she addressed Ombudsman Institution the procedure was not completed. Following intervention by Ombudsmen Institution, the court delivered information that trial in court concerning this legal matter was scheduled for 20.12.2011, following which completion of proceedings was expected..

Complaint no: Ž-BR-04-208/11

On 16.12.2010 complainant submitted request for old-age pension to Federation Institute for Pension and Disablement Insurance, Cantonal Administrative Service Sarajevo, yet up to preparation of present Report her request was not fulfilled. Ombudsmen investigation determined that, due to failures

¹⁶ Complaint no:j: Ž-BR-04-142/11, Ž-BR-04-143/11, Ž-BR-04-144/11

¹⁷ Compliant no: Ž-BR-01-136/11, no: Ž-BR-01-138/11

in evidence maintenance, which was not fault of the complainant, the complainant for more than a year unsuccessfully tried to protect right based on pension insurance.

Complaint no: Ž-BR-06-302/11

Complainant addressed to Ombudsmen Institution due to impossibility for usage of elevator, alleging that the same problem was encountered by other elder lodgers. At the same time she stressed that she suffered from serious illness, which is confirmed by medical documentation attached to the complaint, including information that she dully paid maintenance of common part of the building. Ombudsmen investigation resulted in answer of BOSNA LIFT, wherein there were allegations that usage of elevator for the first floor was not enabled to no one of first floor lodgers due to major failure of elevator, recovery of which required order by authorized representative of first floor owners of apartments and spending of resources. In the meantime the elevator was recovered, so the complainant, as well as all other lodgers, was enabled to use the elevator.

4.3. Regional Office Mostar

In 2011 Regional Office Mostar (hereinafter Mostar Office) received 222 complaints. Together with complaints from previous years the Office worked on 354 complaints out of which 244 were closed, and three recommendations were issued.

The greatest number of complaints was received by Department for Following of Political and Civil Rights (140), then Department for Economic, Social and Cultural Rights (64), and Department For Following the Rights of the Child (7).

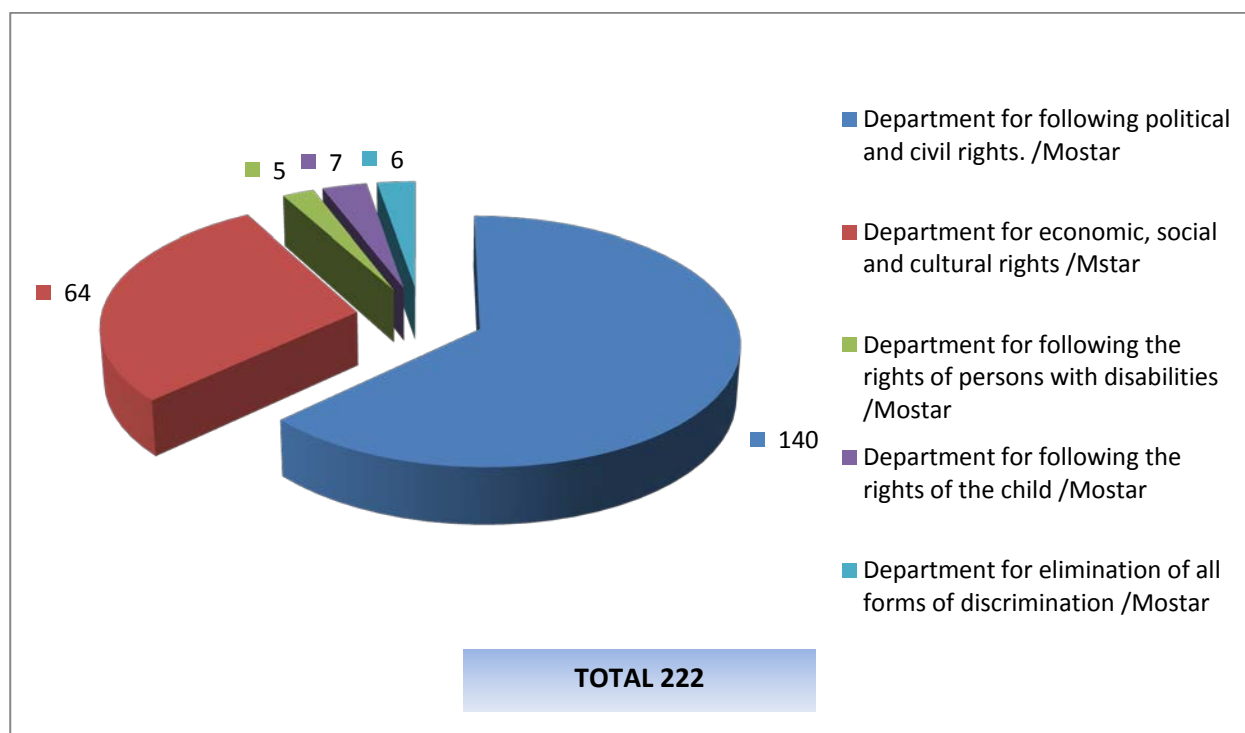


Chart 12: Review of complaints received in Regional Office Mostar in 2011 on department-to-department bases

Analysis of complaints received

Number of complaints in Regional Office Mostar must be taken in account only conditionally, since frequent practice is that the complaints registered comprise a large group of citizens. Complainants that could be used as example are: workers of enterprise Granit Jablanica, inhabitants of the street kralja Tomislava in Mostar, Association of Refugees and Displaced Persons in Mostar "MOJ DOM" Mostar, inhabitants of the street mimoza in Neum, citizens of Ravno and Popovo polje damaged by flood wave, workers of enterprise Žitopromet Mostar, Soko Mostar, Independent trade unions and workers of OTP Lištica Široki Brijeg, workers of public enterprise Šume HZ HB d.o.o. Mostar, civil servants and employees of the city of Mostar, etc.

There is practice that a great number of citizens address the Institution, requesting assistance not only for themselves but also for members of their families. Based on officially announced data from evidence of competent services for employment it is clearly visible that there is a great number of unemployed citizens, which logically leads to frequent addressing of citizens who seek possibility to get employed.¹⁸

Out of all complaints received by **Department for Economic, Social and Cultural Rights** the greatest number indicates violations of labor or labor related rights (37), right to pension (11) and difficulties in exercise of social (7) and health protection (3).

Complaints from area of labor relations are related to non-advertising of vacancy notices for vacant working posts, doing interviews and tests, purpose of which is not to check knowledge and abilities of applicants, but are used as a tool in favor of certain candidates, then displeasure with role of Civil Service Agency of FBiH in term of its contribution to irregularities and serious mistakes in the work of competent organs, and protection against arbitrariness of employers, and exercise of rights springing from Article 143 of FBiH Labor Legislation.

A great number of citizens requested involvement of Ombudsmen Institution with a view to removal of damaging consequences of completed privatization of enterprises, and resolving of status issues of employees in term of exercise of gained rights from employment status, and stopping of all forms of looting of enterprises' property.

Complaints received in Mostar Office still indicate violation of the rights of vulnerable categories of citizens in term of need for adequate housing solutions for them, difficulties related to receiving of imbursements, the best interest of the child, and ensuring of dignified and sustainable return.

Analysis of complaint received in **Department for Following political and civil rights** shows that the citizens most frequently alleged violation of property and legal relations (63), then functioning of judicial institutions in term of removal of unjustified delays and lengthy procedures (35), violation of Freedom of Access to Information Act (14), and violation of the Law on Ministerial, Governmental and Other Appointments regarding appointments and early termination of appointments of members of the board of directors, supervisory boards and directors of public enterprises.

¹⁸ In 2011 Mostar office had 901 immediate contacts

Illustrative cases

Complaint no: Ž-MO-05-11/11

Complainant and his four-member family are without earnings and survive by livestock. However, settlement in which he lives prohibited possession of livestock only to him, and not to other inhabitants. Following Ombudsmen intervention Appeal Council of the city of Mostar decided in favor of complainant.

Complaint no: Ž-MO-05-59/11

Complainant had prewar decision on apartment in which she did not move. Based on existing regulations, she initiated procedure for moving in the apartment and the case was held by competent commission of the city of Mostar, which did not process the case for several years. Ombudsmen requested and got answer/Record of the Commission for Control of Concluded and/or Renewed Contracts on Use of Apartments, which clearly showed that following Ombudsmen intervention concrete case of purchase of apartment was considered, which removed delay of procedure, and which actually was the reason of the complainant to address Ombudsmen Institution.

Complaint no: Ž-MO-05-183/11

Complainants live in Refugee Camp in Čapljina. They have property in territory of Konjic municipality which refused to issue corresponding certificate to the complainants, without which they can not initiate procedure of renewal of owned immovable property. Ombudsmen intervention was successful and resulted in issuance of mentioned document.

Complaint no: Ž-MO-05-68/11

Complainants live in a street in center of city of Stolac (the street named Behmenluk), where mainly returnees live. This street is without lighting for years so that complainants are disabled normally to live in their own houses. Previously, the addressed numerous organs unsuccessfully. Following complaint filed with Ombudsmen Institution, Stolac municipality swiftly ensured street's connection to public lighting.

Complaint no: Ž-MO-05-103/11

Several years ago competent prosecutor's office conducted procedure against complainant and decided to suspend the investigation, since there were not proofs for criminal offence committed. Although the police station Trebinje was officially informed on this, in its official records remained official note that investigation still went on. For long time complainant unsuccessfully tried to delete mentioned note and correct police evidence. Only following Ombudsmen intervention delete of this note was ordered.

4.4. Regional Office Sarajevo

In 2011 Regional Office Sarajevo (hereinafter Sarajevo Office) **received 1397 complaints, which together with 927 complaints transferred from previous years made 2324 complaints**, out of which 1253 cases were closed, 745 from 2011 and 508 from 2010. In this reporting period Ombudsmen Institution issued 130 recommendations.

There were numerous first contacts with the citizens, immediate or telephone contacts, allegations of which did not provide enough ground for registration of complaint in the Ombudsmen Institution. Citizens requested writing of submissions or representation before judicial institutions. In such cases Ombudsmen provided citizens with legal advice and inform them about competent institutions and organs to which to address, particularly to centers for free legal aid. Significant number of citizens in situation of social need addressed Ombudsmen Institution, requesting ensuring of minimum existential conditions.

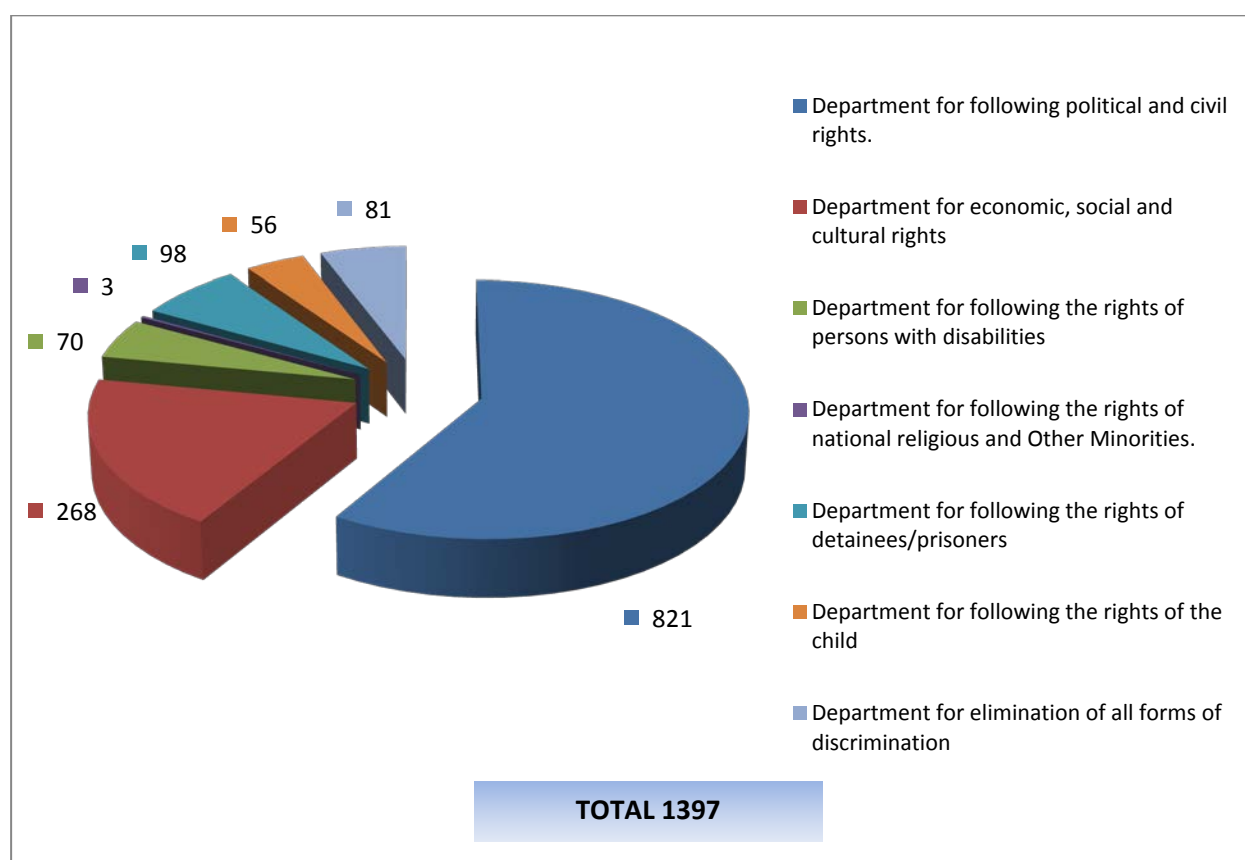


Chart 13: Review of complaints on department-to-department bases received in 2011 in Regional Office Sarajevo

Analysis of complaints received

As shown in tabular review of complaints received in Sarajevo Office, most number of complaints was received by **Department for Following Political and Civil Rights – 821**.

Analysis of complaints received by this Department shows that most number of complainants addressed to Ombudsmen Institution were due to violations by judicial institutions (235), administrative organs (172), violation of Freedom of Access to Information Act (154) and violation of the Law on Ministerial, Governmental and Other Appointments (78). Further analysis of complaints against judicial

institutions shows that the greatest number of citizens complaint about violation of the right to trial in reasonable period of time¹⁹ and non-execution of final court decisions.²⁰

Complaints against the work of administrative organs were most frequently filed due to violation of procedural provisions, that is, disrespect for legally prescribed deadlines for taking decisions, absence of decisions on appeals, silence of administration, and violation of principle of provision of assistance to ignorant party during procedure. Besides, complaints filed with Ombudsmen Institution contained allegations of about unkindness of officers towards citizens, inadequate working hours of administrative organs, guideline citizens from one organ to another organ, bureaucracy of administrative organs staff, as well as overall non-effectiveness of the work.

The most frequent reasons for filing complaints with Ombudsmen Institution from area of application of Freedom of Access to Information Act are: non-taking decisions upon citizens' request for access to information, exceeding legally prescribed deadlines for taking decisions, taking of decisions without formal element – indication on legal remedy where Ombudsmen Institution is indicated as the second instance organ, which is not correct, and disrespect of obligation of the second instance organ to take decisions on appeals.²¹

Significant number of complaints from competence of Department for Following Political and Civil Rights shows violation of violation of procedure of appointment prescribed by the Law on Ministerial, Appointments by the Council of Ministers and Other Appointments of Bosnia and Herzegovina and the Law on Ministerial, Governmental and Other Appointments of FBiH. **In 2011 in Sarajevo Office there were 78 complaints registered, 20 related to procedure of termination of appointment and 58 related to procedure of appointment.**

The greatest number of complaints ware about appointments/termination of appointments of board of directors and supervisory board of public enterprises and public institutions, alleging non-existence precisely determined criteria and standards for verification of candidates, appointments of candidates who do not meet vacancy notice conditions, disrespect for sequence of the proposed ranking list for appointments, lack of provision of informing candidates about final appointment, including non-informing candidates on termination and reasons for such decisions.

Out of complete of complainants received in **Department for Economic and Social Rights are related to labor and labor related rights (135), right to pension (73) and significant number of complaints was related to exercise of social and health protection.**

Complaints received from area of labor relations are related to application to vacancy notices, that is, irregularities and non-transparent of procedures, internal relocations with which complainants disagree, complaints due to non-payment of contributions for pension and disablement insurance and salaries earned. Frequently, complainants exercise their rights through competent courts.

In Department for Elimination of All Forms of Discrimination in this reporting period 81 complaints were received, and are related to discrimination in employment, membership in professional organizations, education, social protection, health care and housing.

In 2011 Department for Following Rights of persons with Disabilities received 70 complaints, out of which mo0st number of complaints are related to non-payment of imbursements based on determined invalidity, and non-deciding of appeals filed against decisions of social work centers by the second instance organs., decisions which determine or cease the right on exceptional financial security.

¹⁹ Ž-SA-05-65/11

²⁰ Ž-SA-05-376/11

²¹ Ž-SA-05-1285/11, P-218/11

In 2011 Ombudsmen Institution registered a certain number of complaints related to decrease of percent and group of disablement following revision procedure conducted of degree of disablement²².

Significant number of complaints received by Department for Following the Rights of the Child was related to **right to education**, and **regulation of the way of maintenance of relations and immediate contacts between child and parent** with whom child does not live, including the way of supporting of child.

As to Department for Following the Rights of Detainees/Prisoners, it is important to highlight **implementation of recommendation by the Ombudsmen, P-218/11, implemented by correctional institution Sarajevo** in term of improvement of elementary existential conditions of persons deprived of liberty, i.e. undertaking of measures related to dislocation of a part of institution in which there were convicts from Section Igman or Ustikolina, and resolving of problem regarding lack of employees who work with persons deprived of liberty, which was successfully realized²³.

Illustrative cases

Complaint no: Ž-SA-05-1285/11

Federation Ministry of Work and Social Policy took decision upon request for access to information within legal deadline yet without formal element, that is, legal remedy. Following precession of complaint, Ombudsmen Institution recommended taking of new decision which would contain all legal elements. Recommendation was implemented within time limit indicated by the Ombudsmen, new secession was prepared and protection of the right of complainant regarding ordinary legal remedy.

Complaint no: Ž-SA-04-1135/11

Ombudsmen Institution forwarded recommendation requesting ensuring adequate position of complainant who, following four years of work as acting director of Fire Brigade Sarajevo of Canton Sarajevo, was displaced to working post of firefighter-driver. Before appointed for acting director complainant obtained university degree and during his work as acting director complainant obtained master's degree. Through recommendation, and in accordance with international standards, obligation that complainant should be ensured working post according to his newly obtained title was highlighted, particularly taking in account his past experience gained through 4 years of work as acting director.

Complainant no: Ž-SA-05-442/09

Ombudsmen institution recommended (rec. no: P-58/11) competent services of Municipality Novi Grad to undertake measures aimed to removal all failures related to exercise of complainant's right under equal conditions and circumstances, as it is ensured to other citizens, to be enabled to construct in territory of this Municipality, which would ensure application of provision of the Law on Prohibition of Discrimination.

²² Ž-SA-02-495/11

²³ Ž-SA-07-1381/11

Complaint no: Ž-SA-05-88/11 I Ž-SA-05-98/11

On the occasion of complaint against appointment of director of public enterprise "RAD" d.o.o. Ključ, where it was alleged that during procedure of selection and appointment the Law on Ministerial, Governmental and Other Appointments of FBiH was violated, BiH Ombudsmen, following investigation conducted, adopted Findings and conclusion wherein they stressed from all evidence springs that in concrete procedure provisions of the Law were not violated, as well as complainant's human rights.

Complaint no: Ž-SA-05-600/10

Processing complaint against appointment of director of public enterprise „Vrbas“ d.o.o. Bugojno, Ombudsmen Institution forwarded its Findings, conclusion and recommended that Decision on appointment should be annulled because a candidate appointed as a proof of his fulfillment of requirement for working experience forwarded certificate on voluntary work for which a cantonal inspector determined that could not be used as a proof of years of experience. Ombudsmen Institution was not informed on implementation of this recommendation.

Complaint no: Ž-SA-05-93/10

Complainant alleged violation of Article 6 of European Convention on Human Rights and Fundamental Freedoms, in a part related to lengthy court procedure. Ombudsman Institution issued recommendation no: P-86/11, recommending Municipal Court in Velika Kladuša without delay to undertake necessary activities for completion of the procedure and, in connection, adoption of Decision of the case 023-0-P-06-000 553. Ombudsmen Recommendation was complied with through Municipals Court Decision on temporary measure proposed by prosecutor, preventing looting of property, since matter of dispute was division/determining of jointly acquired marital property..

Complaint no: Ž-SA-05-932/11

Complainants alleged that they repeatedly addressed Municipal Court Tuzla, following the Court took decision due to failure, requesting putting seal on the validity and enforceability of the judgment, in order to take further legal steps against sued party, that is, initiate executive procedure. Following investigation conducted complainants informed that thanks to Ombudsmen intervention protection of the right was realized.

Complaint no: Ž-SA-05-1203/11

Complainant alleged that he submitted request for access to information to Social Work Center Bosanska Krupa. Up to date of addressing to Ombudsman Institution the complainant was not provided with any answer concerning relevant request. Following Ombudsmen investigation conducted the protection of the right of complainant was realized, that is, decision allowing access to requested information was taken.

Complaint no: Ž-SA-02-1150/11

Complainant alleged that he submitted appeal to Federation Ministry of Work and Social Policy against Decision by Social Work Center Zenica, by which complainant was deprived of personal

disablement imbursement of group I. Complainant was provided with no answer until he addressed Ombudsman Institution. Following Ombudsmen investigation conducted, protection of the right of the complainant was ensured through adoption of the second instance decision taken by the Federation Ministry of Work and Social Policy.

4.5. Field Office Livno

In 2011 Field Office Livno (hereinafter Livno Office) received 237 complaints. Together with complaints from previous years the Office worked on 307 complaints, out of which 252 were closed, and seven recommendations were issued.

Based on statistical data, the greatest number of complaints was received by **Department for Following of Political and Civil Rights - 168**, then **Department for Economic, Social and Cultural Rights - 65**, and **Department for Elimination of All forms of Discrimination - 4**

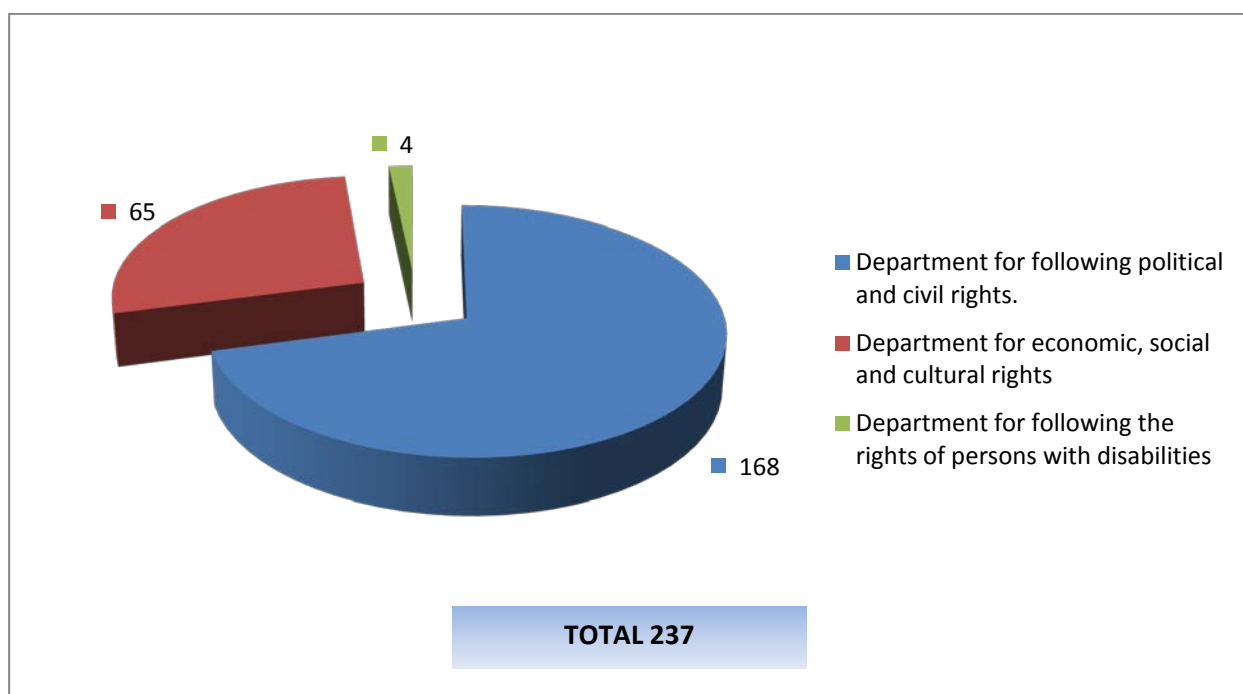


Chart 14: Review of complaints on department-to-department bases received in 2011 in Livno Office

Analysis of complaints received

At the first place there are obvious problems in **functioning of judicial and administrative organs**, since far the largest number of complaints is related to their work. Compared to 2010, when **232 complaints were received** (all by three mentioned departments), leads to conclusion that situation of human rights in 2011 is even slightly worse.

Complaints filed against work of judicial organs are related to violation of the right to trial in reasonable period of time, that is, slowness of the work and non-effectiveness, which is reflected in greater number of non-executed final court decisions, particularly in the cases where sued parties/offenders are budget users.

Complaints filed against the work of administrative organs or inspections are related to non-effectiveness and lengthy procedures.

Violation of rights from area of labor are on the third place, in most number of complaints allegations are against numerous employers who still do not pay contributions for pension and health insurance, which aggravates position of workers on the occasion of retirement or medical treatment. This indirectly indicates non-effectiveness of competent governmental organs, before all, inspections and Tax administration.

Compared to 2010, when 14 labor related complaints were received, the number of violations of the rights from labor related area in 2011 evidently increased for 50%. .

In comparison to 2010 **slight increase of violations on various bases is visible**, and regarding Canton 10, particular attention is necessary about Glamoč Municipality due to registered cases of discrimination, since even following Ombudsmen Intervention it did not redress violated rights. There was one case of discrimination registered in Tomislavgrad and one in Livno, however, responsible parties responded promptly and redressed rights violated.²⁴

There were 16 complaints against the work of police, which is double more than in 2010 when 8 complaints were received. Complaints were mainly related to hiring of new workers through vacancy notices, which proceed to be groundless. Moreover, Complaint Commission did not find out irregularities on the occasion of hiring of new workers, due to which some complainants did not show willingness for further procession of complaints, while some requested court reconsideration of decisions on hiring of new workers, yet unsuccessfully.

It is the fact that the number of complains does not reflect real situation in the society and,

therefore, does not show true picture of human rights situation in territory of Canton 10 where a great number of citizens are unemployed and many live by social aid.

Besides, according to complaints submitted, there occurred problem in employment in public services that do not keep evidence on ethnic structure of employees, although according to the Constitution and the Law on Prohibition of Discrimination, all public services on the occasion of hiring new workers should take in account structure of employees in conformity with the Census of 1991. Due to non-existence of such evidence it is not possible to carry out checking. In the concrete cases it is about public enterprise established by the Government of Canton 10.²⁵

Illustrative cases

Complaint no: Ž-LI-04-112/11

By the Decision of Regional centre Mostar – Tax department, complainant was approved refund of the excise tax for 2011. The Decision was referred for execution to the Central Office of Administration for indirect taxation in Banja Luka. Nevertheless, reimbursement never took place with explanation that the user is unknown. Following Ombudsmen investigation conducted, responsible party did appropriate checking out and took Decision on correction of previously taken decision, based on which the complainant was refunded.

²⁴ Ž-LI-06-196/11 i Ž-LI-06-231

²⁵ Ž-LI-05-211/11

Complaint: Ž-LI-05-234/11

The Board of Directors of Federation Pension and Disablement Fund at its session took decision on termination of appointment of director of cantonal administrative service for Canton 10 region with the Seat in Livno. The complainant was of the opinion that the Decision by the Board of Directors was politically motivated, that there was not disciplinary proceeding against him, that he worked duly and was never objected for his work by superior employees, that such decision was without legal bases and that there was no explanation for such Decision. Therefore he put forward a charge to Municipal Court Livno and Proposal for court ensuring measure with proposal for determination of temporary measure of ensuring with a view to prevent occurrence of damaging consequences for the complainant. In accordance with his rights, the complainant requested the Ombudsmen to intervene with court to take mentioned proposed measures as soon as possible. Court urgently took decision by which director and deputy director of Federation Pension and Disablement Fund Mostar were forbidden to undertake any activities in accordance with Board of Director's and related decisions and findings of the Board of Directors until completion of civil procedure. By the same court decision Federation Pension and Disablement Fund was forbidden to announce vacancy notices or to appoint director, or to take any activities related to appointment of director until completion of civil procedure.

Complaint: Ž-LI-06-136/11

A group of complainants, who during the war moved to Glamoč, filed complaint against Glamoč Municipal Council, related to the Rules on allocation and sale of the apartments on which Municipality Glamoč is occupancy rights allocator. Mentioned Rules was adopted in February of 2011. Complaint contained allegation that articles 3 and 4 of the Rules are discriminatory concerning these banished persons in relation to other persons banished from other parts of Bosnia and Herzegovina who are temporary placed in Glamoč. According to mentioned provisions of the Rules, complainants were to and were not able to submit request for allocation/purchase of apartment, since they were not able to attach certificate on movement to the request, which is issued by competent organ of Interior Ministry, and which is proof that occupancy right holder on 30.04.1991 lived in territory of Glamoč, and that priority for apartment allocation have some categories of citizens who, according to positive legal provisions, should not have. In complaint there was further alleged that refugees from other parts of BiH started to get decisions on cessation of temporary occupancy rights in Glamoč, who are without possibility to return in prewar places of residence, since their houses or apartments were still not renewed, so they required equal rights for all. Ombudsmen issued recommendation (rec. No: P-122/11) to Glamoč Municipal Council, requesting the Council, as adopter of the Rules, and taking in account findings and opinion of the Ombudsmen, to harmonize the Rules with the Law on Prohibition of Discrimination and the Law on Repossession, Allocation and Sale of Apartments.

Chairperson of Glamoč Municipality Council informed Ombudsmen Institution on 14.12.2011 that the recommendation was not accepted. Moreover, in this answer it was stressed that Municipal Council was consisted of 15 representatives, and that 6 representatives voted for changes of the Rules, while 7 representatives were abstained.

Complaint no: Ž-LI-04-99/10

Building „Mejtef“ in Livno is 120 years old. The owner of the building is Livno Municipality, and once it was ownership of „Vakuf“ of Islamic Religious Community Livno. Four lodgers of Bosniak ethnicity live in the building. The building is in a very poor condition and there is a danger of its

collapsing. The lodgers are of poor financial situation. They repeatedly addressed Livno Municipality, as owner of the building, to allocate them another adequate accommodation, since they are socially vulnerable persons. They also addressed Federation Ombudsmen Institution, however, without any result. Through BiH Ombudsmen investigation it is determined that procedure of adoption of new Rules on allocation and sale of apartments controlled by Livno Municipality takes place, yet the procedure is unjustifiably lengthy. Competent municipal organ prepared draft Rules that are to be referred to Municipal Council for adoption, however, it is still not done, since Commission for Adoption of the Rules has objections against offered draft Rules, so the consultations on consolidation still goes on due to different opinions. According Ombudsmen information, there are too many requests for allocation of such apartments, and that there is conflict of interests between different groups. Due to such situation the citizens who are of the most need for apartment suffers the most, including the complainants.

CHAPTER V – DEPARTMENT FOR FOLLOWING OF POLITICAL AND CIVIL RIGHTS

Department for following of political and civil rights of the Institution of Human Rights Ombudsman of BiH receives complaints and initiates *ex officio* investigations in the cases where it determines violations and problems in exercise of rights in accordance with domestic legislation or international standards. Concretely, the Department received complaints related to: judges, property and legal relations, administration, governmental and ministerial appointments, prosecutor's offices, public attorney's offices, media and freedom of information, immigration and asylum, access to information, police, public documents, administration, war damages...

DEPARTMENT	Received in 2011
Department for following of political and civil rights // Banja Luka	411
Department for following of political and civil rights // Brčko	275
Department for following of political and civil rights // Mostar	140
Department for following of political and civil rights // Sarajevo	821
Department for following of political and civil rights // Livno	168
Department for following of political and civil rights	1815

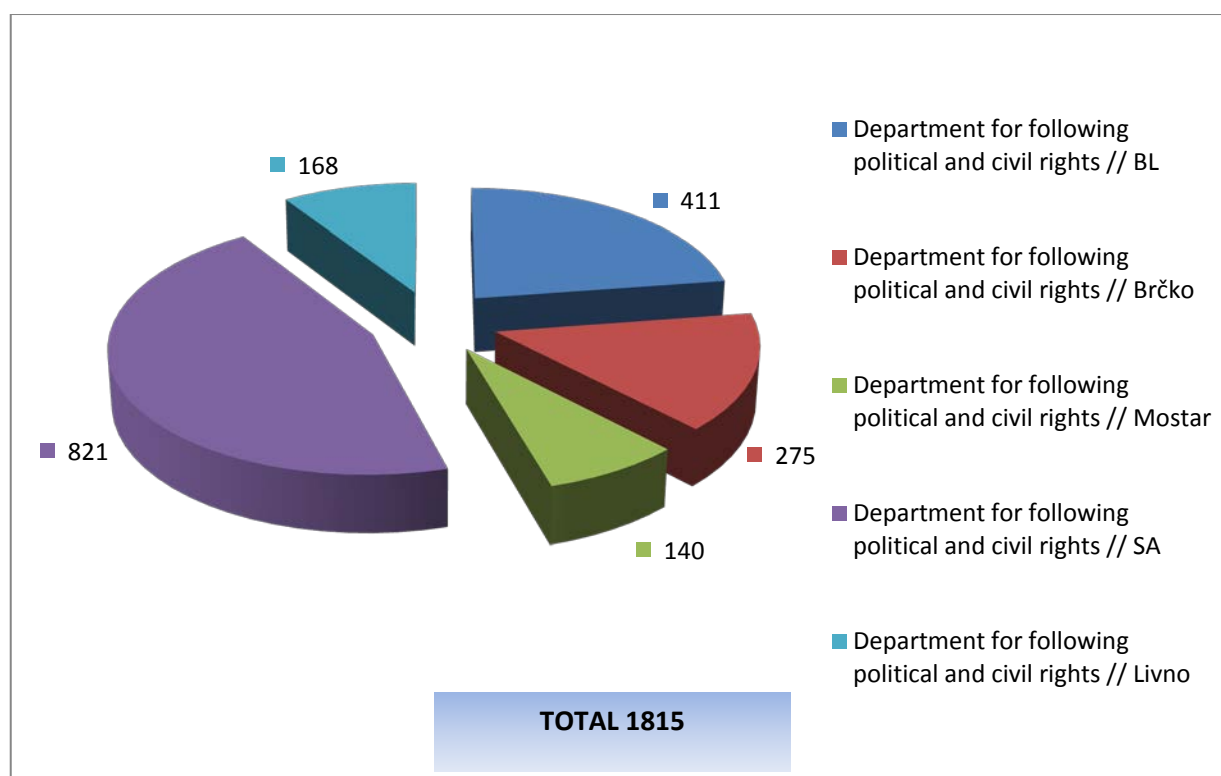


Chart 15 – Review of complaints received in 2011 by the Department for following of political and civil rights on office-to-office bases

Analysis of complaint received

In 2011 **Department for following of political and civil rights received 1815 complaints**, out of which Head Office Banja Luka 411, Regional Office Brčko 275, Regional Office Mostar 140, Regional Office Sarajevo 821 and Field Office Livno 168.

Out of complete number of complaints received in 2011, 1100 were resolved and 715 remained to be processed. 983 complaints were transferred from 2010 to 2011, out of which 672 were resolved and 311 remained to be to be processed.

In 2011 Department for following of political and civil rights acted and processed **2798 complaints** (complaints received in 2011 and 2010), out of which **1772** were resolved and **1026** were transferred to 2012.

From aspect of categories of violations from competence of Department for following of political and civil rights, review of complaints registered is as follows: **courts – 626; administration – 402; property rights – 228; access to information – 243; governmental and ministerial appointments – 119; police – 117; public documents – 32; prosecutor's offices – 30; war damages – 13; public attorney's offices – 5; and media and freedom of information.**

Violations	Received in 2011	Received in 2010
Courts	626	653
Administration	402	512
Property and legal rights	228	240
Access to information	243	213
Governmental and ministerial appointments	119	142
Police	117	72
Public documents	32	17
Prosecutor's offices	30	-*
War damages	13	15
Public attorney's offices	5	-*
Media and freedom of information	0	13
Total number of violations	1815	1877

Table 7: Compression of violations between 2010 and 2011, characteristic for Department for following of political and civil rights²⁶

In 2011 Department for following of political and civil rights issued **112 recommendations**, out of which 32 were related to administration, 25 to governmental and ministerial appointments, 20 to courts, 17 due to ensuring freedom of access to information, property and legal rights – 13, war damages - 2, media and freedom of information – 1, public documents – 1 and public attorney's office – one recommendation.

²⁶ In 2010. Violations by „prosecutor's offices“ and „public attorney's offices were managed collectively under "Courts", while in 2011 these categories were divided into separate items.

Out of all recommendations issued by Department for following of political and civil rights **38 are implemented, cooperation established concerning 30 recommendations, 27 recommendations remained without answer, while 14 recommendations remained not implemented.**

Reporting period of work and activities of Department for following of political and civil rights of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina in 2011 remained still primarily characterized by occurrences of violation of human rights and fundamental freedoms that are protected by Article 6 of ECHR and Article 1 of Protocol 1 to ECHR, appearing in procedures before administrative organs and courts.

Analysis shows the fact that Department for following of political and civil rights still receives the greatest number of complaints, which is caused by non-harmonized domestic legislation with standards of protection of human rights and fundamental freedoms, disharmony of legislation and situation in practices, complex administrative structure of Bosnia and Herzegovina, political factors (BiH is post-conflict country in transition), economy and social factors (citizens' poverty increases as well as the rate of unemployment) .

Addressing by the citizens are frequently related to the issues that are, according to *the Law on Human Rights Ombudsmen*²⁷, out of competence of the Institution, such as impact to merit of court decision, and mentioned addressing result in provision of free legal aid to ignorant persons through preparation of submissions, representation before courts, etc.

Anyway, the fact should be stressed that cooperation between governmental organs in BiH and Ombudsmen Institution is improved, i.e., that in certain cases complainants realize their rights during Ombudsmen intervention.

5.1. Property rights

In 2011 Ombudsmen Institution received two types of complaints related to violation of property rights. These are: ***right to property in context of implementation of Annex VII*** and ***rights related to ownership and legal relations***, actual rights, expropriation, papers of value, inheritance, rights *in personam* from domain of social policy (pensions), usurpation, property of local self-governances.

In 2011 complete number of **complaints received was 228**, out of which 14 in Head Office Banja Luka, 50 in Regional Office Brčko, 62 in Regional Office Mostar, 7 in Field Office Livno and 95 in Regional Office Sarajevo.

As to the way of cases' closing, BiH Ombudsmen took 207 decisions on closing of the cases – 64 cases were closed following Ombudsmen intervention, where complainants realized their rights, in three cases, due to cheaper procedure, complaints were referred to another office of Ombudsmen Institution, while in 39 cases the cases were closed due to complainants demonstrated lack of interest for continuation of procedures. Concerning 54 cases, the Ombudsmen decided to close them due ungrounded allegations, and in 8 cases Ombudsmen Institution was not competent and such cases were referred to competent organ for further processing, while 30 cases were resolved in some other way.

In area ownership and property rights BiH Ombudsmen issued **13 recommendations**, out of which 5 were implemented, in 6 cases cooperation was established, while concerning one recommendation answer was not forwarded.

²⁷ „Official Gazette of BiH“ no.19/02, 35/04, 32/06, Article 4 of the Law.

5.1.1. Right to property according to Annex VII of General Framework Agreement on Peace in Bosnia and Herzegovina

Ombudsmen of Bosnia and Herzegovina received certain number of complains²⁸ due to failures of ***the Commission for Real Property Claims by Refugees and Displaced Persons in BiH*** connected to procedure of reconsideration of decisions taken by the Commission for Real Property Claims of Refugees and Displaced Persons in BiH.

Annex VII of General Framework Agreement on Peace in Bosnia and Herzegovina must be one of the priorities. Non-establishing of the Commission for Real Property Claims of Refugees and Displaced Persons in BiH²⁹ (*for two years now*)), causes violation of human rights and fundamental freedoms, due to which citizens of BiH put forward charges before BiH Court³⁰. Processing charges, BiH Court inform claimants that court procedures take place beyond reasonable period of time because there is not passively legitimated party (sued Commission). Processing complaints, BiH Ombudsmen receives explanation by competent organs (the Ministry of Justice of BiH and the Ministry of Human Rights and Refugees of BiH) „*that the Commission is in phase of establishment*“.

In concrete case BiH Ombudsmen express concerns regarding State's non-organization, a large number of cases that are „*put on ice*“ due to non-establishment of the Commission, particularly because Annex VII, under its aims and tasks, foresees obligation of competent governmental organs to establish system and procedure that would fulfill requirement for urgent resolving of all cases related to property repossession and return. Urgent actions for repossession of property, regardless of the fact that the procedures themselves are not defined as such by positive regulations, could be viewed through existing circumstances, also highlighted by the Constitutional Court of Bosnia and Herzegovina (*case no: U 22/00 of 22. i 23. June 2001*).

Despite of repossession of housing units to their prewar owners and significant resources for reconstruction of destructed housing units, a number of refugees and internally displaced persons are still not return to their prewar places of residence, or, following return, they abandoned them again. In the field there are still present ***collective centers***, and Ombudsmen Institution registered complaints indicating occurrence that even new centers are opened to accept displaced persons, those with recognized right to alternative accommodation.

Non-establishment of normative and legal framework in sphere of ensuring of enjoyment of right to health care and social protection in the way that these rights are transferable from one to another entity, as well as from one canton to another, resulted in decrease of results achieved in sustainable

²⁸ Complaint no: Ž-SA-02-541/09, Ž-SA-05-608/11, Ž-SA-05-1256/11,

²⁹ The Commission for Real Property Claims by Refugees and Displaced Persons in BiH (CRPC), through Agreement concluded between Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republic of Srpska on Transfer of Competence and Continuation of Financing and Work of CRPC („Official Gazette of BiH“, no: 32/04), the issue of procedure of transfer of competence from the Commission to BiH institutions. CRPC ceased to work on 31.12.2003, and the Agreement envisaged that, following the mentioned date, financing of the Commission shall be ensured from BiH Budget. Following this date the Commission was consisted of 7 members, and professional and administrative support was provided by department for support of the work of the Commission. On 31.12.2003 the Commission stopped to receive new claims and taking decisions on confirmation of property rights. Decisions taken by CRPC that were not delivered before 31.12.2003 were transferred to BiH Archive before 31.12.2003. Based on specially concluded Agreement between the Commission and BiH Archive, upon request of claimant BiH Archive shall deliver Commission's decisions previously not delivered to claimants. Further, the Law on Transfer and Resolving of Non-resolved Claims for Repossession of Apartments with Occupancy Rights and Claims for Repossession of Private Real Estate submitted to the Commission (published in official gazettes of FBiH and RS in 2004) stipulates that non-resolved claims shall be transferred to competent municipal or city administrative service for housing issues. Mentioned claims are decided parallel with claims submitted to competent service in accordance with the Law on Cessation of Application of the Law on Abandoned Property Owned by Citizens. Upon receipt of the claims, competent organ process them in chronological order in which they were received by the Commission

³⁰ Lawsuit before BiH Court, no: U-216/08, U-90/08

return. This is the reason why are returnees forced, particularly due to difficult economic and social situation and to retain social rights, give up the return. Such occurrences are especially present in returnee population in rural areas. In their Annual Report for 2010 BiH Ombudsmen drew attention to this negative occurrence. However, the situation in segment of exercise of returnees' right to health and social protection in place of return is not significantly improved. Returnees are still double discriminated, since they do not enjoy full freedom of movement and choice of the place of living. This is particularly important concerning return of persons with recognized status of civil victim of war.³¹

Registered complaints of **ownership and legal** nature are related to inappropriate lengthy procedure, where in individual cases administrative organs and courts do not take decisions within several years; presentation of inappropriate requests by competent organs, requesting citizens to produce additional documentation, which exposes citizens to unnecessary spending; violation of procedural and substantive legislation; partiality in taking decisions; non-professional and non-ethic behavior of acting relevant officer; lack of scheduling of hearings; avoiding of resolving merit of case based on content of file; violation of right to legal remedy; non-effective respond of inspections; disregard of submissions by citizens, etc. Examples of such behavior are particularly visible in cases from area of housing policy, survey and cadastre of immovable property, construction of real estates, legalization, illegal constructing, construction of additional floor, exercise of the right to easement, right to access to public road, usurpation of ownership, etc.

5.2. Administration

In 2011 Ombudsmen Institution received **400 complaints concerning the work of public administration**, out of which 103 in Head Office in Banjaluka, 63 in Regional Office Brčko, 9 in Regional Office Mostar, 172 in Regional Office Sarajevo and 53 in Field Office Livno.

In 2011 Department for following political and civil rights completed 425 cases, including those transferred from 2010, that were related on the work of administration, and **130 cases were successfully resolved following intervention of the Ombudsmen**, three cases were subject for preparation of Special Reports, while one case, due to cheaper procedure, was referred to another Ombudsmen office. In 16 cases BiH Ombudsmen recommended responsible party to undertake measures to remove determined human rights violations, while in 89 cases the Ombudsmen took decision on closing of the cases because complainants showed lack of interest for further procedure. Decision on closing of 93 cases was taken due to unsound complaints, and in two cases Ombudsmen Institution was not competent to process them so these complaints were referred to competent organ, and 91 cases were resolved in some other way.

Processing individual complaints related to functioning of administration, two types of violations are detected. In the first case, the citizens mainly complaint against **ethics and code of behavior of administration, and, secondly, complaints are related to procedural provisions regulating administrative procedure**. Through these complaints citizens express discontent with the fact that administrative procedures, initiated upon citizens' requests, before administrative organs, are processed contrary to provisions of the Law on Administrative Procedure, failure to take decisions in legally prescribed deadlines, insisting on presentation of a great number of unnecessary documentation, as well as due to absolute silence of administration, violation of principle of assistance to ignorant citizens,

³¹ Institution of Human Rights Ombudsmen of Bosnia and Herzegovina „Observation of BiH Human Rights Ombudsmen on application of international Covenant on Civil and Political Rights in BiH“ of 20 December 2011

non-deciding appeals, lengthy second instance procedures, frequent and repeated referring of the case to the first instance organ for reconsideration (table tennis ball principle), wrong application of substantive laws, etc.

5.3. Judiciary

In 2011 in court proceedings appeared violation of human rights and fundamental freedoms protected by Article 6 of *European Convention on Human Rights and Fundamental freedoms*³², and the most number of cases were characterized by **lengthy court proceedings, non-effective implementation of court decisions, legal insecurity, disharmony of court practice, non-execution of court decisions and distrust of citizens towards courts.**

According to statistical data of Department for following political and civil rights, in 2011 **623 complaints were registered related to the work of courts and court administration, mainly in Head Office in Banja Luka – 147, 124 in Regional Office Brčko, 35 in Regional Office Mostar, 235 in Regional Office Sarajevo and 82 in Field Office Livno.**

Processing complaints from 2011 as well as those transferred from 2010, where courts were indicated as responsible parties, Ombudsmen Institution completed 653 cases in the following way: 245 cases were closed following successful intervention of the Ombudsmen, that is, redress of complainant's right. Related to complaint³³ filed due to actions of competent organs in RS concerning non-execution of the Decision of the Constitutional Court of Bosnia and Herzegovina, no: CH/01/8020 of 27.06.2007, the Ombudsmen prepared Special Report, no: P-162/11. Concerning three cases, Ombudsmen decided to refer complaints to another Ombudsmen office, due to cheaper procedure, in **19** cases Ombudsmen issued **recommendations**, while in 90 cases Ombudsmen closed the cases because of lack of complainants' interest for further procedure. In 138 cases Ombudsmen took decision on closing of the cases due to unsound allegations contained in complaints, four cases were referred to another competent organ, while 153 complaints were resolved in some other way.

Viewed through statistical indicators, in comparison with 2010 number of complaints against the work of courts registered in 2011 (623) is increased for 6 cases (0,9%) in comparison with 2010 (652).

The greatest number of complaints (306) against the work of courts is related to **lengthy court procedures, while 199 complaints were related to procedural issues, 71** complaints were related to non-execution of court decisions and 48 related to work of judges.

Although CMS (Central Management System) is established, which ensures unity of conducting of all cases in judicial system and enables chronological processing of cases and further, from immediate addressing of the citizens and allegations contained in complaints springs that citizens encounter difficulties in exercise of their rights through court mechanism of protection, due to which a certain degree of distrust of citizens towards courts is present.

³² „The right to court proceedings in reasonable period of time is defined by Article 6 of ECHR and is inseparable part of the right to court proceedings as defined by International Covenant on civil and political rights. In the course of court proceedings reasonable time for resolving of court cases prescribed by Article 6 of ECHR is from the date of initiation of lawsuit to taking of final court decision and further to implementation of executive procedure following final and executive decision, regardless of date of receipt of file by the first instance or second instance court. To ensure right to fair trial, as prescribed by the Covenant, it is on state to organize its judiciary in the way which would ensure persons under jurisdiction of particular state, regardless of their financial situation or level of education, to predict outcome of trials (including also time needed for taking decision) and effective legal remedies.“

³³ Ž-BL-05-717/11

Problem of „*enormous caseload*“ of first instance courts by huge number of communal cases during 2011 is not systemically resolved as well, although a certain number of additional judges and professional collaborators are involved in resolving of such cases.

Without systemic organization, before all without determining of legal and normative framework, additional endeavor of legislative and executive authorities, it is not possible to expect future significant improvement in this segment.

Ombudsmen Institution in its Report for 2011 again received complaints related to non-possibility of execution of **final court decisions**. (Namely, despite of the fact that final court decision exists, in most number of cases sued party (natural or legal person) refuses voluntarily to carry out ordered obligation within indicated time period. In such situation plaintiffs are forced to exercise their rights through repeated addressing to court with request for enforceable execution. In this way lengthy procedure of execution is opened, and with uncertain outcome, although, according to The Law on Executive Procedure, in such cases „*court should urgently proceed*“. In most number of such cases debtors in various ways tried to avoid execution of their obligation – delete of their enterprise from registry, fictive dispose of assets (by transferring it to the closest relatives, friends), change of bank account, etc.

According to assessment of BiH Ombudsmen, violation of citizens' rights is also committed through **impossibility of execution of budget resources by the users**. Following investigation in concrete cases, answer of competent organ was that „*resources are not planned in the budget, that payment is performed in chronological order, that debts to claimants of execution will be paid in papers of value, that there is not enough resources for this purpose, etc*“. The reason for this is inadequate legal solutions that still exist in practice.

BiH Ombudsmen received a certain number of complaints³⁴ related to application of Article 27a of **the Law on Cessation of Application of the Law on Occupancy of Abandoned Property in Republika Srpska**³⁵ and Article 17d, Article 12, paragraph 2, item 3 of **the Law on Cessation of Application of the Law on Temporary Abandoned Immovable Property Owned by Citizens, which prescribes compensation for „necessary expenses“**, and these expenses are only those that are necessary for maintenance of immovable property and its functionality., that is, those expenses necessary to keep immovable property in useful condition.

In procedures before competent courts in BiH, according to claims by former temporary occupants of abandoned property, requesting compensation of investment of personal resources, against returnees who are real owners of property, and requested compensations are frequently not of a characteristic of „necessary expenses“, decisions are taken (or are in procedure of taking) that in their merit originally open question of implementation of Annex VII of Dayton Agreement.

In concrete cases these court procedures lounge question of consistent application of legal regulations regulating issue of abandoned property, and which also regulates issue of compensation for “necessary expenses”.

From the complaints filed with Ombudsmen Institution it is visible that following lengthy procedures before administrative organs concerning repossession of property, the courts deliver their decisions to returnees determining huge amounts of money (KM 200.000, KM 400.000, etc) based on compensation for invested resources by temporary occupants, although relevant legislation prescribed

³⁴ Complaint no: Ž-SA-05-906/11, Ž-SA-05-915/11, Ž-SA-05-838/11, Ž-SA-05-657/11, Ž-SA-05-850/11, Ž-SA-05-407/10 Ž-SA-05-1194/11, Ž-SA-05-326/11

³⁵ „Official Gazette of RS“, no.: 38/98, 12/99, 31/99, 38/99, 65/01, 13/02, 64/02, 39/03, 96/03, 45/09 i 1/10; the Law on Cessation of Application of the Law on Temporary Abandoned Immovable Property Owned by Citizens „Official Gazette of FBiH“ no. 56/01;

that only „*necessary expenses*“ shall be compensated. Based on such judgments, returnees are to pay to temporary occupants compensation of personal resources invested, regardless of the fact that concrete investments are not necessary expenses. Since frequently these compensations are much higher than value of very property estimated by courts, and since returnees have not got money to pay determined compensations, the property is sold by courts and compensation paid to temporary occupants, while owners lose property, which makes questionable returnees' right to home.

According to information provided by Association of War Victims there *are more than several thousands of lawsuits requesting recognition of status of civil victim of war* that still wait to be processed.³⁶

In this reporting period Ombudsmen Institution **monitored functioning of judicial system** through individual cases registered in Ombudsmen Institution,³⁷ based on requests of complainants alleging certain actions that could be brought in relation with application of Article 6, paragraph 1, of European Convention on Human Rights and Fundamental Freedoms. Practice of monitoring of trials by authorized person from Ombudsman Institution *inter alia* is aimed to increase of justice, effectiveness and transparency of judicial institutions, and is aimed improvement and exercise of right to trial with consistent application of accepted application of international human rights standards.

Substantive and procedural laws of BiH are in great measure harmonized with European standards; however, non-balance between adopted legislation and its application in practice is not on satisfactory level.

5.4. Free legal aid³⁸

In BiH there is problem of inadequate legal protection of citizens in court or administrative procedures, which opens question of ensuring of access to court.

Provision of free legal aid in Bosnia and Herzegovina is relatively new and insufficiently developed practice. This right is guaranteed by Article II, paragraph 3 item e) of *the Constitution of Bosnia and Herzegovina* and Article 6 of *European Convention on Human Rights and Fundamental Freedoms*. Member-states of the Council of Europe are imposed obligation to ensure provision of free legal aid to citizens due to their poor financial situation and other circumstances are not in possibility to pay expenses of procedures in which protection of their rights would be realized.

Current system of legal aid in Bosnia and Herzegovina is reduced to exemption of cost of procedure only in particular procedures, and limited to narrow area of socially vulnerable persons, while provision of free legal aid is denied to persons who can exercise this right where it is required by interest of equity (foreign citizens, asylum seekers)³⁹. Besides legal aid established by authority institutions, in

³⁶ Observations on application of International Covenant on Civil and Political Rights in Bosnia and Herzegovina.

http://www.ombudsmen.gov.ba/materijali/Opiservacija_ICCPR_BHS.pdf

³⁷ Ž-LI-06-201/11, Ž-BL-05-436/11, Ž-SA-06-1196/10, Ž-SA-04-115/10, Ž-BL-05-436/11, Ž-BL-05-197/11, Ž-BL-05-654/11, Ž-SA-05-1171/11, Ž-SA-05-353/11, Ž-SA-05-353/11.

³⁸ Free legal aid could be defined as a legal organized way of provision of legal aid aimed to exercise of legal protection of violated or endangered rights or interests of some person before competent court or other (governmental) organ/body. Free legal aid is kind of exercise of individual rights to access to court and other bodies, before which certain rights or obligations are exercised, based on principle of equality, and expenses are fully or partly to be paid by state. Legal aid is private right and it is applied only for party to which this right is recognized and recognized procedure. Free legal aid could be provided only to natural persons, and not legal entities. This right can be exercised by the parties who through payment of such services would significantly decrease resources the party or members of his/her family lives on.

³⁹ Legal aid provided to asylum seekers and foreign citizens is provided through NGOs, survival of which depends on donated funds, based on agreements concluded with competent Ministry on state level of Bosnia and Herzegovina.

BiH legal aid is also provided by the NGOs, whose work and activities in most number of cases is limited by time and program requirements by donors, including limited resources.

In BiH territory special laws on free legal aid are adopted in RS⁴⁰, BiH District of Brčko, Canton Tuzla, Canton Zenica-Doboj, Canton West Herzegovina, Canton Una-Sana and Canton Sarajevo, while on state-level of Bosnia and Herzegovina⁴¹, as well as in rest of cantons this law is still not adopted.

On this occasion BiH Ombudsmen stress positive example of BiH authorities, which adopted the Laws on Free Legal Aid and endeavor of the latter to establish institutions and network of providers of free legal aid, through which the citizens will exercise the right to free legal aid.

5.5. Police

In 2011 Ombudsmen Institution received **117 complaints** about the work of police, which is compared to 2010 (70 complaints), increase for 62,5% or 45 complaints more. Head Office in Banja Luka received 21 complaints, Regional Office Brčko 19, Regional Office Mostar 10, Regional Office Sarajevo 51 and Field Office Livno 16 complaints.

Processing individual complaints, in 20 cases the Ombudsmen took decision on closing of cases, since complainants realized their rights following successful Ombudsmen intervention. 15 cases were resolved in some other way, while 3 cases were referred to competent organ. The Ombudsmen took 38 decisions on closing of cases due to unsound complaints, 22 cases were closed because of lack of interest of complainants for further procedure, while in three cases the Ombudsmen issued recommendations, and one case, due to cheaper procedure, was referred to another Ombudsmen office.

Complaints related to functioning of police are related to behavior of the policemen towards citizens during performance from their competence (reports by citizens due to harassment by other persons, violation of public peace and order, switch to excessive force by police, work of internal control), violation of vacancy notices procedures related to employment in police bodies, internal displace of police officers, and taking of eventual illegal decisions on retirement of police officers. Representatives of police structures, in accordance with their competencies, and in connection to citizens' complaints, undertook activities which displeased citizens, due to which they requested protection of their rights by the Ombudsmen Institution.

5.6. Public documents

Public document is the document issued, or confirmed, in prescribed format by governmental or other authorized organ within its competence, such as excerpt from registry book, school diploma, various certificates, excerpts from trade register, excerpt from land registries, etc.

In 2011 Department for following civil and political rights received 32 complaints related to **the right to public document**, which is, compared to 2010 (17 complaints) increase for 88% or 15 complaints more. On office-to-office bases it is as follows: Head Office in Banja Luka - 19, Regional Office Brčko – 2, Regional Office Mostar – 1 and Regional Office Sarajevo – 10 complaints.

⁴⁰ Official Gazette of RS, no: 120/08

⁴¹ Procedure takes place, draft law proposal prepared

Processing individual complaints, BiH Ombudsmen, out of complete number of complaints received, in 11 cases took decision on closing of cases due to the fact that complainant during Ombudsmen Intervention realized its right (successfully resolved case). Concerning one case, the Ombudsmen issued recommendation which was complied with, while in seven cases Ombudsmen took decision on closing due to lack of interest of complainants for further procedure. Six cases were closed due to unsound complaint, 11 cases were resolved in some other way, and one case was referred to competent organ for further procedure.

5.7. Immigration and asylum

In BiH there is **significant improvement in accommodation of illegal immigrants through opening of new immigration center, which fully meets human rights protection standards**. Construction of another immigrant center takes place in BiH, which through its accommodation and other capacities shall significantly contribute to quality of human rights and fundamental freedoms protection of this category of persons.

Movement and stay of foreigners and asylum issue in Bosnia and Herzegovina is regulated *by the Law on Movement and Stay of Foreigners and Asylum*. Within its activities Department for following civil and political rights in 2011 visited centers competent for accommodation of illegal immigrants and asylum seekers,⁴² upon complaints and *ex officio*. Persons accommodated in mentioned centers in their complaints stressed violation of the right to movement, long time period of accommodation, lengthy procedures of taking decisions on their requests for asylum by competent organs, assistance regarding leaving to third countries, taking of decisions by which competent ministry approves temporary stay in the country. Following checking out of allegations, the Ombudsmen determined that some complaints were not within Ombudsmen Institution's competence.⁴³ Concerning other cases of illegal immigrants, they mainly hide their identity, which aggravates effective actions by BiH authorities. The reason for this is in the fact that final destination of illegal immigrants is countries of West Europe. From them Bosnia and Herzegovina is transit country, due to which procedure regarding certain cases by governmental organs is significantly slowed down.

Ombudsmen Institution received complaints in 2009 and 2010 filed by persons who are ordered measure of accommodation in Immigration Center, because they constitute threat to national security. In 2011 on several occasions the Ombudsmen visited Immigration Center in Istočno Sarajevo and determined that temporary measure on them was not annulled, and the procedures before competent BiH organs took place.

Illustrative cases

Complaint no: Ž-BL-05-717/11

Ombudsmen Institution was addressed by complainant who filed complaint against work of competent organs of Republika Srpska, started on 24.11.2008, due to non-execution of the Decision of Constitutional Court of BiH, which took Decision on acceptability and merit no: CH/01/8020 of 27.06.2007. Following Ombudsmen investigation, it was determined that violation of the right to property was violated, according to Article 1 of Protocol 1 to ECHR. On 20.10.2011 BiH Ombudsmen

⁴² On 17.02, 24.10, 17.11.2011 Immigration Center was visited, and on 21.03.2011 Asylum Seeker Center.

⁴³ Request of immigrants to go to third countries, competence of IOM.

prepared Special Report no: P-162/11 and recommended the Government of Republika Srpska immediately to comply with the Decision of the Constitutional Court of Bosnia and Herzegovina.

Complaint no: Ž-BL-04-490/09

Ombudsmen Institution was addressed by complainant due to violation of Annex VII, i.e., the Law on Displaced Persons and Returnees to FBiH and Refugees from BiH. The complainant was displaced person from territory of the Federation of BiH (Sarajevo), who currently lived in territory of RS (Kozarska Dubica). The complainant is holder of occupancy right of apartment in Sarajevo, Hasana Brkića street, (Patriotske lige no: 83). Decision taken by Housing Administration confirmed her occupancy right. The same Decision approved repossession of apartment. However, apartment is unsuitable for housing, and up to date of preparation of present Report it was not adapted. Through their investigation the Ombudsmen repeatedly urged actions by competent organs. Due to inertness, lack of interest of competent organs, by which the right to property is violated, BiH Ombudsmen issued recommendation no: P-45/11, which up to preparation of present Report is not complied with.

Complaint no: Ž-SA-05-895/10

BiH Ombudsmen issued **Recommendation: P-181/11** due to violation of Article 6 of *European Convention on Human Rights and Fundamental Freedoms* concerning court proceedings conducted by Municipal Court Sarajevo, no: 65 0 P 038362 07 P. In concrete case lawsuit was put forward in 2007, and court on several occasions postponed scheduled hearings, sticking the written note on postponement on courtroom doors, which put under a question trust to court by parties to procedure, and in the most of the cases, parties unnecessary spent money and time. Ombudsmen recommended undertaking of court activities necessary for taking of judgment, having in mind the date of submission of initial act. Up to date of preparation of Present Report answer of the court was not delivered.

Complaint no: Ž-SA-05-514/10

Complainant alleged failures in the work of Federation Administration for Geodetic and Property Affairs. Which since 13.11.2008 did not decide on his appeal against Conclusion of the Service for geodetic and property matters of Živinice Municipality, act no: 06/1-31-1158/08, of 28.01.2008. On 26.04, 08.06, and 29.09.2010, and through act of 01.02.2011, explanation of Federation Administration was requested. Since until 27.04.2011 Ombudsmen Institution did not receive requested explanation, BiH Ombudsmen took Recommendation P-59/11, recommending Federation Administration to establish cooperation with Ombudsmen Institution and resolve the appeal. The recommendation was complied with.

5.8. Freedom of access to information

In 2011 Ombudsmen Institution received **243** complaints, out of which 66 in Head Office in Banja Luka, 8 in Brčko Office, 14 in Mostar Office, 154 in Sarajevo Office and 1 in Livno Office. The great number of complaints was related to **non-deciding within legal deadlines (66), denial of access to information (47), right to two instance procedure/legal remedy (4 complaints) and other (126 complaints).**

Offices	Number of complaints received on office-to-office bases
Banja Luka Office	66
Brčko Office	8
Mostar Office	14
Sarajevo Office	154
Livno Office	1
TOTAL:	243

Tabela 8.: Review of complaints received in 2011

In 2011 79 complaints were transferred from 2010 and completed, including 152 complaints **17 recommendations** received in 2011, that is, in 2011 the Institution resolved 231 complaints related to access to information were resolved.

In 2011 Ombudsmen Institution issued **17 recommendations**, out of which 9 were implemented⁴⁴, and regarding 8 recommendations, there were no feed-back information on implementation.

Bosnia and Herzegovina is the first country of the region, which in 2000 adopted Freedom of Access to Information Act⁴⁵ (ZoSPI), firstly at the State-level and then, in 2001 in both of its entities: the Federation of BiH⁴⁶ and Republika Srpska⁴⁷.

Nevertheless, even 10 years after adoption of ZoSPI, its basic function in development of democracy and good governance in interest of its citizens as holders of the right to freedom of access to information was not realized, which is confirmed by great number of complaints filed with Ombudsmen Institution in 2011, as well as in previous years.

The First changes of Freedom of Access to Information Act were adopted in 2006 on the State-level⁴⁸ and were related to obligation of public organs, which imposed obligation to organs dealing with request for information to decide in form of decision-administrative act. This ensured requestors for access to information two instances procedure, that is, filing of appeal and its consideration by second instance organ.

On 15 December 2009 Parliamentary Assembly of BiH adopted Law on Amendments to Freedom of Access to Information Act in BiH⁴⁹, wherein are included penalty provisions.

⁴⁴ P-1/11, P-17/11, P-30/11, P-62/11, P-85/11, P-110/11, P-218/11, P-156/11

⁴⁵ „Official Gazette of BiH“, no: 28/00

⁴⁶ „Official Gazette of FBiH“, no: 32/01

⁴⁷ „Official Gazette of RS“, no: 20/01

⁴⁸ „Official Gazette of BiH“, no: 45/06

⁴⁹ „Official Gazette of BiH“, no: 102/09

Analyzing the facts from complaints filed, it could be concluded that public bodies/organs⁵⁰, which should apply Freedom of Access to Information Act, **there is a high degree of uneducated staff**, non-understanding of the Law, its aim and purpose⁵¹, non-understanding and non-acceptance or relation between public organ and citizens, i.e., relation of public organ and citizen, that is, relation between public organ, as a citizen, through non-establishment of public organ's structure for implementation of the Law, by-laws are not adopted: guidelines, information index, information officers are not appointed, and even when appointed, most frequently it is a person responsible for public relations⁵², lack of test of public interest or non-ensuring of balance between public interest and protection of privacy of individuals., failure of adoption of decisions in legally prescribed deadlines⁵³, disrespect for legal form of taking decision (written decision containing all elements prescribed by the Law on Administrative Procedure)⁵⁴; Decision does not contain legal remedy concerning right to submit appeal and name of second instance organ deciding appeal⁵⁵.

Additionally, it could be concluded that complainants are also **not enough educated and acquainted with Freedom of Access to Information Act, since they submit imprecise requests and do not know the procedure**,⁵⁶ and frequently do not use mechanisms established by the Law, particularly regarding appeal, so instead to competent second instance organs they file complaints with Ombudsmen Institution.⁵⁷

Despite of considerable caseload of complaints dealt with in 2011, the work of the Ombudsmen was effective, so it was detected that public organs, shortly following Ombudsmen intervention and indication of relevant legal provisions related to legal deadlines for taking decision, and following issuing of recommendations related to such legal situation⁵⁸, responded, and in this way protection of right of complainants were realized quickly.⁵⁹

There is one complaint registered in Ombudsmen Institution⁶⁰ where competent public organ took decision within legal deadlines however without legal remedy. Concerning mentioned case Ombudsmen Institution issued recommendation⁶¹, recommending particular organ to take new decision with all legal elements, and the recommendation was implemented within time period indicated by the Ombudsmen.

A part of complaints handled in 2011 were related to refusals of access to requested information⁶². Two types of such complaints were detected: cases where requestors for access to information, due to lack of knowledge of procedural rules, appeal against refusal of taking decision on access to information submitted directly to Ombudsmen Institution, and cases where requestors

⁵⁰ Ž-SA-05-30/11, Ž-SA-05-69/11, Ž-SA-05-265/11, Ž-SA-05-266/11, Ž-SA-05/268 Ž-SA-05-1191/11, Ž-SA-05-995/11

⁵¹ Ž-SA-05-1191/11

⁵² Ž-SA-05-995/11

⁵³ Ž-SA-05-802/11, Ž-SA-05-3/11, Ž-SA-05/11, Ž-SA-05-6/11, Ž-SA-05-7/11, Ž-SA-05-70/11, Ž-SA-05-74/11, Ž-SA-05-121/11, Ž-SA-05-136/11, Ž-SA-05-189/11, Ž-SA-05-204/11, Ž-SA-05-449/11, Ž-SA-05-464/11, Ž-SA-05-523/11, Ž-SA-05-1253/11, Ž-SA-05-1365/11, Ž-SA-1387/11, Ž-SA-05-1203/11, Ž-SA-05-1192/11, Ž-SA-05-1005/11, Ž-SA-05-800/11, Ž-SA-05-801/11, Ž-SA-05-881/11, Ž-SA-05-456/11, Ž-SA-05-632/11, Ž-SA-05-793/11, Ž-SA-05-720/11

⁵⁴ Ž-SA-05-1361/11, Ž-SA-05-1274/11, Ž-SA-05-995/11, Ž-SA-05-1017/11, Ž-SA-05-961/11, Ž-SA-05-377/11, Ž-SA-05-1006/11,

⁵⁵ Ž-SA-05-995/11, Ž-SA-05-1285/11

⁵⁶ Ž-SA-165/11, Ž-SA-05-259/11, Ž-SA-05-1331/11

⁵⁷ Ž-SA-05-1055/11

⁵⁸ P-1/11, P-39/11, P-85/11

⁵⁹ Ž-SA-05-1005/11, Ž-SA-05-1006/11, Ž-SA-05-1203/11, Ž-SA-05-1118/11, Ž-SA-05-1050/11, Ž-SA-05-1043/11, Ž-SA-05-1044/11, Ž-SA-05-1042/11, Ž-SA-05-802/11, Ž-SA-05-6/11, Ž-SA-05-189/11, Ž-SA-05-204/11, Ž-SA-05-464/11, Ž-SA-05-523/11, Ž-SA-05-456/11 i dr.

⁶⁰ Ž-SA-05-1285/11

⁶¹ P-218/11

⁶² Ž-SA-05-1303/11, Ž-SA-05-1288/11, Ž-SA-1254/11, Ž-SA-1086/11, Ž-SA-05-454/11

submitted appeal to competent second instance organ, and Ombudsmen Institution, too. Depending on the type of case, Ombudsmen Institution advised complainants to submit appeal to competent second instance organ, or targeted its activities to competent second instance organ with purpose of taking decision on second instance appeal.

In 2011 it was spot that improvements occurred in application of Freedom of Access to Information Act, and that following Ombudsmen Institution intervention public organs acted in conformity with provisions of the Law and take decisions. Positive examples were Interior Ministry of Canton Sarajevo⁶³, and Interior Ministry of Canton Tuzla⁶⁴, Federation Ministry of Veterans and Invalids of Defensive-Liberation War Issues⁶⁵, Federation Ministry of Work and Social Policy⁶⁶, Banking Agency⁶⁷, Rudo Municipality⁶⁸, the Ministry of Physical Planning and Environment Protection of Canton Sarajevo⁶⁹, Municipality Centar Sarajevo⁷⁰, Rogatica Municipality⁷¹, Sanski Most Municipality⁷², Kladanj Municipality⁷³, Federation Pension and Disablement Fund⁷⁴, the Ministry of Education and Science of Canton Tuzla⁷⁵, public institution Social Work Center Bosanska Krupa⁷⁶, etc..

Examples of non-cooperation with Ombudsmen Institution should be mentioned: Philharmonic Orchestra of Sarajevo, where even following intervention by Ombudsman Institution⁷⁷ decision on access to information was not taken, Statistics Agency of BiH⁷⁸, which did not take decisions, Interior Ministry of Canton Tuzla⁷⁹, which following repeated interventions and urgencies By the Ombudsmen did not take decision on request for access to information, BH Telecom, which did not comply with Ombudsmen recommendation⁸⁰, CKPD Prosvjeta Rudo⁸¹. Public organs which did not provide answer upon Ombudsmen Institution request were: Public enterprise J.P. Stan Travnik⁸², Interior Ministry of Canton Tuzla⁸³, Federation Ministry of Justice⁸⁴, Federation Administration for Inspection Issues, Administration for Geodetic and Property Affairs⁸⁵, the Ministry of Veterans and War Military Invalids of Canton Una-Sana⁸⁶, Interior Ministry of Canton Herzegovina-Nertva⁸⁷, faculty of dental medicine of Sarajevo University⁸⁸, etc.

With purpose of improvement and more effective application of Freedom to Access to Information Act of FBiH and RS, in 2011 Ombudsmen Institution *ex officio* longed initiative for changes

⁶³ P-156/11

⁶⁴ P-62/11

⁶⁵ Ž-SA-05-1005/11

⁶⁶ P-218/11

⁶⁷ P-30/11

⁶⁸ P-85/11

⁶⁹ P-110/11

⁷⁰ Ž-SA-05-802/11

⁷¹ Ž-SA-05-6/11

⁷² Ž-SA-05-204/11

⁷³ Ž-SA-05-1253/11

⁷⁴ Ž-SA-05-464/11, Ž-SA-05-456/11, Ž-SA-05-523/11

⁷⁵ Ž-SA-05-189/11

⁷⁶ Ž-SA-05-1203/11

⁷⁷ P-39/11

⁷⁸ Ž-SA-05-136/11

⁷⁹ Ž-SA-05-449/11

⁸⁰ P-178/11

⁸¹ P-219/11

⁸² Ž-SA-05-121/11

⁸³ Ž-SA-05-1192/11

⁸⁴ P-146/11, Ž-SA-05-644/11

⁸⁵ Ž-SA-05-1365/11

⁸⁶ Ž-Sa-05-1175/11

⁸⁷ Ž-SA-05-887/11

⁸⁸ Ž-SA-05-859/11

of quoted entity legislation, and issued recommendation⁸⁹ to the Parliament of FBiH and the Peoples' Assembly of RS to accept initiative for changes of the Law. Concerning its recommendations, Ombudsmen Institution was informed that initiatives were referred to further procedure.

5.9. Governmental and ministerial appointments

The Law on Ministerial, Appointments by the Council of Ministers and Other Appointments in Bosnia and Herzegovina, Federation of BiH and Republika Srpska⁹⁰ (hereinafter: the Law)) was adopted to ensure transparent and on qualifications base process of selection, where *Government or governmental organ* has right to perform appointment.

This Law ensures introduction of order and recognition for principle of lawfulness, quality, independent examination, openness and transparency and representation in process of appointment, which are European principles, according to which transparent work of the Government or ministers leads to increase of their liability to the public.

The Ombudsmen are broadly empowered by this concerning evaluation of its application, since they are empowered, upon complaints filed, to undertake investigations in which ministers or other responsible public officials are obligated to cooperate. If majority of proofs reveals that final appointment is performed contrary to principles determined by the Law, the Ombudsmen issue recommendation to responsible persons to cancel appointment or termination of appointment, and to repeat procedure. If responsible civil servant does not answer in accordance with provisions of the Law, or if the Ombudsmen are not satisfied with explanation contained in the answer, or with proposal of measures based on Ombudsmen recommendation, their findings and recommendations related to appointment the Ombudsmen forward to the Parliamentary Assembly of BiH, where appointments are related to regulated organ of BiH, the Council of the District of Brčko, Federation Parliament and Peoples' Assembly of RS.

Following activities of governmental organs the Ombudsmen detected that in 2011 number of complaints related to violation of procedures in process of termination of appointments of members of board of directors of public enterprises, where government, cantonal, city or municipal governmental organs have got a legal interest.

In comparison to previous year, when **number of complaints related to termination of appointment was 9, in 2011 the Ombudsmen received 20 complaints against termination of appointments in regulated organs**, out of which 19 complainants indicated Federation governmental organs as responsible party, one complainant stressed the authorities of Republika Srpska, while there were no complaints on termination in Brčko District.

The Law prescribe responsibility of civil servant (before all, competent minister, and then all members of government) that terminations must be performed in conformity with principles of lawful, quality, independent examination, openness and transparency, and through fair procedure. In the sense of the Law, it is concerned that appointed person is unlawful subject to termination of appointment, which is covered by Article 16 of the Law, where there are not legal base for termination, or where termination is executed without fair and prescribed procedure conducted. Aforementioned includes

⁸⁹ P-53/11, P-57/11

⁹⁰ The Law on Ministerial, Governmental and Other Appointments of FBiH („Official Gazette of FBiH, no:12/03 i 34/03), the Law on Ministerial appointments, Appointments by the Council of Ministers and Other Appointments in BiH („Official Gazette of BiH“, no. 37/03), the Law on Ministerial, Governmental and Other Appointments of RS („Official Gazette of RS ,no:25/03.

that examination of the work of each candidate for termination must be done before termination, which would be delivered to him/her to enable him to state opinion on it, and person who takes decision on termination should argue it and make it available not only to person subject to termination of appointment, but to the broader public, too, and finally, must ensure possibility for appeal. Disrespect for any of above mentioned in procedure of termination of appointment constitutes violation of Article 3 of the Law.

In 2011 Ombudsmen Institution received **115 complaints**, out of which **20** were related to termination of appointment, **79** to appointment, while in **5** cases Ombudsmen opinion was requested concerning procedure of appointment related to enterprises or other regulated organs where appointment was performed by the Council of Ministers of BiH, Federation and cantonal governmental organs and authorities of Republika Srpska. In **11** cases, following investigation conducted, the Ombudsmen determined that complaints were not related to procedures of appointment or termination of appointments in regulated organs.

Related to all complaints received, the Ombudsmen conducted and completed investigations, which resulted in **25** findings, conclusions **with recommendations** indicating that completed appointments or terminations of appointments should be canceled and that new procedures should be organized. Out of above mentioned number **6** recommendations were realized, **5** were not realized, in **8** cases cooperation was established, while in **6** cases there was not answer.

Handling complaints concerning appointments and termination of appointments in regulated bodies, in **16** cases the Ombudsmen adopted **findings and conclusions**, determining unsound allegations contained in complaints, that is, that procedures were conducted in conformity with legal requirements.

Reasons for issuing of recommendations, where the Ombudsmen recommended to responsible civil servant to cancel appointment or termination of appointment, and to initiate new procedure of appointment or termination of appointment were contained in assessment that on the occasion of appointment,, most frequently, regarding appointments of members of the boards of directors or supervisory boards in economic enterprises or public enterprises, basic legal principles were not complied with, or fair and prescribed procedure of appointment was not complied with.

Violation of basic principles most frequently was related to **non-recognition of principle of „lawfulness“**, according to which appointments to certain positions must be in conformity with positive legal provisions, rules and regulations, including **principle of „quality“**, since it was concluded that candidates who according to their qualifications, skillfulness, and experience were most suitable to the needs of position subject to appointment, were not appointed.

Violations of prescribed procedure most frequently were related to **non-recognition of determined ranking** from proposed rank list for appointment, which, according to all previous examinations, should ensure appointment of candidate of the best qualities.

Illustrative review of recommendations

Complaint no: Ž-SA-05-1556/10 P- 61/11

Processing complaints against appointment of Supervisory Board of public enterprise Lokom d.o.o. Sarajevo, performed by the Assembly of JP Lokom d.o.o. Sarajevo, the Ombudsmen recommended the Assembly to cancel Decision on appointment of members of Supervisory Board, since violations of the Law was determined related to disrespect for rank list of candidates, prepared by Selection Commission. The Recommendation was accepted.

Complaint no: Ž-BL-05-406/11 P-124/11

Processing complaint against appointment of members of the Board of Directors of JIP Semberija and Majevisa, and members of Supervisory Board of JP Vode and member of Agriculture Fund Bijeljina municipality, the Ombudsmen recommended the Assembly of Bjeljina Municipality that responsible civil servant should decide on complaint against final appointment. The recommendation was accepted.

Complaint no: Ž-SA-05-612/11 P-106/11 and P-208/11

Upon complaints against decisions on termination of appointment of members of Supervisory Board of JP HT Mostar, the Ombudsmen requested the Government of FBiH to provide its opinion on allegations contained in complaint. Since requested opinion was not provided, FBiH Government was recommended immediately to establish cooperation with Ombudsmen Institution, as prescribed by the Law on Human Rights Ombudsmen of BiH. Respecting mentioned recommendation, FBiH Government provided the answer to the Institution.

Following analyses of complaints filed and answers provided with corresponding documentation, the Ombudsmen concluded that in the case of termination of appointment of members of Supervisory Board JP HT Mostar, fair and legal procedure was not conducted in accordance with the Law, since the complainants was not given possibility to explain relevant circumstances, and about termination of appointment they learned through media.

In connection, BiH Ombudsmen recommended the FBiH Government and the Assembly of JP HT Mostar to reconsider mentioned termination in accordance with principles defined by the Law on Ministerial, Governmental and Other Appointments of FBiH, taking in account above mentioned facts. The Ombudsmen were not informed on realization of this recommendation.

Illustrative review of findings and conclusions**Complaint no: Ž-SA-05-1567/10**

Processing complaint against decision on appointment of director of Unit for implementation of project for construction of building of Institute for execution of criminal, sanctions, detain facilities and other measures in Bosnia and Herzegovina, Ombudsmen adopted findings and conclusion determining that procedure for appointment was conducted in accordance with the Law on Ministerial Appointments, appointments by the Council of Ministers and Other Appointments in BiH.

Complaint no: Ž-SA-05-584/11

Processing complaint against appointment of Chair and members of the Board of Directors of Fund of Canton Sarajevo for construction and maintenances of „šehids“ and fallen soldiers cemetery, memorial for victims of genocide, the Ombudsmen adopted findings and conclusion, determining that in procedure of mentioned appointment there were not violations of the provisions of the Law.

Complaint no: Ž-SA-05-1048/10

Processing complaint against Decision taken by the Board of Directors ZU Public Health Institute USK Bihać, on appointment of director of this institution, the Ombudsmen adopted findings and conclusion, determining that procedure for appointment of director of this institution was conducted in accordance with provisions of the Law on Ministerial, Governmental and Other Appointments of FBiH.

CHAPTER VI – DEPARTMENT FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Department for economic, social and cultural rights of the Institution of Human Rights Ombudsmen of BiH receives complaints and initiates *ex officio* investigations in the cases where exist determined violations and problems in exercise of rights guaranteed by domestic legislation and international standards. Department for economic, social and cultural rights informs competent organs and institutions, as well as the public on violations of economic, social and cultural rights. Competencies of Department for economic, social and cultural rights comprise issues related to public incomes,, labor relations, education, ecology and environment protection, communal services, health care, social protection and pensions.

ODJEL	Received in 2011
Department for economic, social and cultural rights // Banja Luka	198
Department for economic, social and cultural rights // Brčko	140
Department for economic, social and cultural rights // Mostar	64
Department for economic, social and cultural rights // Sarajevo	268
Department for economic, social and cultural rights // Livno	65
Department for economic, social and cultural rights	735

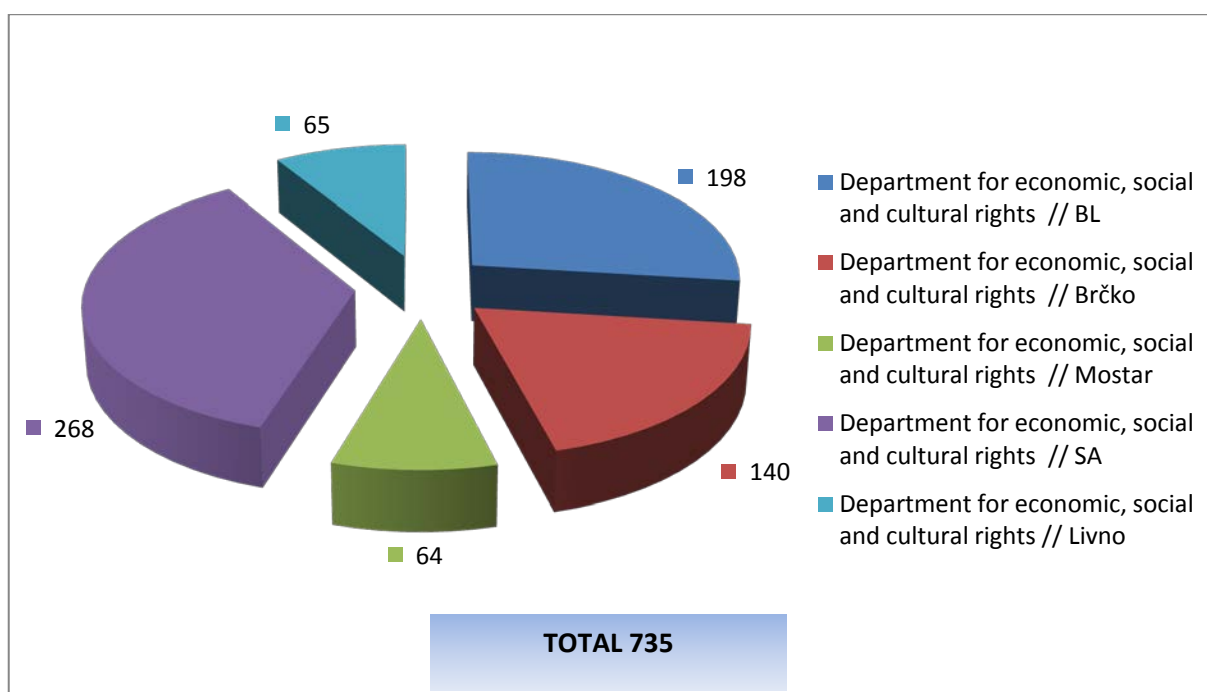


Chart 17 – Review of complaints received in 2011 by the Department for economic, social and cultural rights on office-to-office bases

Analysis of complaints received

In 2011 Department for economic, social and cultural rights received **735 complaints**. The most number of complaints is related **to violations from area of labor relations (320)**, then follows complaints due to violations of **right to pension, social protection, communal services, health care and education**.

Out of 735 complaints received 448 were resolved, and 287 complaints are still in work. In previous year 428 cases, which were not completed in 2010, were handled, out of which 243 cases were resolved, and 185 more cases remained in work. Consequently, in 2011 the Department processed, out of which 691 cases were resolved, and 472 cases are still processed.

Compared to 2010, in which 534 cases were resolved, in 2011 significant number of cases resolved occurred. Namely, in 2011 691 cases were resolved, that is, 157 more than in previous year.

Further analyses of statistical indicators leads to **conclusion that concerning recommendations issued the greatest number was related to violation of rights from labor relations, violation of rights to pension, social protection, health care, etc.**

Out of complete number of recommendations issued (59) from competence of Department for economic, social and cultural rights, it should be highlighted that 22 were implemented, which means that in such number of cases responsible parties acted according to Ombudsmen recommendations.

Having in mind number of cases resolved in this reporting period, particularly number of resolved cases during Ombudsmen intervention (157), it creates a picture of readiness of governmental organs to cooperate with Ombudsmen Institution, as well as readiness for redressing of violated human rights. However, there is another, worse side of coin concerning situation of human rights, that is, that still there is not enough awareness on necessity for human rights protection or care for needs for ordinary problems meet by common citizens. This is supported by numerous cases where administrative organs for years do not resolve legitimate request by citizens, even where objective explanation for this does not exist. Different proceedings, particularly in social protection system, since the latter is under entities' competencies and in FBiH further divided between the Federation and cantons, causes unequally between citizens in their access to the rights from area of social protection. Discrimination, more or less visible, more and more becomes the problem of society, which also goes for rights protected by Department for economic, social and cultural rights.

According to statistical data, the main number of complaints received by this department is related to violation of rights from area of labor relations.

In particularly difficult situation are **those who did not get salaries for their work for months**, and what makes such violation of the rights even worse is the fact that salaries are in certain cases denied by municipal governmental organs. Provided explanations could not be accepted as justified at all, and does not spring from poor municipal financial situation, but this is discrimination of workers based on ethnic, religious or some other bases.⁹¹

It is visible that many employers **do not pay contributions for pension and social insurance**, and that some employers did not pay this obligation for several years. Because of this employed persons and those who are to become pensioners, or request medical assistance, without their failure suffer from bad consequences of such situation, and, indirectly, other rights of these people are violated as well, such as right to pension, health care, etc. In number of such cases persons whose rights are violated, do

⁹¹ Complaint no. Ž-LI-04-157/11

not enjoy effective protection by competent governmental organs. It is obvious that in functioning of such system that exist many failures, and weaknesses of the system are still frequently used by many employers, due to which the rights from area of labor relations could not be viewed separately from other social and economic rights.

Special category of the poor are people who live in wrecked apartments and are without resources for their renewal, and municipal authorities in certain surroundings have no will for resolving of these problems. This situation is even more complex where it is about internally displaced persons and returnees.

So in some surroundings (Glamoč), where the Rules on allocation and sale of apartments controlled by municipality are adopted, social cases are not of priority, and, according to law, they must have such priority, while in other surroundings (Livno) such Rules is still not adopted, and the consequences are mainly reflected to persons in situation of social need.⁹²

For protection of their rights persons in situation of social need more and more need free legal aid, which they can not reach, since in their settlements there are not offices for provision of free legal aid.

6.1. Right to pension

In 2011 Department for following economic, social and cultural rights received **189 complaints related to violation of the rights from area of pension and disablement insurance.**

In 2010 number of complaints from this category of rights was 171, which is increase for 10,5%, that is, 18 complaints more were registered. Area of pension and disablement insurance in BiH is regulated on entity level, in FBiH by the Law on Pension and Disablement Insurance the Law on Contributions, the Law on Registry Record on Insured Persons and Beneficiaries of the Right from Pension and Disablement Insurance, the Law on Tax Administration of FBiH, and, in Republika Srpska, by the Law on Pension and Disablement Insurance, the Law on Contribution and the Law on Tax Administration of RS.

As to right to pension, the citizen mainly address Ombudsmen Institution due to **lengthy procedure for realization of the right to pension**, particularly in the cases of exercise of the right to proportional part of pension regulated by agreements between Bosnia and Herzegovina and other countries parties to such agreement concluded, that is, international contracts.⁹³ Complainants frequently address the Institution alleging slow resolving of appeals against first instance decision by cantonal and administrative services.

Unfortunately, the pensioners address the Institution, too, since they are **displeased with calculated amount of pension.** In such cases Ombudsmen Institution may request explanation by FBiH Pension and Disablement Insurance or equivalent Fund of RS., and, advice complainants, if they did not appeal against first instance decision or did not initiate administrative dispute, where deadline is not expired, to explore legal possibilities for exercise of their rights.

⁹² Complaints no: Ž-LI-06-136/11 and Ž-LI-04-99/10

⁹³ Ž-SA-04-1108/11

6.1.1. Implementation of recommendations from Special Report on Right to Pension in Bosnia and Herzegovina

In 2010 Ombudsmen Institution prepared Special Report on Right to Pension in BiH⁹⁴ which was published in December of 2010, and in 2011 the Institution monitored implementation of recommendations forwarded to competent organs.

The Ministry of Civil Affairs of Bosnia and Herzegovina⁹⁵, concerning recommendation issued⁹⁶, informs Ombudsmen Institution that within the Ministry, as an organizational unit, Sector for work, employment, social protection and pensions is active, and within this Sector there is Department for social protection and pensions, which performs its activities in area of pension and disablement area, coordinates with competent entity bodies and in conformity with international subjects in accordance with their legal competences. The Ministry stresses that with a view to find out resolution for removal of unequal actions related to right to pension and disablement insurance formed, ***Working experts group consisted of two experts from each entity, representatives of entity ministries competent for PIO, and two experts from each entity, representatives of entity funds/institutions competent for PIO, and one representative of the Ministry of Civil Affairs of BiH***, which coordinates the work and meetings of this Working group. The Ministry highlights that it makes endeavors on strengthening of Department for social protection and pensions, including strengthening of staff capacity.

Federation Institution for Pension and Disablement Insurance⁹⁷ provided its explanation concerning recommendations issued, where it stresses that they continually work on ensuring of access of cantonal services to data bases, so access to data bases is ensured to employees of Cantonal Service Mostar, Cantonal Services Travnik and Cantonal Service Orašje. People from the Ministry also say that creation of conditions for establishment of uniform information system of PIO of BiH Federation of crucial importance is Decision taken by Federation Government, which determines that 100% owner of capital is company Electronic and Computer Center of Health Care, Federation Institution PIO/MIO.⁹⁸

Regarding recommendation related to Cantonal administrative service Tuzla, i.e., strengthening of staff capacity, Federation Institution PIO/MIO highlights that the Board of Directors at its session of 21.01.2011 adopted Initial elements for preparation of new Rules on job classification of Federation Institution PIO/MIO, according to which number of employs for taking decisions on rights in all cantonal services, including Cantonal service Tuzla will depend on number of insured persons, number of contribution payers, and number of pensioners in each cantonal service, as an objective parameter for quantification of certain solutions, and will be used as bases for determination for number of employees on the occasion of preparation of the Rules on internal organization and job classification. Ombudsmen Institution did not get information whether mentioned Rules are adopted, which was expected by the end of 2011.

Tax Administration of the Federation of Bosnia and Herzegovina⁹⁹ informed Ombudsmen Institution that it apply issued recommendation in the way that it undertook activities in accordance

⁹⁴ <http://www.ombudsmen.gov.ba/Publikacije.aspx?category=Special+Reports>

⁹⁵ Act no.: 07-32-3712-4-ATO/10 of 03.03.2011.

⁹⁶ Recommendation IIIa forwarded to the Ministry of Civil Affairs of BiH, recommending investments of additional endeavors aimed to strengthening of Sector for Pensions, particularly to strengthen staff capacities of the Sector., in order fully to perform their coordinative role in fill meaning of this term;

⁹⁷ Act no: FZ1/3-49-907/11 of 04.02.2011.

⁹⁸ Decision of Federation Government on transfer of complete share of BiH Federation to company Elektronski računarski centar zdravstva i PIO/MIO Insurance d.o.o. Sarajevo to Federation Institution PIO/MIO Mostar, Official Gazette of FBiH, no 54/10.

⁹⁹ Ct noj: 13/06-1-02-2-4803-1/10-E.J. of 07.02.2011.

with legal provisions. They highlight that with purposed of collection payments of public incomes, FBiH tax inspectors perform tax payers supervisions, based on application of the Law on Contributions, and determine tax obligations based on contributions that tax payers are obligated to pay, including other public incomes.

Federation Ministry for Issues of Veterans and Invalids of Defense and Liberation War¹⁰⁰ provided its explanation concerning the Special Report, although in recommendations it was not indicated as competent subject for concrete activities within improvement of pension and disablement insurance system. They say that in process of defense system reform three decrees on retirement were taken, prescribing privileged conditions for acquiring right to early old-age pension of military insured persons of former members of BiH Federation Army, civil servants and employees of former FBiH Ministry of Defense. With purpose of incorporation of these decrees in legislation, inter-committee working group was formed, with task to make these decrees covered by legislation., to analyze decrees and indicate possible solutions, that is, determine the ways in which this issue could be resolved.

Federation Ministry of Work and Social Policy of Bosnia and Herzegovina¹⁰¹ informed Ombudsmen Institution, in relation to recommendations regarding procedure of adoption of Strategy for pension system reform in FBiH, and that draft Strategy FBiH Parliament considered back in 2007, which was followed by public discussion for 60 days. Expert team incorporated result of public discussion in the Strategy, and through FBiH **Ministry of Work and Social Policy** referred the wording to FBiH Government for further procedure. Following consideration of referred wording, FBiH Government referred the wording back to Expert team for further elaboration. Besides, Federation Institution PIO/MIO together with pensioners' associations consolidated proposal of the Strategy, and this document was also considered by Economic and Social Council of FBiH, and the document was referred to FBiH Government for undertaking of further activities.

With regard of realization of coordination and cooperation with the Ministry of Civil Affairs, in 2010 Federation Ministry lounged initiative for organization of cooperation between entity competent organs and State-level bodies.

The Ministry of Finances, Tax Administration of Republika Srpska¹⁰² forwarded answer by which it informed Ombudsmen Institution that RS Strategy of Pension and Disablement Insurance reform was adopted, and Peoples' Assembly of RS obligated RS Government to prepare wording to be incorporated in new Law on Pension and Disablement Insurance, and within 30 days in Tax Administration to form separate organizational unit for control and collection of contributions. The Law on Amendments to the Law on Contributions¹⁰³ strictly defined time of incurrence of obligation for payment of contributions, determining that payers of salaries are obligated by the end of month to provide Tax Administration with calculated contributions for previous month, and to pay contributions in prescribed accounts at least within two months, regardless of whether the workers are paid salaries or not. Additionally, changes of regulations prescribes that supervision of calculations and collections of contributions shall be performed by Tax Administration of RS, in accordance with law and procedure establishing tax issues, and for violations of provisions of the Law on Contributions with elements of offence or liability, sanctions shall be in accordance with regulations covering tax offence and tax procedure. Mentioned change of the Law removes possibility for contribution payers indefinitely to delay payment, and Tax Administration is more clearly empowered concerning supervision and collection. Act also stipulates

¹⁰⁰ Act no: 05-41-5443/10 of 03.02.2011.

¹⁰¹ Ct noj: 04-35/22-3165/10 of 10.01.2011.

¹⁰² Act no:06/1.01-0401-014-211/10 of 01.02.2011.

¹⁰³ „Official Gazette of RS“, no: 01/11

that as of 01.01.2010, based on changes and modifications of the Law on Tax Administration¹⁰⁴ uniform system of registration shall be established, including supervision and collection of contributions through data taken over from data on registered contribution payers from existing data maintained by the funds until 31.12.2009, and register in/out of contribution payment as of 01.01.2010 employers carry out through register in/out notification in uniform system of Tax Administration. With purpose of successful application of above mentioned, Rules on registration in uniform system of registration, supervision and collection of contributions are adopted.

6.1.2. Implementation of recommendations from Special Report on Situation of Human Rights of Elderly Persons

In December of 2010 Ombudsmen Institution prepared Special Report on Situation of Human Rights of Elderly Persons, having in mind that the elderly fall in vulnerable category of citizens. Concerning implementation of recommendations, the Ombudsmen received answers from the following governmental organs and bodies of BiH:

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, forwarded information¹⁰⁵, wherein it is said that the Council of Ministers of BiH at its 127 session of 06.07.2010 adopted Action plan of development for Bosnia and Herzegovina (UNFPA CPAP) for period 2010-2014, and that the Ministry signed Memorandum on Understanding with UNFPA, and shall coordinate implementation of activities with support by UNFPA in period 2010-2014. In mentioned information it is said that Project proposal is consisted of three components, one of which is preparation of social policy for elderly persons. Project aim of this component is to provide support to the elderly persons, and legal framework for them is created on the State-level, and social policy would be based on competencies of entity ministries for social policy/protection.

In connection, Expert Team is formed and is consisted of representatives of the Ministry of Human Rights and Refugees of BiH, the Ministry of Civil Affairs of BiH, Federation Ministry of Health Care, Federation Ministry of Work and Social Policy, The Ministry of Health and Social Protection of RS, and Social Work enter of Brčko District.

The Ministry of Human Rights and Refugees of BiH in its information additionally stresses that in 2010 there was a meeting where International Acton Plan on Aging (MIPAA), Madrid 2002, was presented. MIPAA contains principle based on which BiH shall prepare document named Framework policy for elderly persons in BiH, which would ensure implementation of recommendation contained in the Special Report. In accordance with adopted Action Plan for BiH (UNFPA CPAP) for period 2010-2014 and Letter of Understanding between this Ministry and UNFPA for implementation of annual program of work funded by UNFPA, activities on preparation of Framework policy for elderly persons in BiH should be finalized in 2011, which would be followed by its implementation, according to information by the Ministry.

The Ministry of Civil Affairs of Bosnia and Herzegovina forwarded its answer¹⁰⁶ on entity competences, Brčko District and the Ministry itself, related to area of social protection and pension and disablement insurance in Bosnia and Herzegovina, legal regulations and rights of elderly persons in entities and Brčko District. The Ministry created Expert Team for development of social policy for elderly

¹⁰⁴ „Official Gazette of RS“, no: 34/09

¹⁰⁵ Act no: 01-37-69/11 od 07.01.2011. godine

¹⁰⁶ Act no: 08-31-5-3711-2-JD/10 of 28.02.2011.

persons with task for preparation of strategic document, in preparation of which representatives of all competent entity organs and the Ministry are included.

Having in mind aforementioned, it could be concluded that competent organs in BiH created Expert Team for development of social policy for elderly persons with task to prepare strategic document, however, strategic document for implementation of recommendation issue is still not prepared.

In forthcoming period Ombudsmen Institution shall monitor project activities by competent ministries, which should contribute to final implementation of Ombudsmen recommendations related to rights of elderly persons.

6.2. Right to work

Department for following economic, social and cultural rights received **a great number of complaints related to violation of right to work and rights from area of employment.** Out of complete number of complaints registered by this Department, which is 735 complaints, 320 complaints are related to employment.

Similarly as in 2010, the citizens address Ombudsmen Institution **due to non-paid contributions, non-paid salaries, impossibility of exercise of health and social insurance, that is, non-ensuring of paying of the latter by employers, and due to unlawful and non-transparent vacancy notice procedures.** S

In 2011 complainants frequently alleged internal dislocation in governmental organs services, for which the complainants are of the opinion that in most number of cases they are not justified.¹⁰⁷

It is known that for a great number of enterprises bankruptcy proceedings takes place for years, and are still not completed, so that the great number of workers still wait for realization of their rights. In 2011, too, the workers complained due to non-processing of requests for establishment of labor-law relationship in accordance with Article 143 of FBiH Labor Legislation and Article 182 of RS Labor Legislation. Dynamic of resolving of such requests shows that they are not authorities' priority, which even more intensifies the feeling of hopelessness. As to FBiH Labor Legislation, processing of individual complaints, according to results of investigations conducted, the Ombudsmen are of the opinion that FBiH did not ensure institutional protection of workers and adequate mechanisms for execution of decisions and payment of severance pay as prescribed by Article 143 of FBiH Labor Legislation. With regard to the Ministry of Work and Veterans and Disablement Protection of Republika Srpska, that is, Commission for Implementation of Article 182 related to number of non-resolved requests, Ombudsmen Institution received answer that in previous year number of non-resolved cases was about 60000. From answers of the Commission forwarded until preparation of present Report dynamic of processing is as follows: in its answer from 2009¹⁰⁸ the Commission informed Ombudsmen Institution that 45000 request were still to be resolved, and in its answer from 2010¹⁰⁹ the Commission informed that 43000 request were still to be resolved, while from answer of the Commission in 2011¹¹⁰ springs that number of unresolved requests is about 60000. Accordingly, from quoted data it could be concluded that concerning Republika Srpska and implementation of Article 182, number of requests is

¹⁰⁷ Ž-SA-04-1135/11

¹⁰⁸ Act no: 126/581/09/VN of 20.11.2009.

¹⁰⁹ Act no: 16-126-363-2/1/10/VN of 27.10.2010.

¹¹⁰ Act no: 16-126-35-6-11/V.N. of 04.11.2011.

actually increased, which shows that fast future resolving of the request can not be expected. Nevertheless, Department registered significantly decreased number of complaints against work of the Commission for implementation of Article 182 of RS Labor Legislation, which certainly does not diminish Ombudsmen future obligation to insist that competent organs should enable exercise of citizens' rights who submitted requests for severance pay in accordance with law.

6.3. Ecology and environment protection

It is in competence of Department for following of economic, social and cultural rights to process complaints related to environment protection and human surroundings. Today environment protection is considered to be a part of economic and social development of a country, and BiH, too, in 2008 signed Aarhus Convention as a pillar of environmental democracy, which *inter alia* guaranties access to environmental information. Aarhus Convention was ratified by Bosnia and Herzegovina on 15.09.2008 and provides to citizens and association of citizens right to access to information, participation of the public in decision-making process and access to justice related to issues concerning environment, and on measures taken, and harmonization of domestic legislation, as well as to submit report to Economic Commission of United Nations for Europe. Department for environment protection of the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina on its web site explained in detail rights springing from Aarhus Convention, which contributes to transparence and provides information on this issues to the public.

In 2011 there were **8** complaints related to issues of ecology and environment protection. In **5** cases Ombudsmen Institution acted *ex officio* concerning issue of animals' protection, that is, problem of stray dogs. Processing of cases, following investigation conducted, resulted in **5 recommendations**¹¹¹ issued by the Ombudsmen.

Here is brief summary of recommendations and their implementation related to application of legislation regulating issue of human health protection and the Law on Protection and welfare of Animals¹¹², taking in account Decision of European Court for Human Rights¹¹³.

Through **recommendation no: P-168/11** forwarded to Canton Sarajevo, the City of Sarajevo, Public Therapeutic community Kampus and 8 municipalities from territory of Canton Sarajevo, Ombudsmen Institution encouraged above mentioned to intensify activities on establishment of refuge for abandoned animals and measures stipulated by Article 43, paragraph 4 of the Law on Protection and Welfare of Animals, that are related to healing of animals and control of their population. Up to date of preparation of present Report Ombudsmen Institution received answers from Municipality Novi Grad, Municipality Novo Sarajevo, Municipality Stari Grad, Municipality Hadžići, where Ombudsmen Institution activities are welcomed and measures undertaken with purpose of application of provisions of the Law on Protection and Welfare of Animals. Ombudsmen Institution continued to follow activities of Canton Sarajevo, and *inter alia* concluded agreement with the Ministry of Economy of Canton Sarajevo, establishing refuge for abandoned animals in Prača.

Recommendation no: P-189/11 BiH Ombudsmen forwarded recommendation to Association of Municipalities and Cities of FBiH and Association of Municipalities and Cities of RS, recommending,

¹¹¹ Recommendations are issued in cases Ž-SA-04-1009/11 related to violation of law in Canton Sarajevi and Ž-SA-04-1146/11 related to application of the Law in several towns in BiH.

¹¹² "Official Gazette of BiH", no: 25/09

¹¹³ Case Georgel and Georgeta Stoicescu vs Rumunia, application regidstered under number 9718/03)of 26.07.2011.

within existing activities from competence of local self-governance units, to take in account application of the Law on Protection and Welfare of Animals. Since there is different practice in application of the Law, varying from place to place, this recommendation is issued for better coordination and cooperation in this issue.

Recommendation no: P-190/11 BiH Ombudsmen forwarded recommendation to the city of Banja Luka, the Government of Republika Srpska and Ministry of Administration and Local Self-governance of RS, recommending that, in accordance with their competences and possibilities, to intensify activities on ensuring of resources necessary to bring existing refuge for abandoned animals in Banja Luka in conformity with standards prescribed for this area. The Government of Republika Srpska and Ministry of Administration and Local Self - governance of RS are encouraged them to coordinate and assist activities taken for establishment of refuge for abandoned animals in other municipalities in territory of Republika Srpska. Ombudsmen Institution received answer from the Ministry of Administration and Self-governance of RS (no: 10.3-020-23/12, of 16.01.2012) that recommendation was forwarded to local self-governance units in RS, by which a part of recommendation for coordination of activities that should be performed by the Ministry of Administration and Self-governance of RS was complied with.

Recommendation no: P-191/11 issued by Ombudsmen of Bosnia and Herzegovina, forwarded to Bihać Municipality, the Government of Canton Una-Sana and municipalities from territory; Bihać Municipality is encouraged, in accordance with its objective possibilities, to intervene concerning construction of refuge for abandoned animals, and Canton Una-Sana should in forthcoming period of time to coordinate activities aimed to construction of refuge for abandoned animals, as well as measures stipulated by Article 43, paragraph 4 of the Law on Protection and Welfare of Animals. There is still not feed-back information provided to Ombudsmen Institution.

Recommendation no: P-192/11 issued by Ombudsmen of Bosnia and Herzegovina, forwarded to Zenica Municipality, the Government and municipalities from Canton Zenica-Doboj, encouraged the Government of Canton Zenica-Doboj in forthcoming period of time to coordinate activities between municipalities from Canton Ze-Do aimed to construction of refuge for abandoned animals, as well as measures stipulated by Article 43, paragraph 4 of the Law on Protection and Welfare of Animals.

Ombudsmen Institution continued to work on such cases, and in 2012 shell forward recommendations concerning application of the Law on Protection and Welfare of Animals¹¹⁴, and Ombudsmen investigation is now broadened to establishment of hygienic services.

6.4. Right to education

Department for following economic, social and cultural rights *inter allia* determines and intervenes in cases of violations of right to education, and, in doing so, primary and secondary education is in the focus of attention of the Department. Although violations of right to education in most number of cases are resolved by Department for following the rights of the child (Roma's children problems, children from socially vulnerable and dysfunctional families, children from rural areas), in 2011 there were **two cases/complaints registered concerning the higher education, too**.¹¹⁵

Civil Service Agency of FBiH referred to Ombudsmen Institution information on problems in processing of public vacancy notices for employment of civil servants in FBiH governmental civil services, and, additionally, on the occasion of the same problem, a citizen filed complaint with Ombudsmen

¹¹⁴ In 2012 Ombudsmen Institution forwarded recommendations to the city of Mostar and Travnik Municipality.

¹¹⁵ Ž-SA-04-927/11 i Ž-SA-04-985/11

Institution. Namely, applicants who gained higher school education in accordance with Bologna process applied to a vacancy notice, applications of whom the Agency accepted, acting in conformity with Opinion of the Ministry of Civil Affairs of BiH, no: 09-33-4-3767-MP/08 of 12.08.2008, according to which all degrees of the first cycles of study are evaluated by at least 180 ECTS score, and are equivalent to VII degree of professional qualifications. However, following a number of decisions of FBiH Civil Service Agency Committee, taken upon complaints and accepting opinion of Federation administrative inspectors that education gained according to Bologna education program can not be treated as university degree – VII degree of professional qualification, that is, that according to opinion of Federation administrative inspectors this is college degree, i.e., VI degree of professional qualification, the Agency ceased processing of vacancy notices until further notice.

Concretely, the cases are completed, for the House of Peoples of the Federation Parliament at its 7th regular session of 20.12.2011, adopted the Law on Amendments to the Law on Civil Service in FBiH which stipulated that persons with higher degree of education, that is, degree gained according to Bologna process, can apply to vacancy notice related to civil servants jobs.

Illustrative cases

Complaint no: Ž-SA-04-1108/11

On 18.10.2010 complainant addressed Ombudsmen Institution requesting renewal of procedure and exercise individual right to disability pension based on past years of experience gained in Montenegro in certain period of time. Essential fact for this case is Judgment of the Constitutional Court of the Federation of Bosnia and Herzegovina, no: U-33/10 of 05.04.2011¹¹⁶. This Judgment determines that Decree on payment of costs of medical expertise from area of pension and disablement insurance¹¹⁷ (hereinafter: the Decree) is contrary to FBiH Constitution and that it can not be applied after 06.09.2011 until this issue is legally regulated, which is to be at least 3 months following announcement of the Judgment. Consequently, complaint could not be processed, since form necessary for consolidation of disability was not available.

Ombudsmen Institution recommended¹¹⁸ Federation institution for pension and disablement insurance Mostar, the Government of the Federation of FBiH and Institute for medical expertise of health condition in Sarajevo.

By this recommendation the Ombudsmen drew attention of competent organs that complainant should not suffer from consequences, and that concrete issue should be resolved in accordance with provision of Article 31, paragraph 8, of the Agreement on Social Insurance between Bosnia and Herzegovina and Federal Republic of Yugoslavia. Ombudsmen Institution got answer from Federation institution for pension and disablement insurance wherein it was alleged that consent was given with purpose of realization of recommendation issued to Institute for medical expertise, that is, payment of costs was approved concerning medical expertise necessary for procedure for exercise of right to disability pension based on past years of experience gained in Montenegro.

¹¹⁶ Published in Official Gazette of FBiH no: 34/11 of 06.06.2011.

¹¹⁷ „Official Gazette of FBiH“, no: 43/10

¹¹⁸ P-188/11 od 09.12.2011. godine

Complaint no: Ž-SA-04-312/11

Complainant addressed Ombudsmen Institution due to non-possibility of exercise of right to old-age pension as a result of non-registering out by employer-contribution payer. Concerning concrete case Ombudsmen Institution scheduled a meeting with Cantonal administrative service Zenica and Central administrative service in Sarajevo, following which Ombudsmen Institution prepared recommendation: P-128/11, implementation of which was successful.

Complaint no: Ž-BL-04-331/11

Complainant addressed Ombudsmen Institution complaining against work of the Ministry of Work and Veterans and Disablement Protection of RS, stressing that administrative procedure took place for eight years regarding exercise to disability pension. Complainant three times initiated lawsuits before courts, for Fund PIO of RS did not comply with court decisions. During Ombudsmen intervention, the complainant, through telephone, informed that his right to pension was realized on 03.10.2011.

Complaint no: Ž-BL-04-481/10

Complainant, woman of 81, is beneficiary of disability pension, and she is in extremely difficult financial and health condition, and is user of so-called alternative accommodation. Her apartment was constructed in 1937 and due to its age is now wrecked, and due to war actions is now in even worse shape. Renewal of the apartment is not done because it requires significant investments. Although the apartment is wrecked and additionally damaged, on 12.05.2005 Šamac Municipality concluded contract on sale of apartment with the complainant. The Ombudsmen assessed that Šamac Municipality did not act in accordance with Article 56 of the Law on Privatization of State-Owned Apartments, for Municipality enabled purchase of devastated apartment, and following this, there followed no activities on eventual recovery of the apartment. Having in mind such situation, Šamac Municipality was due to enable the complainant to purchase another adequate apartment, which was not the case, so complainant was forced to purchase devastated apartment. Described action of Šamac Municipality violated her right to property, right to home and right to respect for her private and family life. The complainant is also discriminated due to her age, since for long time she lives and frequently changes alternative accommodation.

Due to all above mentioned the Ombudsmen recommended Šamac Municipality to offer to the complainant conclusion of new contract on purchase of another apartment, or to undertake all necessary activities to recover and renew the building where relevant apartment is situated. Following issuance of recommendation, the Ombudsmen achieved cooperation with quoted municipality, yet Ombudsmen recommendation was not complied with.

Complaint no: Ž-LI-04-95/11

Complainant could not verify health card in competent service of Health Insurance Institution of Canton 10, for he/she did not pay debts in amount of 1.827,86 KM. towards the Institution. Following Ombudsmen intervention the complainant and responsible party concluded agreement on payment of debt in 18 portions.

Complaint no: Ž-LI-04-157/11

Upon complaint of worker of Kindergarten Leptiríci Glamoč against Glamoč Municipality due to overdue salaries, that is, non-adoption of Rules on internal organization, job classification and the way of work of Kindergarten Leptiríci Glamoč.

Ombudsmen Institution conducted investigation and determined that the Kindergarten prepared all necessary rules, and that management of kindergarten adopted proposal of Rules on internal organization, job classifications and the way of work of Kindergarten Leptiríci Glamoč, and referred it to Glamoč Municipal Council for adoption. However, Glamoč Municipal Council did not approve mentioned Rules, without explanation for such decision.

Parallel with Ombudsmen Procedure the complainants initiated a lawsuit for payment of overdue salaries. First instance decisions are taken, as well as some second instance decisions on appeal. Competent court accepted charges, yet court proceedings still goes on.

Complaint no: Ž-SA-04-1230/11

Complainant addressed Ombudsmen Institution, for since 2009 she is permanently employed by educational institution International University „Philip Noel-Baker“, yet she never got full salary but only minimum salary, and contributions are paid only since July of 2010, and since then complainant is without health insurance. The Complainant, despite of addressing to many institutions, did not manage to realize payment of overdue salaries and contributions, and to exercise these rights she will have to initiate procedure before competent court. Ombudsmen Institution contacted educational inspection of Canton Sarajevo and got answer that mentioned institution was previously banned and deleted from registry of higher education institutions.

CHAPTER VII – DEPARTMENT FOR THE PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES

Department for the protection of the rights of persons with disabilities within the Institution of Human Rights Ombudsman of Bosnia and Herzegovina resolves individual and group complaints related to violation of the rights of persons with disabilities, initiates and resolves ex officio observed violations of human rights of persons with disabilities and issues appropriate recommendations as necessary in order to ensure their protection. In these recommendations the Ombudsman reminds the domestic authorities of their obligation to comply with the international commitments taken by Bosnia and Herzegovina by ratification of UN Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, Standard Rules on Equalization of Opportunities for Disabled Persons, the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society equally with others.

DEPARTMENT	Received in 2011
Department for the protection of the rights of persons with disabilities // Banja Luka	7
Department for the protection of the rights of persons with disabilities // Brčko	4
Department for the protection of the rights of persons with disabilities // Mostar	5
Department for the protection of the rights of persons with disabilities // Sarajevo	70
Department for the protection of the rights of persons with disabilities	86

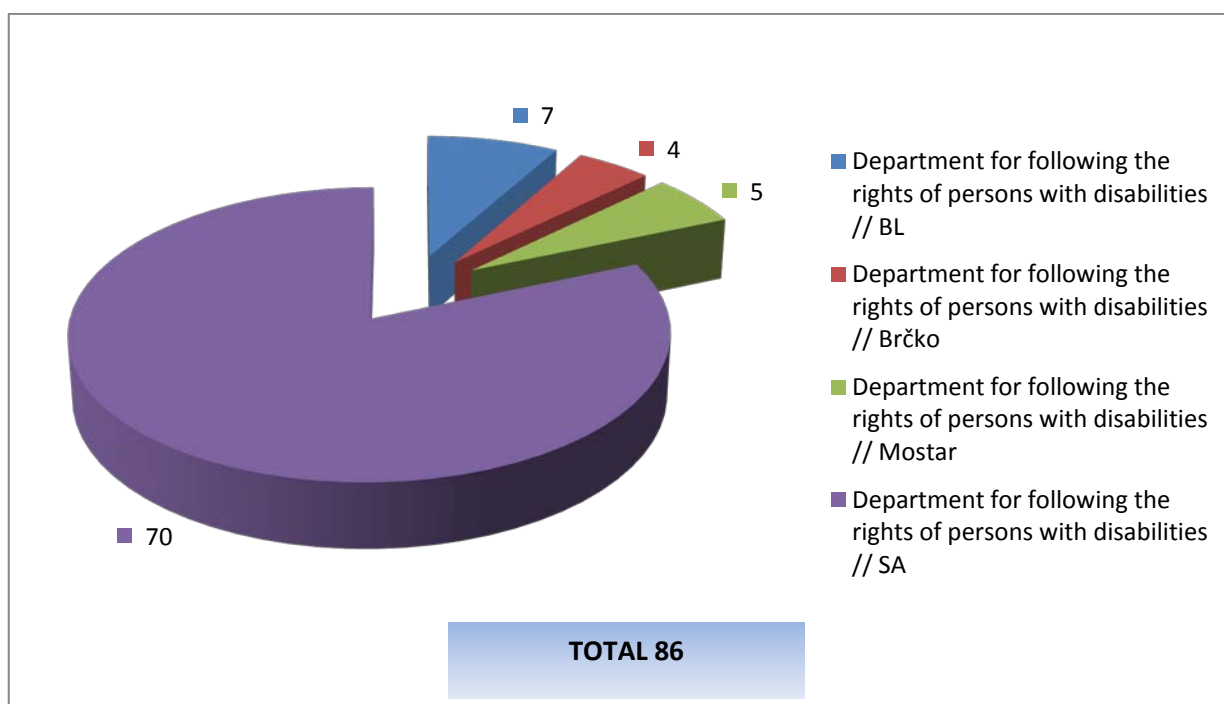


Chart no. 17 – Overview of complaints received by the Department for the protection of the rights of persons with disabilities in 2011 per offices

Analysis of received complaints

With regard to the total number of cases processed by the Department, violation of the rights of persons with disabilities was claimed in **164 complaints** out of which 78 was carried forward from 2010, and 86 complaints was received during 2011, seven in the Central Office in Banja Luka, four in Brčko Office, five in Mostar Office and 70 (seventy) in Sarajevo Office.

During 2011 resolved were 103 complaints while *61 remained pending out of which 25 transferred from 2010 and 36 received in 2011.*

METHOD OF RESOLUTION	CASES NUMBER
During the intervention of the Ombudsman	35
Complainant lost interest	29
Ill-founded	22
Otherwise	8
Special report	4
Recommendations of the Ombudsman	3
Outside the mandate of the Institution	2
Total	103

Table 9.: Overview of distribution of complaints processed by Department for the protection of the rights of persons with disabilities per method of resolution

Out of *164 complaints* processed in 2011 archived was 103 complaints, mostly after the intervention of the Ombudsman and it was in – 35 cases, 4 complaints were resolved by issuing a Special report including recommendation, 22 complaints were ill-founded, in 2 cases the Institution had no mandate to pursue it, recommendations of the Ombudsman helped in resolution of 3 complaints, while 8 complaints were resolved otherwise. In 29 cases the applicants lost their interest in further pursuance of their complaints so the files were closed.

Comparing number of cases /complaints received in 2011 with those received in 2010, it could be said that number of complaints was decreased. Reason for that is that these complaints were treated as priorities and solved in short time periods as well as prompt reaction of the Ombudsman to the problems observed and resulting issuance of the appropriate special report on the rights of persons with disabilities.¹¹⁹

Since Federation Ministry of Labor and Social Policy is designated by many complainants with disabilities as responsible body complained of, Ombudspersons emphasize much better and more efficient co-operation of this Ministry with the Ombudsman than it was in 2010. For example, following the intervention of the Ombudsman Institution and issuance of its recommendations¹²⁰ complainant were paid their entitlements¹²¹, or second-instance decisions reached as necessary¹²².

During 2011 some applicants complained of failure to enjoy their rights arising from decisions issued by the Federation Ministry of Veterans and Disabled Veterans of the Defense and Liberation

¹¹⁹ http://www.ombudsmen.gov.ba/materijali/publikacije/Invaliditet_BOS.pdf

¹²⁰ P-7/11, P-23/11, P-38/11;

¹²¹ Ž-SA-02-533/10, Ž-SA-02-210/11, Ž-SA-02-275/11, Ž-SA-02-295/11, Ž-SA-02-502/11, Ž-SA-02-1261/11 etc.

¹²² Ž-SA-02-553/11, Ž-SA-02-1150/11, Ž-SA-02-235/11 etc.

War Issues and RS Ministry of Labor and Veterans and Disabled Protection establishing or refuting rights to exceptional material security welfare¹²³.

In the Department for the protection of the rights of persons with disabilities 10 recommendations were issued in 2011, out of which 6 complied with¹²⁴, 3 recommendations were not complied with¹²⁵, while one recommendation was partially complied with¹²⁶.

Complaints received in this year related to a long period of waiting to the Medical Forensic Institute (hereinafter: the Institute) to carry out or finish appellate proceedings from decisions of the Disability Degree Assessment Institute¹²⁷.

It is also important to indicate that the Institute does not deliver its decisions in appellate proceedings even after the Ombudsman's interventions. In addition to that, it does not comply with recommendations of the Ombudsman¹²⁸ in violation of Article 25 of the *Law on Human Rights Ombudsman of Bosnia and Herzegovina*.¹²⁹ In addition to that, while reviewing health conditions of the beneficiaries, the Institute issues findings and opinions which cause loss of previously granted entitlements and benefits to the beneficiaries¹³⁰. In some cases, even after multiple interventions of the Ombudsman and requests for answer, it failed to reply and explain reasons for decreased disability percentage compared to previous evidence substantiating previously recognized percentage. Such behavior was a reason for issuance of a couple of recommendations about their lack of co-operation and violation of the Law on Human Rights Ombudsman of Bosnia and Herzegovina providing for the obligation of the institutions to co-operate with the Ombudsman in all segments and stages of the investigation of human rights violations alleged in the complaints lodged by the citizens. This failure of Medical Forensic Institute Sarajevo to reply to the inquiries and submit necessary documentation as requested by the Ombudsman is in violation of the rights of citizens.

If the Institute keeps behaving like this, the Ombudsman Institution will take measures to inform its founder, the Government of the Federation of BiH, pursuant to its mandate.

Another point to be made is that the Institute does not start medical forensic examination until the beneficiary has settled examination costs, which is also an example of unacceptable practice. In this regard attention should be turned to a ruling of the Constitutional Court of the Federation of Bosnia and Herzegovina no.: U-33/10 dated 05.04.2011 and published in the Official Gazette of F BiH no: 34/11 dated 06.06.2011 which held that the Order on Payment the Costs of Medical Forensic Examination in the area of pension and disability insurance has been in contravention of the Constitution of the Federation of BiH, and it should have not be implemented after the date of 06.09.2011 until this legal matter is regulated, and not later than three months following the publishing of this ruling in the official gazettes.

Therefore, on 09.12.2011 Ombudspersons adopted a recommendation to the Government of the Federation of Bosnia and Herzegovina, the Federation Pension and Disability Insurance Institute in Mostar and Medical Forensics Institute in Sarajevo, recommending that the Government of the Federation of BiH adopts necessary legislation to regulate this matter related to the payment medical examination costs.

¹²³ Ž-SA-02-9/11, Ž-SA-02-111/11, Ž-SA-02-1284/11, Ž-SA-02-1349/11, Ž-BL-05-586/11, Ž-BL-02-543/11.

¹²⁴ P-7/11, P-23/11, P-38/11, P-145/11, P-170/11 i P-179/11

¹²⁵ P-23/11, P-96/11 and P-177/11

¹²⁶ P-16/11

¹²⁷ Ž-SA-02-348/11, Ž-SA-02-654/11 etc.

¹²⁸ P-177/11

¹²⁹ „Official Gazette of BiH “ no: 19/02, 35/04, 32/06

¹³⁰ Ž-SA-02-817/11, Ž-SA-02-1356/11 etc..

This recommendation was partially complied with since the Government of FBiH on its session held on 28.12.2011 defined and sent to parliamentary procedure relevant Draft Law on Amendments to the Law on Foundation of the Medical Forensic Institute regulating the issue of medical examination cost payment in process of the establishment of disability degree in order to enable enjoyment of pension and disability benefits and entitlements.

As the rights of persons with disabilities were violated in 2011 as well, despite many promises given by the authorities at different levels that they will take measures to enable enjoyment and promotion of guaranteed rights to the disabled, the Ombudsman reiterates that it is necessary that the mentioned authorities **at all levels in BiH take measures aimed at realization of the rights of all persons with disabilities** on equal basis and with no discrimination and establish equal access to existential issues to all of them.

Although the Federation Ministry of Labor and Social Policy made significant efforts in 2011 to ensure and pay benefits to a large number of beneficiaries, it must be said that in 2011 the highest number of complaints still relate to non-payment of due receivables of the beneficiaries in prolonged period of time,¹³¹ non-payment of benefits based on established disability degree¹³², failure of the Ministry to bring second-instance decisions in appellate proceedings from decisions of the Social Welfare Centers¹³³, decrease of disability degree or category following re-assessment process¹³⁴, use of health care services on the territory of the other entity¹³⁵, appeals of those affected by post-traumatic stress disorder¹³⁶, denial or cancellation of the right to assistance and care by another person¹³⁷, prevention of persons with impaired hearing from participation in proceedings^{138, 139}, lack of recognition of civil disability benefits¹⁴⁰ etc.

7.1. Implementation of recommendations given in Special report on the rights of persons with disabilities

Due to a large number of complaints received by the Human Rights Ombudsman of BiH in 2010 about disability allowances and benefits due, but not paid to the beneficiaries, it was decided that a special report be prepared on the rights of persons with disabilities in BiH. This report was published in December 2010. In this report Ombudspersons of BiH issued recommendations to the relevant authorities of BiH¹⁴¹ indicating the importance of creation of preconditions to **ensure equal opportunities to the persons with disabilities** on the whole territory of BiH, regardless to the place of residence, with obligation of strict **abiding to the applicable legislation and its consequent observance, as well as harmonization of practices in its implementation** and clear defining of scope of work of public bodies on different levels, necessity to organize **payment of all disability allowances and other**

¹³¹ Ž-SA-02-502/10, Ž-SA-02-271/10, Ž-SA-02-254/10, Ž-SA-02-190/10, Ž-SA-02-83/10, Ž-SA-02-667/10, Ž-SA-02-655/10, Ž-SA-02-586/10, Ž-SA-02-584/10, Ž-SA-02-877/10, Ž-SA-02-834/10, Ž-SA-02-794/10, Ž-SA-02-1272/10, Ž-SA-02-793/10, Ž-SA-02-791/10, Ž-SA-02-705/10, Ž-SA-02-1034/10, Ž-SA-02-996/10, Ž-SA-02-792/10, Ž-SA-02-817/10,

¹³² Ž-SA-02-866/11, Ž-SA-02-581/11, Ž-SA-02-1261/11, Ž-SA-02-1144/11, Ž-SA-02-866/11, Ž-SA-02-716/11, Ž-SA-02-536/11, Ž-SA-02-112/11, Ž-SA-02-388/11, Ž-SA-02-497/11, Ž-SA-02-626/11, etc.

¹³³ Ž-SA-02-1150/11, Ž-SA-02-235/11, Ž-SA-02-446/11, Ž-SA-02-553/11, Ž-SA-02-1207/11 etc.

¹³⁴ Ž-SA-02-817/11, Ž-SA-02-495/11, Ž-SA-02-1356/11, Ž-BL-02-577/1 Ž-MO-02-96/11, Ž-MO-02-171/11, Ž-MO-02-180/11, Ž-MO-02-23/11,

¹³⁵ Ž-BL-02-554/11

¹³⁶ -BL-02-543/11, Ž-BL-02-548/11, Ž-BL-02-672/11

¹³⁷ Ž-BR-02-164/11

¹³⁸ Ž-BL-02-10/11

¹³⁹ Ž-BL-02-10/11

¹⁴⁰ Ž-BL-02-673/11

¹⁴¹ http://www.ombudsmen.gov.ba/materijali/publikacije/Invaliditet_BOS.pdf

entitlements regularly, with no delay and make re-allocation of the funds earmarked to this category of population, and very importantly, to make efforts in finding new funding resources to fill the needs of persons with disabilities.

In this regard, the Federation Ministry of Labor and Social Policy 2011 took measures to implement recommendations and informed the Ombudsman about it in a letter ¹⁴² explaining that during 2011 as much as 15.533 persons with disabilities (beneficiaries, according to the „old Law“) received their benefits entitled to amounting at 43,995,832.97 BAM. Pursuant to provisions of the Law adopted in 2009, payment was made of the funds in the amount of 107,689,951.87 KM. The rest of amount payable is 14,078,183.72 BAM and intending to settle this obligation, in 2011 the Ministry made a draft Law on Methods of Settlement of Obligations arising from the Law on Basics of Social Protection, Protection of Civil Victims of War and Protection of Families with Children in FBiH.

We were also informed that Sector for the Protection of persons with disabilities and civil victims of war prepared draft Law on Basic Financial Benefits due to Persons with Disabilities. and Law on Protection of Civil Victims of War introducing an amendment according to which persons with disabilities in degree 60-100% become entitled to certain benefits and introduction of income as eliminatory criterion in determination of right holders. The same criterion is envisaged in preliminary draft of the Law on Protection of Civil Victims of War.

Since 2011 **did not bring modifications of legislative framework in the entities with regard to the legislation regulating issues of concern for persons with disabilities, all the problems listed in the Ombudsman's Annual report 2010 remained burdening this category of citizens**¹⁴³ so that they remain discriminated from multiple aspects including:

- different rights of persons with disabilities caused by war, either disabled war veterans or civil victims of war and those whose disability originates from period of peace and resulting **benefits and allowances for disabled by war are much higher than those for disabled in peace periods;**¹⁴⁴
- discrimination of disabled **according to their place of residence since once established rights in one place are lost if the person moves to another place in the other entity ;**
- In the Republic of Srpska there is the **Law on Protection of Civil Victims of War**¹⁴⁵, adopted in 1993 according to which the status of civil victim of war could only be obtained within the deadline of 5 years from the date of the law coming into force, that is, the date when the person in question was wounded, killed or became missing. Since these deadlines have expired, and for many objective factors some disabled persons could not file their claims before the relevant bodies earlier as particularly indicated to by the UN committees, in 2007 was adopted the Law on Amendments to the Law on Protection of Civil Victims of War establishing the **additional six months period** in which they could file their requests for the recognition of civil victim of war's status;
- In the Federation of BiH **disproportion in funds earmarked for disabled persons** in different cantons could be noted, which is important since these rights are realized on cantonal level;

¹⁴² Federation Ministry of Labor, no. 06-35/4-39/12 dated 13.01.2012

¹⁴³ www.ombudsmen.gov.ba

¹⁴⁴ E/C.12/BiH/CO/1, E/C.12/BiH/CO/1, Concluding Remarks of the Committee on Economic, Social and Cultural Rights, items 39 and 40. 48 CCPR/C/BiH/CO/1, Concluding remarks of the Human Rights Committee, Item 15.

¹⁴⁵ „Official Gazette of the Republic of Srpska“ no.: 25/93, 32/94, 37/07 and 60/07

- In the Federation of BiH only those whose disability degree is 100% and 90% can realize their rights according to the ***Law on Basics of Social Protection, Protection of Civil Victims of War and Protection of Families with Children in FBiH***¹⁴⁶;
- rights of disabled persons are not established according to their needs but to their classification to certain categories and groups.

Illustrative cases

Case no.: Ž-SA-02-1283/11

Based on information found in media, the Ombudsman initiated *ex officio* investigation as to the facts related to access of wheelchairs to dwelling buildings in a residential block in Zvornik built intentionally to accommodate war veterans, ex-soldiers disabled by war and families of killed soldiers since, as it turned out, only one of these buildings has wheelchair access. The same situation is in Social Welfare Center, court, municipality administration, Police Station and Infirmary until recently when it made access from the auxiliary entrance. Identical situation is with parking lots as there are only three earmarked for disabled, two in front of Memorial and one in front of Health Center. Having established facts and asking the relevant authorities to explain their positions the Ombudsman received the following answers: that local urban planning department strictly complies with requirements of applicable legislation including relevant by-laws in designing and new constructions and that reconstructions of main streets are ongoing to allow for the access to persons with disabilities where special care will be taken about parking lots, curbs etc. while public buildings owners were informed of their duty to adjust their access paths in compliance with applicable legislation. This process has not been finished yet, but it is important to mention that *accessibility* as defined by the legislator, *results from implementation of technical solutions in designing and construction to enable persons with disabilities or persons with limited mobility to have unrestricted access, movement and work in such buildings equally with others.*

Case no.: Ž-BR-02-434/11

Complainants refer to RS Ombudsman's Special report no.:728-1/03 which was not complied with since persons with disabilities are still discriminated in procedure of socially-owned apartments purchase within the privatization process.

Case no.: Ž-SA-02-295/11

In this case recommendation no. P-38/11 was issued asking the *Federation Ministry of Labor and Social Policy to promptly pay amounts due to a minor, born in 2003, with 100% congenital disability to enable the child's parents to take him abroad for treatment. Following-up this recommendation Ombudspersons established co-operation with the relevant Ministry and reached an agreement that the due amounts be paid as soon as possible.*

¹⁴⁶ „Official Gazette of the Federation of BiH“, nos: 36/99, 54/04, 39/06 and 14/09

Case no.: Ž-SA-06-717/11

The Ombudsman initiated an *ex officio investigation* as to the facts related to the rule of law and equality of men and women in the area of health insurance in Public Institution „Health Center Saraj Polje/Mojmilo“. Although this initiative was not met with approval or adequate reaction of Director of PI Health Centers of Sarajevo Canton, following the management change observed problems were removed in a short time period and equal treatment in health care sector provided to all in accordance with provisions of the Law on Prohibition of Discrimination in BiH¹⁴⁷ and BiH Law on Gender Equality¹⁴⁸.

¹⁴⁷ „Official Gazette of BiH“, no.: 59/09

¹⁴⁸ „Official Gazette of BiH“, nos: 16/03, 102/09, 32/10

CHAPTER VIII – DEPARTMENT FOR THE PROTECTION OF THE RIGHTS OF NATIONAL, RELIGION AND OTHER MINORITIES

Department for the protection of the rights of national, religion and other minorities (hereinafter: Department) was established in 2009 for the protection of national, religion and other minority members. Mandate of the Department includes receipt and processing of complaints related to violation of rights of members of national, religion and other minorities. Important role of this Department is promotion of rights established in the Convention for the Protection of National Minorities and other international standards regulating the rights of the minorities, as well as participation at meetings and round tables dedicated to this subject.

In 2011 the Department received 9 complaints about minority rights where the violation were established in 6 cases, and did not established in three cases.

Analysis of the received complaints

Statistic data, primarily number of complaints received by the Ombudsman Institution, related to violation of rights of national minorities cannot be used as an objective indicator of the situation of this group since, as also emphasized in Annual report 2010, a number of complaints lodged by members of national minorities were received by the Department for elimination of all forms of discrimination. This happens since minority groups members claim that they were discriminated and in such cases measures are taken for the protection of their rights and dignity as national minority members.¹⁴⁹ The Ombudsman also received certain number of complaints of national minority members that fall into mandate of other departments where they complain, for instance, about the length of court or administrative proceedings. Since they did not think that their rights in such cases were violated in context of their affiliation to national minority, their complaints were registered in respective thematic Department and resolved according to the allegations comprised in their complaints.

Comparing complaints received by this Department in 2010 and 2011 it is evident that some changes took place as to the segment of human rights violation. In 2010 complaints related to problems in realization of social rights and administration, while 2011 saw complaints related to the application of Electoral Law of Bosnia and Herzegovina dominate. It was linked to the election of minority representatives to municipal councils and municipal assemblies.¹⁵⁰

Ombudspersons reiterate necessity to ensure implementation of the European Court of Human Rights' ruling in case of *Sejdić & Finci v. BiH* which would remove discrimination of minorities in enjoyment of their rights in this regard.

In their work Ombudspersons of Bosnia and Herzegovina pay equal attention to the rights of all **17 national minorities in Bosnia and Herzegovina, but are aware of the fact that Roma members, as the largest national minority in Bosnia and Herzegovina face the widest spectrum of problems and challenges.** Activities of this Department are largely based on reports of other organizations and stakeholders familiar with Roma rights and situations.

¹⁴⁹ As an example of that we refer to a case registered in Banja Luka Office under number Ž-BL-06-359/11

¹⁵⁰ Complaints related to the election of national minority members to the City Council of the Municipality of Sarajevo and Municipal Assembly of Bileća

Particular attention is attached to reports related to the implementation of the **Action Plan for Roma problems in the area of:** employment, housing and health care within the Decade of Roma inclusion. Report of an independent team for reporting on results of goals of Decade of Roma inclusion it is highlighted that Bosnia and Herzegovina has the best results in the area of housing out of 12 members of Decade despite the fact that it joined the Decade with delay, while it took third place in education field, and fourth in employment and health care.¹⁵¹

The Ombudsman Institution closely monitors situation of Roma children attending primary school and higher education as well and promotes activities earmarked to the increase of number of children included in regular education.

Bosnia and Herzegovina in general lacks public awareness of necessity of taking measures to ensure enjoyment of minority rights and many activities, such as public appearances, press releases, press conferences, special reports of the Ombudsman were taken in order to raise such awareness.

An illustrative example

For the first time the Department received a complaints of national minority member related to their health care.¹⁵²

The Ombudsman Institution received a complaint of the NGO "Djeca Zemlje" Tuzla whereby they claim that rights of a Roma woman S.A. were violated by depriving her of health care since she had no health insurance so she was denied surgical procedure of her dead fetus removal. The complaint clarifies that health institutions in Tuzla Canton area had obligation to provide necessary assistance given the health status of the patient regardless to her insurance status since delay of surgery was posing a risk to her life and health.

Having finished investigation in this case, it was established that there had been violation of rights protected under the Convention on Prohibition of all Forms of Gender Discrimination and the Law on Prohibition of Discrimination ("Official Gazette of BiH" no. 59/09), that is, in concrete case, it is discrimination against Roma minority woman in context of non-adequate co-ordination of the authorities in Bosnia and Herzegovina to create programs taking in consideration social situation Roma women are facing as particularly vulnerable category. Therefore, on 19.11.2011 the Ombudsman issued **recommendations no.: P-171/11** whereby the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and the Ministry of Health of the Federation BiH were recommended to ensure education of Roma minority women about reproductive health and maternity and to ensure better coordination between the Ministry of Health of the Federation BiH and cantonal ministries of health in the next period to take measures to enable provision of health care to persons not covered by health insurance, especially stressing availability of health care related to family planning, pregnancy, birth and maternity period.

On 06.12.2011 the Ombudsman received reply from the Ministry of Human Rights and Refugees of Bosnia and Herzegovina number 07-37-4595/11 dated 01.12.2011 whereby they claim that a letter with the same content is ready to be sent to the relevant institutions covering the area of health care suggesting that one of the priorities of the Action plan for finding solutions for Roma minority in Bosnia and Herzegovina should be education of Roma women about reproductive health and maternity. On 16.01.2012 the Ombudsman received reply of the Ministry of Health and Social Policy of Una-Sana

¹⁵¹ Information posted on website of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina

¹⁵² Complaint was registered under number Ž-SA-03-528/11

Canton under number 09-10-12416-2/2011 dated 12.01.2012 in which they claim that all the measures taken by the Government in the previous period in order to provide health care to all the categories of population, and especially vulnerable groups, and amounts for these measures were consistent with those planned for the implementation of Roma Decade. Ombudspersons of Bosnia and Herzegovina commend activities taken by Una-Sana Canton the Government that could serve as an example to other cantons to take in consideration needs of vulnerable categories regardless to budget.

CHAPTER IX – DEPARTMENT FOR THE PROTECTION OF THE RIGHTS OF DETAINEES/PRISONERS

Department for the protection of the rights of detainees/prisoners follows-up situation in institutions for criminal sanctions execution in order to make comprehensive analysis and reports to the relevant institutions in order to improve situation in these facilities. This Department also receives individual complaints of detainees/prisoners and initiates *ex officio* investigations in cases involving human rights violations of detainees/prisoners.

As it was emphasized in previous years reports, Ombudspersons find it necessary to co-operate with management of these criminal sanctions execution institutions to obtain required information, enable them insight into relevant documentation to be consulted and contact with persons they want to interview.

Analysis of the received complaints

During 2011 Human Rights Ombudsman of Bosnia and Herzegovina has received 121 complaints of persons deprived from liberty. Related to this, it is not rare that a complaint wants to complaint for multiple reasons (e.g. violation of the right to housing, health care, denial of privileges to be used outside the establishment etc.) or that the same complainant addresses the Institution more than once in a year period with different complaints and in such cases, as a rule, we do not open a new case.

Analyzing the structure of the submitted complaints it is evident that the most of them, precisely 63, related to non-satisfactory housing conditions, convicted persons' treatment, forms of abuse, that is, unfair or inappropriate behavior of the staff or other inmates, questions and dilemmas as to the wording and interpretation of rules and regulations, inquiries of the stage of appellate proceedings before the Constitutional Court of BiH, or transfer to another prison, 32 complaints related to denial of privileges to be used outside the establishment and visits of family members, 20 to health care and hygiene conditions, 2 to their placement together with persons with mental and other disabilities and one to pardon.

It is not surprising that most of the complaints received come from Zenica Prison (Penal and Correctional Institute) since this establishment gather the highest number of inmates, 800 of them.

During 2011, Ombudspersons had paid visits to correctional facilities in Bosnia and Herzegovina.¹⁵³

9.1. Abuse and unfair treatment of the official staff and violation among the inmates

Most of persons deprived of liberty interviewed by Ombudspersons did not have any significant complains about physical abuse by the prison officers. However, there were some such complaints and

¹⁵³ Doboj Prison on 08.09.2011, Zenica Prison 15.09.2011, 15.11.2011 and 30.11.2011, Banja Luka Prison on 10.10.2011, Bihać Prison on 11.10.2011, Tuzla Prison on 25.10.2011 and 27.12.2011, Orašje Prison on 27.10.2011, Bijeljina Prison on 28.10.2011, Trebinje Prison on 17.11.2011, Mostar Prison on 18.11.2011, Foča Prison on 05.12.2011, Sarajevo Prison - Ustikolina Department 05.12.2011 and Sarajevo Prison on 21.12.2011

these examples include a convict serving in Sarajevo Prison who claimed that he was beaten by a sergeant of the Prison from whom he had complained to the warden, but the case was never investigated. Following the investigation, and with regard to the allegations, the Ombudsman established that the management of Sarajevo Prison took adequate measures to protect the abused.

A few persons had objections to unfair treatment by the prison staff, which, if present mostly involves verbal insults and treatment of convicted persons with contempt and in some cases even insulting the family members coming to visit¹⁵⁴.

During the visit to Bijeljina Prison a convict complained claiming that he was mistreated by the police commander emphasizing that he was once beaten with no reason. He further claimed that he was categorized into category C as he refused to work after he was previously tortured and punished by being sent for three days to solitary confinement, which gave him impression that he was treated differently compared to other inmates¹⁵⁵. Ombudspersons informed the Prison warden about these claims who promised to check their grounds. During the reporting period, however, he sent no information to the Ombudsman in this regard.

In Zenica Prison the Ombudsman received complaints from some convicted persons who claim that they are on a daily basis subject to provocation from a correctional officer who is designated by complainants as a main initiator of verbal abuse, treatment with disdain and asking money from the inmates¹⁵⁶. Inmates emphasized that they brought up criminal charges to the Prosecutor's Office of Zenica-Doboj Canton against this officer and the Ombudsman would follow-up the course of the proceedings related to this charge.

A convict serving sentence in Sarajevo Prison filed complaint claiming that he was discriminated by the prison officers. He detailed his claims by saying that prison officers blame him for his criminal past and explain it by his being raised in an orphanage.¹⁵⁷ However, findings of the Ombudsman's investigation did not support his claims since it turned out that the prison officials treated him fairly and having consideration for the fact that he was raised with no parents approved his application for conditional release.

Based on a complaint received by a convict serving prison sentence in Zenica for war crimes, Ombudspersons have investigated allegations of prisoners of Serb ethnicity who complained of discrimination on ethnic grounds, as well as physical and verbal abuse by other prisoners because of which they ask to be transferred to some prison located in the Republic of Srpska¹⁵⁸. Based on the discussion with complainant, the Prison warden and his team, including the Prison doctor and having taken insight into the personal file and medical record of the convict, ***Ombudspersons issued a recommendation to the Zenica Prison Warden to take measures to examine efficiency of a mechanism established in order to prevent conflicts between prisoners with particular emphasis to causes of these conflicts.***

Ombudspersons have not been informed about any actions taken by management of Zenica Prison on implementation of this recommendation within the deadline of 30 days indicated by the Ombudsman.

¹⁵⁴ Cases Ž-SA-07-27/12 and Ž-SA-07-1103/11

¹⁵⁵ Visit to Bijeljina Prison made on 28.10.2011

¹⁵⁶ Cases Ž-SA-07-591/11, Ž-SA-07-1091/11, Ž-SA-07-738/11 and Ž-SA-07-1103/11

¹⁵⁷ Case no. Ž-SA-07-27/12

¹⁵⁸ Case no. Ž-SA-07-1257/11

A convicted person of Bosnian ethnic background serving time sentence in Foča Prison sought the Ombudsman's protection claiming that he was a victim of provocations of other inmates on religious and ethnic grounds, and exposed to verbal provocations on a daily basis¹⁵⁹. Processing this case, Ombudspersons asked the Prison authorities to enter a plea in this regard so they replied that disciplinary sanctions were imposed against perpetrators of these actions as they were sentenced to 10, that is, 15 days of solitary confinement. Ombudspersons also informed Interreligious Council of Bosnia and Herzegovina which reminded the management of Foča Prison to their obligation to ensure the enjoyment of the right to freedom of religion.

All the interviewed inmates in Zenica Prison admitted and confirmed the presence of violence between the prisoners¹⁶⁰, while inmates of Bijeljina Prison submitted that only sporadic cases of violence take place.

Related to the above, Ombudspersons recommended management of correctional facilities in BiH to send strong message that abuse of convicted persons is against law, and any unfair behavior unacceptable and unprofessional and be subject to harsh sanctions.

9.2. Health care

Quality of health care which must be provided in prison facilities is one of the main reasons for complaints of persons deprived from liberty.

A large number of complaints in which inmates complain about poor health care and have objections to work of health service in correctional facilities clearly show that situation in this segment is not satisfactory.

During the visit to Doboj Prison Ombudspersons recorded complaints of a prisoner who claimed that the prison doctor dressed his wound improperly following the surgery so he had scars as a result of this surgery done in Banja Luka. However, following the conducted investigation, the Ombudsman was informed that the patient disobeyed the surgeon's advice to rest after the surgery, but he had started practicing sports and that was why his wounds opened. Another prisoner said that he was on hunger strike twice since he was referred to a medical specialist exam, however none was realized. But soon after his addressing the Ombudsman he was released from prison.

In Zenica Prison almost all convicted persons with whom Ombudspersons had interview complained of inadequate health care.¹⁶¹ A convict claimed that his eye prosthesis was broken and the Prison authorities would not compensate his damages. Case of a prisoner suffering of epilepsy and PTSP in conjunction with being disabled by war 70% for which he asked to be transferred to another prison, which was not so strict in his opinion. Some inmates complained of having psychological troubles emphasizing that the prison doctor is making experiments in their treatment, as he, for instance, prescribes to minors medicines inappropriate for their age. The Ombudsman Institution had interview with prison doctor on this subject, who underlined that neuroleptics are given to minors only in exceptional and urgent medical conditions and that is falls within the type of therapy used in clinical psychiatry.

¹⁵⁹ Case no. Ž-SA-07-1388/10.

¹⁶⁰ Cases Ž-SA-07-1388/11 Ž-SA-07-1257/11 Ž-SA-07-319/11, Ž-SA-07-300/11, Ž-SA-07-483/11 and Ž-SA-07-108/11

¹⁶¹ Cases Ž-SA-07-1244/11, Ž-SA-07-211/11 Ž-SA-07-1307/10, Ž-SA-07-1015/10, Ž-SA-07-479/11 and Ž-SA-07-1306/10

In Sarajevo Prison convicts were unsatisfied with their prison doctor whom they accused of coming to work under the influence of alcohol, and that he refuses to refer them to specialist examinations. One prisoner said that he was denied referral to a specialist despite his grave medical condition since he was suffering from hepatitis C and B, and being an ex-drug addict and disabled in 90%.¹⁶² The Ombudsman had established that this convict was sent to a CT and to the infectologist.¹⁶³

The Ombudspersons also underline that a large number of prisons still do not have a permanently employed physician, but can only provide primary medical care provided by medical technicians, while doctors are only engaged on temporary basis. There are permanently employed doctors in prisons of Banja Luka, Zenica, Kula and Bijeljina.

Yet, in some correctional facilities, **certain progress is observed in provision of better health care to prisoners.** In Zenica Prison for instance, a new ultrasound scanner was purchased in 2011 in addition to a new laboratory equipment in order to reduce need for the inmates to be taken to medical institutions outside prison facilities. Banja Luka Prison has also been capacitated to make laboratory analyses so that they do not have to take prisoners outside the prison facilities. Health care is provided through the permanent engagement of a doctor, two medical technicians, psychiatrist and dentist, engaged following signing service agreements with Clinical Hospital Banja Luka.

Having the above in mind, Ombudspersons recommend to prison authorities to take necessary measures to improve health care services to persons deprived from liberty, with better participation and co-ordination between them and the Ministry of Justice and the Ministry of Health when it comes to the health care in prisons.

9.3. Accommodation conditions

During the visits to prisons the Ombudsman staff concluded that prisons are overcrowded which generates restrictions or violations of the rights of persons deprived from their liberty. In such situation particularly unprotected are vulnerable categories of prisoners such as minors, addicts, mentally ill persons and women.

Nevertheless, Ombudspersons realize a **positive trend in criminal sanctions execution systems of the Federation of BiH and the Republic of Srpska since the budget was increased in the last couple of years and new facilities built.**

Federal Ministry of Justice had a series of activities earmarked to a partial increase in capacity of prison capacities of the Federation of BiH.¹⁶⁴

The Ministry of Justice of the Republic of Srpska paid particular attention to planning and improving conditions for convicted persons and detainees and engaged in construction, reconstruction and repair of the existing prison facilities so that correctional institutions capacity in the Republic of

¹⁶² Cases Ž-SA-07-27/12, Ž-SA-07-27/12, Ž-SA-07-1221/11.

¹⁶³ Cases Ž-SA-07-27/12, Ž-SA-07-27/12, Ž-SA-07-1221/11.

¹⁶⁴ In Busovača Prison a new building was built to accommodate 60 new inmates, in Orašje Prison building for another 50 prisoners, in Tuzla Prison a new building was constructed at Kozlovac location with 100 places for prisoners, in Zenica Prison, a new ward for 40 high-risk convicts was finished, in addition to a new medical ward with capacity of 40 places for inmates in need for health care during their serving the sentence. Ustikolina Department which is a part of Sarajevo Prison, prison capacities are increased for 60 places, while the Prison of Mostar has 25 new places.

Srpska increased from previous 1085 to the current 1373 places and following the finishing of all civil works capacities of some institutions will be significantly higher¹⁶⁵.

Ombudspersons commend positive developments taking place and construction works that had caused changes in categorization of correctional institutions. In the Federation of BiH Prison in Tomislavgrad is closed and Prisons of Busovača and Orašje established which was accompanied with adoption of new Rulebooks on internal organization and systematization for these institutions.

In the Republic of Srpska, instead of earlier regional prisons there are envisaged three closed type prisons (Banja Luka, Foča and Bijeljina) and three semi-open prisons (Trebinje, Istočno Sarajevo and Doboj) with possibility for closed-type prisons to have semi-open wards, while semi-open prisons can have open wards.

Total prison capacity in the Federation is 1553 places and prison occupancy rate in the Federation of BiH as of 31.12.2011 was 1819 persons.

Total prison capacity in the Republic of Srpska is 1373 places, and occupancy level as of 31.12.2011 was 1054 out of which 920 are convicted persons, and 134 detainees. This means that this entity has some 150-200 places vacant. However, prisoners from FBiH cannot serve sentence in the RS for lack of the inter-entity agreement about it despite some initiatives that were on the table, but never implemented and brought to the end.

Brčko District does not have a prison, so they send their convicted persons to serve their sentences in prisons of both the Federation of BiH and the Republic of Srpska, while they have only detention unit with capacity to accommodate 40 persons.

Accommodation capacity at the state level is such that the state has a Detention Unit within the Court of BiH at its disposal. It is a temporary solution since it only has 21 place. Problem of prison capacity will be solved by the construction of a state prison which is expected to be finished in 2013 so that persons convicted by the mentioned court be sent to serve their sentence in that prison and will not burden prisons in the entities anymore. However, from March 2003 till the date this Court sent 313 persons to the entity prisons to serve their sentences.

9.4. Food

During the visits to prisons the Ombudsman often receives complaints about quality and quantity of food in prison. They claim that food is tasteless, monotonous, insufficient and in some establishments there are complaints that validity deadlines of some foodstuffs have expired.

Ombudspersons emphasize that a lot of convicts serving in Zenica Prison complained about hygiene in places where food is being prepared and served. Related to this, and having personally checked these allegations, ***Ombudspersons decided to issue a recommendation to the management of this institution to urgently do what is necessary to improve hygiene in food preparation and serving***

¹⁶⁵ Banja Luka Prison was extended as new pavilion was built so increasing its capacity for 50 new places, in Foča Prison a new ward with special regime was constructed (with capacity of 38, that is 56 convicts) as well as maximum security and intensive treatment with capacity to accommodate 17 convicted persons, Istočno Sarajevo Prison is under reconstruction and addition to a new ward for women, and Doboj Prison got a new floor so increasing its capacity from 120 to 188 places and significantly improving prisoners standard of living, as well as working conditions of the employees. At a new location Bijeljina Prison saw finishing works on construction of new wall, and reconstruction works are supposed to be finished in the first half of 2012. Following that three buildings earmarked to accommodation of inmates of certain qualification groups is envisaged to start.

premises raising it to a satisfactory level¹⁶⁶. Penal-correctional institution Zenica informed the Ombudsman that it complied with this recommendation.

9.5. The right to work

Following the visits to prison institutions and interviews with prisoners, Ombudspersons came to a conclusion that number of work engagement in these institutions is very insignificant. Small number of convicted persons work in central heating boiler unit, laundry rooms, kitchen, and is engaged in cleaning the rooms in prison buildings and only a few people work in prison husbandries.

In this regard the Ombudsman is of the opinion that more efforts should to be put in creation of conditions for work in prison institutions. ***Ombudspersons remind prison managements that it is necessary to explore possibilities and opportunities for work engagement of convicted persons, organize new programs and activities to keep them occupied outside the dwelling premises as recommended by the European Prison Rules.***

9.6. Differences between correctional facilities in BiH

There are differences between various penal-correctional institutions in BiH in conditions and the implementation of standards even within the same jurisdictions.

Reason for this is different level of their capacity use where some of them are overcrowded and some are not.

In past period some measures have been taken for employment of professional staff to prison facilities. However, there is a lot of other things that should be done in this regard. To substantiate this claim, it is enough to mention that out of the total number of systematized positions in all prisons of the Federation of BiH is 1232, while number of employees is only 980.

As for the number of positions according to systematization rulebooks in the Republic of Srpska it was 965 as at 31.12.2011, while number of employed staff was 829.

A long standing problem is related to accommodation of prisoners who committed their criminal acts in the state of diminished or considerably diminished mental capacity or total mental incapacity should be finally solved by refurbishment of ex-Psychiatric Clinic of Sokolac in the building where so-called forensic patients would serve their sentence. However, this building is not in function yet, and according to some sources, funds are lacking for the employment of necessary professionals.

The most concerns of the Ombudsman about elementary living conditions such as premises, hygiene, absence of work engagement, lack of professional staff to work with convicted persons, raises the Sarajevo Prison. This was why Ombudspersons issued their recommendations to the Ministry of Justice of the Federation of BiH and warden of Sarajevo Prison.¹⁶⁷

In compliance with recommendations of the Ombudsman, warden of semi-open penal-correctional Prison Sarajevo, in order to improve living conditions for inmates, opened some new

¹⁶⁶ Recommendation no. 180/11 dated 22.11.2011

¹⁶⁷ Recommendation no. P-209/11 dated 22.12.2011.

premises at the third floor of the institution. These rooms are bigger, have more light, have toilets and cable TV. In addition to that, some inmates were transferred to the departments Igman and Ustikolina.

As for lack of professionals the Ombudsman was informed that employment procedure is ongoing for hiring of professional staff in sector of treatment, legal and health sector. The Government of the Federation of BiH recommended for these professionals to be employed following the internal advertisements since public competition is not possible because of the implementation of austerity measures including restriction of new employment.

Processing the complaints of convicted persons with disabilities and following the visits to prisons in order to investigate living conditions of inmates, it was established that no institution in the whole prison system in BiH, meets necessary prerequisites to accommodate persons with physical disabilities which need wheelchair for movement (only Orašje Prison in one of its pavilions has a wheelchair ramp, but this building has not been in function yet). In order to prevent further violations of rights of this category of prisoners and detainees since violation of the rights of detainees in Detention Unit of the Court of BiH was established, Ombudspersons of BiH issued relevant recommendations to the Ministry of Justice of BiH¹⁶⁸.

The Ombudsman was also informed of arbitrariness and lack of observance of equal treatment principle in making decisions about privileges to be used outside the establishment insisting on equality in use of privileges for all the inmates.

However, complaints received by the Ombudsman during its visits to these institutions reveal that convicts think that there is arbitrariness and absence of equal treatment principle in practice as it comes to the resolution of this issue.

9.7. Implementation of the Ombudsman's recommendations

Activities taken so far on the implementation of the Ombudsman's recommendations¹⁶⁹ indicate the following:

- Significant improvement took place in construction of new and reconstruction of the existing facilities in the Republic of Srpska, and limited progress in construction of new and reconstruction of the existing facilities in the Federation of BiH;
- limited progress attained as it comes to employment of professionals in both entities;
- partial harmonization attained in implementation of all standards and rules regulating this area;
- limited progress attained in the area of re-categorization of prison institutions;

¹⁶⁸ Recommendation no. P-32/11 dated 25.02.2011 in which Ombudspersons recommend the Ministry of Justice of BiH to directly contact institutions accommodating detainees and convicted persons to investigate the possibilities of accommodating persons with disabilities and inform the Court of BiH thereupon. In case that institutions do not have possibility to accommodate persons with disabilities in the penal-correctional facilities, the Ministry of Justice of BiH is obligated to allocate funds as necessary to adjust present accommodation facilities in these institutions in order to serve such purpose for this category of persons.

¹⁶⁹ See recommendations listed in the special report on human rights situation in the institutions for the execution of criminal sanctions in BiH, issued in September 2009, as well as a part of our 2010 Annual report related to the protection of prisoners.

- limited progress attained as it comes to the State prison building (finished are only works on infrastructure and the erection of concrete wall;
- no progress is registered in higher degree of work engagement of convicted persons;
- prison managements have not established in accordance with harmonized rules and standards;
- no significant measures are taken for criminal sanctions execution in community (with particular emphasis on conditional release, community service and other forms of alternative sanctions;
- no significant improvements are done with regard to conditions and programs earmarked particularly to the most vulnerable categories of convicted persons;
- very limited progress attained in the field of health care quality improvement in prison institutions;
- no harmonized and coherent system of training of professionals employed in prison institutions.

Having the above in mind, it is obvious that a lot of recommendations in the area of criminal sanctions execution still remains to be implemented or further processed. It seems that managements of penal-correctional facilities have only implemented some limited measures in reply to the recommendations and therefore the **Ombudspersons call managing structures of these institutions to intensify their efforts to achieve some improvements as recommended and to ensure that these recommendations are fully implemented.**

CHAPTER X – DEPARTMENT FOR THE PROTECTION OF THE RIGHTS OF THE CHILD

Department for the protection of the rights of the child was established in order to promote children's welfare and their protection. In 2011 it was mostly engaged in processing of individual complaints, education in schools, and preparation of special reports while the employees of this Department participated at professional meetings related to children's rights.

Processing of individual complaints is aimed at achieving of very important goals, from the consistent implementation of UN Convention on the Rights of the Child and domestic legislation in order to consider the best interest of the child in BiH to suggestion of concrete measures for the efficient legal interventions oriented to children and in co-operation and coordination with system institutions in charge of children's welfare.

Analysis of the received complaints

In 2011 the Department received **110 individual complaints**. Similar to previous years, violations mostly related to violation of the **right to education, rights to health care, right to maintaining of personal relations with other parent with whom the child does not live and with his/her relatives, the right to protection of violence and child neglect and abandonment**. There were also problems related to travel documents in BiH, non-enforcement of court decisions related to child-support alimony and non-enforcement of administrative decisions and similar documents which is directly in violation of the rights of children.

It is a general conclusion of the Ombudsman that poverty and poor economic situation in Bosnia and Herzegovina have a direct impact to the observation and enjoyment of the rights of the child. There is a permanent gap between legislation and its implementation as one of the main obstacles for children rights to be realized, as well as the fact that funds for children rights are insufficient.

However, it is encouraging that in July 2011, Council of Ministers adopted a new Action Plan for children for the period 2011 to 2014. Related to this, the Ombudsman reminds the authorities that fulfillment of goals and objectives of this Action Plan requires funds and inclusion of all authority levels.

Ombudspersons investigated situation upon complaints of social welfare centers from the Republic of Srpska and came to a conclusion that there are problems for conflict of authority between the relevant social welfare centers of the Republic of Srpska and the Federation of BiH for absence of mechanisms and body in charge to solve this issue and reconcile between these bodies. Ministry of Civil Affairs of BiH is in charge, among other things, for the activities falling within the mandate of Bosnia and Herzegovina related to the establishment of basic principles of co-ordination and adjustment of the plans of entity authorities and definition of strategies on the international plan in the area of social welfare, education and culture, and therefore the Ombudsman invited this Ministry to attend to this issue.

10.1. Problem of children beggars

Children beggars, that is, economic exploitation of children, was subject to the Ombudsman's attention in 2011 just as it was in previous years. Namely, as a follow-up of survey done in 2009 and

presentation of its results in a special report prepared in 2010, in 2011 the Ombudsman sent its **recommendation to the relevant bodies of BiH with regard to the establishment of drop-in centers for the youth found in vagrancy and begging.** The Ombudsman's recommendation mentioned a number of good practices (Sarajevo, Banja Luka, Zenica), as described in more detail in the mentioned Special report¹⁷⁰. When it comes to the town of **Mostar, the Ombudsman was informed that a drop-in center is ready for three years now, but is not functioning for impossibility to employ adequate professionals.** In this regard, Ombudspersons recommended to the relevant local and cantonal authorities to take measures to ensure that this center becomes functional. After a couple of interventions, the Mayor of Mostar, as a respondent party, informed the Ombudsman that it will not be able to find around 85,000 BAM in local budget as necessary for the drop-in center to become functional, but it will need financial engagement of both cantonal and entity budgets.

10.2. Autistic children

Based on discussions with representatives of NGOs URDOS from Tuzla, URDAS from Sarajevo and Djeca svjetlosti from Banja Luka, in the end of 2010 the Ombudsman prepared a comprehensive analysis of the issue of autism as a part of their special report on children with special needs and impairments in their psycho-physical development. **Association URDOSA from Tuzla prepared a study and a design of the Autism center and even found some parties to co-finance its building, but the center was not established.** This was a reason for the Ombudsman to issue a recommendation dated 21.02.2011 and recommend the Government of Tuzla Canton to take necessary measures and activities to enable opening and functioning of this Autism Center in Tuzla. No feedback was received till the date about the implementation of this recommendation.

10.3. Pre-school education and upbringing

In 2011 general situation of the rights of the child was assessed and analyzed with emphasis on the implementation of these rights in the area of pre-school upbringing and education on the territory of Bosnia and Herzegovina.¹⁷¹ Analysis was earmarked at turning attention of the relevant institutions to some gaps present in legislation and non-adequate implementation of the applicable legislation rights of children to pre-school education and upbringing are violated. There is a lot that could be done on awareness-raising in order to have an increase in number of children enrolled into pre-school institutions. Function of pre-school education as a part of the general education and upbringing process is neglected for negative influence of prejudices and traditional limitations related to this segment of education combined with restrictions in economic field and austerity measures and measures of stabilization. Ombudspersons emphasize that situation in the field has not been corresponding with what is prescribed as an obligation pursuant to the Framework Law. **Based on the situation in the ground, two special recommendations to the relevant authorities were issued, in addition to 17 general recommendations addressing the relevant education authorities.** Analysis of it was presented on a press-conference organized on the occasion of 20 November, the international Day of the Child, and submitted to the relevant bodies to adjust their actions thereupon and to the others for information. Follow-up of compliance is ongoing.

¹⁷⁰ Special report on begging in Bosnia and Herzegovina, Banja Luka/ Sarajevo, 2009, <http://www.ombudsmen.gov.ba/materijali/publikacije/Specijalni.izvještaj.Prosjacenje.pdf>

¹⁷¹ http://www.ombudsmen.gov.ba/materijali/publikacije/Analiza_predskolsko_Nov2011.pdf

10.4. Ombudsman in your school

Department for the protection of the rights of the child in co-operation with its partner-organization Save the Children Norway, in 2011 as a continuation of the similar engagement from previous period, has organized creative workshops on the territory of the whole BiH entitled Ombudsman in your school. This activity was earmarked to sensitizing the pupils and teachers for fundamental rights of the child, to educate children and teaching staff on the role of Ombudsman and enjoyment of basic rights of the child, and particularly to empower the children to take active role in realization of their rights. During 2011 the Ombudsman visited **12 primary and secondary schools** on territories of Bosanska Krupa, Tomislavgrad, Konjic, Šamac, Čelinac and Mrkonjić Grad.

10.5. Realization of recommendations of the Ombudsman in the area of the rights of the child given in 2010

In 2010 the Ombudsman prepared the following special reports: Special report on children with special needs/impaired in their psycho-physical development¹⁷²; Special report on the rights of children in institutions, with particular attention to normative and standards¹⁷³ and Special report on participation of children and the adults in the interest of children in schools¹⁷⁴ and the year of 2011 was earmarked to follow-up of recommendations given in the mentioned reports.

Based on replies of the authorities given with regard to the Special report on children with special needs/impaired in their psycho-physical development, it could be established that BiH has strategic documents realization of which would at the same time be realization of recommendations given by the Ombudsman (at state and entity level). But, there are problems in implementation of objectives and in this sense we emphasize that it would be good to define activity holders in these documents, as it would be good to include lower authority levels in preparation and planning (municipalities). In the Republic of Srpska, the National Assembly has not yet adopted a new Law on Social Welfare, and Ombudsman thinks that implementation of this Law would significantly contribute to improvement of situation of children with special needs in the Republic of Srpska. Cantons in the Federation BiH mostly furnished the Ombudsman Institution with lists of all the relevant legislation and rights enjoyed by children in addition to the list of institutions where some of these rights are realized. The RS Ministry of Education and Culture noted that they take measures to realize short-term and long-term strategic objectives in the area of education in BiH according to the implementation plan for the period 2008-2015 providing the list of these measures and highlighting the role of the Republic Pedagogic Institute. From reply Special report given by Brčko District the Ombudsman could conclude that professional staff in schools is sufficient, but the Department of Education emphasizes the issue of children (that also fall within the category of children with special needs) talented for natural and social science since they are not given opportunity for development of their gift for lack of the existence of parallel schools in which they would have access to sources of specific knowledge they need. Only children having musical talent have such opportunity since Primary School of music is established, and such secondary school is also planned. They mentioned that the biggest challenge in their opinion is the realization of the right to decent living standard that any child is entitled to.

¹⁷² http://www.ombudsmen.gov.ba/materijali/publikacije/Djeca_posebne_potrebe_CRO.pdf

¹⁷³ http://www.ombudsmen.gov.ba/materijali/publikacije/SI_Djeca_ustanove.pdf

¹⁷⁴ http://www.ombudsmen.gov.ba/materijali/publikacije/SI_Participacija_skole.pdf

As for the Ombudsman's Special report on the **rights of children in institutional care**, with particular emphasis to norms and standards, one of the biggest problems in the Federation of BiH is non-existence of a child protection fund. The authorities are aware of this problem, however, there is the issue of divided responsibilities and mandates between the cantons and the Federation.

Ombudspersons will keep insisting before the relevant ministries in the area of education to have better recognition to the right of children to participation in education institutions, according to the recommendations given in the Ombudsman's **Special report on participation of children and adults in the interests of children in schools**. Namely, a lot of time has passed since the adoption of the Framework Law on Primary and Secondary Education in BiH¹⁷⁵, and the opinion of the Ombudsman is that the work of the pupil councils can be improved and views of children observed more, which does not require any additional funds.

10.6. Report of the Ombudsman to UN Committee on the Rights of the Child

During 2011 Report on the implementation of the UN Convention on the Rights of the Child to the UN Committee on the Rights of the Child was prepared. The aim of this report was to assess degree of the child rights enjoyment in BiH and to formulate suggestions and recommendations for better institutional engagement in the interest of the child in BiH from the aspect of work and the activities of the Ombudsman's Department for the protection of the rights of the child. During October 2011 finalized was the Ombudsman's Report on the implementation of UN Convention on the Rights of the Child and in the beginning of December submitted to the UN Committee on the Rights of the Child. In preparation of this report consultative meetings with the informal network of NGOs entitled „Stronger voice for children“ comprising 13 NGOs from the territory of the whole BiH dealing with protection of the rights of children, as well as meetings with the representatives of the UNICEF and Save the Children Norway. Report of the Institution was based exclusively on the own surveys and information, mostly obtained through processing the individual complaints and research done in preparation of special reports. Report was structured so to go through all the rights guaranteed under Convention, with particular overview of the recommendations given by the Committee. Parts that had already been mentioned in reports submitted by the Government and alternative, NGO report were skipped on purpose to avoid unnecessary repetition. The Ombudsman made Alternative report on the implementation of UN Convention on the Rights of the Child for the period 01.06.2009 till the end of 2011¹⁷⁶ addressing the UN Committee on the Rights of the Child. In this report the Ombudsman included its recommendations with regard to every article, and if only some of these recommendations would be incorporated into the recommendations of the Committee to the Government, Ombudspersons would be very satisfied thinking that in this way they had contributed to the enjoyment and protection of the rights of children on the territory of whole Bosnia and Herzegovina.

¹⁷⁵ „Official Gazette of BiH“, no.: 18/03

¹⁷⁶ <http://www.ombudsmen.gov.ba/materijali/Alt.izvj.CRC.pdf>

Illustrative cases

Case no.: Ž-BL-01-350/11

During the regular Ombudsman's activity entitled Ombudsman in your school, the Ombudsman learnt from children of high degree of peer violence in school. Therefore the Ombudsman decided to conduct an *ex officio* investigation about this phenomenon. There is a Protocol on procedures to be followed in cases of peer violence in educational institutions in the Republic of Srpska adopted in 2009. Since this Institution is committed to promote and protect the rights of the child in a systematic way, Ombudspersons recommended to the Government of the Federation of Bosnia and Herzegovina and the Government of Brčko District, as well as the Ministry of Civil Affairs of BiH to take measures and activities as necessary to ensure that discipline in school is maintained in manner that observes the child's dignity and that ways and procedures should be defined for cases involving peer violence. It was also recommended to the BiH the Ministry of Civil Affairs, having in mind the international commitments of Bosnia and Herzegovina, take co-ordination role in order to harmonize procedures to be followed in all cases of peer violence in the whole Bosnia and Herzegovina. About the said recommendations relevant ministries expressed their readiness to start preparation of protocol or another similar documents as recommended to regulate what all the stakeholders should do in cases of peer violence in education institutions/schools. In 2012 the Department will follow-up the situation with regard to this recommendations.

Case no.: Ž-BL-01-287/11

Ombudspersons decided to open an investigation in a case involving some children, members of Roma national minority (and coming from socially vulnerable families as well) attending a school in the Federation of BiH who do not have the rights to health care. Based on the results of their investigations, Ombudspersons recommended the relevant authorities to join efforts at municipal and cantonal level and resolve this issue in co-operation with the primary school. Namely, positive legislation provides that the relevant municipal body should initiate procedure to recognize the right, while the cantonal the Government pays contributions, which was the missing link so that children did not have health insurance booklet. Recommendations of the Ombudsman was fully complied with and is an example showing how little it takes sometimes to have the problem solved, some co-ordination and linking the relevant authorities (school, relevant ministry and municipality).

Case no.: Ž-BL-01-228/11

In mid-2011 the Ombudsman opened an *ex officio* investigation in case of a teacher being charged with alleged sexual harassment of children in a primary school. Ombudspersons recommended to the court in charge of this matter to contemplate possibility of not subjecting children, victims of this crime, to repeated trauma during giving new testimony, but to use already recorded material since they learned that the court had already scheduled hearing in this case and summoned aggrieved children to give evidence although they had earlier testified before the prosecution. As the Ombudsman's recommendations was not complied with, Ombudspersons started preparations for a special reports out of their conviction that it is necessary to turn attention of the relevant executive and legislative authorities at the level of the Federation of BiH to necessity of harmonization of domestic positive regulations in the area of criminal justice with UN Convention on the Rights of the Child on one hand, and affirmation of UN Convention on the Rights of the Child and insisting on its implementation and incorporation into the local legislation. In addition to that, relevant local authorities were asked not to

act urgently in the adoption of such legislation. Until the date the Ombudsman Institution did not receive any feedback on these recommendations.

A lot of complaints is again related to the impossibility of maintaining the contact between the child and the parent not entrusted with custody.

Case no.: Ž-SA-01-862/10

This case involves a couple divorced by virtue of a foreign court decision whose child was born after their divorce in BiH. The child's father commenced custody proceedings before the domestic court. This decision will include determination of a parent with whom the child will live, method of maintaining relationship with the other parent and child maintenance. Although it falls within the jurisdiction of the court, it remained unclear and undefined how to enable the father to see his child before the decision becomes final and binding. In the concrete case it was established that the relevant social welfare service must inform the mother that her refusal to enable the father to see their child is a serious argument for the court in deciding on custody since it indicates that such parent is unable and not ready to regulate normal relationships and regular contacts with the other parent. Ombudspersons recommended the relevant social welfare service that they are obligated to inform the mother of her legal obligations as to enabling the father to see the child under conditions that suit the interests of the child the best.

CHAPTER XI – DEPARTMENT FOR ELIMINATION OF ALL FORMS OF DISCRIMINATION

In order to prevent all forms of discrimination the Ombudsman of BiH in January 2009, that is, prior to entry into force of the Law on Prohibition of Discrimination, established Department for elimination of all forms of discrimination. Basic objective of this Department is to ensure equal access to the realization and protection of human rights to all the citizens on the whole territory of BiH and take efficient measures to prevent any form of discrimination of citizens in realization of their rights enshrined by the Constitution.

DEPARTMENT	Received in 2011
Department for elimination of all forms of discrimination // Banja Luka	77
Department for elimination of all forms of discrimination // Brčko	23
Department for elimination of all forms of discrimination // Mostar	6
Department for elimination of all forms of discrimination // Sarajevo	81
Department for elimination of all forms of discrimination // Livno	4
Department for elimination of all forms of discrimination	191

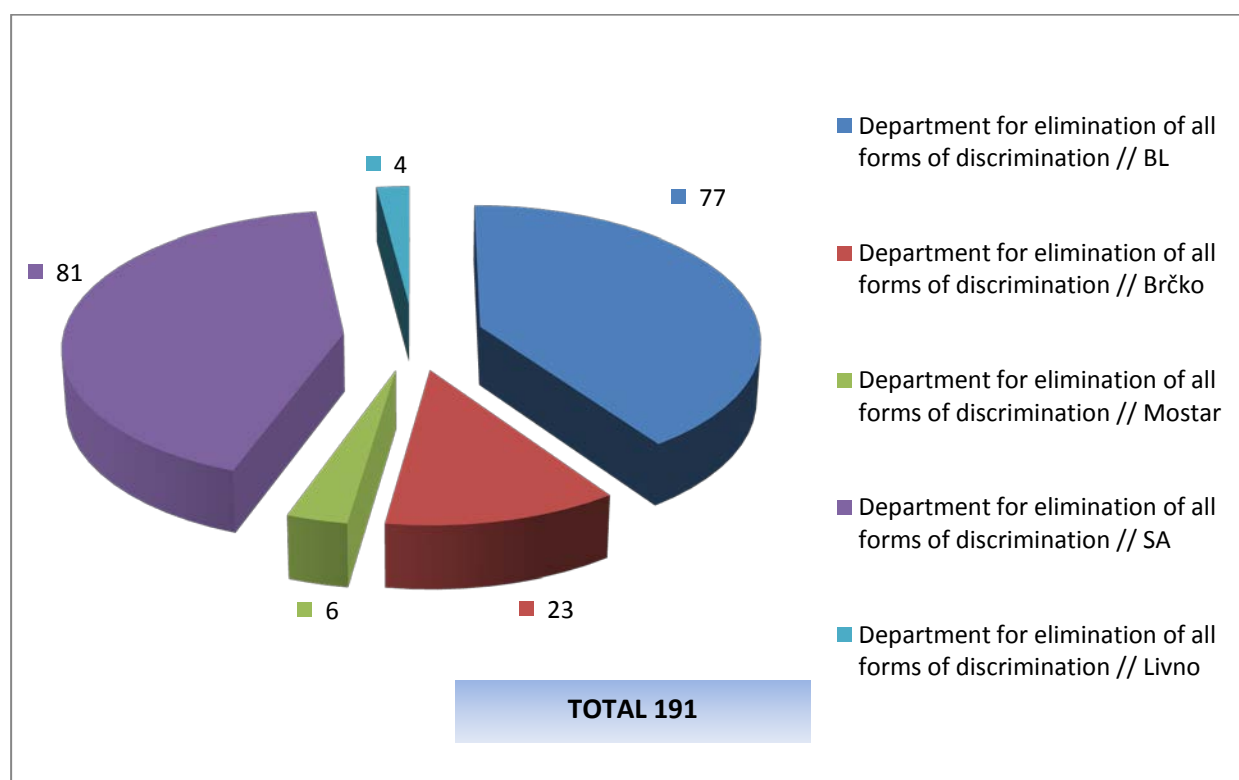


Chart 18 – Overview of received complaints in Department for elimination of all forms of discrimination in 2011 per offices

Analysis of received complaints

The Ombudsman received a total of 191 complaints about discrimination in 2011. In addition to complaints received in 2011 the Department processed 81 complaints received in 2010 and one complaints received in 2009 so that a total number of complaints processed by the Department in 2011 was 273. In the reporting period, the Department finished 88 complaints received in 2011 and 40 from 2010. In 102 a decision on closing the file was reached, recommendation was issued in 26 cases or the rights of the complaint were restituted during the processing, that is, investigation. It is important to mention that certain number of cases was resolved during the investigation, either following the Ombudsman's intervention or encouraging a friendly settlement or mediation between the parties to dispute, or the responsible body itself corrected and rectified its actions following the first inquiry of the Ombudsman.

In the reporting period Department for elimination of all forms of discrimination issued 26 recommendations.

OFFICE	Received cases	Pending cases	Closed cases
Banja Luka	77	28	49
Brčko	23	15	8
Livno	4	0	4
Mostar	6	4	2
Sarajevo	81	56	25
Total in the Department	191	103	88

Table 10: Overview of received complaints in Department for elimination of all forms of discrimination in 2011

In 2011 number of complaints increased (for 41,5%) compared to the previous year. It might be that intensive media campaign conducted both by Ombudsman and other organizations dealing with human rights protection and combating discrimination had influence to an increase in number of complaints about discrimination. For comparison purposes we remind that in 2010 it was received 135 complaints, and in 2009 156 complaints of discrimination.

In 2009 most of complaints related to discrimination based on ethnic origin (53), and number of these complaints in 2010 was decreased to fourteen (14), while complaints of mobbing were increasing in number (32).

This growth trend as it comes to complaints of mobbing continued in 2011 as well so there was (41) complaints for mobbing. Out of total number of complaints about ethnic discrimination (43), only in few cases violation of rights was established and recommendations issued (4).

Forms of discrimination	Sarajevo	Banja Luka	Brčko	Mostar	Livno	Total
Mobbing	17	14	9	1		41
Harassment	4	6	0	1		11
Based on ethnic origin	12	22	6	1	2	43
Gender based	4	1				5
Based on social status	1	4	1			6
Based on education	6	2	2	1		11
Based on membership in trade union	1	5	1			7
Based on age	2	5				7
Based on sexual orientation or expression	2	1				3
Based on social origin	1			1		2
Based on social place of residence	3	1	1			5
Based on religion	1	2	1		1	5
Based on political or other conviction	1	3				4
Based on association with national minority	1	6				7
Based on property status	1	3				4
Other	24	2	2	1	1	30
TOTAL	81	77	23	6	4	191

Table 11: Overview of received complaints per offices and forms of discrimination

Article 8 of Law on Prohibition of Discrimination determined the authority of the Ministry of Human Rights and Refugees in implementation of Law on Prohibition of Discrimination. The Ombudsman can state that central database including cases of discrimination has not been established yet, and rulebook on methods of gathering data on discrimination cases has not been adopted although the legal deadline for it was 90 days following the adoption of the Law. However, Ombudspersons commend holding the consultation meetings and taking of other measures on the establishment of mentioned database on cases of discrimination and adoption of relevant by-laws, as they invite the Ministry of Human Rights and Refugees to intensify efforts for final establishment of a unified register on cases of discrimination.

While the Ombudsman Institution primarily acts preventively, court plays main role in sanctioning the cases of infringement of the Law on Prohibition of Discrimination since it finds discriminatory actions in its judgments, or order certain measures to be taken to prohibit actions

involving discrimination and determine payment of damages or pronounce other sanctions as foreseen by law.

According to the information in possession of the Ombudsman, around 20 court proceedings were initiated in BiH for the protection from discrimination, and this was mostly done by NGOs dealing with free legal aid. Number of cases involving discrimination registered within the Ombudsman Institution in this year is 191, but this number is lower than the estimated scope of discrimination in BiH, which means that people rarely decide to seek court protection in cases of unequal treatment on any ground. Biggest problem burdening judiciary as a mechanism to combating discrimination is their heavy workload, in particular at first-instance courts in larger cities. For that reason the Ombudsman invites relevant institutions to put maximal efforts in finding mechanisms for the increase of efficiency of judicial institutions so they can carry out their constitutional functions in protection of the individual rights of the citizens.

Ombudspersons of BiH specially emphasize necessity of implementation of Article 24 paragraph 2 of the Law which provides for all **the laws and general regulations to be harmonized** with provisions of this Law within a one-year period from its entry into force. Therefore, it is necessary for all the executive and legislative authorities at all levels realize importance of the mentioned provision and analyze legislation and general regulations within their jurisdiction as soon as possible and find out if they are harmonized with the Law on Prohibition of Discrimination. The role of the Ombudsman Institution is important also in context of the promotion of this Law and its content. To this end the Ombudsman has already taken some steps by participating at two round tables and promotion of the Law in media in co-operation with civil society and OSCE Mission to Bosnia and Herzegovina.

Finally, Ombudspersons state that concerned institutions provide information to the Ombudsman and reply to its inquiries so that co-operation with the Institution at all levels of the authorities is satisfactory, while degree of compliance with recommendations of the Ombudsman could be higher.

Illustrative examples

Case no.: Ž-SA-05-509/11 i Ž-BL-06-255/11

Complainants faced threats of being fired for their addressing the Ombudsman Institution and relevant inspection seeking protection of their labor-related rights. Such treatment of the employer is continuation of unequal treatment, for which we use a comparative law term of **victimization**. For that reason, ombudspersons filed request for initiation of misdemeanor proceedings before the relevant municipal courts.

In case no. **Ž-SA-04-330/10** recommendation was issued saying that „ill-founded claim of discrimination and turning to the Ombudsman Institution“ cannot provide grounds for disciplinary proceedings against complainant. Namely, disciplinary proceedings were initiated against the complainant of the Regulatory Communication Agency by her director on a number of accounts, some of them related to lodging complaints to the Ombudsman. In its recommendations Ombudspersons asked a halt of disciplinary proceedings and, on the other hand, director asked the Ombudsman to give him advice on how to proceed with implementation of these recommendations.

Case no.: Ž-BL-06-665/11

During the competition for High School Center Principal in Kotor Varoš it was required that the candidate has 5 years of work experience. At the moment of submitting her application Complainant (Ž-

BL-06-665/11) had 5 years, 0 months and 26 days of service including her one-year long maternity leave utilized in this period. According to the relevant Ministry which was consulted during the public competition procedure, Complainant did not have 5 years of work experience since she spent one year on maternity leave. The Ombudsman Institution addressed the Ministry indicating the provisions of the relevant convention of the International Labor Organization related to maternity protection and prohibition of discrimination in labor relations during maternity leave. The Ministry replied saying that the opinion is not a document with legal force, and that they simply made distinction between the notions of „work experience“ and „length of service“ and reassured their compliance with provisions prescribing prohibition of gender based discrimination after which Complainant relinquished appeal.

Case no.: Ž-SA-04-41498/10

With regard to the different taxation in two entities, in case no. Ž-SA-04-1498/10 after the conducted investigation the Ombudsman established that different taxation of employees working in the same institution represents **discrimination based on place of residence**. The Federal the Ministry of Finance was asked to initiate amendments to the Law on Income Tax and to put citizens of BiH which are considered non-resident persons in the Federation of BiH in the same legal position like those who are residents so they can enjoy the same rights. In its reply the Ministry of Finance claimed that activities were initiated for the adoption of amendments to the Law on Income Tax in both entities. The Ombudsman Institution will follow up realization of these recommendations and mention it in its annual report.

CHAPTER XII – FUNCTIONING OF THE OMBUDSMAN INSTITUTION

12.1. Introduction

During the whole 2011 Institution of Human Rights Ombudsman of BiH was facing objective challenges in its functioning related to the failure of the authorities to adopt the budget for the institutions of BiH for 2011. That caused problems in further capacity strengthening of the Institution and jeopardized its better field presence. Namely, Ombudspersons intended to strengthen its field presence during 2011 in order to be more accessible to citizens by opening of new regional and field offices. Intention was to open offices in Tuzla, Zenica, Bihać and Trebinje. Unfortunately, for lack of funds, this plan was not feasible. For this reason the Ombudsman put efforts to mitigate this situation by introduction of office days in these municipalities to maintain direct contacts with citizens. That way they visited Tuzla, Zenica, Livno, Mostar, Trebinje, Bijeljina, Mrkonjić Grad, Bihać, Sanski Most and Jajce. Also, duty days were introduced in Tuzla where Deputy Ombudsman in charge of the Ombudsman's Office in Brčko District receives complaints of citizens twice a week. This is very important since Tuzla Municipalities is one of the biggest municipalities in BiH inhabitants of which do not have possibility to benefit from direct access to the Ombudsman Institution.

Additional problem aggravating the functioning of the Institution in 2011 was impossibility of filling-in the vacant positions of Deputy Ombudsman in the Central Office of Banja Luka, Regional Office of Mostar and Regional Office of Sarajevo. This problem is boosted by the fact that number of complaints received by the Ombudsman remained the same as it was in 2010, while number of employees directly processing these complaints had decreased.

During 2011 Ombudspersons have adopted 5 new by-laws¹⁷⁷ by which the legal framework for the functioning of the Institution was completely defined.

Also, series of the activities was realized to strengthen already successful co-operation with NGO sector, media and international organizations.

12.2. Staff

On the day of 31.12.2011 total number of employees of the Ombudsman Institution was 56, which is for two persons less than it was in 2010.

Structure of the employees in the Ombudsman Institution is the following: 11 law graduates/bachelors of law with passed bar exam, out of which three are Ombudspersons, and seven heads of departments/regional offices as follows: two in Central Office in Banja Luka, three in Regional Office in Sarajevo, one in Regional Office in Brčko District of BiH and one in the Field Office in Livno, in addition to one advisor in the Field Office in Livno. Then we have two bachelors of law holding position of advisors, four bachelors of law holding positions expert associate, 12 employees with university diplomas holding administrative positions and 20 employees with high school certificates performing administrative and technical jobs. Seven bachelors of law are trainees engaged by the Institution. They

¹⁷⁷ Code of Conduct of the Employees of the Human Rights Ombudsman Institution of BiH, Rulebook on Confidentiality, Rulebook on Archive Procedure, Rulebook on Safety at Work, Rulebook on Fire Protection

were hired pursuant to signed Decision on hiring trainees adopted pursuant to the Conclusion of the Council of Ministers drawn on their 82nd session held on 5.5.2005 according to which “institutions have the duty to foresee in their rulebooks on internal organization methods of filling-in trainee positions”. **Filling-in positions envisaged in the document on systematization was not possible for lack of budget adoption in 2011.**

With regard to the Ombudsman staff, it is necessary to stress the fact that staff members discharging the function of Deputy Ombudsman very often leave the Institution. The reasons for this are demanding conditions of work while at the same time the Law on Salaries in Joint Institutions of BiH prescribes low salaries for their position. Requirements to be met by a Deputy Ombudsman are equivalent to requirements foreseen for judges of cantonal or regional courts, which is a position holding significantly higher salaries, due to which fact the mentioned positions are more desirable for persons employed as Deputy Ombudsman. All deputies who left the Institution are now employed as judges. BiH Ombudspersons wish to express their opinion that this problem has a huge impact on continuity of work of the Institution and is reflected in quality of work, and also shows that ombudsman Institution can not be viewed as a segment of executive authorities but as a part of judicial system, bearing in mind degree of independence required from the Institution.

12.3. Location and technical equipment of the Institution

In 2011 there was no significant changes compared to the previous year when full functionality of the Institution was established since merger of entity Ombudsman institutions and the state Institution took place. On 1 May 2010 the Institution took over Livno Office which was a field office of the Federation of BiH Ombudsman and in November 2010 office days were established in Tuzla. As field presence is one of the priorities of the Ombudsman in its work, it was planned in 2011 that practice of holding the office days expands to Bihać and Trebinje. However, since the mentioned Decision on temporary financing of the institutions of Bosnia and Herzegovina was adopted in 2011 by the Council of Ministers by virtue of which all the budget users had to go on with austerity measures in all the budget lines, this was not possible.

All the offices of the Institution are rented except for Brčko Office, where the Government of the District of Brčko put at disposal premises for work of the Institution for free. Functioning of the Institution is very much dependent on this very fact, since significant budgetary resources are spent on lease of premises, which is not functional and adjusted to the needs of the Institution. Additional problem is in the fact that all premises have physical obstacles (stairways), which aggravates the access of disabled persons, which is exactly the reason behind complaints received by the Institution with regard to their impossibility to exercise this right.

In 2011 just like before, the Ombudsmen addressed all competent institutions in BiH with request to resolve accommodation of the Institution in a better way, yet without any success. Some donors expressed their willing to assist in resolving the issue of location of Ombudsman Institution, so this will be one of the priorities in 2012 as well.

Owing to the European Commission's support, through IPA Fund 2007, the Ombudsmen managed to ensure minimum of technical equipment, yet developments that took place in 2010 have shown that

additional resources for strengthening of technical equipment of the Institution must be ensured, particularly regarding its field operations.

Also, a lot of the Institution's cars were sold due to their wear and tear, while restrictions imposed through the temporary financing system in 2011 do not allow for the funds obtained by the sale of vehicles to be used for buying the new ones, so that issue remained opened.

12.4. Budget and finances

In 2011 the Ombudsman functioned without the adopted budget, just like the other Institution at the BiH level, that is, it functioned within the framework of the budget adopted for the previous year based on the Decision on temporary financing of the institutions of BiH and the Decision on operative measures for the implementation of the Decision on temporary financing. So approved funds were insufficient for normal and unimpeded functioning of the Institution in all the segments since budget for 2011 as planned by the Ombudsman was higher than 2010 budget since during that year the Ombudsman took over entity Ombudsman institutions with all their staff, which dictated necessity of budget increase. It can be concluded from the above that the Institution in 2011 faced a significant lack of funds, so it had to provide some from other funding sources.

In mid-2011 the Ombudsman Institution received a final Audit report comprising Auditor's Office opinion following the audit of the Ombudsman's Office for 2010. In its report, **The Audit Office of the Institutions of Bosnia and Herzegovina has found financial performance of the Ombudsman Institution of BiH „a positive opinion except for some stated circumstances“, which is a very good indicator for this Institution showing that a continuous improvement of the whole operation including the financial aspect of the Institution's functioning is ongoing.**

The Audit Office of the Institutions of BiH has also made preliminary audit in 2011 in which occasion they stated that progress was made every year and it is visible and significant and that the Institution observed and met even the oral objections given by the Audit. The Audit Office informed the Ombudsman that it would not prepare report on preliminary audit since objections raised during this audit were not significant, but it would be included in final audit report for 2011 which will be prepared following the preparation of annual financial reports

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Form 2

CUMMULATIVE OVERVIEW
of budgetary expenses per economic categories
for reporting period: from 01.01. to 31.12.2011

Item	Type of expense	Account	Approved by the current year's budget	Modifications: budget amendments, <u>restruct.</u> , <u>reserve</u> (+,-)	Corrected budget (4+,-5)	Realized in the current period	Realized in previous year	Index (7/6)
1	2	3	4	5	6	7	8	9
I	Operating expenses		2.637.573	9.690	2.647.263	2.637.559	2.558.991	1
1.	Gross salaries and compensations	611100	1.711.785	8.341	1.720.126	1.711.783	1.612.436	1
2.	Remuneration of the employees' expenses	611200	233.999	1.200	235.199	233.998	188.852	1
3.	Travel expenses	613100	81.151	0	81.151	81.149	111.370	1
4.	Telephone and postal services	613200	58.007	0	58.007	58.006	69.453	1
5.	Energy and communal utilities expenses	613300	19.285	0	19.285	19.284	14.557	1
6.	Procurement of material	613400	37.888	0	37.888	37.887	44.708	1
7.	Expenses for transportation services and fuel	613500	31.741	0	31.741	31.740	29.940	1
8.	Lease expenses	613600	256.724	0	256.724	256.724	252.584	1
9.	Operating maintenance expenses	613700	28.438	0	28.438	28.436	27.167	1
10.	Insurance expenses	613800	6.899	0	6.899	6.898	5.431	1
11.	Contractual and other special services	613900	171.656	149	171.805	171.654	202.493	1
II	Capital expenses		8.170	0	8.170	8.169	148.385	
1.	Land acquisitions	821100	0	0	0	0	0	
2.	Buildings acquisition	821200	0	0	0	0	0	
3.	Equipment acquisition	821300	8.170	0	8.170	8.169	148.385	1

4.	Other fixed assets acquisition	821400	0	0	0	0	0	
5.	Acquisition of assets in form of rights	821500	0	0	0	0	0	
6.	Re-construction and investment maintenance	821600	0	0	0	0	0	
III	Current grants		0	0	0	0	0	
1.	Grants to other authority levels	614100	0	0	0	0	0	
2.	Grants to the individuals	614200	0	0	0	0	0	
3.	Grants to non-profit organizations	614300	0	0	0	0	0	
4	Grants given abroad	614700	0	0	0	0	0	
IV	Capital grants		0	0	0	0	0	
1.	Capital grants to other authority levels	615100	0	0	0	0	0	
2.	Capital grants to individuals and non-profit organizations	615200	0	0	0	0	0	
V	Expenses for interests and other fees		0	0	0	0	0	
1.	Interests to loans received through the state	616100	0	0	0	0	0	
2.	Expenses for interests abroad	616200	0	0	0	0	0	
3.	Interests for domestic loans	616300	0	0	0	0	0	
4.	Other fees related to loans	616400	0	0	0	0	0	
GRAND TOTAL (I+II+III+IV+V):			2.645.743	9.690	2.655.433	2.645.728	2.707.376	1

Note: Cumulative overview of expenses per economic categories (accounts) is disclosure of cumulative data per accounts together with special purpose programs-projects for the period 01.01.-31.12.2011. Total budgetary expenses without the special purposes programs amount at 2,473,397 BAM. Total number of employees as at 31.12.2011 is 56 employees.

CHAPTER XIII – CO-OPERATION WITH BOSNIA AND HERZEGOVINAH AND INTERNATIONAL INSTITUTIONS AND ORGANIZATIONS

13.1. Co-operation with institutions and organizations in BiH

During 2011 one of the priorities of the Ombudsman of BiH was parallel strengthening of **co-operation with the authorities, but also with NGOs with the aim of better understanding and implementation of the Ombudsman's recommendations** on one hand and more adequate informing the citizens through NGOs on their rights and instruments available for their achievement on the other.

Particular attention of the Ombudsman given the current economic and social situation and growing poverty having a huge impact to the enjoyment of human rights was dedicated to the activities related to problems of vulnerable social categories including children, refugees, displaced persons and returnees, families of missed persons, women victims of violence. Through their participation at meetings dealing with problems of these categories, Ombudspersons try to contribute to their resolution which would enable them to enjoy their rights.

In 2011 practice of holding the consultative meeting with relevant ministries on issues in areas mostly complained of in individual complaints or where recommendations of the Ombudsman were the least complied with. This mechanism has proven to be very useful as it contributes to faster and more efficient communication with the assistance of the Ombudsman Institution between the citizens whose rights were violated and respondent Institution responsible for violation.

Naturally, the most significant co-operation is maintained with the Ministry of Human Rights and Refugees of BiH either through processing the individual complaints lodged within the Institution, or in exchange of information related to the preparation of periodical reports toward the international bodies. The Ombudsman Institution mostly serves as a resource center for information on human rights situation which is enabled owing to its database and electronic case processing. Co-operation of Ombudsman Institution and the Ministry of Human Rights and Refugees is particularly intensified on principles of consultative meetings related to meeting of obligations under the Law on Prohibition of Discrimination which is related to gathering of information on cases involving discrimination and their registration.

The Board for petitions, proposal and social monitoring of the National Assembly of the Republic of Srpska scheduled a special meeting for presentation of a Special report of the Ombudsman on the rights of person with disabilities which is also an opportunity to put issues related to the situation of this category in focus and turn the attention to the recommendations given by Ombudspersons in order to achieve improvements and progress in this area.

In accordance with its possibilities, the Institution also participated in public discussions or consultations about the strengthening of social welfare system and children inclusion, as well as prevention of torture and abuse as a part of the Strategy for development of justice sector and in case of the public discussion on draft Law on Amendments of the Law on Residence. These activities of the Institution are dedicated to the promotion of the international standards and preventive activities,

which falls within the mandate of national mechanisms for the promotion and protection of human rights accredited in status "A".

Overview of complaints received by the Institution reveals that citizens mostly address local authorities first while seeking to exercise their rights. For that reason Ombudspersons have intensified their contacts with local communities, which is important also for the Institution to be more visible. In 2011 Ombudspersons of BiH visited the following municipalities: **Trebinje, Bijeljina, Donji Vakuf, Mrkonjić Grad, Sanski Most, Bihać, Jajce, Mostar, Brčko Distrikt BiH, Tuzla and Livno.**

Their discussions with the representatives of local authorities and NGOs and these visits were **aimed at getting a clear picture of human rights situation and suggesting possible solutions for its improvement, especially in the field of implementation of the Ombudsman's recommendations issued in individual complaints of people living on their respective territories.**

Mayors of some municipalities included in these visits emphasized problems of return of refugees and displaced persons, youth leaving the country, relationship between the local communities and higher authorities etc. Necessity of putting an efficient inspection surveillance system in place in area of construction and communal utilities is particularly highlighted. Public competitions for civil engineering inspectors are repeated and very rarely applicants meet the criteria so that these positions got filled on a temporary basis by inspectors covering the other areas. This is important from the aspect of prevention of illegal construction, which is often associated with interference with property rights of the third persons. Non-availability of professional staff in inspection surveillance is hampering the establishment of the efficient rule of law. There is also problem of other inspections that are falling within the mandate of higher authorities so it happens that local community remains not informed on results of inspections carried out on its territory, particularly when it comes to illegal employment, payment of contributions for health and disability insurance etc. Problem of employment in public companies on ethnic basis is also emphasized.¹⁷⁸

Local communities put efforts to ensure more efficient education, particularly to provide resources of qualitative professional staff. To this end Jajce Municipality allocated 240.000 BAM for scholarships for students and currently 340 of them benefit from regular scholarships.

In some municipalities public attorney's office is not available, which is a pity since it is an important mechanism in human rights prevention and protection.

For the Ombudsman civil sector is an important source of information on human rights situation on the field. For that reason the Ombudsman is trying to intensify this co-operation. To this end in 2011 it published a public invitation for co-operation with NGOs in the following areas:

- **Area of economic and social rights protection, particularly of vulnerable groups** with highlight to the issue of human rights of persons with disabilities, children, women, minorities and returnees
- **Area of prevention of all forms of discrimination**
- **Area of free legal aid provision**
- **Area of human rights promotion through awareness raising and education and research of human rights, in addition to legislation review from the aspect of its harmonization with international standards**
- **Area of free access to information**

¹⁷⁸ E.g. during the visit to the Municipality of Jajce held on 17 October 2011 it was mentioned that management and employment in public companies such as Electric Utility, Post Office and like is organized on ethnic basis

- **Area of human rights monitoring with regard to persons situated in detention centers and places where freedom of movement is restricted**

Unfortunately, because of already mentioned Decision on temporary financing of the institutions of Bosnia and Herzegovina and failure of the authorities to adopt the budget for 2011, Ombudspersons of BiH could not fully realize this co-operation. However, in accordance to the Platform of co-operation with NGOs, co-operation in key areas with some NGOs was realized, particularly in the area of free access to information, free legal aid provisions and economic and social rights of the vulnerable groups.

In order to sensitize children on their rights in co-operation with partner organization Save the Children Norway in 2011 activities in the framework of the project „Ombudsmen in your school“ education workshops in primary and secondary schools in BiH were held.

The Ombudsman Institution has marked the international Human Rights Day which falls on 10 December by organizing a conference entitled „Direct implementation of the UN Convention on the Rights of the Child / possibility or obligation“, held in Mostar. Conference was attended by representatives of NGOs, international organizations, judges and prosecutors, representatives of the Ministry of Human Rights and Refugees of BiH as well as representatives of relevant institutions in the area of social welfare and child care.

Ombudspersons of BiH emphasized that there is the obligation of the state to harmonize domestic legislation with the Convention, as well as the obligation of the relevant authorities to be guided in their work by the Convention principles and to this end it is necessary to empower decision-makers to use international standards in their work when passing decisions concerning children and to use all available mechanisms to protect the rights of the child in every concrete case.

Dedication of the Institution to work on promotion and protection of human rights of vulnerable categories is reflected also in its determination to affirm the UN Convention on the Rights of the Child in Bosnia and Herzegovina as much as possible and to insist in its implementation in domestic legal system.

13.2. Co-operation with international institutions and organizations

In November 2010 the Institution of Human Rights Ombudsman of Bosnia and Herzegovina was accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and granted status (A), which means the independence of the Institution and its functioning in accordance with Paris principles, and the rights to vote in the ICC related matters. It also brought the additional obligations and more active interaction with the international bodies dealing with human rights protection.

In 2011 in the framework of ICC the Ombudsman participated in survey on the implementation of Article 33 of the Convention of Persons with Disabilities in states that ratified the Convention. New challenge to be dealt with for national human rights mechanisms is human rights in private sector and in multinational companies and big corporations where the Ombudsman gave its contribution in related survey.

One of the ICC prerogatives is addressing the UN Human Rights Council which it used in a couple occasions on behalf of its membership, while the Council identified national human rights

mechanisms as a bridge between the proclaimed international standards for human rights protection and ensuring their implementation at member-states level. Partner role of the Ombudsman Institution was emphasized, in particular in the field of torture, conditions of detention places, gender based discrimination and trafficking in human beings, especially having in mind that national institutions for the protection of human rights (NHRI) have a broad mandate covering civil, political, social, and cultural rights.

The Ombudsman Institution was particularly active in the framework of the European Group¹⁷⁹ that ensure articulation of important initiatives within the ICC, that is, the UN system, by strengthening regional co-operation between the members.

In May the Ombudsman submitted the information to the UN High Commissioner for Human Rights related to combating racial discrimination, xenophobia and intolerance which was prepared by Department for Elimination of all Forms of Discrimination functioning within the Ombudsman Institution. This report comprises overview of the activities of the Institution carried out since the adoption of the Law on Prohibition of Discrimination. It must be underlined that co-operation with the Office of the High Commissioner for Human Rights was intensified in 2011 since it asked the Ombudsman to convey information and its assessment with regard to poverty and human rights, situation of elderly persons, rights of the child and national minorities.

In the framework of the Council of Europe's Project Peer to Peer II representatives of the Institution took part in thematic workshops on "Role of national human rights structures in the protection and promotion of the rights of the child" held in Tallinn and "Role of national human rights structures in the protection and promotion of the rights of persons with disabilities" held in Kiev. It was a special honor and trust vested in the Ombudsman of BiH that it was given the opportunity to host one of thematic workshops held in Sarajevo in September on "Role of national human rights structures in the protection from all forms of discrimination" attended by representatives of 26 countries, member-states of the Council of Europe and their human rights protection institutions.

It is necessary to underline that co-operation with the Council of Europe in Strasbourg in the framework of the Project Peer to Peer at level of capacity-building of the Institution has been successfully implemented since 2007 and it yielded positive results in sense of gaining of expert knowledge, exchange of experience and best practices with colleagues from other European institutions for human rights protection.

Institution of the BiH Ombudsman has co-operated more intensively with the Council of Europe at even higher level in 2011 through monitoring mission visits to Bosnia and Herzegovina where the Ombudsman was included to have its say about the implementation of commitments of Bosnia and Herzegovina taken in capacity of full member of the Council of Europe.

Monitoring mission of the Council of Europe related to the observance of international commitments of the country in the area of the protection of local and regional self-government. In April last year, the monitoring mission team visited Bosnia and Herzegovina and wanted to hear the Ombudsman's assessment of good administration functioning and activities of the Ombudsman in this segment.

¹⁷⁹ European group was established in 2003 and is gathering 36 NHRI out of which 22 are accredited and function in accordance with Paris principles

Also in April the Ombudsman was visited by representatives of the Committee for the Prevention of Torture with the aim of following-up the progress achieved by the state since 2007 and *ad hoc* visit that took place in March 2007. Delegation members were particularly interested in the activities of the Department for the Protection of the Rights of Prisoners/Detainees and monitoring done by this Department in penitentiaries, that is, penal and correctional facilities.

Recommendations and opinions of the Ombudsman of Bosnia and Herzegovina were often reflected in reports of these monitoring missions, which prove the importance attached to the independent national human rights protection structures by the international bodies.

Co-operation with OSCE mission to Bosnia and Herzegovina was continued in 2011 through series of radio shows on prohibition of discrimination, and workshops for representatives of NGO sector and representatives of authorities at local level on the same subject.

Representatives of the Institution took part at workshops on exploitation of children and begging organized by OSCE and held in Prijedor, Mostar and Sarajevo.

OSCE Office for Democratic Institutions and Human Rights (ODIHR) organized a workshop on the role of national mechanisms for human rights protection and promotion in protection of the rights of women and gender equality where representatives of the Institution took part. Special emphasis of this meeting was put on proactive approach, education and human rights promotion as mechanisms preventing human rights violations in this area.

Central Office of the Ombudsman Institution received a visit of OSCE High Commissioner on National Minorities Knut Vollebaek who was interested in activities of the Institution, particularly in segment of the implementation of the Law on Prohibition of Discrimination in BiH, national and other minorities situation, and implementation of the judgment of the Court of Human Rights in case *Sejdić&Finci vs. Bosnia and Herzegovina*.

Rights of the child remained in focus of work of the Institution and as the Ombudsman of Bosnia and Herzegovina became a full member of ENOC (European Network of Ombudsmen for Children) since 2010 interaction with international mechanisms for the protection of the rights of children also intensified. In the last year representatives of the Department for the Protection of the Rights of the Child participated in a survey on accommodation and care of children situated in institutions which was carried out at the level of ENOC members. Through this network, the Institution gave its opinion with regard to the recommendations of the Council of Europe on higher participation of children in decision making process on issues concerning them. Participation at annual meeting of ENOC was ensured for the representatives of the Institution which came for the first time in capacity of full member and addressed other participants that supported its work in the area of children rights protection.

Positive trend is also visible in the fact that via UNICEF the Ombudsman Institution was consulted for purposes of the Report on progress of Bosnia and Herzegovina in segment of the children rights protection and necessary reforms to be carried out by the state. This report will be prepared by the delegation of the European Union to Bosnia and Herzegovina. This certainly ensures that recommendations advocated for by Ombudspersons be placed as special issues on the path of Bosnia and Herzegovina to the European integrations.

The Ombudsman was also active in CRONSEE (Network of Ombudsmen for Children in South-East Europe) which was under the presidency of the Ombudsman of Macedonia in 2011 that organized two thematic meetings on the following:

The role of Ombudsman in protection of children from physical and psychological punishment and abuse and Protection of children from economic exploitation.

Both thematic workshops were important for the institutions dealing with the child protection since they enabled exchange of best practices and experience within the region, and, above all, create a joint front of institutions advocating for prohibition of physical punishment of children, promote preventive measures to be taken by the relevant institutions in order to detect cases of child abuse, their molesting or economic exploitation and clearly define role of institutions dealing with human rights protection in segment of education and protection of children as one of the most vulnerable social categories.

One of the most actual topics in the region is establishment of national preventive mechanisms (NPM) as a commitment taken by the countries of Western Balkans by their ratifying OPCAT. In organization of OSCE Mission to Bosnia and Herzegovina and the Swedish International Development Co-operation, a conference was held in Skopje at which the role of Ombudsman in combating discrimination and preventing torture was examined. Such regional approach used by the international organizations with regard to subjects relevant to the whole region is efficient as it gives the wider spectrum of possible solutions in certain areas as it also leads to harmonized action in more complex activity segments.

Meeting of national human rights institutions (NHRI) on co-operation of the Council of Europe and NHRI, based on the Interlaken Action Plan which was held in Madrid at the heads of institutions level, aimed at mobilizing capacities of human rights protection and promotion institutions in order to help the European Court of Human Rights in Strasbourg to overcome situation of becoming an inefficient legal remedy for having too excessive workload. It was concluded that this situation could be overridden by bigger and more active engagement of national human rights protection mechanisms, in particular in segment of promotion and education on human rights, but also by taking a proactive role within their respective mandates which would result in higher percentage of implementation of European Court's judgments in the member-states.

Particularly important support to the work of the Institution was expressed by the Head of European Union Delegation to Bosnia and Herzegovina and EU Special Representative, Ambassador Peter Sorensen. From the very beginning of his mandate in September, Ambassador paid a visit to the Institution of the Ombudsman of BiH emphasizing that observation of human rights and fundamental freedoms and rule of law are key principles of European Union and that in this context it is necessary to strengthen the Institution of the Ombudsman of BiH, build its capacities and provide necessary funds for the implementation of the mandate entrusted to it.

Work of the Institution was also supported by the new Ambassador of OSCE Mission to Bosnia and Herzegovina, Fletcher M. Burton, who emphasized once more readiness and determination of the OSCE Mission to Bosnia and Herzegovina to development partnership with the Institution of BiH Ombudsman and to joint efforts in promotion and enhancement of human rights in Bosnia and Herzegovina.

Similar determination and support to the Institution was expressed by US Ambassador to BiH Patrick S. Moon and the Head of Council of Europe Office, Mary Ann Hennessey which visited the Ombudsman in 2011.

With regard to the interaction of the Ombudsman with UN international mechanisms for human rights protection by which we primarily mean UN treaty bodies in charge of monitoring of implementation of human rights convention ratified by the member-states. In accordance with its mandate and obligations in 2011 the Ombudsman Institution submitted its report to the Committee for the Rights of the Child, to the Human Rights Committee that monitors implementation of the Covenant on Civil and Political Rights and the Committee on the Elimination of Racial Discrimination according to the established schedule for review of reports of Bosnia and Herzegovina.

In accordance with its possibilities, and in order to strengthen its capacities in 2011 the Institution decided to receive additional education on reporting to UN treaty bodies process, so it took part in workshop organized by the Office of the High Commissioner of Human Rights (OHCHR) that had a goal to familiarize participants with the efficient methodology for monitoring of human rights observation indicators and implementation of recommendations of the UN treaty bodies. So gained knowledge will be useful for the preparation of the second cycle of Universal Periodic Review process (UPR) that will be reviewed in 2014.

In addition to strengthening of regional co-operation and better interaction with international bodies, the Institution established bilateral co-operation with the Institution of the Catalan Ombudsman with an aim of implementation of joint projects in two areas:

Improvement of the protection of children without parental case placed in institutions and Preparation of a special report on the rights of women victims of domestic violence.

Unfortunately, for the global financial crisis that particularly affected the economic situation in Spain, implementation of this project was postponed until the conditions for it get better.

Although the primary mandate of the Institution includes work upon citizens complaints lodged in pursuance of protection of their human right, the Ombudsman uses all available opportunities, in accordance with its possibilities and capacity, to educate wider public on human rights and promote it. To this end Ombudspersons respond to invitations related to this type of the engagement. It was a special pleasure for the Ombudsman to host a group of students of the University of Toronto interested in work of the Institution and human rights situation in a post-conflict society such as Bosnia and Herzegovina.

CHAPTER XIV – CO-OPERATION WITH MEDIA

The Ombudsman defines transparency, openness to media and building partnership with all the media in Bosnia and Herzegovina as one of its strategic goals.

Institution of the BiH Ombudsman pays particular attention to the human rights promotion, which is its legally defined obligation and which is one of the features of the independent human rights protection mechanisms.

In this sense **media are an important partner of the Institution**, therefore Ombudspersons have paid particular attention to the establishment of professional co-operation with both electronic and printed media on the equal bases on the whole territory of BiH. Such an approach secures that citizens are informed on due time on all the issues involving human rights.

In 2011 Ombudspersons put efforts to respond to all media requests, but at the same time to attract the attention of media for topics related to human rights which have huge importance for all the citizens.

In 2011 the Institution received and responded to **160 media requests** that comprised **giving comments or replies to certain questions, as well as participation in electronic media programs**. Ombudspersons of BiH had also a significant number of participations in media programs in form of questions and answers directly broadcasted on the occasion of important dates and events related to human rights. In addition to that, in 2011 Ombudspersons had **a number of public statements or press releases** whereby they presented standpoints of the Ombudsman on certain issues and in situations when it was assessed that there were some obstacles impeding realization of human rights.

When it comes to media, comparing to the data from 2010 it is evident that there are differences in subjects, openness of different media outlets for affirmation in human rights protection topics, and intensity of these addresses. For instance, in the first three months of 2011 visible was strengthened media interest compared to the same period last year.

Unlike 2010 when the rights of the child were at focus of media interest, during 2011 **particular attention was paid to discrimination**, that is, mobbing, as one of the forms of discrimination, in addition to the implementation of the Law on Prohibition of discrimination and other activities falling within the mandate of Department for Elimination of all Forms of Discrimination of the BiH Ombudsman. Rights of the child are still attracting the public interest (28), as well as the rights related to labor relations (13), property and title rights (8), and rights of the persons with disabilities (8), media freedoms (8) etc.

An important number of addresses were related to the concrete cases dealt with by the Ombudsman or cases in which the Ombudspersons issued recommendations. **Journalists show interest in contacts of citizens with this Institution and areas of human rights violations as well as the measures taken by the Ombudsman in this regard (31).**

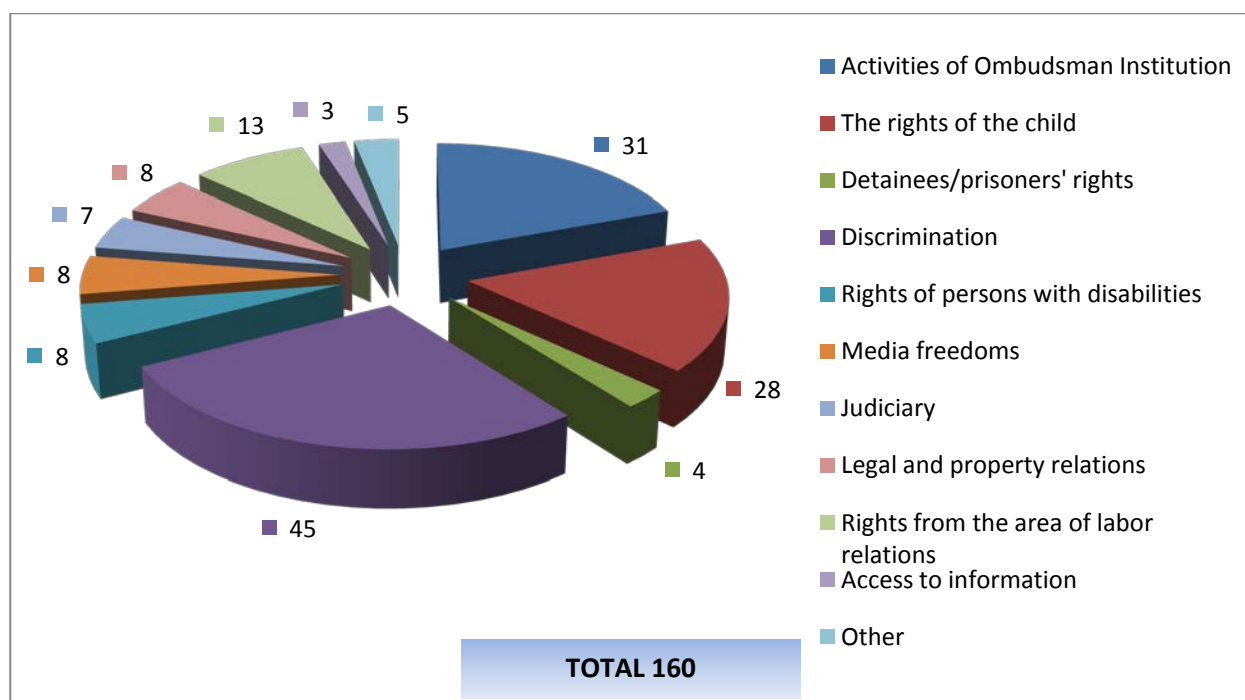


Chart 19 – Overview of media requests according to human rights areas

In this year interest of TV and radio stations has increased comparing to the printed media, as well as contacts made by Internet portals.

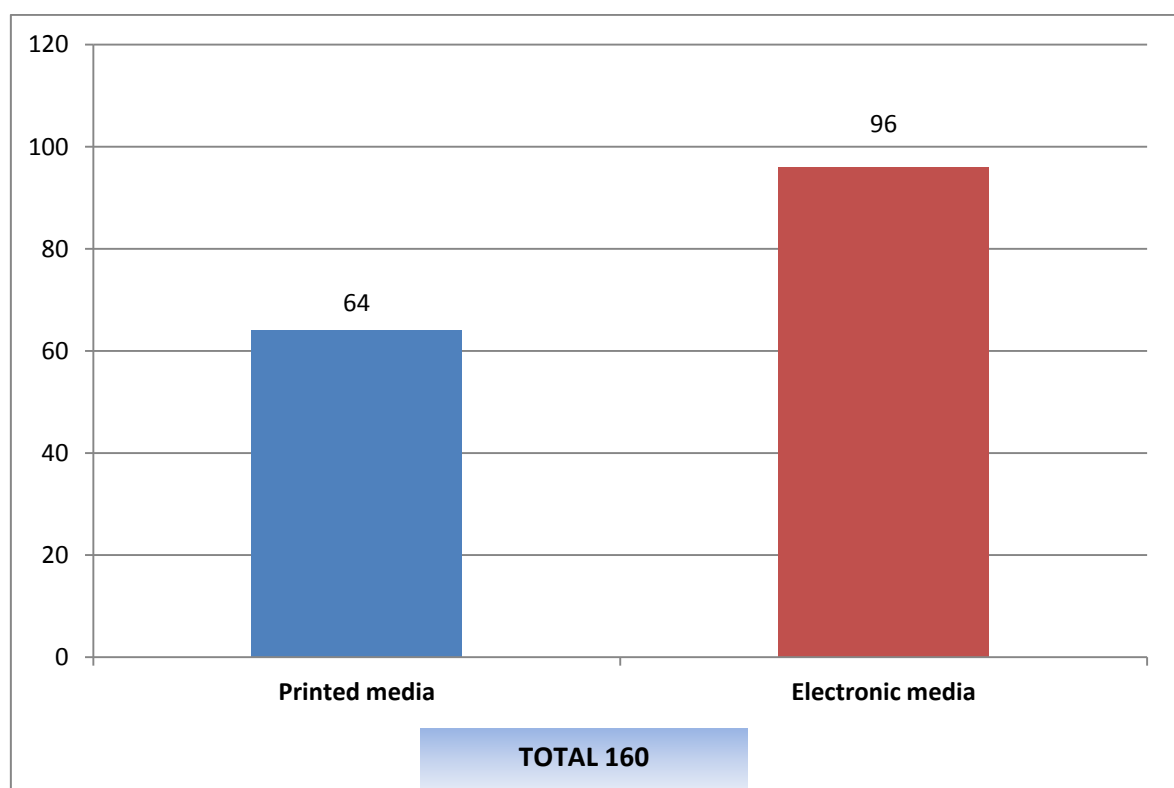


Chart 20 – Media interest in work of the Institution of BiH Ombudsman according to the type of media

When it comes to the Ombudsman offices share in media contacts and co-operation with them compared to 2010, there is still need for more active media promotion of field offices in Livno, Mostar

and Brčko, since the focus of media interests and co-operation with media was on the headquarters of the Institution in Banja Luka and Sarajevo Office.

The public was also regularly informed on the activities of representatives of the Institution of Human Rights Ombudsman of BiH via **web presentation of the Institution** where individual pieces of information are posted regularly and taken over by printed and electronic media.

In addition to the actual information, web site of the Institution comprises all the documents relevant for the work of the Institution such as annual and special reports, recommendations, submissions to UN bodies, and international standards and domestic substantive legislation.

Based on contacts with journalists in 2011 it is possible to observe an increased use of the Internet presentation of the Ombudsman Institution which serves as a source of information and starting point for further research on certain subjects in the area of human rights.

Aware of the fact that web site enables fast, economic and efficient distribution of information and human rights promotion, Ombudspersons intend to keep this positive trend, and to create the space for further qualitative and quantitative enhancement of this type of communication.

Having in mind limited budget and intention that web site be functional, which is in the interest of all the citizens of BiH, Ombudspersons of BiH opted for alternative to have a web site where in posting of actual news principle of equality of all three constituent peoples' languages would be observed in a way that rotation and alternation of languages would take place, while reports which are on the web site are made in three languages of three constituent peoples.

This determination of the BiH Ombudsman was guided by cost-effectiveness related considerations and the fact that the Ombudsman does not currently have a lector for Bosnian/Croatian/Serbian language. Ombudspersons do hope that the budget for 2012 will foresee enough funds to allow for regulating this issue in a way that would make all the users of the Ombudsman's web site happy.

The Ombudsman Institution has organized six press conferences in 2011. This was on the occasion of presentation of its annual and special reports which tackle issues concerning particularly vulnerable social categories, as well as marking the special dates important from the aspect of human rights observation.

In accordance with determination to make its work closer to citizens and to be equally present on the whole territory, during 2011 tradition of visiting municipalities was continued. In this process it was observed that intentions in local communities are visible to ensure cover up of these visits.

Special attention in 2011 the Ombudsman dedicated to the promotion of the Law on Prohibition of Discrimination in BiH. In addition to individual statements and other public appearances related to this topic, in co-operation with OSCE realized was participation of representatives of the Institution in six radio shows in local radio stations on the whole territory of Bosnia and Herzegovina aimed at giving the citizens a better insight into their rights, but also to get more familiar with the mandate of the Institution of the BiH Ombudsman as a central institution in the area of protection from discrimination.

After the completion of these activities the Ombudsman Institution was presented at Human Rights Fair organized on the occasion of 10 December, the International Human Rights Day.

When it comes to the rights of the child, media influence the public and its awareness so they can sensitize the public for different topics including exposure of children to various negative influences. Media can also have a powerful positive role in the promotion of the rights of the child. At the same time they should be aware of consequences of their actions and know what consequences may have appearance of a child in media, either for that child or for their families.

Journalist's ethics demand the rights of those reported of to be respected, especially when they are children. In this sense the Ombudsman notes that more sensibility is required and more education of journalists reporting on issues involving human rights, particularly related to children and vulnerable social categories.

Ombudspersons expressed their concerns and most harshly condemned more frequent attacks on journalists in 2011 both verbal and physical which puts full independence of media in Bosnia and Herzegovina in question. Ombudspersons think that such occurrences create insecure environment in which journalists need to perform their tasks and duties and such cases should be prevented as a form of media freedoms restriction.

Only free and impartial media can be a guarantee of realization of constitutionally enshrined rights of citizens to timely, full and objective information. Ombudspersons of BiH remind that the state is obligated to take all measures to guarantee media freedoms and safety of journalists otherwise they will be prevented from carrying out their profession which puts media freedoms and the rights of citizens to information in jeopardy. At the same time it is human rights violation and obstruction of democratic development.

Ombudspersons are especially concerned for increasingly frequent occurrence of mobbing over the journalists. In reporting period representatives of Department for Elimination of all Forms of Discrimination of the Ombudsman Institution did monitoring of a mobbing trial before the Municipal Court in Sarajevo and Primary court of Banja Luka. In both cases it is about employees of the public RTV services about the alleged mobbing committed by management.

It was said that media are an important partner of the Ombudsman Institution due to the topics they affirm in their space, particularly through research journalism, especially when it is linked to vulnerable social categories. These issues are an important source for the Ombudsman in identification of human rights violations. Role of media can be seen in the fact that the Ombudsman opened 18 ex officio cases based on media topics.

CHAPTER VIII – TABLE SHOWING RECOMMENDATIONS

In 2011 the Ombudsman Institution issued 221 recommendations in cases where violation of the rights were established.

The table below shows respondent authority body to which the recommendation was addressed, type of human rights violation and implementation status.

RECOMMENDATIONS (table)

Recommendation no.	Case no.	Respondent party	Violated right	Date of the recommendation	Implementation	Received reply
P-1/11	Ž-SA-05-1560/10,	FACULTY OF ARTS – SARAJEVO	03 - Access to information	13.1.2011	Implemented	YES
P-2/11	Ž-BL-05-156/10,	ENVIRONMENTAL PROTECTION FUND OF THE REPUBLIC OF SRPSKA - BANJA LUKA	22 - Governmental and ministerial appointments	13.1.2011	Not Implemented	NO
P-3/11	Ž-BL-05-547/10,	PC "BANIJAPROMET" KOSTAJNICA – KOSTAJNICA	22 - Governmental and ministerial appointments	13.1.2011	Cooperation established	YES
P-4/11	Ž-SA-05-164/10,	SERVICE OF JOINT AFFAIRS OF THE INSTITUTIONS OF BIH – SARAJEVO	10 - Labor relations	21.01.2011.	Implemented	YES
P-5/11	Ž-BL-05-513/10,	DEPARTMENT FOR SPATIAL ARRANGEMENT, HOUSING AND UTILITIES OF THE MUNICIPALITY OF ROGATICA	15 – Property and title rights	24.1.2011	Cooperation established	YES
P-6/11	Ž-BL-05-563/10,	REPUBLIC ADMINISTRATION FOR LAND SURVEY AND PROPERTY AND TITLE ISSUES – BANJA LUKA – REGIONAL UNIT KNEŽEVO	15 – Property and title rights	24.1.2011	Implemented	YES
P-7/11	Ž-SA-02-533/10,	FEDERAL MINISTRY OF LABOR AND SOCIAL POLICY - SARAJEVO	12 - Persons with disabilities	25.1.2011	Implemented	YES
P-8/11	Ž-BL-01-869/10,	TOWN OF MOSTAR AND CANTON OF HERZEGOVINA-NERETVA - MOSTAR	13 - Rights of the child	26.1.2011	Cooperation established	YES

P-9/11	Ž-BL-01-40/11,	MINISTRY OF CIVIL AFFAIRS OF BIH, THE RS MINISTRY OF HEALTH AND SOCIAL PROTECTION, THE RS MINISTRY OF LOCAL ADMINISTRATION AND SELF-GOVERNMENT OF THE REPUBLIC OF SRPSKA, FEDERAL MINISTRY OF LABOR AND SOCIAL POLICY AND GOVERNMENT OF BRČKO DISTRICT - SARAJEVO, BANJA LUKA, BRČKO	13 - Rights of the child	25.1.2011	Cooperation established	YES
P-10/11	Ž-SA-04-1498/10,	GOVERNMENT OF THE FEDERATION OF BIH - SARAJEVO	06 – Public revenue	27.1.2011	Implemented	YES
P-11/11	Ž-MO-05-206/10, Ž-MO-05-209/10,	MUNICIPAL COUNCIL OF ŠIROKI BRIJEG - ŠIROKI BRIJEG	22 - Governmental and ministerial appointments	27.1.2011	Implemented	YES
P-12/11	Ž-BR-04-131/10,	MUNICIPAL COUNCIL KLDANJ - KLDANJ	19 – Administration	25.1.2011	Cooperation established	YES
P-13/11	Ž-BL-04-43/11,	COMMITTEE FOR IMPLEMENTATION OF ARTICLE 182 RS - BANJA LUKA	10 - Labor relations	4.2.2011	Implemented	YES
P-14/11	Ž-BL-05-557/10,	CANTONAL COURT BIHAĆ - BIHAĆ	09 – Courts	4.2.2011	Implemented	YES
P-15/11	Ž-SA-06-870/10,	RADIO TELEVISION F BIH - SARAJEVO	01 - Discrimination	2.2.2011	Not Implemented	YES
P-16/11	Ž-SA-02-177/09,	FEDERAL PENSION INSTITUTE -MOSTAR	25 – Pensions	2.2.2011	Partially Implemented	YES
P-17/11	Ž-LI-05-20/11,	MUNICIPALITY OF DRVAR - DRVAR	03 - Access to information - 03-1 – non-deciding within the legal deadline	29.3.2011	Implemented	YES
P-18/11	Ž-BL-01-100/11,	GOVERNMENT OF TUZLA CANTON - TUZLA	13 - Rights of the child	22.2.2011	No answer	NO
P-19/11	Ž-SA-04-1/11,	CLINICAL CENTER OF THE UNIVERSITY OF SARAJEVU - SARAJEVO	10 - Labor relations	23.2.2011	Implemented	YES
P-20/11	Ž-SA-05-1236/10,	CANTONAL COURT SARAJEVO - SARAJEVO	19 – Administration	23.2.2011	Cooperation established	YES
P-21/11	Ž-SA-04-1175/10, Ž-SA-04-1415/10, Ž-SA-04-1416/10,	SARAJEVO CANTON– MINISTRY OF EDUCATION AND SCIENCE	10 - Labor relations	23.2.2011	Implemented	NO

P-21/11	Ž-SA-04-1175/10, Ž-SA-04-1415/10, Ž-SA-04-1416/10,	SARAJEVO CANTON– MINISTRY OF EDUCATION AND SCIENCE	10 - Labor relations	23.2.2011	Implemented	NO
P-22/11	Ž-BR-06-233/10,	COUNCIL OF MINISTERS OF BAH, GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, GOVERNMENT OF THE SARAJEVO CANTON, GOVERNMENT OF THE TUZLA CANTON, GOVERNMENT OF THE SAVA CANTON, GOVERNMENT OF THE BOSNA-DRINA CANTONA, GOVERNMENT OF THE HERCEGOVINA-NERETVA CANTONA, GOVERNMENT OF THE UNA-SANA CANTONA, GOVERNMENT OF THE ZENICA-DOBOJ CANTONA, GOVERNMENT OF THE CENTRAL BOSNIA CANTONA, GOVERNMENT OF THE WEST-HERZEGOVINA CANTON AND GOVERNMENT OF THE CANTON 10	01 - Discrimination	8.3.2011	Cooperation established	YES
P-23/11	Ž-SA-02-701/10,	MUNICIPALITY OF NOVO SARAJEVO –SOLDIERS AND DISABLED PROTECTION SERVICE	12 - Persons with disabilities	24.3.2011	Implemented	YES
P-24/11	Ž-BL-05-302/10,	DEPARTMENT OF INSPECTION AFFAIRS IN DERVENTA AND MINISTRY OF SPATIAL ARRANGEMENT AND ECOLOGY IN B. LUKA - DERVENTA AND BANJA LUKA	15 - Property and title relations	9.3.2011	Implemented	YES
P-25/11	Ž-BL-05-73/10,	PRIMARY COURT PRIJEDOR -PRIJEDOR	09 – Courts	9.3.2011	Implemented	YES
P-26/11	Ž-BL-04-95/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	9.3.2011	Implemented	YES
P-27/11	Ž-BL-04-97/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	9.3.2011	Not Implemented	YES
P-28/11	Ž-SA-06-374/10,	MINISTRY OF EDUCATION, SCIENCE AND CULTURE OF ZE-DO CANTON AND CANTONAL BOARD OF INDEPENDENT TRADE UNION IN PRIMARY EDUCATION AND UPBRINGING SECTOR OF ZE-DO CANTON - ZENICA	01 - Discrimination	9.3.2011	Not Implemented	NO

P-29/11	Ž-SA-06-1209/10,	PI PSYCHIATRIC HOSPITAL KS-JAGOMIR - SARAJEVO	01 - Discrimination	9.3.2011	Implemented	YES
P-30/11	Ž-SA-05-1572/10,	AGENCY FOR BANKING FBİH - SARAJEVO	03 - Access to information	11.3.2011	Implemented	YES
P-31/11	Ž-SA-02-1229/10,	CANTON SARAJEVO – HEALTH INSURANCE INSTITUTE SARAJEVO	12 - Persons with disabilities	11.3.2011	Not Implemented	NO
P-32/11	Ž-SA-07-84/11,	MINISTRY OF JUSTICE BiH -SARAJEVO	07 - Prisons - 07-2 – health care and hygiene conditions	28.2.2011	Cooperation established	YES
P-33/11	Ž-SA-05-960/10,	ASSEMBLY OF THE PUBLIC COMPANY „GRIJANJE“ D.O.O. KAKANJ	22 - Governmental and ministerial appointments	28.2.2011	Cooperation established	YES
P-34/11	Ž-SA-05-1071/10,	ASSEMBLY OF THE PUBLIC COMPANY „GRIJANJE“ D.O.O. KAKANJ	22 - Governmental and ministerial appointments	28.2.2011	Cooperation established	YES
P-35/11	Ž-SA-05-600/10,	SUPERVISORY BOARD OF THE PUBLIC REGIONAL SERVICE COMPANY "VRBAS" D.O.O. BUGOJNO	22 - Governmental and ministerial appointments	14.3.2011	Cooperation established	YES
P-36/11	Ž-BL-06-36/10,	FEDERAL ADMINISTRATION FOR LAND SURVEY AND PROPERTY AND TITLE ISSUES - SARAJEVO	01 - Discrimination	25.3.2011	Not Implemented	YES
P-37/11	Ž-SA-04-116/11,	ADMINISTRATION OF THE PUBLIC COMPANY/PC ELEKTROPRIVREDA BIH AND ADMINISTRATION OF PUBLIC COMMUNAL COMPANY VODOVOD CAZIN	21 - Communal utilities	24.3.2011	Implemented	YES
P-38/11	Ž-SA-02-295/11,	FEDERAL MINISTRY OF LABOR AND SOCIAL POLICY - SARAJEVO	12 - Persons with disabilities	24.3.2011	Cooperation established	YES
P-39/11	Ž-SA-05-40/11,	MINISTRY OF CULTURE AND SPORTS OF THE CANTON SARAJEVO - SARAJEVO	03 - Access to information	31.3.2011	Cooperation established	YES
P-40/11	Ž-SA-05-1191/10,	FEDERAL ADMINISTRATION FOR LAND SURVEY AND PROPERTY AND TITLE ISSUES -SARAJEVO	19 - Administration	31.3.2011	Implemented	YES
P-41/11	Ž-SA-05-532/10,	FEDERAL ADMINISTRATION FOR LAND SURVEY AND PROPERTY AND TITLE ISSUES - SARAJEVO	19 - Administration	31.3.2011	Implemented	YES
P-42/11	Ž-SA-04-66/11,	GOVERNMENT OF SARAJEVO CANTON	21 - Communal utilities	11.4.2011	Cooperation established	NO
P-43/11	Ž-BL-04-870/10,	RS MINISTRY OF FINANCE AND AGENCY FOR MEDIATION, IT AND FINANCIAL SERVICES APIF – B. LUKA	17 – Public documents	11.4.2011	Cooperation established	YES

P-44/11	Ž-BL-04-481/10,	MUNICIPALITY OF ŠAMAC - ŠAMAC	20 – War damages	11.4.2011	Cooperation established	YES
P-45/11	Ž-BL-04-490/09,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	11.4.2011	Not Implemented	YES
P-46/11	Ž-BL-04-122/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	11.4.2011	Implemented	YES
P-47/11	Ž-BL-04-116/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	11.4.2011	Cooperation established	YES
P-48/11	Ž-BL-04-162/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	11.4.2011	Not Implemented	NO
P-49/11	Ž-BL-04-161/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	11.4.2011	Cooperation established	YES
P-50/11	Ž-BL-05-148/11,	MINISTRY OF HOUSING POLICY OF THE SARAJEVO CANTON- HOUSING ADMINISTRATION	19 - Administration	13.4.2011	Cooperation established	YES
P-51/11	Ž-SA-06-178/11,	GOVERNMENT OF THE COUNTY POSAVINA AND MINISTRY OF AGRICULTURE, WATER MANAGEMENT AND FORESTRY	01 - Discrimination	13.4.2011	Partially Implemented	YES
P-52/11	Ž-SA-05-35/11,	STEERING BOARD OF PI SOCIAL WELFARE CENTER - KAKANJ	22 - Governmental and ministerial appointments	13.4.2011	Cooperation established	YES
P-53/11	Ž-BL-05-196/11,	NATIONAL ASSEMBLY OF THE REPUBLIC OF SRPSKA -BANJA LUKA	03 - Access to information	15.4.2011	Cooperation established	NO
P-54/11	Ž-BL-01-228/11,	MUNICIPAL COURT OF ŠIROKI BRIJEG - ŠIROKI BRIJEG	13 - Rights of the child	20.4.2011	Not Implemented	YES
P-55/11	Ž-BL-05-661/10,	MUNICIPALITY OF TREBINJE – AND REPUBLIC ADMINISTRATION FOR PROPERTY AND LAND TITLE ISSUES BANJA LUKA-REGIONAL OFFICE TREBINJE	03 - Access to information	7.3.2011	Not Implemented	YES
P-56/11	Ž-BL-05-208/11,	RS MINISTRY OF REFUGEES AND DISPLACED PERSONS - BANJA LUKA DEPARTMENT	19 - Administration	26.4.2011	Not Implemented	NO
P-57/11	Ž-BL-05-196/11,	PARLIAMENT OF THE FEDERATION BIH - SARAJEVO	03 - Access to information	26.4.2011	Cooperation established	NO
P-58/11	Ž-SA-05-442/09,	MUNICIPALITY NOVI GRAD SARAJEVO	01 - Discrimination	27.4.2011	Cooperation established	YES

P-59/11	Ž-SA-05-514/10,	FEDERAL ADMINISTRATION FOR PROPERTY AND LAND TITLE ISSUES - SARAJEVO	19 - Administration	29.4.2011	Implemented	YES
P-60/11	Ž-SA-05-286/10,	FEDERAL COMMISSION FOR THE IMPLEMENTATION OF ARTICLE 143. OF THE LABOR LAW -- SARAJEVO	10 - Labor relations	29.4.2011	Implemented	YES
P-61/11	Ž-SA-05-1556/10,	PUBLIC COMPANY "LOKOM" DOO SARAJEVO	22 - Governmental and ministerial appointments	29.4.2011	Implemented	YES
P-62/11	Ž-BL-05-408/10,	MINISTRY OF INTERIOR OF TK TUZLA	03 - Access to information	29.4.2011	Cooperation established	YES
P-63/11	Ž-BL-05-805/10,	UNIVERSITY "DŽEMAL BIJEDIĆ" - FACULTY OF ECONOMY - MOSTAR	11 - Education	29.4.2011	Implemented	YES
P-64/11	Ž-SA-06-1239/10,	"BOSNA BANK INTERNATIONAL"D.D. SARAJEVO	01 - Discrimination	29.4.2011	Cooperation established	YES
P-65/11	Ž-SA-05-1062/10,	MUNICIPALITY OF ILIDŽA – INSPECTION SURVEILLANCE SERVICE	15 – Property and title rights	21.6.2011	Cooperation established	YES
P-66/11	Ž-SA-06-595/09,	VETERINARY OFFICE BiH - SARAJEVO	01 - Discrimination - 01-03 – Mobbing	29.4.2011	Cooperation established	YES
P-67/11	Ž-SA-05-253/11,	MUNICIPALITY OF STARI GRAD - SARAJEVO	19 – Administration	6.5.2011	Implemented	YES
P-68/11	Ž-SA-05-1542/10,	MUNICIPALITY OF VISOKO - VISOKO	22 - Governmental and ministerial appointments	4.4.2011	Implemented	YES
P-69/11	Ž-SA-05-1234/10,	BiH INDIRECT TAXATION ADMINISTRATION, REGIONAL CENTER TUZLA - TUZLA	19 – Administration	6.4.2011	Implemented	YES
P-70/11	Ž-SA-05-200/10,	PC ELEKTROPRIVREDA -PODRUŽNICA ELEKTRODISTRIBUCIJA SARAJEVO	15 – Property and title rights	17.5.2011	Cooperation established	YES
P-71/11	Ž-SA-05-134/11,	GOVERNMENT OF THE FEDERATION BiH - SARAJEVO	15 – Property and title rights	24.5.2011	Cooperation established	YES
P-72/11	Ž-SA-04-567/11,	"ELEKTRODISTRIBUCIJA" SARAJEVO - SARAJEVO	21 - Communal utilities	30.5.2011	Implemented	YES
P-73/11	Ž-SA-05-384/11,	HEALTH INSURANCE INSTITUTE SARAJEVO -	19 - Administration	31.5.2011	Not Implemented	YES
P-74/11	Ž-BL-04-269/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	31.5.2011	Cooperation established	YES
P-75/11	Ž-BL-04-261/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	31.5.2011	Implemented	YES

P-76/11	Ž-BL-04-260/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 -BANJA LUKA	10 - Labor relations	31.5.2011	Implemented	YES
P-77/11	Ž-BL-04-258/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	31.5.2011	Implemented	YES
P-78/11	Ž-BL-04-259/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	31.5.2011	Implemented	YES
P-79/11	Ž-BL-04-291/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	31.5.2011	Implemented	YES
P-80/11	Ž-BL-04-190/11,	PENSION FUND RS-FILIJALA PRIJEDOR	25 - Pensions	31.5.2011	Not Implemented	YES
P-81/11	Ž-BL-06-15/10,	REGIONAL PROSECUTOR'S OFFICE BANJA LUKA	01 - Discrimination	31.5.2011	Implemented	YES
P-82/11	Ž-BL-06-85/11,	HOSPITALITY FACILITY "AFRIKA" ZAVIDOVIĆI	01 - Discrimination	25.3.2011	Not Implemented	YES
P-83/11	Ž-BL-05-337/10,	MUNICIPALITY OF ZVORNIK – SPATIAL ARRANGEMENT DEPARTMENT ZVORNIK	15 – Property and title rights	31.5.2011	Implemented	YES
P-84/11	Ž-BL-05-579/10,	MUNICIPALITY OF GRAČANICA	19 - Administration	31.5.2011	No answer	NO
P-85/11	Ž-SA-05-266/11,	CENTER OF CULTURAL AND EDUCATIONAL AFFAIRS "PROSVJETA"- RUDO	03 - Access to information	1.6.2011	Implemented	YES
P-86/11	Ž-SA-05-93/10,	MUNICIPAL COURT OF VELIKA KLADUŠA - VELIKA KLADUŠA	09 - Courts	3.6.2011	Implemented	YES
P-87/11	Ž-SA-05-505/11,	FEDERAL MINISTRY OF JUSTICE - SARAJEVO AND RS MINISTRY OF JUSTICE - BANJA LUKA	10 - Labor relations	7.6.2011	Cooperation established	YES
P-88/11	Ž-SA-06-557/11,	MINISTRY OF EDUCATION AND SCIENCE OF THE CANTON SARAJEVO - SARAJEVO	01 - Discrimination	10.6.2011	Cooperation established	YES
P-89/11	Ž-SA-06-558/11,	CLINICAL CENTER OF THE UNIVERSITY OF SARAJEVO - SARAJEVO AND HEALTH INSURANCE INSTITUTE SARAJEVO	01 - Discrimination	10.6.2011	Cooperation established	YES
P-90/11	Ž-BL-05-855/10, Ž-BL-05-879/10,	MUNICIPALITY OF JAJCE - JAJCE	19 - Administration	20.6.2011	Cooperation established	YES
P-91/11	Ž-SA-06-570/11,	FEDERAL EMPLOYMENT INSTITUTE OF THE CANTON SARAJEVO - SARAJEVO, RS EMPLOYMENT INSTITUTE - BANJA LUKA AND EMPLOYMENT INSTITUTE OF BRČKO DISTRICT	01 - Discrimination	21.6.2011	Partially Implemented	YES

P-92/11	Ž-LI-05-115/11,	THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SRPSKA - BANJA LUKA AND THE PARLIAMENT OF THE FEDERATION BIH -SARAJEVO	22 - Governmental and ministerial appointments	14.6.2011	Implemented	YES
P-93/11	Ž-LI-05-115/11,	THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SRPSKA - BANJA LUKA AND THE PARLIAMENT OF THE FEDERATION BIH -SARAJEVO	22 - Governmental and ministerial appointments	2.6.2011	Implemented	YES
P-94/11	Ž-SA-05-196/11,	CANTONAL COURT ZENICA - ZENICA	09 - Courts - 09-2 - length of proceedings(Article 6)	22.6.2011	Implemented	YES
P-95/11	Ž-SA-06-1394/10,	MINISTRY OF EDUCATION AND SCIENCE OF THE CANTON SARAJEVO - SARAJEVO	10 - Labor relations	22.6.2011	No answer	NO
P-96/11	Ž-SA-02-375/11,	MINISTRY OF JUSTICE AND ADMINISTRATION OF THE CANTON SARAJEVO - SARAJEVO	12 - Persons with disabilities	23.6.2011	Not Implemented	YES
P-97/11	Ž-SA-05-67/10,	MINISTRY OF JUSTICE FBIH -- SARAJEVO	15 – Property and title relations	27.6.2011	Implemented	YES
P-98/11	Ž-SA-05-160/11,	MUNICIPALITY OF KLJUČ - KLJUČ AND STEERING COMMITTEE FO THE COMMUNAL AFFAIRS AND INFRASTRUCTURE FUND KLJUČ	22 - Governmental and ministerial appointments	27.6.2011	No answer	NO
P-99/11	Ž-BL-01-350/11,	DEPARTMENT FOR EDUCATION WITHIN THE GOVERNMENT OF BRČKO DISTRICT BIH - BRČKO AND MINISTRY OF EDUCATION AND SCIENCE OF THE FEDERATION BIH -SARAJEVO	13 - Rights of the child	28.6.2011	Cooperation established	YES
P-100/11	Ž-BL-04-322/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	28.6.2011	Implemented	YES
P-101/11	Ž-BL-04-323/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	29.6.2011	Implemented	YES
P-102/11	Ž-BL-04-324/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	29.6.2011	Implemented	YES
P-103/11	Ž-SA-04-1156/10,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF UNA-SANA CANTON - BIHAĆ AND SCHOOL BOARD OF ELECTROTECHNICAL AND WOOD PROCESSING SECONDARY SCHOOL - BIHAĆ	10 - Labor relations	1.7.2011	No answer	NO
P-104/11	Ž-SA-05-956/10,	CANTONAL COURT OF SARAJEVO - SARAJEVO	09 - Courts	12.7.2011	Cooperation established	YES

P-105/11	Ž-SA-05-549/11,	MUNICIPALITY OF TUZLA – DEPARTMENT OF LAND SURVEYING AND PROPERTY AND TITLE AFFAIRS- TUZLA	19 - Administration	12.7.2011	Not Implemented	YES
P-106/11	Ž-SA-05-612/11,	GOVERNMENT OF THE FEDERATION OF BIH - SARAJEVO	22 - Governmental and ministerial appointments	12.7.2011	Cooperation established	YES
P-107/11	Ž-BL-04-266/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	13.7.2011	Implemented	YES
P-108/11	Ž-BL-01-287/11,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS, MINISTRY OF LABOR , SOCIAL POLICY AND DISPLACED PERSONS OF ZE-DO CANTON - ZENICA AND MUNICIPALITY OF ZAVIDOVIĆI	13 - Rights of the child	13.7.2011	Implemented	YES
P-109/11	Ž-SA-05-980/10,	MINISTRY OF EDUCATION AND SCIENCE OF THE CANTON SARAJEVO - SARAJEVO	03- Access to information	12.7.2011	No answer	NO
P-110/11	Ž-SA-05-58/10,	MINISTRY OF SPACE ARRANGEMENT AND ENVIRONMENTAL PROTECTION OF THE CANTON SARAJEVO - SARAJEVO	03 - Access to information	12.7.2011	Implemented	YES
P-111/11	Ž-BL-06-255/11,	MUNICIPALITY OF PRIJEDOR – THE MAYOR AND THE MUNICIPAL ASSEMBLY OF PRIJEDOR	01 - Discrimination -- 01-03 - Mobbing	13.7.2011	Implemented	YES
P-112/11	Ž-SA-05-509/11,	FACULTY OF ARTS - SARAJEVO	19 - Administration	13.7.2011	Cooperation established	YES
P-113/11	Ž-SA-04-566/11,	GOVERNMENT OF THE CANTON SARAJEVO - SARAJEVO	21 - Communal utilities	14.7.2011	Implemented	YES
P-114/11	Ž-BL-01-228/11,	SPECIAL REPORT RELATED TO THE PROTECTION OF CHILDREN IN CRIMINAL PROCEEDINGS TO THE PARLIAMENT OF THE FEDERATION OF BIH AND FEDERAL MINISTRY OF JUSTICE-SARAJEVO	13 - Rights of the child	18.7.2011	No answer	NO
P-115/11	Ž-SA-05-548/11,	MUNICIPALITY OF ILIJAŠ – MUNICIPAL COUNCIL OF ILIJAŠ MUNICIPALITY	19 - Administration	19.7.2011	Cooperation established	YES
P-116/11	Ž-SA-05-1108/10,	FEDERAL ADMINISTRATION OF CIVIL PROTECTION - SARAJEVO	19 - Administration	20.7.2011	Cooperation established	YES
P-117/11	Ž-SA-05-379/11,	CANTONAL PUBLIC COMPANY ZOI 84 - SARAJEVO	15 – Property and title rights	21.7.2011	Implemented	YES

P-118/11	Ž-SA-05-521/10,	FEDERAL MINISTRY OF FINANCE FBiH - SARAJEVO	19 - Administration	22.7.2011	Not Implemented	YES
P-119/11	Ž-SA-05-597/11,	MUNICIPALITY OF MAGLAIJ, MINISTRY OF SPATIAL ARRANGEMENT, TRAFFIC, COMMUNICATION AND ENVIRONMENTAL PROTECTION AND CANTONAL ADMINISTRATION FOR INSPECTION AFFAIRS - ZENICA	19 - Administration	22.7.2011	Cooperation established	YES
P-120/11	Ž-SA-05-707/11,	MUNICIPALITY OF BREZA - BREZA	19 - Administration	2.8.2011	Implemented	YES
P-121/11	Ž-SA-05-1413/10,	MUNICIPALITY OF BUGOJNO - BUGOJNO	19 - Administration	2.8.2011	Implemented	YES
P-122/11	Ž-LI-06-136/11,	MUNICIPAL COUNCIL OF THE MUNICIPALITY OF GLAMOČ - GLAMOČ	01 - Discrimination - 01-12 – Based on ethnic or social origin	8.8.2011	Cooperation established	YES
P-123/11	Ž-BL-05-197/11,	MUNICIPAL COURT OF ZENICA - ZENICA	09 - Courts - 09-3 - enforcement of court decision	12.8.2011	Not Implemented	YES
P-124/11	Ž-BL-05-406/11,	MUNICIPAL ASSEMBLY OF BIJE LJINA - BIJE LJINA	22 - Governmental and ministerial appointments	12.8.2011	Implemented	YES
P-125/11	Ž-BL-05-169/10,	UNIVERSITY IN BANJA LUKA – FACULTY OF FORESTRY - BANJA LUKA	22 - Governmental and ministerial appointments	12.8.2011	Not Implemented	YES
P-126/11	Ž-SA-05-753/11,	PUBLIC COMPANY "LOKOM" DOO SARAJEVO	22 - Governmental and ministerial appointments	18.8.2011	Not Implemented	YES
P-127/11	Ž-SA-01-1099/10,	SOCIAL WELFARE CENTER DERVENTA - DERVENTA	13 - Rights of the child	19.8.2011	Cooperation established	YES
P-128/11	Ž-SA-04-312/11,	FEDERAL PENSION INSURANCE INSTITUTE MOSTAR - MOSTAR	25 - Pensions	22.8.2011	Implemented	NO
P-129/11	Ž-SA-04-29/11,	FEDERAL DIRECTION OF RESERVES IN GOODS - SARAJEVO	10 - Labor relations	18.7.2011	Implemented	YES
P-130/11	Ž-SA-06-620/11,	MINISTRY OF HEALTH OF THE CANTON SARAJEVO - SARAJEVO	01 - Discrimination	16.9.2011	Cooperation established	YES
P-131/11	Ž-SA-02-519/10,	INSTITUTE FOR MEDICAL FORENSICS OF HEALTH CONDITIONS FBiH- SARAJEVO	12 - Persons with disabilities	5.9.2011	No answer	NO

P-132/11	Ž-SA-02-464/10,	INSTITUTE FOR MEDICAL FORENSICS OF HEALTH CONDITIONS OF THE CANTON SARAJEVO-FIRST-INSTANCE DEPARTMENT FOR MEDICAL FORENSICS -ZENICA	02 - Media and freedom of information	5.9.2011	No answer	NO
P-133/11	Ž-SA-05-1304/10,	MUNICIPALITY OF KALESIJA - KALESIJA	15 – Property and title rights	16.9.2011	Cooperation established	YES
P-134/11	Ž-SA-05-945/11,	PARLIAMENT OF THE FEDERATION BiH - SARAJEVO	19 - Administration	16.9.2011	No answer	NO
P-135/11	Ž-SA-04-374/11,	MINISTRY OF INTERIOR RS PSC BANJA LUKA - BANJA LUKA	25 - Pensions	16.9.2011	No answer	NO
P-136/11	Ž-SA-06-1196/10,	STATE PETITIONS BOARD F BIH	01 - Discrimination	16.9.2011	Not Implemented	YES
P-137/11	Ž-SA-03-528/11,	MINISTRY OF HEALTH OF TUZLA CANTON-TUZLA	23 - Health sector	16.9.2011	Cooperation established	YES
P-138/11	Ž-SA-05-577/11,	MUNICIPALITY OF MAGLAJ - MAGLAJ	22 - Governmental and ministerial appointments	19.9.2011	No answer	NO
P-139/11	Ž-BL-05-371/11,	SUPERVISORY BOARD OF NEWS AGENCY OF THE REPUBLIC OF SRPSKA "SRNA" - BIJE LJINA	22 - Governmental and ministerial appointments	22.9.2011	Not Implemented	YES
P-140/11	Ž-SA-05-364/11,	MUNICIPAL COURT BIHAĆ - BIHAĆ	09 - Courts -- 09-3 - enforcement of court decision	26.9.2011	Cooperation established	YES
P-141/11	Ž-SA-05-712/11,	MUNICIPAL COURT VELIKA KLADUŠA - VELIKA KLADUŠA	09 - Courts	26.9.2011	Implemented	YES
P-142/11	Ž-SA-05-65/11,	CANTONAL COURT IN SARAJEVO - SARAJEVO	09 - Courts	26.9.2011	Implemented	YES
P-143/11	Ž-SA-05-673/11,	OFFICE OF THE PUBLIC ATTORNEY OF THE FEDERATION BIH - SARAJEVO	27 - Public attorney offices	26.9.2011	Implemented	YES
P-144/11	Ž-LI-05-135/11,	MUNICIPALITY OF GLAMOČ -- GLAMOČ	19 - Administration	27.9.2011	Cooperation established	NO
P-145/11	Ž-SA-02-214/10,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	28.9.2011	Cooperation established	YES
P-146/11	Ž-SA-05-649/10,	MINISTRY OF JUSTICE OF FBiH – ADMINISTRATIVE INSPECTORATE SARAJEVO	03 - Access to information	28.9.2011	No answer	NO
P-147/11	Ž-SA-04-820/11,	MINISTRY OF FINANCE AND TREASURE - SARAJEVO	10 - Labor relations	30.9.2011	Cooperation established	YES

P-148/11	Ž-SA-05-649/11,	MUNICIPALITY OF ILIDŽA - ILIDŽA	19 - Administration	3.10.2011	Cooperation established	YES
P-149/11	Ž-SA-04-1238/10,	MINISTRY OF EDUCATION AND SCIENCE OF THE CANTON SARAJEVO - SARAJEVO	11 - Education	3.10.2011	No answer	NO
P-150/11	Ž-SA-05-656/11, Ž-SA-05-661/11, Ž-SA-05-663/11,	GOVERNMENT OF THE FEDERATION OF BIH - SARAJEVO	22 - Governmental and ministerial appointments	30.9.2011	Cooperation established	YES
P-151/11	Ž-BL-05-60/11,	MUNICIPALITY OF KLADANJ – SOCIAL AFFAIRS AND GENERAL ADMINISTRATION SERVICE- KLADANJ	19 - Administration	3.10.2011	Cooperation established	YES
P-152/11	Ž-BL-06-646/10,	MINISTRY OF FOREIGN TRADE AND ECONOMIC RELATIONS – VETERINARY OFFICE - SARAJEVO	01 - Discrimination	3.10.2011	Implemented	YES
P-153/11	Ž-BL-05-321/11,	MUNICIPALITY OF VELIKA KLADUŠA - VELIKA KLADUŠA	22 - Governmental and ministerial appointments	3.10.2011	Not Implemented	YES
P-154/11	Ž-SA-05-379/11,	CANTONAL PUBLIC COMPANY ZOI 84 - SARAJEVO	15 – Property and title rights	6.10.2011	Implemented	YES
P-155/11	Ž-LI-05-179/10,	MUNICIPAL COURT LIVNO - LIVNO	09 - Courts	19.10.2011	Implemented	YES
P-156/11	Ž-SA-05-1006/11,	MINISTRY OF INTERIOR OF THE CANTON SARAJEVO - SARAJEVO	03 - Access to information - 03-1 - non-deciding within the legal deadline	13.10.2011	Implemented	NO
P-157/11	Ž-BL-05-414/10,	BASIC COURT OF BANJA LUKA - BANJA LUKA	09 - Courts	21.10.2011	Not Implemented	NO
P-158/11	Ž-BL-01-483/11,	PS "SVETI SAVA" KOTOR VAROŠ - KOTOR VAROŠ	13 - Rights of the child	24.10.2011	Implemented	YES
P-159/11	Ž-BL-04-400/11,	RS COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 182 - BANJA LUKA	10 - Labor relations	24.10.2011	Implemented	YES
P-160/11	Ž-BL-04-416/11,	GOVERNMENT OF THE CANTON 10 - LIVNO, MINISTRY OF ECONOMY OF THE HERCEG BOSNA COUNTY - LIVNO, GOVERNMENT OF F BIH - SARAJEVO AND FEDERAL MINISTRY OF ENERGY, MINING AND INDUSTRY - MOSTAR	23 - Health sector	24.10.2011	Not Implemented	YES
P-161/11	Ž-BL-05-366/11,	BAR ASSOCIATION OF THE REPUBLIC OF SRPSKA - BANJA LUKA	19 - Administration	24.10.2011	Implemented	YES

P-162/11	Ž-BL-05-717/11,	SPECIAL REPORT TO THE RS GOVERNMENT - BANJA LUKA	09 - Courts - 09-3 - enforcement of court decis.	24.10.2011	Not Implemented	YES
P-163/11	Ž-BL-06-237/11,	PC "ELEKTRODISTRIBUCIJA" BANJA LUKA	01 - Discrimination - 01-03 - Mobbing	21.10.2011	Cooperation established	YES
P-164/11	Ž-SA-04-1114/11,	PC ELEKTROPRIVREDA BIH D.D. SARAJEVO – REGIONAL OFFICE "ELEKTRODISTRIBUCIJA" SARAJEVO - SARAJEVO	21 - Communal utilities	27.10.2011	Implemented	YES
P-165/11	Ž-SA-04-857/10,	MINISTRY OF EDUCATION, SCIENCE , CULTURE AND SPORTS OF ZE-DO CANTON - ZENICA	10 - Labor relations	31.10.2011	Cooperation established	YES
P-166/11	Ž-SA-04-564/11,	FEDERAL COMMISSION FOR THE IMPLEMENTATION OF ARTICLE 143 OF THE LABOR LAW - SARAJEVO	10 - Labor relations	31.10.2011	No answer	NO
P-167/11	Ž-SA-04-1545/10,	CANTONAL COURT SARAJEVO - SARAJEVO	11 - Education	31.10.2011	Cooperation established	YES
P-168/11	Ž-SA-04-1009/11,	GOVERNMENT OF THE CANTON SARAJEVO, MINISTRY OF ECONOMY KS, MUNICIPALITY OF STARI GRAD SARAJEVO, CENTER , NOVI GRAD, NOVO SARAJEVO, VOGOŠĆA, ILIDŽA, ILIJAŠ, HADŽIĆI, PI THERAPEUTIC COMMUNITY OF KS	14 - Ecology and environmental protection	31.10.2011	Cooperation established	YES
P-169/11	Ž-MO-05-56/11,	SUPERVISORY BOARD AND THE ASSEMBLY OF PI FOREST HUSBANDRY "WOODS OF HERCEGOVINE-NERETVA COUNTY" D.O.O. MOSTAR- MOSTAR	22 - Governmental and ministerial appointments	1.11.2011	Cooperation established	YES
P-170/11	Ž-SA-02-227/09,	MUNICIPAL COURT VELIKA KLADUŠA - VELIKA KLADUŠA	09 - Courts - 09-2 - length of proceedings(Article 6)	3.11.2011	Implemented	YES
P-171/11	Ž-SA-03-528/11,	MINISTRY OF HEALTH OF TUZLA CANTON-TUZLA	23 – Health sector	9.11.2011	Partially Implemented	YES
P-172/11	Ž-SA-05-579/11,	GOVERNMENT OF BPK CANTON GORAŽDE - GORAŽDE	22 - Governmental and ministerial appointments	21.11.2011	No answer	NO
P-173/11	Ž-SA-05-703/11,	GOVERNMENT OF UNA-SANA CANTON - BIHAĆ	22 - Governmental and ministerial appointments	21.11.2011	No answer	NO

P-174/11	Ž-LI-04-157/11,	ANALYSIS OF THE SITUATION OF CHILDREN AND THEIR RIGHTS IN PRE-SCHOOL EDUCATION AND UPBRINGING, RECOMMENDATIONS TO THE RELEVANT BODIES IN CHARGE OF PRE-SCHOOL EDUCATION AND UPBRINGING IN BiH	13 - Rights of the child	22.11.2011	Cooperation established	YES
P-175/11	Ž-SA-06-971/11,	MINISTRY OF DEFENSE OF BiH SARAJEVO AND JOINT STAFF OF ARMED FORCES OF BiH - SARAJEVO	01 - Discrimination -01-03 - Mobbing	23.11.2011	Implemented	YES
P-176/11	Ž-SA-06-940/11,	MINISTRY OF JUSTICE BiH -SARAJEVO	01 - Discrimination	8.12.2011	No answer	NO
P-177/11	Ž-SA-02-654/11,	CANTON SARAJEVO-INSTITUTE FOR MEDICAL FORENSICS OF HEALTH CONDITIONS – MEDICAL FORENSICS SECTOR - SARAJEVO	12 - Persons with disabilities	15.12.2011	No answer	NO
P-178/11	Ž-SA-05-592/11,	JOINT STOCK COMPANY BH TELEKOM - SARAJEVO	03 - Access to information	15.12.2011	Implemented	YES
P-179/11	Ž-SA-02-212/11,	"FAMOS - HOLDING "D.D.-HOUSING COMMISSION - HRASNICA	12 - Persons with disabilities	15.12.2011	Implemented	YES
P-180/11	Ž-SA-07-1226/11,	CORRECTIONAL CLOSED TYPE PENITENTIARY ZENICA - ZENICA	07 - Prisons - 07-2 – health care and hygiene conditions	12.12.2011	Implemented	YES
P-181/11	Ž-SA-05-895/10,	MUNICIPAL COURT OF SARAJEVO - SARAJEVO	09 - Courts	19.12.2011	Cooperation established	YES
P-182/11	Ž-MO-05-157/11,	MUNICIPAL COUNCIL OF THE MUNICIPALITY OF NEUM - NEUM	03 - Access to information	16.12.2011	Not Implemented	YES
P-183/11	Ž-SA-05-903/10,	MUNICIPALITY OF VOGOŠĆA - VOGOŠĆA	19 - Administration	19.12.2011	Cooperation established	YES
P-184/11	Ž-SA-06-466/11,	JOINT STOCK COMPANY BH TELECOM - SARAJEVO	01 - Discrimination - 01-03 - Mobbing	19.12.2011	Cooperation established	YES
P-185/11	Ž-SA-04-1116/11,	TOWN OF MOSTAR - MOSTAR	10 - Labor relations	19.12.2011	No answer	NO
P-186/11	Ž-SA-04-1112/11,	MINISTRY OF LIBERATION WAR VETERANS AND DISABLED AMBENO-OSLOBODILAČKOG RATA FBIH - SARAJEVO	25 - Pensions	19.12.2011	No answer	NO

P-187/11	Ž-SA-04-1033/11,	MINISTRY OF EDUCATION AND SCIENCE OF KS – COMMISSION FOR REGISTRATION AND CARE OF THE LAID OFF EMPLOYEES IN PRIMARY AND SECONDARY SCHOOLS OF THE CANTON OF SARAJEVO	10 - Labor relations	19.12.2011	No answer	NO
P-188/11	Ž-SA-04-1108/11,	GOVERNMENT OF F BiH AND THE FEDERAL PENSION INSTITUTE MOSTAR	25 - Pensions	19.12.2011	Implemented	YES
P-189/11	Ž-SA-04-1146/11,	ASSOCIATION OF MUNICIPALITIES AND TOWNS IN F BiH AND RS	14 - Ecology and environmental protection	19.12.2011	No answer	NO
P-190/11	Ž-SA-04-1146/11,	TOWN OF BANJA LUKA AND THE RS GOVERNMENT - RS MINISTRY OF ADMINISTRATION AND SELF-GOVERNMENT - BANJA LUKA	14 - Ecology and environmental protection	19.12.2011	Cooperation established	YES
P-191/11	Ž-SA-04-1146/11,	MUNICIPALITY OF BIHAĆ I VLADA USK - BIHAĆ	14 - Ekologija zaštita okoliša	19.12.2011	No answer	NO
P-192/11	Ž-SA-04-1146/11,	GOVERNMENT OF ZDK - ZENICA I OPĆINE ZDK	14 – Ecology and environmental protection	19.12.2011	No answer	NO
P-193/11	Ž-SA-05-597/11,	ASSOCIATION OF MUNICIPALITIES AND TOWNS IN F BiH -SARAJEVO	19 - Administration	19.12.2011	No answer	NO
P-194/11	Ž-SA-05-597/11,	FEDERAL MINISTRY OF JUSTICE - SARAJEVO	19 - Administration	19.12.2011	No answer	NO
P-195/11	Ž-SA-04-1071/11,	GOVERNMENT OF THE FEDERATION OF BiH - SARAJEVO	25 - Pensions	19.12.2011	No answer	NO
P-196/11	Ž-SA-05-719/11,	MUNICIPALITY OF BOSANSKA KRUPA -- BOSANSKA KRUPA	15 – Property and title relations	19.12.2011	Cooperation established	YES
P-197/11	Ž-SA-05-796/11,	MUNICIPALITY OF ŠIPOVO - ŠIPOVO AND THE RS MINISTRY OF REFUGEES AND DISPLACED PERSONS - BANJA LUKA	19 – Administration	19.12.2011	No answer	NO
P-198/11	Ž-SA-07-1257/11,	CORRECTIONAL CLOSED TYPE PENITENTIARY ZENICA - ZENICA	07 - Prisons	19.12.2011	No answer	NO
P-199/11	Ž-BL-05-526/10,	RUGIP-PJ MRKONJIĆ GRAD -- MRKONJIĆ GRAD	19 - Administration	21.12.2011	Cooperation established	YES
P-200/11	Ž-BL-04-92/11,	FEDERAL PENSION INSURANCE INSTITUTE – CANTONAL ADMINISTRATIVE SERVICE SARAJEVO	25 - Pensions	21.12.2011	No answer	NO

P-201/11	Ž-BL-05-160/10,	DEPARTMENT OF INSPECTIONS AND COMMUNAL POLICE OF THE MUNICIPALITY OF DOBOJ - DOBOJ	15 – Property and title relations	21.12.2011	No answer	NO
P-202/11	Ž-BL-05-665/10,	MUNICIPALITY OF TRAVNIK - TRAVNIK	19 - Administration	21.12.2011	Cooperation established	YES
P-203/11	Ž-SA-04-330/10,	REGULATORY COMMUNICATIONS AGENCY - SARAJEVO	10 - Labor relations	20.12.2011	Cooperation established	YES
P-204/11	Ž-BL-06-691/11,	GRAPHIC AND PUBLISHING COMPANY "SAFF" D.O.O. MAGAZINE "SAFF" -ZENICA	01 - Discrimination - 01-19 – Based on sexual expression or orientation	29.12.2011	Not Implemented	NO
P-205/11	Ž-BL-05-511/11,	MUNICIPALITY OF OLOVO - OLOVO	19 - Administration	22.12.2011	Implemented	YES
P-206/11	Ž-BL-06-465/11,	BAR ASSOCIATION OF THE REPUBLIC OF SRPSKA - BANJA LUKA	01 - Discrimination	26.12.2011	No answer	NO
P-207/11	Ž-BL-05-858/10,	MUNICIPALITY OF KNEŽEVO – MUNICIPAL ASSEMBLY OF THE MUNICIPALITY OF KNEŽEVO	09 - Courts	29.12.2011	No answer	NO
P-208/11	Ž-SA-05-612/11,	GOVERNMENT OF THE FEDERATION OF BIH - SARAJEVO AND ASSEMBLY OF PC CROATIAN TELECOMMUNICATIONS D.D. MOSTAR	22 - Governmental and ministerial appointments	23.12.2011	No answer	NO
P-209/11	Ž-SA-07-1381/11,	ADMINISTRATION KPZ PT SARAJEVO I FEDERALNO MINISTARSTVO PRAVDE - SARAJEVO	07 - Prisons	26.12.2011	Implemented	YES
P-210/11	Ž-BR-04-143/11,	GOVERNMENT OF TUZLA CANTON AND THE ASSEMBLY OF TUZLA CANTON - TUZLA	24 - Social welfare	28.12.2011	No answer	NO
P-211/11	Ž-BR-04-144/11,	GOVERNMENT OF TUZLA CANTON AND THE ASSEMBLY OF TUZLA CANTON - TUZLA	24 - Social welfare	28.12.2011	No answer	NO
P-212/11	Ž-BR-04-142/11,	GOVERNMENT OF TUZLA CANTON AND THE ASSEMBLY OF TUZLA CANTON - TUZLA	24 - Social welfare	28.12.2011	No answer	NO
P-213/11	Ž-BR-05-307/11,	CANTONAL COURT OF TUZLA - TUZLA	09 - Courts - 09-2 - length of proceedings(Article 6)	28.12.2011	No answer	NO
P-214/11	Ž-BR-05-160/11,	CANTONAL COURT OF TUZLA - TUZLA	09 - Courts - 09-2 - length of proceedings(Article 6)	28.12.2011	No answer	NO
P-215/11	Ž-BR-05-204/11,	CANTONAL COURT OF TUZLA - TUZLA	09 - Courts	28.12.2011	No answer	NO
P-216/11	Ž-BR-04-232/10,	GOVERNMENT OF BRČKO DISTRICT BIH AND THE ASSEMBLY OF BRČKO DISTRICT- BRČKO	24 - Social welfare	28.12.2011	No answer	NO

P-217/11	Ž-SA-05-865/11,	MUNICIPALITY OF KLADANJ AND MUNICIPAL COUNCIL OF KLADANJ - KLADANJ	22 - Governmental and ministerial appointments	28.12.2011	Implemented	YES
P-218/11	Ž-SA-05-1285/11,	FEDERAL MINISTRY OF LABOR AND SOCIAL POLICY - SARAJEVO	03 - Access to information	28.12.2011	Implemented	YES
P-219/11	Ž-SA-05-1352/10,	CKPD "PROSVJETA" RUDO - RUDO	03 - Access to information	28.12.2011	No answer	NO
P-220/11	Ž-SA-04-1135/11,	CANTONAL ADMINISTRATION OF CIVIL DEFENSE - SARAJEVO PROFESSIONAL FIRE FIGHTING BRIGADE OF CANTON SARAJEVO - SARAJEVO	10 - Labor relations	29.12.2011	No answer	NO
P-221/11	Ž-BL-05-772/10,	PI SECONDARY VOCATIONAL SCHOOL "JOVAN DUČIĆ" - KNEŽEVO	03 - Access to information	29.12.2011	Implemented	YES

CHAPTER XVI – COMMENTS OF COMPLAINANTS TO THE COMPLAINT HANDLING BY THE HUMAN RIGHTS OMBUDSMAN OF BOSNIA AND HERZEGOVINA IN 2011

- „...In this mostly gloomy and depressive reality in which citizens of Bosnia and Herzegovina live, when institutions of our common state function with huge difficulties for objective and subjective reasons, it has been a great pleasure to point out the people and institutions which give rise to the hopes and courage to us - ordinary citizens of this country, that we all have some perspective and possibility to live in a happier country with rule of law.

When we turned to Your respectful Institution for the big problems we were facing in the process of return - and its obstruction - to S. Most (as it was proven in several final and binding court decisions), to be honest, for stereotypes about the lack of efficiency of many institutions in BiH, we did not expect such extraordinary speed and energetic reaction of the Ombudsman Institution on our complaint.

However, in our first correspondence with you personally and with the other employees of your Institution of the Ombudsman of Bosnia and Herzegovina a strong perception invaded us that your Institution gathers great professionals fully dedicated and professional to the common citizens and their problems.

We were encouraged when you in your recommendation no. P-181/10 dated 09.07.2010, and other documents that followed addressing the Sanski Most Municipality called totally unprofessional behavior of some officers (individuals – as we always emphasize!) of S.Most Municipality by its real name – non-acceptable obstruction of return and ignoring of many relevant final and binding court decisions.

.....

We are far from being naïve and we know that the way to the full realization of our rights denied at the moment will be difficult and lengthily.

But, your Institution with its professional and objective engagement within its mandate created necessary prerequisites for us to keep seeking our rights before other relevant institutions. For all your efforts put in order to enable our family return to S.Most, I would like to thank your distinguished Institution of BiH Ombudsman and express our great human gratefulness!

Some would say – well, these people in the Institution of BiH Ombudsman are just doing their job!

Yes, but that is just one of the biggest problems in this unfortunate country (let us hope it will not hold that epithet for long) – that many institutions and people (particularly politicians) of this country are not doing their job properly and correction of this anomaly should be our imperative in the future.

And finally, together with expressions of appreciation to the Institution of the BiH Ombudsman I would like specially to thank you for your professionalism and support to return to S. Most which renewed a long forgotten feeling in our family – trust in the state in which we live and this is maybe one of the most precious values of your engagement in our case!

Also, although Bosnia and Herzegovina is not a member of the European Union and who knows when it would become one, it is evident that there is an Institution that functions according to a modern, European criteria – the Institution of the Ombudsman of BiH.

Once again, on behalf of our whole family – A BIG THANK YOU!“

- „... As a citizen, experienced lawyer and former member of Parliamentary Assembly of Bosnia and Herzegovina, I seize this opportunity to address you as a former presiding of the Human Rights Ombudsman Institution of Bosnia and Herzegovina to express my gratitude for extremely successful carrying out this very important and responsible function.
... ombudspersons for human rights of BiH, in the framework of their legal and constitutional authorities, rights and obligations, have demonstrated an extraordinary professionalism, expeditness, morality and justice, and have contributed efficiently to realization and protection of legal, constitutional and basic human rights of citizens and legal entities represented by me, those rights being guaranteed by the Constitution of Bosnia and Herzegovina, European Convention for the Protection of Human Rights and Fundamental Freedoms and other international documents. That way you have contributed the practical functioning of legal state and rule of law as one of the basic prerequisites for the accession of Bosnia and Herzegovina to European Union in accordance to international democratic and civilizational standards.“
- „... P. DŽ. through her legal representative, a lawyer from Sarajevo, has the opportunity to address you and express her respect and wish to inform you that the Municipal court of Sarajevo in the case no. dated 23. 09. 2011 has reached decision and met the petitioner's requests. Finally, the petitioner and her legal representative wish to thank you once more for the efficiency of your proceedings in order to protect principles of legality and constitutionality.“
- „... Allow me to thank you for your efforts put in solving of my case. I would like to inform you that funds that were frozen, have been paid to my account, primarily owing to your efforts.“
- „... wishing you to keep standing for those whose rights are denied, and those who are humiliated and economically powerless to fight for their rights and life. Thank to your advice I managed to be invited back to work in Breza.“
- „... I would like to use this opportunity to thank you sincerely for your time dedicated to our case and particularly for your patience.
Regardless to the final outcome of the story about the farm building in the location of D..., I am very glad that the Ombudsman Institution exists and this fact encourages me in my "combating" for justice and lawfulness.
Thank you again....“
- „... I thank you sincerely for your initial reply and advice. I pray God that all the institutions be responsible like this or at least partly. I am sorry for not being able to thank you at once. In the

meantime my problem is solved, I was offered a position in the bank, which I have accepted. Thank you very much for your answer.“

- „... I would like to thank you and also to inform you that my minor son got his passport and I think that decisive role in this had your letter sent to the Social Welfare Center in Zenica. Case number is Ž-SA- 01-293/09.

Thank you very much for your help and I wish you a lot of success in your work. „

- „... We have been trying to correct an injustice done by Elektroprivreda impacting liquidity of the Company. We turned to many institutions – The Government of the Federation of BiH, Elektroprivreda, Elektrodistribucija Bihać, ministers in the Government of of the Federation of BiH and Canton, administration of the Municipality of Cazin... They all tried to help, but nobody achieved any development in the problem resolution.

Turning to the Ombudsman Institution yielded results Your wholehearted efforts including the efforts of your associates, brought us into situation where we were finally taken seriously. Your authority as the Ombudsman Office prevented blockage of this Company taking care and providing water for 70.000 citizens of the Cazin Municipality, and also the existential means for 70 employees of the Company.

We seize this opportunity to pay respect for your efforts put in helping us. With cordial regards of all our employees we thank you once more for your honest work to help us and other citizens and entrepreneurs of Bosnia and Herzegovina.“

- „... On 10.02.2011 I have received your letter no.: Ž-SA -05-1599/10 dated 08.02.2011. with request for comments and possible further measures with regard to appeal from plea procedure ... -OC/II dated 03.02.2011 and decision of the Supervisory Board no. -OC/11 dated 03.02.2011.

I think that adoption of the Supervisory Board's decision which renders invalid previous decision of the Revision Board on the appointment of a director ... as well as a complete selection procedure and decision to repeat it in accordance with provisions of the Law on Ministerial, Government and Other Appointments or the Republic of Srpska and other positive legislation regulating this area, met all requests listed in my appeal.

I thank you for the intervention and think that the repeated selection procedure will be done in accordance with the Law.

Otherwise I will seek your protection. With respect.“

- „... Thank you for your reaction and for the documents that you attached, which I intend to use in the future as a proof when requesting reimbursement of the funds spend for a new vehicle registration.

I am very grateful....“

- „... Finally, I would like to thank the Ombudsman Institution for informing me regularly on the course of proceedings with regard to my complaint lodged by you, which is something I have not got used to in my communications with other institutions.“ Ž-BL-06-255/11

- „... As you know to S.D. through her representative, a lawyer from Jajce, filed petition for irregular and illegal procedure during the selection of the beneficiaries of a return and dwelling units reconstruction project in ZP -....

I would like to seize this opportunity to inform you that owing to a very responsible, utterly professional and consistent proceedings of the Ombudsman Institution – Sarajevo Office and a very energetic treatment of violators of the law this case was solved in a satisfactory manner. It means that surplus funds previously approved to Jajce Municipality were used, while the difference up to the amount of the pro-forma invoice was provided by Jajce Municipality so that the Ministry of Human Rights and Refugees did not have to give any additional funds.

It resulted in conclusion of a contract on re-construction and repair of a dwelling unit between Jajce Municipality and the dwelling unit's owner. The contract was concluded on 22.12.2011.

I therefore use this opportunity to thank you for your comprehensive assistance and engagement... in resolution of this legal matter. Your professional attitude and consistence contributed the most to finding the positive solution of the complainant and it is certain that it would not be possible without your help

With a great respect, sincerely yours...,

- „... We thank you for your prompt reaction and recommendation that made that power cut that was scheduled for 30.05.2011 at 12 at the location supplying power to laboratory for testing potable water quality was now halted. This way detrimental consequences for human health were avoided...”
- „... I am afraid that our correspondence leads to nothing (obviously these „gentlemen“ do not take you as human rights institution since they write one thing to you while thinking another, that is, they do as they please), unless you say your word and react.”
- „... I thank you one more time for your involvement in this procedure and we would be happy if you decided not to close this case since it has not finished yet.”
- „...Your letter gave me a great deal of joy since it demonstrated that there are still people like you and organizations like the Ombudsman Institution in Bosnia and Herzegovina that work professionally, diligently, accountably, on due time and seriously. Namely, before you took this case, I tried in many places with requests, applications and like, with no success at all and it took a lot of time, but I could not get any answer...”