

**Institucija ombudsmena/ombudsmana  
za ljudska prava Bosne i Hercegovine**



# **ANNUAL REPORT ON OCCURENCES OF DISCRIMINATION IN BOSNIA AND HERZEGOVINA FOR 2013**

**Banja Luka, March 2014.**



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## I FOREWORD

*Combating discrimination is aimed at elimination of the feeling of inequality among people. In a society facing the economic challenges, burdened with heavy historical legacy, with specific and complex political context, combating discrimination is more difficult than in areas characterized by prosperity, social order and safety.*

*Human Rights Ombudsman, as the institution responsible for monitoring, protection and prevention takes measures and actions to eliminate all forms of discrimination, independently of all other authorities. The fact that Bosnia and Herzegovina has a strong legal framework for the protection against discrimination facilitates all the actions directed to combating discrimination and the enjoyment of human rights to the highest standards in addition to the fact that international conventions for the protection of human rights are directly applicable in the domestic legal system, which is a unique case in comparative constitutional law.*

*On the other hand, level of awareness on the powers of the Ombudsman and level of implementation of recommendations of the Ombudsman, despite some positive developments is still relatively low, since, in average, only a half of recommendations are implementation fully or partially.*

*Annual Report on Occurrences of Discrimination constitutes review of Ombudsman Institution's activities in 2013 and points at trends of occurrences of various forms of discrimination encountered by citizens, as well as measures and actions taken by the Ombudsman with the aim of providing a higher standard of human rights for all the citizens.*

*In accordance with the Law on Prohibition of Discrimination in BiH, Article 7, paragraph(2), unit f. Ombudsman Institution submits present Report to the Parliamentary Assembly of BiH, the People's Assembly of Republika Srpska, the Parliament of the Federation of Bosnia and Herzegovina and the Assembly of the District of Brčko of Bosnia and Herzegovina.*

*Ombudspersons commend the fact that Parliamentary Assembly of Bosnia and Herzegovina, the National Assembly of the Republic of Srpska, the Parliament of the Federation of Bosnia and Herzegovina and the Assembly of Brčko District have adopted the Annual Report on Occurrences of Discrimination in 2013 and have taken measures on implementation of individual measures comprised therein. More details about it can be found in the final chapter of the report.*

Banja Luka,  
March, 2014

**Ombudspersons of BiH**

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**Ljubomir Sandić**

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**Jasminka Džumhur**

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**Nives Jukić**

## II THE OMBUDSMAN INSTITUTION AND DEPARTMENT FOR ELIMINATION OF ALL FORMS OF DISCRIMINATION

The Institution of Human Rights Ombudsman of BiH is an independent institution established to promote good governance and the rule of law, protection of rights and liberties of natural and legal persons that are guaranteed by BiH Constitution and international treaties appended thereto. Ombudsman institution provides legal and natural persons with information of their rights and obligations, the possibility of judicial and other protection, acting on individual and group complaints, proposes the institution of mediation proceedings, issues recommendations when it finds a violation of law, and monitor their implementation.

Basis for work and functioning of BiH Ombudsmen is contained in Annexes IV and VI of the General Framework Agreement on Peace of 14 December 1995, the Law on Prohibition of all Forms of Discrimination, Freedom of Access to Information Act and the Law on BiH Council of Ministers Appointments and Other Appointments in Bosnia and Herzegovina<sup>1</sup> including entity laws on ministerial and governmental appointments.

Governmental authorities and institutions have an obligation to cooperate with the Ombudsman providing it with adequate assistance in investigations and monitoring, to enable access to files or documents, personal interviews and consideration of necessary files or documents for examination of allegations contained in the lodged complaints.<sup>2</sup>

A separate Department for the Protection of all Forms of Discrimination is established within the Ombudsman, which aims at drawing attention of responsible institutions and services to factors preventing the equal legal treatment of all citizens of Bosnia and Herzegovina through recommendations and other decisions and proposing the appropriate measures for effective legal intervention aimed at protection of the rights of the citizens.

Procedure for protection from discrimination on the institutions of the Ombudsman initiated by filing a complaint at one of the addresses listed on the official website of the institution.<sup>3</sup> 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. Any complaint must be signed and submitted by the person concerned in a document stating his or her grounds, written on plain paper. A complaint presented in a less formal manner may be accepted where an Ombudsman finds that circumstances so require. All the work of the Institution is free of charge to the person concerned and does not require the assistance of counsel or a solicitor.

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.<sup>4</sup>

Deadline for filing a complaint to the Ombudsman is 3 months, and deadline for initiation of a lawsuit referred to in the Law on Prohibition of Discrimination is 3 months after finding about violation of a right and latest one year as of the day a violation was committed.

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<sup>1</sup> Articles 16 and 17 of the mentioned Law

<sup>2</sup> Article 25 of the Law on Human Rights Ombudsman of BiH

<sup>3</sup> [www.ombudsmen.gov.ba](http://www.ombudsmen.gov.ba)

<sup>4</sup> Article 18 of the Law on Human Rights Ombudsman of BiH

## III BINDING FORCE OF PROHIBITION OF DISCRIMINATION IN BOSNIA AND HERZEGOVINA

### 3.1. International standards

**Prohibition of discrimination is contained in international treaties that are directly applicable in domestic judicial system, contained in European instruments that are directly applicable or acquire legal force in process of accession of Bosnia and Herzegovina to EU, contained in the Law on Prohibition of Discrimination in BiH, in the Constitution of BiH and other domestic regulations that are in conformity with above mentioned Law.**

International treaties containing prohibition of discrimination:

- Universal Declaration on Human Rights (UDHR)<sup>5</sup>
- International Covenant on Civil and Political Rights (ICCPR)<sup>6</sup>
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD)<sup>7</sup>
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>8</sup>
- Discrimination (Employment and Occupation) Convention, 1958, (ILO-C-111),
- Convention on Protection of Migrant Workers and Members of their Families,
- Convention on the Rights of the Child (CRC)
- Convention on Rights of Persons with Disabilities
- UNESCO Convention Against Discrimination in the Area of Education

### 3.2. Regional instruments

Prohibition of discrimination is defined by European Convention on Human Rights and Fundamental Freedoms, which, together with its Protocols, is directly applicable in BiH and has priority over all domestic laws in BiH.

European Convention on Human Rights and Fundamental Freedoms (ECHR) offer protection of the rights to all citizens of state-parties to the Convention. One of the strongest international mechanisms for protection, due to its strict mechanisms of application, ECHR guaranties broad spectrum mainly of civil and political rights, including:

- Right to life (Article 2), life without violence (Article 3), life without slavery (Article 4)
- Freedom of opinion (Article 9), expression (Article 10) and right to freedom of assembly (Article 11)
- Freedom of movement (Protocol 4, Article 2)

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<sup>5</sup>Articles 1 and 2

<sup>6</sup>Article 2 repeats formulation from Universal Declaration, while Articles 14 and 19 guaranty equality to all persons in court procedures, that is, right to participation in public life. Article 26 of the Covenant stipulates that „All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status».

<sup>7</sup> Article 2

<sup>8</sup> Article 2

All persons living in the Council of Europe's state-parties enjoy right from the Convention regardless of sex, race, color, language religion, political or other opinion, national or social origin, and association to national minority, property or some other status. At the time of war or other public threats to the nation, state-parties may reduce their obligation to such measure which is strictly necessary, however, excluding right to life and right to life without torture or slavery. General Secretariat of the Council of Europe must be informed on any step back from obligations.

After it became a member of the Council of Europe in April of 2002, BiH ratified ECHR, and took over obligations at regional level, in conformity with Article 1 of ECHR, to ensure rights and freedoms guaranteed by this Document to all persons in its territory.

Article 14 of ECHR "guaranties enjoyment of the rights and freedoms envisaged by the Convention and prohibits discrimination based on sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

Protocol 12. To the Convention ratified by BiH on 29.07.2003, which entered into force on 1 April 2005, broaden prohibition of discrimination to rights and freedoms contained in the Convention to „enjoyment of all rights envisaged by legislation...“. The first court decision that applied Protocol 12 is Court decision in the case *Sejdić and Finci vs Bosnia and Herzegovina*.

In certain areas prohibition of discrimination is regulated by EU Directives. Directives constitute EU legislative act by which the state-parties are required certain results without guidelines in which way such results are to be achieved:

- "Directive on racial equality" – Directive by EU Council 2000/43/EC of 29 June 2000., which applies principle of equal treatment to all persons regardless of racial or ethnic origin"
- "Directive on employment" – Directive by EU Council 2000/78/EC of 27 November 2000., which establishes general framework for equal treatment regarding employment and profession.
- "Directive on equal salary" – Directive by EU Council 75/117/EC of 10 February 1975 on harmonization of legislation of member states regarding application of principle of equal salaries for males and females.
- "Directive on gender equality" – Directive by EU Council 2000/113/EC of 13 December 2004 which applies principle of equal treatment of males and females in accession and getting of goods and services
- "Directive on burden of proof" – Directive by EU Council 97/80/EC of 15 December 1997 on burden of proof in the cases of gender based discrimination.
- "Directive on racial equality" – Directive by EU Council 2000/43/EC of 29 June 2000., which"
- "Directive on equal treatment in employment" – (revised) – Directive 2006/54/EC of European Parliament and EU Council of 5 July 2006 on application of equal opportunities of males and females regarding employment and profession. This Directive constitutes BiH obligation on its way to accession to EU.



### 3.3. Domestic regulations

BiH Constitution prescribes that „Bosnia and Herzegovina and both of its entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms...“<sup>9</sup>, and that „rights and freedoms envisaged by European Convention on Human Rights and Fundamental Freedoms and its Protocols shall be directly applicable in Bosnia and Herzegovina“ These acts have priority over all other laws.“<sup>10</sup>

Further, BiH Constitution determines that „enjoyment of rights and freedoms envisaged in above mentioned article or international treaties listed in Annex I of the Constitution ensures to all persons in BiH without any discrimination based on any ground such as sex, race, color, language, religion political or other opinion, national or social origin, association with national minority, property, birth or other status“.

The preamble to the Constitution of the the Republic of Srpska states that "Respecting the will of its constituent peoples and citizens to establish and preserve the Republika Srpska and to base the constitutional establishment of the Republic upon the respect for human dignity, freedom and equality, national equality, democratic institutions, rule of law, social justice, pluralistic society, guarantees for and protection of human freedoms and rights, as well as the rights of minority groups, in line with the international standards, ban on discrimination and respect for the rules of market " while already in Section 1 under the heading entitled General Provisions states that"the Serbs, Bosniaks, Croats, as constituent peoples, Others and citizens shall participate in executing the functions of authority in the Republic of Srpska equally and without discrimination." Article 10 of the RS Constitution also emphasizes non-discrimination regardless of race, sex, language, national origin, religion, social origin, birth, education, property status, political and other beliefs, social status and other personal attributes."

Article 2 of the Constitution of the Federation of BiH states that „ the Federation will provide the implementation of the highest level of the internationally recognized rights and freedoms“ in particular freedom from discrimination based on race, color, sex language, religion or creed, political or other opinions, and national or social origin.

Statute of the Brčko District, in its Article 13, provides the following: „Everyone is entitled to the enjoyment of all rights and freedoms guaranteed under the Constitution and laws of Bosnia and Herzegovina, this Statute and the laws of the District, without discrimination of any kind, including discrimination on the basis of gender, race, sexual orientation, color, language, religion, national or social origin, political or other opinion, membership of a national minority, property, birth or other status.“

The Law on Prohibition of Discrimination, which entered into force on 5 August 2009, creates comprehensive framework for civil and administrative regulations for protection against discrimination. Apart from prohibition of unequal treatment based on any ground, the Law makes distinction between direct and indirect discrimination, so the following is determined as special forms of discrimination: harassment, sexual harassment, mobbing, segregation, issuing orders to the others to commit discrimination, assistance to committers on the occasion of discrimination and victimization. The Law also defined the area of its application, and central

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<sup>9</sup> Article II 1 and 2 of the Constitution of BiH – Human rights and international standards

<sup>10</sup> Article II 1 and 2 of the Constitution of BiH – Human rights and international standards

institution for protection of discrimination defined by the Law is Institution of Human Rights Ombudsman of Bosnia and Herzegovina. Additionally, the Law determines administrative and court procedures for protection against discrimination including petty offence penal provisions for any treatment contrary to the Law and non-compliance with recommendations issued by the Ombudsmen Institution.

Unfortunately, in application of the Law on Prohibition of Discrimination there is repeated practice that legislation is adopted easily, while there lacks effective measures targeted to their application. Although Article 7, paragraph 5, of the Law on Prohibition of Discrimination prescribes that in the budget of Institution of Human Rights Ombudsman of BiH shall be incorporated a special budgetary item necessary for functioning of special department/special departments for combat discrimination, it was not included in the budgets for 2010 and 2011 due to financial restrictions imposed on Ombudsmen Institution through temporary financing. These restrictions are particularly reflected in promotion of the Law, monitoring of court procedures related to discrimination, investigations of discrimination and harmonization of legislation.

Despite of all the efforts that Ombudsman Institution invested in promotion of the Law on Prohibition of Discrimination, which could be seen through constantly increased number of complaints registered by Ombudsman Institution, there is still present a need for rising of awareness about this legal instrument, particularly in its part which would ensure effective application of legal provisions relating to court protection.

## IV ACTIVITIES TAKEN FOR THE PROMOTION OF THE LAW AND CO-OPERATION WITH THE INSTITUTIONS

During 2013 activities on promotion along with information campaigns were continued and were directed to the relevant institutions and the wider public. Limited budget and capacities of the Ombudsman, unfortunately, reduced the extent of the activities earmarked to promotion so that the most of the activities in this field in 2013, similar to the previous years, were in the framework of the projects organized by other organizations and institutions.

On 24. 01.2013 representatives of the Ombudsman participated in the round table dedicated to the implementation of the **Covenant on Economic, Social and Cultural Rights**. The roundtable was organized by the OSCE Mission to Bosnia and Herzegovina and the guest speaker was *Christian Courtis*, the UN Committee on Economic, Social and Cultural Rights in Geneva. In addition to the organizers and speakers, a roundtable discussion was attended by representatives of the National Minorities Council of the the Republic of Srpska, agencies for the peaceful settlement of labor disputes of the Republic of Srpska, the Helsinki Committee, NGO *Vaša Prava*, Nansen Dialog Centre, Faculty of Political Science of the University of Banja Luka. Bosnia and Herzegovina ratified the Optional Protocol to the Covenant in 2008, and two additional ratifications are expected, but only formal issues have left to be dealt with, so that it is expected that by the end of 2013 the Committee start receiving the complaints from citizens. On 27.03.2013 a meeting was held between the representatives of the OSCE Field Office Banja Luka and the Chairman of the Ombudsman at which the following activities: **training sessions for judges and prosecutors** in cooperation with the Center for the Training of Judges and Prosecutors in the area of application of the Law on Prohibition of Discrimination, activity involving training of contact persons for obtaining the information on violations of human rights, holding of quarterly meetings with the Ombudsman - Department for Elimination of all Forms of Discrimination and activities on the preparation of amendments to the Law on Prohibition of Discrimination.

**Sustainable return to the Municipality of Odžak** was the topic of the Roundtable organized by the OSCE Field Office Bijeljina and the Mayor of Odžak, on 04/09/2013. The biggest hindrance to sustainability of return is lack of employment of returnees due to the fact that none of the Serbian returnees are employed in any municipal authority, institution or company. Representatives of local communities indicated that birth registers have not been exchanged between the Municipality and the municipality Odžak Vukosavlje which were one registration area prior to the war, while the Mayor emphasized that no minister in the cantonal government is Bosniak, although according to 1991 census Bosniaks should have 18% of positions. All of them are, however, committed to take all possible efforts to improve the situation of returnees.

Representative of the Ombudsman's Field Office Livno, participated on 09.04.2013 **in the Radio Livno talk show** on discrimination in our society. Concept of the show was to call on the victims of discrimination to be encouraged to report incidents of discrimination, but representatives of NGO *Vaša prava* and the nun Martina, who also participated in the show, contrary to the purpose of the show, claimed since the recommendations of the Ombudsman are not implemented, it would be best for the citizens to turn to a competent court with a lawsuit for discrimination. A representative of the Ombudsman explained the Ombudsman's role in the implementation of the Law on Prohibition of Discrimination and the results of its work, which is

the reason why the victims of discrimination should file complaints with the Ombudsman or go to court or other competent authority.

In the period 28 to 30 May 2013 the OSCE Mission to BiH organized a three-day seminar on the **rights of Roma** in the countries of the Balkans. The seminar consisted of presentations of national institutions for human rights protection, field visits to the cities of Jajce and Lukavac and presentation of good practices of Roma inclusion in all segments of society. As a general conclusion an observation imposed itself, and that conclusion is that the rights of Roma are normatively at very high level, but in practice these rights are not implemented sufficiently, that Bosnia and Herzegovina belongs to the countries with the lowest percentage of Roma who are educated and have health care, and that often members of the Roma population themselves do not do enough to improve their position, and it is necessary to continue the campaign of this format for the purpose of promotion and exerting pressure to the relevant authorities.

Assistant Ombudsman and Head of the Department for elimination of all forms of discrimination, and his associates participated in the three-day conference on "**Protection of religious freedoms** and fight against discrimination and violence based on religious beliefs" held from 4 to 6 June 2013 in Europe Hotel in Sarajevo. This conference was organized by the U.S. Department of Justice and the U.S. Department of Security, in cooperation with the Inter-religious Council of BiH. At the workshops organized in the framework of the conference addressed were issues related to the measures that states can take to combat religious intolerance and prejudice, preventing discrimination, and at the same time to provide security for all citizens, ensuring the right to freedom of religion and belief.

In the period from 17 - 19 June 2013, Ombudspersons participated at a workshop organized by the Technical Assistance and Information Exchange - "TAIEX" in Belgrade in the framework of training earmarked to police authorities, which was dedicated to human rights of lesbian, gay, bisexual and transgender persons, their equal treatment and combat against discrimination. A series of measures to be taken was devised and harmonized to improve the status of this population, and these measures include, *inter alia* running of awareness raising campaigns, conducting full and effective investigations in cases of offenses committed out of hatred and police training in recognizing, reporting and acting upon hate crimes.

At the Roundtable held on the premises of Bijeljina Municipality on 19 July 2013, participants were unanimous in expressing the need for **opening the office of the Ombudsman in Bijeljina** for the large number of inhabitants living in that Municipality (120,000), number of complaints originating from this region (Eastern part of the RS), significant returnee population (Bijeljina, Zvornik, etc.). In case that currently is not possible to open the office, it is necessary to establish duty days, and the Mayor expressed his willingness to provide all the technical requirements for this purpose.

In Sarajevo Hotel on 18. September 2013 a conference was held under the title "Obligations of Bosnia and Herzegovina toward women **survivors of war crimes**", organized by Sarajevo branch of the Swiss organization against impunity TRIAL (Track impunity always). The aim of the conference was to inform key stakeholders about the recommendations of the Committee on the Elimination of Discrimination against Women of the United Nations (CEDAW) and to provide an interactive platform where the participants would be able to develop an operational plan and respond to the challenge and obligation to implement these recommendations.

Specific challenges related to the complaints on the grounds of **ethnic discrimination** was the topic of the meeting held on 25-28 September 2013 in Ohrid, Macedonia. The meeting was attended by representatives of national institutions for the protection of human rights in the region. Representatives of the Human Rights Ombudsman of Bosnia and Herzegovina informed the participants on specific cases, measures and analyses in the field of ethnic discrimination and discrimination against ethnic minorities. As particularly beneficial result of this event is the brochure "Review of legislation prohibiting discrimination in the Western Balkans", where anti-discrimination legislation in the region is compared, the general advantages and disadvantages of each solution presented, and which comprises recommendations for the improvement and greater accuracy and efficiency of these laws. From presentations of the participants it could be concluded that the most discriminated group is Roma population, in particular in the field of housing and to some extent in the field of education and the right to work. Compared to neighboring countries, Bosnia and Herzegovina does not have a large number of complaints about discrimination against Roma, which suggests that this group rarely uses available legal mechanisms for seeking protection of their rights, and that the main problems of this population, which are primarily related to accommodation, are resolved to some extent.

The meeting held in Vienna in the period 06 - 08 October 2013 gathered all the bodies dealing with the protection and promotion of **human rights in Europe**, including the representatives of the Ombudsman institutions, national equality bodies and national human rights institutions and representatives of the secretariats of the networks of these institutions, together with the representatives of the Council of Europe, OSCE, UNDP, OHCHR and others. Sharing experience has shown that the institution of human rights in the EU countries are mostly dealing with violation of the rights of migrants, asylum seekers, and Roma population, emphasizing the difficult position of members of these groups, discrimination, particularly mobbing to which they are exposed and which puts in danger their economic and social rights which is characteristic to all the countries. All these problems are augmented by the lack of necessary funding.

The workshop dedicated to **Roma associations** from Central Bosnia Canton was organized by the OSCE Mission to BiH on 18.10.2013, and the aim of the workshop was to inform this representatives of this group about the work of the Ombudsman since they rarely decide to initiate proceedings before the Ombudsman, although they are often discriminated against. From the discussion that followed, it could be concluded that the biggest problem for Roma population the employment, as many of them do not have adequate formal education, and support their large families where no member is not working.

Training devoted to the work of the equality bodies with responsible parties which are primarily employers in the European Union, was organized in Zagreb by the European network of institutions for Equality (**EQUINET**) during 24 and 25 October 2013. Representatives of the Ombudsman BiH were invited to participate, although they are not formally a member of EQUINE. Highlighted examples of good practice were direct communication with employers and their associations in order to prevent discrimination in the workplace and practice of regular (yearly) awarding of certificates (awards, plaques) for diversity, where the jury usually consists of representatives of employers, trade unions and the Ombudsman.

The hall of the City Council in Sarajevo was the venue of the meeting of 07 November 2013 on the topic "**Right to Education**", organized by the Union for Sustainable Return and Integration of Bosnia and Herzegovina (NGO with special consultative status with the Economic and Social

Council of the United Nations), and was dedicated to the problems in Konjevic Polje and Vrbanjci. Representatives of the OSCE and UNICEF from the aspect of the best interests of the Child expressed concern for children not being in school, and suggested that parents were also responsible for their children's not attending school according the Convention on the Rights of the Child. Representatives of the parents and non-governmental organizations mainly held the the Government of the Republic of Srpska and the international community responsible for the resulting problem, and the meeting ended without any concrete conclusion.

On 19 November 2013 in Banja Luka a workshop for non-governmental organizations dealing with **gender equality** issues from the area of Banja Luka and the neighboring municipalities, was organized by the OSCE Mission to BiH. The aim of the workshop was to educate representatives of non-governmental organizations on the international and domestic legal framework for the protection of equality and protection mechanisms before the Ombudsman. Participants praised the work of the Ombudsman, and suggested that the annual report of the Institution should comprise segregation of complaints according to gender, so that the readers can see how many complaints is filed by men and how many by women, as was done for the other categories.

On 04 December 2013 in Bosna Hotel in Banja Luka, a representative of the Ombudsman was one of the speakers on the topic of "Violence and **discrimination against LGBT** people – experiences from the region and BiH" in the framework of a project funded by the European Union, organized by the Heinrich Böll Foundation, the BiH Office, in cooperation with the Sarajevo Open Centre and the CURE Foundation. Cases of discrimination against LGBT people are not many in numbers, but it does not mean that the members of this community are not discriminated against. However, for different reasons they rarely decide to institute proceedings before the competent institutions.

Promotion of the work of Ombudsman on prevention of discrimination was done through radio and television shows, appearances of the Ombudspersons and representatives of the Ombudsman Institution in TV and radio shows and through the statements and dissemination of information to different scientific and research centers in the country and abroad, as well as through filling-in a completed questionnaire to the Advisory Committee of the Human Rights Council on best practices and greatest challenges in the promotion and protection of human rights in post-disaster and post-conflict situations, according to resolution 22/16 of the Council (October 1, 2013).

## V HANDLING COMPLAINTS AND STATISTICS

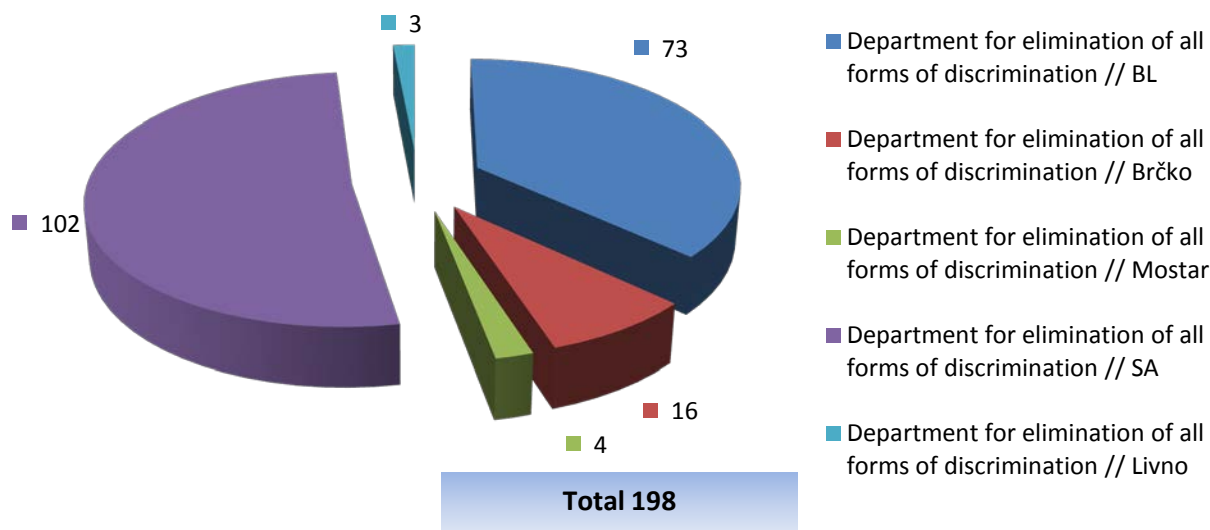
Processing of individual complaints is the most important form of the human rights protection.

### 5.1. Analysis of received complaints

In 2013 Department for elimination of all forms of discrimination registered a total of 198 complaints. This is a decrease in number of complaints of za 23% compared to the previous year (2012) when the Department registered 257 complaints. The Ombudsman is convinced that this does not mean that incidents of discrimination have reduced, but that there si still a lot of unreported cases for a general lack of confidence in the institutions, or for fear of consequences in sense of deteriorating of a personal status of victims.

OFFICES	RECEIVED CASES	PENDING CASES	FINISHED CASES
Banja Luka	73	25	48
Brčko	16	8	8
Mostar	4	3	1
Sarajevo	102	55	47
Livno	3	1	2
<b>Total for the Department</b>	<b>198</b>	<b>92</b>	<b>106</b>

**Table 1: Preview of received complaints in the Department for elimination of all forms of discrimination in 2013**



**Preview of received complaints in the Department for elimination of all forms of discrimination in 2013 by offices**

The largest number of complaints is related to mobbing as a particular form of discrimination at workplace, followed by complaints of discrimination based on national or social origin, ethnicity, social status and gender, or education. This trend was observed in the previous years as well, so we could see the increase in number of complaints of mobbing, and decrease of complaints of ethnic and national discrimination.

Out of 198 complaints received in 2013 resolved was 106, while 92 are still pending.

From 2011 and 2012 transferred was 209 complaints. These cases were processed in 2013 and 139 was archived. 70 cases are still pending.

So, in 2013 the Department processed 407 cases in total. Resolved was 245 cases and work on the rest of 162 is still ongoing.

FORMS OF DISCRIMINATION / OFFICES	SARAJEVO	BANJA LUKA	BRČKO	MOSTAR	LIVNO	TOTAL
Harassment	3	1	0	0	0	4
Sexual harassment	1	0	0	0	0	1
Mobbing	42	17	7	1	2	69
Segregation	0	1	0	0	0	1
Issuing orders and helping others in discrimination	0	2	0	0	0	2
Incitement to discrimination	1	0	0	0	0	1
Based on race	0	0	0	0	0	0
Based on color	0	0	0	0	0	0
Based on language	0	0	0	0	0	0
Based on religion	0	1	0	0	0	1
Based on ethnicity	4	11	0	0	0	15
Based on national or social origin	14	4	1	0	0	19
Based on affiliation with national minority	1	1	1	0	0	3
Based on political or other opinion	2	4	2	0	0	8
Based on property status	0	5	0	0	0	5
Based on trade union or other association membership	0	4	0	0	0	4
Based on education	2	8	2	1	0	13
Based on social class and gender	2	8	1	2	1	14
Based on sexual expression or orientation	1	3	0	0	0	4
Other	31	2	1	0	0	34

Table 2: Preview of complaints received according to offices and forms of discrimination

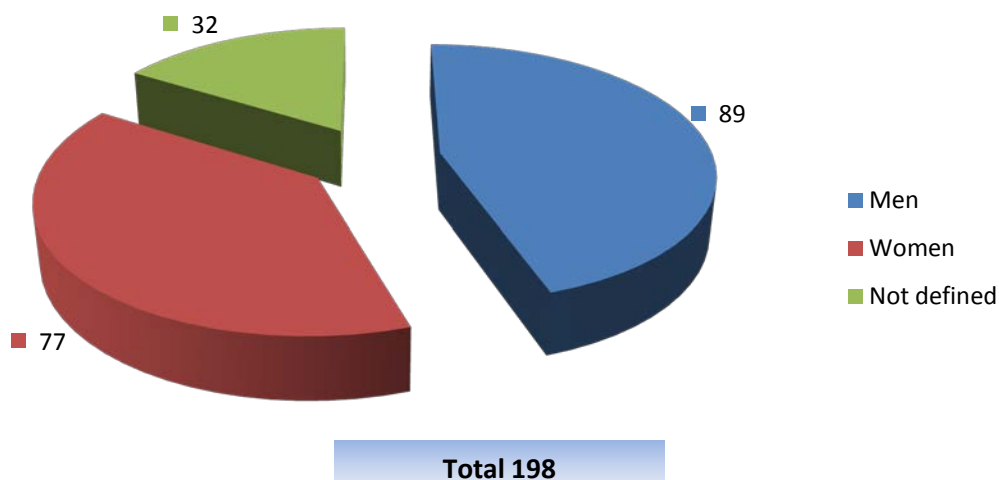


Diagram: Gender structure of complainants in the Department for elimination of all forms of discrimination in 2013



When the Ombudsman establishes, following the process of investigation, a violation of human rights, it can issue a recommendation with a view to the adoption of measures and eliminating violations.

Annex VI, Article 5, paragraph 4) of the Dayton Peace Accords stipulates the obligation of the responsible party in prescribed time period to notify the Institution of Ombudsman in writing on methods of implementation of its recommendation.

In the reporting period, Department for elimination of all forms of discrimination issued 61 recommendations. It should be noted that a number of cases is resolved in the course of the investigation, either through mediation, or the use of amicable resolutions or mediating between the parties, or in a way that responsible public authority corrects its behavior after the first contact of the Ombudsman.

Name of department	Partly implemented	No reply	Not implemented	Cooperation established	Implemented	Total
06 – Department for elimination of all forms of discrimination	3	23	3	24	8	61

**Showing recommendation by the degree of realization until 31<sup>st</sup> December 2013**

Non-compliance with the Ombudsman's recommendations related to the violation of the Law on Prohibition of Discrimination is subject to misdemeanor charges of physical and legal persons, which could be fined up to 10,000 BAM, or pronouncement of a security measure involving prohibition of work and other sanctions provided by law.

## VI INDIVIDUAL FORMS OF DISCRIMINATION

### 6.1. Mobbing

Mobbing is a problem of modern society that can have different manifestations mostly leaving multiple negative consequences. It is not only the victim that feels consequences of mobbing, but the victim's family as well, and the whole organization in which it happens also suffers consequences.

Management of the organizations is often not aware of the consequences the mobbing can cause and that is exactly why it is necessary to create feeling of security among the employees that they will not suffer the consequences in case that they report mobbing. Results of survey showed that only 23 % of organizations have internal regulations governing the mobbing, while most of the respondents did not know if they are protected by the internal acts of their organization. However, most of the respondents would seek help within the organization. This means the lack of awareness of employees about the mechanisms of protection against discrimination, and the lack of such mechanisms within the organization, but it also shows a great absence of confidence in the judicial system. It is especially important to talk with employees and educate them to recognize behaviors that constitute mobbing, then awareness of legislation that protects them in cases of mobbing, to whom to turn etc.<sup>11</sup>

Detailed explanation and analysis of forms of mobbing are given in previous two reports on discrimination, which are available on the web-site of the Ombudsman and can be applied to 2013 as well<sup>12</sup>

### 6.2. Konjević Polje and other cases

In the period from 13.09.2013 to 29.11.2013, the Ombudsman registered 7 cases related to the problem of education of children of returnees in the villages Vrbanjci, Pobuđe and Konjević Polje upon complaints of the parents of the children.<sup>13</sup>

In order to find an urgent solution for this problem and protect the interests of the children, on 18.09.2013 the Ombudsman issued the following press release in which, among other things: *Ombudsmen invite competent ministries of education to comply with legally established authorities and in coordination with each other immediately to find an adequate temporary solution for the current school year 2013/2014, which would eliminate occurrences of violations of children's rights, and then find out durable solutions to all outstanding issues, in order to allow smooth functioning of teaching and the rights of children to education. (this press release can be found, inter alia, on the web-site of the Ombudsman).*

After that, in the period from 10.10.2013 to 27.11.2013, Ombudspersons and representatives of the relevant authorities gave at least 7 press and TV statements aimed at finding solutions for this problem.

<sup>11</sup> Irma Salčin, *Mobbing, harassment and sexual harassment at workplace*, Master thesis, Faculty of Law, University of Sarajevo, 2014

<sup>12</sup> The same goes for the chapters related to discrimination based on ethnic affiliation, gender, education and sexual orientation: [http://www.ombudsmen.gov.ba/documents/obudsmen\\_doc2013040401374146ser.pdf](http://www.ombudsmen.gov.ba/documents/obudsmen_doc2013040401374146ser.pdf), str. 17-22.

<sup>13</sup> Ž-BL-01-622/13, Ž-SA-01-977/13, Ž-BL-06-645/13, Ž-SA-06-1152/13, Ž-SA-06-1133/13, Ž-SA-06-1114/13, Ž-SA-06-1270/13

In addition to press statements, the Ombudsman conducted investigation toward the following public authorities: the RS the Ministry of Education of Culture (14.10.2013, 06.11.2013), the BiH Ministry of Civil Affairs (29.10.2013.), Director of the Primary School „Petar Kočić“, Bratunac, Pedagogic Institute of the Republic of Srpska and Educational Inspection of the Republic of Srpska (06.11.2013.), the BiH the Ministry of Human Rights and Refugees (08.11.2013.) and the Social Welfare Center Kotor Varoš (04.12.2013)

The BiH Ministry of Civil Affairs, submitted a statement stating that *the Ministry does not have mechanisms for implementation of the Framework Law, for which implementation the only relevant authorities are the education authorities in the RS, the cantons of FBiH and Brcko District of BiH, that the Conference of Ministers of Education was held on 24.09.2013 during which they adopted conclusions to condemn discrimination, segregation, assimilation and the politicization of education in BiH, to support the full implementation of the Framework Law, and invited the relevant education authorities to eliminate discrimination, segregation, assimilation and politicization if any.*

Pedagogical Institute of RS submitted a statement stating that *national group of subjects was taught in Konjevic Polje in accordance with the RS Law on Primary Education, the Interim Agreement and the Plan of its implementation, that the parents declared that they want their children to be taught according to teaching curriculum of Tuzla Canton, that lessons from the first to the fifth grade are taught according to the RS Curriculum and Common Core Curriculum that teaching of the Islamic religion is organized, and from the sixth to the ninth grade the following subjects are taught: Bosnian language, history, geography and religious education according to the Curriculum Tuzla Canton.*

Director of Primary school "Petar Kočić" Kravica submitted a statement stating that: *national group of subjects is taught in this School since the 2003/2004 school year according to the Curriculum of Tuzla Canton, the national group of subjects for lower grades according to the curriculum of the relevant ministry because the classes have from seven to thirteen pupils , that out of 32 teachers 5 of them are non-Serbs , that the teachers of the Bosnian language, history and geography are Serbs because of the lack of qualified teachers among the returnees, that the mandate of the School Board had expired on 24.07.2013, which Board had one Bosniak out of seven members in total, that during the process of the appointment of a new School Board which is ongoing, he proposed the number of Bosniaks be increased (on behalf of parents, teachers, the municipality of Bratunac), that there are no religious symbols in the School, nor it celebrates serbian holidays, and Bosniak pupils attend school on a national rather than a geographic basis.*

RS Ministry of Education submitted the "Information on children neglect" in cases of Konjević Polje and Vrbanjci, in which is stated that: *Primary education is free and compulsory for children aged 6 to 15, parents are obligated to take care of regular school attendance, that the School according to the law initiates court proceedings if a child does not attend school, and that is the last measure to be used, that the children did not appear in the School in spite of numerous efforts by the Ministry to address the issue of their returning to teaching process, that an agreement was reached between the Minister Mutabžija and the lawyer of the parents Ademović, that the students did not show up in their classes and that the School directors in Kravica and Kotor Varoš initiated proceedings before the competent courts.*

Social Welfare Center of Kotor Varoš submitted that: *the official person representing the Center was not in contact with the parents of Bosniak children, that a statement related to the issue of court proceedings was not given by the Center, nor was it true, and that the court had exclusive jurisdiction to determine the existence or lack of parental responsibilities.*

Having in mind the fact that there has been a violation of the rights of children in the primary school and the fact that by the end of the first semester of the school year 2013/2014, a large number of children did not attend school in Konjević Polje, that no convergence of attitudes of different parties did not take place, and that all attempts of mediation and finding solutions through dialogue have failed, the Ombudsman decided to prepare a special report on the children's rights to education in Bosnia and Herzegovina.

In order to analyze the implementation of the Framework Law, it is necessary to get a more realistic picture of the situation in schools, particularly with respect to: the right to a mother tongue in primary schools, the right to a national group of subjects in primary schools and the right to a mixed ethnic composition of the teaching staff and school boards in primary schools.

### **6.3. Discrimination of Roma population**

Starting from the fundamental principle that all human beings are free and equal in dignity and human rights, and given the unenviable position of Roma in Bosnia and Herzegovina, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina has deemed it necessary to assess the situation and living conditions for members Roma in BiH.

To this end, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina with the support of the OSCE Mission to Bosnia and Herzegovina/Office for Democratic Institutions and Human Rights (ODIHR) in the framework of the project "Best Practices for Roma Inclusion" (BPRI) funded by the European Union and supported by the member states of the OSCE, conducted a survey about the real situation of the Roma minority in Bosnia and Herzegovina.

More active policy aimed at the improvement of situation of the most vulnerable Roma minority started in 2002 by the appointment of the Roma Committee at the Council of Ministers as an advisory and coordinating body, and in 2012 the Committee was appointed in its third term, which will end in June 2016.

Implementation of measures for the promotion of the Roma rights was featured by a close cooperation between the state and local governments. Most municipalities do allocate funds at the local level for the improvement of living conditions of Roma and invest local funds in infrastructure projects. Financial support from the state level or by international donors in this segment is certainly the most crucial. Information from the field show that the final number of registered Roma associations in BiH in October 2013 was 84, which is 5 associations more than the number of registered Roma associations made by the Ministry of Human Rights and Refugees. Of this number, 64 associations are registered in FBiH and 18 in RS, while two associations are working in the area of Brčko. Roma minority is the largest of the 17 national minorities in BiH. The last census in Bosnia and Herzegovina conducted in 1991 had only about 8,000 residents who identified themselves as Roma, while the results of the assessment of the Roma and their needs made by the Ministry for Human Rights and Refugees in 2010, and the then created database mention about 17,000 of Roma members, and if we take into account those who did not register because they were absent, it is estimated that in BiH there are

between 30 – 40,000 Roma. Data given to the Ombudsman by the Association of Roma based on their research conducted on the territory of Bosnia and Herzegovina show that there are about 50,000 Roma, out of that in the FBiH about 35,000 Roma<sup>14</sup> in RS over 3,000, and in Brčko Distict of BiH around 2,000 – 2,500 Roma.

The main problems in housing issues of Roma population Ombudsmen see in the lack of migration of Roma families, lack of building land, funding, complicated and long procedures, insufficient cooperation between Roma associations, unresolved property relations, the inability of legalization of existing facilities, lack of funding for the participation of the Municipal Administration in implementation of projects at the cantonal level, the resistance of local population, insufficient hygiene and technical conditions in which Roma live, and the absence of good will of local administrative bodies.

Unemployed number of Roma registered at the FBiH Employment Bureau of the RS on 31 August 2013 was located 289 Roma, of which 189 men and 100 women. At the same time the list of the Employment during 2011 - August 2013 a total of 125 Roma were employed. At the same time, the records of the Employment Bureau of the Federation has 2,597 people who have declared themselves as Roma, of whom 1,181 women, while the consumption of resources from projects intended for the employment of Roma in the Federation resulted in the recruitment of 194 Roma, including self-employment (excluding the 2013).

The Revised Action Plan of BiH on the Educational Needs of Roma resulted in the fact that in 2011 there was an increased enrollment of Roma children in primary, secondary, and higher education. There is an evident and a much smaller number of children leaving primary and secondary education. Unfortunately, this trend did not continued in the 2012 and 2013 because, according to information obtained by representatives of primary schools during roundtables held in Živinice, Tuzla and Bijeljina presented a problem, since most of the Roma families left BiH, so in the first semester of school year 2012/2013 one third of Roma children was rated about going abroad. Schools are faced with the problem of excessive unexcused absences from school for Roma children.

In the field of health care there was the biggest move towards Roma protection, although there are still present some problems such as access to health care of Roma aged over 65 who are not on the list of employment bureaus, are not employed and did not earned a pension, as well as children who do not go to school. The measures that contributed that Roma have access to health care are: insurance through the Employment Bureaus and social work centers, and developed cooperation with administrative bodies;

Ombudsmen believe that access to health care remains difficult due to the existence of administrative barriers, prejudice, lack of funding for participation, so-called stamp for health care where citizens must pay a certain amount of money in terms of co-payments for health insurance, periodic health care, for example, for a period of three months, not conscientious application to the Employment Bureau, Roma lack of information about the possibility of insurance to health insurance, uncertified health insurance cards<sup>15</sup>.

## 6.4. Illustrative examples

### Ž-BL-06-297/13

The applicant of Croatian nationality addressed the Ombudsman Institution stating that for four years she is on the register Public Institution Employment Services Una-Sana Canton, Bihać Labor Bureau, and the contests for the corresponding positions in secondary schools in Bihać

<sup>14</sup> Number of Roma living on the territory of Sarajevo Canton should be added to this number

<sup>15</sup> Special Report on the Situation of Roma in BiH

[http://www.ombudsmen.gov.ba/documents/obmudsmen\\_doc2013121011144464ser.pdf](http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013121011144464ser.pdf)

was not selected although she fulfilled all the conditions of the selection. After investigation procedure Ombudsmen made a recommendation to the Ministry of Education of USC to take measures ensuring that structure of employees in schools in USC largely reflect the results list from the 1991, and taking into account the records of employment services of USC. Ombudsmen assume that the complainant solve her employment status, because after issuing recommendations she did not respond to calls and letters from representatives of the Institution.

#### **Ž-BL-06-145/13**

The complainant sought the help of the ombudsman because the procedure for applying for the position of assistant at the Faculty of Philosophy of Zenica, and was not selected even though the opinion of the Selection Commission, the Teaching and Research Council and the Senate found her the top-ranked candidate. At the time of applying for the position of assistant she completed an undergraduate degree and a total of 285 ECTS points. Master's degree (which carries an additional 15 points) was defended during the competition procedure. Interpretation of the Statute by the legal department under which the points with the master studies are not included in the total number of points is discrimination of students studying at "Bologna program" and the Ombudsman issued a recommendation that for vacancies new a new competition should be announced, respecting the equality of diplomas obtained by "Bologna process." On 14.10 2013 the Rector of the University of Zenica submitted proposal for a competition, which was announced in December, bringing the recommendations fully implemented.

#### **Ž-BL-06-646/13**

For the existence of discrimination is sufficient to establish the result without proof of discriminatory motive, is best demonstrated by the following example. Doctor of Medicine from Banja Luka was transferred from the Clinic of plastic and reconstructive surgery at the Clinic of Pulmonologist at the time when she was pregnant, and thinks that she was discriminated on the basis of sex because of common opinion that "women with families are not adequate for the work to surgery." The Ombudsmen in the process of investigation could not determine the reasons for the decision that she was not adequate for the work of the surgery, especially if her contract was extended for one occasion in the past, and issued recommendations to the Ministry of Health and Social Protection of the RS within its jurisdiction to take measures that the complainant receive specialization for which she was originally employed. As in the given time limit no response was received regarding recommendation, the Ombudsman decided to refer urgency to the Prime Minister of the RS Government.

#### **Ž-BL-06-95/13**

In the reporting period, the Ombudsman Institution was also focused on the collection and analysis of statistical data, monitoring and participating in the process as a friend of the court (*amicus curiae*), because this duty prescribed by the Law Against Discrimination, as well as international acts in this area. Acting on individual complaints, the Ombudsman Institution sent a submission to the Constitutional Court of Bosnia and Herzegovina in the case where the violation of the rights of the complainant was determined, amended disputable documents in accordance with the recommendation of the ombudsman, but her employment status was not restored. Since the recommendations are generally accepted and disputed regulation was changed, yet the individual right still continued to be violated, ombudsmen decided to apply the measures laid down in Article 6 of the Human Rights Ombudsman of Bosnia and

Herzegovina ( " Official Gazette of Bosnia and Herzegovina", No. 32/00, 19/02, 35 /04 and 32/06) which states that : "The Ombudsman may refer cases of alleged violations of human rights to the highest judicial authorities of Bosnia and Herzegovina who are responsible for human rights issues." in the forthcoming period Institution of Ombudsman will largely focus on participation in court proceedings for protection from discrimination as a friend of the court (*amicus curiae*), because this option is explicitly required by the prohibition of discrimination (Article 16 ).

#### **Ž-BL-06-647/13**

The complainant requested the municipality of Jajce to his birth certificate issued in the Serbian language and the Cyrillic script and competent public servants have experienced such a provocation and they refused his request in inhuman and unprofessional manner. In formal terms, the complaint was given explanation that the request could not be met due to "technical reasons." After the first address of the Institution of Ombudsman to the Mayor of Jajce, technical capabilities were established for the issue of register documents in Cyrillic and the Serbian language.

#### **Ž-SA-05-768/13**

The institution of Ombudsman received a complaint filed by Human Rights Center of the Sarajevo University stating that a student/woman made sexual transition, changed personal name and gender, and previously enrolled in college, passed all the exams and final exam with a personal name of the other sex, and gained right to get diploma. Acting in the above case, the Ombudsman institution on 17.07.2013 sent the University of Sarajevo and the Human Rights Center of the Sarajevo University opinions and recommendations under the number P-169/13, recommending that a person who changed the name and gender, committed replace personal documents before the competent administrative authorities, so it is necessary to issue a diploma in which the data on the student should be in conformity with the data entered in the MCD. On 19.09.2013 the institution of Ombudsman received a declaration of the Center for Human Rights in Bosnia and Herzegovina, stating that the recommendations were implemented.

#### **Ž-SA-06-1185/13**

Allegations of appeal are related to the work of the Ministry of Veterans' Affairs of Zenica-Doboj Canton and the Municipality of Breza in connection with a competition for the award of scholarships to students and secondary school pupils in the municipality of Breza in school year 2013/2014. In fact, the competition in its Section IV says that there will not be taken into consideration applications of candidates whose family household members are engaged in a craft or related activity or are the owners of some form of the company, for which provision complainant points out that it is *discriminatory* and prevents children equally to compete on the basis of achievement in education.

In regard to the subject of the complaint, the Institution of Ombudsman forwarded the complainant decision on closing the case in which it was pointed out that all discrimination are not undesirable, unacceptable and prohibited by law. Some groups of people are systematically denied of rights and exposed to violations. This is the case with the Roma, people with disabilities ... Their position in society is often poor and disadvantaged to the extent that their opportunities for education or the use of social security are substantially reduced. Therefore, they must first be helped to come to the starting position equal with all other citizens. So when considering the state of the resources available to it is unable to provide minimum protection

to all groups, it must specify the groups that need special protection, and it should be given to those groups.

#### **Ž-MO-06-204/12**

Processing the complaint filed by a group of employee of the Faculty of Engineering of the University of "Džemal Bijedić" Mostar, which referred to the violation of rights in terms of discrimination, in the form of mobbing and discrimination based on gender. The investigative procedure showed that, within the established safeguards in the University, and the Faculty of Engineering, are obviously not effective enough, especially concerning equal treatment of male and female, which creates space for different treatment, especially related to women with regard to their biological attributes. Such situation is shown by the fact that acts of Civil Engineering: Rules of Civil Engineering<sup>16</sup> and acts of the University Statute<sup>17</sup> and the Code of Teachers Ethics<sup>18</sup>, are not harmonized with the provisions of *the Law on Prohibition of Discrimination in BiH and the Law on Gender Equality in BiH*.

Consequently BiH Ombudsman on 27/03/2013, sent to University Džemal Bijedić Recommendation No. P-52/13, recommending it, bearing in mind the provisions of *the Law on Prohibition of Discrimination and the Law on Gender Equality in BiH*, that University of Civil Engineering should harmonize their internal by-laws with *the Law on Prohibition of Discrimination in BiH and the Law on Gender equality in BiH* in order to ensure effective system of protection against discrimination, especially the principle of gender equality, as well as to ensure full implementation of the underlying law in all spheres of its activities, in order to prevent possible future actions which are in conflict with the Act. The recommendation was not complied with, but the active cooperation was achieved.

#### **Ž-SA-06-882/12**

Institution of the Ombudsman ex officio considered a national representation of employees in the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (hereinafter: the Agency). In this case of a recommendation issued, P-46/13, of 28.02.2013, recommending measures to ensure national representation of employees in accordance with the last BiH Census of 1991; and implementation of provisions of the Law on Civil Service in the Institutions of Bosnia and Herzegovina and the Law on Prohibition of Discrimination, and the ethnic structure of civil servants in the Agency, which should be duly taken into account, especially regarding establishment of work relationships. The institution of the ombudsman received declaration by the Director of the Agency in which inter alia he stated that appropriate measures should be taken, application of which will contribute to ensuring gender and ethnic representation of employees in accordance with the last Census in BiH, and that the Instruction was announced regarding the procedure of selecting and admission of candidates for employment.

#### **Ž-SA-06-114/13 i Ž-SA-06-594/13**

Complainant's allegations were related to provisions of *the Law on maintenance of the common parts of the building and building management (hereinafter: the Law)*<sup>19</sup> and *the Regulations on the conditions for the election of representatives of flat owners (hereinafter: the Regulations)*. The complainants, among other things, pointed to the violation of the provisions of the Law on Prohibition of Discrimination<sup>20</sup> on the grounds of age, but expressed dissatisfaction in relation

<sup>16</sup> Mostar, June of 2005.

<sup>17</sup> Mostar, July of 2012.

<sup>18</sup> Adopted on the University Senate session of 31.01.2013

<sup>19</sup> Official Gazette of Canton Sarajevo, no. 3/12

<sup>20</sup> Official Gazette of BiH, no. 59/09



to other conditions and procedure for election of representatives of the flat owners determined by the Law and Regulations. After completion of the procedure of investigation, the Ombudsmen issued recommendation P-142/13 of 11.06.2013. The Ministry of Housing policy of Sarajevo Canton as the author of the Regulations: was recommended by the ombudsmen *to bring Regulations in conformity with the Law on Prohibition of Discrimination*. The institution of Ombudsman received a response to the recommendation of the Minister of housing policy of Cannon Sarajevo, which states that it still remains in the position that *prescribing general conditions in the Rules, which refers to the age to 65 years for individuals, there was no violation of the provisions of the Law on Prohibition Discrimination*. This case was pointed out to the Prime Minister and the Government of Sarajevo Canton in order to take appropriate measures and activities to comply with the recommendations.

#### **Ž-SA-06-284/13**

The complainant alleged that she is employee of the State Agency for Investigation and Protect (hereinafter: the Agency), and pointed to the violation of the provisions of the Law on Prohibition of Discrimination Bosnia and Herzegovina<sup>21</sup>, in terms of mobbing and the violation of labor rights. In the case of a number of recommendations issued P-125/13 of 05.06.2013. The Director of the State Agency for Investigation and Protection: to ensure equal treatment of all employees and the realization of rights on an equal basis in the field of labor; to take measures to prevent harassment, mobbing and victimization of complainant; to establish a mechanism for the prevention of all forms of discrimination and to ensure that the workplace - legal relationships with employees comply with the provisions of the Law on Prohibition of Discrimination; take the necessary measures to protect employees from mobbing. In response to the Ombudsmen the Agency's Director, inter alia, states that the recommendation was de facto implemented.

#### **Ž-SA-06-1111/12**

Allegations of complaint pointed to the violation of the provisions of the Law on Prohibition of Discrimination in Bosnia and Herzegovina<sup>22</sup>, in terms of mobbing, and as a responsible party was designated head of the Department of Public Institution Psychiatric Cantonal Hospital in Zenica (hereinafter Hospital). In this case recommendation P-45/13 of 19.03.2013 was issued to the Board of Directors that the *hospital as an institution in order to ensure the protection of the rights and interests of patients, and as an employer to ensure the enjoyment of labor rights and eliminate the appearance of disturbed interpersonal relationships, exhausted all statutory funds as to determine the facts, and therefore take adequate measures. In response to the recommendation the Board formed the Commission for establishment of facts relating to the complaint of mobbing and which established that the complainant had suffered of mobbing*.

#### **Ž-SA-06-48/13**

Complainant alleged unlawful discrimination in conduction of contest procedures. In this case recommendation no. P-8/13 of 08.02.2013 was issued to the Cantonal Prosecutor's Office of Una-Sana Canton *to examine underlying decisions on appointments of civil servants; to impose record-keeping on ethnicity; including due care concerning provisions of the Constitution of USC, and achieving of proportional representation of constituent peoples and members of others, especially when establishing working relationships and to ensure application in appropriate manner; Government of Una- Sana Canton*<sup>23</sup>, to consider the above case, given that pursuant to

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<sup>21</sup> Official Gazette of BiH, no. 59/09

<sup>22</sup> Official Gazette of BiH, no. 59/09

<sup>23</sup> Official Gazette of Una-Sana Cantona, no. 5/12

*the provisions of Article 4, paragraph 2 of the Law on Civil Servants and Employees in the Civil Service of the Una - Sana Canton, government is obliged to monitor the presence of civil servants and employees in the civil service and take appropriate measures to achieve respect for the principle of proportional representation in relation to nationality ....* in response to the Ombudsmen the Prosecutor's Office, among other things, stated that *the repeated procedure committed by the appointment of civil servants in accordance with the relevant cantonal regulations; to inject internal register of civil servants, employees and employers; that at the resumed proceedings fully complied with the principle of proportional representation of the constituent peoples and members of other, equality principle, the principle of the application of specific rules which stipulate the obligation of giving preference in employment under the same conditions* . The complainant again addressed the Ombudsmen because even at the renewed procedure he was not elected.

#### **Ž-SA-06-34/12**

In 2012 the complainants alleged objections on the work of the School Board of primary school "Petar Petrović Njegoš" from Srebrenica and the national structure of the school. During the same year it was achieved a temporary solution by appointing interim school board. Institution of the Ombudsman in act of 04.11.2013 received director's of PI "First Primary School" Srebrenica, declaration in which *inter alia* he stated the "omission was removed through appointment of school board members in the regular procedure in which the Ministry gave its approval decision, the number 07.020/610-1235/12 of 03.01.2013.

#### **Ž-SA-06-1344/12**

Complaint allegations were related to discrimination, due to impossibility of person under international protection in Bosnia and Herzegovina - recognized refugees, to registrar motor vehicle. In this case the Ombudsmen issued recommendation no. P-158/13 of 12.07.2013 to the Ministry of Interior of Zenica-Doboj Canton *to ensure persons under international protection provision of the same status as foreigners, in terms of vehicle registration and licensing*. The Institution of the Ombudsman, following its act referred to the Ministry of Interior of Zenica-Doboj Canton of 08.11.2013, received notification that the complainant was sent a written notice of a positive solution to the request.

#### **Ž-SA-06-477/13**

Complainants alleged that *in the village Seona mosque existed since 1851, which was at full capacity until the war in 1992, when it was burned down and that was reconstructed after the war by the returnees who pointed to the allegedly discriminatory treatment of the Islamic Community in Bosnia and Herzegovina, because they have not possibilities to cite the performance of religious rites attending Friday Muslim prayers*. The institution of the ombudsman, following the example of the Ministry of Human Rights and Refugees, in order to achieve dialogue between the complainants and their religious community, sent documents to *Reis-l- ulema of the Islamic community, by which it requested information concerning a specific case, and he requested higher Muslim authority - Mufti in Tuzla to solve the problem in cooperation with Medžlis in Banovići, yet request by Reis-u-lema is still not resolved*. The institution of Ombudsman, which is limited in its activity towards religious communities and churches, since it can not assess needs for Muslim prayer of this religious community in village Seona or assess „violation of the right of Seona citizens to collective prayer - džuma“, because it would violate independence of religious community guaranteed by provisions of the Law on Religious Freedoms and Legal Position of Churches and Religious Communities.

## VII STRENGTHENING OF CAPACITIES FOR PROTECTION AGAINST DISCRIMINATION

Although the Law on Prohibition of Discrimination in Bosnia and Herzegovina from 2009 prescribed obligation for provision of specific budget item for the work of the Department for elimination of all forms of discrimination, it is up to date, so even four years after prescribing legal obligation, did not happen. Limiting the financial and staffing of the Department was not significantly influenced to the work on individual citizens' complaints, but limited the performance of other law delegated authority (primarily conduct research and propose legislative solutions), which would bring human rights standards in the country to the level of developed European countries.

Unfortunately, implementation of this legal obligation never occurred even though the Ombudsman Institution regularly submitted requests, which were never met. In contrast, the Institution of Human Rights Ombudsman since 2010 is continuously exposed to impairment of budget funds as follows:

- Budget for 2010 was 2.721.000,00 KM,
- Budget for 2011 was 2.473.397KM KM
- Budget for 2012 was 2.388.000 KM
- Budget for 2013 was 2.374.000 KM.

All this has resulted in the fact that BiH Ombudsmen, to ensure the execution of the mandate of the Institution in the part relating to the protection of rights through actions on individual complaints, on 13.09.2013 were forced to seek of the Council of Ministers funds from the current reserve budget of institutions of Bosnia and Herzegovina in the amount of 32,200 KM, which is related to the reconciliation of the basic obligation to pay rent, current maintenance/ software maintenance/ and settlement of liabilities and electric utilities.

As regards the application of the prohibition of discrimination, there is a very **low level of jurisprudence**, which significantly affects the efficiency of the application of the Law and reduces the possibility of the institution of Ombudsman fully to perform its mandate provided by the Law. As a result, although the adoption of the Law was more than four years ago, there were only two final court judgment which established discrimination, one by the Cantonal Court in Mostar<sup>24</sup>, and one by the Municipal Court in Livno<sup>25</sup>. In terms of "Two schools under one roof" Travnik Municipal Court dismissed the complaint<sup>26</sup>, and in the same way was lawfully terminated the proceedings before the cantonal court in Mostar<sup>27</sup>. Municipal Court in Zavidovići ignored the recommendation of the Ombudsman determining discrimination based on belonging to a national minority, and a complaint with the identical claim, dismissed as unfounded<sup>28</sup>. Although the claim was formulated in terms of the Law on Prohibition of Discrimination, Municipal Court in Zenica gave judgment concerning that "the fact that the worker was a union member should not put it at a disadvantage compared to other workers"

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<sup>24</sup> No: P 58 0 P 056658 09 P

<sup>25</sup> No: 68 0 P 017561 11 P

<sup>26</sup> No: 51 0 P 054 522 11 P

<sup>27</sup> No: 58 0 Ps 085 653 12 Pž

<sup>28</sup> No: 42 0 P 011 972 11 P

and awarded him compensation for unpaid salary<sup>29</sup>. The Constitutional Court of Bosnia and Herzegovina, at the session held on 24 May 2013 ruled on the admissibility and merits of the appeal, which is assessed to be related to discrimination based on sex, remanded the case for re-trial before the Cantonal Court in Bihać and ordered the Parliament of the Federation of Bosnia and Herzegovina to amend Family Law of FBiH with the aim of ensuring gender equality<sup>30</sup>. On the other hand, the Municipal Court in Orašju refused in its entirety as unfounded the claim for the existence of discrimination in the form of harassment and mobbing in the workplace, because according to the reasoning of the court "assumes of existence of discrimination requires subjective component, which in this case was not determined."<sup>31</sup> In the reporting period, there were two trials per a request by Ombudsman for initialization of misdemeanor proceedings for violation of the prohibition of discrimination, ending in enforceable decisions on exemption from liability registered persons, although the Ombudsman Institution, as the central authority on this issue, found that there was discrimination<sup>32</sup>. Finally, the court proceedings were instituted for the protection of mobbing launched in 2008, in which representatives of the institution of Ombudsman monitored the trial, which ended with the adoption of the first instance judgment rejecting the claim, because it was not proven the plaintiff alleging that she was a victim of mobbing<sup>33</sup>. Low sensitivity of the trial judges in cases of discrimination, especially mobbing, may discourage belief in the effectiveness of the remedies available to victims.

**The death penalty** does not exist in the criminal legislation of Bosnia and Herzegovina, and no person in Bosnia and Herzegovina can be sentenced to the death penalty for any crime. The Constitution of the Republic of Srpska still contains a provision according to which for the most serious crimes can result in the death penalty. While this provision is only of a formal character, and can not be used in practice because it is not provided by criminal law, the National Assembly of the Republic of Srpska in 2008 adopted an amendment to the Constitution where the death sentence is deleted. This amendment did not enter into force because reached a political agreement was not reached in the RS Council of Peoples, regarding the package of amendments, where this issue was discussed at the last second special session held on 26.04.2012.

In comparison with other vulnerable categories of citizens, members of the **LGBT** population very rarely decide to initiate proceedings before the ombudsman institution, which is likely the result of fear of the reaction to the disclosure of their sexual orientation. According to the findings of the Institution of Ombudsman, there were no cases of discrimination of LGBT people resulting in a court epilogue. Since the adoption of the Law on Prohibition of Discrimination, Ombudsmen Institution registered about 20 complaints of discrimination based on sexual orientation in BiH, of which the most were initiated *ex officio*, and were connected to hate speech on the Internet portals, verbal attacks in public places, disturbing in recruitment threats and one incident of physical violence. There were no complaints of discrimination of LGBT people in the workplace. One of the key activities of the institution of Ombudsman is aimed at raising public awareness about their rights and the existence of mechanisms and institutions that fit into their protection when they are threatened in any way, in order to affirm the rights of vulnerable groups. State agencies responsible for maintaining order have the primary

<sup>29</sup> No: 43 0 RS 067 453 12 RS

<sup>30</sup> No: Ap 369/10

<sup>31</sup> No: 25 0 P 032 327 12 P

<sup>32</sup> No: 65 0 Pr 211 828 13 Pr 2 i 77 0 Pr 037 144 13 Pžp 2

<sup>33</sup> No: 71 0 P 031 766 08 P

responsibility to respond in case of violation of freedom of assembly and expression, and the courts have the option of imposing more severe penalties for crimes motivated by hatred.

As a positive thing the Ombudsmen of Bosnia and Herzegovina point out that BiH respects the right of everyone to change sex to lead the harmony of physical sexual characteristics to sexual identity. This possibility is explicitly foreseen by the Law on Registries Act, the identification number and the Law on Identity Cards in Bosnia and Herzegovina.

**Crimes of hate** require special treatment because they cause a feeling of insecurity and mistrust within each community. Amendments to the provisions of the Criminal Code of the Republic of Srpska and Criminal Code of Brčko District were adopted in 2010, relating to crimes of hate. Adopting the same amendment to the Criminal Code of FBiH would significantly contribute to the capacity of BiH to efficiently fight against crimes of hate. The Ombudsmen in December of 2012 put forward the initiative for amendments to the Criminal Code of F BiH, that would in January of 2013 the FBiH Parliament sent a letter to the Ombudsman Institution telling that initiative was accepted, and that the representatives of the Institution would be invited to participate in the work competent parliamentary committee to prepare amendments. Law banning fascist and neo-fascist organizations and prohibit the use of their symbols was not adopted by the Parliamentary Assembly of Bosnia and Herzegovina because of the lack of political consensus in the interpretation of certain historical events.

The principal limit for filing complaint with the Ombudsman Institution is one year, and the law stipulates that the institution will not consider events that occurred before the 1995. These limits are quite relative in cases of torture due to the fact that the consequences of torture persist for many years, and are present today.

Ombudsmen remind us that many of the citizens of Bosnia and Herzegovina were the victims of torture in the war, and that these consequences are felt today, too. Bosnia and Herzegovina did not adopt a comprehensive program for rehabilitation of persons who were detained during the last war, by which the **status of inmates** would be solved.

Ombudsmen are of the opinion that **rehabilitation of victims of Goli otok** is necessary and the damages, suffered by the victims of political persecution because of disagreements with the then regime, which is reflected in violation of the honor and reputation, physical integrity, the right to liberty of the person and freedom of movement, right to pension eligibility and health care, the right to property, the right to a fair trial and the right to a minimum standard of treatment of prisoners/detainees.

These rights are prescribed by the Constitution of Bosnia and Herzegovina as well as by international treaties that appended to BiH Constitution, and have form of an integral part of the domestic legal system:

Bosnia and Herzegovina is obliged under the regulations of the United Nations (UN Standard Minimum Rules for the Treatment of Prisoners of 1955, the International Covenant on Civil and Political Rights of 1966, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, Convention on the Transfer of Sentenced Persons of 21 March 1983, the European regulations (European Minimum Rules for the Treatment of Prisoners of 1973, the European prison Rules of 1987 and 2006, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26.11.1987) and internal regulations protecting the rights of all prisoners against possible violations of basic human rights, and to provide fair compensation in case of violation of these rights.

Successor states of the former Yugoslavia have an obligation to acknowledge this historical injustice and to do what they can to help the victims, or to compensate their successors if the victims are not alive.

Article 8 of the Law on Prohibition of Discrimination prescribes the jurisdiction of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina in the implementation of the Law on Prohibition of Discrimination. Ombudsmen noted, concluding that the ministry did not establish a **central data base** for committed acts of discrimination but adopted the Ordinance on the method of collecting data on cases of discrimination during the 2013, which is a positive step towards the eventual establishment of a single database for all instances of discrimination in BiH.

Five-year experience in the implementation of the Law on Prohibition of Discrimination in Bosnia and Herzegovina indicated certain **vagueness** in the **wording of legislation** that requires clarification through the process of amendment. Although Article 7 provides that the Ombudsman Institution "is the central institution for protection against discrimination", it remains unclear what this means, and the extent to which other agencies and institutions are obliged to respect the Ombudsman, as, for example, is not the case regarding the courts. In practice, there appears even situation where parallel procedures take place for protection against discrimination, for example, litigation, misdemeanor proceedings, proceedings before the Ombudsman Institution or possibly before the administrative authority, so it is unclear what is the worth of these actions and decisions taken.

Article 16 of the Law on Prohibition of Discrimination provides for the possibility that the Ombudsman Institution participates as a third party on the side of the victims of discrimination in judicial proceedings, but it is not clear whether in the capacity of "interveners" or "friends of the court (**amicus curiae**)", which implies a different level of involvement in the process. The burden of proof in proceedings before Ombudsman Institution is divided and does not lie solely on the prosecutor as the lawsuit, which does not follow from Article 15 because the same applies solely to proceedings before court, rather than an international standard procedures for protection against discrimination.

European network of institutions for the protection of equality (**EQUINET**) brings together 38 institutions from 31 European countries, which are members of the European Union. The Secretariat of the European network is located in Brussels, and all activities are financed partly symbolic of membership in the organization and a large part of the funds comes from the European Commission. Bosnia and Herzegovina is not a member of EQUINET, but Anne Gaspard, executive director and Jozef De Witte, president of the executive committee, confirmed the readiness to give our country the observer status until the opportunity arises for full membership. The aim of the EQUINET is to strengthen the capacity of national institutions to combat discrimination and to develop the capabilities of their employees through the organization of training sessions, working groups, make reports to the competent European institutions, developing and sharing practices and improve channels of communication, and all the activities of the member institutions are covered from the budget of the Network.

The Ombudsmen in their previous Report (for 2012) asserted that **cooperation with institutions** at all levels of government is at a satisfactory level, while the number of implemented recommendations should have been higher. The Ombudsmen therefore proposed either creation of a separate body/commission or maintenance of thematic sessions devoted

exclusively to this topic. At 49 session of the Parliamentary Assembly of Bosnia and Herzegovina there were adopted conclusions on the occasion of the debate on the Annual Report on the Results of Work of the Ombudsman for Human Rights and the Annual Report on Discrimination in Bosnia and Herzegovina for 2012, which reads: "The Ministry of Human Rights and Refugees is instructed to establish a central database for any act of discrimination, as stipulated in Article 8 of the Law on Prohibition of Discrimination in Bosnia and Herzegovina." and "the House of Representatives of the Parliamentary Assembly obliges the Council of Ministers within a period of 90 days to prepare recommendations and a plan for reduction of discrimination in the area of mobbing and education, while keeping in mind the Annual Report on Discrimination in BiH for the 2012, wherein is visible the trend of increasing number of complaints from these categories of rights."

## ANNEX I – REVIEW OF THE RECOMMENDATIONS ISSUED IN THE AREA OF DISCRIMINATION

NUMBER OF RECOMMEN.	NUMBER OF CASE	REFERRED TO THE ORGAN	VIOLATION OF THE RIGHT	DATE OF RECOMMEN. ISSUED	REALIZATION	ANSWER RECEIVED
P-4/13	Ž-SA-06-608/12,	DD BH TELECOM SARAJEVO	01 - DISCRIMINATION -- 01-18 – BASED ON SOCIAL STATUS AND GENDER	6.2.2013	COOPERATION ACHIEVED	YES
P-8/13	Ž-SA-06-48/13,	CIVIL SERVICE AGENCY OF F BIH, DEPARTMENT OF CANTON 10 AND UNA-SANA CANTON	01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL OR ORIGIN	8.2.2013	NOT REALIZED	YES
P-21/13	Ž-BR-06-306/11,	1-THE MAYOR OF LUKAVAC MUNICIPALITY 2- LUKAVAC MUNICIPALITY 3-LUKAVAC POLICE STATION-	01 - DISCRIMINATION -- 01-13 – BASED ON RELATION WITH NATIONAL MINORITY	6.3.2013	NOT REALIZED	YES
P-38/13	Ž-BR-06-187/12,	1-FINANCE DIRECTORATE OF BRČKO DISTRICT OF BiH, TREASURY DEPARTMENT FOR PAYMENT OF EXPENDITURES OF BUDGETARY USERS 2-GOBERMENT OF BRČKO DISTRICT OF BIH, DEPARTMENT FOR PROFESSIONAL AND ADMINISTRATIVE AFFAIRS , SUB-DIVISION FOR HUMAN RESOURCES	01 - DISCRIMINATION -- 01-03 - MOBBING	2.4.2013	REALIZED	YES
P-39/13	Ž-BR-05-115/12, Ž-BR-06-165/12,	1-PI PRIMARY SCHOOL „SIMIN HAN“ 2-PEYESGOGIC INSTITUTE OF CANTON TUZLA 3-THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF CANTON TUZLA	01 - DISCRIMINATION -- 01-03 - MOBBING	27.3.2013	REALIZED	YES
P-40/13	Ž-BR-06-397/11, Ž-BR-06-404/11, Ž-BR-06-423/11, Ž-BR-06-435/11, Ž-BR-06-444/11,	1-THE MINISTRY OF HEALTH OF CANTON TUZLA 2- INSTITUTE OF PUBLIC HEALTH OF CANTON TULA, 3-BOARD OF DIRECTORS OF INSTITUTE OF PUBLIC HEALTH OF CANTON TULA 4-GOVERNMENT OF CANTON TUZLA, ATTN. THE PRIME MINISTER	01 - DISCRIMINATION -- 01-03 - MOBBING	27.3.2013	REALIZED	YES
P-45/13	Ž-SA-06-1111/12,	PI CANTONAL HOSPITAL IN ZENICA, BOARD OF DIRECTORS	01 - DISCRIMINATION -- 01-03 - MOBBING	29.3.2013	REALIZED	YES



P-46/13	Ž-SA-06-882/12,	AGENCY FOR IDENTIFICATION OF DOCUMENTS, RECORDS AND EXCHANGE OF DATA IN BIH, BANJA LUKA	01 - 01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL ORIGIN	29.3.2013	REALIZED	YES
P-50/13	Ž-BL-06-157/13,	THE STRONGEST MEDIA IN HERZEGOVINA! POSKOK	01 - DISCRIMINATION	1.4.2013	NO ANSWER	NO
P-58/13	Ž-SA-06-1260/12,	CPI CENTER „SKENDERIJA“ D.O.O.	01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL ORIGIN	11.4.2013	COOPERATION ACHIEVED	YES
P-64/13	Ž-BL-06-229/13,	THE MINISTRY OF ADMINISTRATION AND LOCAL SELF-GOVERNANCE – COMPLAINT COMMISSION, UNIT OF LOCAL SELF-GOVERNANCE	01 - DISCRIMINATION -- 01-11 – BASED ON ETHNICITY	11.4.2013	COOPERATION ACHIEVED	YES
P-69/13	Ž-LI-06-260/12,	MEDICAL POST TOMISLAVGRAD	01 - DISCRIMINATION -- 01-17 – BASED ON EDUCATION	24.4.2013	COOPERATION ACHIEVED	YES
P-74/13	Ž-BR-06-383/11,	1-GOVERNMENT OF BRČKO DISTRICT OF BIH , 2-THE MAYOR OF BRČKO DISTRICT, 3-EMPLOYMENT BUREAU OF BRČKO DISTRICT OF BIH	01 - DISCRIMINATION	13.5.2013	PARTLY REALIZED	YES
P-76/13	Ž-MO-06-8/12,	CITY OF MOSTAR, DEPARTMENT FOR SOCIAL ACTIVITIES	01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL ORIGIN	29.4.2013	NOT REALIZED	YES
P-77/13	Ž-MO-06-114/12,	MUNICIPALITY ČAPLJINA – THE MAYOR OF ČAPLJINA	01 - DISCRIMINATION -- 01-13 – BASED ON RELATION WITH NATIONAL MINORITY	29.4.2013	NO ANSWER	NO
P-84/13	Ž-MO-06-110/12,	PI „ ELEKTROPRIVREDA HZ HB “ D.D. MOSTAR	01 - DISCRIMINATION -- 01-14 – BASED ON POLITICAL OR OTHER OPINION	30.4.2013	C COOPERATION ACHIEVED	YES
P-90/13	Ž-SA-06-1054/12	MUNICIPALITY KNOŽEVO	01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL ORIGIN	15.5.2013	REALIZED	YES
P-91/13	Ž-BL-06-95/13,	1. ASSEMBLY OF BRČKO DISTRICT 2. GOVERNMENT OF BRČKO DISKTRICT	01 - DISCRIMINATION -- 01-17 – BASED ON EDUCATION	8.5.2013	REALIZED	YES
P-92/13	Ž-BL-06-74/13,	FUND OF PENSION AND DISABLEMENT INSURANCE OF RS, SECTOR FOR EXERCISE OF RIGHTS BIJE LJINA	01 - DISCRIMINATION	8.5.2013	NOT REALIZED	YES
P-93/13	Ž-BL-06-297/13,	THE MINISTRY OF EDUCATION, SCIENCE CULTURE AND SPORT OF UNA – SANA CANTON, BIHAĆ	01 - DISCRIMINATION -- 01-11 – BASED ON ETHNICITY	8.5.2013	NO ANSWER	NO
P-114/13	Ž-BL-06-66/13, Ž-BL-06-67/13,	INTERIOR MINISTRY OF CANTON 10, LIVNO	01 - DISCRIMINATION -- 01-11 – BASED ON ETHNICITY	5.6.2013	COOPERATION ACHIEVED	YES

P-125/13	Ž-SA-06-284/13,	STATE AGENCY FOR INVESTIGATIONS AND PROTECTION, EAST SARAJEVO	01 - DISCRIMINATION	11.6.2013	REALIZED	YES
P-133/13	Ž-BR-06-167/13,	1- THE MINISTRY OF EDUCATION, SCIENCE CULTURE AND SPORT OF CANTON TUZLA 2- SCHOOL BOARD OF MIXED SECONDARY SCHOOL OF CIVIL ENGINEERING TUZLA	01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL ORIGIN	9.7.2013	NOT REALIZED	YES
P-142/13	Ž-SA-06-114/13, Ž-SA-06-594/13,	THE MINISTRY OF HOUSING POLICY OF CANTON SARAJEVO -- SARAJEVO	01 - DISCRIMINATION	11.7.2013	COOPERATION ACHIEVED	YES
P-147/13	Ž-BL-06-145/13,	UNIVERSITY OF ZENICA – PHILOSOPHY FACULTY	01 - DISCRIMINATION -- 01-17 – BASED ON EDUCATION	12.7.2013	REALIZED	YES
P-151/13	Ž-BL-06-763/12,	THE MINISTRY OF FAMILY, YOUTH AND SPORT OF RS	01 - DISCRIMINATION	12.7.2013	COOPERATION ACHIEVED	YES
P-158/13	Ž-SA-06-1344/12, Ž-SA-06-708/13,	INTERIOR MINISTRY OF ZE-DO CANTON INTERIOR MINISTRY OF CANTON SARAJEVO	01 - DISCRIMINATION	16.7.2013	COOPERATION ACHIEVED	YES
P-158/13	Ž-SA-06-1344/12, Ž-SA-06-708/13,	INTERIOR MINISTRY OF ZE-DO CANTON ZENICA INTERIOR MINISTRY OF CANTON SARAJEVO	01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL ORIGIN	16.7.2013	REALIZED	YES
P-171/13	Ž-SA-06-1402/12,	FEDERATION MINISTRY OF HEALTH SARAJEVO	01 - DISCRIMINATION -- 01-17 – BASED ON EDUCATION	27.8.2013	REALIZED	YES
P-172/13	Ž-SA-06-1257/12,	ASSOCIATION PARIS-SARAJEVO EUROPE - CENTER ANDRE MALRAUX -- SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	28.8.2013	NOT REALIZED	YES
P-186/13	Ž-BL-06-446/13,	VETERANS ORGANIZATION OF RS	01 - DISCRIMINATION	3.9.2013	COOPERATION ACHIEVED	YES
P-191/13	Ž-SA-06-594/12,	PI „SARAJEVO ART“ , BOARD OF DIRECTORS, SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	6.9.2013	REALIZED	YES
P-196/13	Ž-BL-06-575/13,	THE COUNCIL OF MINISTERS OF BIH	01 - DISCRIMINATION	18.9.2013	COOPERATION ACHIEVED	YES
P-213/13	Ž-SA-06-845/13,	ZE-DO CANTON, THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT, ZENICA	01 - DISCRIMINATION	25.9.2013	REALIZED	YES
P-229/13	Ž-BL-06-340/12,	BASIC COURT IN BANJA LUKA	01 - DISCRIMINATION -- 01-01 - HARASSMENT	28.10.2013	NO ANSWER	NO
P-230/13	Ž-BL-06-456/13,	THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF USK, BIHAĆ	01 - DISCRIMINATION	28.10.2013	NO ANSWER	NO

P-236/13	Ž-SA-06-469/13,	PI GYMNASIUM "BIHAĆ"	01 - DISCRIMINATION -- 01-03 - MOBBING	28.10.2013	REALIZED	YES
P-241/13	Ž-BR-06-262/10,	MUNICIPALITY TUZLA, SERVICE FOR COMMUNAL AFFAIRS, CONSTRUCTION AND LOCAL COMMUNITY AFFAIRS	01 - DISCRIMINATION	31.10.2013	NO ANSWER	NO
P-247/13	Ž-BR-06-68/09, Ž-BR-06-71/09, Ž-BR-06-79/09,	DISTRICT BRČKO OF BIH, THE MAYOR EMPLOYMENT COMMISSION	01 - DISCRIMINATION -- 01-12 – BASED ON NATIONAL OR SOCIAL ORIGIN	31.10.2013	COOPERATION ACHIEVED	YES
P-264/13	Ž-BL-06-654/13, Ž-BL-06-688/13,	PI PRIMARY SCHOOL „MILADIJE“ „SOLANA“ STR.. HASANA KIKIĆA, NO 7 TUZLA, ATTN. SCHOOL BOARD	01 - DISCRIMINATION -- 01-03 - MOBBING	28.11.2013	NO ANSWER	NO
P-265/13	Ž-BL-06-568/13,	TRIGLAV INSURANCE A.D. BANJA LUKA	01 - DISCRIMINATION -- 01-03 - MOBBING	28.11.2013	COOPERATION ACHIEVED	YES
P-267/13	Ž-BL-06-646/13,	THE MINISTRY OF HEALTH AND SOCIAL PROTECTION OF RS	01 - DISCRIMINATION -- 01-03 - MOBBING	28.11.2013	COOPERATION ACHIEVED	YES
P-268/13	Ž-BL-06-743/13,	THE MINISTRY OF HEALTH, WORK AND SOCIAL POLICY OF CANTON POSAVINA	01 - DISCRIMINATION -- 01-03 - MOBBING	28.11.2013	COOPERATION ACHIEVED	YES
P-298/13	Ž-BL-06-689/13,	MUSIC ACADEMY OF SARAJEVO	01 - DISCRIMINATION -- 01-17 – BASED ON EDUCATION	23.12.2013	COOPERATION ACHIEVED	YES
P-299/13	Ž-BL-06-715/13,	INSTITUTE OF TRANSFUSION MEDICINE OF RS	01 - DISCRIMINATION -- 01-19 – BASED ON SEXUAL EXPRESSION OR ORIENTATION	23.12.2013	COOPERATION ACHIEVED	YES
P-301/13	Ž-BL-06-604/13,	ADMINISTRATION FOR INDIRECT TAXATION	01 - DISCRIMINATION	23.12.2013	NO ANSWER	NO
P-306/13	Ž-MO-05-156/12,	CITY OF MOSTAR, THE MAYOR	01 - DISCRIMINATION	23.12.2013	NOT REALIZED	YES
P-332/13	Ž-BL-06-486/12,	FUND OF PENSION AND DISABLEMENT INSURANCE OF RS	01 - DISCRIMINATION -- 01-18 – BASED ON SOCIAL POSITION AND GENDER	30.12.2013	COOPERATION ACHIEVED	YES
P-333/13	Ž-BL-06-802/13,	GOVERNMENT OF USK, THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT	01 - DISCRIMINATION	30.12.2013	COOPERATION ACHIEVED	YES
P-334/13	Ž-BL-06-127/13,	UNIVERSITY OF U BIHAĆ, FACULTY OF ECONOMICS	01 - DISCRIMINATION -- 01-17 – BASED ON EDUCATION	30.12.2013	REALIZED	YES