

INSTITUCIJA OMBUDSMENA/OMBUDSMANA
ZA LJUDSKA PRAVA BOSNE I HERCEGOVINE



ИНСТИТУЦИЈА ОМБУДСМЕНА/ОМБУДСМАНА
ЗА ЛЈУДСКА ПРАВА БОСНЕ И ХЕРЦЕГОВИНЕ

INDEX REGISTER OF INFORMATION

HELD BY THE INSTITUTION OF HUMAN RIGHTS OMBUDSMAN/OMBUDSMEN OF BOSNIA AND HERZEGOVINA

Index Register is available upon request or could be obtained in the Institution of Human Rights Ombudsman/Ombudsmen of BiH (Sarajevo, Grbavička 4 and Banja Luka, Ravnogorska 18), or on the website of the Institution: www.ombudsmen.gov.ba

*Ravnogorska 18, 78000 Banja Luka, BiH Tel/Fax: +387 51 303 992 E-mail: bl.ombudsmen@ombudsmen.gov.ba
Grbavička 4, 71000 Sarajevo, BiH Tel: +387 33 666 006 Fax: +387 33 666 007 E-mail: ombudsmen@ombudsmen.gov.ba
Kralja Zvonimira 6, 88000 Mostar BiH Tel/Fax: +387 36 334 248 E-mail: mo.ombudsmen@ombudsmen.gov.ba
Trg mladih 8/1, 76000 Brčko BiH Tel/Fax: +387 49 217 347 E-mail: br.ombudsmen@ombudsmen.gov.ba*

INTRODUCTION

Institution of Human Rights Ombudsman/Ombudsmen of Bosnia and Herzegovina

(hereinafter: the Institution) and its organizational units — departments hold numerous information, mainly in writings, original or copies.

Access to information is described in details in the Guidelines for submitters of request for access to information in the sense of Freedom of Access to information Act in BiH (hereinafter ZOSPI) and it could be also clarified by the authorized information officer

This Index Register, apart from the name of the Institution, contains basic information held by the Offices and their Departments according to their scope of activities.

Regarding information not listed in the Index Register, please contact the authorized information officer.

Institution of Human Rights Ombudsman/Ombudsmen of Bosnia and Herzegovina is an independent institution established with purpose of promotion of good governance and the rule of law, protection of rights and liberties of natural and legal entities as guaranteed by the Constitution of Bosnia and Herzegovina (the Constitution) and international treaties appended thereto, and in accordance to it shall observe activities of BiH institutions, its entities and District Brčko in accordance with provisions of the Law on Human Rights Ombudsman of Bosnia and Herzegovina.

The Institution is led by three Ombudsmen. The Ombudsmen cooperate in performance of their duties. The Ombudsmen jointly provide proposals, solutions and prepare report.

The Ombudsmen decisions are:

- decision on initiation of investigation upon a complaint,
- decision on interim measure,
- decision on inadmissibility of complaint or ill founded complaint,
- decision on closing of investigation following successful intervention by the Ombudsmen
- recommendations by the Ombudsmen,
- reports or special reports.

Where necessary, during procedure before Ombudsmen, as well as regarding internal issues of the Institution, other type of decisions, solutions and conclusions could be taken.

Ombudsmen's decisions are accessible to the public, except in the cases where such information are related to confidential or classified issues or where a complaint filed with the Ombudsman explicitly request not publishing of the name of a complainant or circumstances alleged in a complaint.

Based on Articles 2, 3, 4 and 6 of the Law on Human Rights Ombudsman of BiH, the Institution is empowered to:

- consider the cases related to poor functioning or human rights violations and liberties committed by any governmental organ,
- act upon receiving of a complaint or *ex officio*,

- may initiate general investigations,
- may recommend individual or general measures,
- conduct investigations of all complaints alleging poor functioning of judicial system or improper processing of individual cases and recommend appropriate individual or general measures.
- conducts investigations upon all complaints alleging human rights violations and freedoms allegedly committed by military authorities,
- may initiate a court proceedings or intervene during a pending procedure, whenever it determines that such activity is necessary within the scope of its duties. Additionally, an Ombudsman may provide recommendation to governmental organ - party to the proceedings, or be consulted by any party to the proceedings.
- whenever he/she finds it necessary for effective performance of his/her duty, may refer a case alleging human rights violations to the highest judicial organs of Bosnia and Herzegovina competent for human rights issues in accordance with the rules regulating admissibility of complaints

ORGANIZATIONAL UNITS OF THE INSTITUTION AND THE TYPE OF INFORMATION

BIH OMBUDSMEN'S CABINET

The Cabinet holds the information:

- related to the work of the Cabinet and distribution of tasks to the staff of the Cabinet, including information on organization of meetings of Cabinet staff;
- on Ombudsmen's work with regional and field offices and departments;
- organization of Ombudsmen's meetings and their visits to various places;
- information on cooperation between the ombudsmen and community of professional experts, governmental organs and international community;
- information on cooperation with international community, civil society;
- information related to organization of travels, visits, meetings, etc.;
- Cabinet's Rules of Procedure;
- monthly, quarterly and other reports of the Cabinet prepared for the Ombudsmen;
- normative acts for the Institution;
- represents BiH Ombudsmen Institution before courts and other organs;
- information on the work of departments, sectors, regional and field offices;
- contracts concluded between the Institution and natural or legal entities;
- information related to the sessions of Professional Collegiums,
- contacts with and reception of complainants;
- register of input data;
- archive and documentation data;
- information of Institution's projects in preparation;
- information related to organization of public events organized by Ombudsmen Institution, such as conferences, round tables, etc.

- press releases, newsletters, informational documents and other publications of the Institution.

Head Office – the Seat coordinates functioning of Ombudsmen Institution in entire territory, of Bosnia and Herzegovina, cooperates with the bodies of legislative, executive and judicial powers and international organizations, institutions and bodies, provides professional aid and ensures coordinated actions between regional and field offices, performs activities from the sphere of protection of media freedoms, submits annual reports on human rights and freedoms situation, performs financial and material businesses, cadres, general and other businesses of the Institution that are not performed in regional offices. The Head Office and the Seat of the Institution is in Banja Luka

REGIONAL OFFICES receive and register citizen's complaints alleging human rights and freedoms violations protected by the Ombudsmen who process these cases, receive the citizens who address them for provision of aid in protection of rights and freedoms, monitor the situation of human rights and freedoms, prepare report on situation of human rights and freedoms, duly inform the Ombudsmen on determined problems in exercise and protection of human rights and freedoms, observe functioning of legislative, executive and judicial powers significant for exercise of human rights and freedoms and cooperate with field offices of international organizations. Regional Offices of the Institution are Regional Office Brčko and Regional Office Sarajevo.

Department for Protection of the Rights of a Child receives and registers complaints alleging children's rights and freedoms violation and process such complaints, receive citizens who address it and assists them in protection of children's rights and freedoms, monitors situation of the rights and freedoms of the children, prepares report on situation of children's rights and freedoms, duly informs the Ombudsmen on determined problems in exercise and protection of children's rights and freedoms, observes functioning of legislative, executive and judicial powers significant for exercise of children's rights and freedoms and cooperate with other Departments, particularly in the cases where violation of children's rights are linked to citizen's rights violations.

Department for Protection of the Rights and Freedoms of a Child pays special attention at protection of children's rights and freedoms, particularly related to vulnerable categories:

- affirmation of children's rights and freedoms;
- analyses of key causes on non-functioning of governmental structures in decision-making related to children;
- elimination of obstacles to consistent application of international conventions ratified by BiH, which particularly applies to the Convention on the Rights of a Child.

Department for Protection of Rights of Persons with Disabilities receives and registers complaints alleging rights and freedoms violations and acts *ex officio* in the cases related to violations of the rights of persons with disabilities, particularly when persons with disabilities:

- are endangered due to non-respect of their dignity, personal autonomy including the right to personal choice and independency;
- denial of the right to equal opportunities and exposure to discrimination;
- denial of full and effective inclusion in the society.

Department for Protection of Rights of Persons with Disabilities follows up harmonization of legislation and other BiH regulations related to protection of the rights and interests of persons with disability with the provisions of the Constitution of BiH and international standards related to protection of persons with disabilities, and inform the public on violations of the rights of persons with disabilities

Department for Protection of Rights of National, Religion and Other Minorities receives and registers complaints alleging children's rights and freedoms violations of members of national, religion and other minorities and process such complaints, prepares reports on situation of rights of national, religion and other minorities, duly informs the Ombudsmen on determined problems in exercise and protection of rights of national, religion and other minorities, observes functioning of legislative, executive and judicial powers significant for rights of national, religion and other minorities and cooperates with other Departments.

Department for Protection of Rights of National, Religion and Other Minorities pays special attention:

- o promotion of the rights established by the Convention on Protection of Minority Rights and other international standards determining the rights of the minorities;
- o analyses of legal regulations dealing with the rights of the minorities and the situation in the field aimed to initiation of amendments to existing legislation and bringing this legislation in conformity with international human rights standards;
- o protection of members of national minorities: Albanians, Montenegrins, Czechs, Hungarians, Italians, Jews, Macedonians, Germans, Poles, Romas, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, Ukrainians, and others fulfilling conditions referred to in Article 3, paragraph 1, of the Law on Protection of the Rights of National Minorities in BiH;
- o removes obstacles to consistent application of international treaties ratified by BiH.

Department for Protection of Economic, Social and Cultural Rights of the Institution of BiH Ombudsmen receives complaints and initiates *ex officio* investigations where violations and problems in exercise of the rights referred to in international Covenant on Economic, Social and Cultural Rights or European Social Charter are determined, particularly in the cases where the following is determined:

- any form of discrimination based on race, color, gender, language, political or other opinion, national or social origin, property, birth or any other circumstance;
- violation of the right to vacancy, recreation, reasonable limitation of working hours and occasional paid absences from work, and remuneration for holydays;
- violation of the right of each person to found or join trade unions;
- violation of the right to special protection employed women are entitled to in the case of childbirth
- violation of the right to fear conditions of the work and right to safe and healthy conditions of the work;
- violation of the right to strike;
- violation of the right to use assistance provided by social protection services;
- violation of the right to education, particularly to primary and secondary education;
- denial of the right of participation in cultural life.

Department for Protection of Economic, Social and Cultural Rights of the Institution of BiH Ombudsmen informs competent organs and institutions, as well as the public, on violations of economic, social and cultural rights.

Department for Protection of Civil and Political Rights

(1) Department for civil and political rights of the Institution shall receive the complaints and *ex officio* initiate investigations in cases when it determines violations and problems in realization of the rights originating from the International Pact on civil and Political Rights and especially in cases when it finds any kind of discrimination based on race, skin color, language political or any other opinion, national or social origin and material status;

Department for political and civil rights:

- a. conducts activities on improvement and protection of civil and political rights;
- b. informs relevant organs, institutions and the public regarding the violations of civil and political rights;
- c. removes obstacles for consistent application of international conventions ratified by BiH;
- d. participates in drafting the laws and other regulations from the scope of civil and political rights;
- e. acts preventively against violations of civil and political rights and removes them;
- f. educates citizens on how to use mechanisms for protection of their rights;
- g. cooperates with institutions of the system, NGO sector and individuals aimed at protection of civil and political rights and supports activities on promoting them through the media;
- h. Does other things from the scope of promoting and protecting civil and political rights.

Department for Elimination of All Forms of Discrimination

(1) Department for elimination of all forms of discrimination of the Institution of Ombudsman BiH receives complaints and ex officio initiates investigations in cases where violations and problems are found in realization of rights originating from European Convention on Human Rights and Fundamental Freedoms, International Convention on Elimination of all Forms of Racial Discrimination, Convention on Elimination of all forms of Discrimination Against Women, Framework Convention for Protection of National Minorities and especially in cases of any form of discrimination based on race, skin color, gender, language, political or any other opinion, national or social origin, material status;

Department for elimination of all forms of discrimination:

- a. receives individual and group complaints related to discrimination;
- b. provides assistance to persons and groups of persons who lodged an appeal about discrimination while initiating a court proceeding;
- c. undertaking activities on analyzing individual complaints up to initiation of a court dispute;
- d. with permission of clients, it carries out a procedure of conciliation with possibility to reach an agreement;
- e. collects and analyses statistical data with regards to cases of discrimination;
- f. submits annual and when needed extraordinary reports on phenomena of discrimination in houses of the BiH Parliamentary Assembly;
- g. warns the public on the discrimination phenomena;
- h. carries out investigation in the field of discrimination;
- i. gives opinions and recommendations to the BiH Council of Ministers and to the BiH parliamentary Assembly with an aim to prevent and combat discrimination, proposes corresponding legislative and other solutions.
- j. analyses and shows key samples of malfunctioning of the authority structures in adoption of decisions related to discrimination;
- k. removes obstacles for consistent application of international conventions ratified by BiH;
- l. dedication to global acting aimed at creation of legal circumstances for realization of rights prescribed in international agreements;

- m. with special attention works on prevention of discrimination;
- n. cooperates with organizations of civil society that deal with protection of human rights and organizations that deal with protection of groups exposed to high risk of discrimination;
- o. supports activities of media-promoting principles of non-discrimination as declared in international conventions.

Department for Protection of Rights of Prisoners/Detainees

- (1) Department for monitoring of the rights of prisoners within the Institution of Ombudsman for Human Rights BiH receives complaints and ex officio initiates investigations in cases when it finds violations and problems in realization of the rights originating from the European Prison Rules, Minimum UN Rights for Prisoners Treatment, European Convention on Prevention of Torture, European Convention on Human Rights.
- (2) Department for monitoring of prisoners rights:
 - a) carries out permanent fight for protection of fundamental and all other rights and freedoms of prisoners;
 - b) Within their competencies, shall undertake measures and activities to investigate justified complaints of convicted persons and in relation to the proceedings of eventual human rights violations;
 - c) indicates positive regulations for the status and position of rights and obligations of convicted persons as well as the way of acting of the employees of competent services in penitentiary institutions and plead for their consistent application;
 - d) analyses and points out key reasons of malfunctioning of the authority structures that deal with issues related to prisoners;
 - e) removes obstacles for consistent of international conventions ratified by BiH.

Department for Legal, Finance and General Issues

- (1) Department for legal, financial and general affairs produces proposals of all normative acts of the BiH Ombudsman Institution; drafts individual acts related to rights, duties and responsibilities from labor relations of the Institution's employees and other contracted third persons; keeps personal files of the staff; prepares proposal for budgets needed for the Institution's work; composes reports and analyses of financial functioning of the Institution; follows realization of financial plans; drafts periodical and final reports; prepares and maintains bookkeeping documentation and registers in general ledger; performs internal audit of financial functioning; keeps file on donated funds, means given as a gift or contributed in any other way, composes cashiers reports, registers arriving and leaving staff into the pension and invalidity funds; provides supply of fixed assets, office and other materials necessary for work of the Institution according to provisions of the Law on Public Supply, maintenance, repair and servicing of fixed assets, cares about regular fulfillment of obligations from the rental contracts; payments of expenses for business trips and other compensations, archives documentation and performs other duties from its competence and upon requirement of the Ombudsman BiH; preparation of periodical and final accounts, etc.
- (2) Two units shall be established within the Department for legal, financial and general affairs:
 - a. Unit for material and financial affairs
 - b. Unit for general and legal affairs.