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за људска права
Босне и Херцеговине

2022 Annual Report
on the results of the activities of
The Institution of The Human Rights
Ombudsman of Bosnia and Herzegovina

Banja Luka, March 2023



**2022 ANNUAL REPORT
ON THE RESULTS OF THE ACTIVITIES OF THE
INSTITUTION OF HUMAN RIGHTS OMBUDSMAN OF
BOSNIA AND HERZEGOVINA**

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I. FOREWORD

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter referred to as “IHROBiH”) is an independent institution established with a view to promoting good governance and the rule of law, i.e. to protecting human rights and fundamental freedoms. It was established based on Annexes IV and VI of the General Framework Agreement for Peace in Bosnia and Herzegovina¹(hereinafter referred to as “Dayton Agreement”) and the Law on Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter referred to as “LHROBiH”)², and began operations in 1996.

Pursuant to LHROBiH, early every calendar year, IHROBiH submits to the Presidency of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, the National Assembly of the Republika Srpska (hereinafter referred to as “RS”) and the Parliament of the Federation of Bosnia and Herzegovina (hereinafter referred to as “FBiH”) its annual report on the results of its activities in the previous year.

Pursuant to Article 7 paragraph (2) item f) of the Prohibition of Discrimination Act, IHROBiH is obliged to submit annual and, if necessary, extraordinary reports on manifestations of discrimination to the BiH Parliamentary Assembly, the Parliament of the FBiH, the National Assembly of the RS and the Assembly of the Brčko District of Bosnia and Herzegovina (hereinafter referred to as “BDBiH”). Driven by economy, IHROBiH’s report on manifestations of discrimination is submitted as a separate unit within the annual report.

The specific feature of the said reports lies with the fact that they are an instrument presenting in which IHROBiH activities and the results thereof are presented. This primarily includes activities related to handling citizens' complaints, but also monitoring, promotion of human rights, providing rulings, as well as other activities as per the law setting forth IHROBiH competences.

Thus defined IHROBiH’s obligation is based on the importance of IHROBiH as a communication channel between citizens and the authorities, imposing the obligation to point out to the authorities what the most significant problems that citizens face in exercising their rights in the annual report.

The authorities, primarily upholding the constitutional framework and international human rights standards, have the possibility to use this institution’s annual report as an indicator, with a view to eliminating system weaknesses that result in human rights violations.

The 2022 Annual Report has an additional challenge as it is presented to the competent legislative authorities at the beginning of an electoral mandate, which provides an opportunity for it to be used as an instrument in the process of planning and setting policies in order to improve the position of citizens. The methodological approach used in the preparation of this

¹Adopted on 21 November 1995 and ratified on 14 December 1995.

² *BiH OG*, no 32/2000, 19/2002, 35/2004 and 32/2006.

report sought to rise to the stated challenge, by not only presenting IHROBiH's activities and results thereof, but also by indicating to potential lines of action.

The annual report is also publicly presented, submitted to professionals, professional organisations, local and international organisations, civil society, the media and citizens. The annual report must state the total number and nature of complaints received, the number of complaints IHROBiH did not take into consideration and the reasons for that, the number of complaints that were investigated, as well as the findings of the lawyers assigned to those cases. Data on the number of recommendations issued by IHROBiH and accepted by the respondent authorities are presented, as well as statistical data on the number of recommendations issued and not accepted by the respondent authorities, i.e. unimplemented recommendations.

IHROBiH submits this Annual Report to the competent authorities for consideration, with the belief that it will be used as a starting point for discussion and improvement of human rights, where strengthening of institutional mechanisms is one of the key elements.

For that purpose, one must be reminded of the fact that the current situation in IHROBiH requires the support from all stakeholders, especially given the resources which are limited in comparison with the wide scope of its mandate. IHROBiH reported this fact to the competent authorities in the 2021 Annual Report on the Results of the Activities of the Institution of Human Rights Ombudsman.³

LHROBiH defines IHROBiH's mandate, competences, authorities and the code of procedure. IHROBiH's mandate has a number of functional elements that include not only handling complaints and individual procedures initiated *ex officio*, but also monitoring and preventive action. It is Resolution 48/134 of the General Assembly dated 20 December 1993 (hereinafter referred to as "Paris Principles") that indicates the importance of an institution being given as broad a mandate as possible in its action: independence, pluralism, and established cooperation with the authorities, civil society, international organisations, etc. Funding, staff, infrastructure and institutional capacities to perform functions falling within its competence and carry out all responsibilities should be ensured.

The BiH Prohibition of Discrimination Act envisages that IHROBiH is the central institution for the protection against discrimination and that it can act against all natural persons and legal entities⁴. In some countries (Serbia, Macedonia, Slovenia), this body was established as a separate institution.

Freedom of information acts (BiH and entity government levels)⁵ stipulate that IHROBiH is competent to take appropriate measures aimed at upholding the rules of free access to information. A separate institution has in some countries been established for this specific

³Pg. 20-30, https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2022041413104027bos.pdf.

⁴Article 7, BiH Prohibition of Discrimination Act, *BiH OG*, no 59/2009 and 66/2016.

⁵Art. 21 and 22, BiH Freedom of Information Act, *BiH OG*, no 28/2000, 45/2006, 102/2009, 62/2011 and 100/2013; Art. 21 and 22, RS Freedom of Information Act, *RS OG*, no 20/2001; Art. 21 and 22, FBiH Freedom of Information Act, *FBiH OG*, no 32/2001 and 48/2011.

mandate, thus pooling together the freedom access to information and personal data protection mandates (Slovenia, Serbia, and Montenegro).

By the BiH Prohibition of Discrimination Act (hereinafter referred to as “PDABiH”) (July 2009) it is required that the IHROBiH internal structure be harmonised with the obligations defined in Article 7 of PDABiH, which in paragraph (5) stipulates that: “*The budget of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina shall include a separate budget item required for the functioning of the special department/departments to combat discrimination*”. Unfortunately, the given provision has never been implemented although IHROBiH has been regularly expressing this need and pointing to the legal requirement in its budget requests.

The situation is also similar concerning the special mandate related to the implementation of the Freedom of Information Act and media freedom, with no separate institution established for them. The reform of FOI legislation is underway, which also includes the issue of defining institutional mechanisms.⁶

Acts on government, ministerial and other appointments (for BiH and entity government levels)⁷ provide IHROBiH with a special authority to monitor the implementation of the principles during the said appointments, i.e. to issue measures to annual decisions, etc.

With the upcoming adoption of the Law on Amendments to LHROBiH, IHROBiH should also be given a new preventive mechanism mandate, which the authorities must take into account when assessing IHROBiH’s financial, technical and personnel needs.

There are currently 59 employees working in IHROBiH, namely 34 LL.Bs (including three ombudspersons) and 25 administrative and technical staff members, while the Rulebook on the Internal Organisation and Classification of Positions has 90 positions approved (more precisely, 87 positions and three ombudsperson positions).

When the Act on Salaries in the Institutions of BiH⁸ was passed, the specific requirements for hiring staff in IHROBiH who, according to LHROBiH, should have the same status as the staff of the BiH Constitutional Court, were not taken into account. On the contrary, the Act on Salaries repealed the provisions of LHROBiH as the *lex specialis*, thus directly challenging the independence of IHROBiH as one of the basic Paris Principles.

Thus, there are three separate mandates carried out by IHROBiH. Their importance is not recognised, which is also reflected in the fact that assets and funds are not secured and limits changes of IHROBiH’s structure and its further development.

⁶More: https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2020020515415139bos.pdf;

⁷Art. 16 and 17, BiH Act on Ministerial, Government and Other Appointments, *BiH OG*, no 7/2003 and 37/2003; Articles 16 and 17, FBiH Act on Ministerial, Government and Other Appointments, *FBiH OG*, no 12/2003, 34/2003 and 65/2013; and Articles 16 and 17, RS Act on Ministerial, Government and Other Appointments, *RS OG*, no 41/2003.

⁸*BiH OG*, no 50/08, 35/09, 75/09, 12/09, 32/12, 42/12, 50/12, 32/13, 87/13, 87/13, 75/15, 88/15, 16/ 16, 94/16, 72/17, 25/18.

It is particularly important to point out that IHROBiH has the authority to act concerning judicial institutions, without dealing with the merits of cases, which requires hiring a certain number of lawyers who meet the requirements necessary for the selection of judges, while for the position of Assistant Ombudsperson they need five years of experience and passed bar exam.

Different organisations and bodies have been focusing on the functioning of IHROBiH because its functionality, both in the field of protection and in the field of promotion, is a guarantee of the protection of citizens' rights, but above all, it is an indicator of the achieved level of the rule of law against which the level of democracy in a society is measured. IHROBiH operations should definitely be harmonised with the findings and recommendations contained in the following documents:

- Paris Principles, in particular via the recommendations contained in the GANHRI Subcommittee for Accreditation Report, November 2017;
- 2019 Universal Periodic Review - BiH;
- 2019 Opinion of the European Commission on BiH's Application for EU Membership, along with the analytical report accompanying the Opinion, Bosnia and Herzegovina 2020, 2021 and 2022 Reports of the European Commission;
- 2019 Expert Report on Rule of Law Issues in Bosnia and Herzegovina;
- Concluding observations of all nine UN committees⁹ sent after considering the report on the application of the conventions ratified by BiH¹⁰, as well as recommendations of UN special rapporteurs;
- Principles on the Protection and Promotion of the Ombudsman (Venice Principles), published by the Venice Commission in 2019, and CM/REC(2021)1 of the Committee of Ministers to member states on the development and strengthening of effective, pluralist and independent national human rights institutions, issued by the Council of Europe on 31 March 2019.

IHROBiH is accredited with "A" status by the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), formerly the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). It was last accredited on 24 November 2017, which confirmed IHROBiH's independence and its functioning in accordance with the Paris Principles¹¹.

In 2022, IHROBiH was invited to file an application for re-accreditation, which is scheduled to take place every five years, by 3 October 2022. The recommendations made by GANHRI in the

⁹https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013031102133169bos.pdf.

¹⁰UN Convention on the Rights of the Child; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of Persons with Disabilities; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;

¹¹The Paris Principles, adopted by the United Nations General Assembly in 1993 at the proposal of the Human Rights Committee dated 1992, refer to the status of human rights institutions in terms of the promotion and protection of human rights and provide for their broad competence in the field of human rights protection. These are minimum standards that provide guidelines for the establishment, competences, duties, composition, including pluralism, independence, working methods and quasi-judicial activities of institutions for the protection of human rights.

2017 re-accreditation process refer to: ensuring financial independence; establishment of the independent preventive mechanism mandate; formalisation of working relations with other human rights organisations and domestic institutions, primarily civil society organisations, and appointment and dismissal procedures, which required the adoption of amendments to LHROBiH by the BiH Parliamentary Assembly. Given that the aforementioned amendments to LHROBiH were not adopted, that the term of office of the previous ombudsperson composition expired in November 2021, that the election of new ombudspersons was underway, and given the fact that COVID had a major impact on IHROBiH functioning, IHROBiH filed a request to defer re-accreditation by one year, which was granted, so that the application for re-accreditation should be filed by the ICC autumn session, due in October 2023.

All that has been said puts before IHROBiH and the authorities a serious and demanding task to create the prerequisites for the improvement of IHROBiH as the central mechanism for the protection and promotion of human rights, through coordinated and synchronised action.

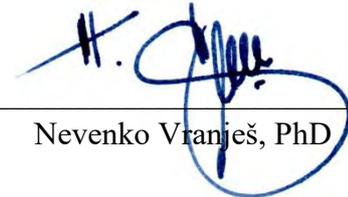
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II. SUMMARY

In 2022, a total of 2,850 complaints were registered in IHROBiH's database, which is a decrease by 96 complaints or 3% compared to 2021 when 2,946 complaints were registered. This decreasing trend in the number of complaints registered with IHROBiH should be looked at in the context of the decrease in the population caused by negative demographic trends but also by citizens leaving for abroad caused by economic, social and other reasons. The analysis of complaints indicates that the increasingly complex cases registered, containing multiple violations of human rights, are often caused by systemic weaknesses. This fact is indicated by the constant growth in the number of recommendations issued to respondent parties.

Thus, in 2022, there was a total of 428 recommendations issued, which compared to 2021, when 315 were registered (and 270 recommendations in 2020), constitutes an increase by 113 recommendations, out of which number 129 were fully implemented, 16 partially implemented and in case of 75 recommendations there was cooperation achieved with IHROBiH. IHROBiH is particularly concerned by the fact that there are still a large number of recommendations with no reaction from the respondent party (100 IHROBiH recommendations).

IHROBiH emphasises that every person can access IHROBiH, i.e. any natural person or legal entity with a legitimate interest can contact IHROBiH free of charge, without any restrictions. In this regard, IHROBiH points out that in the past year, a significant number of parties assessed the work of IHROBiH positively, and every year a significant number of parties write letters of thanks for our work, and we would like to stress that in the Annual Report:

"First of all, I wish to express my sincere gratitude and enthusiasm for what is shown and proven by the Institution of Human Rights Ombudsman of BiH. The expediency, efficiency and effectiveness of the Institution of Human Rights Ombudsman of BiH are truly incredible. Immediately upon receiving the request from the complainant, within 2-3 days, you inform them that the request has been received, registered under your official number as a complaint, and at the same time you send your enquiry to the public authority from which certain data are required at the request of the complainant."

"It is simply incredible that the Institution of Human Rights Ombudsman of BiH, in less than 30 days, receives and records a request based on Article 11 of the Freedom of Information Act and assigns it a complaint number, at the same time sends a request to the public authority from which the data are requested. IHROBiH very quickly receives the requested response from the public authority, which is promptly delivered to the complainant requesting protection of their human rights. All this is done within 30 days. Well done. You are the most expeditious, efficient and effective institution in all of Bosnia and Herzegovina."

"Thank you for your help, immediately after your memo to the court, a hearing was scheduled and the proceedings were referred to the criminal department. I wouldn't have succeeded without your help."

"With regard to the adopted IHROBiH recommendation, we sincerely thank you and would like to commend the work of this institution, especially when it promptly reviewed the latest submissions from the business and at the same time took into account the views from the submissions received when it comes to resolving the administrative matter."

"I would like to express my gratitude to IHROBiH, as it worked on this case which was not simple at all because of the intentionally caused legally complicated situation and its delicacy... I am grateful, not only because of the personal satisfaction in the legal procedure that was unfair and discriminatory, but there is also one moment of general importance that I would like to emphasise, which is that, as a citizen of this country, I directly experienced what IHROBiH engagement means in an individual's fight for their rights. This engagement of IHROBiH convinced me of the importance of daily advocacy against human rights violations for building the rule of law. Thank you for restoring my confidence in the legal institutions and legal procedures of this country."

IHROBiH also receives a number of complaints concerning its handling of cases, which primarily refer to decisions to close cases where under law IHROBiH has no competence to act. This primarily refers to cases where courts have already taken decisions whose merits IHROBiH cannot question or these are disputes between natural persons. There are also a number of objections concerning slow actions of IHROBiH itself, which, to a significant extent, is the result of insufficient human resources. For example, out of the 31 lawyers, five female lawyers went on maternity leave. Ensuring more efficient handling of cases is a priority for IHROBiH.

Similar to previous years, the largest number of registered complaints refers to violations of civil and political rights, including the judiciary and administration, as well as economic and social rights. Complaints filed indicate that access to efficient judiciary, employment and social rights is made difficult for citizens, and often these violations are caused by a high poverty rate¹², corruption, and population migration. When it comes to migration processes, there are more and more indicators that young and educated citizens continuously leave Bosnia and Herzegovina, which certainly requires adequate and urgent measures to be taken to stop this process.¹³

According to the IHROBiH findings based on specific complaints registered with it in 2022, the most vulnerable categories of the population in BiH were: young people due to lack of employment possibilities, pensioners, persons with disabilities, single-parent families, children, especially in certain life situations such as high-conflict divorces, and employees in certain extremely low income industries, such as catering and hospitality, trade, certain production activities, etc.

In the course of 2022, 857 complaints were registered with the Department for Monitoring the Exercise of Political and Civil Rights, which constitutes a decrease compared to the previous year with 904 complaints received. Recommendations were issued in 172 cases. The numbers of

¹²Resulting from the high unemployment rate, low pensions, lowest or average salary far below the official consumer basket, same VAT rate that applies to both basic provisions and most luxurious goods, major social differences between the largest number of population and a small group of citizens with extremely high incomes, uneven social welfare benefits depending on the place of residence, etc.

¹³In addition, there are also problems related to the need to completely depoliticise the employment process; urgency of the education reform; major increase in the level of aid and support to underdeveloped municipalities.

the human rights violations reviewed were as follows: access to information 308, police 153, government and ministerial appointments 104, property relations 117, inspections 86, legal aid 13, public documents 30, migration and asylum 19, war damage 15, media and freedom of information 12, corruption cases 3, religious freedoms and religion 3, and freedom of association 1.

The 2022 European Commission report on Bosnia and Herzegovina points out that FOI legislation remains fragmented and not in line with international and European standards. Rules on data protection and access to information are still interpreted in a way that protects private rather than public interests. The exercise of the right to access public information remains inconsistent. IHROBiH notes that there is still lack of understanding in terms of the concept of the right to access information and obligation of public authorities to, complying with requests, make information they hold available to the public. The concept itself relies on the position that citizens are entitled to know public information. The applicable legislation does not provide for proactive transparency as an obligation of public authorities that is the key precondition to ensure the principle of good administration, namely the principle of transparency, openness of public authorities, efficiency and accountability.

The most common reason for which legal entities and natural persons address IHROBiH refers to failure to take decisions within the statutory period, the right to a review in two instances, inconsistent and/or incorrect determination of exemptions from disclosure, inadequately (or not) conducted public interest test, etc. The key issues can be defined in connection with legislation, with institutional capacities and mechanisms, with requesters and with deficiencies in the application of the Freedom of Information Act at all government levels.

The topic that also marked 2022 in the field of the right to access information is the process of passing the new Act on Freedom of Information and Reuse of Information at BiH level. The BiH Council of Ministers has not yet considered the Act on Freedom of Information Act and Reuse of Information of BiH. Under the new draft act, IHROBiH is to lose this specific mandate and the only authority that IHROBiH is to have refers to the obligation of public authorities to provide IHROBiH with the Information Officer data. In the context of the new act, the institute of the supervisory authority is particularly problematic because the institutional mechanisms foreseen do not have the independence required by international standards. No changes concerning the applicable legislation have been initiated at FBiH and RS levels. Thus, the issues that IHROBiH has been pointing to for a number of years are identical.

There are also problematic cases where public bodies, which are undeniably obliged to apply FOI legislation, claim that they do not represent a public body in terms of regulations or that they are not budget users and that they are not obliged to apply the said legislation. On the other hand, there are obvious challenges that public bodies face when complying with FOI requests due to requests that are either too broad or imprecise and there are also cases where requesters do not make use of regular legal remedies. There are still cases of non-compliance with statutory deadlines, failure to make decisions as stipulated by law, and the insistence of public bodies that requests contain elements not provided for by applicable FOI regulations. Public bodies often fail to carry out the public interest test or carry it out incorrectly. Decisions do not sufficiently

elaborate on the public interest test conducted or only note that it has been carried out, after which they find that there is no public interest.

Property rights they are directly linked with the efficiency of the authority on whose actions both the possibility to enjoy and the possibility to limit rights depend. In 2022, IHROBiH received 117 complaints about violations of the right to property, which is by six complaints fewer than in the previous year. A recommendation was issued to the indicated respondent party in eight of these cases. Complaints referring to the violation of property rights show that there is an apparent weakness of the mechanisms responsible for ensuring and protecting property rights, due to the failure of competent authorities to comply with applicable legislation and international standards for protection of property rights, due to inappropriate length of proceedings before competent authorities, due to violations of the principles stipulated by administrative procedure legislation, due to failure to take administrative actions that the right to dispose of property depends on. The above mentioned shows the necessity to review the effectiveness of property rights protection mechanisms, which is an important issue if the state is to control the use of property in accordance with the general interest.

During the reporting period, there were 153 complaints received about police treatment, five complaints fewer than in the previous year. Recommendations were issued in 12 cases. Complaints were filed because of unprofessional conduct of police officers; dissatisfaction with the manner in which misdemeanour or criminal charges pressed were handled and with the failure to issue a report following a police intervention; violations of FOI regulations; excessive use of force, requests for intervention in cases of troubled neighbourly and family relationships, most often resulting from unresolved property issues; dissatisfaction with the intervention at the request of former spouses in conflicts and child visitation issues; tardy actions of the Ministry of the Interior as an body of administration; but there were also complaints from police officers concerning their exercise of employment rights. The complaints filed show that it is necessary that: police officers be familiar with the domestic legal framework and international human rights documents; mechanisms for dealing with citizens' complaints be efficient; the public be aware of police competences so that they do not burden their work with unfounded complaints; status and employment rights of police officers be fully exercised. IHROBiH draws attention to one important segment of police activity, community policing. Community policing can be reactive, with the police coming when called, when an incident warranting their intervention occurs, it can be and proactive, which implies the presence of police officers as necessary. It is very important to improve the standard of community policing so that proactive action prevails.

Inspection and audit, as a form of administrative oversight, is extremely important in the implementation of a whole range of regulations that underpin the protection of guaranteed civil, political, economic, social, and cultural rights of natural persons and legal entities. Inspection and audit activities are subject to principles of good governance, which in turn requires inspection/audit to be established on the principles of transparency, professionalism, accountability, as well as coherence, proportionality, openness, participatory approach and efficiency.

In the course of 2022, IHROBiH received 86 complaints regarding the failure to conduct inspections and audits and the failure to take actions and measures falling within the competence

of inspection and audit authorities, which is 14 complaints fewer than in 2021. Sixteen recommendations were issued concerning the lack of inspection and audit, untimely actions of inspection and audit authorities, non-compliance with applicable legislation regulating the scope, content, and form of oversight, rights and duties of inspectors/auditors, delegation of competences during procedures where financial damage has occurred, and violations of the right to free access to information by inspection/audit authorities.

The complaints indicate that competent authorities, in accordance with their powers and authorities, must take necessary measures to eliminate weaknesses in the functioning of inspection and audit bodies, to empower them and to ensure their more effective operations. Regardless of the functional and territorial organisation of inspection and audit bodies, what was also noticeable was the lack of coordination, especially between different inspection/audit levels, and delayed assessments of the actual competence of inspection bodies.

IHROBiH, in accordance with the Act on Ministerial, the Council of Ministers and Other Appointments of BiH, reviews objections to final appointments in accordance with these acts. During 2022, IHROBiH reviewed 104 complaints, 20 complaints fewer than in the previous year. Fifty recommendations were issued. The number of complaints and recommendations issued in 2022 for violations of basic principles in procedures for appointing and dismissing members of governing and supervisory boards in companies and public enterprises, for dismissals of officials without stating the reasons therefore, and for appointments based on political affiliation rather than objective criteria indicates the need to re-examine the existing legislative framework and to provide clearer criteria that must be complied with in appointment and dismissal procedures.

Migration trends that intensified globally in 2018 also affected BiH with the arrival of a large number of foreign nationals in the country's territory, which set significant challenges before domestic institutions, especially considering the fact that those were illegal migrants who expressed an intention to seek asylum but, in most cases, never initiated the registration procedure. Although the number of received complaints indicates a decrease in migration trends compared to previous years, the issue of migration remains the focus of IHROBiH, primarily in terms of monitoring the effectiveness of actions taken by institutions responsible for processing asylum applications and ensuring the status and other rights guaranteed by the legislation of BiH and ratified international standards.

Foreign nationals either personally or through representatives and non-governmental organisations request IHROBiH's intervention to be provided with opportunities to express their intent to seek asylum; to address the failure to make decisions on applications for asylum; to have guardians appointed for unaccompanied minors; to address unlawful actions of competent authorities in procedures for applying for asylum - expressing intent to seek asylum in BiH.

IHROBiH points to the importance of continuous education on human rights legislation of BiH and international human rights standards of officers responsible for matters concerning foreign nationals, their stay, movement and status.

In their complaints, citizens express their dissatisfaction with actions of competent authorities in procedures for issuing personal documents and required certificates and in procedures for entering data in birth registers, and with non-recognition of refugee identity certificates despite ongoing court proceedings. They also sent requests for urgent mediation to exercise their right to travel documents. In 2022, IHROBiH received 30 complaints related to public documents, which is by three complaints more than in previous year. There were three recommendations issued.

The Central Election Commission failed to update the central voter registers, which still contain names of deceased individuals. As a result, registry offices have the obligation to provide accurate data and the Central Election Commission is to update the electoral roll to prevent any abuse in the electoral process.

Annex VII of the General Framework Agreement for Peace in BiH stipulates the right of all refugees and displaced persons to freely return to their homes, the right to restitution of property that was taken from them during the war starting from 1991, and compensation for property that cannot be returned. The global economic crisis has also affected the exercise of property rights for refugees and displaced persons due to the objective impossibility to reconstruct residential buildings. That is why competent authorities must find and review all legal and financial frameworks to come up with appropriate solutions.

Fifteen cases were received in 2022 (fewer by three than in 2021) related to damage to property of complainants caused by war¹⁴ and possibilities for compensation and reconstruction of damaged buildings¹⁵, providing housing¹⁶, requests for guidance/instruction on how to exercise rights¹⁷, and objections to procedures for granting financial aid for reconstruction¹⁸.

In the case of public calls for donations for the aforementioned purposes, it is essential to transparently announce the call on multiple media platforms and provide detailed instructions on how to apply to facilitate citizen participation in the process and ensure its proper and lawful implementation.

As in previous reporting periods, there is still considerable dissatisfaction and lack of trust of citizens in judicial institutions due to the inefficiency of the judicial system, ineffective prosecution, lack of trust in the High Judicial and Prosecutorial Council (hereinafter referred to as “HJPC”) and its inadequate actions. A large number of complaints were filed due to the unreasonable length of court proceedings. Those are cases before certain first- and second-instance courts that have been pending for years. Excessive length of proceedings cannot be justified by excessive workload of courts. State parties to the European Convention on Human Rights are obliged to organise legal systems that ensure compliance with Article 6 of ECHR. The European Court of Human Rights has established that the “reasonableness” of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to

¹⁴ Ž-BL-05-28/22, Ž-BL-05-538/22, Ž-BL-05-407/22.

¹⁵ Ž-MO-05-148/22, Ž-BR-08-250/22.

¹⁶ Ž-BL-05-248/22.

¹⁷ Ž-BL-05-54/22.

¹⁸ Ž-SA-08-1371/22.

the following criteria: the complexity of the case, the conduct of the applicant and of the relevant authorities and what was at stake for the applicant in the dispute¹⁹.

Prosecutor's offices are the bodies responsible for conducting investigations into criminal offences and for prosecuting perpetrators before courts, in accordance with the Criminal Procedure Act and other applicable laws.

Seventy-six complaints were received in 2022 concerning actions of prosecutor's offices (more by three complaints than in previous year). These complaints referred to the length of proceedings from the moment they were initiated by the prosecutor's office to the issuance of prosecutorial decisions; failure to take necessary procedural actions in cases requiring urgent action; dissatisfaction with prosecutorial decisions/orders to not conduct investigations; violations of the right to free access to information; and the length of procedures to resolve complaints filed against orders to not conduct/suspend investigations, etc. Specific features in cases before the prosecutor's office, which may be related to the profile of the injured party, such as children, women victims of domestic violence, etc., require sensitivity and readiness to intensively cooperate with other institutions, especially with social welfare centres.

In 2022, IHROBiH received 13 complaints concerning the conduct of lawyers/bar associations, which is six complaints more than in 2021. These complaints were filed due to lack of information about the completion of proceedings on disciplinary charges made against lawyers; dissatisfaction with decisions in proceedings before competent courts leading to requests for disciplinary action against lawyers; and unprofessional conduct of lawyers. Complaints were also filed regarding dissatisfaction with the work of offices of notaries public, while only one recommendation was issued in the same period. IHROBiH points out to the importance of efficient actions and functioning of bar associations as professional associations that exercise public authority.

IHROBiH stresses that the quality of public services and the work of public administration bodies is a tangible indicator of the functionality of a state. A good administration should be in the service of the public and promote society's trust in the executive power, should contribute to political stability and stimulate economic growth and social well-being. In contrast, a non-functional administration may trigger citizen resistance and their protest against the state, and in the worst-case scenario it can lead to a non-functional state. The right of citizens to a good administration is, *inter alia*, governed by the European Union Charter of Fundamental Rights²⁰.

During the reporting period, IHROBiH handled 292 complaints related to violations of the right to good administration, which is 28 more complaints than in 2021. By analysing actions in 2022, IHROBiH identified numerous weaknesses concerning the length of administrative procedures, administrative silence, inefficient response of inspection/audit services, and non-compliance with statutory deadlines when deciding on requests from parties. Attention was drawn to: inappropriate conduct of officers, inappropriate working hours of bodies of administration, shifting parties from one body to another, excessive formalism, inefficiency and general

¹⁹ Frydlender v. France [Grand Chamber], 27 June 2000, para (43).

²⁰ Article 41.

violations of procedural provisions governing administrative procedures, conducting administrative procedures contrary to the law for reasons such as: failure to make decisions within statutory deadlines, insistence on providing large amounts of unnecessary documentation, violations of the principle of providing assistance to ignorant parties, failure to make decisions on appeals, lengthy second-instance proceedings, remanding cases for reconsideration in the first instance (back-and-forth principle), and incorrect application of substantive regulations.

IHROBiH considers it necessary to conduct a comprehensive analysis of the work of public administration bodies and, based on the weaknesses identified, initiate reform and improvement of their services to become more efficient, accessible and transparent in their work.

In 2022, 676 complaints were received concerning the protection of economic, social and cultural rights. A certain number of cases (358) were carried over from 2021, meaning that IHROBiH handled 1,033 complaints in the reporting year. Compared to 2021, the Department for Monitoring the Exercise of Economic, Social and Cultural Rights received a smaller number of complaints (93). The complaints received mainly concerned violations of rights related to employment (251), pension (127), municipal services (107), social protection (63), healthcare (59), education (47), ecology and environmental protection (18), and public revenues (4).

Employment-related complaints mostly concerned irregularities in the conduct of vacancy procedures, such as not selecting the best candidate, employing relatives, hiring without conducting vacancy procedures, changing the job classification, especially after courts issue binding decisions ordering reinstatements. A certain number of complaints were also received about discriminatory requirements in *public vacancies*; length of vacancy procedures during which time complainants reach the age that eliminates them from further procedure, which may be considered age discrimination; prioritising certain categories when hiring, and other employment-related violations (annual leave, work on weekends).

The IHROBiH stance is that vacancy procedures are aimed at selecting the most qualified candidates or civil servants and that amendments to laws and by-laws should lead to the selection of the most successful candidate.

A certain number of complaints indicate that there is a problem in ensuring employment-related rights if the employer is registered in one entity or canton but operates in another. In these cases, labour inspections declare themselves as not having jurisdiction.

As for violations of pension insurance-related rights, IHROBiH received 127 complaints in 2022 and issued six recommendations. Compared to the previous year, when 158 complaints were received, there was a decrease in the number of cases. Regardless of the number of registered complaints, IHROBiH points to the good cooperation with the pension and disability insurance funds, which face a large number of cases, many of which require cooperation with funds from neighbouring and other countries. This has a major effect on their overall efficiency.

In 2022, a significant number of cases were registered concerning municipal services (107). As these are mostly services provided based on concluded contracts which include party statements, IHROBiH has no competence to act and these cases get forwarded to the Ombudsman for

Consumer Protection. These cases concern the supply of heating, water, electricity, etc. However, when it comes to determining prices and methods for providing services, decisions are made by public authorities, thus defining IHROBiH jurisdiction. There is also the fact that public companies can be service providers and that infrastructure investments are made with public funds, especially in local communities. A distinction must be made between a service and the access to resources that are delivered to citizens through this service. This is particularly important when it comes to the right to access to drinking water, which includes clear and transparent decision-making by the competent authority as to who and how will be granted the right to provide the service of supply of water, which is a public good, to the end-user.

Social rights-related complaints were filed because of failure to resolve applications for one-time financial assistance; irregular social welfare payments; impossibility to receive maternity allowance when the pregnant woman's place of residence and place of work are in different entities/cantons; care for people with intellectual disabilities; conditions in private nursing homes, etc. The high unemployment rate and low pensions indicate that an increasing number of people need certain forms of social protection, which imposes an obligation on the state to place this type of right higher on its agenda. The number of filed complaints in this field certainly does not reflect the actual state of play, which is more complex in practice. Social assistance is symbolic and cannot provide for the basic needs of beneficiaries.

The insufficient recognition of the importance of the role of social welfare centres, which IHROBiH has been pointing out for years, results in the underdevelopment of their capacities to adequately respond to their demanding social role. This is particularly important in areas that require their professional work and engagement, such as high-conflict divorces, care for children in conflict with the law, adequate care for individuals in need of social assistance, etc. The competences for actions of social welfare centres, especially in the FBiH, are prescribed by laws adopted by all government levels, while the funds for their functioning are provided by the founders. IHROBiH reminds that social welfare centres need to be empowered and strengthened in order to improve the social rights of citizens.

In 2022, the Department for Monitoring the Exercise of Economic, Social and Cultural Rights registered 59 healthcare cases (20 cases fewer than in 2021), while recommendations were issued in six cases. The complaints filed concern the rights of patients, health insurance, the inability to reimburse costs borne by health insurance funds, procedures for the procurement of medicines, the inability to provide healthcare/protection due to the unavailability of medicines for certain categories of patients according to their actual needs, and medicines that are neither registered nor available in BiH also pose a problem, rights to access information by healthcare institutions, etc.

By analysing healthcare procedures initiated in 2022, but also in earlier years, IHROBiH observed that issues related to healthcare rights are considered by all IHROBiH departments because the right to access to healthcare is in jeopardy for all categories of citizens.

In 2022, there were 47 cases registered (4 cases fewer than in 2021) in the field of education and six recommendations were issued. The recommendations referred to ensuring a mechanism for monitoring and supervision of the allocation of subsidies to preschool institutions in the BDBiH

area, with a view to preventing potential undesigned spending of subsidies, ensuring the defence of master theses, more precise and adequate regulation and protection of the right of students to adequate information, mentoring and obtaining titles, and examining the complainant's allegations regarding violations of the principles and standards of second-cycle studies and taking measures to eliminate identified irregularities, either by adopting statutory or legal instruments.

Education-related complaints refer to the failure of the ministries responsible for the field of education to take decisions and to problems related to adult education. A certain number of cases had to do with the conduct of competition procedures at higher education institutions, accreditation of higher education institutions, the impossibility to exercise the right to receive scholarships, and the impossibility of obtaining a licence after completing education.

IHROBiH call on the authorities to take additional efforts so that it becomes a national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment and punishment in BiH and an independent body in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (NPM) with a mandate enabling visits to all places where persons deprived of liberty are accommodated, in order to improve the position of persons deprived of liberty, especially in terms of determining potential torture and other forms of inhuman and inhumane treatment.

Bearing in mind that the right to physical integrity and human dignity falls under fundamental human rights and that the prohibition of torture in general international law is treated as an imperative norm binding for all states, BiH is obliged to implement activities and measures aimed at ensuring full compliance with the prohibition of abuse and improving the situation in this area. In 2022, the Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty received 77 complaints, while in 2021 it received 91 complaints, which is fewer by 14 complaints. The analysis of complaints filed shows that the largest number of complaints referred to healthcare coverage, use of non-custodial measures, accommodation and treatment conditions, exercising the right to transfer to another institution, as well as the possibility of having contact with children in institutions. In 2022, one recommendation was issued. In 2022, a number of institutions for the execution of criminal sanctions were visited and other activities falling within the competence of the Department were undertaken.

By establishing an NPM in BiH, IHROBiH would have access to all data on the number and treatment of persons deprived of liberty in detention facilities and the number of facilities and their respective locations. Furthermore, it would have access to all detention facilities, their installations and facilities, access to conduct interviews with persons deprived of liberty undisturbed and without the presence of witnesses if they so choose, either in person or with an interpreter if necessary, and access to conduct interviews with any other person whom the NPM deems able to provide significant information. It would also have the right to contact the Subcommittee on Prevention of Torture, to provide it with information and to meet with it. All these activities would contribute to the protection of the rights of persons deprived of liberty in BiH, not only detainees and convicts in penitentiary institutions, but also persons detained by the police/prosecutors, beneficiaries in social protection institutions and persons with mental disabilities placed in psychiatric hospitals. In addition, these activities would also monitor the

treatment of refugees and migrants and supervise the procedures of forced removal of foreign nationals.

IHROBiH expects a more specific and resolute reaction of the child protection system in high-conflict family situations or other unfavourable family situations. This reaction includes a revision of family proceedings acts in BiH.

It is necessary to reduce the effects of poverty on children, to revise enforcement procedure acts in BiH, primarily in order to exempt children's income from enforcement procedures but also to improve the legal framework so that children can exercise their rights to maintenance and adequate standard of living.

Bosnia and Herzegovina has not achieved a sufficient level of protection of children from sexual violence as court proceedings take too long and penalising perpetrators of sexual violence against children is inadequate. The authorities are urged to continue their efforts to harmonise the current criminal legislation with the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). It is particularly necessary for the FBiH to adopt the Act on Special Register of Persons Convicted by Final and Binding Judgements for Criminal Offences against Sexual Freedom and Decency of Children and Minors.

The length of court proceedings where key decisions for the life of the child are made are still the reality for vulnerable groups of children. This is unacceptable, because uncertainty in a child's life can lead to irreparable consequences. IHROBiH has for years been advocating for specialisation of courts or judges at first-instance ordinary courts competent for all procedures in the domain of family protection of children, including enforcement of court decisions.

Regardless of the many activities aimed at the deinstitutionalisation and promotion of foster care, a large number of children without parental care continue to grow up in institutions, partly due to the insufficient number of foster families, especially in urban areas, and the lack of specialised foster carers for children with behaviour problems and developmental disabilities. Also, there are no children suitable for adoption.²¹ What needs to be highlighted is the problems of children with behaviour disorders in institutions for children without parental care, they must be ensured the right to protection from violence and neglect, to adequate education, psychiatric treatment and to receiving adequate professional support and protection.

IHROBiH believes that it is necessary to pay special attention to the mental health of children. With adequate support from parents, family, school and the wider community, children and young people develop into content, well-adjusted and confident adults who can cope with stress and build normal relationships with other people. IHROBiH in particular adds that it is necessary to establish a better cooperation and coordination between schools and parents. This just shows how important professionals are in schools, social welfare centres and mental healthcare centres.

²¹The biological parents, although they do not take care of the children, do not grant consent for their adoption.

The competent authorities, the media and citizens should pay particular attention to the child's right to privacy when reporting on children. Violence and other online violations of children's rights indicate the many risks that children are exposed to in the use of new technologies, but also to the confusion of adults and the difficulties faced by institutions in protecting children's rights.

Uneven availability of a number of services – in the fields of care and education, healthcare, social protection, leisure and other fields - continues to have a negative impact on ensuring equal opportunities amongst children. Although there are visible advances in the gathering of experts, civil society organisations and certain institutions dealing with the rights and principles of children's participation, it is still not implemented to a sufficient extent. The functioning of children's representative bodies in schools, institutions and the local community mainly depends on enthusiasm and the way adults understand children's participation.

Working with citizens on a daily basis, IHROBiH believes we must work to create a greater level of trust of the public in the existing child protection institutions. Trust in institutions is particularly important in times of crisis (coronavirus pandemic, economic crisis, natural disasters, etc.).

IHROBiH also must highlight the problem of migrant children in BiH, i.e. the inadequate conditions in temporary reception centres or other places where unaccompanied children and families with children are placed, the insufficient number of services and employees to prevent and alleviate the suffering of these children, especially due to the lack of adequate psychological and social support. The authorities are called upon to make temporary reception centres and other places as humane as possible to live in and to adapt them to the greatest extent possible to children, and to ensure professional staff so that children, having experienced numerous unpleasant and traumatic experiences, receive the help required (psychological and social assistance and support in addition to shelter, accommodation, food, footwear and clothes).

As before, IHROBiH will continue with its activities to protect the rights of minors in conflict with the law because, unfortunately, these children are often victims of abuse and neglect, negligent or inadequate parenting and economic difficulties.

IHROBiH calls on all authorities to unite their resources, to recognise and address problems and difficulties in exercising children's rights with joint efforts. IHROBiH hopes that the problems it points to will serve as guidelines and incentive for all authorities, but also for all individuals who work with children and for children, so that by their further activities in the best interest of children, they can improve their position in society and protect their rights.

In 2022, the largest number of complaints since 2015 was received in the field of protection of persons with disabilities and one of the reasons is IHROBiH's commitment to act *ex officio*. IHROBiH received 66 complaints and issued 19 recommendations. Compared to 2021, there was a 53.49-percent increase in the number of complaints in this Department. The complaints received concerning this area are the consequence of the lack of legislation that regulates certain areas and inadequate application of the existing legislation.

The fact that during 2022 several laws and legal regulations came into effect that govern different areas where persons with disabilities exercise their rights (FBiH Act on Social Protection Institutions, FBiH Act on Foster Parents, Rulebook on Uniform Criteria and Rules of Procedure for Forensic Medical Examination) was a positive development in social protection and protection of the rights of persons with disabilities.

Negative aspects and current shortcomings in the context of legislation are the failure to establish a database of persons with disabilities in both entities, the lack of strategic documents in the FBiH, the failure to adopt amendments to the acts on professional rehabilitation and employment of persons with disabilities in both entities and BDBiH, and the existence of problems in the application of the FBiH Act on Foster Parents. There is also a non-systemic approach to solving the problem of all forms of accessibility for people with disabilities in the territory of the FBiH, the RS and the BDBiH, and the failure to resolve the long-standing issue of the conflict of jurisdiction between entity social welfare centres and the BDBiH social welfare centre. The council for persons with disabilities has not yet been appointed and is not functioning. There is also the issue of inadequate scope and quality of orthopaedic aids that are given to the deaf and hard of hearing and the blind and visually impaired (speech software, baby alarm, etc.). The Sign Language Act has not been adopted in the FBiH. In both entities of BiH, persons with disabilities who acquired disabilities during the war are in an unequal position and have an unequal status compared to persons who acquired disabilities under other circumstances. IHROBiH recognises the importance of additionally empowering prosecutors and judges in handling cases of sexual violence against persons with disabilities and in institutions where persons with disabilities are accommodated. Written procedures for reporting and protection against violence need to be adopted. IHROBiH reminds that the prerequisites for the implementation of the Hadžimejlić and others against BiH have not yet been met.

2.1. Summary - Discrimination and protection of rights of national and religious minorities²²

In 2022, IHROBiH applied the BiH Prohibition of Discrimination Act in accordance with the improved legal framework for protection against discrimination. Discrimination-related complaints are becoming increasingly well-founded because citizens have become more aware of their rights and more easily decide to address IHROBiH, especially since the adoption of the 2016 amendments to the Prohibition of Discrimination Act when IHROBiH's recommendations were given the weight of evidence in court proceedings. IHROBiH has increased the visibility of its work by publishing recommendations and by organising promotional activities, which encourages citizens to come forward more openly in the protection of their rights. There is a noticeable increasing trend of professionals addressing IHROBiH, including lawyers, courts, non-governmental organisations, associations or research centres and representatives of media outlets.

²²Due to the small number of complaints from the scope of work of the Department for the Protection of the Rights of National, Religious and Other Minorities, these complaints were considered within the work of the Department for the Elimination of All Forms of Discrimination.

The largest number of complaints in the reporting period refers to mobbing as a special form of discrimination in the workplace, followed by complaints of discrimination on the grounds of ethnicity and on the grounds of national or social origin.

During the reporting period, IHROBiH also handled cases indirectly related to discrimination but of key importance for the exercise of the rule of law and the establishment of accountable public authorities, such as politically motivated dismissals, appointment of *ex officio* lawyers, protection of common-law marriages, awarding scholarships to students at private education institutions, names of streets and institutions, payment of social contributions to workers of liquidated state enterprises or adoption of land use plans.

Seventy-five recommendations were issued, mostly concerning employment and education. This represents a significant increase compared to 2021, when a total of 26 discrimination-related recommendations were issued. The recommendations specifically request harmonisation of internal rules and regulations with Article 24 of the BiH Prohibition of Discrimination Act, taking measures to prevent discrimination in general, taking steps towards trying to an amicable solutions to disputes and establishing other mechanisms for reporting and protection against discrimination within the organisation itself.

In the context of exercising the rights of vulnerable categories of citizens, the recommendations were most often aimed at the application of the principle of "protection of the rights of the parties" in the administrative procedure, the application of the principle of assistance to an ignorant party and the timely completion of the procedure. In hate speech cases, the recommendations requested the cessation of publishing offensive content and its removal from portals, as well as taking the necessary measures to fully comply with the Prohibition of Discrimination Act in journalistic work.

When IHROBiH could not establish discrimination based on the facts presented, the parties were advised of the possibility for judicial protection, noting that IHROBiH can also offer monitoring of court proceedings in such cases. IHROBiH reminds us of a very high-quality and unique legal solution in the Prohibition of Discrimination Act, according to which if a recommendation is issued in a dispute case before the court, the court is obliged to take the recommendation into consideration. Practice has shown the ununiformity of court proceedings in the application of this provision, which is an indicator of the need to educate judges on this issue.

Political participation of minorities is reduced to the introduction of reserved minority seats at local level and the formation of consultative bodies at state and entity levels, as well as at certain lower government levels. One of the main issues is the prevalent understanding that it is crucial for minorities to have a political representative in the local assembly/council, which is why the issue of political participation of minorities at local level is deemed equal to political representation, while the consultation process is still neglected.

Legal provisions related to instruction in minority languages have not been applied anywhere in Bosnia and Herzegovina. As for learning minority languages through additional, elective classes, very few schools have introduced such classes and most students learn minority languages through extracurricular activities. The procurement of appropriate textbooks and teaching

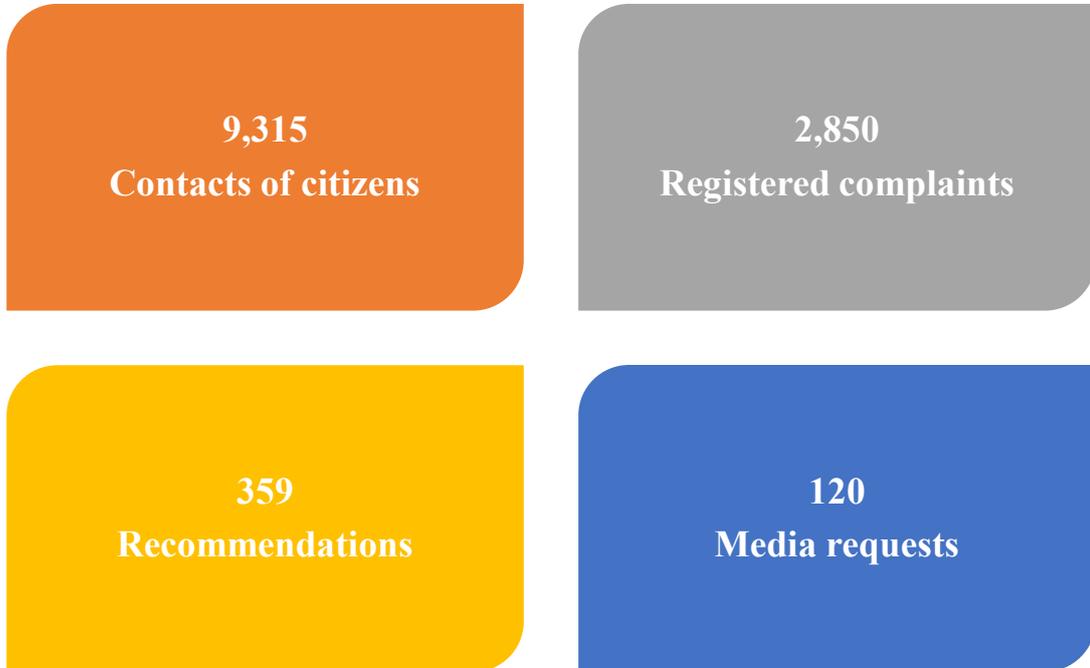
materials, the hiring of qualified teachers and premises are some of the measures that would improve the learning of the languages of national minorities, irrespective of the support from their home countries.

Increasing the visibility of national minorities in the media would be achieved by introducing specific programmes for national minorities or by establishing a radio station intended for members of national minorities by public broadcasters.

In the countries of the region, as well as in most European countries, separate institutions have been established that deal with the prohibition of discrimination. An obvious issue in the work of the Department for the Elimination of All Forms of Discrimination is the lack of staff, primarily lawyers who, in addition to their regular activities within the Department, also perform all additional tasks determined by the numerous IHROBiH mandates.

III. DATA ON IHROBiH PROCEDURES IN 2022

During 2022, IHROBiH received a total of 2,850 complaints. Compared to 2021, there were 96 fewer complaints registered. During the reporting period, a total of 9,315 citizens addressed IHROBiH (direct contacts, telephone calls, e-mails and written complaints).



Together with cases carried over from previous years (1,663 cases) , a total of 4,513 complaints were recorded. In 2022, 2,745 cases were completed (1,768 pending cases and the remainder as of 31 December 2022).

The largest number of complaints concerned violations of civil and political rights, (857) cases, followed by complaints related to violations of rights in the judiciary and administration (736), economic, social and cultural rights (675), all forms of discrimination (208), violations of children's rights (219), violations of the rights of persons deprived of liberty (77), violations of the rights of persons with disabilities (66) and finally, violations of the rights of national and religious minorities (12).

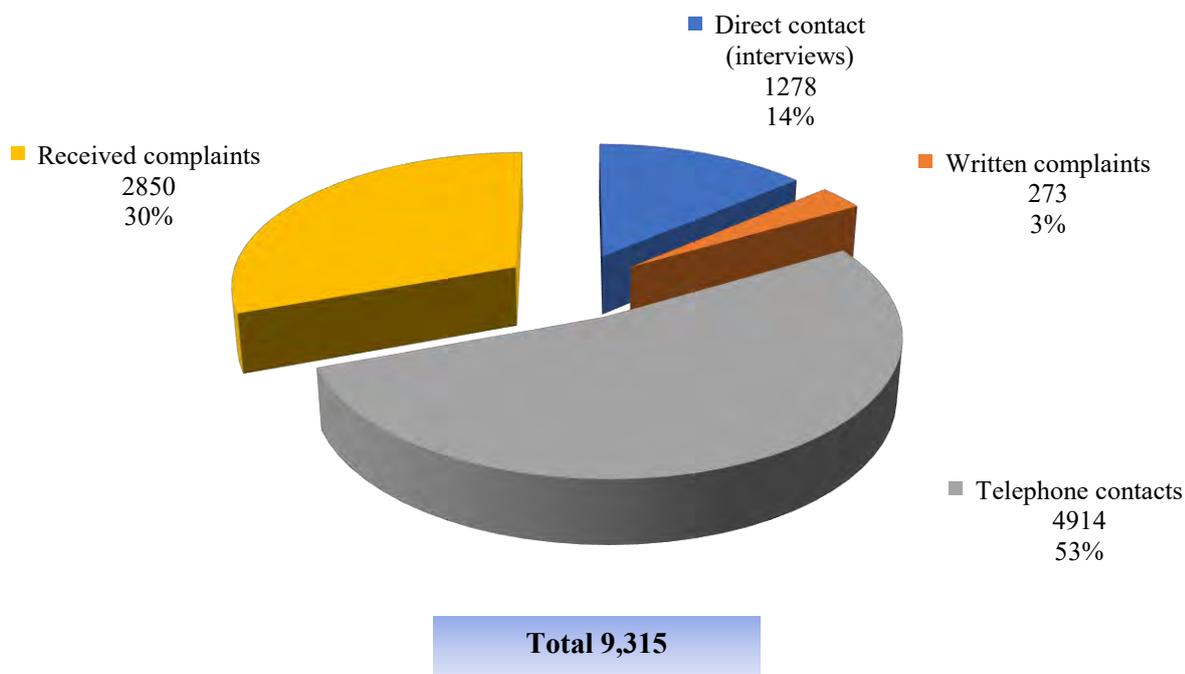


Chart 1

In the reporting period, IHROBiH issued 3,59 recommendations in 428 cases. The level of implementation of the recommendations is shown in Table 1.

Table 1

Recommendation implementation method	Number of cases with recommendation issued in 2022	Number of cases with recommendation issued in 2021
Implemented	129	112
Cooperation achieved	75	60
Partially implemented	16	4
No response	100	74
Not implemented	108	81
Total number of cases with issued recommendations	428	331

IV. CIVIL AND POLITICAL RIGHTS

4.1. Introduction

International human rights documents protect a wide range of civil and political rights. The International Covenant on Civil and Political Rights established the legal standards for civil and political rights, according to which all peoples have the right to self-determination, they can freely determine their political status and freely pursue their economic, social and cultural development; they can, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising from international economic cooperation, based upon the principle of mutual benefit, and international law.²³

Within the Department for Monitoring the Exercise of Civil and Political Rights, IHROBiH reviews complaints related to violations of the right to free access to information, complaints about the work of the police, violations of acts on government and ministerial appointments, property relations, actions of inspection/audit authorities, exercising the right to free legal aid, public documents, migration and asylum, war damages, media and freedom of information, corruption cases, religious freedoms and religion and freedom of assembly.

Handling complaints implies reviewing the legal framework, its compliance with international human rights documents, the efficiency of the protection and supervision mechanism and actions of institutional bodies, depending on their respective competence.

In addition to complaints falling outside IHROBiH competence, citizens are noticeably addressing IHROBiH requesting information regarding relevant criminal, civil or misdemeanour provisions²⁴ or requesting intervention falling outside IHROBiH competence given that it is a matter of compensation for financial and non-financial damage.²⁵ In any case, IHROBiH considers the request, informs about the provisions of applicable legislation, gives instructions in terms of addressing a professional authorised to provide legal aid or the competent authority and then refers the complaint for relevant action.

4.1.1. Statistics

During 2022, 857 complaints were registered with the Department for Monitoring the Exercise of Political and Civil Rights, which constitutes a decrease in the number compared to 2021, when 904 complaints were received. Four hundred and sixty-six cases were carried over from the previous period, so that there were 1,323 pending cases, with 830 cases completed.

According to the reviewed violations of rights, the numbers are as follows: access to information 308, police 153, government and ministerial appointments 104, property relations 117, inspections/audits 86, legal aid 13, public documents 30, migration and asylum 19, war damages

²³International Covenant on Civil and Political Rights, text of the Covenant, https://www.ombudsmen.gov.ba/documents/obudsmen_doc2013031901595385cro.pdf

²⁴Ž-BL-05-280/22.

²⁵Ž-BL-05-406/22.

15, media and freedom of information 12, corruption cases 3, religious freedoms and religion 3 and freedom of association 1.

During the reporting period, 155 recommendations within the competence of this Department, covering 172 cases, were issued, which is 26 more recommendations than in 2021, when 129 were issued (138 cases).

IHROBiH issued 76 recommendations for the violation of the right to access information, 50 for procedures addressing objections against government and ministerial appointments, 16 to inspection authorities, 12 to police authorities, 8 recommendations were issued for the violation of the right to property, 3 for public documents issues, 2 for war damages, and 1 for migration and asylum, free legal aid, media and freedom of information each.

Most of the recommendations were issued due to the failure of public bodies and institutions to comply with the Freedom of Information Act, due to violation of the principles established by acts on government, ministerial and other appointments, due to inefficient actions of competent authorities in procedures initiated to protect property rights, to inspection bodies due to failure to act within the framework of inspection, to police authorities due to unprofessional behaviour of police officers, due to exceeding police powers in the performance of official duties, undertaking proactive actions for the protection and safety of citizens and foreign nationals residing in the territory of Bosnia and Herzegovina and the protection of employment rights of police officers. The recommendations also indicated to certain responsible authorities the obligation to cooperate with IHROBiH.

4.2. Right to access information

Freedom of access information is an integral part of freedom of expression. Access to information is the basis of every democratic society and is a tool through which citizens exercise control over the work of public bodies. Freedom of access information is a fundamental right of every individual, based on the principle that information is a public good, which should be available to the public, with the obligation of public bodies to encourage disclosure of information they hold to the greatest extent possible. While upholding the statutory restrictions concerning publication, it is necessary to ensure the proportionality between the restriction of rights and the goal to be achieved by the restriction.

In terms of the accession of Bosnia and Herzegovina to the European Union, there is an obligation of the state to fulfil 14 key priorities from the European Commission Opinion dated 29 May 2019 in the field of democracy/functionality, the rule of law, fundamental rights and public administration reform.²⁶ The European Commission's Bosnia and Herzegovina Report 2022²⁷, as in previous years²⁸, testifies that the recommendations of independent institutions,

²⁶Opinion of the Commission on Bosnia and Herzegovina's application for membership in the European Union SWD (2019) 222 final, COM(2019) 261 final <https://europa.ba/wp-content/uploads/2019/06/Misljenje-Komisije-o-zahtjevu-Bosnia-and-Herzegovina-for-%C4%8Membership-in-the-European-Union.pdf>

²⁷Commission staff working document, Report on Bosnia and Herzegovina for the year 2022, Brussels 12 October 2022 SWD (2022)336 https://europa.ba/wp-content/uploads/2022/10/report-o-bosni-i-herzegovina-za-2022-godinu_1666693844.pdf

such as IHROBiH, are poorly implemented, thereby jeopardising citizens' right to good administration. The regulations on the right to access information are still fragmented and do not comply with international and European standards, while the rules on data protection and access to information still interpret in a way that protects private interests more than public interests. Exercise of rights access to public information is still inconsistent.

4.2.1. Statistics

As for statistical indicators, during 2022, IHROBiH received 308 complaints indicating a violation of the right to access information. Compared to 2021, when 304 complaints were received, there was a slight increase in the number of complaints. Seventy-six recommendations were issued in 2022. The most common ground for complaints filed by legal entities and natural persons refers to the failure to decide within the statutory deadline, the right to review in two instances, inconsistent and/or incorrect determination of exceptions to disclosure, inadequately (or not) conducted public interest test, etc.

Complaints concerning the exercise of the right to access information can be defined through several key problems, namely:

- concerning legislation;
- concerning institutional capacities and mechanisms;
- concerning requesters and
- concerning deficiencies in the application of FOI acts at all government levels.

In this regard, the next section of the document will provide the key IHROBiH observations in the context of complaints reviewed in 2022.

4.2.2. Legislation and institutional capacities and mechanisms

The right to access information in BiH is governed by laws adopted at state and entity levels. The BiH Freedom of Information Act²⁹ was enacted in 2000, and the FBiH Freedom of Information Act³⁰ and the RS Freedom of Information Act were adopted in 2001³¹. In the BDBiH, the Instruction for the Application of the Freedom of Information Act of Bosnia and Herzegovina³², which governs the issues that should contribute to a more efficient application of the BiH Freedom of Information Act, is in effect.

²⁸Bosnia and Herzegovina 2021 Report, Strasbourg 10/19/2021 SWD (2021) 291 https://europa.ba/wp-content/uploads/2021/10/izvjestaj-o-bosni-i-hercegovini-za-2021-godinu_1636467943.pdf and Bosnia and Herzegovina Report 2020, Brussels 6 October 2020. Mr. SWD (2020) 350 https://europa.ba/wp-content/uploads/2020/10/Izvjestaj_za_BiH_za_2020_godinu.pdf

²⁹BiH Freedom of Information Act (*BiH OG*, no 28/00, 45/06, 102/09, 62/11 and 100/13).

³⁰FBiH Freedom of Information Act (*FBiH OG*, no 32/01 and 48/11).

³¹RS Freedom of Information Act (*RS OG*, no 20/2001).

³²Instruction for the Application of the BiH Freedom of Information Act (*BDBiH OG*, no 36/04).

4.2.2.1 . Initiatives to change legislation

The topic that definitely marked 2022 in the field of the right to access information is the process of passing a new Act on Freedom of Information and Reuse of Information BiH level, which actually provides for harmonisation with international documents, namely Directive (EU) 2019/1024 of the European Parliament and the Council of 20 June 2019 on open data and reuse of public documents.³³

In its 2021 Annual Report on the Results of the Activities, IHROBiH described in detail the course of the process itself and the participation of IHROBiH in the process of adopting the new act. According to IHROBiH's knowledge, after the completion of the Public Consultation Exercise organised in 2021, the BiH Ministry of Justice sent to the BiH Council of Ministers (hereinafter referred to as "BiH CoM") the Draft BiH Act on Freedom of Information and Reuse of Information. The CoM has not considered the said Draft Act until today. IHROBiH has no knowledge about the extent to which the suggestions and remarks made during the Public Consultation Exercise were accepted. It is very important to stress that, according to the Draft BiH FOI Act, IHROBiH is left without this specific mandate. According to the text that IHROBiH has, the only power that IHROBiH will have is the obligation to receive Information Officer data from public authorities. The proposed provisions completely leave IHROBiH without the powers it has under the current Act, which opens up a number of issues in the context of efficient mechanisms through which citizens will protect the right to access information. It is particularly worrisome that, if the aforementioned Act is adopted, it will create confusion among citizens regarding the possibility to contact IHROBiH in the event the right to access to information is violated.

As for the role of the supervisory body, it is worrisome that this role is divided between several public bodies entrusted with different competences, which additionally complicates the implementation of the FOI Act:

- General Secretariat is entrusted with the management and maintenance of the Central Public Information Portal;
- Appeals Council decides as the second-instance body;
- IHROBiH is provided with Information Officer data;
- Administrative inspection inspects the application of the FOI Act.

A structure including a large number of public bodies supervising the application only further complicates the procedures for citizens. On the other hand, the question of the efficiency of the application of regulations also arises. It is debatable whether the BiH CoM's Appeals Council is an independent mechanism, especially if one takes into account that the members of the Appeals Council are appointed by the BiH Council of Ministers, at the proposal of the BiH Minister of Justice (hereinafter referred to as BiH MoJ").

³³Namely, by signing the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, on 16 June 2008, BiH assumed the obligation to harmonise the existing and future legislation and its proper application and implementation from the date of entry into force. The SAA entered into force on 1 June 2015, and the end of the transition period expired on 1 June 2021.

IHROBiH believes that the body appointed by the executive branch cannot be deemed as an independent body, and that in the spirit of the concept of the right to access information, the Appeals Council at the BiH Council of Ministers does not meet the key condition that the supervisory body must meet, which is independence.

At FBiH and RS levels, no changes have been initiated regarding the current legislation, so the problems that IHROBiH has been pointing to for a number of years have remained the same. Generally speaking, the key shortcomings of the current legislation governing the right to access information in BiH can be summarised as follows:

- Lack of provisions on proactive transparency of public bodies;
- Lack of a supervisory body that, in addition to the role of the second-instance body, will have an educational and promotional or preventive role;
- Lack of continuous and mandatory training for public body officials who apply these regulations;
- Lack of provisions on open data and reuse of public data;
- Lack of central information portals;
- Unclear role of inspection authorities, i.e. lack of provisions on inspection;
- Acts at FBiH and RS levels do not contain penal provisions;
- RS Act has not been changed since its adoption in 2001 and, according to its provisions, there is still no obligation for public bodies to issue administrative acts (decisions) upon request.

IHROBiH finds it particularly problematic that the process of amending the access to information legislation at BiH level is not followed by the same process at FBiH and RS levels. Non-harmonised legislation at all government levels in BiH can lead to dilemmas in its application and to legal uncertainty for citizens.

4.2.3. Institutional capacities

As for institutional capacities, a problem arose in the RS regarding the powers and mandate of the Administrative Inspection in terms of the RS FOI Act. In one of the cases³⁴, the Administrative Inspection at the RS Ministry of Administration and Local Self-Government claims that it is not competent to carry out inspection, because “*supervision over the application of the Freedom of Information Act is not placed under the sole competence of the Administrative Inspection and it follows from the established facts that there is no basis for taking actions and measures falling within the competence of the administrative inspection*”. In its recommendation, IHROBiH pointed to Article 10 of the RS Administrative Inspection Act³⁵, to the case law in the RS, and concluded that the Administrative Inspection indisputably had competence to act and take measures and actions in accordance with the RS Administrative Inspection Act.

³⁴Ž-BL-05-155/22, P-171/22; Recommendation not implemented.

³⁵RS OG, no 99/20 dated 13 October 2020.

4.2.4 . Requests for IHROBiH rulings

In 2022, IHROBiH received several requests from public authorities to issue rulings on how individual cases had been handled³⁶, which is a positive practice that contributes to the prevention of violations of the right to access information. Most often, ruling requests are filed by public bodies at the local level, but requests from the FBiH Bureau for Statistics, the BiH Civil Service Agency and the Sarajevo Canton Family Counselling Centre were also recorded. The content of the requests was different and referred to dilemmas in connection with the appointment and work of information officers, determining exceptions and conducting the public interest test, acting on requests for information from competition procedures, etc.

4.2.5. Cooperation of public authorities with IHROBiH

Although we can note that the cooperation of public authorities with IHROBiH is good, there are still cases in which cooperation was not achieved³⁷. In 2022, IHROBiH had several cases in which cooperation with IHROBiH was not established, even after a recommendation on failure to cooperate was issued. IHROBiH reminds that, in terms of LHROBiH, during the implementation of IHROBiH activities, all authorities have the obligation to cooperate and provide adequate assistance in the investigation of alleged human rights violations. Public bodies should recognise the role and mandate of IHROBiH as a correction mechanism, whose main purpose is to prevent, protect and eliminate observed human rights violations.

4.2.6. "Public authority/body" within meaning of Freedom of Information Act

According to the current FOI acts, a public body is defined as:

- legislative body,
- executive body,
- judicial body,
- administration body,
- legal entity owned or controlled by a public authority.

IHROBiH states that there is still a misconception about the right to access information and the obligation of public authorities to, when acting on requests, make the information they hold available to the public. The very concept is underpinned by the attitude that citizens have the right to know information of public importance. IHROBiH reviewed a case concerning the action of the Independent Selection and Review Panel of Zeneca-Doboj Canton upon receiving a FOI request filed to obtain information regarding the procedure for the selection of the Zenica-Doboj Canton Police Commissioner³⁸. The Independent Panel failed to comply with the request as it did not consider itself a public body for the purpose of the FBiH FOI Act and deemed it was not authorised to issue administrative acts. Although a violation of the right to access information was established in the course of the investigation procedure and a recommendation

³⁶Ž-SA-05-7/22, Ž-SA-05-88/22, Ž-SA-05-369/22, Ž-SA-05-896/22, Ž-SA-051043/22, Ž-SA-05-1284/22, Ž-SA-05-1272/22.

³⁷Ž-SA-05-654/21, Ž-BL-05-689/21, Ž-BL-05-508/21, Ž-BL-05-655/21, Ž-BL-05-876/21, Ž-BL-05-811/21, Ž-MO-05-142/21.

³⁸Ž-BL-05-691/21, P- 249/21 dated 27 October 2021; Recommendation not implemented.

was issued to the Independent Panel, instructing it to reconsider the request and decide on it in accordance with the IHROBiH ruling and the FBiH FOI Act, the Independent Panel maintained its previously stated position.

There is a similar case in which Elektroprenos - Elektroprijenos Bosne i Hercegovine ad Banja Luka failed to provide information about the Director's salary as its position was that it was personal information. This public body does not deem itself to be either a public body or a budget user³⁹.

4.2.7. Challenges faced by requester

While handling complaints, IHROBiH observed that there were certain challenges that public bodies also faced and that were often reflected in insufficiently precisely defined or too broad requests, which makes it difficult for public bodies to comply with every individual request⁴⁰. IHROBiH reminds that the FOI acts at all levels stipulate that the request must:

- 1) be in writing and in one of the official languages;
- 2) provide sufficient information about the nature and/or content of the information as to enable the public authority to find the requested information with reasonable effort and
- 3) contain the requester's name and address.

In the reporting period, IHROBiH received a number of complaints from which it followed that the requesters, when exercising their right to access information, did not make use of ordinary legal remedies and still maintained that their right to access information had been violated⁴¹. In such cases and with a view to adequately advise the requesters, IHROBiH pointed out that, when exercising their right, the requesters were obliged to make use of ordinary legal remedies otherwise it would not be able to establish violations of the right to access information.

In a number of cases, IHROBiH stops working on them because the parties are not interested to pursue their complaints. The most common reason for terminating procedures this way is the fact that the party has in the meantime managed to exercise their right, received the requested information or because the violation for which the party initially filed the complaint has been eliminated⁴².

³⁹Ž-SA-05-534/21, P-30/22 from 11 January 2022; Recommendation not implemented.

⁴⁰Ž-SA-05-526/22, Ž-SA-05-78/22.

⁴¹Ž-SA-05-1264/22, Ž-SA-05-974/22, Ž-SA-05-864/22.

⁴²Ž-SA-05-540/22, Ž-SA-05-539/22, Ž-SA-05-535/22, Ž-SA-05-537/22, Ž-SA-05-542/22, Ž-SA-05-541/22-Ž-SA-05-773/22, Ž-SA-05-959/22, Ž-SA-05-1151/22.

4.2.8. Inconsistencies in application of Freedom of Information Act at all government levels in Bosnia and Herzegovina

Proactive transparency

The concept of freedom of access information implies the obligation of public authorities to, upholding proactive transparency, make information available to the public and thereby ensure the implementation of the principle of transparency of their work. Proactive transparency is a key prerequisite for ensuring the principles of good governance, namely the principles of transparency, openness of public bodies, efficiency and accountability, etc. Systematic access to information through the proactive disclosure of information is a much more economical and transparent procedure because the resources that must be used are rationalised if access to information is ensured through requests submitted by parties. However, due to the lack of a clear and prescribed obligation, public bodies in BiH still publish information sporadically or this information is incomplete. Open data as a concept remains unregulated in BiH.

During the reporting period, IHROBiH handled a complaint from the Centre for Investigative Journalism, indicating that the proposed amendments to the Act on Amendments to the Act on the Publication of Regulations and Other Statutory Instruments in The Official Gazette of Sarajevo Canton, Article 1, established an exception to the publication of the section of the Rulebook on the Internal Organisation of the Ministry of the Interior of Sarajevo Canton that refers to the Police Administration. The complaint pointed out that the said proposal was not in accordance with the FBiH FOI Act⁴³, given that the proposed exception was not in accordance with the exceptions provided by the same Act. In its recommendation, IHROBiH emphasised the importance of proactive transparency, especially in the context of the publication of legal regulations and pointed out that the reasons for the proposed amendments were not sufficiently elaborated and explained and that there were no clear consequences that would justify amending the Act⁴⁴.

Request filing method

IHROBiH observed that public authorities provide for the method for filing requests differently. Very often, requesters are prevented from filing FOI requests electronically or there is an additional requirement for the requester to fulfil conditions not stipulated by law. For example, there is insistence to have the request signed, although that is not stipulated by the Act itself⁴⁵. It is important to remind that public bodies are obliged to interpret the FOI acts in such a way as to facilitate and encourage the disclosure of information under a public body's control to the greatest extent and without delay, at the lowest acceptable cost.

Failure to decide within statutory deadline

The most common reason why legal entities and natural persons address IHROBiH in this filed is related to the failure of public authorities to decide within the statutory deadline. Access to

⁴³FBiH OG, no 32/01, 48/11.

⁴⁴Ž-SA-05-748/22, P-270/22 dated 20 October 2022.

⁴⁵Recommendation no P-163/22 dated 08 June 2022. in cases Ž-SA-05-328/22, Ž-SA-05-433/22.

information legislation at all levels stipulates that the public body is obliged to decide and inform the requester within 15 days from the day it receives the request. Very often, the specified deadline is extended without informing the requester of the need to have it extended.

In a number of complaints, the public body fulfills the obligation and decides on the request as early as after IHROBiH has addressed it or after the recommendation has been issued⁴⁶. For IHROBiH, cases where the public authority fails to decide on the request or even ignores the IHROBiH recommendation after it has been issued are of particular concern⁴⁷.

Inadequate decision format

The Freedom of Information Act of Bosnia and Herzegovina and the same FBiH level act establish the obligation of public authorities to, upon receiving a FOI request, issue a decision as an administrative act, containing all the elements as prescribed by this Act. In practice, there are still cases where the public body decides in the form of a letter, not a decision, thus preventing the requester from using legal remedies⁴⁸.

As it has not yet been amended, the RS FOI Act still contains the obligation of public authorities to inform the requester by a letter/notification. In practice, this raised a number of issues because the letter by its nature is not an administrative act. Such a legal solution calls into question one of the fundamental principles of administrative procedure, which is two-instance review, as the Banja Luka District Court in its decision also found⁴⁹.

⁴⁶Ž-BL-05-681/21, Ž-BL-05-821/21, Ž-MO-05-24/22, Ž-BL-05-828/21, Ž-SA-05-3/22.

⁴⁷Ž-BL-05-729/21, Ž-BL-05-689/21, Ž-BL-05-508/21, Ž-BL-05-655/21, Ž-BL-05-655/21, Ž-BL-05-876/21.

⁴⁸Ž-BL-05-691/21, Ž-SA-05-1223/21, Ž-SA-05-488/22.

⁴⁹In judgement no 11 0 U 014027 14 U dated 18 February 2015, Banja Luka District Court took the following position:

"The court hereby indicates that the body has the possibility to deny access to information in whole or in part in accordance with the FOI Act and to inform the requester thereof in a letter because this is what Article 14 paragraph 3 of the FOI Act stipulates. However, when this provision is read as a whole, the letter must contain a) the legal basis for the exempt status of information, indicating the articles of this Act to which it is referred, as well as all substantive issues that are relevant for the decision, which includes taking into account the public interest factor; and b) notification to the requester about the right to file an appeal to a specific authority, which includes the necessary contact information of this authority, the deadline for filing an appeal, and the costs of filing it, which was not mentioned at all in RS Chief Labour Inspector's letter no 24.010/054-3-7114 dated 21 February 2014. However, although the plaintiff was not advised of the right to file an appeal and the authority to which it is to be filed, they filed it with the defendant by registered mail on 10 March 2014. This further means that the defendant (that thus does not question its jurisdiction given that it prepares a "response to the appeal") it must make an appropriate decision on the appeal, which definitely must be made in the form of a decision, as explicitly stipulated by Art. 194, 197, paragraphs 2 and 3, in connection with Article 230 paragraph 1 of GAPA. Namely, writing a letter and naming it a "response to the appeal" does not suffice. The defendant did just that, perhaps in an attempt to avoid conducting an administrative dispute, which is not possible because the issued document is a final administrative act in the sense of Article 7 of the Administrative Dispute Act, as already stated by the court. Therefore, a letter called a "response to the appeal" does not decide on the appeal, the appeal is decided on solely by a decision which, in addition to other mandatory elements, contains the disposition (rejected, denied or accepted) and the explanation stating the reasons for the decision issued on the appeal. All this is missing in this specific disputed document and it is justified to say that it has deficiencies which prevent the assessment of its legality. To this end, it is justifiable to say that the interpretation provided by the Prosecutor that the appeal is rejected given that the disputed document does not contain the decision on the appeal."

Information of public importance

The FOI Act is primarily aimed at establishing that information under a public body's control represents a valuable public good and that it is the duty of public bodies to provide access to information that is of public importance. What is primarily meant by the term "public interest" is the general welfare of the community or a certain group of people, public health, public safety, the environment, public money expenditure, contracts, salaries in the public sector, etc.

Certain complaints reviewed by IHROBiH in 2022 referred to public infrastructure construction contracts that public bodies concluded with private companies⁵⁰. The most common reason given by public authorities when refusing to provide access to information from contracts is that it is a trade secret provided for in the contract itself or commercial interest. This ignores the fact that the construction is carried out with budget funds and that the public has the right to know for what purpose and how much money the competent authorities are spending.

A similar problem arises in cases where public authorities do not want to disclose information about the salaries of elected and appointed persons or about the salaries of public officials. The most common reason for refusing to provide information of this type is that this is personal data, despite the fact that the name of a public servant, their qualifications to perform the position and the salary they receive for their work cannot constitute personal data protected by the BiH Personal Data Protection Act⁵¹.

On the other hand, in FOI requests, requesters often ask for information that by its nature is personal data that or that is needed only by the requester, most often for the purposes of filing a lawsuit, gathering evidence, initiating enforcement procedures, etc.⁵² By way of illustration, the IHROBiH handled a complaints in which the requesters asked from public authorities information such as: ID numbers, names of social welfare beneficiaries, recordings of video surveillance installed in the corridor of the building, etc. It is important to point out that, in all cases in which there are indications that there has been illegal processing of personal data, IHROBiH files complaints with accompanying documentation to the BiH Personal Data Protection Agency.

Determining exceptions and applying public interest test

The key challenge in applying the Freedom of Information Act at all levels in BiH and at the same time the most important part of processing FOI requests is determining exceptions and applying the public interest test. The right to access information is a relative right and accordingly the state has the right to restrict it by law. The exceptions provided by the current regulations on the right to access information in BiH refer to exceptions related to the functions of public authorities (interests of monetary policy, security, defence, protection of decision-making process), the exception related to the protection of commercial interests of third parties and the privacy protection exception.

⁵⁰Ž-SA-05-397/22, Ž-BL-05-859/21 (P-20/22 dated 11 January 2022; Recommendation not implemented.

⁵¹Ž-BL-05-534/21, P-30/22 from 11 January 2022; Recommendation not implemented.

⁵²Ž-BL-05-323/22, Ž-SA-08-77/22, Ž-SA-05-291/22, Ž-SA-05-307/22, Ž-SA-05-308/22, Ž-SA-05-309/22, Ž-SA-05-310/22.

The analysis of the complaints handled in 2022 clearly indicates that in a large number of cases, public authorities do not determine exceptions at all or refer to special regulations, failing to state in the decision the legal basis from the Freedom of Information Act.

Public authorities often do not apply the public interest test or they misapply it. Decisions do not explain the public interest test sufficiently or only state that it has been carried out, after which they determine that there is no public interest. This is not enough because the public body needs to explain every benefit and harm that may result from disclosing or not disclosing the information and to explain all the facts that made the public body take such decision⁵³.

Allowing examination of documents without possibility to copy them

Another problem that often arises in practice is granting access to information through examination and without the possibility of copying the requested documents. Although the requesters clearly indicate in their requests how they want the information to be delivered to them, public authorities, from the position of their authority and discretionary assessment, arbitrarily issue decisions that allow only examination without the possibility of copying⁵⁴.

IHROBiH has pointed out on several occasions that only approving access to documentation without the possibility to copy is not the ultimate goal of exercising the right to access information. Access to information through examination of documentation is most often used for voluminous and complex documentation, in order to eliminate unnecessary costs for the party but also to prevent consumption of the public body's human resources. The fact that the requester was given access to information through examination implies that they have the right to obtain the requested documents and dispose of them without restrictions. When a public body determines that there is a public interest in disclosing certain information, it means that the information will be available both to the requester and to any other member of the public who requests it.

4.3. Right to property

The European Convention on Human Rights, Article 1. Protocol 1. guarantees the right to property in such a way that: *"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."* The position of the European Court of Human Rights⁵⁵ is that Article 1 contains three separate rules. The first rule is of a general nature and contains the principle of peaceful enjoyment of possessions. The second rule refers to confiscation of property and sets certain requirements for its confiscation, while the third recognises the right of Contracting Parties to, *inter alia*, control

⁵³Ž-SA-05-921/22 (P-257/22 dated 11 October 2022; Recommendation implemented), Ž-SA-05-357/22 (P-201/22 dated 27/06/2022; Recommendation partially implemented), Ž-SA-05-1300/21 (P-4/22 dated 30 December 2021; Recommendation implemented) , Ž-SA-05-239/21 (P-110/22 dated 11 April 2022; Recommendation not implemented) , Ž-SA-05-834/22 (P-306/22 dated 7 November 2022; Recommendation not implemented).

⁵⁴ Ž-SA-05-232/22, Ž-SA-05-1187/22.

⁵⁵Sporrong and Lönnroth v. Sweden (23 September 1982) Series A no 52.

the use of property in accordance with the general interest. The second and third rules, which refer to certain occurrences of interference with the right to peaceful enjoyment of possessions, must be interpreted in the light of the general principle presented in the first rule.⁵⁶

State intervention must achieve a fair balance between the needs of the general interest of society and the need to protect individual fundamental rights, and there must be reasonable proportionality between the measures taken and the goal being achieved.⁵⁷

In 2022, IHROBiH received 117 complaints about violations of the right to property, which is six complaints fewer than in the previous year. In eight cases, a recommendation was issued to the indicated respondent bodies.

The grounds of appeal refer to the failure of competent authorities to act in accordance with applicable legislation and international standards for the protection of property rights, which is reflected in:

- inappropriate length of proceedings before competent authorities (administration bodies and judicial bodies) that did not result in a decision on which the enjoyment of the right to property depends;⁵⁸
- violations of the principle of legality prescribed by the FBiH Administrative Procedure Act;⁵⁹
- failure to take administrative actions by competent entities (banks, courts) that deny the right to dispose of property, such as situations of failure to file timely requests for loan release, which are kept in the Central Credit Register for Businesses and Natural Persons in BiH, i.e. failure by the bank to comply with requests already sent.⁶⁰

IHROBiH emphasises that bodies and institutions exercising public authority that make decisions on which the enjoyment of property rights of citizens depends are obliged to ensure quick, complete and quality solutions with comprehensive consideration of the matters in question.

While reviewing the complaint⁶¹ about the failure to issue a property-related decision in the renewed administrative procedure, six years after the decision of the second-instance authority ordering it, IHROBiH issued a recommendation to the competent authority, pointed out to the inappropriate length of the procedure, for which there is no objective and reasonable justification, and called for an urgent decision.

Regulation of the living space in settlements by means of a land use plan must definitely be in the interest of citizens' rights, protection of the public interest in accordance with administrative procedural legislation. Acting on the complaint of the owner of the land for which the land use plan is adopted with an unambiguous intention to pursue an economic activity, IHROBiH also pointed out to that with a recommendation. IHROBiH noted that the process of presentation of

⁵⁶SA Dangeville v. France (16 August 2002).

⁵⁷Gasus Dosier und Fördertechnik GmbH v. The Netherlands (23 February 1995) Series A no 306-B; paragraph (62).

⁵⁸Ž-BL-05-419/22, P-268/22, Ž-BL-05-329/21, P-332/22.

⁵⁹Ž-MO-05-25/22 P-283/22.

⁶⁰Ž-SA-05-1256/22, Ž-BL-05-658/22.

⁶¹Ž-BL-05-419/22, P-268/22.

the draft land use plan, consultations and responses to suggestions was predominantly protocolary, with a view to fulfilling the statutory form, but at the same time did not offer essential answers of the local self-governance unit as the lead authority in the preparation of the plan to serve citizens.⁶²

4.3.1. Establishment of effective property rights protection mechanisms

The necessity of establishing effective mechanisms for the protection of property rights is an important issue if the state controls the use of property in accordance with the general interest, such as the construction of vital infrastructure facilities.

Thus, in the proceedings related to the construction of motorways and the accompanying infrastructure in the FBiH, i.e. considering the issue of choosing the route of motorway subsections, the extent of expropriation, the installation of safety fences, etc., IHROBiH concluded that, regardless of the fact that citizens use all the possibilities foreseen to protect their rights, it would also be important to consider the efficiency of the existing mechanisms and the existence of justification for the establishment of an additional mechanism for considering the said issues.

In addition to protecting interests, this would contribute to increasing transparency and trust of citizens, as well as reducing the number of other procedures. To this end, IHROBiH pointed out to the House of Representatives of the FBiH Parliament and the Committee for Transport and Communications the need to consider this topic in the coming period and, in cooperation with the authorities and bodies of the executive branch, determine measures that could contribute to increased transparency and protection of citizens' rights and thus the efficiency of the procedure.⁶³

4.3.2. Payment of recognised employment-related claims

The legally justified expectation that recognised employment-related claims be paid out constitutes property within the meaning of Article 1 of Protocol No. 1 to the European Convention and citizens addressed IHROBiH as it was impossible to collect them⁶⁴. This is particularly important when the payor is a public body, which makes the state a direct violator of the right to property, through failure to enforce of legally binding court decisions. Most often, it is about the claims of employees from the public sector but also claims arising from violations of other rights.

The authorities act differently, given their respective territorial organisation, and their actions range from attempts to peacefully resolve the dispute through settlement and an offer for the creditor to waive some part of the claim, usually interest, to the establishment of a list of debts.

⁶²Ž-BL-06-601/22, P- 318/22.

⁶³Ž-SA-05-827/21, P-36/22.

⁶⁴Ž-LI-05-175/22, Ž-LI-05-35/22.

The example of this⁶⁵ are employment-related claims based on final and binding court decisions and charged to the Canton 10 budget, where the claimants concluded out-of-court settlement agreements with the Cantonal Government to have financial claims arising from enforceable court decisions settled. These were implemented in full thereafter.

4.4. Police

In BiH, the police play a significant role in preserving public safety, protecting people and property, monitoring and securing state borders, protecting the fundamental rights and freedoms of citizens, preventing, detecting and solving criminal and minor offences, fighting crime, maintaining public order and peace, providing assistance and services to citizens, and working with foreign nationals.

In fulfilling these tasks, the police authorities must act in accordance with the constitutions in BiH, applicable legislation of BiH, the FBiH, the RS, the BDBiH, cantons and international human rights protection standards that are part of the legal system of BiH.

During the reporting period, 153 complaints received about police actions, five complaints fewer than in the previous year. Recommendations were issued in 12 cases.

Complaints were filed because of unprofessional conduct of police officers⁶⁶, excessive use of force⁶⁷, dissatisfaction with the manner in which reports of misdemeanour or criminal offences were handled⁶⁸, the procedure for issuing reports following police intervention⁶⁹, violations of FOI regulations⁷⁰, requests for intervention in cases of troubled neighbourly and family relationships, most often resulting from unresolved property issues⁷¹, dissatisfaction with interventions at the request of ex-spouses in conflicts and child visitation issues⁷², tardy actions of the MoIs as bodies of administration⁷³.

IHROBiH handled complaints filed by police officers concerning the exercise/violation of employment-related rights⁷⁴, failure to comply with court decisions that considered police officer promotion procedures⁷⁵ and discrimination or mobbing⁷⁶.

The parties often file complaints due to actions carried out by the police in accordance with their statutory powers, and/or actions ordered by the competent court and prosecutor's office, even in

⁶⁵Ž-LI-05-11/22.

⁶⁶Ž-BR-05-174/22, Ž-SA-05-602/22, Ž-BR-05-217/22.

⁶⁷Ž-BR-05-90/22.

⁶⁸Ž-BR-05-354/22, Ž-BL-552/22, Ž-BL-05-351/22, Ž-BR-05-211/22.

⁶⁹Ž-BL-05-476/22, Ž-MO-05-30/22.

⁷⁰Ž-SA-05-997/22, Ž-SA-05-555/22, Ž-SA-05-808/22, Ž-SA-05-907/22.

⁷¹Ž-SA-05-673/22, Ž-BR-05-124/22, Ž-BR-05-23/22.

⁷²Ž-SA-05-968/22, Ž-SA-01-1295/22, Ž-BL-01-791/20.

⁷³Ž-SA-05-1248/22.

⁷⁴Ž-BL-05-3/22, Ž-BL-05-252/22, Ž-SA-06-986/22, Ž-MO-04-77/22.

⁷⁵Ž-SA-08-515/22, Ž-SA-08-520/22, Ž-SA-08-521/22, Ž-SA-08-517/22, Ž-SA-08-516/22, Ž-SA-08-518/22, Ž-SA-08-519/22.

⁷⁶Ž-SA-05-201/21, P-293/22.

cases where they have exercised the right for which they are filing complaints⁷⁷. In the said cases, there are no grounds for IHROBiH action.

A number of complaints indicate exceeding authority or excessive use of force. During the investigations of these cases, IHROBiH received statements from the competent authorities reading that they were conducting investigations in line with the statutory procedures and that they would provide information about the results of the investigation subsequently, as well as that they were conducting trainings on certain issues such as the use of force. Practice has shown that in most of these cases the responsibility of the police officer is not established, which leaves citizens dissatisfied⁷⁸. This raises the question of the effectiveness and independence of the established mechanisms of supervision over the work of police officers and the need for a comprehensive analysis of the situation in this area.

Individual complaints filed with IHROBiH is only an indicator that there are weaknesses in the existing supervision system. Part of these weaknesses can also be related to the issue of the unestablished system of continuous and mandatory training of police officers, especially on the legislative framework and international human rights documents. This is particularly significant considering the powers of the police to temporarily deprive a person of their freedom, limit the full enjoyment of their rights and, in justified cases, use force.

Thus, in the case involving a complaint about the actions of the police administration, due to excessive use of force against the detainee, IHROBiH, following the procedure conducted, recommended that the Professional Standards Unit, without delay, review the complaints and the actions of the police officers, assess the need for training of police officers of this Police Administrations and organise a training, in order to ensure the conduct of officers in accordance with the applicable legislation and the principles of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was stated in the response from the competent ministry that the investigators of the Department for Inspections and Reviews, Professional Standards Unit, conducted an examination procedure to assess the legality and regularity of the force used and determined that it was used legally and correctly.⁷⁹

4.4.1. Application of FOI legislation

Complaints filed for violating the FOI legislation indicate that it is necessary to consider the need for additional familiarisation of the police authorities with the applicable legislation in this area.

Following the procedure conducted concerning the complaint and indicating the violation of the FBiH FOI Act by the Cantonal Ministry of the Interior, IHROBiH issued a recommendation to the MoI to carry out the procedure for determining exceptions in the second instance procedure and to carry out the public interest test within the meaning of Article 9 of the Act and then issue a decision based on its provisions. The recommendation has been implemented.⁸⁰

⁷⁷Ž-SA-05-763/22, Ž-SA-05-337/22, Ž-SA-05-50/22, Ž-BL-05-657/22, Ž-BL-05-691/22, Ž-SA-05-145/22.

⁷⁸Ž-BR-05-174/22, Ministry's standard response sample.

⁷⁹Ž-BR-05-90/22, P-174/22.

⁸⁰Ž-SA-05-997/22, P-261/22.

4.4.2. Community policing

IHROBiH draws attention to one important segment of police activity, namely community policing, which can be reactive, with the police coming when called, when an incident warranting their intervention occurs, and proactive, which implies the presence of police officers as necessary.

This would imply a greater police presence in the local community, which, on the one hand, can affect the prevention of conflicts and a decrease in initiated misdemeanour and criminal proceedings and, on the other hand, contribute to strengthening the safety and trust of citizens in their work.

The position of IHROBiH results from the consideration of complaints received by it, such as the case with the complaint, indicating the absence of efficient police intervention in the case of continuous intolerance and conflict between multiple families. IHROBiH issued a recommendation, instructing that the competent ministry take all the necessary measures falling within its competence in order to prevent the deepening of the conflict or potential violence. The recommendation has been implemented.⁸¹

4.4.3 . Employment rights of police officers

Police officers enjoy all the rights guaranteed by the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the constitution and legislation in BiH when it comes to the execution of final court decisions, their working status and advancement in the profession.

IHROBiH handled a complaint filed for to the Cantonal MoI's failure to comply with a request for voluntary and complete enforcement of the judgment of Sarajevo Municipal Court issued in the proceedings conducted concerning the lawsuit filed due the results of the competition procedure for promotion to a higher rank. IHROBiH issued a recommendation to the MoI, the Police Administration, the Police Commissioner and the Commission for the Renewal of the Promotion Procedure of Police Officers to the Rank of "Inspector" Under the Internal Vacancy, instructing them to immediately proceed with the enforcement of the relevant final and binding judgement, solely within the wording related to the competition which was under judicial review, which includes returning the competition procedure to the stage before the establishment of the candidate list, cancelling all actions taken and falling beyond the wording, determining the legal consequences specified in the wording only after the enforcement of the condemnatory part of the claim instructing the renewal of the procedure based on the internal vacancy and eliminating illegalities in the conducted competition procedure. The Sarajevo Municipal Court judgement was carried out, employment rights were exercised and the recommendation was fully implemented⁸².

⁸¹ Ž-SA-05-968/22, P-278/22.

⁸² Ž-SA-08-515/22, Ž-SA-08-520/22, Ž-SA-08-521/22, Ž-SA-08-517/22, Ž-SA-08-516/22, Ž-SA-08-518/22, Ž-SA-08-519/22, P-158/22.

Therefore, IHROBiH concludes that it is necessary that:

1. police officers are familiar with the domestic legislative framework and international documents for the protection of human rights;
2. established mechanisms for handling citizen complaints are effective;
3. greater police presence in the public and familiarisation with the competences of police bodies are ensured;
4. police officer status and labour rights are fully exercised.

4.5. Inspections

Inspection is the type of administrative supervision that is carried out by direct examination of the legality of the work, operations and actions of legal entities and natural persons performing an activity, citizens in terms of compliance with laws and other regulations, and taking administrative and other measures for which they are authorised by law or other regulations. It is extremely important in the implementation of a whole series of regulations that are based on the protection of a wide range of guaranteed civil and political, economic and social and cultural rights of natural persons and legal entities.

In the past, based on the indicators of weaknesses of inspection and audit that followed from citizen complaints, IHROBiH performed a comprehensive analysis and prepared the Special Report on the Role of Inspection and Audit Authorities in the Protection of Human Rights in BiH. The situation in the field of inspection from the perspective of the applicable legislation, financial, technical and human resources available to the inspection bodies of all government levels in BiH, the scope of work, cooperation, and defined difficulties in the work were shown and the competent authorities were issued with recommendations aimed at improving the functioning of inspection as an element of the rule of law and protection of citizens' rights⁸³. IHROBiH is of the opinion that it is necessary to commence the reform of inspection bodies as a matter of priority.

In the course of 2022, 86 complaints were received due to the failure to carry out inspection and failure to take actions and measures falling within the competence of inspection authorities, which is 14 complaints fewer than in 2021. Sixteen recommendations were issued referring to the lack of inspection, untimely actions of inspection bodies, failure to comply with the applicable legislation prescribing the scope, content and form of supervision, the rights and duties of inspectors, the delegation of competences during the procedure where financial damage has already occurred, but also referring to violations of the right to free access to information by inspection authorities.

The analysis of complaints and issued recommendations shows that the reasons for citizens' dissatisfaction with the work of inspection bodies are repetitive, as in previous reporting years, which indicates the need for the competent authorities to take more active measures in order to overcome this.

⁸³Special Report on the Role of Inspection Bodies in the Protection of Human Rights in BiH.
https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2020123109153761bos.pdf

From the perspective of its competences provided for by LHROBiH, IHROBiH in particular points out to the fact that the bodies in the procedure conducted before it are obliged to act in the manner stipulated by LHROBiH⁸⁴ and the actions of inspection bodies that refuse to cooperate and fail to comply with the IHROBiH request are unacceptable⁸⁵. IHROBiH, in accordance with its capacities and in cooperation with partner organisations, will try to hold consultative meetings with inspection bodies in 2023 in order to consider the possibilities for improving cooperation, with a view to protecting the rights of citizens.

Reminding of the recommendations⁸⁶ from the Special Report on the Role of Inspection and Audit Authorities in the Protection of Human Rights in BiH and especially appreciating their importance, the results of procedures that indicate the need to continuously work on this issue, IHROBiH call on the executive authorities to, in accordance with their competences and powers, take all necessary measures to eliminate weaknesses in the functioning of inspection bodies, strengthen them and ensure more effective actions.

4.5.1. Failure to act on reports

Inspection ensures legality and the protection of public and private interests in accordance with applicable legislation. The lack of timely action by inspection authorities is not only the lack of an administrative action, but it can have undesirable consequences on the rights guaranteed to citizens, such as, e.g. peaceful enjoyment of their possessions.

⁸⁴Article 25

1. *The authorities in BiH are obliged to provide IHROBiH with appropriate assistance in conducting investigation and control.*
2. *During the investigation, IHROBiH shall have access to any authority in BiH in order to verify the requested information, conduct personal interviews and review the necessary files and documents.*
3. *IHROBiH shall not be denied access to files or administrative documents concerning the activity or industry under investigation (...)*

⁸⁵Ž-BL-245/22.

⁸⁶IHROBiH issued recommendations to the BiH Council of Ministers, FBiH Government, RS Government, BDBiH Government, the governments of all cantons in the FBiH, mayors in the cities of the FBiH and the RS and mayors in the municipalities of the FBiH and the RS, instructing them as follows:

1. *in accordance with their competences and powers, to take the necessary measures in order to eliminate weaknesses in the functioning of inspection bodies, to achieve more efficient operation of inspection bodies; and to strengthen inspection bodies;*
2. *to continuously analyse their own legislation governing the functioning of inspection bodies, and work on their improvement accordingly;*
3. *to continuously harmonise their own legislation that regulates inspection supervision, especially bearing in mind the issues of competence of the body responsible for decision-making in the second instance procedure, and the implementation of applicable legislation with modern international standards ;*
4. *to adopt a legislative framework that will govern the conduct of inspections in cantons where no act has been passed at the cantonal level;*
5. *to consider the possibility of providing the funds necessary for the optimal and professional functioning of the inspection authorities, with a view to strengthening the capacity through employment of a certain number of officers for the efficient performance of work and the modernisation of equipment;*
6. *to continuously work on the improvement and establishment of new information technologies, in particular on the introduction of electronic databases for all inspection authorities;*
7. *to standardise salary benefits and allowances at all government levels;*
8. *to provide the necessary funds for the purpose of organising specialised administrative training for inspectors, in accordance with the stated needs;*
9. *to adapt the work premises of inspection bodies to fit the number of employees and to enable access to persons with disabilities.*

Acting on a complaint⁸⁷ filed for failure to conduct inspection in a case of illegal construction and failure to take measures and actions prescribed by law, IHROBiH issued a recommendation to the respondent municipality and the competent department, instructing them to conduct inspection upon the complainant's report, pursuant to the applicable legislation. The recommendation was fully implemented.

4.5.2. Competence for actions of inspection bodies

Regardless of the functional and territorial organisation of inspection bodies, the problem of lack of coordination was also observed, especially between different levels of inspection, as well as untimely assessment of the actual competence of the inspection.

Acting in a case⁸⁸ that pointed to inadequate inspection due to the landscaping works carried out on the banks of the Sanica River, IHROBiH noted that the works in question were carried out without a construction permit. In addition, during the procedure for determining the legality of issuing permits and conducting inspection, the incompetence of the FBiH Administration for Inspection Affairs, the FBiH Urban Planning and Environmental Inspector, who failed to act in a timely manner in accordance with the FBiH Inspections Act⁸⁹ and delegated the procedure to the competent inspection body for further action.

This action fully thwarted the complainant from protecting their rights, which is why IHROBiH issued a recommendation pointing to the said omission and demanding action in accordance with law.

4.5.3. Access to information on conducted inspections

Citizens who requested inspection indicate that they have no information about the results of the supervision and no possibility to obtain the report and use a legal remedy, which is only available to the entity under inspection that is instructed by the decision to take an appropriate administrative measure. The reason for such action is the position of the inspection authorities that the person filing the request for inspection is not a party to the proceedings and are thus only informed about the supervision conducted. In any case, there is a possibility to address in accordance with the FOI legislation.

4.5.4. FBiH Social and Child Protection Inspectorate

At its session held on 20 February 2020, the FBiH Government established the Bill on Amendments to the FBiH Inspections Act⁹⁰ and tabled it. The reasons for the preparation of this Bill are the enforcement of the judgement of the FBiH Constitutional Court dated 13 December 2016⁹¹ and, *inter alia*, the Government's conclusions⁹² by which it obliged the competent authorities of the FBiH Government to prepare and table the Bill on Amendments to the FBiH

⁸⁷Ž-BR-05-35/22, P-150/22.

⁸⁸Ž-BL-05-201/22, P-266/22.

⁸⁹FBiH Inspections Act (*FBiH OG*, no 73/2014 and 19/2017 – CC decision).

⁹⁰FBiH Inspections Act (*FBiH OG*, no 73/2014 and 19/2017).

⁹¹FBiH Constitutional Court judgement dated 13 December 2016 found that Article 37 and Article 44, paragraphs (1) and (3) of the FBiH Inspections Act are contrary to the FBiH Constitution.

⁹²FBiH Government conclusions dated 17 October 2019 and 22 November 2019.

Inspections Act so that the scope of work of the FBiH inspection was extended to cover the work of humanitarian organisations and the field of social and child protection⁹³.

The Social and Child Protection Inspectorate has not yet been established, which is why IHROBiH expresses particular concern, especially bearing in mind that the FBiH Act on Social Protection Institutions⁹⁴ stipulates that the inspection of the legality of the work of FBiH social and child protection institutions, in the part of implementing social and child protection regulations are carried out by the competent FBiH inspectors⁹⁵.

4.6. Government and ministerial appointments

The Act on Ministerial, Council of Ministers and other Appointments of BiH stipulates that in case there is evidence that the principles established in Article 3 of this Act or the procedures have not been complied with, any member of the public may file an objection against the final appointment in accordance with this Act. The objection is filed with the responsible public official and a copy is filed with IHROBiH⁹⁶. Identical solutions are contained in entity-level acts governing this field⁹⁷.

The acts stipulate that the final appointment cannot be enforced if the established basic principles of legality, quality, independent verification, openness and transparency, and representation when hiring are not upheld.

Acting within their competences and pursuant to LHROBiH and the acts governing government and ministerial appointments, IHROBiH reviewed 104 complaints in 2022, which is 20 complaints fewer than in the previous year. Fifty recommendations were issued.

Complaints were filed due to the violation of basic principles during the implementation of procedures for appointing and dismissing members of governing and supervisory boards in public companies and public institutions⁹⁸, unclear and undefined criteria when selecting the best candidate, i.e. failure to comply with the criteria established⁹⁹, dismissal of officials before their respective terms of office expired¹⁰⁰, appointments according to the political affiliation of the candidate¹⁰¹, violation of the right to a legal remedy and FOI legislation¹⁰².

In its recommendations to the respondent public bodies, IHROBiH pointed to the applicable legislation and requirements that: all public appointments be made transparently, in a lawful manner and in accordance with all applicable rules, regulations and laws; to be carried out according to the principle of selection based on quality and via informed selection of persons

⁹³<https://fbihvlada.gov.ba/bs/210-sjednica-vlade-fbih>, visited on 16 January 2023.

⁹⁴FBiH Act on Social Protection Institutions (*FBiH OG*, no 64/22).

⁹⁵Article 78 paragraph (2) item a), FBiH Act on Social Protection Institutions.

⁹⁶BiH Act on Ministerial, Government and Other Appointments (*BiH OG*, no 37/03).

⁹⁷FBiH Act on Ministerial, Government and Other Appointments (*FBiH OG*, no 12/03,34/03,65/13), RS Act on Ministerial, Government and Other Appointments (*RS OG*, no 41/03).

⁹⁸Ž-BL-05-140/22, Ž-SA-05-278/22, Ž-SA-05-550/22, Ž-BL-05-119/22, Ž-BL-05-120/22.

⁹⁹Ž-BL-05-122/22, Ž-SA-05-618/22.

¹⁰⁰Ž-BL-05-421/22.

¹⁰¹Ž-LI-05-16/22.

¹⁰²Ž-BR-05-19/22.

whose skills, experience and quality meet the needs of the regulated body; that the principle of fairness be ensured in the selection process and any abuse of the rights of the parties be prevented.

IHROBiH does not have investigative mechanisms that could, in each given case, determine with certainty a violation of the legal provisions that stipulate that a person holding office in a political party cannot be finally appointed, i.e. determine the political party affiliation of the selected candidate. At the same time, IHROBiH emphasises that the already established and relevant appointment criteria must be complied with, in such a way that they relate to the position being filled.

IHROBiH also points out that the practice of adopting decisions of the executive branch on the dismissal of appointed officials before the end of the term of office produces legal uncertainty, potentially leads to costly and lengthy procedures that are not in the interest of any party, and generally hinder the smooth functioning of public bodies as a citizens' service.

IHROBiH believes that there is a need to review the existing legislative framework; to determine more explicitly the criteria that must be complied with in the procedures for appointing and dismissing appointed persons; and to determine which position in a political entity should be considered a position of an official.

The following examples illustrate IHROBiH's actions in cases of the said violations of the law.

When handling the objections against the on the appointment of the members of the Board of Directors of a public institution and the appointment of the Chair and members of the Assembly of another public institution in the same local community, violations of the principles of the FBiH Act on Ministerial, Government and Other Appointments were found regarding the conduct of the procedure and assessment of the candidates, given that the commission in charge did not ask the candidates the same questions during the interviews, the first-ranked candidates were not appointed and they did not have the right to a legal remedy. IHROBiH issued a recommendation to the Municipal Council to annual and carry out renewed appointment procedures. The recommendation was not complied with¹⁰³.

One of the examples of the dismissal of appointed persons before the end of their term of office¹⁰⁴ is the dismissal of the members of the Board of Directors of a public institution, who performed their duties for only nine days during the year for which the financial statements was not adopted. In the given case, the allegations that that the dismissal of the members of the Board of Directors was carried out without their actual fault or responsibility for the management of the institution were made likely, given the extreme disparity between the time period during which the complainants served as members of the Board of Directors and the time period for which the said statements are adopted and for which the complainants were held responsible. In such circumstances, it is likely that the legal basis for the dismissal was used for the purpose of implementing certain personnel solutions and not with a view to improving the work of the

¹⁰³ Ž-BL-05-12/22; Ž-BL-05-14/22 and Ž-BL-05-15/22, Ž-BL-05-870/21 and Ž-BL-05-869/21, P- 130/22.

¹⁰⁴ Ž-BL-05-421/22, P-291/22.

institution or managing public funds. IHROBiH issued a recommendation to the Cantonal Government that, when taking decisions within its jurisdiction, it should pay due attention not only to the aspect of legality but also to the principle of good public administration and conscientious management of public funds, in order to respect the interests of all interested parties to which the decisions refer and to reduce the risk of disputes of any kind to a minimum. No response to the recommendation was received.

Article 5 of the FBiH Act on Ministerial, Government and Other Appointments stipulates that *any person who holds office in a political party cannot be finally appointed (candidates who do not qualify). When rejecting the applications of such candidates, the public official in charge must clearly state that the application is rejected because the person that applied is a candidate who does not qualify.. Notwithstanding the above, a candidate who does not qualify and who steps down from the position to which they are elected before the final appointment is made may be considered for the final appointment in accordance with the principles and procedures set forth in this Act.* The members of the School Board were selected contrary to this provision, given that the selected candidate was the President of the Municipal Board of a political party at the time of the appointment. IHROBiH issued a recommendation to the competent ministry, instructing it to, in accordance with the IHROBiH ruling presented, review the appointment procedure in question and implement it in accordance with the principles established by the FBiH Act on Ministerial, Government and Other Appointments¹⁰⁵.

The complainant, employed as an inspector in a local self-governance unit, *states that she was discriminated against by the Head because he denied her the right to be elected to the management boards of public institutions and companies founded by the municipality.* With regard to the interpretation of this legal issue, IHROBiH examined the Civil Service Act, stipulating that: *"A decision shall be issued on the employment rights and duties of civil servants."* In the given case, it is obvious that it is the rights and duties of civil servants were decided on in the form of notification. Thus, the disgruntled party does not have an obviously available legal remedy at her disposal, through which she would request a review of the Head's decision or a judicial review of the administrative act. IHROBiH does not deal with the merits of the decision to limit or allow work on management boards or supervisory bodies of institutions or other organisations founded by the local self-governance unit in accordance with the best interests of the employer and optimal work organisation. On the other hand, IHROBiH emphasises that every decision on someone's right or duty must meet the formal standards as prescribed by imperative legal norms. In this way, the disgruntled party would have the opportunity to stress all that is stated concerning the disputed decision, which in this particular case refers to the interpretation of additional activity, the legal basis for limiting the application, potential conflict of interest or discrimination in the treatment of individual employees¹⁰⁶.

¹⁰⁵Ž-LI-05-16/22, P-69/2022.

¹⁰⁶Ž-BL-06-70/22.

4.7. Migration and asylum

Acting within its competences and based on the BiH Act on Foreign Nationals¹⁰⁷, the BiH Asylum Act¹⁰⁸ and the BiH Prohibition of Discrimination Act¹⁰⁹, as well as international standards for the protection of human rights and fundamental freedoms that apply in the legal system of BiH, IHROBiH draws attention to the open issue of migration in BiH, although its scale has reduced compared to previous years. In particular, it is necessary to point to the responsibilities of the institutional mechanisms responsible for the implementation of application procedures and ensuring the status and other rights guaranteed by the legislation of BiH and ratified international standards.

During 2022, IHROBiH received 19 complaints related to the rights of migrants and asylum seekers, six complaints fewer than in the previous year. Two recommendations were issued in cases that were received in late 2021 and on which work continued in 2022.

Foreign nationals in the territory of BiH require IHROBiH to intervene to be provided with opportunities to express their intent to seek asylum¹¹⁰, to address the failure to make decisions on applications for asylum, to have guardians appointed for unaccompanied minors¹¹¹, to address unlawful actions of competent authorities in procedure for applying for asylum - expressing intent to seek asylum in BiH¹¹².

Foreigner nationals also request legal assistance on the grounds of subsidiary protection¹¹³ or assistance in establishing employment status¹¹⁴. In each case, IHROBiH informs the parties in writing about its competences, the relevant provisions of the applicable legislation that govern the status of foreign nationals and gives instructions on the state authority and legal aid providers that they can turn to in order to exercise their rights.

In 2022, IHROBiH used the issued recommendations to point to the competent authorities within whose competence the issues of foreign nationals, their residence, movement and status fall to the obligations provided for by the relevant legislation, international human rights protection standards, as well as to need for education in these areas.

IHROBiH is particularly aware of the issue of children who are on the move in the territory of BiH without parents or guardians. Protecting the rights of children on the move is a much more complex issue than simply offering them safety, food and shelter. In the cases of this type, IHROBiH acts by requesting urgent action by the authorities in order to have guardians appointed for the children as soon as possible and thus protect the best interests of the child¹¹⁵.

¹⁰⁷BiH Act on Foreign Nationals (*BiH OG*, no 88/15, 34/21).

¹⁰⁸BiH Asylum Act (*BiH OG*, no 11/16; Corrigendum to the Asylum Act, (*BiH OG*, no 16/16).

¹⁰⁹BiH Prohibition of Discrimination Act (*BiH OG*, no 59/05, 66/16).

¹¹⁰Ž-SA-05-665/22, Ž-SA-05-696/22, Ž-SA-05-779/22, Ž-SA-05-842/22.

¹¹¹Ž-SA-05-723/22.

¹¹²Ž-SA-05-73/22, Ž-SA-05-74/22.

¹¹³Ž-SA-05-590/22.

¹¹⁴Ž-SA-05-559/22.

¹¹⁵Acting in the specific case, no Ž-BL-01-412/22, IHROBiH notes that there are temporary reception centres in Una-Sana Canton and Sarajevo Canton, and vulnerable categories (families with children and unaccompanied

A positive example of the implementation of an IHROBiH recommendation is the action of members of the Tuzla Canton MoI following the recommendation¹¹⁶ that instructed them to take all necessary activities and measures and ensure that any restriction of freedom of movement of migrants/asylum seekers and refugees who are legally in the territory of BiH is based on an individual assessment and solely under the conditions provided for by the Act; that every action of the MoI officials be in accordance with the BiH Prohibition of Discrimination Act; to carry out an assessment of the need for education of police officers and in accordance with the results of the assessment organise it with a view to protecting the guaranteed rights and freedoms.

The MoI¹¹⁷ submitted a response stating as follows: *"The said training has been carried out by inspectors of the Police Administration's Training Department, officers of the Coordination and Guidance Department and representatives of the Service for Foreigners' Affairs, Head of Tuzla Field Centre. The legal framework for the actions of police officers in relation to migrants, asylum seekers and refugees was presented to the participants, both from the perspective of the application of international documents and from the perspective of the Constitution and laws of BiH. The participants took an active part in the implementation of the training on the topic, and other police officers will be trained on the said topic in the forthcoming period at the respective police stations.*

Apart from the above, the said IHROBiH recommendation was provided to all police administrations of the Police Administration of the TC MoI.

IHROBiH has continuous migration-related activities that include attending meetings with competent domestic and international institutions, organisations and associations¹¹⁸ and Immigration Centre representatives, all with a view to establishing the current situation in this field¹¹⁹.

minors) are placed in temporary reception centres during off-work hours of the social welfare centres; and procedures at the competent centres are conducted on the next first working day, i.e. guardians are appointed for unaccompanied minors. There is no temporary reception centre in Tuzla Canton. Having established all significant facts and circumstances in the specific case, IHROBiH will try to improve the exercise of the rights of migrant children in Tuzla Canton with their decisions.

¹¹⁶Ž-BR-05-120/20, P-72/22.

¹¹⁷Tuzla Canton Ministry of the Interior, document no 08-06/6-1-03.2-3-2230/20 dated 11 April 2022.

¹¹⁸At the invitation of the BiH Ministry of Security, a meeting was held, attended by representatives of the Ministry of Security, Border Police, Office of the Representative of the BiH Council of Ministers before the European Court of Human Rights, representatives of the Human Rights Ombudsman Institution rights of Bosnia and Herzegovina, Association "Vaša prava BiH" and UNHCR. It took place in the Building of Friendship between Greece and Bosnia and Herzegovina on 20 October 2022. The topic of the meeting was information about the cases where persons using forged travel documents intended to cross the border of BiH via the Sarajevo International Airport border crossing. Possibilities for applying legislation with a view to preventing abuse of the institute of international protection were considered at the meeting. The conclusion was to continue with this form of cooperation between the institutions of BiH in order to eliminate potential abuses. It was agreed to have the next meeting in 6 (six) months.

¹¹⁹On 22 December 2022. Ombudswoman Jasminka Džumhur, Assistant Ombudswoman Emina Halilović and Advisor Ante Šakota held a meeting with representatives of the Immigration Centre Vladislav Žuža, Interim Manager, and Anes Hajlovac, Inspector.

4.8. Public documents

A public document is a document issued by competent administrative, judicial and other bodies, institutions, organisations or other legal entities exercising public authority at the BiH, FBiH, RS, BDBiH levels¹²⁰.

During 2022, 30 complaints related to public documents were filed with IHROBiH, which is by three more than in the previous year. Three recommendations were issued.

Citizens addressed IHROBiH dissatisfied with the actions of the competent authorities in the procedures for issuing personal documents and required certificates¹²¹, the procedure for entering data in the birth registers¹²², issues of non-recognition of refugee cards despite ongoing court proceedings¹²³, and requests for mediation in urgent proceedings to exercise the right to a travel document¹²⁴.

Given that 2022 was an election year, the irregularity of the voter rolls still containing deceased persons was indicated¹²⁵. The BiH Central Election Commission maintains the Central Voter Roll for the territory of BiH based on the records of the competent state body that maintains the register of citizens of BiH in accordance with the Central Records and Data Exchange Act¹²⁶. The inaccuracy of the data available to the BiH Central Election Commission indicates the need to update the Central Voter Roll so that they match to the actual number of the electorate, in order to prevent any abuse and irregularities during the electoral process.

IHROBiH emphasises that civil servants in the exercise of public authority should act extremely professionally, thoroughly and efficiently, especially when it comes to verifying relevant facts related to establishing a person's identity. All data exchanged in cooperation with international investigation organisations must be accurate and regulated so that there are no violations of the freedom and rights of citizens.

In the complaint procedure¹²⁷ initiated due to the detention of the complainant at the state border because of partial matching of personal data with the data of a person on a warrant of the International Criminal Police Organisation INTERPOL, a procedure was carried out, during which the BiH Ministry of Security informed IHROBiH that the checks established that it was about the fact that the person who was registered in INTERPOL databases and the person in question have a match in terms of identification data (name, surname, date of birth) but that based on subsequent checks of other data (place of birth, citizenship, parents' names, maiden name, ...) they were able to determine that this was not the wanted person.

¹²⁰BiH Act on the Importance of Public Documents (*BiH OG*, no 23/04).

¹²¹Ž-BL-05-71/22, Ž-LI-05-25/22, Ž-BL-05-89/22.

¹²²Ž-SA-05-715/22, Ž-SA-05-23/22.

¹²³Ž-BL-05-521/22.

¹²⁴Ž-SA-08-859/22.

¹²⁵Ž-SA-05-1030/22.

¹²⁶Central Records and Data Exchange Act(*BiH OG*, no 32/01, 16/02, 32/07 and 44/07).

¹²⁷Ž-BL-08-429/22.

Citizens in the Federal Republic of Germany face difficulties in terms of recognition of their driver's license apart from B category. The BiH Ministry of Communications and Transport provided information on actions taken to solve the problem of recognition of all documents of citizens of BiH¹²⁸. IHROBiH did not establish responsibility on the part of domestic authorities.

4.9. War damage

Annex VII of the General Framework Agreement for Peace in BiH stipulates that all refugees and displaced persons have the right to freely return to their homes of origin, the right to have restored to them the property of which they were deprived in the course of hostilities since 1991 and be compensated for any property that cannot be restored to them.

In 2022, 15 cases were received (three fewer than in 2021) concerning the issue of war damage to the complainant's property¹²⁹ and the possibility of compensation for damage, restoration of damaged buildings¹³⁰, housing¹³¹, requests for instructions regarding the exercise of rights¹³², and objections to procedures for the allocation of funds for the reconstruction of buildings¹³³.

Citizens complaining about the impossibility of rebuilding residential buildings damaged as a result of war operations initiated procedures before IHROBiH can be viewed through the issue of property rights as guaranteed by the European Convention and Protocol 1.

IHROBiH states that the global economic crisis also affected the exercise of property rights of refugees and displaced persons due to the objective impossibility of reconstruct dwellings.

This is evident from the complaint filed with IHROBiH¹³⁴ in which it is stated that the Residential Unit Renovation/Construction Contract was signed in 2020 as part of the State Housing Project (DPSZ), number BiH5-16252, between the contracting parties: the BiH Ministry for Human Rights and Refugees, the RS Secretariat for Displaced Persons and Migration, the Municipality /City and the user, which is not implemented. The reason for the failure to implement is the fact that the Contract with the selected contractor was terminated because of the impossibility to meet the contractual obligation due to the soaring of the prices of construction materials and the lack of the labour force.

The competent authorities must review all legal and financial frameworks in order to find appropriate solutions, because according to the response of the BiH Ministry for Human Rights and Refugees¹³⁵: *" These sub-projects are planned to provide housing for 3,100 families, a total of about 10,000 of the most vulnerable refugees, displaced persons and returnees, by re/constructing 2,200 family houses and constructing 900 flats apartments in blocks of flats. So far, 2,400 housing units have been completed, out of which number 1,700 are houses and 700*

¹²⁸ Ž-BL-05-514/22, Ž-BL-05-516/2;

¹²⁹ Ž-BL-05-28/22, Ž-BL-05-538/22, Ž-BL-05-407/22.

¹³⁰ Ž-MO-05-148/22, Ž-BR-08-250/22.

¹³¹ Ž-BL-05-248/22.

¹³² Ž-BL-05-54/22.

¹³³ Ž-SA-08-1371/22.

¹³⁴ Ž-BR-08-250/22.

¹³⁵ BiH Ministry for Human Rights and Refugees, document no 06-41 -6-1807-2 /22 NDG 14 December 2022.

are flats. When it comes to family houses, the renovation and construction of 550 residential units is underway, while 150 residential buildings/users are pending, namely 40 in the FBiH and 110 in the RS.

Complaints filed by individuals showed that they were not familiar with open calls, the way to participate in the procedure in terms of fulfilling certain requirements and necessary documentation. Therefore, it is extremely important that in the case of open calls for donations for the stated purposes, the competent authorities transparently publish the call in several different media, give detailed instructions to citizens regarding the procedure, if they are interested in applying, and carry out the selection procedures in an orderly and lawful manner.

IHROBiH's suggestions should also be followed in cases of advertising rentals of flats that the local self-governance unit has the right to dispose of, to have the widest possible circle of displaced persons and refugees is informed of them, which is particularly important when, in accordance with the applicable housing regulations, it is not possible to *acquire the occupancy right by flat allocation*¹³⁶.

At its 86th extraordinary telephone session held on 30 December 2022, the BiH Council of Ministers passed the Decision on the Redistribution of Funds from the Budget of the BiH Ministry for Human Rights and Refugees to the Budget of the BiH Fund for Return. The redistribution of funds from the 2022 budget of the BiH Ministry for Human Rights and Refugees, from the grant "Funding rights from Annex VII of the Dayton Peace Agreement" in the amount of BAM 2,000,000.00, to the budget of the BiH Fund for Return. The funds will be used to implement projects for the exercise of rights from Annex VII of the Dayton Peace Agreement that are approved by the BiH Commission for Refugees and Displaced Persons. The BiH Ministry for Human Rights and Refugees, the FBiH Ministry of Displaced Persons and Refugees, the RS Secretariat for Displaced Persons and Migration, the BDBiH Government and the BiH Fund for Return previously signed the Agreement of Fund Pooling and Methods for Effecting Funds for the Exercise of the Rights from Annex VII.¹³⁷

4.10 . Freedom of association

Freedom of association is guaranteed by the Universal Declaration of Human Rights¹³⁸ recognising the right of everyone to freedom of association, including the right to form and join trade unions for the protection of their interests¹³⁹, as well as by the European Convention for the Protection of Human Rights and Fundamental Freedoms¹⁴⁰, acts on associations and foundations of BiH¹⁴¹, the RS¹⁴², the FBiH¹⁴³ and the BDBiH¹⁴⁴, which all govern the legal position, status

¹³⁶Ž-SA-08-374/22, P-212/22.

¹³⁷https://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=39170&langTag=bs-BA

¹³⁸Universal Declaration of Human Rights, promulgated by the UN General Assembly on 10 December 1948.

¹³⁹Article 22, Universal Declaration of Human Rights.

¹⁴⁰Article 11, European Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁴¹BiH Act on Associations and Foundations (*BiH OG*, no 32/01, 42/03, 63/08, 76/11 and 94/16).

¹⁴²RS Act on Associations and Foundations (*RS OG*, no 52/2001 and 42/2005).

¹⁴³FBiH Act on Associations and Foundations (*FBiH OG*, no 45/02).

¹⁴⁴BDBiH Act on Associations and Foundations (*BDBiH OG*, no 41/20 and 44/22).

changes and other issues relevant to the work of associations and foundations that are registered in accordance with these acts. In 2022, only one complaint concerning this area was received but the implementation of the recommendations from the previous reporting period was monitored.

Members of the associations¹⁴⁵ address IHROBiH, highlighting the problem of relations within the association itself. In such cases, IHROBiH does not find any ground to act, reminding that it handles cases related to poor functioning or violations of human rights and freedoms committed by any government body, which in this regard supervises the activities of the institutions of BiH, its entities and the BDBiH.

A complaint¹⁴⁶ was also reviewed concerning the right of non-governmental organisations to participate in the governing bodies of the assemblies of citizens' associations, where IHROBiH has a limited mandate to act. The respondent party stated in the statement that the Administrative Inspectorate of the BiH Ministry of Justice carried out indirect inspection in this association. They, *inter alia*, state that, based on the inspection in the specific legal matter, no irregularities were found that this inspectorate could eliminate within its statutory competences and that they deem the procedure in the case completed.

In addition to freedom of association, Article 11 of the ECHR stipulates that no restrictions shall not be placed on the exercise of these rights other than such as prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

However, IHROBiH points out that, in accordance with the provisions governing this area, an association registered in the register can carry out programmes and projects of the public interest, which implies exercising the right to funds from the budget.

This raises the question of the application of the acts on associations that refer to the status of associations of public interest and the necessity of establishing effective supervision mechanisms.

In the procedures before IHROBiH, the question of the use of public goods by associations and the issuance of permits is also raised, especially in areas that represent the joint jurisdiction of the FBiH and the cantons. IHROBiH emphasises that all interested subjects must be enabled to access public goods through a public and transparent procedure, prescribed by law, in order to avoid any arbitrariness and favouritism of certain entities by directly giving them the goods.

A case that was considered before IHROBiH was about issuing permits for temporary use of a hunting ground¹⁴⁷. IHROBiH found that pursuant to legal provisions, a hunting ground could only be given for temporary use without a public call procedure, and only if it could not be ceded following the procedure provided for by Article 36 of the Hunting Act¹⁴⁸. This means launching

¹⁴⁵Ž-SA-08-659/22.

¹⁴⁶Ž-BL-06-171/22.

¹⁴⁷Ž-LI-08-271/21, P-15/22.

¹⁴⁸Hunting Act (*FBiH OG*, no 4/06, 8/10 and 81/14).

a public call for awarding a concession on a hunting ground and the implementation of a tender procedure in accordance with the conditions, criteria and procedures for the allocation of commercial hunting grounds for a concession prescribed by the executive authority. The competent cantonal authorities granted the hunting grounds for temporary use for two successive hunting years although the Hunting Act does not allow for the possibility that commercial hunting grounds are granted for temporary use for longer than a year. In the given case, a recommendation was issued but not complied with.

4.11. Freedom of the media and safety of journalists

Media freedom is a condition for the development of a democratic society committed to protecting and respecting fundamental human rights and freedoms. The fulfilment of this extremely important social role must be observed through the activities of journalists¹⁴⁹, whose status in society must be regulated, and journalists should be guaranteed the enjoyment of fundamental rights and freedoms, which means the right to safety and dignity.

The analysis of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the UN in BiH¹⁵⁰ shows that there are political and economic pressures exerted on journalists, physical and verbal attacks and threats, online harassment, intimidation, limiting access to information, all of which prevents this major social activity and jeopardises their rights and freedoms.

According to data from the media, the Helpline for Journalists recorded a total of 79 cases of attacks on journalists in BiH in 2022, which includes one physical attack and seven death threats. There were 12 cases of verbal threats, 11 cases of political pressure, 12 cases of incitement/hate speech, five cases of damage to property or cyber attacks. Political pressure and attacks on journalists and independent media increased by 40% in 2022 compared to 2021. Also, verbal threats, death threats, and hate speech increased by 137%¹⁵¹.

IHROBiH reminds once again of the conclusions, opinions and recommendations from the Special Report on the Position of Journalists and Cases of Threats Made against Journalists in BiH¹⁵², which were sent to the competent authorities/bodies, and of the necessity to define an attack on journalists in criminal laws as a distinct criminal offence or as a serious form of the criminal offence of assaulting an official in the performance of official duties.

The vulnerability of journalists, attacks and threats to which they are exposed in their work, as well as the fact that there is no comprehensive international document that would oblige the signatory states to take active action with a view to protecting them, urged the International Federation of Journalists (IFJ), on the marking of 2 November, the International Day to End Impunity for Crimes against Journalists, to launch a campaign for the adoption of the

¹⁴⁹The term "journalist" integrates the designation of both sexes and gender-neutral persons.

¹⁵⁰<https://bosniaherzegovina.un.org/bhs/199430> - presented-report-on-safety-of-journalists-and-access-to-information-in-bosnia-and-herzegovina, visited 16 January 2023.

¹⁵¹According to the information provided to Fena by Secretary General of the Association BH Novinari Borka Rudić <https://fena.ba/article/1301662/rudic-u-prosloj-godini-zabiljezeno-79-slucajeva-napada-na-novinare-u-bih> visited on 16 January 2023

¹⁵²<https://www.ombudsmen.gov.ba/Dokumenti.aspx?id=28&tip=4&lang=BS>

International Convention dedicated to the protection of journalists and other media professionals. Governments across the world, journalists and media groups are called to support the adoption of the United Nations Convention on the Safety and Independence of Journalists and Other Media Professionals.

V. JUDICIARY AND ADMINISTRATION

5.1. Introduction

In procedures for the determination of civil rights and of any criminal charge against anyone, the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees the right to a fair trial and public hearing within a reasonable time by an independent and impartial tribunal established by law.¹⁵³ Pursuant to Article II.2 of the BiH Constitution, the rights and freedoms set for in the European Convention for the Protection of Human Rights and Fundamental Freedoms and in its Protocols shall directly apply in BiH. they shall have priority over all other laws.

Bosnia and Herzegovina, all courts, institutions, authorities and bodies indirectly managed by the entities or operating within the entities, are simultaneously obliged to ensure human rights and fundamental freedoms by implementing their statutory competences.

As in previous reporting periods, a significant number of procedures were conducted in the Department for Monitoring the Exercise of Rights in the Judiciary and Administration. In 2022, 728 complaints were received (46 fewer than in 2021). The largest number refers to the judiciary - 347, followed by the administration - 292, prosecutor's offices - 76 and lawyers - 13. Seventy two recommendations were issued, with 24 concerning the judiciary, 45 concerning the administration, two concerning prosecutor's offices, and one concerning lawyers.

The Law on Human Rights Ombudsman of Bosnia and Herzegovina stipulates that IHROBiH has the authority to conduct investigations in all complaints related to the poor functioning of the judicial system or improper processing of individual cases, and to recommend individual or general measures. IHROBiH will not interfere in the decision-making process of the courts but may initiate court proceedings or intervene during the ongoing proceedings, whenever it finds that such activity is necessary in the performance of its duties. It can issue recommendations to the authority that is a party to the proceedings or be consulted by a party to the proceedings¹⁵⁴.

The relationship between IHROBiH and the courts is also defined by Article 15.9 of the BiH Prohibition of Discrimination Act, reading as follows: *"In the event that the court considers a case on which IHROBiH has already issued a recommendation that the party to the proceedings uses as evidence, the court shall consider the IHROBiH recommendations pursuant to the rules of procedure."*

IHROBiH points out that it is indisputable that Article 2 of the administrative dispute acts at the state¹⁵⁵ and FBiH levels¹⁵⁶ prescribe the possibility of IHROBiH's intervention in the ongoing proceedings, when, in the performance of work falling within their respective competence, it finds that human dignity, rights and freedoms guaranteed by the Constitution have been violated by an administrative act. However, IHROBiH does not intervene in administrative disputes for the following reasons:

¹⁵³Article 6 paragraph (1), European Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁵⁴Article 4, Law on Human Rights Ombudsman of BiH (*BiH OG*, no 32/2000, 19/2002, 35/2004 and 32/2006).

¹⁵⁵BIH Administrative Disputes Act (*BiH OG*, no 19/2002, 88/2007, 83/2008 and 74/2010).

¹⁵⁶FBiH Administrative Disputes Act (*FBiH OG*, no 9/2005).

- RS Administrative Disputes Act does not contain the said provision and such action could put citizens in an unequal position;
- lack of the criteria for IHROBiH action in administrative disputes, according to which this type of action would be justified, and given other mechanisms with this as their primary mandate;
- negative impact on the perception of IHROBiH impartiality;
- lack of human resources;
- excessive caseload;
- global opening of several issues related to the position of national institutions for the promotion and protection of human rights, especially in light of the Paris Principles.

IHROBiH has the possibility to take part in different proceedings as *amicus curiae*, thus contributing to the execution of the second part of the mandate related to promotion, in particular when it comes to the direct application of international standards in court proceedings.

5.2. Judiciary

Based on the complaints received and direct contacts with complainants in the field of the judiciary, there is evident dissatisfaction and distrust of citizens towards judicial institutions. The parties are dissatisfied with the inefficiency of the court system, inefficient work of the prosecution, lack of trust in the work of the High Judicial and Prosecutorial Council, inadequacy of the HJPC's actions when it comes to the disciplinary responsibility of judges.

By analysing 343 complaints received by IHROBiH concerning the judiciary, it can be concluded that citizens turn to IHROBiH for violations of the following rights:

- excessive length of court proceedings – 29 complaints;
- inefficient enforcement of court decisions – 22 complaints;
- complaints against the work of judges due to violations of procedural laws - 12 complaints;
- HJPC- 2 complaints;
- complaints concerning other violations of rights related to court actions (violations of the principle of impartiality, failure to make court decisions in a statutory manner and within the deadline, non-uniformity of case law) - 282 complaints;

5.2.1. Length of proceedings

A large number of complaints were filed for the unreasonable length of court proceedings. These are cases where the proceedings before certain first- and second-instance courts are conducted for a number of years. The case overload of courts cannot be a justification for the excessive length of the procedure. The signatories of the European Convention on Human Rights are obliged to organise legal systems that will ensure the compliance with Article 6 of the ECHR¹⁵⁷.

¹⁵⁷Judgment of 7 October 2004 in case Baumann v. Austria, B 45;

The European Court of Human Rights found that the "reasonableness" of the length of proceedings must be assessed in the light of the circumstances of the case and in relation to a number of criteria: the complexity of the case, the behaviour of the applicant and competent authorities and the importance of the matter in dispute for the applicant¹⁵⁸.

IHROBiH draws attention to the excessive length of court proceedings in civil actions, which are deemed urgent by law, which also includes employment-related proceedings. The explanations of the courts, especially those of the second instance, are unacceptable, in which they exclusively refer to the plan for resolving old cases, according to which the court is obliged to resolve cases as a matter of priority by age of the initial document that initiated the proceedings before the municipal court. This is particularly bearing in mind the views of the European Court of Human Rights and the BiH Constitutional Court when it comes to "reasonable time" in court proceedings¹⁵⁹.

In cases where the party in whose interest the proceedings are being conducted exercises their rights in court, they are also entitled to a compensation and the amount of the compensation is directly dependent on the length of the proceedings before the court. At the same time, a person that had their right exercised, and in the court proceedings the violation is found to be illegal, receives certain benefits (in employment disputes, these are salaries and other employment rights) for the entire duration of the court proceedings.

The plan for resolving old cases only provides the possibility in terms of certainty when a case will be considered by the court and that the order in which initial documents were received will be followed. This approach does not completely solve the underpinning issue. Given the way cases are recorded in the courts and the ratio between the number of "old" and newly received cases, there is a reasonable fear that all cases received will eventually fall into the category of "old cases", even those defined by procedural laws as urgent disputes.

The right to a trial within a reasonable time is an inseparable part of the right to a fair trial, as defined by the International Covenant on Civil and Political Rights. In order to ensure the right to a fair trial, it is up to the state to organise its judiciary in such a way as to ensure, for persons under the jurisdiction of that country, regardless of their financial situation or level of education, predictable trial results (including time necessary for making a decision) and efficient legal remedies.

In the dispute initiated for the protection of employment rights, IHROBiH found that the complaint was grounded, noted that the failure to issue a court decision in the legal matter in question constituted a violation of Article 6 of the ECHR and a violation of Article II/3/e) of the BiH Constitution because the Court's actions, in the given case violated the party's right to a fair

¹⁵⁸Frydlender v. France [Grand Chamber], 27 June 2000, para (43).

¹⁵⁹Decision on Admissibility and Merits of the BiH Constitutional Court, *BiH OG*, no 94/14, *Under the consistent case law of the European Court of Human Rights and the Constitutional Court, the reasonableness of the length of the proceedings must be assessed in terms of the circumstances of the given case, taking into account the criteria established by ECHR case law, in particular the complexity of the case, the behaviour of the parties to the proceedings and the competent court or other public authorities, and the importance that the specific matter has for the appellant (see ECHR, Mikulić v. Croatia, application no 53176 /99 dated 7 February 2002, Report no 2002-I, paragraph (38).*

trial within a reasonable time. A recommendation was issued¹⁶⁰, instructing the court to take the necessary activities, in accordance with the standards of Article 6, paragraph (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The recommendation was implemented in the fourth quarter of 2022.

5.2.2 . Behaviour of party to proceedings

The parties address IHROBiH, pointing in their respective complaints to the inadequate treatment of the courts. In some of these cases, IHROBiH investigations result in the fact that by their behaviour during the proceedings the parties also contributed to their length, for example, by failing to eliminate deficiencies in the initial document, by failing to respond to summons, or by failing to take other actions as requested in the proceedings. In the given case, the party complained¹⁶¹ about the court's actions in an enforcement case. It follows from the Court's response that the length of the proceedings was caused by delays in the proceedings caused by the parties, by the fact that it was a complex case, which certainly does not diminish the importance of the court's obligation to act within a reasonable time.

5.2.3. Enforcement

The guarantees of the right to a fair trial enshrined in Article II/3.e) of the BiH Constitution and Article 6, paragraph (1) of the ECHR in civil cases also extend to the stage of enforcement proceedings¹⁶². The failure to enforce court decisions results in the violation of the said Article, which is the position taken also by the European Court of Human Rights, stating that it would be illusory if a Contracting State's domestic legal system allowed a final and binding judicial decision to remain inoperative to the detriment of one party¹⁶³.

Parties address IHROBiH precisely because of weaknesses in the enforcement process¹⁶⁴, which is particularly noticeable in cases where the creditors are public bodies and companies under bankruptcy. In each individual case, depending on the total length of the court proceedings, IHROBiH assesses the costs and whether the complaint is justified.

In cases where it was found that the proceedings lasted unreasonably long¹⁶⁵, IHROBiH issue a recommendation to the court to *without delay take procedural actions prescribed by law for the purpose of conducting the proceedings in the said case*. After the IHROBiH intervention, the court delivers a notification that the enforcement procedure is completed.

¹⁶⁰P-179/22.

¹⁶¹Ž-SA-08-629/22.

¹⁶² ECHR, *Hornsby v. Greece* (Application no 18357/91, judgment of 19 March 1997).

¹⁶³ ECHR, *Jeličić v. BiH*, §38, (2006).

¹⁶⁴Ž-BR-08-86/20.

¹⁶⁵Ž-SA-636/22, P-204/21.

5.2.4. Execution of budget funds

In its annual reports, IHROBiH¹⁶⁶ constantly points to the issue of difficult implementation of final and binding court judgments¹⁶⁷ in situations where the enforcement debtor is a municipality, canton or entity. In these cases, it is possible to carry out the enforcement only over the earmarked funds, in the amount envisaged in public body's budget for that purpose, for the specific budget year and in accordance with the established docket for collection. The work on complaints filed shows that the approaches of public body debtors are different, ranging from drawing up lists by order in which court decisions are issued and submitting to the banks, to attempting to reach settlements with the creditors, which raises the question as to why that was not done before to avoid costly and lengthy court proceedings, to offering options for settling the liabilities by different instruments, such as bonds.

Thus, in the case ¹⁶⁸ where a large group of creditors complained about the failure to enforce final and binding court judgements, the debtor informed IHROBiH that they had issued a public call for concluding out-of-court settlements and that some of the complainants concluded them in 2022. The second part of the complainants informed IHROBiH that they want to proceed and carry out the enforceable court document as soon as possible, referring to the Action Plan of activities necessary to carry out the general measures ordered by the ECtHR judgment in the case *Balić and Others v. BiH*, APP.no 44080/16 and other judgments, where the time frame for their implementation was adopted in 2020. It is indisputable that in this case there was a violation of the right to a reasonable length of the proceedings given that the enforcement procedure is deemed an integral part of the court proceedings.

In the process of monitoring the enforcement of final and binding decisions and the implementation of the recommendations, IHROBiH received a statement from the debtor indicating the possibility of replacing the enforcement instrument¹⁶⁹.

IHROBiH insists that the respondent authorities provide the necessary data that refer to the amount of funds provided for the enforcement of final and binding court decisions, inform whether there is a payment plan and what the complainant's ranking is in the plan. Greater data transparency is needed, so that citizens have complete information about the implementation of court decisions.

In bankruptcy cases, the IHROBiH possibilities to act are limited. In these cases, the courts issue judgements and enforcement decisions but the claims are not collected because the assets are property of the bankruptcy estate and the complainants cannot collect from the bankruptcy

¹⁶⁶<https://www.ombudsmen.gov.ba/Dokumenti.aspx?id=27&tip=1&lang=HR>

¹⁶⁷Ž-SA-05-985/21.

¹⁶⁸Ž-MO-08-166/21, Ž-MO-08-169/21, Ž-MO-08-170/21, Ž-MO-08-171/21, Ž-MO-08-172/21, Ž-MO-08-173/21, Ž-MO-08-174/21.

¹⁶⁹Ž-BR-08-49/20, P-148/21 *"The liability under the said decision according to the conclusion of the Government will be settled in cash, item 3 of the Conclusion, in accordance with the general measures from judgement Čolić et al. v. Bosnia and Herzegovina and as such will be due for payment in 2023. However, in accordance with item 4 of the Conclusion, if the party agrees to have bonds issued, the bonds will be issued to them as stated in the wording of the decision delivered. Bearing in mind that the claim in question can also be settled through bonds (planned in the second half of the year), the claimant can file a completed verification form, a certified bond statement together with a copy of the ID card and current account card."*

estate¹⁷⁰. Article 4 paragraph (2) of LHROBiH clearly stipulates that IHROBiH does not have the authority to interfere in the decision-making process of the courts, nor can it review their decisions. In view of the aforementioned legal provision, IHROBiH can possibly intervene in cases related to the violation of the right concerning the length of the court proceedings, which is not the case when the allegations from the complaint are related to the merits of the case.

5.2.5. High Judicial and Prosecutorial Council of BiH

The High Judicial and Prosecutorial Council of BiH was established as an independent and autonomous body that has the task to ensure an independent, impartial and professional judiciary in BiH. The competences of the HJPC are defined by the Act on the High Judicial and Prosecutorial Council of BiH, which includes the appointment of judges, prosecutors and officers, disciplinary responsibility, judicial administration and statistics, budgets of judicial institutions, supervision of professional training, introduction of ICT, and the leading role in the implementation and coordination of reform activities in the judicial sector of BiH¹⁷¹.

After almost two decades since the this institution was formed, it needs a reform related to the improvement of the process of appointing judges and prosecutors, greater transparency of work, better definition of conflict of interest and improvement of disciplinary procedures and penalties.

In their reports and in direct meetings with HJPC representatives, IHROBiH¹⁷² points to the weaknesses identified in HJPC work, but also to the weaknesses of the judicial system that must be eliminated, such as: lack of transparency in the collection of claims based on court judgments charged to the budget, length of court proceedings, focusing on the cantonal courts, courts' (non)compliance with IHROBiH recommendations, focusing on the recommendations in cases of discrimination, non-uniform case law that creates a space for legal uncertainty and puts the parties in a disadvantageous position, etc.

5.2.6. Employment rights of judicial office holders

Having considered the issue of the right to a working-away-from home allowance of judicial office holders, IHROBiH point out that unequal treatment in terms of receiving any type of work-related benefits can produce legal uncertainty and thus lead to court and other proceedings initiated by judicial office holders in order to exercise their rights. In the complaint concerning the payment of working-away-from home allowance to holders of judicial functions, it was established in the procedure that the BiH Constitutional Court is of the opinion that the F BiH Act on Salaries and Other Benefits and Allowances of Judges and Prosecutors¹⁷³ should contain a

¹⁷⁰Ž-BL-08-868/21.

¹⁷¹BiH High Judicial and Prosecutorial Council Act (*BiH OG*, no 25/04, 93/05, 48/07, 15/08).

¹⁷²Ombudspersons of BiH Jasminka Džumhur, PhD, Nives Jukić and Nevenko Vranješ, PhD, held a meeting on 11 October 2022 with members of the HJPC Presidency, President Halil Lagumdžija, Vice President Sanela Gorušanović Butigan and permanent HJPC Permanent Member Sanin Bogunić.

¹⁷³F BiH Act on Salaries and Salary Benefits and Allowances for Judges and Prosecutors (*F BiH OG*, no 72/2005, 22/2009, 27/2012 – CC decision, 55/2013, 102/2013 - authentic interpretation, 55/2017 – CC decision and 61/2022).

provision concerning the working-away-from-home allowance, resulting in the amendment of the Act in 2022¹⁷⁴.

5.2.7. Prosecutor's offices

Prosecutor's offices are independent state bodies that, within the framework of the prescribed rights and duties, take measures determined by law regarding the detection and prosecution of perpetrators of criminal offences and invest legal remedies in order to protect legality.

During 2022, 76 complaints were received concerning the actions of prosecutor's offices (three complaints more than previous year), which refer to: length of the proceedings from the moment it is initiated before the prosecutor until the prosecutor's decision is made¹⁷⁵, failure to take procedural actions in cases that require urgent action¹⁷⁶, dissatisfaction with prosecutorial decisions/orders not to conduct an investigation¹⁷⁷, violations of the right to free access to information¹⁷⁸, length of the proceedings for resolving appeals filed against orders not to conduct/suspend an investigation¹⁷⁹, etc.

Acting on complaints from the Department for Monitoring the Exercise of the Rights in the Administration and Judiciary, IHROBiH issued two recommendations to the competent prosecutor's offices. However, it is important to point out that the recommendations were also sent to the Prosecutor's Office as part of the procedures conducted in the Department for Monitoring the Exercise of the Rights of the Child.

IHROBiH acted on a complaint concerning the length of the investigative proceedings in a criminal case initiated in connection with a death that occurred back in 2007. A recommendation was issued to the Prosecutor's Office, instructing it to take effective measures and actions to complete the investigation in question and in accordance with the applicable legislation¹⁸⁰. In another case that concerned the length of the court proceedings and the failure to issue a prosecutorial decision, a recommendation was also issued to have a prosecutorial decision issued as soon as possible and adhering to the substantive and procedural criminal legislation¹⁸¹.

Certain specific features in cases before the prosecutor's office that may be related to the profile of the injured party, such as children, women victims of domestic violence, etc. require the prosecutor's awareness in terms of actions but also the readiness to cooperate intensively with other institutions, primarily social welfare centres.

¹⁷⁴Ž-BL-06-541/22, P-316/22.

¹⁷⁵Ž-SA-08-964/22, Ž-MO-08-102/22, Ž-MO-08-137/22, Ž-MO-08-31/22, Ž-LI-08-158/22, Ž-LI-08-37/22, Ž-SA-08-165/22, Ž-SA-08-857/22.

¹⁷⁶Ž-BR-01-25/22.

¹⁷⁷Ž-SA-08-794/22, Ž-LI-08-29/22.

¹⁷⁸Ž-SA-08-238/22, Ž-BR-08-252/22.

¹⁷⁹Ž-SA-08-1006/22; Ž-SA-08-1021/22; Ž-SA-08-1022/22, Ž-SA-08-1154/22.

¹⁸⁰Ž-BR-08-270/21, P-149/22.

¹⁸¹Ž-BL-08-707/20, P-269/22.

IHROBiH received information¹⁸² that the competent social welfare centre is aware of the existence of violence against children and that a criminal charge has been pressed with the prosecutor's office, which is why IHROBiH, based on the United Nations Convention on the Rights of the Child¹⁸³, issued a recommendation to the said competent authorities to take active measures without delay and within their competences and powers to supervise the exercise of parental rights, prevent endangering the physical or mental safety of the child, taking the best interest of the child into account and to make decisions in accordance with their competences. It pointed out that the United Nations Convention on the Rights of the Child stipulates that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

5.2.8. Lawyers

Legal profession acts regulate the provision of professional legal assistance to natural persons and legal entities in the exercise and protection of their rights, obligations and legal interests through legal service, prescribe the requirements for practicing law; the organisation and position of lawyers, legal assistants and legal trainees; the jurisdiction and work of the entity bar associations¹⁸⁴.

In 2022, IHROBiH received 13 complaints about actions of lawyers/bar associations, which is six more than in 2021.

Complaints were filed due to lack of information about the completion of the disciplinary proceedings against the lawyer¹⁸⁵, the complainants' dissatisfaction with the decisions in the proceedings before the competent courts, which is why the lawyers' disciplinary responsibility was demanded¹⁸⁶, and the lawyers' unprofessional behaviour¹⁸⁷. Complaints were also filed due to dissatisfaction with the work of notary offices¹⁸⁸, with one recommendation issued in the same period.

Acting on complaints that require reviewing the actions and responsibility of lawyers, IHROBiH advised citizens about its powers and referred them to procedures that, if they believed they had a factual and legal basis, they could potentially initiate before the competent criminal prosecution authorities, civil procedures for damages, as well as procedures for determining the disciplinary responsibility of lawyers.

IHROBiH points out the importance of efficient actions and activities of bar associations as professional associations that exercise public authority.

¹⁸²Ž-BR-01-25/22, P-178/22.

¹⁸³UN Convention on the Rights of the Child, adopted by the UN General Assembly in 1989.

¹⁸⁴FBiH Legal Profession Act (*FBiH OG*, no 25/2002, 40/2002, 29/2003, 18/2005, 68/2005 and 42/2011), RS Legal Profession Act (*RS OG*, no 80/2015).

¹⁸⁵Ž-LI-08-71/22, Ž-BL-08-485/22, Ž-BL-08-815/22.

¹⁸⁶Ž-SA-08-1128/22.

¹⁸⁷Ž-SA-08-299/22.

¹⁸⁸Ž-SA-08-939/22, Ž-SA-08-956/22.

5.3. Administration

IHROBiH stresses that the quality of public services and the work of public administration bodies is a tangible indicator for the citizen of the functionality of a state. A good administration should be in the service of the public and promote society's trust in the executive power, should contribute to political stability and stimulate economic growth and social well-being. In contrast, a non-functional administration may trigger citizen resistance and their protest against the state, and in the worst-case scenario, it can lead to a non-functional state. The right of citizens to a good administration is, *inter alia*, governed by the EU Charter of Fundamental Rights¹⁸⁹.

This right is also governed by the (general) administrative procedure acts at the state, entity and BDBiH levels, in particular through the principle of protection of citizen rights and protection of the public interest, principle of effectiveness, principle of hearing a party and a number of other provisions guaranteeing the right to access and participate in procedures, right to appeal, right to assistance, prohibition of discrimination, etc.

In the reporting period, IHROBiH handled 292 complaints concerning the violation of the right to a good administration, which is 28 more complaints than in 2021.

The largest number of cases registered in 2022, as in previous years, concerned the length of the administrative procedure, silence of the administration, ineffective reaction of inspection services and the failure of the authorities to act within statutory deadlines when deciding on the requests of the parties.

The complaints state: inappropriate conduct of officers, inappropriate working hours of bodies of administration, shifting parties from one body to another, excessive formalism, inefficiency and general violations of procedural provisions governing administrative procedures. Citizens express dissatisfaction with the fact that administrative procedures are conducted contrary to the law for reasons such as: failure to make decisions within statutory deadlines, insistence on providing large amounts of unnecessary documentation, violations of the principle of providing assistance to ignorant parties, failure to make decisions on appeals, lengthy second-instance proceedings, remanding cases for reconsideration in the first instance (back-and-forth principle), and incorrect application of substantive laws.

Ombudsmen also point to the issue of the unavailability of adopted legislation and other regulations from competent authorities, given that not all of them are published in official gazettes, and if they are published, the question of the availability of those gazettes arises because official gazettes are available on a subscription basis, with the exception of *The Official Gazette of BiH*. IHROBiH's position was that gazettes should be available to everyone free of charge.

In a case before IHROBiH¹⁹⁰, the question was raised as to whether the complainant as a citizen and councillor in the municipal council had the right to a free copy of the official gazette of the

¹⁸⁹Article 41.

¹⁹⁰Ž-SA-08-607/22.

local self-governance unit and what the deadline for the publication of regulations in the official gazette was. The response sent by IHROBiH was stated that there was no formal deadline for the publication of regulations in local self-governance units, but the principle of legality and the interest of the public oblige the authorities to do so as soon as possible. It was stressed that there was no obligation to provide every citizen with a copy but they could be copied and made available to the general public electronically. Ensuring this standard is also important from the perspective of ensuring the application of proactive management principles.

In some cases, bodies of administration limit certain rights with cantonal regulations prescribing certain rights that are linked to residence in the canton. The complaint¹⁹¹ stressed that the cantonal regulations prevent a person without a residence in the canton from obtaining a tour guide ID card, which is contrary to the regulations adopted at FBiH level. In the given case, the recommendation issued¹⁹² was not complied with and the Cantonal Assembly as the line authority was informed thereof.

5.3.1. Protection of citizens' rights

When bodies and institutions that exercise public authority conduct administrative procedures and make decisions on them, they are obliged to provide citizens with the most effective protection of their rights and interests, including good organisation of the body's operations, quick, complete and quality resolution of administrative matters in administrative procedures and coordination of bodies of administration.

This is especially important when citizens' property is at jeopardy, i.e. its safety.

In the case¹⁹³ the complainant indicated that he suffered a major material damage to his dwelling during heavy rainfall due to the poor road and sewage infrastructure. The competent body had for years been failing to act in a timely and effective manner. Therefore, IHROBiH issued a recommendation to the competent authorities and services, instructing them to take measures and activities within their respective competences to resolve the issue of flooding of the complainant's dwelling and the yard and, within their respective competences, to consider every legal possibility to secure the funds in the city budget to build the storm sewage and draft technical documentation.

5.3.2. Non-compliance with work and ethical standards

The actions of civil servants and employees in public administration bodies must be in accordance with the applicable legislation and the ethics codes that establish certain standards of behaviour.

The code of ethics governing the rules and principles of good behaviour of civil servants in the institutions of BiH¹⁹⁴ was adopted with a view to having civil servants as representatives of the institutions protect the public and legal interest based on the Constitution and the law and thus contribute to strengthening the role and reputation of the civil service. This implies performing

¹⁹¹Ž-SA-08-842/21.

¹⁹²P-313/21.

¹⁹³Ž-BL-05-383/22, P- 247/22.

¹⁹⁴Code of Conduct of Civil Servants in the Institutions of BiH (*BiH OG*, no 49/13).

work duties in a timely, responsible and professional manner. A violation of the rules of conduct may jeopardise or prevent the exercise of citizens' rights.

The complaint¹⁹⁵ received from a citizen of a neighbouring country indicated that they were unable to refund taxes because an employee of the Indirect Taxation Authority did not come to work because he "*apparently went to a wedding*". Following the investigation, IHROBiH received a notification from the respondent authority that a disciplinary procedure had been conducted finding a minor breach of duty. The question of how the citizen of the neighbouring country will exercise the right to a tax refund in this situation remains unresolved.

5.3.3. Failure of second-instance authority to act on appeals

The right to appeal in the administrative procedure is the only ordinary legal remedy and the efficiency of the administration means, *inter alia*, ensuring access to legal remedies and an efficient and legal decision-making procedure.

The complaints before IHROBiH indicates that appellate bodies conduct lengthy second-instance procedures caused by both large numbers of appeals filed and the human resources available, and other organisational and administrative factors.

In the given cases¹⁹⁶, an appeal was filed with the Appeals Council against an appointment decision, where IHROBiH conducted an investigation and requested a statement from the respondent authority. The respondent authority ignored the IHROBiH's documents, and IHROBiH issued a recommendation, instructing the authority to act on the complaints urgently and establish cooperation with IHROBiH, as provided for by LHROBiH. The competent authority failed to comply with the IHROBiH recommendation and the line authority was notified thereof, after which the IHROBiH recommendation was implemented and the decisions accepting the complaint from the complainants as grounded were issued.

5.3.4. Granting prior and subsequent consent

Administrative procedure acts define that in the process of exercising certain rights it is possible to request a prior or subsequent consent from other authorities. In some procedures, this is even introduced under the name of "review", as is the case when exercising certain social protection rights in the FBiH, which creates confusion among citizens.

In case of access to public goods, this is very important because prior or subsequent consents often refer to the fulfilment of requirements that are relevant because they affect another public good.

In the procedure concerning the complaint¹⁹⁷, the complainant states that the mini hydropower plant construction decision was issued without an energy permit which precedes the issuance of the construction permit for new power generation facilities, all in accordance with Article 3

¹⁹⁵Ž-SA-08-860/22.

¹⁹⁶Ž-LI-08-60/22, Ž-LI-08-61/22 and Ž-LI-08-62/22.

¹⁹⁷Ž-SA-08-1100/21, P-114/22.

paragraph (2) of the Regulation on the Procedure, Criteria, Format and Content of Energy Permit Applications for the Construction of New Generation Facilities and the Reconstruction of Old Generation Facilities. This violated the Electricity Act and the Construction Act. IHROBiH issued a recommendation to the competent ministry to consider the possibility of reversing the mini hydropower plant construction decision.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

6.1. Introduction

The Department for Monitoring the Exercise of Economic, Social and Cultural Rights received 676 complaints in 2022. A certain number of cases, 358, were the 2021 carryover, which means that IHROBiH handled 1,033 complaints in the reporting year. Compared to 2021, the Department received a smaller number of complaints (93). The largest number of complaints received concerned violations of employment rights (251), pensions (127), utility services (107), social protection (63), healthcare (59), education (47), ecology and environmental protection (18) and public revenues (4).

The largest number of recommendations issued fall within the category of employment-related violations (37).

Right violation	Number of complaints
Employment	251
Pensions	127
Utility services	107
Social protection	63
Healthcare	59
Education	47
Ecology and environmental protection	18
Public revenues	4
TOTAL	676

6.2. Employment

The right to work is one of the fundamental human rights guaranteed by the Universal Declaration of Human Rights¹⁹⁸, International Covenant on Economic, Social and Cultural Rights¹⁹⁹, BiH Constitution, FBiH Constitution²⁰⁰, RS Constitution²⁰¹, and BDBiH Statute²⁰². The right to work is also governed by laws at BiH level and entity levels.

The right to work is directly linked to human dignity and the individual's need to participate in social life through work. It is important to stress that the wording "right to work" does not imply a guarantee of the right to work. The right to work implies the right to equal access to work and the state's obligation is to take concrete steps to enable citizens to exercise this right.

¹⁹⁸Article 23.

¹⁹⁹Article 6.

²⁰⁰Article 2. (1)1).

²⁰¹Article 39.

²⁰²Article 13.

Unemployment is a phenomenon that every country faces and has to cope with it to a greater or lesser extent and BiH is no exception. It is almost impossible to achieve absolute employment in the territory of a country.

According to the data of the BiH Labour and Employment Agency as at 20 September 2022, there were 356,531 unemployed persons in 2022, out of which number 206,388 were women (57.89%)²⁰³. Compared to this period last year, unemployment is lower by 27,678 persons or by 7.20%. Unemployment decreased by 4,917 persons (1.7%) in the FBiH and in the BDBiH by 190 persons (3.63%), while it increased in the RS by 1,204 persons (2.06%)²⁰⁴.

Employment-related complaints mostly concerned irregularities in the conduct of vacancy procedures, such as not selecting the best candidate²⁰⁵, employing relatives²⁰⁶, hiring without announcing vacancy procedures²⁰⁷, classification of positions, especially after courts issue binding decisions ordering reinstatements²⁰⁸. A certain number of complaints were also received about discriminatory requirements in *public vacancies*²⁰⁹; length of the vacancy procedures during which time complainants reach the age that eliminates them from further procedure²¹⁰, which may be considered age discrimination, prioritising certain categories when hiring²¹¹, and other employment-related violations (annual leave, work on weekends)²¹².

6.2.1. Selection of candidates in vacancy procedures

IHROBiH stresses that the essence of conducting the vacancy procedure and ranking successful candidates is to issue the employment decision for the best-ranked candidate, unless the head of the body has justified reasons to the contrary, which they are obliged to explain and corroborate with adequate evidence. An additional issue is the fact that the labour inspection is declared incompetent for reports of illegality in vacancy procedures, justifying this by the fact that the person is not employed, which is why the inspection cannot act and the only mechanism is judicial protection.

IHROBiH once again points to the importance of legal regulation of these issues, especially bearing in mind that in 2020 it sent an initiative to amend the FBiH Civil Service Act, i.e. to amend Article 31 paragraph (1),²¹³ stipulating that a civil servant shall be appointed by the head of the civil service body from among the list of successful candidates, with the previously

²⁰³ The August 2022 data for Zenica-Doboj Canton are copied from the June 2022 data, because the Zenica-Doboj Canton Employment Service is implementing a new IT system and the August 2022 data are not yet available.

²⁰⁴ <http://www.arz.gov.ba/statistika/mjesečni/default.aspx?id=7174&langTag=hr-HR>.

²⁰⁵ Ž-BL-04-35/22.

²⁰⁶ Ž-BL-04-638/22.

²⁰⁷ Ž-BL-04-683/21.

²⁰⁸ Ž-SA-04-793/21.

²⁰⁹ Ž-SA-04-171/22, the authority that announces the call sets a requirement that objectively cannot be fulfilled by all participants. The recommendation was issued and complied with, the call was reannounced without the contested provision.

²¹⁰ Ž-SA-06-117/22, Ž-SA-06-118/22.

²¹¹ Ž-SA-04-24/22 Application and interpretation of Article 5 paragraph (1) of the Regulation on the Uniform Criteria and Rules for the Employment of Veterans and Their Family Members in the Institutions in Sarajevo Canton, Sarajevo City and municipalities in Sarajevo Canton.

²¹² Ž-SA-04-596/22.

²¹³ FBiH OG, no 29/03, 23/04, 39/04, 54/04, 67/05, 8/06, 04/12, 99/15 and 9/17.

obtained ruling of the FBiH Civil Service Agency, i.e. according to a discretionary assessment, by prescribing that the manager appoints the most successful candidate from the list of successful candidates. Such solutions in laws and by-laws, where the manager does not select the best candidate, are prone to abuse, manipulation and lead to legal uncertainty for the participants in vacancy procedures. It is justified to raise the question of the purpose of conducting vacancy procedures. According to the IHROBiH ruling, the selection of the most successful candidate would ultimately contribute to the transparency of the vacancy procedure and the quality of the civil service itself.

In relation to the above, IHROBiH reminds that in 2015 it sent an initiative²¹⁴ to the FBiH Parliament to amend the FBiH Civil Service Act, to which no response was received.

IHROBiH received several complaints²¹⁵ concerning the method for selection of civil servants at FBiH level. In some cases when, after the court proceedings, a violation of the right of the best candidate is found, the respondent authority, instead of implementing the court decision, decides to cancel the vacancy or to change the rulebook on the classification of positions²¹⁶.

At the level of BiH, vacancy procedures are conducted by the BiH Civil Service Agency, at the request of the institutions. In procedures carried out by an institution of BiH, after the procedure is completed, the selection panel provides the list of successful candidates to the head of the institution who is then required to provide the list to the BiH Civil Service Agency (ADS BiH) within eight days, with a proposal for the date of appointment of the most successful non-managerial civil servants for further procedure (to draft an appointment decision).

It is a fact that in certain cantons in the FBiH, the civil service acts prescribe that after the vacancy procedure the most successful candidate shall be appointed to the position²¹⁷.

The complaint²¹⁸ stated that at the request of the Tax Administration the FBiH Civil Service Agency announced a *public vacancy* to fill the positions of civil servants in the Tax Administration. The list of candidates was drawn up where the complainant was the most successful. Despite this fact, the complainant was not hired and he appealed with the Civil Service Appeals Board. This process was repeated three times and each time the first instance authority ignored the decisions of the Civil Service Appeals Board. IHROBiH issued a recommendation to the FBiH Civil Service Appeals Board, instructing it to act in accordance with Article 240 of the FBiH Administrative Procedure Act, to resolve the matter itself; to the Administrative Inspection, instructing it to take all measures within its competence to initiate a misdemeanour procedure in the given case.

²¹⁴P-288/15.

²¹⁵Ž-SA-04-1107/20.

²¹⁶Ž-BL-04-408/22.

²¹⁷Sarajevo Canton Civil Service Act (*SC OG*, no 31/16 and 45/19), Una-Sana Canton Civil Service Act (*USC OG*, no 14/2017 and 16/ 2017, *FBiH OG*, no 96/2018 – CC decision and *USC OG*, no 15/20), Bosnia-Podrinje Canton Civil Service Act (*BPC OG*, no 3/18 and 6/20).

²¹⁸Ž-BL-04-35/22.

In conclusion, given all the above, the opinion of IHROBiH is that the goal of vacancy procedures is to select the best candidate, i.e. civil servant, and that amendments to laws and by-laws should lead to the selection of the most successful candidate.

6.2.2. Requirements set in vacancy procedures

The adoption of the BiH Prohibition of Discrimination Act prescribed the obligation to harmonise all statutory instruments with the PDA. The eliminatory requirements to be satisfied during the conduct of the selection procedure significantly reduce the possibility of employment and violate the principle of equal access to employment. In some cases, by referring to the legal possibility of introducing affirmative action²¹⁹ prescribed by the PDA, the requirements are prescribed that have the dominant role in the scoring of candidates compared to all other requirements, cumulatively taken into account. In practice, this means that people who meet that criterion will automatically satisfy the requirements for employment, even when they have considerably smaller number of points under other prescribed requirements. The use of affirmative action as a corrective factor that should be applied after the scores according to the other vacancy criteria have been determined has become the eliminatory criterion. This is particularly important given the fact that the use of fixed-term contracts is becoming increasingly present, especially when hiring in the education field. Using this criterion consistently puts a group in a more favourable position.

IHROBiH received a complaint²²⁰ from a complainant regarding a vacancy procedure, i.e. about the requirements set for the position of Librarian. One of the requirements set in the vacancy was holding the COBISS software programme equipment licence, which can only be obtained if the person is employed by a national, public, people's, university or some other library or a library which is a member of the COBISS system of BiH. Thus the said license cannot be obtained independently. After the recommendation²²¹ was issued, the public authority found that the complainant was discriminated against by the conducted vacancy procedure in terms of the right to equal employment opportunities and equal access to employment and adopted her appeal and reversed the employment decision.

The complainant²²² was informed that the head of the authority appointed a candidate to the advertised position who did not satisfy the prescribed requirements for it in terms of work experience in relevant area of expertise. Given that the complainant was second on the list of successful candidates, she initiated a court proceeding that ended in her favour, but the respondent authority did not carry out the procedure to hire her but commenced the procedure to cancel the public vacancy procedure. Despite the IHROBiH recommendation and the intervention of the competent authorities, including the inspection, the irregularities that resulted from the procedure were not eliminated.

²¹⁹Article 5, BiH Prohibition of Discrimination Act (*BiH OG*, no 59/09, 66/16).

²²⁰Ž-SA-04-171/22.

²²¹P-104/22.

²²²Ž-MO-04-111/21.

In her complaint, the complainant²²³ points out that during the scoring, the number of points was incorrectly calculated based on *the Rulebook on the Uniform Criteria and Rules for Hiring Veterans and Members of Their Families in the Institutions of Sarajevo Canton*²²⁴. She states that in her case the additional points she was granted as a child of a demobilised veteran were not calculated correctly because only points based on the membership in the veteran population were included based on the certificate for her father (incorrectly) without taking into account the certificate for her mother. IHROBiH noted there was no basis for taking further activities and measures in the case. By reviewing the opinion of the Sarajevo Canton Ministry of Veteran Affairs regarding the application and interpretation of Article 5 paragraph (1) and Article 6 of the *Rulebook on the Uniform Criteria and Rules for Hiring Veterans and Members of Their Families in the Institutions of Sarajevo Canton, the City of Sarajevo and Municipalities in Sarajevo Canton*, it can definitely be concluded that this Regulation is applied so that for persons whose both parents are demobilised veterans the core and additional points are increased for only one, more favourable, parent. In this regard, IHROBiH stated that the respondent party correctly applied the Regulation and that the complainant's rights were not violated by such action.

IHROBiH received several complaints²²⁵ from Tuzla, filed against the Tuzla Canton Ministry of Education and Science concerning the Rulebook on the Requirements, Criteria and Procedure for the Employment in Public Primary and secondary school Institutions in Tuzla Canton. In its review of the complaints received and by applying the applicable legislation and international human rights protection documents that form an integral part of the BiH Constitution, IHROBiH found the complaints grounded and the Rulebook discriminatory, which is why it issued a recommendation²²⁶ to the Tuzla Canton Government/Ministry of Education and Science, instructing them to amend the Rulebook on the Requirements, Criteria and Procedure for the Employment in Public Primary and secondary school Institutions in Tuzla Canton without delay, bearing in mind the provisions of applicable legislation that prescribe the prohibition of any form of discrimination. It also issued a recommendation to the Inspectorate for Education, Science, Culture and Sport of the Tuzla Canton Administration for Inspection Affairs, instructing it to take the necessary actions and measures falling within its competence to ensure legality in the implementation of vacancy procedures for the employment of teachers and associates in primary and secondary schools in Tuzla Canton.

IHROBiH received a complaint²²⁷ from the complainant, stating that her application for the vacancy was rejected because the copy of the diploma contained a note that the original contains a dry stamp that is not visible on the photocopy. She was notified with an information note against which no legal remedy was allowed. The FBiH Civil Service Appeals Board adopted its decision in the course of the procedure conducted before IHROBiH, rejecting the complaint as inadmissible given that the procedural prerequisites were not met, i.e. it was not possible to file

²²³Ž-SA-04-24/22.

²²⁴SC OG, no 37/20.

²²⁵Ž-BR-06-144/22; Ž-BR-06-145/22, Ž-BR-06-146/22, Ž-BR-06-147/22, Ž-BR-06-148/22, Ž-BR-06-149/22, Ž-BR-06-150/22, Ž-BR-06-151/22, Ž-BR-06-152/22, Ž-BR-06-153/22, Ž-BR-06-154/22, Ž-BR-06-155/22, Ž-BR-06-156/22, Ž-SA-04-798/22, Ž-BR-06-157/22, Ž-BR-06-158/22, Ž-BR-06-159/22, Ž-BR-06-160/22, Ž-BR-06-161/22, Ž-BR-06-162/22, Ž-BR-06-163/22, Ž-BR-06-164/22, Ž-BR-06-165/22, Ž-BR-06-166/22, Ž-BR-06-167/22, Ž-BR-06-168/22, Ž-BR-06-169/22, Ž-BR-06-170/22, Ž-BR-06-171/22, Ž-BR-06-172/22, Ž-BR-06-173.

²²⁶P-216/22.

²²⁷Ž-SA-04-1081/21.

an appeal against the Agency's information. IHROBiH indicates that when it handled the cases dealing with employment procedures carried out under the Sarajevo Canton Civil Service Act concerning the impossibility for an unsatisfied candidate to file an appeal it issued a recommendation²²⁸ to the Sarajevo Canton Government on 21 May 2021, instructing it *to consider defining more clearly the Civil Service Act and the by-laws so that the right to appeal, as a fundamental right guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, is ensured to all candidates who took part in the vacancy procedure, all with a view to preventing unequal treatment.*

IHROBiH received a response²²⁹ from the Sarajevo Canton Ministry of Justice and Administration, in which it, *inter alia*, stated that the Sarajevo Canton Ministry of Justice and Administration had initiated activities on the adoption of the Act on Amendments to the Sarajevo Canton Civil Service Act, providing for amendments to Article 38 so that the FBiH Civil Service Agency is to publish the results of the public vacancy on the notice board and inform all candidates in writing of the results they have achieved and that the candidates have the right to appeal against the Agency's notification with the Appeals Board within eight days from the day the notification is received.

6.2.3. Fixed-term employment

The conclusion of fixed-term contracts is becoming increasingly noticeable, not only in the real economy but in the public sector, too. It is particularly noticeable in the field of education, where teaching staff are employed for several years under a fixed-term employment contract. In these cases, the employment contract lasts for the academic year, not the school year, ending the contract at the end of the academic year. Teaching staff must go through vacancy procedures every year. Just conducting vacancy procedures requires considerable funds. This has unconceivable consequences, not only for the employment and personal status of the teacher because it limits the possibility of taking out a loan to solve the housing issue and arrange one's family relationships and has an impact on the exercise of pension and disability insurance-related rights and on the quality of the education process itself. This manifests itself through the shifting teachers from one school to another, loss of continuity and established teacher-student relationships, which is especially important for lower classes and results in reduced efficiency of the entire education process. The obvious decrease in the number of children in schools did not result in a more efficient planning approach to planning human resources, necessary for a quality education process.

In the complaint²³⁰, primary and secondary school workers state that they have concluded a fixed-term employment contract. They express their dissatisfaction, demanding an urgent resolution of the status or abrogation of the regulation on the recruitment procedure in the public sector, the exemption of teachers and associates who have passed the state licence exam from being tested in vacancy procedures and the announcement of vacancies for the academic not school year. The IHROBiH intervention resulted in the adoption of the conclusion “*giving consent to the extension of the employment contract with in primary and secondary school*

²²⁸ P-1741/21.

²²⁹Response no 03-04-02-38022/21 dated 15 October 2021.

²³⁰ Ž-SA-04-1261/21.

employees until 15 July 2022 to allow them to use the annual leave", and a decision was issued on the appointment of panels/negotiation teams to negotiate with representatives of the primary and secondary school trade unions in CBC on drafting their collective agreements, with a 30-day deadline from the day the panel appointment decision is received. It was concluded that requests coming from school employees would be taken into consideration when drafting new collective agreements and documents adopted on the basis of them.

Complainants address IHROBiH because of the termination of employment that is in some cases linked to the expiration of fixed-term employment contracts where the fact that it is women who got pregnant during their fixed-term employment is the specific feature of the case. Labour acts in BiH define the employer's obligation to ensure special protection of women and motherhood and that they cannot refuse to employ a woman because she is pregnant nor can they cancel her employment contract because of pregnancy or because the woman uses maternity leave. The practice of concluding a fixed-term employment contract where the employment is terminated with the expiration of the employment contract is becoming increasingly present, which gives the employer the opportunity to abuse this objective criterion.

IHROBiH is of the opinion that in these cases a solution should be found that will ensure effective protection of pregnant women and expectant mothers even when fixed-term employment contracts have been concluded.

The complaint²³¹ states that the pregnant woman who works for a private company will not have her employment contract extended and that she will be fired as it is a fixed-term employment contract. IHROBiH addressed the competent labour inspection. The complainant decided to seek protection of her rights elsewhere.

In other cases, the termination of employment is linked to the complete or partial loss of ability to work, especially in cases where a decision has been made by the competent authority to change the workplace. In such cases, the labour inspection is declared incompetent and the party is instructed to exercise their rights in court. The long duration and costs of court proceedings are the reasons why citizens do not decide to use this mechanism. IHROBiH reminds that judicial protection in a democratic society should be the last protection mechanism after all other mechanisms have been exhausted. This requires a serious review of the efficiency of the inspection mechanism in the field of labour.²³²

Thus, the complainant's²³³ indefinite employment contract was terminated without the right to a notice period and severance payment. In the given case, the complainant was on sick leave and was diagnosed with disability category II - changed capacity for work, i.e. granted right to be reassigned to another suitable position, which did not become final and binding due to the employer filing an appeal. As the appeal does not stay the execution²³⁴, the complainant

²³¹Ž-SA-04-1237/22; Work in local self-governance unit Ž-BL-04-184/22.

²³²Multiple special IHROBiH reports on inspection, e.g. Special Report on the Role of Inspection Bodies in the Protection of Human Rights <https://www.ombudsmen.gov.ba/Dokumenti.aspx?id=28&tip=4&lang=HR>

²³³Ž-MO-04-184/21.

²³⁴Article 104, FBiH PDI Act (*FBiH OG*, 13/18, 93/19 – CC decisions 90/21 and 90/21 dated 9 November 2021 and 19/22).

contacted the employer and addressed them in writing, asking to be assigned to a new position, in accordance with the Fund's decision. The requests were ignored by the employer, which is why the complainant sought protection of their rights from the labour inspection. IHROBiH received a statement from the Cantonal Labour Inspector, stating that there was no legal basis for taking measures falling within its competence given that the employer had filed an appeal and the Fund's decision could not be implemented until the decision on the appeal was delivered to the party, and that the complainant could exercise all employment-related rights through the courts.

6.2.4. Nepotism in employment

Citizens are addressing IHROBiH more and more frequently with allegations in their complaints that close relatives of the management of the bodies (husband of the Director of the institution, daughter-in-law of the Director of the institution, etc.) are hired following vacancies in public bodies. In the explanations, the respondent authorities claim that the vacancy procedures were carried out completely in accordance with the rules and transparently and that the managers were completely excluded from the procedure or were on leave at the time of the procedure. IHROBiH is of the opinion that such actions of public authorities, i.e. selecting a close relative of the head of the body as the best candidate would always raise doubts about the objectivity and impartiality of the selection²³⁵.

In other cases, the concluded employment contracts were terminated following IHROBiH's intervention²³⁶.

6.2.5. Conflict of jurisdiction

A certain number of complaints indicate that there is a problem with ensuring employment rights if the employer is registered in one entity or canton but conducts its activity in another. In these cases, labour inspections declare themselves as not have jurisdiction.

The complainant²³⁷ concluded an employment contract with the employer under the RS Labour Act and worked in a branch office in the FBiH. As their employment contract has meantime been terminated, the complainant addresses the labour inspections to protect their rights. The RS Labour Inspection states that it is not competent because the complainant worked in the FBiH, while the Cantonal Labour Inspection and the FBiH Labour Inspection claim they are not competent because the contract in question was concluded under the regulations of the RS. The complainant states that he will seek the protection of their rights in court and IHROBiH has already recommended in its reports and recommendations to the authorities that it is necessary to

²³⁵Ž-BL-04-638/22, the complainant states that her right to work was violated because the Director's husband was hired to the position based on the open call. In this case, IHROBiH did not find any obvious irregularities that could confirm the complainant's allegations. Therefore, IHROBiH has no grounds to request the annulment of the competition or take the position that the complainant's right to employment has been violated. Nevertheless, IHROBiH points out that hiring the Director's husband in an open call procedure will always raise doubts about the objectivity, impartiality and proper work of the Selection Panel. The justification that the Director was on holiday at the time only means that she was not physically present in the workplace.

²³⁶Ž-BL-04-683/21.

²³⁷Ž-BL-04-584/22.

determine the authority that should be competent in the event of a conflict of jurisdiction between the authorities in the entities.

6.2.6. Length of service

IHROBiH considered the merits of the allegations in the complaints indicating a violation of rights in connection with granting seniority rights for a category - demobilised veterans of the Army of BiH. The complaint ²³⁸ points out that there is no reason why some members of the Army of BiH would be granted the right while others are not allowed to do so, despite the fact that the founder of all institutions is the same canton. IHROBiH issued a recommendation²³⁹, instructing that all activities and measures required by law be taken in order to enact and adopt an internal instrument that would regulate in detail the issue of length of service, especially for demobilised members of the Army of the RBiH. The response stated that the recommendation was duly noted and that it would be taken into account when drafting the text of the new internal instrument.

6.2.7 . Employment rights

Citizens also address IHROBiH with complaints related to employment rights, such as the use of leave, exercise of seniority rights, etc. These complaints point to problems when collective agreements have not been concluded or are not adhered to and/or trade union organisations have not been formed. Complaints have been registered regarding unionisation pointing to the existence of several trade unions in the same organisation, which raises the question of representation. Laws stipulate that minimum 20% of employees can form a representative trade union, which leads to the conclusion that there can be five representative unions in one organisation. Thus, the question of which trade union to sign the agreement with is left open. In some of these cases, the complainants request identity protection, which is difficult to ensure if it is an individual complaint, where the identity of the complainant can be indirectly deduced based on the facts from the allegations in the complaint. An additional dimension to this issue is the fact that these phenomena are present in the service industry employing predominantly women. The research carried out by IHROBiH shows the readiness of businesses to solve the problems identified. Unfortunately, no collective agreements that would, *inter alia*, resolve the issue of using annual leave²⁴⁰, as well as other rights, have been concluded.

IHROBiH stresses that the International Labour Organisation²⁴¹ defined full employment, the raising of standards of living and just wages and earnings; the extension of the right to collective bargaining; the cooperation of management and labour in the improvement of productive efficiency; the collaboration of workers and employers in the preparation and application of social and economic measures; the extension of social security measures; etc as its special

²³⁸ Ž-SA-08-41/22.

²³⁹ P-115/22.

²⁴⁰ Ž-BL-04-596/21 The issue of increasing the number of annual leave days based on other criteria compared to the statutory minimum was pointed out in the specific example.

²⁴¹ International Labour Organisation was founded by the Treaty of Versailles at the conference in Paris on 28 June 1919.

aims²⁴². Article 11 of the International Covenant on Economic, Cultural and Social Rights stipulates that the States Parties to the Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent. Bearing in mind the said obligations arising from international standards, IHROBiH points to the importance of tripartite entities taking more intensive measures in order to resolve the identified weaknesses in the legislative framework related to the signing of collective agreements.

6.3. Pensions

A pension is a monthly monetary compensation to which an individual becomes entitled based on old age, disability and death insurance coverage and under the conditions provided for by law²⁴³. Pensions are also paid posthumously in cases where heirs and other financially dependent persons are unable to support themselves. Depending on eligibility requirements, the pension can be old age, disability or family pension.

In 2022, IHROBiH received 127 complaints regarding violations of pension insurance rights and issued six recommendations. Compared to the previous year, with 158 complaints received, there was a decrease in the number of cases. Regardless of the number of complaints registered, IHROBiH points to good cooperation with the pension and disability insurance funds that themselves face a large number of cases, many of which require cooperation with the funds of neighbouring and other countries. This has a considerable effect on their general efficiency.

Complaints concern the procedures for recognising and exercising the right to a pension, reducing the pension after moving to another country²⁴⁴, failing to pay social contributions²⁴⁵, violating the right to a family pension when the Pension and Disability Fund is indicated as the respondent party²⁴⁶, reimbursing expenses after the payment of social contributions by the complainants themselves, failing to recognise the right to a family pension, procedures for withdrawing cheques, impossibility to exercise the right to a death grant in case the heirs live in the RS, and the deceased in the FBiH, etc.

²⁴² The ILO objectives were established in the Preamble of the ILO Constitution, and were restated by the adoption of the ILO Declaration of Philadelphia in 1944, stating the aims and purposes of the ILO.

²⁴³ FBiH Pension and Disability Insurance Act (*FBiH OG*, no 13/18, 93/19-CC decision, 90/21 19/22) and the RS Pension and Disability Insurance Act (*RS OG*, no 134/11, 82/13, 96/13 - CC decision, 103/15, 111/21, 15/22 and 132/22).

²⁴⁴ Ž-SA-04-775/22.

²⁴⁵ Ž-SA-04-37/22, Ž-SA-04-370/22 Both cases indicate to the tax administration system (method for paying out salaries and paying social contributions should be simultaneous) and the measures taken in cases when statutory payments for workers are not effected.

Ž-BL-04-47/21, Ž-BL-04-157/21, Ž-BL-04-158/21, Ž-BL-06-443/21, Ž-SA-04-220/22.

²⁴⁶ Ž-MO-04-63/21 The complainant is a returnee and a person with a 90-percent disability with no health insurance coverage. The Institute for Foreign Medical Examinations established their total incapacity for independent living and work.

6.3.1. Initiative to amend law

IHROBiH reminds that during 2021 it sent an initiative to amend Article 147 paragraph (1) of the FBiH Pension and Disability Insurance Act (*FBiH OG*, no 3/2018 and 93/2019 – CC decision) which refers to the payment of funeral expenses in case the beneficiary lives in BiH but outside the FBiH. This initiative has not yet been implemented. Considering it important to ensure equal treatment of rights beneficiaries in BiH, IHROBiH calls for the implementation of the said initiative²⁴⁷.

In order to prevent the abuse of pension payments, pension funds established the obligation that the pensioner is obliged to collect the pension cheque personally or to give a power of attorney to another person to do it. Complainants, especially those living abroad, express dissatisfaction with this solution. However, it is a problem for IHROBiH when a pensioner lives in BiH but due to illness or disability is physically prevented from collecting the cheque or personally accessing the PDIF premises, giving a power of attorney, the competent PDIF requests additional health documentation when issuing the power of attorney. In such cases, field visits of PDIF employees should be considered and the once determined health condition, if unchangeable, should be considered as valid evidence²⁴⁸. Thus, the complainant states that they suffer from idiopathic pulmonary fibrosis, which is a chronic and incurable and ultimately terminal disease, for which there is no cure, nor is it possible to treat, and the condition cannot be improved. They state that their illness is only getting worse over time. Given the nature of the disease and the fact that the situation cannot be changed for the better, there is no need to attach a new letter from a specialist with each new request for the issuance of a power of attorney, which will have the same content as the previous one. An unnecessary trip to the doctor to get a new letter exposes him to an additional risk of contracting one of the viruses (including COVID-19), which can lead to a worsening of their condition (further lung damage that cannot be improved or returned to the previous state, so it remains permanent), but it can be fatal for them. After the IHROBiH intervention, the party managed to protect their rights.

6.3.2. Guaranteed pension

Complainants who lived in BiH but moved to another country address IHROBiH because they do not receive the statutory minimum/guaranteed. The minimum/guaranteed pension is paid to those whose pension is lower than determined by law and it is paid in order to ensure the minimum standard of living in BiH. Given that this difference is not prescribed as a protective supplement for pensioners, it creates confusion for pensioners, which is why they ask for their right to the minimum/guaranteed pension to be recognised, regardless of the fact that they do not live in BiH²⁴⁹.

6.3.3. Civil records

In the field of pension and disability insurance, complaints also point to problems with the civil records of beneficiaries, especially if they qualified for pensionable service in different

²⁴⁷Ž-BL-04-38/22.

²⁴⁸Ž-SA-04-951/22.

²⁴⁹Ž-SA-04-775/22.

entities²⁵⁰. Appreciating the importance of the civil records of insured persons and beneficiaries of pension and disability insurance-related rights containing information of interest required for the exercise of the said right, IHROBiH points out the importance that the data entered in the records be accurate and the method of organisation and maintenance of the civil records be up-to-date.

6.3.4. Family pension

When exercising the right to a family pension, the complainants point to the non-acceptance of residence certificates as the proof of living in a joint household with the deceased who was insured. In such cases, after the completion of the administrative procedure, the party is referred to initiate an administrative dispute which takes a long time due to the large number of cases.

In the given case, the family pension application was filed in 2016, with the complainant being a returnee and a person with 90-percent disability who currently does not have health insurance coverage. The Institute for Forensic Medical Examinations established a complete and permanent inability to live and work independently, which existed even before the mother's death. He attached a certificate from the competent MoI with the application that he had been registered at the deceased beneficiary's address since 1997. This certificate was not accepted. After the administrative procedure was completed, he initiated an administrative dispute that is still pending. Without interfering in the course of the court proceedings, IHROBiH issued a recommendation to the competent Pension and Disability Fund to review the decision issued, taking into consideration the opinion of the MoI, and to establish all the facts and evidence that are of importance for making a lawful and proper solution²⁵¹.

6.3.5. Payment of social contributions

Complaints indicate that there are several problems related to the payment of social contributions. The first group of complaints concerns breaks in pensionable service of the beneficiary who worked in businesses that have been privatised or have become bankrupt. In some of these cases, the government buys back pensionable service and pays social contributions, most often when persons qualify for retirement. The process itself requires a very high degree of active participation of the beneficiary in exercising this right. Insufficient information about the procedure itself leads to a situation where the beneficiary makes the contribution payment themselves but are declined when claiming the refund. In this case, the competent ministry refers to Article 128 of the Pension and Disability Insurance Act, according to which the social contributions withholding agent is obliged to pay social contributions for pension and disability insurance for all beneficiaries, in accordance with the *lex specialis* and if there is no withholding agent, the established arrears can be settled by the beneficiary themselves or by the entity buying back the social contributions and by another body of administration in accordance with the *lex specialis*. The competent ministry's position is that, given that the complainant made the payment of pension and disability insurance contributions on her own initiative, the obligation to pay the potential refund for the paid social contributions is not

²⁵⁰Ž-BL-08-166/22.

²⁵¹Ž-MO-04-63/21, P-134/22.

prescribed, i.e. it does not exist in the legal system of the FBiH. It is indisputable that there is no obligation or legal basis for anybody in the FBiH to pay/refund the money paid and that the complainant can initiate adequate court proceedings²⁵².

The second group concerns the inefficiency of the control of the payment of social contributions, especially after the control of pension and disability insurance payments was shifted to the tax administrations. Since the collection of direct taxes is a priority of tax administrations and their capacities are limited, the control of the payment of social contributions is not given the importance it should. During employment, in some cases, beneficiaries do not have information on whether the employer has fulfilled contribution-related obligations, which is why it is important to ensure that the legal obligation to deliver the payslip is met on payment of salary.

6.4. Public utility services

IHROBiH registers a significant number of cases concerning public utility services. As these are mostly services provided based on concluded contracts which include party statements, IHROBiH has no competence to act but rather forward these cases to the Ombudsman for Consumer Protection. These cases concern the supply of heating, water, electricity, etc. However, when it comes to determining the prices and methods for providing services, decisions are made by public authorities, thus defining the IHROBiH jurisdiction. There is also the fact that public companies can be service providers²⁵³ and that infrastructure investments are made with public funds²⁵⁴, especially in local communities. A distinction must be made between a service and the access to resources that are delivered to citizens through this service. This is particularly important when it comes to the right to drinking water, which includes clear and transparent decision-making by the competent authority as to who and how will be granted the right to provide the service of supply of water, which is a public good, to the end-user.

In 2022, the Department for Monitoring the Exercise of Economic, Cultural and Social Rights received 107 complaints concerning public utility services and eight recommendations were issued. In 2021, 135 complaints were received, which means that there is a noticeable decrease in the number of complaints.

The issued recommendations concerned ensuring drinking water supply²⁵⁵, solving the problem of wastewater drainage²⁵⁶, finding alternative methods for reconnecting electricity supply²⁵⁷, taking measures to establish if the water meter and water supply pipes are in order to establish the exact amount of water spent²⁵⁸.

The registered complaints concerned the application of the HNC Act on the Management and Maintenance of Common Parts and Appliances in Residential Buildings; housing for socially

²⁵²Ž-SA-04-220/22, document no 04-31/16-3328/21 dated 4 April 2022.

²⁵³Ž-LI-04-126/22.

²⁵⁴Ž-BL-04-363/21, P-67/22.

²⁵⁵P-9/22, P-326/22.

²⁵⁶P-281/22.

²⁵⁷P-143/22.

²⁵⁸P-231/22.

vulnerable persons²⁵⁹; failure of public utility companies to provide services; problems related to water supply and wastewater drainage; water and electricity supply connection application; obsolescence of public utility arrear; connections in case of high-conflict divorces²⁶⁰, etc.

When addressing IHROBiH, citizens often ask for advice regarding lawsuits filed by public utility companies due to failure to pay due claims. They stress that they are threatened with disconnection of the household from water supply. IHROBiH emphasises that these actions are contrary to Article 11 of the International Covenant on Economic, Social and Cultural Rights, guaranteeing the right of everyone to adequate standards of living and their continuous improvement. Disconnecting the household from water supply is coercion which has elements of punishment. Instead of filing lawsuits, with previously sending reminder letters, disconnecting from water supply sends a message to the public that the collection of claims is more important than the difficult situation citizens face. In their complaints, the complainants state that they are sued for out-of-date debts. Given that the courts do not take account of the statute of limitations *ex officio*, this obligation is left to the parties in the proceedings, which results in the creation of legal uncertainty for legally ignorant parties.

6.5. Social rights

Social rights should guarantee citizens the satisfaction of their subsistence needs, i.e. participation in the use of civilisation heritage of the society they belong to. Social rights are positive by nature since the state uses them to intervene and support the individual and the social group in achieving basic conditions and social integration. Social protection or protection includes a monetary or other contribution of the community to ensure the fulfilment of basic human needs and administrative, professional and other assistance to persons who are not fully capable to take care of their interests and ensure the satisfaction of basic needs. The definition of services and basic needs depends on the value system of individual communities and are subject to constant change.

In 2022, the Department registered 63 complaints and issue one recommendation. By way of comparison, there were 68 complaints registered in 2021.

Complaints concern the failure to resolve applications for one-time financial assistance, irregular social welfare payments, impossibility to receive maternity allowance when the pregnant woman's place of residence and place of work are in different entities, care for people with intellectual disabilities²⁶¹, conditions in private nursing homes, etc. The high unemployment rate and low pensions indicate that an increasing number of the people need certain forms of social protection, which imposes an obligation on the state to place this type of right higher on its agenda. The number of filed complaints in this field certainly does not reflect the actual state of play, which is more complex in practice. Social assistance is symbolic and cannot provide for the basic needs of beneficiaries.

²⁵⁹Ž-BR-05-236/21.

²⁶⁰Ž-SA-04-386/22, P-143/22.

²⁶¹Ž-SA-05-160/21.

6.5.1. Social welfare centres

The insufficient recognition of the importance of the role of social welfare centres, which IHROBiH has been pointing out for years²⁶², results in the underdevelopment of their capacities to adequately respond to their demanding social role. This is particularly important in areas that require their professional work and engagement, such as high-conflict divorces, care for children in conflict with the law, adequate care for individuals in need of social assistance, etc. The competences for actions of social welfare centres, especially in the FBiH, are prescribed by laws adopted by all government levels, while the funds for their functioning are provided by the founders. IHROBiH reminds that social welfare centres need to be strengthened in order to improve the social rights of citizens.

The complaint²⁶³ states that the complainant's relative is a person suffering from a mental illness, not medically diagnosed, and is unable to take care of themselves, has not left the house for years, does not let anyone in and has been living in inhumane conditions with no income. In the given case, IHROBiH took a number of activities between January 2021 and May 2022, including the engagement of Mostar Social Welfare Centre, the HNC Prosecutor's Office, Mostar Municipal Court and the HNC Ministry of the Interior. In this case, the Social Welfare Centre continued to take all measures within its competence.

6.5.2. Accommodating elderly

Elderly persons can be accommodated in both private and public institutions. The functioning of these institutions is governed by laws that have not been amended to have them harmonised with the actual social needs. An additional issue is the fact that no efficient system of monitoring the activities of institutions for accommodating the elderly is in place and in the FBiH the social protection inspection system does not function either. This is an issue for IHROBiH if it is a private institution for elderly care given IHROBiH's competence to act solely in terms of public authorities²⁶⁴.

When reviewing²⁶⁵ the certification fee amounts that persons living abroad whose parents are placed in nursing homes need to be granted tax reliefs, IHROBiH issued a recommendation to Srbač Municipal Assembly, instructing it to review the Decision to Reverse the Decision on the Amount Citizens Contribute with in the Costs of Certain Social Welfare Services. IHROBiH continuously monitored the implementation of the recommendation until Srbač Municipal Assembly issued the Decision to Reverse the Decision to Reverse the Decision on the Amount Citizens Contribute with in the Costs of Certain Social Welfare Services, thus until the recommendation was complied with.

²⁶²Special Report on the Status and Problems of Social Welfare Centres in BiH, Special Report on the Role of Social Welfare Centres in the Protection of Children's Rights, <https://www.ombudsmen.gov.ba/Dokumenti.aspx?id=28&type=4&lang=HR>

²⁶³Ž-MO-04-11/21.

²⁶⁴Ž-SA-05-1287/21.

²⁶⁵Ž-BL-04-227/22, P- 170/22.

6.5.3. Maternity allowance

Protection of mothers and motherhood is one of the key obligations of BiH in the field of international human rights standards, in particular in the field of equal rights and opportunities for women across BiH, without discrimination and unequal treatment on any ground, including place of living. The issue of exercising the right to maternity leave or the right to an allowance during that period must be considered both from the perspective of protecting the rights and non-discrimination of mothers and the perspective of protecting the rights of the child, taking into account that by not allowing the exercise of any segment of this right directly violates Article 3 of the Convention or the principle of the best interest of the child.

The complainant²⁶⁶ addressed IHROBiH because she was unable to receive maternity allowance. Bearing in mind that the employer does not pay out additional funds, that the complainant's husband is registered with Sarajevo Canton Employment Service and that she has been registered to reside in Sarajevo Canton for more than a year, the question is whether the child's father can receive the allowance instead of the mother. The Ministry informed IHROBiH that the amendments to the Act on Social Protection, Protection of Civil Victims of War and Protection of Families with Children²⁶⁷ created a legal possibility for an employed woman-mother who has not resided in Sarajevo Canton for more than 12 months to exercise the right to monetary compensation.

6.6. Healthcare

The European Social Charter (Revised) guarantees the right to healthcare²⁶⁸. Healthcare in BiH, pursuant to constitutional provisions, is regulated at the level of the entities, joint jurisdiction of the FBiH and the cantons and the BDBiH. The establishment of a supervisory mechanism at the level of BiH is not prescribed.

In 2022, the Department for Monitoring Economic, Social and Cultural Rights registered 59 healthcare-related cases (20 cases fewer than in 2021), while recommendations were issued in six cases.

The complaints filed concern the rights of patients²⁶⁹, health insurance²⁷⁰, the inability to reimburse costs borne by health insurance funds, procedures for the procurement of medicines, the impossibility to provide healthcare/protection due to the unavailability of medicines for certain categories of patients according to their actual needs, and medicines that are neither registered nor available in BiH also pose a problem, rights to access information by healthcare institutions, etc.

²⁶⁶Ž-SA-04-68/22.

²⁶⁷SC OG, no 52/21.

²⁶⁸European Social Charter, Article 11, "With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed, inter alia, to remove as far as possible the causes of ill health, to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health, to prevent as far as possible epidemic, endemic and other diseases."

²⁶⁹Ž-SA-04-885/22.

²⁷⁰Ž-BL-06-152/22.

By analysing the procedures concerning healthcare that were initiated in both 2022 and earlier years, IHROBiH noted that issues related to healthcare rights were considered by all IHROBiH departments because access to this right is in jeopardy for all categories of citizens.

IHROBiH initiates and conducts proceedings *ex officio*, pursuant to its competences and based on complaints received. The most common complainants are: persons who do not exercise their right to healthcare, dissatisfied healthcare service beneficiaries, citizen associations, employees of healthcare institutions and applicants for boards of directors/supervisory boards.

The designated respondent parties in these procedures are: founders of healthcare institutions, ministries of health, ministries of labour and social protection (different names in entities/cantons), BDBiH Government/Department of Healthcare and Other Services, health insurance funds, health insurance institutes, healthcare institutions, Institute for Forensic Medical Examinations, inspection bodies, penitentiaries, prosecutor's offices.

6.6.1. Complaints filed by citizens for violations of healthcare rights

The reasons for citizens' complaints are: dissatisfaction with legislative provisions, inability to exercise the right to healthcare, violations of patients' rights, inadequate healthcare services, inability to access healthcare services, violations of the right to free access to information, inefficiency of supervisory mechanisms, discrimination and complaints filed against criminal prosecution bodies for inefficient handling of investigations conducted concerning healthcare workers, etc.

To illustrate one can unfortunately use the example of IHROBiH's actions in cases of tragic outcome of healthcare services or the death of patients where, in addition to the issue of how healthcare services are provided, there are open questions about the implementation of internal medical procedures, certification and accreditation of institutions, the efficiency of supervisory mechanisms, access to information by the injuring party's relatives, actions of criminal prosecution bodies and the judicial system²⁷¹.

When handling the complaint filed by a deceased pregnant woman²⁷² and guided by the findings of the commission appointed by the competent ministry and the documentation available in the case file, IHROBiH found that, despite the fact that the complainant expressed his dissatisfaction during the treatment of his wife and his dissatisfaction with the treatment she received, he did not receive specific instructions from the medical staff that he could file an objection to the hospital manager, nor was the oral objection recorded for the report, which was the duty of the hospital.

Following the extraordinary professional supervision, the commission's findings indicate that: the management of the hospital did not show interest in conducting extraordinary professional supervision, no one from the top management met with the commission to provide assistance during the supervision, the hospital did not have a decision from the competent ministry on the

²⁷¹ Ž-SA-08-256/22, Ž-SA-05-916/22, Ž-SA-04-966/22, Ž-SA-04-967/22, Ž-SA-03-1000/22, Ž-SA-04-1001/22.

²⁷² Ž-SA-04-1114/21 P-200/22.

fulfilment of the staffing, space and equipment requirements, the decision that it met the prescribed safety standards to provide healthcare and has the status of a certified institution. It was necessary to improve medical documentation both in terms of its quantity and its quality, overcome the lack of certain specialists and subspecialists (MDs, infectious disease specialists, pulmonary disease specialists, gynaecology and obstetrics specialists...) in order to improve the provision of healthcare services, to prescribe instructions to inform patients about their rights and the rights of their immediate family members if they believed that the patient was denied medical care and/or they were dissatisfied with the healthcare service provided to the patient or by the actions of a health worker or other worker of the health institution, pursuant to the entity's healthcare act, and to take measures to fix and improve troubled interpersonal relationships both between medical workers within one organisational unit and between medical workers from different organisational units, all with a view to improving patient health protection. All of the above directly reflects on the quality of services provided to patients. It is particularly worrisome that, according to the documentation from the case file, the Ministry, as the supervisory body that was informed of the above, failed to initiate or instruct the hospital to, without delay, take measures to meet the said requirements. IHROBiH issued a recommendation to the hospital to comply with the relevant legislation and eliminate the irregularities and illegal occurrences observed. Ombudsmen monitor the implementation of the recommendation.

6.6.2. Availability of necessary medicines

IHROBiH considered a complaint²⁷³ in which the complainant pointed out to the issue of treatment of patients with HIV. The complaint states that patients with HIV were left without an essential medicine that ensures not only the health of patients with HIV but also prevents HIV transmission to other people, and points to the lack of campaigns aimed at educating and promoting antiretroviral therapy. IHROBiH considered the complaint from the perspective of the principles of healthcare, including the principle of continuity, continuous improvement of the quality and efficiency of healthcare and issued a recommendation to the competent public institution, instructing them to take measures to ensure adequate amounts of medicines necessary for the treatment of patients suffering from HIV/AIDS immediately upon receiving the recommendation and in line with the applicable laws and by-laws; and through coordinated activities to continue to implement continuous prevention campaigns to provide adequate information to the population. IHROBiH also pointed out to the importance of mutual cooperation between institutions responsible for ensuring health rights because the lack of clear communication ultimately affects the quality of healthcare services provided to patients/beneficiaries. As for prevention campaigns, it was pointed out that in order for them to be effective and yield positive results and response from citizens, they must be continuous (not only when marking World AIDS Day), have sufficient media coverage and be equally accessible to all citizens in both urban and rural areas. IHROBiH monitors the implementation of the recommendation.

The complainant²⁷⁴ has a serious and rare disease and uses drugs for immunotherapy and biological therapy. Amendments to the Rulebook on Co-Funding Treatment Costs, Procurement

²⁷³ Ž-SA-04-623/22, P-292/22.

²⁷⁴ Ž-BL-02-255/22, P-193/22.

of Medicines and Medical Devices and Specific Orthopaedic Aids prevented the co-funding of the therapy used by the competent cantonal health insurance institute. The Rulebook covers people with rare and serious diseases but it excludes co-funding of therapy used for these diseases. The competent public body states the price of the medicine and the number of users as the main reason. IHROBiH took the position that the competent cantonal health insurance institute should review the criteria according to which the Rulebook on Co-Funding Treatment Costs, Procurement of Medicines and Medical Devices and Specific Orthopaedic Aids excluded the procurement of biological therapy and immunotherapy from the reimbursement system so that the PDII financial plan is not stabilised at the expense of users of this group of drugs. A recommendation was issued to enable the co-funding of immunotherapy and biological medicines used by people with rare and serious diseases through amendments to the Rulebook. The recommendation was complied with.

The complaint²⁷⁵ concerned the health insurance institute because diazepam (N05BA01) Bosaurin is not prescribed for people over 65 years of age²⁷⁶. Through the integrated information system, the institute blocked the collection of the drug via electronic prescription at pharmacies for the aforementioned population although it was prescribed as a therapy by a GP, thus preventing the treatment of the patient. Furthermore, patients over the age of 65, regardless of health insurance, must pay for the medicine while it is free of charge for beneficiaries under the set age limit, which indicates age discrimination, a violation of the Prohibition of Discrimination Act²⁷⁷ and the Healthcare Act²⁷⁸. IHROBiH issued a recommendation to the respondent authority, instructing it to lift the ban in the integrated information system on issuing the medicine to beneficiaries over the age of 65 in order to enable them to collect the prescribed medicine at pharmacies free of charge, based on a prescription issued by a doctor. The recommendation was fully complied with.

6.6.3. Complaints filed by healthcare workers

Participants in vacancy procedures for the recruitment of employees in the healthcare sector and those employed in the healthcare sector file complaints about irregularities in the conduct of vacancy procedures, illegal employment, dissatisfaction with employment status, impossibility to get promoted and get a specialisation, inadequate organisation of the work process, mobbing, discrimination, failure to enforce court decisions concerning employment rights, denial of the right to representativeness of the trade union of doctors and dentists, etc.

IHROBiH draws particular attention to the observed troubled interpersonal relationships in healthcare institutions and the fear of their possible impact on the quality of the healthcare service provided.

An employee of a healthcare centre²⁷⁹ expresses her dissatisfaction with the organisational solutions that cause her to feel that her rights are violated and her professional status degraded.

²⁷⁵ Ž-SA-06-354/22, P-224/22.

²⁷⁶ <https://www.kzzosa.ba/Publication/Read/u-primjeni-i-dodatne-smjernice-sa-liste-lijekova>

²⁷⁷ BiH OG, no 59/09, 66/16.

²⁷⁸ FBiH OG, no 46/10 and 75/13.

²⁷⁹ Ž-BL-06-740/21, P-277/22.

The complainant and the healthcare centre presented arguments to corroborate their allegations and a high degree of disagreement about the facts and events that are the subject matter of the complaint is evident. In a situation where the documentation of the respondent party and the party and the submitted written statements are highly contrary, IHROBiH does not have the mechanisms to conduct a comprehensive evidentiary procedure, witness examination or expert testimony, and in particular they do not have the competence to organise the work of any healthcare institution and assess the quality of services as that would represent overstepping the mandate entrusted with IHROBiH.

At every stage of the procedure, IHROBiH tries to point out to the importance of trying to find a compromise solution to the dispute, because further conflict and conducting formal procedures can lead to damaged interpersonal relationships and burden the work process. They emphasise that in all conflict situations, it is necessary to build awareness of increased responsibility for actions both on the side of the employer and on the side of the employee, given that it is a public institution that provides healthcare services to citizens. IHROBiH issued a recommendation to the healthcare centre and the complainant to take steps towards an amicable solution to disputed situations, with the aim of overcoming damaged relationships or lack of communication, in a way to try to determine the causes, consequences and common solutions, if necessary with the support of mediation by representatives of IHROBiH. IHROBiH is monitoring the implementation of the recommendation, to which no response has been received until the conclusion of this report.

6.6.4. Medical law

IHROBiH ensured participation in the expert meeting focusing on medical law ²⁸⁰, a branch of law that includes all legal aspects of health activities, all subjects, relationships and procedures for which the legal order binds certain legal effects, i.e. rights, obligations and responsibilities. Law and medicine create a synthesis with the aim of preserving immeasurable human values: life, body, health, dignity, as an extremely important segment of human rights protection. It was concluded that medical law should be introduced as a compulsory teaching subject at law and medical faculties in BiH (if this has not already been done).

IHROBiH appreciates that the representatives of the academic community and competent authorities should consider this issue not only as an educational factor, but also as a prevention of violations of all rights in the field of health, improving the rights of health workers and improving the quality of healthcare services.

6.7. Education

The right to education in BiH is recognised by BiH Constitution ²⁸¹, the RS Constitution ²⁸², the FBiH Constitution ²⁸³, the Statute of the BDBiH ²⁸⁴, as well as the constitutions of the cantons, and the corresponding legal regulations governing this area.

²⁸⁰Second International Congress of the FBiH Medical Chamber "Medical Law", Tuzla 11-13. November 2022.

²⁸¹Article II 3. 1).

²⁸²Article 38.

In the field of education, in 2022, 47 cases were registered (four cases less than in 2021), and six recommendations were issued. The issued recommendations refer to the provision of a monitoring and supervision mechanism over the allocation of subsidies to preschool institutions in the area of BDBiH, with the aim of preventing possible misuse of subsidies, enabling the defence of the master's thesis, more precise and adequate regulation and protection of students' rights to adequate information, mentoring and obtaining a title, and examination of allegations of the complainant regarding the violation of the principles and standards of study in the II cycle of studies and the taking of measures to eliminate the identified irregularities, either through the adoption of general or individual legal acts ²⁸⁵, the adoption of regulations from Art. 129 of the Law on Higher Education of the Croatian National Academy of Sciences ²⁸⁶.

Complaints from the field of education refer to non-decision-making by the ministries responsible for the field of education, and problems related to adult education. A certain number of cases related to the procedure for conducting competitive procedures at higher education institutions, accreditation of higher education institutions, the impossibility of exercising the right to receive scholarships, and the impossibility of obtaining a license after completing education.

IHROBiH acted on a complaint ²⁸⁷stating that the competent ministry did not decide on the appointment of the members of the commission for accreditation of a private higher education institution within the legally prescribed period. The Agency for the Development of Higher Education and Quality Assurance of BiH states in its response that a decision was made on the appointment of a Commission of domestic and international experts who evaluate and perform quality audits and make recommendations for the accreditation of higher education institutions. After the intervention of IHROBiH, the case was closed.

IHROBiH was approached by a party ²⁸⁸regarding the problem of obtaining a license for the title of medical doctor by the Chamber of Medical Doctors of the RS. The complainant completed her medical studies at the International University in Goražde and applied to take the professional exam for the title of doctor of medicine in Banja Luka and in Sarajevo. After passing the professional exam, she applied for membership in the professional chamber, but was rejected with the explanation that the faculty has conditional accreditation. There are formal deficiencies in the license application itself, which is why the president rejected the complainant's request, with an instruction on legal remedy. The Chamber's second-instance body confirmed such a decision, because the deficiencies that caused the request to be rejected were not removed. In this particular case, IHROBiH could not establish that the Chamber's actions are in contradiction with positive regulations, because it is indisputable that the university has "conditional accreditation", among other things, due to the quality criteria of teaching and teaching staff. Therefore, adhering strictly to the letter of the law, the Chamber is not obliged to issue a license

²⁸³Article 2. (1) m).

²⁸⁴Article 15.

²⁸⁵P-123/22.

²⁸⁶P-324/22.

²⁸⁷Ž-SA-04-182/22.

²⁸⁸Ž-BL-04 - 370/22.

if one of the conditions is stipulated as "graduated from the medical faculty" at an accredited university. The Ministry of Health and Social Protection of the RS confirmed that documents issued in the territory of one entity are valid in the territory of the entire country without a special recognition procedure, so there was no basis for the intervention of IHROBiH in that aspect as well. In the Chamber's statement, it is finally stated that it will be happy to meet the complainant in regard to the request for the issuance of a license to perform the activities of a medical doctor, upon fulfilment of the conditions prescribed by law, of which she was informed.

6.7.1. Exercising the right to a scholarship

IHROBiH points out that the purpose of scholarships is to provide material assistance to students who in any case must meet the conditions regarding the criteria set in scholarship competitions, which usually refer to good results, the required average (exception when it comes to pupils and students whose household members do not have any income regardless of the grade point average in the previous school year), regular schooling and registered residence in a certain municipality. Also, it should be pointed out that IHROBiH did not deal with the competition procedure itself, but with the condition set in the competition text.

IHROBiH considered a complaint ²⁸⁹related to *the competition for scholarships for pupils and students in the school/academic year 2021/2022*, because the condition for participation in the competition was set that candidates must be educated at the University of Sarajevo or an affiliated member of the University of Sarajevo. IHROBiH pointed to the relevant provisions of the BiH Prohibition of Discrimination Act and asked for an explanation for the setting of the conditions, i.e. a reasonable justification for the same and the goal it was intended to achieve. The Municipality of Vogošća refers to the provisions of the regulations²⁹⁰ which prescribes the conditions and criteria for exercising the right to a scholarship. The answer points out that the scholarship is of a social nature, i.e. it is clear that it refers to regular students who cannot afford education at public universities, and setting such a condition cannot put students studying at private colleges in a disadvantageous position, which is why IHROBiH assessed that the provisions of the rulebook are not discriminatory.

6.7.2. Transition to the "Bologna Study System"

In cases related to the work of higher education institutions, IHROBiH expect measures to be taken within their jurisdiction in order to regulate and protect the rights of students to adequate information, mentoring and the acquisition of a title as precisely and adequately as possible, in accordance with the existing legal framework.

IHROBiH's actions towards students regarding the conditions and costs of continuing studies, according to which they should re-enroll in master's studies, while at the same time students do not have the right to return the money spent, does not represent an example of good administration or a positive phenomenon in the field of higher education, but points to the conclusion that these institutions do not accept their role as a public service oriented to the needs of students who are the purpose of existence of every institution of that type and the citizens who

²⁸⁹ Ž-SA-06-292/22 and Ž-SA-04-325/22.

²⁹⁰Rulebook on the Criteria for Awarding Scholarships to Pupils and Students (*SC OG*, no 45/14 and 44/17).

finance it.²⁹¹ IHROBiH's recommendation points out that the student is the purpose and reason for the existence of every higher education institution, which is also confirmed by the basic acts that regulate the field of higher education.

6.7.3. Adult education

Complaints refer ²⁹²to the alleged impossibility of exercising the right to basic education for adults in the BDBiH. Upon IHROBiH's request, a response was received from the competent authority stating: *"that the BDBiH Adult Education Act was adopted in the BDBiH (BDBiH OG, number: 50/18) as and all secondary legal acts arising from the Law and that the Department of Education issued to the applicant a Decision on the fulfilment of the conditions for the establishment of an adult education organiser, whereby all the conditions for the exercise of the right to acquire basic education for adults in the area of BDBiH have been obtained."* The answer has been submitted to the complainant, to whom he did not submit his statement. Thus, it is considered that the case has been resolved in the investigation procedure.

²⁹¹Ž-BL-04-106/22 Recommendation no P-123/22.

²⁹²Ž-BR-04-242/21.

VII. DEPARTMENT FOR MONITORING THE EXERCISE OF RIGHTS OF PERSONS DEPRIVED OF LIBERTY

7.1. Establishing independent preventive mechanism

BiH has still not fulfilled its obligation ²⁹³in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment regarding the establishment of an independent preventive mechanism with a mandate that enables visits to all places where persons deprived of their liberty are located, in order to improve the position of persons deprived of liberty, especially with regard to determining possible torture and other forms of inhumane and inhumane treatment. ²⁹⁴In accordance with the conclusion of the 55th session, on August 25, 2022, the BiH Council of Ministers adopted the Proposal of the Act on Amendments to LHROBiH of the HRD BiH. Amendments to the Law on IHROBiH provide the possibility of promotional activities, give IHROBiH the mandate of a preventive mechanism, strengthen financial independence and emphasise the role of IHROBiH in strengthening cooperation and dialogue with the non-governmental sector and the academic community in BiH. The proposal of the Act on Amendments to the Law on Human Rights Ombudsman of BiH has been submitted to the parliamentary procedure, but given that the General Elections in BiH were held in October 2022, IHROBiH expect to consider the above upon the formation of a new convocation of the BiH Parliamentary Assembly proposals. IHROBiH hope that BiH will establish a preventive mechanism as soon as possible that would take on a role in monitoring these institutions, all with the aim of achieving adequate protection of the rights of persons deprived of their liberty. At the same time, we emphasise that BiH is the only country that is not a member of the Network of Preventive Mechanisms of Southeast European Countries, because it still does not have an established preventive mechanism, but its representatives are regularly invited and attend the meetings of this network ²⁹⁵, in order for IHROBiH to prepare for taking over this mandate. after the foreseen amendments to LHROBiH are adopted.

²⁹³*Each State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction and no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. (Article 2). According to OPCAT: "Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions." (Article 17).*

²⁹⁴*The Amendments to LHROBiH which would establish a mechanism defined by the OPCAT within IHROBiH, were tabled in the parliament for almost four years. At the session of the House of Representatives of the BiH Parliamentary Assembly on 26 February 2020, this proposal was not accepted and it is unclear what will happen next in terms of fulfilling this obligation.*

²⁹⁵*Assistant Ombudswoman Vedrana Pavlović and Advisor Ivona Ražnatović took part in the second meeting of the network held in Vienna on 15-16 November 2022 on the topics "Children and adolescents with dominant mental health problems and mental and physical disabilities" and "Application of coercive measures against minors and persons with mental illnesses".*

7.2. Cases in the Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty - statistical data and individual cases

Statistical data show that in 2022, the Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty received 77 complaints, while in 2021, this department received 91 complaints, which is 14 complaints less. The analysis of submitted complaints shows that the largest number of complaints related to healthcare, use of non-custodial incentives and earned privileges, conditions of accommodation and treatment, exercising the right to transfer to another institution, as well as the possibility of having contact with children in institutions. In the course of 2022, one recommendation was issued.

7.2.1. Visits to correctional facilities

During 2022, representatives of IHROBiH visited the Institute for Execution of Criminal Legal Sanctions, Custody and Other Measures of BiH²⁹⁶, Zenica Penitentiary²⁹⁷, Tuzla Penitentiary²⁹⁸, Busovača Penitentiary²⁹⁹, Bijeljina Penitentiary³⁰⁰, Foča Penitentiary³⁰¹, Doboј Penitentiary³⁰² and Mostar Penitentiary³⁰³.

The reason for the visit of the representatives of IHROBiH is to proceed with the complaints registered in this department, and based on the complaints of persons who are serving a sentence. However, each visit is "used" to talk with the management of these institutions and with professional staff in order to, in addition to checking complaints, also discuss the problems and challenges faced by institutions, with the aim of improving the rights of prisoners and detainees.

7.2.2. Establishing contacts with family members and outside world

Complaints received by IHROBiH points to the present problem concerning the contacts of convicted persons with their spouses, children from married or cohabiting unions, as well as other family members.

IHROBiH considers it very important to maintain contacts of all persons deprived of their liberty with the outside world, precisely for the reason of re-socialisation of convicted persons, as well as their preparation for release. Communication and visitation restrictions should apply only when are necessary and necessary for the needs of criminal investigation, security reasons, prevention of criminal acts and other reasons prescribed by law.

²⁹⁶ Assistant Ombudswoman Vedrana Pavlović and Volunteer Teodora Mandić made the visit on 11 April 2022. Assistant Ombudswoman Vedrana Pavlović made the visit on 30 September 2022.

²⁹⁷ Assistant Ombudswoman Vedrana Pavlović and Volunteer Refik Čavčić made the visit on 13 May 2022.

²⁹⁸ Assistant Ombudswoman Vedrana Pavlović made the visit on 30 November 2022.

²⁹⁹ Assistant Ombudswoman Vedrana Pavlović and Volunteer Azur Arapija made the visit on 7 October 2022.

³⁰⁰ Officer Rade Pejkanović made the visit on 7 May 2022.

³⁰¹ Ombudswoman Jasminka Džumhur and Assistant Ombudswoman Vedrana Pavlović made the visit on 6 July 2022.

³⁰² Assistant Ombudswoman Vedrana Pavlović made the visit on 13 and 30 October 2022.

³⁰³ Ombudswoman Nives Jukić and Assistant Ombudswoman Vedrana Pavlović made the visit on 24 March 2022.

IHROBiH received a complaint ³⁰⁴from a convict who is serving a prison sentence, due to the impossibility of establishing contact with children who are placed in an institution for children without parental care. The competent guardianship authority states that the children in the institution have the constant support of a complete professional team and that guardians have been appointed for the children. Since the parents were not deprived of their parental rights, a proposal was sent to the competent court to make a decision on how to maintain personal relationships and direct contact between parents and children. Until the court decision is made, parents are allowed to communicate with their children in writing, as well as submit new photos of the children. The competent court informed IHROBiH that the decision regulated the way of maintaining personal and direct contact of children with their parents.

Acting on the complaint of the convict ³⁰⁵, the mother of six children, placed in an institution for children without parental care, who during telephone conversations complained to her about the conditions of accommodation in the institution, that the food was bad and that they were hungry. The mother wants the children to be placed in another institution to be closer to her. During the research process, IHROBiH, in addition to written correspondence with the authorities, also visited the institution ³⁰⁶in order to review the accommodation conditions. It was established that the children were placed in one room only at the request of the mother, who expressed her wish that the children not be separated when they were placed in the institution. Children have five meals a day, and during the school year a snack for school. The menu is made in consultation with a nutritionist who makes sure that the meals are of good quality and in accordance with the age of the children who consume them (the food is varied, the meals are freshly prepared and in sufficient quantities). As for the possible transfer, the children stated that they did not want to go to another home.

IHROBiH received a complaint from the prisoner's wife regarding the officer's behaviour during the visit with the child. ³⁰⁷Because of their unprofessional behaviour, they experienced discomfort, belittlement and disrespect, and the child, because of the unpleasant event and because he was separated from his mother for ten minutes, experienced stress, wets the bed at night and does not want to visit his father anymore. In the complaint, she states that her husband was forbidden to visit her, which is why she started the hunger strike. During the research process, it was established that the prisoner is not on hunger strike and that his visits are not prohibited. The visit for which the wife is contacting IHROBiH was carried out in accordance with the previously obtained approval, when the wife was handed the items that her husband had intended for his minor son. When taking over the approved articles, the wife tried to bring and use a mobile phone into the prison premises, where this is not allowed and was prevented from doing so by the authorised prison officials. Revolted by the actions of authorised prison officials, the wife refused to take the approved items, which were then returned to her prisoner husband. The authorised prison officials did not remove the mother from the child, because the mother did it on her own at one point, with the intention of taking personal belongings from the deposit room for visitors' belongings. Consequently, IHROBiH established that the authorities did not violate or threaten the rights of prisoners and/or the rights of children.

³⁰⁴ Ž-SA-07-1049/20.

³⁰⁵ Ž-SA-07-678/21.

³⁰⁶ 11 November 2021.

³⁰⁷ Ž-SA-07-984/22.

The prisoner turns to IHROBiH because of the fact that his wife, without his approval, moved with the child to the territory of another municipality.³⁰⁸ Moreover, he does not even have phone contact with the child, because his wife and her family prevent him from doing so. He also claims that his wife does not take adequate care of the child, that she is only interested in entertainment, alcohol and drugs, and that she never spends time with the child. The competent authorities provide information that they have completed the mediation process between the spouses, as well as that the decision has regulated the ways of maintaining personal and direct relations between the child and the father, namely that the child should visit the father in prison once a month and contact them by phone. Dissatisfied with the decision, the father filed an appeal, which was rejected. In the meantime, the father served his prison sentence and the case was closed.

7.2.3. Healthcare

The right to health is a fundamental human right necessary for the realisation of other human rights, protected by international and European standards. Healthcare is an absolute priority when it comes to persons deprived of their liberty and should be provided to them without discrimination based on their status.

As in previous years, the largest number of complaints received in this department concerns the provision of healthcare for convicted/detained persons.

The most common complaints of these persons refer to the inadequacy of the provided healthcare in the form of the inability to perform health examinations, especially specialist or diagnostic ones, health examinations by institutional doctors and inadequate therapy, lack of medicines and basic medical supplies and equipment in institutions.

Recently, there has been a noticeable increase in the number of people with mental health problems and psychosocial disabilities in prisons. IHROBiH **believes** that much more attention should be paid to the protection of mental health in many prison systems. A large number of convicted persons have psychological problems even before entering the institution. The prison environment can cause and worsen mental health, due to a number of factors such as social exclusion, violence, substance use problems, isolation, lack of contact with the outside world, lack of activity, poor healthcare, etc.

A certain number of penitentiary institutions in BiH still do not have a general practitioner employed for an indefinite period of time, as prescribed by the European Prison Rules³⁰⁹. Institutions generally hire doctors under a work contract who have the obligation to regularly provide healthcare services to persons deprived of their liberty.

IHROBiH does not have employed medical experts who could determine the quality of the healthcare service provided in institutions, so in a situation where it is necessary to make a

³⁰⁸ Ž-SA-07-236/21.

³⁰⁹ European Prison Rules, Part III Health, paragraph 41.1.

medical assessment of the healthcare service provided, it is impossible to determine the factual situation without engaging experts from various medical fields.

IHROBiH, in the case that is being conducted on the complaint ³¹⁰ of the convicted person, issued a recommendation ³¹¹ to the Director of the institution that the healthcare service of the institution, as before, continue to monitor the health condition of the convicted person with increased attention, considering that it is an elderly person with several acute and chronic diseases. It was also recommended to consider the possibility of submitting an application for parole to the Parole Commission in accordance with the law on the execution of criminal sanctions. The Institute accepted and acted on the IHROBiH recommendation, in such a way that the convicted person was supported to submit an application for parole. The complainant was granted parole and upon release from prison he will be placed in a home for the elderly where he will have better healthcare and care that he could not get in the institution.

The prisoner's daughter filed a complaint on behalf of her father, who is serving a prison sentence ³¹², stating that her father is in an extremely poor state of health, that he needs the daily care and care of others, because he suffers from a series of associated diseases, that he is almost completely blind due to both eyes, which is why he believes that the court should order him to serve his sentence in house arrest with electronic monitoring. The administration of the institution is aware of all the highlighted facts, and the doctor informed the administration of the need for constant health supervision while serving the prison sentence. Aware that the institution does not meet all the requirements, they informed the competent ministry about everything and requested a transfer to another institution, which has an inpatient unit and constant medical supervision. Therefore, the transfer was requested primarily for health reasons, although the institution did everything possible to provide the prisoner with all the necessary attention in such a way that food is served to him in the room, that the room is located in a part of the facility where it is quieter and more comfortable etc. During the research process, the prisoner submitted the findings, assessment and opinion of the medical expert, which established 100% disability with the need for an orthopaedic supplement and other people's care and assistance of the 1st group. The competent ministry did not allow the transfer, but the competent inspector, acting on the daughter's report, noted, among other things, that although there is no inpatient facility in the institution, the convict is provided with all available medical care.

to IHROBiH ³¹³ because of inadequate medical treatment. During the research process, it was determined that the imprisoned person has health problems. However, it was also established that very often during medical examinations and medical interventions he is rude, insolent, verbally aggressive and constantly requires different types of treatment and treatment, outside the institution or requires different therapy or doses of therapy (tranquilizers, insomnia, drugs with narcotic components etc.). As for the numerous physical ailments (two implanted stents after an acute heart attack, high blood pressure, diabetes, varicose veins, benign prostate tumour...) the prisoner is under the constant supervision of the prison's general practitioner and specialist doctors-external collaborators, and most often an internist, dermatologist, vascular surgeon,

³¹⁰Ž-SA- 07-295/21.

³¹¹P-271/21.

³¹²Ž-SA-07-460/22.

³¹³Ž-SA-07-1077/20.

orthopaedic surgeon, urologist, neurosurgeon, etc who examine him when there are objective reasons for it. On the psychiatric level, the prisoner is under adequate psychiatric therapy. It was clearly established that the prisoner was provided with adequate medical assistance and the case was closed.

Acting on the complaint of the prisoner's wife, due to the fact that her husband has been complaining about mental and physical abuse by prison guards for days, it was established that the complaints were unfounded, i.e. that the prisoner was causing a problem and that he had to be separated from the collective for security reasons to a separate room, about which the decision on separation was made and signed by.³¹⁴ After that, the prisoner was given medical assistance, and afterwards he had no further objections.

7.2.4. Non-custodial incentives and earned privileges

Acting on individual complaints in this Department and during regular visits to prisons, IHROBiH concludes, when it comes to non-custodial incentives and earned privileges, if it is necessary to amend the Law on the Execution of Criminal Sanctions, Detention and Other Measures of BiH, the Law on the Execution of Criminal Sanctions and Misdemeanour Sanctions of the RS and the Law on the Execution of Criminal Sanctions of the FBiH, in order to more precisely regulate the issue related to the opinion obtained from by the police structures related to the use of non-custodial incentives and earned privileges for convicted persons, and established clear procedures for checks performed by police officers.

A prisoner addressed IHROBiH³¹⁵, demanding the possibility of using non-custodial incentives and earned privileges. The complainant believes that the opportunity to use benefits is unjustifiably denied to him, although two years after serving half of the sentence he is in the ratio for the possible use of non-custodial incentives and earned privileges, he has been engaged in work for the entire time of serving the prison sentence, he has never had a single violation, reprimand or disciplinary report. He cannot realise the advantages because the competent authorities of internal affairs deliver a negative opinion from the field, which he claims has no real basis. During the research process, it was determined that on three occasions field checks were submitted, in which a negative attitude was expressed regarding the use of inmates' facilities outside the institution. During the official visit to the prison, the representatives of IHROBiH were informed that the convict was allowed to use facilities outside the institution, even though he had a negative opinion from the police services, because the prison administration, after a comprehensive analysis and risk assessment, made a decision to grant the convict benefits outside the institution, which the convict and used. It is very important to point out that during the duration of the benefit, the complainant did not abuse the trust of the administration and that he is returning to the prison regularly, and accordingly, he will soon get the opportunity to take annual leave outside the institution.

³¹⁴Ž-SA-07-571/22.

³¹⁵Ž-SA-07-1210/21.

7.2.5. Voting rights of convicted persons

IHROBiH acted on the prisoner's complaint about the impossibility of exercising his right to vote in the elections, that he was not allowed to have family members visit him, due to the alleged adherence to epidemiological measures due to the coronavirus, that he had submitted an application for the approval of the benefits of annual leave within the family circle, but that his application refused.³¹⁶ The complainant also expressed dissatisfaction with the restrictions related to food intake, that is, the receipt of packages that convicts receive from family members. During the research process, it was determined that due to the transfer, the institution did not have enough time to report the prisoner in order to enable him to vote through the mobile team, while referring to the provisions of the by-law, which clearly defines that the voter list should be submitted to the Central Election Commission delivered within 10 days, and no later than five days before the holding of the election. The prisoner's complaints that he was denied the right to vote are unfounded. When it comes to the visits of prisoners, the visits were not realised due to the pandemic, and in the meantime they began to be realised with adherence to medical recommendations. In connection with the other numerous complaints, it was found that upon meeting the conditions, the complainant was issued a decision on the use of annual leave, and the institute denies the validity of other complaints, especially when it comes to the work of the canteen. IHROBiH clarifies that all visits to imprisoned persons are prohibited, as well as all prisoner benefits due to the worsening of the epidemiological situation caused by the coronavirus pandemic. Visits by lawyers, who can visit convicted persons in the mentioned room, are exempt from this ban. In the meantime, prohibitory measures have been lifted in the institution, considering that 95% of prisoners have been vaccinated and revaccinated, that extra-institutional facilities are being implemented, as well as that all visits to prisoners take place according to procedure, with adherence to epidemiological measures.

7.3. Unlawful deprivation of liberty

The European Convention on Human Rights in Article 5 guarantees the right to freedom and security.³¹⁷ The key purpose of Article 5 is to provide protection against arbitrary, unlawful or

³¹⁶ Ž-SA-07-678/21.

³¹⁷ Article 5, European Convention on Human Rights.

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- a) the lawful detention of a person after conviction by a competent court;
- b) the lawful arrest or detention of a person for noncompliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
- d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
- e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
- f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial

unjustified deprivation of liberty. Article 5 belongs to the rank of the most important fundamental rights that protect the physical safety of an individual, and it is significant in terms of its relationship with other rights and other provisions of international law. This article indirectly provides protection against other potential violations of human rights that are more likely to occur in the case of arbitrary deprivation of liberty, and is complemented by other international standards on similar or related issues, such as the UN Body of Principles on the Protection of All Persons in Prison any form of detention or imprisonment. Article 5 guarantees everyone the right to liberty and security of person, and this right is subject to limited exceptions, which means that deprivation of liberty can be justified in certain circumstances. It is up to the competent authorities to prove that any deprivation of liberty was justified.

When it comes to illegal deprivation of liberty, IHROBiH, acting in one case,³¹⁸ found that a young man without identification, handcuffed, was deprived of his liberty and held in the premises of the police station for four hours. Complaints indicated that police officers repeatedly tried, in

raised tones, to force a confession, claiming that he was identified on the footage from surrounding surveillance cameras in fan clashes. IHROBiH established that the complaints were well-founded and that the event in question had caused psychological distress to the young man, and they issued a recommendation to the competent Ministry of the Interior³¹⁹ that in all future cases, they respect all the rights of citizens guaranteed by law when making the first contacts with citizens and depriving them of their freedom, that the police officers act according to the findings and opinion of IHROBiH as clearly stated in the recommendation, to be guided by the principles of conscience and professionalism, to apologize to the family and to establish adequate cooperation with IHROBiH, as prescribed by LHROBiH. IHROBiH's recommendation was not followed and there was a lack of cooperation between the competent authorities and IHROBiH.

IHROBiH record another case when, acting on the complaint of the young man's mother, due to illegal deprivation of liberty and unprofessional behaviour of police officers, they established that, due to the same event, criminal proceedings were being conducted against several police officers for criminal offences of violation of human dignity by abuse of official position or authority.³²⁰

IHROBiH monitor criminal proceedings.

within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial. 4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful. 4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful. 5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

³¹⁸Ž-MO-05-159/21.

³¹⁹Recommendation no P-151/22 dated 3 June 2022.

³²⁰Ž-BL-05-302/20.

VIII. RIGHTS OF THE CHILD

8.1. Introduction

The role of IHROBiH in the area of the realisation of children's rights is to monitor the work of the competent authorities to the greatest extent possible, notice difficulties and obstacles in the protection and realisation of children's rights, point them out and call for a systematic solution to the problem.

Complaints submitted to IHROBiH indicates that citizens have difficulty accessing employment and social rights, and often these violations are caused by a high degree of poverty³²¹, corruption and population migration, which also affects the position of children. The data available to IHROBiH indicates that today in BiH, young people are the most vulnerable, especially due to the impossibility of employment, followed by pensioners³²², people with disabilities, single-parent families, children, especially in certain life situations such as high-conflict divorces of their parents, and employees in certain branches of the economy with extremely low incomes, such as catering, trade, some manufacturing activities, etc.

The most important IHROBiH recommendations to authorities at all levels and competent institutions refer to the urgent undertaking of additional (especially pronatal) measures aimed at ensuring the retention of young and educated citizens in BiH, namely: allocation of additional funds for youth employment, i.e. support in their employment, their housing provision, significantly higher social benefits based on parenthood, i.e. the birth of two or more children, for families with more children - increasing the amount for child allowance, i.e. abolishing the census on child allowance must be a priority of the authorities, and incentives for childbirth must be part of population strategy and demography.³²³

In the last few years, IHROBiH has been pointing out to the competent domestic and international authorities that poverty is one of the most significant causes of child rights violations in BiH. Poverty leads to social exclusion of children, which results in inaccessibility to education, healthcare, significant affirmation of children's potential, impossibility of employment for their parents, which can also lead to transgenerational poverty, i.e. reproduction of poverty within the same family.

Individual examples of violations of children's rights are an important source of knowledge for IHROBiH about areas where children are not adequately protected. These examples enable an overview of the functioning of the child rights protection system as a whole and provide a basis for proactive and preventive action and proposing measures that should result in more effective protection of children's rights and interests. The work of IHROBiH includes the provision of information, instructions and advice in direct contact with the parties, by telephone or in another

³²¹Resulting from the high unemployment rate, low pensions, lowest or average salary far below the official consumer basket, same VAT rate that applies to both basic provisions and most luxurious goods, major social differences between the largest number of population and a small group of citizens with extremely high incomes, uneven social welfare benefits depending on the place of residence, etc.

³²²Youth drain, this population category will feel it later when pension funds are drained.

³²³2020 IHROBiH Annual Report.

way. Institutions and institutions, especially Social welfare centres, local communities and non-governmental organisations, are approached for advice, help and support in individual cases.

Regardless of the many improvements in the field of children's rights, IHROBiH still observe systemic weaknesses that require urgent and broader social action in order to improve the position of children in BiH.

During 2022, the Department for Monitoring the Exercise of the Rights of the Child received 219 complaints. IHROBiH note an increase in the number of complaints in this Department, because last year, in 2021, 190 complaints were registered. IHROBiH is addressed in most cases by parents of children, with complaints about the work of schools, competent Social welfare centres, courts, prosecutor's offices, ministries of education and social protection, inspection authorities, internal affairs authorities, etc.

IHROBiH issued 24 recommendations³²⁴ related to the education system, rights and opportunities for pre-school education and care, realisation of children's rights to possess travel documents and their unhindered travel, children's rights to healthcare (the right of children suffering from cystic fibrosis to free medicines), the competent social protection authorities were informed of the need to undertake a series of necessary measures of supervision over the exercise of parental rights and obligations, the competent authorities were informed of their obligations to ensure the protection of children from harm, the competent courts and prosecutor's offices to, within their jurisdiction, undertake necessary procedural actions in order to make decisions on which the realisation and protection of the rights and interests of the child depends, etc.

The activities of IHROBiH were directed in several directions, proactively at eliminating the causes of human rights violations contained in the weaknesses of the legal framework, and reactive handling of individual complaints.

As part of proactive action, IHROBiH undertook a number of normative activities and began certain research in the field of care for children without parental care, focusing on the situation in institutions, the issue of underage marriages and the safety of children's playgrounds in BiH.

8.2. Normative activities

Normative activities included initiatives to enact new or amend existing laws regulating children's rights.

8.2.1. FBiH Act on Financial Support to Families with Children

Support for families with children, especially through the realisation of two fundamental rights - the right to child allowance and the right to financial assistance for a mother who is not in employment, is extremely important. IHROBiH contributed to solving this issue by participating

³²⁴ IHROBiH issued 15 recommendations to the competent authorities in 2021.

in the Public Debate on the Draft Act on Financial Support to Families with Children, the Law entered into force on September 1, 2022.³²⁵

a more socially just and fiscally functional system of protection of families with children through the proposed legal solutions, with special emphasis on equalizing the rights of children in the FBiH.

However, in practice, certain problems have arisen in connection with the application of the above-mentioned Law, in terms of realising the rights of children with disabilities to child allowance. IHROBiH, *ex officio*, registered a complaint related to the application of the Law on material support of families with children in the FBiH, in the part of realising the rights of children with disabilities to child allowance, specifically in Herzegovina-Neretva Canton. However, IHROBiH decided to expand the investigation in relation to other cantons in the FBiH. The aforementioned Law introduced a property census according to which child allowance cannot be obtained if any member of the family has an income of more than 217 KM. Although the FBiH Government made the amendment of this law available to the cantons, it was not done in Herzegovina-Neretva Canton. The disputed provision leads to the impossibility of exercising the right to child allowance for children with disabilities, if they exercise the right to disability benefits or if the family generates income in the above-mentioned amount. IHROBiH will make the final decision in the case after collecting information from all relevant cantonal ministries.³²⁶

8.2.2. RS Family Proceedings Act

The new Family Proceedings Act of the RS was published on February 23, 2023. in the "Official Gazette of the RS", number 17/23. IHROBiH has pointed out for years that changes to the Family Proceedings Act are necessary, which will determine that the court in with the same procedure, it decides on divorce, entrusting the child to one of the parents, and arranging visitation with the other parent and his obligation to contribute to the maintenance of the child. When advocating new legal solutions, IHROBiH were guided by the best interest of the child, in order to avoid situations where the decisions of the centres/services on the arrangement of visits are not implemented or are implemented without achieving the purpose of implementation³²⁷. During 2020, the Initiative for Amendments to the Family Proceedings Act of the RS was sent to the RS National Assembly³²⁸ and representatives of IHROBiH attended public hearings organised by the Government of the RS.

8.2.3. Alimony funds

The establishment of alimony funds is important for children whose parents, who are liable for maintenance, are unable to meet the needs of child support, which may be for objective reasons such as unemployment, but also due to the avoidance of legal obligations.

³²⁵FBiH OG, no 52/22.

³²⁶Ž-SA-02-1121/22.

³²⁷For example in administrative enforcement proceedings conducted under the General Administrative Procedure Act, the child's parent would pay the fines imposed but would continue not to comply with the enforcement decision and would do everything to prevent visitation by the other parent.

³²⁸The case was registered under no Ž-BL-01-42/20 and the initiative is dated 7 September 2020, RS Family Proceedings Act (RS OG, no 54/02, 41/08 and 63/14).

IHROBiH has been advocating the establishment of alimony funds in the RS and in the FBiH for years. During 2022, representatives of IHROBiH attended the meetings of members of the working group for the drafting of the Law on Temporary Maintenance of the RS as observers. The proposal of the Law regulates the right to temporary maintenance, the acquisition of the right to temporary maintenance and the amount of temporary maintenance, as well as the procedure for exercising the right, payment and return of the amount of temporary maintenance.

Article 237 of the Family Proceedings Act of the FBiH prescribes ³²⁹that the FBiH is responsible for supporting children whose parents do not fulfil this obligation. In 2014, the FBiH Government tasked the FBiH Ministry of Justice, as the proposer and drafter of the Family Proceedings Act, to amend Article 237 with the aim of more clearly defining jurisdiction, and to regulate the method of securing funds from the Budget of the FBiH, which was not done and this legal provision is not in practice came to life.

Appreciating the importance of the aforementioned laws, which IHROBiH has been pointing out to the competent legislative bodies for several years, in their annual reports on the results of their activities, it is to be expected that the new convocations of the legislative bodies will prioritize solving this problem.

IHROBiH present the results of individual research procedures that justify the activities and attitudes of IHROBiH.

One of the extreme cases of violation of the rights of the child is the case in which it was determined that the father of the children does not contribute to the maintenance of the child, that he avoids his legal obligation to provide maintenance, rarely contacts the children, and remains passive in a situation where in the part of the house where his ex-wife lives and his children do not have electricity, because his mother, who owns the house, does not allow the electricity to be turned on and does not allow the payment of the debt.³³⁰

Acting on the complaint of the child's mother ³³¹, it was established that during the pregnancy the extramarital union was interrupted, the child's father did not want to recognise the child, and the complainant was forced to file a lawsuit to establish paternity. The judgment of the competent court confirmed paternity and determined the obligation to support the child. The father did everything to avoid his legal obligation. The child's mother submitted a proposal for compulsory execution of the judgment in the part related to maintenance and a criminal charge to the competent prosecutor's office in order to avoid providing maintenance. Regardless of the numerous actions taken by the competent authorities and legally binding court decisions (in civil and criminal proceedings), the child did not realise the right to maintenance. In the criminal proceedings, the court established a prison sentence and at the same time determined that it will not be carried out if the accused does not commit a new criminal offence within one year from the date of finality of the judgment, which still did not affect compliance with the obligation to support the child.

³²⁹FBiH Family Proceedings Act (*FBiH OG*, no 35/05, 31/14).

³³⁰Ž-BL-01-781/20 Mother and children live in a house without electricity.

³³¹Ž-BL-01-396/20.

8.2.4 . FBiH Act on Special Register of Persons Convicted by Final and Binding Judgements for Criminal Offences of Sexual Abuse and Sexual Exploitation of Children

IHROBiH received ³³²the act of the Committee for the Protection of Human Rights and Freedoms of the House of Representatives of the FBiH Parliament with the proposal of the FBiH Act on Special Register of Persons Convicted by Final and Binding Judgements for Criminal Offences of Sexual Abuse and Sexual Exploitation of Children. A public hearing was held and the proponents incorporated comments submitted during the hearing. ³³³IHROBiH remain of the position that this law must define the concept of a child for the reason that BiH is obliged to harmonise its legislation with the Convention on the Rights of the Child and that in practice there is an unequal definition of concepts. ³³⁴It is to be expected in the best interest of the child that the FBiH Parliament will soon adopt this law.

8.2.5. Amendments to FBiH and RS enforcement procedure acts

IHROBiH were addressed by a judge of a basic court, stating that the Enforcement Procedure Act of the FBiH is not in accordance with the UN Convention on the Rights of the Child, because incomes based on child allowances and incomes based on scholarships and assistance to pupils and students are not exempted from executions. ³³⁵After Analysing the legislation in the entire territory of BiH, with the aim of assessing the conformity of laws in both entities, IHROBiH referred the Initiative ³³⁶to the FBiH Ministry of Justice and the Ministry of Justice of the RS in order to explicitly prescribe in the laws on enforcement procedure the deduction from the execution of income based on the supplement to children and income based on scholarships and aid to pupils and students.

After the sent Initiative, the Ministry of Justice of the RS states ³³⁷that in 2023 they plan to start the process of reforming the executive procedure, and that the new Enforcement Procedure Act will be included in the work plan for the next calendar year. When drafting a new legal regulation, special attention will be paid to the provisions that regulate the means and object of execution, execution on monetary receipts and exceptions to execution.

The FBiH Ministry of Justice did not submit a response to the Initiative and IHROBiH call on the FBiH Ministry of Justice to act on the submitted initiative.

When it comes to the provisions of the law on enforcement procedure, IHROBiH note that there are situations where parents, who are obligated to support a child and when the enforcement is carried out on wages, while the wages are already burdened with long-term loans (most often housing loans), allocate (pay) pay low maintenance amounts or do not pay them at all. These are precisely those situations when there are several proposals for enforcement by several creditors

³³² 6 December 2022.

³³³ 29 July 2022.

³³⁴For example, in the FBiH Criminal Code, the definitions of a child and a minor are separated solely for the purpose of determining criminal liability.

³³⁵Ž-SA-06-1304/21.

³³⁶ P-23/22 dated 18 January 2022.

³³⁷Act no 08.020/052-3525/22 dated 26 July 2022.

on the same subject of enforcement, and the sum of their claims exceeds the part of the salary that is the subject of enforcement.

IHROBiH call on the competent authorities to take into account these problems faced by citizens, that is, children, and that child support must be prioritized in the best interest of the child.³³⁸

8.3. Children's rights to public documents

IHROBiH acted on the petition of the Association "Vaša prava BiH" regarding the non-compliance of certain provisions of the Law on Registers of the FBiH with the international standards and obligations of BiH.³³⁹

The consequence of such a legal situation is the impossibility of registration in the registers, due to legal gaps or rigid procedures, and too formalised procedures, inapplicable to certain everyday life situations.

Due to the aforementioned inconsistency, the Association "Vaša prava BiH" is of the opinion that there is no adequate mechanism to ensure that every child born on the territory of the FBiH or on the territory of another country by a citizen of BiH is registered in the birth register. The practice of the competent authorities is different from canton to canton, and they propose changes to the FBiH Civil Registry Law and accompanying by-laws.

The registration of children in the registry books in the FBiH is partially functional, and only when it comes to children of parents of citizens of BiH who were born in healthcare institutions. Enrolment of children, citizens of BiH, who were born outside healthcare institutions or enrolment of children of citizens of BiH born abroad and children of foreign citizens on the territory of the Federation, is an issue that needs to be further regulated.

IHROBiH issued a recommendation³⁴⁰ calling on the FBiH Parliament to consider as soon as possible the initiatives for amendments to the Law on FBiH Registers, and the FBiH Ministry of the Interior to consider the initiative for amending and harmonising the by-laws for the implementation of the Law on Registers of FBiH, namely Article 5 and Article 8 of the Rulebook on birth registration forms and death certificates of the FBiH Ministry of the Interior, as well as Article 85 of the Instructions on how to keep the registry books of the FBiH Ministry of the Interior. IHROBiH note that there were only amendments to the provisions of the Law on non-litigation procedure, which prescribe the procedure of "determining the place and time of birth". IHROBiH note that IHROBiH's recommendation was partially implemented, because the FBiH Parliament considered the proposed initiatives and there were amendments to the Law on non-litigation procedure of the FBiH.

³³⁸Ž-BL-01-723/22, Ž-BR-08-181/22.

³³⁹Ž-BL-01-505/20 and Ž-BL-05-677/20.

³⁴⁰Recommendation no P-262/20 dated 21 December 2020.

8.4 . The right to privacy

IHROBiH recognises the importance and possibility of influence of the media on children and adults, which is why it is necessary to point out the positive aspects and contribution of the media in BiH in promoting and protecting children's rights. We should not forget or dispute the media's contribution to the opening of certain social issues concerning children, which would have remained beyond the reach of the law and the public if the media had not touched them, presented them and called them responsible. Unfortunately, the rights of children and their dignity are in some cases threatened by the media. Children are often portrayed in the media in a sensationalist way, especially when reporting on events in which they are involved as victims. At the same time, family circumstances, information on the state of health are presented unnecessarily, or unprofessional assessments of character and behaviour are given, which directly harms the child. IHROBiH often notice the irresponsible attitude of journalists and editors towards the obligation to protect the child's identity.³⁴¹

In connection with media reporting on children, IHROBiH found in one case that the media, by reporting on the child's health condition, threatened the child's right to privacy and pointed out to the competent authorities and the media the necessity of respecting the child's right to privacy.³⁴² It is everyone's responsibility to protect children from exploitation through the media and potentially harmful media content. The media should devote more space to contents acceptable for children, and when reporting on children, more attention should be paid to phenomena, not to individual cases. Starting from the basic principles of the UN Convention on the Rights of the Child, it is necessary that in reporting on children, the media prevent the disclosure of the child's identity and take into account the best interests of the child.³⁴³

IHROBiH also reacted to protect the right to privacy of a child who disappeared and was later found, due to the reporting of several media houses that published photos and videos of the child after the child was found.³⁴⁴ In this case, the problem related to the abuse of children's rights on the Internet was pointed out, because existing legal solutions must be improved in this area. The authorities are expected to understand and observe the abuse of children on the Internet as any other abuse of children's rights.

IHROBiH received a media inquiry³⁴⁵ regarding allegations of violation of children's rights in a high school because the students were allegedly greeted at school desks by invitations to the first prom party where a famous folk singer will perform. Along with the invitation to the party, an invitation was also attached that had to be filled out, i.e. the students were allegedly asked for personal information. IHROBiH were asked whether the child's rights to the protection of

³⁴¹The said issue was analysed in detail during the preparation of the Special Report on the Recommendations to Improve the Protection of Children's Right to Privacy in Cases of Violations by the Media in BiH from November 2012 - available on IHROBiH website: www.ombudsmen.gov.ba.

³⁴²Ž-BL-01-675/22.

³⁴³Without thinking about the negative consequences, the media disclose the full names and photographs of children and reveal their identity by disclosing full names of their parents, siblings, and the place they live in, etc. Journalists justify their behaviour by the public interest while neglecting the fact that the public's right to information cannot be above the right to protect the privacy of the child.

³⁴⁴Ž-SA-01-229/22.

³⁴⁵13 April 2022.

personal data are being violated and endangered in this way, and everything is linked to the actions of the ruling political party. IHROBiH, in accordance with their competences, opened the case *ex officio* ³⁴⁶ and requested a statement from the school administration. The school denied any involvement in the aforementioned case, stating that everything happened without their knowledge and approval, and that there was no participation or contribution from management or employees.

Invitations were distributed among high school graduates - adults and were not distributed to students of lower grades. All students were informed by their class teachers that the above behaviour is not acceptable and that it is contrary to school rules and legal provisions. In order to raise awareness, they were additionally informed about their civil rights and freedoms, as well as freedom of choice in political and any other sense. In this specific case, IHROBiH did not find sufficient grounds for a possible reaction or action towards the school.

IHROBiH indicates that the issue of abuse of children for political purposes should be approached with great caution. A child has the right to freedom of thought as well as to the free expression of opinions, and political topics are not topics only for adults, and political views are not relevant only when they are expressed by an adult. Nevertheless, group and adult-organised inclusion of children in events that have a party or propaganda-political character represents abuse of children. It is everyone's duty to protect children from manipulation in political campaigns and all other political activities.

8.5. The child's right to family life

In their reports, IHROBiH points to the violation of children's rights in the proceedings of divorce or termination of cohabitation, entrusting the child to one of the parents, arranging visits between the child and the parent with whom he does not live, securing the child's right to maintenance, etc. Numerous problems that parents face in their communication have a direct impact on children and the exercise of their rights. By following the procedures before the competent authorities, it can be determined that children of divorced parents try to realise their fundamental rights for a long period of time, and often unsuccessfully. Violation and endangerment of children's rights continues even after the termination of a marital or extramarital union, and there is often a lack of effective and timely reaction by competent authorities, which would actually lead to the elimination of negative consequences for children.

IHROBiH present several examples of violations of the child's right to family life.

The child's mother, the complainant, as the child's legal representative, together with the child, in the capacity of prosecutor, filed a lawsuit against the child's father, demanding the court to, among other things, adopt part of the claim so that only she, as the mother and legal representative, could decide independently about the child's place of residence, the child's education and other important issues concerning the child's rights and interests. ³⁴⁷As the complainant explained, such a court decision is necessary for her to move to another country

³⁴⁶Ž-BL-01-239/22.

³⁴⁷Case no Ž-BL-014-638/21. The reason for filing the lawsuit was also the increase in the maintenance amount, i.e. change in this section of the previously issued court judgement.

with her child, and this is required from the embassy of that country in BiH. Since the court rejected the part of the claim that requires the mother to decide independently about the place of residence and other important issues, the complainant appealed to the competent second-instance court, which rejected the appeal and confirmed the first-instance verdict. In their written correspondence with the competent authorities and the complainant, IHROBiH pointed out that the specific case is important from the aspect of protecting the rights of the child, because in practice, problems arise more and more often in connection with the decisions of the authorities based on various requests of parents.³⁴⁸

Acting on the father's complaint,³⁴⁹ it was established that the child was initially entrusted to the mother for protection, education and partial maintenance by a court decision, and the father is obliged to contribute to the maintenance of the child. Acting on the father's claim, the court changes the verdict and entrusts the child to the father, and the mother undertakes to contribute to the maintenance of the child. IHROBiH found that from the aspect of protecting the rights of the child, the most significant fact indicated by the competent guardianship authority is that the child is well, that he expresses satisfaction that he lives in his father's family, while the child's mother lives and works abroad. Due to the mother's absence, the mother's parents demanded a decision on contact with the child, which is the reason for the father's complaint to IHROBiH, because he believes that the grandparents have no right to contact the child, if the mother is not already seeing him. The complainant was informed that the right to see the child's close relatives is prescribed by the applicable Family Proceedings Act. The complainant is invited to cooperate with the authorities as much as possible, in order to achieve the best interests of the child - and this is certainly to see close relatives on the mother's side and the mother.

Acting on a parent's complaint,³⁵⁰ IHROBiH before the court monitor non-litigation procedures for the deprivation of parental rights, based on the proposal of one parent against the other parent and on the proposal of the competent guardianship authority submitted *ex officio*, against the parent who appeared as the proposer in the aforementioned procedure. In addition to the aforementioned non-litigation proceedings, criminal proceedings against one parent³⁵¹ for the criminal act of child abduction are being conducted by the competent court. Ombudsmen, in accordance with their competences and mandate, monitor the actions of competent authorities, without interfering in the decision-making process of the courts. In practice, more and more complex life situations arise when parents cannot come to an agreement regarding issues concerning their common child, and during numerous proceedings before the competent authorities, disagreements and conflicts only deepen.

Acting on the appeal, in order to protect the rights and interests of the child placed in an institution for children without parental care, it was determined that the child's mother died, that the father was an alcoholic, and the child was placed in the institution by the decision of the competent authority.³⁵² A person approached IHROBiH claiming that he knew the child and the family from before and that he wanted to help. After the investigation procedure, it was

³⁴⁸Different enquiries from social welfare centres in BiH and/or from citizens/parties.

³⁴⁹Ž-BL-01-782/21.

³⁵⁰Ž-BL-01-529/20.

³⁵¹The parent to whom the care of the child is entrusted.

³⁵²Ž-SA-01-1034/22.

concluded that the complainant does not act in the best interest of the child, that he makes the job difficult for the professional staff of the competent guardianship body and institution, that he addresses numerous institutions, different reports, that he spreads falsehoods, etc. In addition, the complainant created pressure and influence on the child, and the competent authority stated that there are indications that the complainant is the child's biological father, which is why they gave clear instructions and guidelines for creating a family integration framework for the child. The complainant refused to submit to the DNA analysis procedure.

IHROBiH acted on the complaints of the grandmother, who always addressed this institution for the same reasons, in order to protect the rights of her minor granddaughter, insisting that the granddaughter live with her, and not in the institution³⁵³. The complainant was legally convicted for the criminal offence of domestic violence that harmed a child - her minor granddaughter.³⁵⁴ Immediately after passing the order to conduct an investigation by the competent prosecutor's office, he addresses IHROBiH, because the child was placed in an institution for children without parental care, by the decision of the competent guardianship body, and an expert worker of the centre was appointed as a guardian. It was explained to the complainant that she has to wait for the final conclusion of the criminal proceedings and that she cannot expect that the authorities will appoint her as the guardian of her minor granddaughter. During the investigation process, IHROBiH established that the child was placed in an institution for children without parental care, that he had a proper psychophysical development and that he had no health problems or problems in everyday functioning. The child has adapted to life in the institution and has no major difficulties in completing school duties. The Social welfare centre was told that it should act in the best interest of the child, because placing a child in an institution is one of the last measures that should be taken when it comes to the care and protection of a child without parental care. The centre was asked to continuously examine the circumstances regarding the forms of child protection, i.e. whether it is still placement in an institution or return to a relative's family.

In one case, the competent authorities - the guardianship authority and the court³⁵⁵ found that the child's father has adequate parental capacity, and the grandparents' proposal to deprive the father of his parental rights was rejected. IHROBiH did not establish that the authorities in any way violate or threaten the rights of the child. After the death of the child's mother, the mother's parents took care of the child. The authorities tried to act in the best interest of the child in order to explain to the child's grandparents that the relationship between grandparents and grandchildren is different in nature from the relationship between parents and children, and that they have the right to maintain mutual contact and take care of their grandchild, but that their grandson is not a child without parents and without parental care and that they cannot be guardians and legal representatives of their grandson.

³⁵³Case no Ž-BL-01-495/22.

³⁵⁴A suspended sentence was imposed on the complainant and it imposed a one-year term of imprisonment not to be carried out if the accused does not commit a new criminal offence within three years, counting from when the verdict comes final and binding.

³⁵⁵Ž-SA-01-994/21.

8.6. The right to protection from violence and neglect

8.6.1. Domestic violence

The elementary school complained to IHROBiH, demanding involvement and supervision in accordance with the Protocol on dealing with violence involving children ³⁵⁶, because a student of their school suffers physical, psychological and emotional violence from his father. During the research process, it was established that the competent authorities took actions that were in accordance with the positive regulations upon the school's report. The police officers pointed out to the child's father that some of the actions described may contain elements of domestic violence, but, as they pointed out, due to the relaxation of the relationship between the child's parents (former spouses) and the child, they estimated that they did not inform the competent prosecutor's office about the events that occurred. The father was warned that if something similar happened, the prosecutor's office would be notified immediately and he was advised to fully cooperate with the school. The Social welfare centre conducted a field visit and found that the child is afraid of his father, because he often yells at him, throws objects at him, sometimes hits him while intoxicated, calls the child's mother, ex-wife abusive names, etc. Due to the poor results at the school, the professional staff of the school held discussions with the child's parents and both were advised how to overcome difficulties, in order to achieve the best interests of the child, and they were given clear guidelines on how to spend quality time with the child. In this particular case, all competent authorities cooperated with each other. It was concluded that the child has a cheerful disposition and shows warmth in social interactions. The child's mother is advised to contact the centre and/or the police immediately if she finds out about further violent behaviour by the father. All competent authorities will continue to monitor the family, and IHROBiH has pointed out that it is necessary, in case of new reports or knowledge of violence, for the internal affairs authorities to immediately inform the competent prosecutor's office about everything, as well as for the authorities to consider the possibility of influencing the father again in such a way that he the importance of his inclusion in all areas of activities and interests of the child is pointed out, e.g. to visit the school and inquire about grades and behaviour, to spend time with the child, to socialise, etc.

8.6.2. Violence in schools

IHROBiH opened a case *ex officio* related to peer violence in an elementary school, which received a lot of media attention throughout BiH³⁵⁷. During the research process, it was determined that the competent authorities (line ministry, educational inspection and pedagogical institute) did not establish any irregularities committed by the school in the case of peer violence, i.e. the school immediately reacted in accordance with the positive regulations upon learning of it, sanctions were imposed on the students/bullies and six students were sent to other schools, while three students were reprimanded. Individual support plans were created for all students and all participants of violence, as proposed and recommended by the authorities. Workshops were held at the school on the subject of peer violence in classroom teaching, and class teachers informed the students about procedures and actions in cases of peer violence. The school

³⁵⁶Ž-BL-01-301/22.

³⁵⁷Ž-BL-06-825/21.

implements various measures such as banning the use of mobile phones and tries in every way to educate children about all the dangers lurking on social networks. The school believes that the pandemic has greatly affected children, especially due to the increased use of mobile phones and access to various applications and social networks. As the competent educational institutions established, two students were certainly victims of peer violence by four students, with a note that the violence had greater consequences for the psychophysical health of one child - the victim. For these reasons, professional staff continuously work with that child, with the professional support of a clinical psychologist. It is also important to point out that the school worked with the perpetrators of violence and that they continue to work and monitor the situation. The competent Social welfare centre was also involved in the case, in such a way that experts conducted individual interviews with children - perpetrators and victims of peer violence, their parents, and all were provided with psychosocial help and support.

IHROBiH indicates that the public, the media, and especially the competent authorities should take greater measures in the prevention of peer violence and that it is necessary to ³⁵⁸approach the recognition of this negative social phenomenon much more cautiously and with more attention and sensibility. The problem of peer violence implies continuous and efficient cooperation of all authorities in the area of a local community.

8.7 . The right to education

8.7.1. Preschool education and care

Preschool education and care, as an integral part of the educational system, is the first, special and specific level of the educational system that includes: upbringing, education, care, health and social protection of children from the age of six months until starting school. As such, it represents the foundation of lifelong learning, directed towards the aspects of intellectual, emotional, physical development and the development of creativity and creativity. The child's right to upbringing, education and proper care for the benefit of his physical and mental health and safety takes precedence over all other rights. Preschool education and care is a process of special social importance, which contributes in a specific way to the achievement of the unique goal of education and care, starting from the universal values of a democratic society and its own system of Preschool education and care, while respecting the child's needs, rights and individuality.

From media reports, IHROBiH noticed an open question about the way children are subsidized in public and private kindergartens in the area of Sarajevo Canton, and decided to open a case *ex officio* in order to collect and Analyse data on the number of private and public preschool institutions in their area, the number of children placed in preschool institutions and the number of children waiting for a place in preschool institutions, if possible data (percentage) on the inclusion of children in Preschool education and care, the price of children's accommodation in public and private preschool institutions and data on the founders of the institutions and the management structure of the institutions.

³⁵⁸IHROBiH sent out a press release to all media.

Answers were requested from authorities and institutions from the area of the Sarajevo Canton, but also from the area of other cantons, namely Tuzla Canton and Herzegovina-Neretva Canton from the FBiH, as well as from the cities in the RS - the City of Bijeljina and the City of Banja Luka from the RS. and all according to the principle of a random sample from both entities in order to review the issue of subsidizing children in public and private kindergartens and in other cantons, that is, cities.³⁵⁹

The competent authorities have submitted the requested data and in this report they will be presented in tabular form.

Canton / city	Total number of preschool institutions	Number of public institutions	Number of private institutions	Number of placed children	Number of children on stand-by	Coverage percentage	Full-day stay price
Herzegovina - Neretva Canton	28	9	19	3000	130	23%	BAM 130-200
Banja Luka	63	32	30	450	Not provided	Not provided	BAM 413.82 in public institutions (parents pay 30.43%), and BAM 180-580 in private institutions
BDBiH	5	1	4	857	455	20%	BAM 150 in public institutions and BAM 250-320 in private institutions
Tuzla Canton	23	9	14	3000	400	Not provided	BAM 110-180 in public institutions and BAM 150-280 in private institutions
Bijeljina	17	1	16	1494	69	29.88%	BAM 170.20 in public institutions and BAM 190-260 in private institutions
Sarajevo Canton	83	37	46	6447	366	Not provided	BAM 160 in public institutions and unknown in private institutions

³⁵⁹Case no Ž-BL-01-600/21 was opened *ex officio* and the competent institutions provided the data requested in document no 05-02-34-2458/21 dated 7 January 2021; Ministry of Education, Science, Culture and Sport of Herzegovina-Neretva Canton provides the data requested in document no 07-60-2/22 dated 14 February 2022; Banja Luka City provides the data requested in document no 07-1246ZB-002/22 dated 12 April 2022; BDBiH Government provides the data in document no 10/1-34-009164/22 dated 5 April 2022; Ministry of Education of Tuzla Canton provides the data requested in document no 02/5-54-1-121/21 dated 23 December 2022; Bijeljina City provides the data requested in document no 11-03/01-04-4100-1/22 dated 22 February 2022; Ministry of Education of Sarajevo Canton provides the data requested.

Summarising all the submitted data, and starting from the best interest of the child and the importance of the child's development in early childhood, IHROBiH on this occasion express concern about the low enrolment rate in the preschool education system and about the differences in local communities throughout BiH. A child's ability to access early and Preschool education and care is seriously affected by the child's place of residence, especially rural places of residence and low-income families.

IHROBiH is of the opinion that it is necessary to continue to work on creating opportunities so that every child has the right to Preschool education and care in such a way that every child is given the right to a place in a preschool institution, as prescribed by the Framework Law on Preschool Education and education. This right does not only mean the right to a place in a public, but also in a private preschool institution. The universal goal would be to ensure every child's right to Preschool education and care, and in order to achieve that goal, active action should be taken to regulate the relations of both private and public preschool institutions to a greater extent and ensure greater/additional allocations/subsidies from the budget.

IHROBiH has received a significant number of complaints related to the functioning of private educational institutions. Complainants include private schools that indicate that children who attend private educational institutions are not allowed to have the right to benefits in public transport , ³⁶⁰access to scholarships, ³⁶¹but also parents who indicate that private educational institutions do not ensure the right to use the service of extended stay, equally for all children. ³⁶²In one case, it was clearly established that the child was prevented from staying in an extended stay, given that the child exhibited aggressive behaviour, thereby disrupting the stay of other children. The child's parents were offered an annex/amendment to the schooling contract in such a way that the child is enabled to continue the child's education at school, but at the same time the possibility of providing extended stay services is excluded.³⁶³

The organisation of extended stay for children in the entire educational system, regardless of whether it is a public or private educational institution, should be regulated by law, not regulated by regulations and should differ from school to school. In the highlighted cases, there is certainly a violation of the child's right to education. There is no justification for not providing a child with developmental difficulties with an assistant - as support in kindergarten, because there is no legal possibility to finance professional staff in private preschool institutions.³⁶⁴

³⁶⁰Ž-BL-01-411/22.

³⁶¹Ž-SA-01-198/22 and Ž-SA-04-1182/22.

³⁶²Ž-SA-01-1135/22.

³⁶³The issue of extended stay is provided for by Elementary School Care and Education Act⁷ (SC OG, no 23/2017, 33/2017, 30/2019, 34/2020 and 33/2021), Article 22.

"(5) The network of schools (the Network) includes all institutions that provide elementary school care and education in the area for which the network is established, with all facilities where elementary school care and education are provided.

(6) The network shall contain:

a) list of schools where:

- extended stay or full-day classes"

³⁶⁴The issue of special needs teaching assistant/support for children in kindergartens in the provision of care and education is governed by Article 34 of the SC Preschool Care and Education Act (SCPCEA), reading as follows:

"1) In addition to kindergarten teachers, persons holding high school diplomas, college degrees and university degrees in the fields of education and medicine may also take part in the provision of care and education in the capacity as assistants and volunteers..."

IHROBiH also registered complaints from citizens who indicated that private kindergartens received subsidies from the budget, but at the same time did not reduce the amount of the price of children's accommodation. IHROBiH called on the authorities to ensure an adequate mechanism for monitoring and supervising subsidies in preschool private institutions.³⁶⁵

8.7.2. Elementary education

Acting on citizens' complaints, ³⁶⁶IHROBiH has previously pointed out that it is extremely important that children in primary schools in the RS be fully enabled to choose to attend religious education subjects in primary schools and that the parents of students be especially warned that after that choice, the subject of religious education is compulsory for attendance and that subsequently it is not possible to opt out of attending that subject until the end of basic education. IHROBiH asked the Ministry of Education and Culture of the RS to proceed with the drafting of the new Law on Elementary education and that the new law defines in more detail the procedures for making a decision on the study of religious education in primary schools and that, accordingly, all doubts and ambiguities in the matter be removed religious studies in primary schools. In the RS, the new Law on Basic Education came into force, ³⁶⁷and during 2023, IHROBiH will monitor the implementation of the Law.

The child's mother turned to IHROBiH because she sent a request to the school attended by her child that she, as a parent, attend classes with the child, but she did not receive any response to the request. ³⁶⁸ IHROBiH immediately contacted the school, which then informed them that they

In addition, Article 54 of SCPCEA stipulates that: *"1) The founder of the preschool institution shall secure the funds necessary for its establishment and operations and for the provision of preschool care and education in accordance with the Standards and Norms."*

³⁶⁵Cases no Ž-BR-04-227/21 and Ž-BR-04-24/22; In case no Ž-BR-04-227/21, IHROBiH Recommendation P-35/22 was issued on 28 January 2022.

³⁶⁶In the reporting period, case no Ž-BL-01-643/21 was registered, noting that there had been such cases before as well and the recommendation was issued to the RS Ministry of Education and Culture and dated 23 November 2017 (Recommendation no P-311/17 in case no Ž-BL-01-627/17).

³⁶⁷RS OG, no 81/22.

The Act stipulates as follows:

Article 10

- (1) Religious freedoms shall be protected and tolerance and the culture of dialogue shall be developed in elementary education.
- (2) Pupils shall attend Religious Education classes if this is in accordance with the convictions of their parents, guardians or adoptive parents (parent).
- (3) Pupils who, at the request of their parents at the start of Religious Education classes in accordance with the curriculum state that they do not want to study Religious Education shall not be put in a disadvantageous position compared to other pupils.

Article 38

- (1) The process of care and education is carried out on the basis of the curriculum adopted by the Minister at the proposal of the Institute.
- (2) The Minister shall adopt the Rulebook on the Elementary School Curriculum.
- (3) Notwithstanding paragraph 1 of above, the Religious Education Curriculum shall be issued by the Minister at the proposal of the competent body of the respective church or religious community, with the previously obtained ruling from the Institute.

Article 201

The Minister shall issue the following rulebooks within one year from the day this Act comes into effect:

- 1) Elementary School Curriculum (Article 38 paragraph (2)).

³⁶⁸Ž-SA-01-18/22.

did not consider it necessary to act on the request at all, because they fully respect the findings and recommendation of the psychologist, and therefore the mother's request was granted.

Parents of students at an elementary school turned to IHROBiH, dissatisfied because according to the weekly schedule during the pandemic, students come to school for classes only two or three days, while the rest of the classes take place online.³⁶⁹ Parents consider this unacceptable and demand that solutions be found for students to attend school every day, without online classes. According to the statements of the relevant ministry and the school, classes are organised according to the combined model. The organisation of the work and the teaching process is aligned with the valid methodological instructions and instructions of the authorities in order to prevent and control infection with the COVID-19 virus, which all parents are familiar with in a timely manner. During the intervention of IHROBiH, with the additional effort of the school and other entities, the classrooms were reorganised and additional desks were obtained from the competent municipal authorities, the dissatisfaction of the parents was eliminated, but primarily the best interests of the children were ensured.

The child's parents complained to IHROBiH, believing that the school violates and threatens their child's rights.³⁷⁰ The parents do not deny that their child has bad grades, but they describe the numerous difficulties he is going through due to the adolescent crisis and want help so that the child does not repeat the grade. During the research process, it was established that the competent educational authorities (Pedagogical Institute and relevant ministry) recommended that the knowledge of students in one subject be checked by a committee. The school accepted the recommendation, the child took the subject by committee and then remedial exams and successfully completed the class.

8.8. The right to health

IHROBiH were approached by the acting judge of the competent regular court, demanding from IHROBiH help to place a child with serious behaviour disorders (psychiatric diagnosis) in an adequate institution, and this is a child³⁷¹ without parental care (parents deprived of the right to live with the child for a period of time period). In this case, the competent guardianship authority appointed a guardian for the child and a request was sent to numerous social and healthcare institutions in BiH for the urgent placement of the child. During the research process, it was established that there is no adequate institution in the entire territory of BiH in order to place a child without parental care with serious health problems and behaviour disorders in an institution, in which, in addition to the stay, the child will be provided with adequate medical treatment. The child was placed in a psychiatric clinic, due to educational neglect, inability to function in the emotional and social field, tendency to antisocial forms of behaviour, auto-destructive behaviour and use of psychoactive substances. After the stabilization of the condition and the prescribed therapy, the child leaves with the mother, regardless of the imposed measure that deprives her of the right to live with the child. The competent guardianship body clarifies that, due to the impossibility of placing the child in a suitable institution or in a specialised foster

³⁶⁹Ž-SA-01-123/22.

³⁷⁰Ž-BL-01-411/22.

³⁷¹Ž-MO-01-64/21.

family, they undertook additional efforts to strengthen the mother's parental capacity, and all the time they continue to turn to institutions to place the child, but to no avail. In this particular case, the authorities took the measures prescribed by law, but all this did not result in placement in an appropriate social and health institution and effective protection of the child.

This problem is also indicated by the case in which the competent Social welfare centre addresses IHROBiH, because it is not possible to find a suitable institution or foster family to relocate a child from a family that is a victim of sexual abuse with the diagnosis "adjustment disorder and emotional disorders in childhood, *unspecified*"³⁷². Regardless of the lack of an adequate institution, the child was placed in a specialised foster family that has many years of experience in fostering and in which he has full support (the child's health condition stabilized and there was no need for new hospital treatments).

Acting on the parents' complaint, it was observed that the competent health insurance fund does not approve the accompanying of another person to the child, in the case of treatment of the child outside the fund's jurisdiction. After IHROBiH's address, the competent commission for determining the right to healthcare outside contractual healthcare institutions with due care accepted IHROBiH's suggestion indicating the necessity of reviewing the legal regulations governing the issue in question.³⁷³

As in previous reporting periods, parents who are dissatisfied with the healthcare provided in healthcare institutions turn to IHROBiH. In cases of this type, parents are advised to use all legal options in order to protect their rights, i.e. the rights of the child as a patient, and the competent authorities to act within the legal deadlines and in accordance with the laws, i.e. by-laws.³⁷⁴ This also means that it is necessary to review the existing procedures for dealing with complaints and complaints of patients by healthcare institutions and relevant ministries.

8.9. Vaccination of children

During the pandemic caused by the COVID-19 virus, IHROBiH dealt with numerous issues in the field of children's rights. As data on the number was not available of vaccinated children from the beginning of the pandemic until the end of 2021, IHROBiH invited the competent entity institutes for public health and the Department of Health and other services of the Government of BDBiH to provide them with the requested data.³⁷⁵

³⁷²Ž-BL-01-776/19.

³⁷³Ž-BR-04-276/21.

³⁷⁴Ž-BL-01-847/21; The complainant states that he verbally addressed the on-duty doctor since the child's life was in danger due to a skin infection and he was admitted for hospital treatment. However, every communication with the doctor regarding the health condition of the child was met with laughter and jokes, with claims that the resulting reactions were not an emergency. The disgruntled parent complained to the hospital director and the relevant ministry but all complaints were rejected. IHROBiH had no way to determine the quality of the healthcare provided and the parent was advised to try to protect the child's rights through court, all in accordance with the applicable healthcare legislation.

³⁷⁵These are data from the beginning of the pandemic until the end of 2021 and the case was registered under no Ž-BL-01-836/21.

The provided statistical data are tabulated:

Area	Getting the vaccine	Age of children	Vaccination 1st dose	Vaccination 2nd dose	Vaccination 3rd dose	Total number of vaccinated children
FBiH	has not received the vaccine for children aged 5 to 11 years	age 12 to 14	61	392	no child	453
		age 15 to 18	577	2563	3	3143
Serbian republic	received the vaccine for children aged 10 to 14 years	age 10 to 14	102	80	no child	182
		age 15 to 18	2508	2226	30	4764
BDBiH	received the vaccine by act of 16.05.2022	age 12 to 14	1	no child	no child	1
		age 15 to 18	48	39	1	88

8.10. Support for families with multiple children

Since the beginning of 2019, IHROBiH has insisted that the competent city authorities in Banja Luka seriously approach the analysis and consider the request of the Association of parents with four or more children for free city public transport for all high school students and students from multi-member families (4+) from the area of the City of Banja Port. ³⁷⁶The City of Banja Luka has informed IHROBiH ³⁷⁷that from March 2022, in accordance with the rebalancing of the city budget, subsidized monthly tickets in public city and suburban transport will be provided for children attending secondary schools and regular students from families with four or more children.

8.11 . Protection of children in judicial proceedings

Acting on the complaint of one parent, IHROBiH determined that the child did not go on the excursion organised by the school due to the disagreement of the other parent. ³⁷⁸It is indisputable that the parent to whom the child was entrusted had the right to initiate non-litigation proceedings in this case, but due to the short time left until the children went on an excursion, the child did not go on the excursion, which represents a violation and endangerment of the child's rights.

The parent/father addressed IHROBiH stating that his ex-wife had moved abroad with the child without his knowledge and consent, which prevented the child from having personal and direct contact with the father. ³⁷⁹The complaint indicates a possible violation from Article 3 of the Convention on Civil Law Forms of International Child Abduction, as well as the existence of features of the criminal offence of taking away a child or minor. At the request of IHROBiH, the competent prosecutor's office informs that the collection of evidence is in progress, in order to verify the allegations from the criminal charge. Competent internal affairs authorities took several actions, but the child's mother was not found and, accordingly, could not be questioned. As the authorities pointed out, the child's father found out the mother's address and did not contact IHROBiH again.

³⁷⁶Ž-BL-01-99/19.

³⁷⁷Document no 19-059-1930/21 dated 26 January 2022.

³⁷⁸Ž-MO-01-57/22.

³⁷⁹Ž-MO-01-191/21.

Acting on the mother's complaint,³⁸⁰ it was established that the marital relations between the complainant and the children's father (spouse) were seriously and permanently disturbed, which resulted in the filing of a lawsuit for divorce and the de facto termination of the marital union. After the de facto break-up of the marriage union, the children were with their father, more precisely with his parents, because the father works abroad. The mother had no contact with the children and turned to IHROBiH. The results of the research procedure indicated that the competent guardianship authority acted in accordance with its powers and competences at all times in that it issued a decision temporarily entrusting minor children to their mother for protection and upbringing, until the decision of the competent court on divorce and custody of children. Since the children were not handed over to the mother, the complainant submits a proposal for permission to execute the decision of the guardianship authority to the competent municipal administrative authority. The procedure for executing the decision lasted longer (seven months), but the competent administrative authorities, especially the expert workers of the guardianship authority, undertook numerous activities in order to hand over the children to the mother, while the court proceedings were still ongoing. The court proceedings lasted too long and the court did not determine temporary measures within the legal deadlines.³⁸¹

8.12. Protection of children from sexual exploitation and abuse

Acting on citizens' complaints, but also reacting and responding to numerous media inquiries and media reports, IHROBiH notice numerous problems in the area of child protection from sexual exploitation and sexual abuse, and in this direction have been advocating changes for years, especially the introduction of legal preventive measures.

In 2012, BiH ratified the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse.

of Persons Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children³⁸² entered into force, and the Register was established in the RS in accordance with the Law. Passing the law, which regulates the collection and storage of data on perpetrators of sexual abuse and exploitation of children, is an obligation that BiH undertook by accepting the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse. IHROBiH will continue to insist that the competent authorities in the FBiH act in accordance with international standards and implement IHROBiH's recommendation, which required the harmonisation of criminal legislation in the FBiH.³⁸³

Based on the results of the investigation procedure in the case opened *ex officio*,³⁸⁴ IHROBiH, following the continuity of the proceedings of the courts and prosecutor's offices, established that criminal proceedings last too long. The State Investigation and Protection Agency (SIPA)

³⁸⁰Ž-BL-01-791/20.

³⁸¹IHROBiH representatives monitored the court proceedings.

³⁸²RS OG, no 31/18.

³⁸³Ž-BR-01-176/18 Recommendation no P-117/19 dated 19 April 2019 issued on 3 June 2019.

³⁸⁴Ž-BL-01-582/17, *worrying media reports claim that the Facebook group has more than 2,000 members and that shocking videos, photographs accompanied by paedophilic and incestuous statuses about one's own children and close relatives are posted.*

received several reports from citizens regarding the Facebook group called "Forbidden secrets of incest". Since it is about the criminal acts of incest, paedophilia and child pornography, the prosecution of which is the responsibility of the entity police authorities and the police authorities of the BDBiH, the reports were forwarded to the competent police authorities of all government levels. IHROBiH states that most criminal proceedings have not been completed, in some cases the competent prosecutor's office has not even issued an order to conduct an investigation. Likewise, in the case following the complaint of the child's mother,³⁸⁵ IHROBiH note that the mother reported sexual abuse of the child to the authorities by the father in May 2020, and the criminal proceedings are still ongoing.³⁸⁶

8.13. Protection of minors in conflict with the law

In 2021, IHROBiH prepared a Special Report on the situation in institutions where children in conflict with the law are housed and sent recommendations to the competent authorities. The recommendations were sent to the competent authorities, as well as to the institutions that were included in the research.³⁸⁷

IHROBiH monitored the implementation of recommendations during 2022, and bearing in mind that the deadlines for the implementation of recommendations are different, they will do so during 2023 as well.

IHROBiH would like to point out that most of the recommendations were implemented by the institutions, which cooperated with IHROBiH to the full extent and quality and submitted all the requested data, with a note that the Orašje Correctional Institution did not submit data on the implementation of the recommendations until the end of 2022.

IHROBiH state that it is The High Judicial and Prosecutorial Council of BiH acted on the recommendation³⁸⁸ to introduce the Report to the courts and prosecutors' offices, as well as to emphasise in their actions and communication with the courts and prosecutors' offices the obligation of judges and prosecutors for minors to regularly visit minors in conflict with the law in institutions. It was also recommended that all juvenile judges from the territory of the FBiH consider the possibility of temporary placement of juveniles during the preparatory procedure within the Department for Observation and Diagnostics at the Institute for the Education of Male Children and Youth in Sarajevo or within the Education Centre when imposing a detention measure. Sarajevo Canton and to encourage juvenile prosecutors and juvenile judges to implement educational recommendations.

Centres for the education of judges and prosecutors were recommended by IHROBiH to include in their annual work programmes a significantly larger number of topics (at least five during one calendar year) in the field of children's rights, juvenile delinquency and their criminal protection with the aim of acquiring additional special knowledge and continuous professional training and

³⁸⁵Ž-BL-01-17/21.

³⁸⁶Ongoing main hearing.

³⁸⁷Institute for the Care of Male Children and Youth Sarajevo, Istočno Sarajevo Penitentiary, Orašje Penitentiary, Sarajevo Canton Care Centre, Tuzla Canton Care Centre, Banja Luka Penitentiary.

³⁸⁸HJPC BiH document no 12-50-2-2287-2/2022 dated 6 July 6 2022.

improvement of judges and prosecutors for minors, and during 2022 they did not receive feedback from the centres for the education of judges and prosecutors.

8.14. Other activities in the protection and promotion of children's rights

Ombudspersons participated in the Final Conference of the Justice for Every Child program in Sarajevo. Justice for every child is a program implemented by UNICEF in BiH in cooperation with the authorities and competent institutions with the support of the governments of Switzerland and Sweden since 2010.³⁸⁹

Representatives of IHROBiH attended the meeting of the Group for the Promotion and Protection of Children's Rights in BiH, which consists of representatives of international organisations, non-governmental organisations and members of the Children's Council of BiH³⁹⁰. IHROBiH believe that it is important that the BiH Ministry for Human Rights and Refugees follows the recommendations of the UN Committee on the Rights of the Child, and the importance of adopting the Action Plan of BiH for the social inclusion of Roma men and women for the period 2021-2025 was highlighted³⁹¹. At the meeting, it was concluded that the problem is the lack of systematic monitoring of indicators on children's rights in BiH.³⁹² The importance of adopting the GREVIO report³⁹³ and opening available crisis centres for victims of rape or sexual violence in order to ensure medical and forensic examinations, support for the trauma experienced and counselling of victims as part of the project "Strengthening the capacity of institutions to solve gender-based violence in BiH" was also highlighted³⁹⁴.

³⁸⁹Two-day conference, held on 18 and 19 May 2022; The conference gathered around 150 participants, representatives of systems of justice, social protection, education and internal affairs, as well as municipalities, the academic community, human rights institutions, non-governmental organisations and other strategic partners in the justice system. One of the conclusions of the Conference is that BiH has in the past period made progress in the protection of children's rights, primarily in terms of harmonising the legislative framework with the Convention on the Rights of the Child. The authorities' awareness of children at risk and children in conflict with the law has been raised, the legislative and strategic framework for children has been strengthened, the provision of services has been improved, etc. "UNICEF's program contributed to a better application of the law on the protection and treatment of minors in criminal proceedings, improved the application of procedural redirection and alternative measures for children in conflict with the law, and improved support services for children in the justice system. The conclusion is that, after the successful completion of the "Justice for Every Child" programme, 63% of municipalities and cities in BiH meet the requirements to apply key redirection measures for children in conflict with the law, such as community work measures and even 67% prosecutors in BiH use these measures instead of criminal ones, the number of convicted children between 2011 and 2020 decreased by 71%, and the number of children in conflict with the law decreased by 45% compared to 2014 (UNICEF data).

³⁹⁰The meeting was held on 2 June 2022. organised by the BiH Ministry for Human Rights and Refugees and UNICEF.

³⁹¹The measures and activities within the Action Plan aim to reduce discrimination against Roma men and women and stop "anti-gypsyism", improve their employability and employment, improve the living conditions of the Roma population in BiH, improve the availability and quality of healthcare, as well as the coverage of their education in BiH by more effective implementation of the previously adopted Framework Plan on the Education Needs of Roma. The implementation of the Action Plan will be monitored by the BiH Ministry for Human Rights and Refugees and the Roma Committee of the BiH Council of Ministers.

³⁹²By way of example, it is stated that the last state-level Multiple Indicator Cluster Survey (MICS) was conducted in the period between 2011 and 2012 and the number of recent data on children is limited.

³⁹³ 11 June 2020, the Council of Ministers, at the proposal of the Ministry of Human Rights and Refugees, adopted the Bosnia and Herzegovina Report on Legislative and Other Measures Giving Effect to the Provisions of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

³⁹⁴Three centres of this type have so far been opened in BiH: Tuzla, Mostar and Sarajevo.

In accordance with the message of this year's celebration of the International Children's Day " *Inclusion, for every child*" , aligned with the global UNICEF campaign, IHROBiH, through a press release , ³⁹⁵called on all relevant actors to respect the child's opinion and involve children in deciding on all matters that concern them.³⁹⁶

The Ombudsperson Institution participated in numerous activities to mark the International Children's Day, including the visit of students from the "Ljubiša Mladenović" Secondary School Centre to the headquarters of IHROBiH in Banja Luka, the Ombudsperson's participation in the UNICEF campaign in BiH "Children take over" and the visit of representatives of IHROBiH JU Sunce Centre in Prijedor (institution for education and habilitation of children with developmental disabilities).

As part of the promotional activities on the occasion of the International Children's Day, representatives of the International Organisation for Migration (IOM) were also discussed about the challenges of migration and the current situation in BiH, with special reference to the rights of migrant children.

IHROBiH strive to participate as much as possible in the activities of the European Network of Ombudsmen for Children of Europe ³⁹⁷. In addition to constant online communication and exchange of experiences and examples of good practice in the field of children's rights , representatives of IHROBiH took an active part in the so-called the spring seminar that was held in Warsaw (Poland) on the topic of climate change and children's rights, but also on the war events in Ukraine and the refugee crisis in Poland.³⁹⁸

³⁹⁵Dated 14 November 2022.

³⁹⁶Full statement: " From climate change, education and mental health, to ending racism and discrimination, IHROBiH points to the need for children to participate in issues that are important to their generation." They urge adults to accept the concept of children's rights as an everyday practice and to contribute as individuals to the full exercise of children's rights in our country. IHROBiH draws particular attention to the need to include children with developmental disabilities in regular education and to ensure more adequate healthcare for children with serious psychiatric diagnoses. We should not ignore the problems with the exercise of the rights of migrant children in BiH and the problem of Roma children in all aspects of their lives, but also of other children that are a completely socially excluded category mostly because of poverty. By continuously gaining information about the state of children's rights in order to monitor the application of international standards in this area and based on citizens' addressing IHROBiH, research, media reports and other sources of knowledge, IHROBiH observes that the situation regarding the protection and exercise of children's rights is becoming more complicated (frequent peer violence, online violence and other types of violence against children). Bearing this in mind, IHROBiH call for additional efforts so that every child in BiH enjoys all the rights they are entitled to in accordance with the Convention on the Rights of the Child, with a clear message that we are all obliged to hear the child's voice. IHROBiH also uses the opportunity to point out that the Committee for the Rights of the Child, which was established to review the progress achieved in the implementation of the Convention on the Rights of the Child and the fulfilment of the obligations undertaken by the State Parties by accepting the Convention, reminded the authorities in BiH³⁹⁶ that it is necessary to speed up the adoption of amendments to LHROBiH in order to improve IHROBiH's independence and efficiency and that it is necessary to ensure more adequate HR, technical and financial resources for the work of the IHROBiH Department for Monitoring the Exercise of Children's Rights."

³⁹⁷A network that brings together 44 independent institutions for the protection of children's rights in 34 countries. IHROBiH is a full member of the Network.

³⁹⁸Seminar held between 8 June and 10 June 2022.

8.15. Monitoring implementation of recommendations from Special Report on the Status of Exercise of the Right to Child Benefit in Bosnia and Herzegovina

During 2021, IHROBiH prepared a Special Report on the state of exercising the right to child allowance in BiH, with the intention of pointing out the problem of child poverty in BiH and the inadequate living standards of children.

Acknowledging the passage of time, IHROBiH requested from the authorities and institutions to which the recommendations were sent information on how to comply with them.

IHROBiH states that in the FBiH the Act on Financial Support to Families with Children came into force, while in the RS on 01.01.2022. In 2008, the Act on Amendments to the Law on Child Protection entered into force,³⁹⁹ which expanded the scope of the right to allowance for children and the first child in the family, and increased benefits for the second, third and fourth child, as well as for children from sensitive categories, which aimed to ease part of the economic burden of raising children in these families.

The Government of the RS adopted the Decision⁴⁰⁰ on the development of the Social Protection Strategy of the RS for the period from 2023 to 2029, which will determine the goals and priorities of the development of social protection in the RS, and activities on the development of the Strategy are ongoing. The government expressed its determination to approach the project of drafting the social map and an interdepartmental working group was appointed to draft the Law on the Social Map.⁴⁰¹

One of the IHROBiH recommendations to the Government of RS was to carry out an assessment, i.e. an analysis of all the effects of the Act on Amendments to the Law on Child Protection from 2019, which entered into force on January 1, 2020. year, in terms of beneficiaries of rights, but also in terms of the budget of RS.

The Public Fund for Child Protection of RS did the requested analysis.⁴⁰² IHROBiH states that most of IHROBiH's recommendations have been respected, but they will continue to insist on improving the position of the child, especially appreciating the significant price increases of basic foodstuffs during 2022.

Until the end of 2022, IHROBiH did not receive a notification from the BDBiH Government about the actions taken regarding the issued recommendation: "*as the proposer of the law, to propose amendments to the Law on Child Protection so that children up to the age of 18 can exercise their right to child allowance. " years of life. "*"

³⁹⁹RS OG, no 119/21.

⁴⁰⁰ 166th session held on 21 April 21 2022.

⁴⁰¹RS Government decision no 04/1-012-2-3292/21 dated 4 November 2021 appointed the task force.

⁴⁰²no FDZ 2196/22 dated 17 May 2022.

IHROBiH remind that they demanded from the competent authorities of all government levels that the child be recognised as entitled to child allowance until he reaches the age of 18, without exception and without conditions.

IX. RIGHTS OF PERSONS WITH DISABILITIES

9.1. Introduction

Bosnia and Herzegovina ratified the UN Convention on the Rights of Persons with Disabilities in 2009, thereby accepting the key principles on which the Convention is based and committed to incorporate the material provisions of the Convention into its legislation, with the aim of ensuring equality and full participation of persons with disabilities. disability in society without any form of discrimination. The main purpose of the UN Convention on the Rights of Persons with Disabilities is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of all persons with disabilities and to promote respect for their inherent dignity. By Article 4 of the UN Convention, the signatory states undertake to ensure the full realisation of all human rights and fundamental freedoms for persons with disabilities without discrimination on the basis of disability. With this aim, the signatory states undertake to, among other things, accept legislative, administrative and other measures for the enforcement of the rights recognised by this Convention.

In the Progress Report for BiH for 2022, the European Commission pointed out the areas in which it is necessary to act as a priority, and in that context pointed out that people with disabilities are among the most vulnerable groups, and that there was no progress in solving the problems that were previously identified, especially in terms of deprivation of legal capacity, discrimination based on status, as well as accessibility of facilities.⁴⁰³

more than seven years have passed since the decision of the European Court of Human Rights in Strasbourg in the case of Hadžimejlić and others against BiH. ⁴⁰⁴The prerequisites for the implementation of the said judgment have not yet been met, and it is also obvious that there is no will to change the legislation, which would pave the way for the implementation of the said judgment.⁴⁰⁵

The European Commission's Report on the Progress of BiH for 2022 clearly identifies this problem as an area where no progress has occurred, and it is clearly stated that "The law *still allows persons with disabilities to be deprived of legal capacity in court proceedings - in violation of international conventions*".

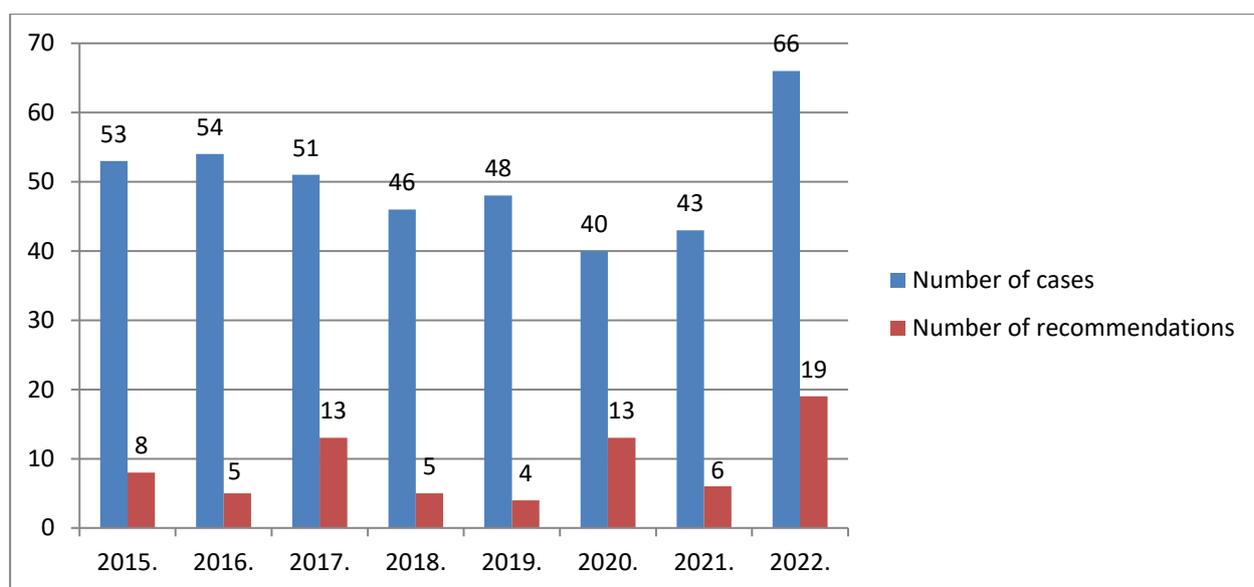
⁴⁰³European Commission's Bosnia and Herzegovina 2022 Report, p. 35; https://www.dei.gov.ba/uploads/documents/izvestaj-o-bosni-i-hercegovini-za-2022-godinu_1666693844.pdf.

⁴⁰⁴Judgment Hadžimejlić and others v. BIH, available at http://www.mhrr.gov.ba/ured_zastupnika/odluke/PRESUDA%20HADZIMEJLIC%20I%20DRUGI%20protiv%20BIH.pdf.

⁴⁰⁵On 3 November 2015, ECtHR issued a judgment in the case Hadžimejlić *et al.* v. BiH. In this decision, ECtHR found that BiH had violated Article 5 (right to liberty and security) of the European Convention of Human Rights because applicants had for years been placed in the social protection institution PI Institute for the Care of Persons with Mental Disabilities Drin in Fojnica without a valid legal ground, i.e. without a court decision, given that continuous judicial control of the justifiability and meaningfulness of holding application in this or similar social protection institutions was not provide. It follows from the aforementioned judgment that there is a structural problem in BiH regarding the treatment of persons who have been deprived of business capacity and who are placed in social protection institutions, without applying the standards of control required by the European Convention of Human Rights. In other words, there are a potentially significant number of persons in a similar situation, who have grounds to submit a petition to the Court in Strasbourg, and it is necessary to urgently approach the harmonisation of the relevant legislation in BiH with the standards of human rights arising from the Convention.

9.1.1. Statistics

During 2022, IHROBiH received 66 complaints, and 19 recommendations were issued. Compared to 2021, the number of complaints in this Department increased by 53.49%. One of the reasons for the increase is the decision of IHROBiH to act *ex officio*. Thus, in the reporting period, 14 cases were registered *ex officio*, based on information from the media or in another way. Certainly, the number of violations of the rights of persons with disabilities in practice is even greater, just as the problems of persons with disabilities in BiH are multiple.



Analysing the complaints that IHROBiH considered during 2022, it is concluded that the complaints received are the result of:

- lack of legislation regulating certain areas;
- inadequate application of existing legislation.

9.2. Initiatives and legal amendments

A positive development in relation to the area of social protection and protection of the rights of persons with disabilities is the fact that during 2022, several laws and legal regulations came into force, which more adequately regulate the various areas in which persons with disabilities exercise their rights.

*The Law on Social Protection Institutions in the FBiH*⁴⁰⁶, in the process of adoption of which IHROBiH also participated, by referring comments to the Preliminary Draft of the Law, solves the subject area in a systematic way. It is particularly important to mention that a number of the IHROBiH recommendations were included in the text of the aforementioned Law, which is actually the main purpose and goal of the recommendations themselves, which is the improvement of human rights.

⁴⁰⁶FBiH OG, no 64/22.

According to the information of IHROBiH, the FBiH Government has established the *Draft Law on the unique principles and framework of material support for persons with disabilities*, which establishes the definitions of persons with disabilities and disability itself, unique principles and institutional model for assessing the degree of disability, the framework and a unique pillar of material support for people with disabilities. In addition, fundamental rights are determined, the scope and conditions under which they are exercised, the basis for these rights, and financing, the purpose of paying monetary compensation for recognised rights, the procedure for exercising fundamental rights, supervision over the application of laws and other issues of importance for the exercise of fundamental rights persons with disabilities in the territory of FBiH. IHROBiH will monitor the process of adoption of the aforementioned Law.

It is very important to point out that the Management Board of the FBiH Institute for Forensic Medical Examinations adopted the new *Rulebook on the unique criteria and rules of the procedure for the medical examination of the state of health*,⁴⁰⁷ which regulates the unique criteria and rules of the procedure of the medical examination of the state of health, which is carried out at the Institute for Medical Examination of the State of Health, in the procedures for exercising rights in the area of:

- pension and disability insurance;
- social protection, child and disability protection, protection of civilian victims of war;
- veterans-disability protection;
- of defence.

The Rulebook contains a unique List of Disabilities, and it is important to point out that with the adoption of the aforementioned Rulebook, the application of the Instructions that were previously applied with the List of Disabilities ceased. In this way, IHROBiH's long-standing insistence that the assessment of disability should be returned to the legal framework and that the application of the Instructions based on the discretionary assessment of the Medical Commission be stopped. The adoption of this Rulebook significantly reduced the number of complaints related to the work of the FBiH Institute for Forensic Medical Examinations, so only four complaints related to the work of the Institute were received in 2022.

IHROBiH is obliged to point out negative aspects and current shortcomings when it comes to exercising the rights of persons with disabilities, in the context of existing legislation:

- At FBiH and RS levels, there are still no databases of persons with disabilities, which would contribute to the improvement of data collection, as pointed out by the European Commission;
- At the level of the FBiH, a new strategic document for the rights of persons with disabilities has not yet been adopted, nor has a strategy on the deinstitutionalisation of social protection institutions in the FBiH, which would enable multisectoral support for children and adults, including capacity building and strengthening of human resources of public services, to which the European Commission also pointed out;
- The laws on professional rehabilitation and employment of persons with disabilities in both entities have not yet been amended in terms of the IHROBiH recommendations from the Special Report on Experiences in the Application of Laws on Professional

⁴⁰⁷FBiH OG no 63/21.

Rehabilitation and Employment of Persons with Disabilities. The law has not yet been adopted in BDBiH.

In the following part of the text, IHROBiH will refer to the thematic areas that were considered during 2022, with concrete observations of IHROBiH from individual cases.

9.2.1. Problems in the application of the FBiH Act on Foster Parents

In the process of adopting *the Foster Parents Act in the FBiH*⁴⁰⁸, IHROBiH were involved by issuing opinions. It is the law entered into force at the end of 2021 when several problems arose in practice, which resulted in complaints from citizens sent to IHROBiH. The problems can be summarised as follows:

- The FBiH Ministry of Labour and Social Policy did not, within three months from the entry into force of the Law, submit a proposal for Amendments and Supplements to the FBiH Act on Foster Parents, in accordance with the Conclusion of the House of Peoples of the FBiH Parliament, and taking into account the comments made in the debate in the House of Peoples FBiH Parliament;
- Social welfare centres are faced with a problem when calculating, registering and paying the monthly allowance and related contributions for caregivers, especially in terms of the lack of clarity on how to register parents as employees of Social welfare centres;⁴⁰⁹
- In the end, the foster parents who duly submitted their requests within the stipulated period, are faced with the silence of the administration, as a result of the previously mentioned problems.⁴¹⁰

In addition to the aforementioned problems, IHROBiH clearly pointed out to the FBiH Ministry of labour and Social Policy a series of legal illogicalities, which stem from Article 16 of the Foster Parents Act, which stipulates that the decision made in the first instance recognising the right based on this law is subject to revision, which implemented by the FBiH Ministry of labour and Social Policy. However, at the same time, the deadline in which the mentioned Ministry must complete the audit procedure is not prescribed. This kind of legal solution ultimately brings citizens, that is, complainants, parents of the most difficult categories of persons with disabilities, to a state of uncertainty as to whether and when the right will finally be recognised, i.e. when they will start receiving compensation, which is the main purpose of this Law. According to the response of the aforementioned ministry, a proposal for amendments to the aforementioned law will be prepared in the following period.⁴¹¹

9.3. Accessibility

The problems faced by people with disabilities differ depending on the type of disability, as well as the area in which they exercise certain rights. However, what is absolutely certain is that all persons with disabilities face the problem of accessibility - architectural, information, media,

⁴⁰⁸*FBiH OG*, no 75/21.

⁴⁰⁹Ž-SA-02-99/2, P-131/22 dated 28 April 2022; Recommendation implemented; Ž-BL-02-213/22.

⁴¹⁰Ž-BL-01-396/20, Ž-SA-02-948/22 - P-301/22 dated 27 October 2022; Recommendation implementation monitored; Ž-SA-02-408/22, P- 131/22 dated 04/28/2022; Recommendation implemented.

⁴¹¹FBiH Ministry of Labour and Social Policy, document no UP II 05-31/6-1-48/22 EZ dated 12 December 2022.

accessibility of services and public services. In the context of Article 9 of the UN Convention on the Rights of Persons with Disabilities, states have the obligation to take appropriate measures to ensure accessibility to persons with disabilities, including spaces, buildings, information, communications and other services, including electronic services and emergency services, *etc.*

It is very important to point out that the UN Committee on the Rights of Persons with Disabilities in its Final Considerations from April 12, 2017. expressed ⁴¹²concern that there is no comprehensive accessibility strategy or laws with effective sanctions, which would be harmonised at all levels, and that mass electronic media services are not provided in a format that is accessible to people with disabilities. The committee issued specific recommendations to BiH with the aim of eliminating the perceived shortcomings.

On the importance of accessibility for people with disabilities, IHROBiH has repeatedly expressed the view that people with disabilities are considered a vulnerable group that is prevented from achieving full and effective participation in all spheres of social life, on an equal basis with other citizens, due to various barriers in their behaviour and environment. Denial of access to the physical environment, as well as to information, communications and services, is considered discrimination. This is especially important in the context of the work of public institutions as service providers. It is of crucial importance that public institutions at the local level, through which most rights are exercised, as well as other institutions that provide services, remove architectural barriers, adapt the way of providing information to persons with disabilities, provide additional assistance to persons with disabilities, *etc.*

In the legislation of BiH, issues of accessibility are most precisely regulated in the Laws on Spatial Planning and Construction at the level of both BiH. entity, and in laws in the field of education, healthcare, employment, but these regulations treat the issue of accessibility exclusively as a matter of architectural accessibility and partly of accessibility of equipment that is installed in space or buildings. Except, partially in the area of healthcare and education, there is no appropriate legal regulation that would regulate the area of accessibility of services intended for the general population and services specifically intended to support persons with disabilities.

Legislation regulating the field of information, especially information that is produced in electronic formats and distributed via the Internet or mobile applications, has not been developed in BiH.

For the sake of illustration, one of the cases handled by IHROBiH during 2022 related to the unprofessional behaviour of a truck driver towards a person with a disability, a user of an occupational aid, in such a way that he rudely told him on several occasions that he could not travel without an escort. The complainant pointed out in the complaint that this kind of behaviour is not rare when it comes to the mentioned driver. The case was successfully concluded after the intervention of IHROBiH .⁴¹³

⁴¹²Concluding comments available at:

http://www.mhrr.gov.ba/ljudska_prava/Prava_osoba_sa_invaliditetom/Zakljucna%20razmatranja%20i%20reporuke%20Komiteta%20za%20prava%20osoba%20sa%20invaliditetom%20za%20BiH.pdf

⁴¹³Ž-MO-02-15/22.

A similar case refers to a complaint in which the complainant - a person with a disability claims that he was denied access to a public institution due to architectural barriers. The complaint points out that he was offered to ask for help from other people who would be willing to "carry" him to the office premises, which he did not agree to, because he had been seriously injured in such a way in the past.⁴¹⁴ The investigation procedure is ongoing, and IHROBiH will act in terms of the prescribed powers, guided by the UN Convention on the Rights of Persons with Disabilities.

Ensuring an adequate number of parking spaces for people with disabilities is also an issue of accessibility. IHROBiH, with a recommendation issued following a complaint by a person with a disability, encouraged the local self-governance unit to mark the parking space provided for the parking of vehicles by persons with disabilities.⁴¹⁵

9.4. Guidelines for improving everyday communication with people with disabilities

Bearing in mind the numerous challenges and problems that people with disabilities face when it comes to accessibility, IHROBiH created a document in 2022 called "*Guidelines for improving everyday communication with people with disabilities*"⁴¹⁶. Recognizing the importance of adequate and human rights-based access to persons with disabilities, IHROBiH with this document want to contribute to raising the awareness of the public, public authorities and legal entities about the importance of respecting the integrity, dignity and equality of persons with disabilities.

The guidelines contain specific instructions on how to approach and communicate with people with disabilities, adapted to the type of disability. IHROBiH sent a clear message that people with disabilities should be treated like all other people without disabilities. People with disabilities are not "people with special needs", because they have the same needs as everyone else - the need to ensure their basic existence, the need for communication and companionship, for respect and recognition, for education, for advancement, as well as the need for self-realisation. The only difference is that people with disabilities meet their needs in a different way – for example, they need a differently organised space, more time to successfully complete a certain job or a different way of communication, adapted to their needs and disability. The use of language, or more precisely, the way people with disabilities are addressed, is closely related to the development of methodologies in providing support to people with disabilities.

9.5. Conflict of jurisdiction of social welfare centres

An issue that has been relevant for a number of years is the question of the conflict of competences of Social welfare centres, especially in cases of simultaneous existence of the

⁴¹⁴Ž-MO-02-147/22.

⁴¹⁵Ž-SA-02-89/22, P-132/22 dated 21 April 2022; Recommendation implemented.

⁴¹⁶Guidelines for Improving Everyday Communication with Persons with Disabilities, available at: https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2022120108585014bos.pdf; the document was presented to the public on 1 December 2022 to mark the International Day of Persons with Disabilities.

authority of entity Social welfare centres. A specific problem arises when a person with a disability, or more precisely a person deprived of business capacity, whose guardian is a Social welfare centre of one entity, changes residence to another entity.

IHROBiH investigated the mentioned issue,⁴¹⁷ and found that the Ministry of Civil Affairs of Bosnia and Herzegovina is aware of the problem, and that it has initiated a meeting with entity Social welfare centres on several occasions, but without success. However, not all competent institutions are aware of the alleged activities of the Ministry of Civil Affairs of BiH. Entity ministries from the field of social protection are involved in solving the above-mentioned problem. In this particular case, IHROBiH found that the issue of the conflict of jurisdiction between the entity Social welfare centres and BDBiH has not yet been resolved. IHROBiH's recommendation on the necessity of solving this issue from the Special Report "The Role of Social welfare centres in the Protection of Children's Rights" from 2013 has not been followed until today. The actions taken by the Ministry of Civil Affairs of BiH did not prove to be effective, because the entity ministries state that they have no knowledge of the actions taken, in which, according to the claims of the Ministry of Civil Affairs of BiH, they were involved and informed.

The issue of resolving conflicts of jurisdiction is directly related to the realisation of human rights. In this particular case, it is about systemic support for a person who has been deprived of legal capacity, but who, regardless, has the right to freedom of movement and participation in decision-making for which he has the capacity. Freedom of movement with support in the form of guardianship that will accompany the ward is one of the basic principles of realising human rights. IHROBiH clearly pointed out the need to take action in order to resolve the issue of the conflict of competences of Social welfare centres located in different entities, that is, BDBiH.⁴¹⁸

9.6. Appointment of Council of People with Disabilities

The House of Representatives of the BiH Parliamentary Assembly, considering the Special Report on the effectiveness of legal solutions in the field of professional rehabilitation and employment of persons with disabilities in BiH⁴¹⁹, adopted a Conclusion⁴²⁰ ordering the BiH Council of Ministers to start the procedure for electing a new convenes the Council for Persons with Disabilities, as required by the recommendation.

IHROBiH *ex officio* registered the case and decided to monitor the implementation of the aforementioned Conclusion of the House of Representatives of the BiH Parliamentary Assembly.⁴²¹ IHROBiH cooperated with the BiH Ministry for Human Rights and Refugees, and they monitor the appointment process itself and new initiatives that are referred to the parliamentary procedure.

⁴¹⁷Ž-BL-02-176/22.

⁴¹⁸P-223/22; Recommendation implementation monitored.

⁴¹⁹https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2021072208592983bos.pdf

⁴²⁰ PABiH House of Representatives' conclusion no 01-50-1-15-28/22 dated 27 April 2022, adopted at the 28th session held on 27 April 2022.

⁴²¹Ž-SA-02-508/22.

9.7. Exercising right to orthopaedic aids

9.7.1. Right of the deaf and hard of hearing to a hearing aid

IHROBiH registered a total of five cases *ex officio* in the field of exercising the rights of the deaf and hard of hearing. The work on the cases showed certain shortcomings in Exercising right to orthopaedic aids for deaf and hard of hearing people, as well as in the area of legal regulation of the right to sign language.

Attending conferences dedicated to the rights of persons with disabilities, dissatisfaction with the current situation was observed, which creates the obligation of competent institutions to continuously work on the improvement of rights through the modernization of orthopaedic aids and aids procured according to the person who needs them.

In the RS, a problem arose in the area of co-financing the purchase of a hearing aid because, when purchasing a hearing aid, the Health Insurance Fund co-finances the purchase in the amount of 360 KM, regardless of the price of the hearing aid as an orthopaedic aid. As needs "dictate" the type of hearing aid, the opinion is that co-financing should be determined as a percentage of the actual price of the hearing aid. Orthopaedic houses recommend the type of hearing aid regardless of the individual's will and desire, and purchase prices vary depending on needs/recommendations.

Another problem was identified in the matter of getting a baby alarm in orthopaedic aids, which is necessary in cases where both parents are deaf or hard of hearing. According to the estimate, the need to purchase a baby alarm is 2 to 3 times a year. Baby alarms cost around 400 KM. IHROBiH clearly indicated the need to solve the mentioned problems, in order to ultimately make everyday life easier for deaf and hard-of-hearing people. According to the response of the competent Fund, the inclusion of the baby alarm in the list of medical devices is not possible at the moment because it is not in the register of medical devices of the Agency for Medicines and Medical Devices of BiH, which IHROBiH will investigate separately.⁴²²

At the same time, in the FBiH, according to persons with disabilities, deaf and hard-of-hearing people are faced with the problem of maintaining hearing aids, after exercising the right to this orthopaedic aid. According to IHROBiH's findings, deaf and hard-of-hearing people have to buy hearing aid batteries independently, which exposes them to additional costs. It is indicated that, after exercising the right to a hearing aid, the costs of its maintenance are borne by the insured. IHROBiH also investigated whether the applicable bylaws provide for the possibility of purchasing a baby alarm in a situation where both parents are hearing-impaired/deaf. IHROBiH in the specific case are still conducting research, after which a final decision will be made based on the key principles of the UN Convention on the Rights of Persons with Disabilities and the recommendations of the UN Committee on the Rights of Persons with Disabilities.⁴²³

⁴²²Ž-BL-02-373/22 and Ž-BL-02-374/22, P-207/22 dated 18 June 2022; Recommendation partially implemented.

⁴²³Ž-SA-02-593/22.

9.7.2. Right of the blind and visually impaired to a screen reader

The importance and importance of accessibility for people with disabilities was pointed out earlier. Effective realisation of the right to orthopaedic aids is a key prerequisite for achieving accessibility. The blind and visually impaired are especially exposed to architectural and informational barriers, and it is necessary to undertake activities to improve the scope, type and quality of orthopaedic aids. Such is the case with the so-called screen readers. Screen reader users can be completely blind or partially sighted. A screen reader, in fact, analyses the content of a web page and converts it into a form that is accessible and comprehensible to blind people. The blind and visually impaired emphasised the crucial importance of screen readers for their daily functioning, communication and use of the Internet and other devices.

IHROBiH analysed the subject area and determined that only the Health Insurance Institute of the Canton of Sarajevo, in the Regulation on the scope, conditions and manner of exercising the rights of insured persons of the Canton of Sarajevo to medical devices, provided for a screen reader *and* that in the group of *typhlotechnic medical devices*⁴²⁴ (*Speech software for blind people - screen reader with speech unit*). In this context, the cantonal health insurance institutes were instructed to extend the scope of rights to include a screen reader as an orthopaedic aid.⁴²⁵ IHROBiH, considering this case, encountered a great understanding of this issue and the willingness of the cantonal institutes to improve this area.

Considering the current situation in the RS, IHROBiH, after meeting with representatives of the Association of the Blind of the RS, learned that in terms of exercising the right to a computer with speech software, an electronic notebook, i.e. a Braille display, there is a problem regarding the age limit for exercising this right. The rulebook on the right to medical devices⁴²⁶ stipulates that a blind insured person between the ages of 10 and 35 has the right to a computer with speech software. Exceptionally, a blind person over the age of 35 can be approved for a computer with speech software, if he ensures his livelihood by using the mentioned medical device, with the recommendation of the Association of the Blind of the RS. IHROBiH, with their recommendation,⁴²⁷ supported the Proposal for Amendments to the Rulebook on the Right to Medical Devices submitted by the Federation⁴²⁸, which requires that a blind insured person from the age of 10 to the age of 65 has the right to a computer with speech software or an electronic notebook, i.e. a Braille display. The proposal for changes requested that, exceptionally, a blind insured person over the age of 65 may be granted a computer with speech software, if he ensures his livelihood by using the mentioned medical device, with the confirmation of the Association of the Blind of the RS.⁴²⁹ The recommendation was not implemented.

⁴²⁴ Specially made or adapted instruments, devices and appliances used by the blind and visually impaired that make it easier for them to perform different activities in everyday life and in many situations for which sight is normally required.

⁴²⁵ Ž-SA-02-503/22, P-301/22 dated 28 October 2022; Recommendation implementation monitored;

⁴²⁶ RS OG, no 114/12, 15/14, 94/14, 100/14, 61/16, 7/17, 53/18, 112/18, 121/18, 21/19, 46/19, 87/19, 107/19, 10/20, 89/21, 104/21, 14/22, 29/22 and 60/22.

⁴²⁷ P-207/22 of 18 June 2022; Recommendation not implemented.

⁴²⁸ Proposal for Amendments to the Rulebook on the Right to Medical Devices submitted by the Alliance on 12 May 2022.

⁴²⁹ Ž-BL-02-337/22, P-207/22 dated 18 June 2022; Recommendation not implemented.

9.8. Children with disabilities

IHROBiH, based on information from the media, came to the information that in certain cantons, children do not exercise the right to a wheelchair until they are seven years old, and it follows from media reports that the method of exercising the said right is prescribed differently in the cantons, as confirmed by mothers who tried to exercise the right to a wheelchair, but did not succeed due to the stated age limit. On the basis of the above information, IHROBiH investigated the above issue and found that in Tuzla Canton, Posavina Canton, Central Bosnia Canton, Herzegovina-Neretva Canton, West Herzegovina Canton and Zenica-Doboj Canton, there is no age limit for exercising the right to a wheelchair, i.e. this right achieved by children from 0 to 18 years of age. In Canton Sarajevo and Canton 10, the age limit for a child to exercise the right to a wheelchair is 3 years, while in the Bosnian-Podrinje Canton and the Una-Sana Canton, the right to a wheelchair is exercised only by children from the age of 7. IHROBiH recommended the need to adopt amendments to the by-laws, in the part that prescribes the age limit for exercising the right to a wheelchair, and to harmonise the by-laws with the provisions of the UN Convention on the Rights of the Child.⁴³⁰The recommendation was fully implemented.

9.9. FBiH Sign Language Act

The Sign Language Act was adopted at the level of BiH,⁴³¹ in the RS, the Sign Language Act was adopted in the RS.⁴³² Some cantons have decided to adopt a special regulation that governs the issue in question. The purpose of the aforementioned laws is to enable deaf people to use sign language and the right of deaf people to be informed by techniques adapted to them, as well as the scope and method of exercising the right to a sign language interpreter for their equal inclusion in the living and working environment, as well as in all forms of social life with equal rights and conditions, and with the same opportunities as those without hearing impairment.

The Sign Language Act has not yet been adopted in the FBiH. According to the information of IHROBiH, the FBiH Government adopted the initiative of the Association of Deaf and Hard of Hearing Persons of the FBiH to enact a law on sign language at FBiH level.⁴³³ The initiative was sent through the FBiH Ministry of labour and Social Policy, and an interdepartmental commission was appointed, which had the task of preparing the text of the preliminary draft of this law within six months. Given that the deadline for the action of the interdepartmental working group has passed, and the preliminary draft of the law has not yet been determined, IHROBiH has indicated to the Government of the Federation with a recommendation that it is necessary, taking into account the recommendations of the UN Committee on the Rights of Persons with Disabilities, to immediately undertake activities with the aim of drafting the aforementioned Law.⁴³⁴

In this context, it is very important to enable adequate education, training and certification of sign language interpreters, in such a way that this area is systematically regulated with clearly

⁴³⁰ Ž-SA-02-745/19, P-25/22 dated 17 January 2022; Recommendation implemented.

⁴³¹ *BiH OG*, no 75/09.

⁴³² RS OG, no 62/18.

⁴³³ Session held on 6 February 2020.

⁴³⁴ Ž-SA-02-594/22, P-303/22 dated 26 October 2022; Recommendation implementation monitored.

divided authorities between the competent authorities, which issue IHROBiH investigate separately within the case registered *ex officio*.⁴³⁵

9.10. Unequal position of persons with disabilities with regard to the circumstances and time of onset of disability

IHROBiH continuously point to the unequal treatment of disabled war veterans and disabled persons who acquired their disability in other ways. The European Commission's report on the progress of BiH for 2022 clearly indicates that " *the state should move from a status-based approach (priority is given to war veterans and civilian victims of war) to a needs-based approach, with a unique definition of disability and harmonised criteria for disability , rights and standards of social protection throughout the country*".

During 2022, several complaints related to the above issue were considered. ⁴³⁶Complaints considered by IHROBiH indicates unequal treatment in terms of:

1. mismatched growth of disability benefits according to the cost of living;
2. exemptions from the right to disability benefits of a number of members;
3. of different attitudes towards the same categories of persons with disabilities, and the statement that the basis of disability is the element of segregation among persons with disabilities.

IHROBiH pointed out to the Government of the Federation ⁴³⁷that it is necessary to systematically approach the issue of the realisation of the rights of persons with disabilities and to revise the legislation in such a way that all persons with disabilities ("combat and non-combat" persons with disabilities) are provided with an equal starting position, in terms of the basis for the realisation of rights , as well as to unconditionally approach the implementation of the recommendations of the UN Committee on the Rights of Persons with Disabilities. It is necessary to continue activities in order to realise the submitted proposals and conclusions aimed at increasing the amount of the base, which is the basis for calculating benefits for persons with disabilities.

It is important to remind that in the context of this issue, and as pointed out by the FBiH Ministry of labour and Social Policy, the BiH Constitutional Court issued a Decision on admissibility and merits, which established that there is no discrimination against persons who acquired a disability in some other way ⁴³⁸in in relation to war invalids. Also, the Judgment of the European Court of Human Rights in Strasbourg in the case of Popović et al. is on the same track. against Serbia.⁴³⁹

However, IHROBiH is of the opinion that the specific issue should be viewed in the context of the current situation in the FBiH. The judgment of the European Court refers to the smaller amount and smaller scope/types of benefits awarded to "non-war" disabled persons. IHROBiH

⁴³⁵Ž-SA-02-595/22.

⁴³⁶Ž-SA-02-1073/22, Ž-SA-06-275/22, Ž-BL-02-561/22.

⁴³⁷P -208/22 dated 7 July 2022; Recommendation partially implemented.

⁴³⁸ Decision on Admissibility and Merits no U-11/22 dated 14 July 2022.

⁴³⁹Petition no 26944/13 and three others dated 30 June 2020.

reminded the competent Ministry that, in addition to the disparity in the type and scope of rights, which the Court explains by moral duty, in the FBiH there are two different regulations, systems and approaches to disability assessment for these two categories.

IHROBiH is of the opinion that the position that higher amounts or more types of compensation for war invalids represent a moral debt, that is, a form of war reparations and compensation for merits acquired during the war, is based on legal grounds. It is clear that disabled war veterans should have certain allowances, which depends on the discretion of the competent authorities, but the disability assessment system must be unified in such a way as to provide all persons with disabilities with an "equal starting position".

The Constitutional Court of the RS issued a Decision ⁴⁴⁰ which determined that the provisions of the Law on Social Protection, which prescribe the right to personal disability benefits for persons whose impairment/disease occurred during the developmental period, i.e. up to the age of 18, as well as the right to personal disability benefits for persons with a percentage disabilities from 70% to 100%, do not lead to a violation of the right to equality of persons with disabilities.

In the RS, problems were identified in relation to the age for exercising the right to personal disability allowance, and IHROBiH previously pointed out to the Ministry of Health and Social Protection of the RS the need to take measures in order to enable the right to personal disability allowance for persons with disabilities under equal conditions, independently from the time of disability. IHROBiH considers it necessary to harmonise the conditions for recognising the right to personal disability allowance with the needs of persons with disabilities, and not according to the time of onset of disability. In this way, different treatment would be avoided and legal equality of persons with disabilities would be ensured, but the problem is still relevant in 2022.⁴⁴¹

9.11. Sexual and gender-based violence against persons with disabilities

People with disabilities represent a particularly risky category for unwanted behaviours, such as various forms of discrimination, but also sexual and gender-based violence. In order to achieve the protection of persons with disabilities, the existence of adequate procedures for reporting violence in institutions where persons with disabilities are housed (effective and aimed at the victim) is particularly important. It is important to point out that the coordination of institutions is the most important segment of prevention, detection of the case, assistance to the victim and sanctioning of the perpetrator.

It is undeniable that support for people with disabilities must be specialised and adapted to the victim. The existence of clear procedures in institutions where people with disabilities are housed is a key mechanism of prevention and protection against violence. Adequate user information and clearly prescribed and transparent procedures are equally important.

⁴⁴⁰Decision no U-43/20 dated 29 April 2021.

⁴⁴¹Ž-BL-02-561/22.

During 2022, IHROBiH investigated whether the institutions in which persons with disabilities are housed in the FBiH and the RS have adopted written procedures for the prevention, reporting and provision of protection in the event of a report of sexual and gender-based violence against persons with disabilities. The answers that IHROBiH has received so far show that there are written procedures in a large number of institutions. However, IHROBiH will summarise their observations in the final decision in the specific case.⁴⁴²

When persons with disabilities report violence themselves, or when police and prosecutorial authorities act *ex officio*, the education of officials, judges and prosecutors, who must be sensitized for specific cases such as these, is of key importance.

During 2022, IHROBiH also investigated whether the centres for the education of judges and prosecutors have planned special training on this topic. From the acts of the centres, it is evident that within the training they conduct, they take certain measures and touch on the issue of sexual and gender-based violence against persons with disabilities, but that there are no separate trainings on this topic. IHROBiH indicated in their recommendation that persons with disabilities are a risk group in terms of the manifestation of any form of violence, including sexual and gender-based, and that it is important to ensure effective access to court and a fair trial for persons with disabilities, especially in terms of the efficiency of proceedings and the right to with the hearing within a reasonable time. IHROBiH is of the opinion that it is important to ensure appropriate training for all who work in the judiciary, especially judges and prosecutors as holders of judicial duties.⁴⁴³

⁴⁴²Ž-SA-02-902/22.

⁴⁴³Ž-LI-02-155/22, Ž-LI-02-156/22, P-315/22; Recommendation implementation monitored.

X. DISCRIMINATION AND PROTECTION OF RIGHTS OF NATIONAL AND RELIGIOUS MINORITIES

10.1. Introduction

The BiH Prohibition of Discrimination Act ⁴⁴⁴entrusts the Institution of Human Rights Ombudsman of BiH with the status of "central institution responsible for protection against discrimination" and for this purpose foresees the establishment and operation of a special department with the exclusive task of considering cases of discrimination committed by any legal or physical person in any area of life. The BiH Prohibition of Discrimination Act stipulates that the internal structure of IHROBiH should be aligned with the obligations defined in Article 7 of the aforementioned Law. Complaints related to discrimination are dealt with by the Department for the Elimination of All Forms of Discrimination, which was established by internal regulations like any other department. In the countries of the region, separate institutions have been established that deal with the issue of prohibition of discrimination. An obvious problem in the work of the Department for the Elimination of Discrimination is the lack of staff, primarily lawyers who, in addition to their regular activities within the Department, also perform all additional tasks determined by the numerous mandates of IHROBiH.

IHROBiH points out that when the Law was adopted, the obligation to provide IHROBiH with additional funds for the functioning of the Department was established, which has not happened since 2009, although in 2016, through amendments to the Law, the mandate was extended. This fact has a significant impact on the functioning of the Department, especially in the sphere of undertaking preventive activities and processing cases before the courts.

In 2022, IHROBiH applied The BiH Prohibition of Discrimination Act in accordance with the improved legal framework for protection against discrimination, which includes an expanded scope of competence of IHROBiH and the Department for the Elimination of All Forms of Discrimination. This is particularly reflected in expanding the list of grounds on which discrimination is prohibited, ⁴⁴⁵prescribing more severe forms of discrimination, ⁴⁴⁶improving the procedural aspects of the Law ⁴⁴⁷and defining the legal force of the IHROBiH recommendations in evidentiary proceedings before the courts. ⁴⁴⁸Also, a significantly greater role of IHROBiH in the promotion of anti-discrimination protection is foreseen, which is reflected in informing the public, raising awareness, conducting campaigns and other forms of discrimination prevention. ⁴⁴⁹

⁴⁴⁴ BiH Prohibition of Discrimination Act, *BiH OG*, no 59/09 and 66/16.

⁴⁴⁵ Through these amendments to the law, sexual orientation and gender identity are terminologically correctly named as grounds on which discrimination is prohibited. In addition, gender characteristics, age and disability are listed as prohibited grounds of discrimination.

⁴⁴⁶ Multiple discrimination (Article 4, paragraph (4)), repeated discrimination (Article 4, paragraph (5)) and prolonged discrimination (Article 4, paragraph (6)).

⁴⁴⁷ Regarding the provisions on the urgency of the procedure (Article 11), special actions (Article 12), jurisdiction of the courts and deadlines (Article 13), prescribing security measures (Article 14), shifting the burden of proof (Article 15), participation of third parties (Article 16), possibility to file class actions (Article 17).

⁴⁴⁸ Article 15 paragraph (9).

⁴⁴⁹ Article 7 paragraph (2), item 1).

Although the total number of complaints follows the trends of previous years ,⁴⁵⁰ it is noticeable that complaints in the field of discrimination are increasingly well-founded, because citizens have become more aware of their rights and more easily decide to contact IHROBiH, especially since the adoption of amendments to The Prohibition of Discrimination Act from in 2016, when the IHROBiH recommendations were given the power of evidence in court proceedings. IHROBiH has also increased the visibility of its work through the publication of summaries of recommendations and the organisation of promotional activities in the fight against all forms of discrimination, which encourages citizens to speak out more openly in the protection of their rights.

There is a noticeable trend of increasing complaints by the professional public to IHROBiH, where we can count lawyers, non-governmental organisations, associations or research centres, in order to take a meritorious position in the event of a violation of the right to equal treatment that can serve them and achieve concrete satisfaction. This fact represents a challenge for the further action of IHROBiH as a body for equality, which requires urgent capacity development.

The Prohibition of Discrimination Act stipulates that the burden of proof is on the subject who is labelled as a violator in the complaint. Complaints submitted often do not contain facts that support the allegations in the complaint, which does not fulfil the basic legal requirement that the victim of discrimination should make discrimination probable. At the same time, on the part of the responsible authorities, the understanding of the strength of this legal provision has not been developed, which reduces its application in practice, so that IHROBiH often receives partial and general answers in communication, which slows down the complaint procedure.

This indicates the need to raise awareness among all subjects, about the fact that the burden of proof is not on the injured party but on the responsible party, which is particularly important in cases of discrimination in the field of work. It is necessary that tripartite partners: governments, unions and employers, pay attention to this issue and take additional measures in order to practically protect labour rights.

10.2. Evaluation of situation with complaints

The procedure for individual citizen complaints is the most important form of human rights protection. In 2022, a total of 208 cases of discrimination were registered in IHROBiH. IHROBiH points out that certain cases were resolved positively even before a recommendation was issued, through mediation, encouraging amicable solutions or by agreement, and sometimes the responsible public body only corrects its actions after IHROBiH's first address, which will be illustrated with concrete examples in the following chapters.

The largest number of complaints in the reporting period refers to mobbing, as a special form of discrimination in the workplace - 43, followed by complaints on discrimination on the basis of ethnicity 10, on the basis of social position and gender five (5), on grounds of national or social

⁴⁵⁰ 208 discrimination cases were registered in the reporting year and in previous years as follows: 2021 (173); 2020 (288); 2019 (206); 2018 (196); 2017 (174); 2016 (152); 2015 (159); 2014 (230); 2013 (198); 2012 (257); 2011 (191); 2010 (135); 2009 (156).

origin seven (7), on the basis of political or other beliefs two (2), on the basis of a connection with a national minority one, on the basis of membership in a trade union or other association two (2) and other 100, which includes cases that at the time of registration on they could not categorize the basis of the complaint allegations.

In the reporting period, IHROBiH issued 75 recommendations, mostly in cases of mobbing, discrimination on grounds of ethnicity, gender equality, as well as on other grounds, mostly in the field of employment and education. This represents a significant increase compared to 2021, when a total of 26 recommendations were issued in this area.

The recommendations specifically require harmonisation of internal acts with Article 24 of The BiH Prohibition of Discrimination Act, taking measures to prevent discrimination in general, taking steps towards trying to find an amicable solution to the dispute and establishing other mechanisms for reporting and protection against discrimination within the organisation itself. IHROBiH reminds that Article 24 stipulates that all public bodies and other legal entities are obliged to regulate the principles of equal treatment with their general legal acts or special legal acts, and to ensure effective internal procedures for protection against discrimination. The same article left a deadline of one year for all laws and general regulations to comply with the provisions of this law, from the date of its entry into force, which was not fully and systematically implemented.

In the context of exercising the rights of vulnerable categories of citizens, the recommendations were most often aimed at the application of the principle of "protection of the rights of the parties" in the administrative procedure, the application of the principle of assistance to an ignorant party and the timely completion of the procedure.

In cases of hate speech, the recommendations require the cessation of publishing offensive content and their removal from internet portals, as well as taking the necessary measures to fully comply with The Prohibition of Discrimination Act when performing journalistic work.

Non-compliance with the IHROBiH recommendations regarding violations of The Prohibition of Discrimination Act entails the misdemeanour liability of natural persons and legal entities, as well as their fine up to 10,000 KM, the imposition of a security measure banning the performance of activities, as well as other sanctions provided for in Art. 19 and 20 of the mentioned law.

The implementation of the mentioned legal provision implies the strengthening of human resources of the Department, but also the willingness of the courts to implement the mentioned legal provisions and accept the mandate of IHROBiH as the central institution for protection against discrimination. In this sense, it is necessary for centres for the education of judges and prosecutors to include this topic in their training plans.

Nevertheless, the basic function of IHROBiH is to prevent human rights violations and not to be a repressive body, which is why the initiation of court proceedings should be a last resort, and greater efforts should be made in order to implement the recommendations, given that such a solution is in the interest of all parties in procedure.

In cases where IHROBiH could not establish discrimination or specific responsibility for its harmful consequences with a sufficient degree of certainty or on the basis of the presented facts, the parties are referred to the possibility of judicial protection with a detailed explanation of the procedures defined by law, noting that IHROBiH also in such cases can offer monitoring of court proceedings in accordance with available capacities. IHROBiH reminds us of a very high-quality and unique legal solution in The Prohibition of Discrimination Act, according to which, if a recommendation has been issued in the case of a dispute before the court, the court is obliged to take the recommendation into consideration. Practice has shown the unevenness of court proceedings in the application of this provision, which is an indicator of the need to educate judges on this issue.

In cases where the designated responsible authority does not implement the IHROBiH recommendations even after an emergency, the party is instructed that the recommendation, urgency, as well as all other acts resulting from the procedure, can be used as the official and meritorious position of IHROBiH in other procedures conducted on the same occasion.

10.3. Key observations and trends in the reporting year

Progress in the implementation of The Prohibition of Discrimination Act is undoubtedly the practice of using the IHROBiH recommendations as evidence in court proceedings for protection against discrimination, as this was the intention of the legislator according to the 2016 amendments. The highest standards of good governance, however, dictate that in such cases individual responsibility is determined and recourse claims are directed to directly responsible persons according to final court judgments, instead of shifting the burden of compensation to a legal entity, most often in the public sector, which is ultimately paid by citizens. In practice, this means that when the existence of discrimination is determined, it is necessary to determine the responsibility of the direct perpetrator, that is, to individualize the responsibility, and not to make the entire institution responsible.

One of the upcoming challenges in the work of the Human Rights Ombudsman of BiH, as well as any other state institution for the protection of human rights or equality bodies, is the use of artificial intelligence in the process of deciding on the rights of citizens. Digitization, the use of algorithms and the automation of the decision-making process indisputably leads to an increase in the economy and efficiency of public administration, but it also affects the realisation or protection of fundamental rights, from the recognition of persons by the police or the border service, approval of incentives, calculation of pensions, the process of determining the value of real estate, tax obligations, the realisation of healthcare and other social rights, the creation of documents on which freedom of movement depends on the realisation of rights in the commercial sphere, advertising on social networks, the use of personal data by internet companies and the role of internet providers in filtering harmful forms of communication in the virtual space.

IHROBiH faces complaints that point to violations of the above-mentioned rights, which indicate that it is necessary to urgently take measures with the aim of adjusting the legal framework, human and professional resources as well as the work methodology in order to protect equality

and ensure an equal position, especially vulnerable groups, in the context of the use of artificial intelligence. If the seriousness of the need to take urgent measures is not understood, there is a fear that IHROBiH will continue to register these violations without the possibility of ensuring effective protection of citizens' rights.

in terms of property restoration, education, employment, health and social protection, cases of hate speech and inefficiency of public administration is still current, all of which affect the sustainability of return. In their recommendations, IHROBiH unequivocally demanded that funds be provided as a priority to complete the process of property and infrastructure restoration in returnee settlements.⁴⁵¹ and pointed out that the lack of opportunities and systemic solutions for the employment of returnees represents discrimination on the basis of ethnic origin. More specifically, in returnee communities where a national group of subjects has been introduced, it is desirable that those subjects are taught by returnee teachers, while when hiring, the public body has the obligation to take care of the equal representation of constituent nations and others when applying for public positions.

Complaints to IHROBiH is also made due to direct or, even more often, covert and therefore difficult to prove political discrimination. The practice of replacing the holders of certain positions, before the end of the term for which they were elected, is problematic, which most often coincides with election cycles, but without finding essential reasons for the denial of trust. In such circumstances, there is a probability that the legal basis for dismissal is used for the purpose of implementing certain personnel decisions, and not for the purpose of improving the work of IHROBiH or managing public resources.⁴⁵² In other words, in such cases the absence of any legitimacy is symptomatic reasons for dismissal, personnel changes or demotion from the workplace, and an acceptable reason can only be one that originates from the desire for better organisation of the work process or improvement of the efficiency of public administration. Pointing out to competent public companies/institutions that it is necessary to work on the depoliticisation of the employment process, IHROBiH does not accept the explanations of the responsible parties that everything was done according to the law or that there was a change in by-laws (e.g. rulebook on systematisation) because frequent changes of managers can only point to the conclusion that illegal motives, unrelated to the improvement of the work process or the desire to provide citizens with the best possible public service, made⁴⁵³ a decisive contribution to such changes and shifts. IHROBiH has the duty to point out not only a specific violation of rights, but also systemic failures, occurrences or practices, which can potentially cause a similar

⁴⁵¹Ž-BL-06-357/21, P-90/22.

⁴⁵²Ž-BL-05-421/22. The gist of the complaint is the allegation that the dismissed members of the Board of Directors performed the functions for only nine days during the year for which no financial statements were adopted. IHROBiH acknowledged the allegation that the failure to adopt the statement is envisaged as a ground for dismissing members of the Board of Directors but stresses that the principle of good public administration means the respect for the principles of legal certainty and conscientious management of public funds, including the relationship with incumbents of individual positions. In the specific case, the allegations that the members of the Board of Directors were dismissed without their actual guilt or responsibility for managing the institution were made likely, given the extreme disproportion between the period during which complainants carried out the duties of members of the Board of Directors and the period for which the said reports are adopted and for which the complainants were made accountable. A recommendation (P-291/22) was issued indicating that the practice of adopting executive branch decisions on the dismissal of officials before the expiry of their term of office generates legal uncertainty, potentially leads to costly and lengthy procedures which are not in the interest of either party and in general hinders smooth functioning of public authorities as a service of citizens.

⁴⁵³Ž-BL-05-05-501/22, Ž-BL-05-517/22 and Ž-BL-05-518/22.

or the same violation of basic constitutional principles or a violation of the principles of responsible public administration. And from the perspective of citizens' perception, the described situations point to the existence of political corruption that undermines citizens' trust in the government, which is not in favour of any of the parties, especially when they lead to expensive and lengthy court proceedings that burden the functioning of public bodies, but also the public budget in case of success is slow. Ultimately, this has the most pronounced negative impact on citizens and the exercise of their rights.

At least two complaints in the reporting period were related to the fact that cohabitation does not *de facto* enjoy the same degree of protection as a married union in terms of exercising certain property rights, such as the right to maintenance or inheritance of joint property. During the investigation, it was established that certain laws, especially those that regulate in more detail the procedure for obtaining certain benefits, such as the right to a pension, the right to spousal support, the right to inheritance, are not aligned with the Family Proceedings Act, which stipulates complete equality between married and non-marital children. In such circumstances, IHROBiH took the position that the complainants must not suffer harmful consequences due to the inconsistency of the law regarding the exercise of any right, and demanded the direct application of the Family Proceedings Act and the principle of prohibition of gender discrimination.

One of the important questions that arises from the aspect of intersectionality is the question of discrimination and the rule of law. Such complaints refer to the favouring of lawyers or providers of other professional services by public administration bodies, to double functions or violations of the principle of prohibition of conflicts of interest in the public sector, employment of teachers in the field of higher education from neighbouring countries to the detriment of domestic staff, internal transfers within larger administrative organisations that cannot be justified solely by the needs of the service, on the obligation to pay contributions, including public companies in bankruptcy, to pay expenses for a separate life, on-call or standby prosecutors, as well as the adoption of documents in the field of spatial planning by local self-governance units when the process of presenting a draft plan, consultations and public discussions has a predominantly protocol character, with the aim of fulfilling the form prescribed by law, but at the same time it did not offer essential responses of the local self-governance unit to the citizens' demands.

IHROBiH require public bodies of all government levels to establish and apply objective, transparent and fair criteria in their work, in accordance with the highest principles of good public administration and conscientious spending of budget funds, even in the absence of precise legal solutions.

Although the relevance of this issue in the immediate future can hardly be predicted, public authorities, including legislative ones, are obliged to adhere to international standards when introducing COVID measures. Those standards imply that restrictions on the fundamental rights of citizens must be based on the law, i.e. decisions of legislative bodies (except for temporary measures in case of emergency), that they must be proportional to the goal that is to be achieved, that public bodies have the duty to choose the least restrictive measures that achieve the given goal, as well as that any restrictions must be subject to occasional and regular reviews. When

considering individual complaints, IHROBiH emphasises that it has neither the authority nor the competence to assess the adequacy of epidemiological measures from the aspect of health protection people, because in that case, just like any other person who intervenes to cancel health measures, they should be ready to take responsibility for any unwanted consequences that may arise, which may affect the fundamental human right to life, physical integrity or health.

Complaints acted upon by IHROBiH also pointed to inadequate notification of students about their rights and obligations, especially when extending deadlines for completing a certain level of studies, about the rights of university students who are in the process of accreditation, i.e. without a final assessment or with a conditional assessment on the fulfillment of the prescribed standards, as well as scholarship for pupils and students of privately owned school institutions, under conditions of equality.⁴⁵⁴ This question also opens up problems related to the selection of teachers in their professions, as well as employment after the completion of studies, given that the regulations determining the classification of occupations are not fully aligned with the new system of higher education.⁴⁵⁵

10.4. How to prove discrimination?

In the implementation of The Prohibition of Discrimination Act, the formation of practice in the field of protection against discrimination and especially mobbing plays a significant role, especially due to the fact that legally binding court decisions contain detailed explanations of various institutes from The Prohibition of Discrimination Act, but these decisions are not published. This specifically refers to the issue of the actual jurisdiction of the court, the calculation of deadlines in the case of continuous discrimination, the application of the rules on shifting the burden of proof, determining the amount of non-material damages, the probative value of the findings of an expert (neuropsychiatrist) on the impact of mobbing on health, as well as the role of IHROBiH in court proceedings for protection against discrimination. There is a need to undertake activities to make judicial practice related to cases of discrimination more accessible to the public.

Referenced judicial practice shows that in the process of proving mobbing, it is necessary to take into account the special circumstances of the case when determining the element of repetition (or duration) of actions that have a humiliating effect on the victim. In many cases, this standard is approximately three to six months.

⁴⁵⁴Ž-SA-04-1182/22, Complaint against the requirements announced for the Ministry's scholarship that exclude students from private high schools.

⁴⁵⁵There are three statistical institutions in BiH, BiH Agency for Statistics, RS Institute of Statistics and FBiH Institute of Statistics. Classification of occupations is a mandatory statistical standard that must be applied by all authorities, companies, institutions and other legal entities that record, collect, process, analyse, transmit and present statistical and analytical data relevant for monitoring the socio-economic situation and trends.

The BiH Agency for Statistics adopted the Decision on the Introduction and Application of the Classification of Occupations of BiH that was published in *BiH OG*, no 100/10 along with Structure KZBiH-08.

The Classification of Occupations (KZBiH-08) is also used at RS level, based on Article 6 of RS Statistics Act (*RS OG*, no 85/03). RS Institute of Statistics published the Classification of Occupations (KZBiH- 08).

FBiH Decision on the Classification of Occupations is adopted the FBiH Government at the proposal of the FBiH Institute of Statistics. In September 2022, the Government amended the FBiH Decision on the Classification of Occupations, i.e. it added the coded list of occupations that constitutes an integral part of the Decision with 45 new occupations defined and described.

When determining the effect or consequences for victims of discrimination, it is necessary to establish and be guided by a standard, which can be defined as the effect that the same or similar actions leave on the average person. Equally, it is necessary to determine which elements in workplace behaviour can weaken allegations that an individual is a victim of mobbing, or even make valid allegations of reverse discrimination, when a collective or legal entity claims to suffer mobbing by workers.

By improving the legal framework at different government levels, the question arose in practice whether sexual harassment should be reported as a criminal offence, as a form of discrimination or as a violation of the law on prohibition of harassment, which is reported to the employer in the first stage. According to the experiences of IHROBiH, one procedure does not exclude the other, and in such cases, the appointment of a counsellor for the prevention (or issues) of sexual harassment within a legal entity ("in-house") proved to be an example of good practice. When proving mobbing and discrimination, one should take into account, among other things, what results and work evaluations the victim had before the report, what was her general state of health, because going on sick leave can serve as an indication of a violation of rights, when the burden of proof shifts to the defendant. A big drawback is the prosecutor's failure to specify the request for establishing discrimination, so this can make it impossible to shift the burden of proof, because the defendant does not know what circumstances he needs to declare, but also make it difficult to carry out the investigation procedure and formulate the disposition of the verdict or the IHROBiH recommendation.

There is no uniform practice in cases of compensation for non-material damages based on discrimination, since there is a whole series of determining factors in each individual case. According to the relevant comparative standards, compensation for non-material damage suffered cannot devalue and render meaningless the severity of discrimination and must be one degree higher than other compensations. When determining the amount of compensation for non-material damage, it is necessary to take into account the property status of the perpetrator with the intention of deterrence. Severe forms of discrimination, especially multiple and prolonged discrimination, will be taken into account when imposing the amount of compensation for non-material damages. When measuring the amount of damage, the degree of guilt of the perpetrator should be taken into account, regardless of the fact that it is not decisive for determining the existence of discrimination (intention, gross negligence or carelessness).

10.5. Challenges in protection against mobbing

Mobbing represents a special form of discrimination, the specificity of which is that, according to the existing legal framework, it can only occur in the context of labour relations, although in practice actions that have the characteristics of mobbing can also occur in other circumstances.

Every year, IHROBiH, within the Department for the Elimination of All Forms of Discrimination, receive a significant number of complaints from this area, but it is not rare that cases of mobbing are also registered in the Department for Monitoring Economic, Cultural and Social Rights, considering that the complainants, when filing their complaint, refer to violations of *employment rights*, and at some point indicate that they are exposed to mobbing.

In the period from 01.01.2022 – 31 December 2022, out of a total of 2850 cases received, 208 complaints related to various forms and bases of discrimination, of which 43 complaints related to mobbing as a special form of discrimination. For the sake of comparison, in 2021, a total of 2946 cases were registered, of which 173 cases were in the area of discrimination.

According to the Ombudsman's assessment, there are still unreported cases of discrimination due to fear of possible negative consequences for the personal status of the victims, as well as distrust in institutional protection mechanisms.

The specificity of mobbing is reflected in the fact that it represents a special form of discrimination that does not require the existence of any prohibited grounds. An additional element that is necessary for the existence of mobbing is the repetition of actions that harass the victim, i.e. their performance over a long period of time. Repetition of actions implies the existence of temporal continuity. The law does not specify which period of time it is about, and therefore IHROBiH especially appreciate whether it was more than one action that can have a humiliating effect that takes place over a period of time. Victims of mobbing also often point out that they are exposed to stress and that mobbing leaves consequences for their health, and the opinions of psychologists, psychiatrists or other experts are often attached to the complaint to IHROBiH. On the other hand, the parties' subjective feeling that they are exposed to stress does not always mean that they are automatically victims of mobbing.

Citizens most frequently addressed IHROBiH because of a hostile environment in the workplace, insults and disparagement by superiors, prevention of advancement in the service, selective and incomplete exercise of employment rights regarding the use of annual leave, the right to professional training and compensation for work. In their statements to IHROBiH, the designated responsible authorities point out that the statements of the complainant are untrue, that jobs are sometimes performed under modified conditions due to the specifics of the work processes, as a result of which the complaints and statements of the designated responsible party are contradicted. It is important to point out that every violation of Employment rights cannot be defined as mobbing, especially in cases where the party has the possibility of using regular legal remedies. Allegations of the parties related to mobbing in the largest number of cases are based on oral allegations, for which IHROBiH does not have mechanisms to determine their veracity, to conduct a comprehensive evidentiary procedure that includes: examination of witnesses, expert reports, which greatly complicates the proceedings these complaints. In these cases, IHROBiH direct their action towards a peaceful resolution of the dispute, or a recommendation is sent to the responsible party to try, within their own organisation, to find a solution to the situation to the satisfaction of all involved, or to implement the provisions of Article 24 of the Prohibition of Discrimination Act. This also indicates the need to develop capacities for the implementation of the legal possibility of mediation in order to resolve the disputes that have arisen.

The most frequently reported form of mobbing is the so-called vertical mobbing, which exists when a superior abuses one particular employee, while a significantly smaller number of complaints refer to horizontal mobbing, i.e. mobbing between workers on an equal position in the hierarchical ladder. In practice, the offender is a person in a position of power in relation to

the victim and does everything to deny the existence of mobbing, invoking his rights arising from various internal and general acts. In such cases, IHROBiH, with their recommendations, indicate the primary responsibility of employers to regulate the issue of protection against discrimination and mobbing with internal acts.

10.6. Practical examples

10.6.1. Advancement in the workplace under equal conditions

The complainant ⁴⁵⁶turned to the Ombudsperson stating that in the public health institution he is not allowed to advance to the position he subsequently acquired through education. In the statement of the responsible party, it is stated that the complainant is not the only one in such a situation, that 27 executors are employed full-time as technicians with the SSS due to the impossibility of being assigned to positions with higher professional qualifications, that positions are filled periodically, through an internal competition, based on the needs and staffing situation in the institution. A recommendation was sent ⁴⁵⁷to the management of the health institution to provide equal access to opportunities for advancement for all workers, by prescribing guidelines, adopting regulations and increasing the transparency of decision-making, which was accepted.

10.6.2. Assistance to party resigning due to mobbing

Unlike bodies with executive powers, such as inspections or courts, IHROBiH does not have the legally prescribed possibility or mechanisms to return complainants to work, even when they determine the existence of mobbing. In a privately owned company, the complainant ⁴⁵⁸was on sick leave due to impaired health due to mobbing and discrimination in the workplace, and during the investigation process she was forced to resign because she could not bear the pressure. In carrying out their responsibilities, IHROBiH issued a recommendation ⁴⁵⁹to the company to establish a mechanism for prevention and protection against all forms of discrimination in accordance with Art. 24th paragraph (4) of The Prohibition of Discrimination Act and to ensure that the provisions of The Prohibition of Discrimination Act and the principles of equal treatment are respected in labour relations with employees. In response to the recommendation, an act of the company was received, the attachment of which contains the Rulebook on Prevention and Protection from Discrimination, which means that the recommendation, from the perspective of the Ombudsman's mandate, has been fully implemented.

10.6.3. Discrimination on grounds of ethnicity

IHROBiH as a basis for registering a filed complaint in the database exclusively uses the allegations of the parties highlighted in the complaint itself, while in practice, during the investigation, it often happens that these allegations are not confirmed. This is significant when talking about discrimination on an ethnic basis and the difficulties in establishing this discrimination, because it is necessary to prove that someone was treated differently in the

⁴⁵⁶ Ž-BL-06-66/22.

⁴⁵⁷P-148/22.

⁴⁵⁸ Ž-SA-06-20/22.

⁴⁵⁹P-152/22.

exercise of one's right just because of his ethnicity, and often no comparator is specified. When filing a complaint or in the course of an investigation, it is necessary for the complainants to make plausible the allegation that their ethnicity (or other personal characteristic) was a decisive factor in giving preference to another person when exercising any right.

in terms of education, employment, property rights, health and social protection, cases of hate speech and inefficiency of public administration is still current, all of which affects the sustainability of return. The complainant ⁴⁶⁰states that he had to leave his property due to the war, that the property was completely devastated, that he tried several times to get a donation or funds for reconstruction, but without success. In the statement of the responsible authorities, it was stated that activities on the reconstruction of destroyed property were hampered or stopped due to the limitation of budget funds, which is unacceptable from the point of view of good administration, responsible public authorities and the practice of international courts in processes for the protection of individual rights. ⁴⁶¹The conditions and deadlines prescribed by positive regulations as a condition for applying for reconstruction funds, according to the Ombudsman, should be subject to periodic reviews, because the injured person should not passively wait for a bureaucratic response for decades without solving a basic existential issue, such as the right to a home. A recommendation was sent ⁴⁶²to all entity and local authorities to take all measures within their powers to complete the process of rebuilding private property destroyed by the war, specifying that these measures may include the priority allocation of budget funds for these purposes, the amendment of the existing legal framework, the bidding of projects before financial or international bodies and the coordination of activities between different government levels, so that citizens are not deprived of elementary rights, such as the right to a home or property, due to gaps or divided competences.

IHROBiH pointed out to the competent authorities the duty to take measures with the aim of providing every child in any part of BiH with equal access to education, which especially refers to areas with a significant returnee population, in both entities, and reminded them that any failure to act in this sense, according to the provisions of The BiH Prohibition of Discrimination Act, it raises the issue of misdemeanour and civil liability. In the complaint ⁴⁶³related to the right of children to study the national group of cases, IHROBiH had in mind the views of the BiH Constitutional Court, which found that the laws (of the ⁴⁶⁴RS, but also cantonal) do not have provisions that regulate the issue of studying the so-called national subject groups (but not provisions on the employment of returnee teachers), as provided for in the Interim Agreement on meeting special needs and the rights of returnee children, as well as that the matter of creating curricula cannot be a legal matter that should be regulated in detail by the legislator, but rather, it is a matter that is regulated from a professional point of view by the competent Ministry of Education in cooperation with professional bodies. A recommendation was sent ⁴⁶⁵to the responsible entity ministry to take measures within its jurisdiction to systematically regulate the issue of introducing a national group of subjects and employing returnee teachers.

⁴⁶⁰Ž-BL-06-357/21.

⁴⁶¹European Court of Human Rights, *Burdov v. Russia*, judgment dated 7 May 2002 § 35.

⁴⁶²P-357/21.

⁴⁶³Ž-BL-08-542/21.

⁴⁶⁴U-26/13 of 26 March 2015.

⁴⁶⁵P-298/21.

In response to the Ombudsman's request for a statement regarding allegations of ethnic discrimination in employment, the responsible authority often states that it does not keep records on the nationality of employees or that they did not declare it. IHROBiH in such cases ⁴⁶⁶point out that every public body has a legal and constitutional obligation to establish greater ethnic equality in the employment of persons from underrepresented peoples. In such cases, the burden of proof is on the defendant in accordance with Article 15 of The Prohibition of Discrimination Act, especially if the complainant makes it probable that all those hired or all employees are members of the same nation. In the specific case, a recommendation was sent ⁴⁶⁷to the public authority to take care of the equal representation of the people by actively taking measures, such as keeping records or measures of positive discrimination. In the Director's reply, it was confirmed that in the future, he will keep special records on the nationality of both his employees and future candidates applying for the competition.

10.6.4. Gender-based discrimination

In the process of protection against gender-based discrimination, the Law on Gender Equality in BiH established mechanisms that are used in cases of this type, which also includes criminal-legal protection, while IHROBiH take measures on citizen complaints in accordance with The Prohibition of Discrimination Act.

During 2022, IHROBiH acted in three cases in which the complaints indicated a violation of gender equality, and more specifically, the fact that women who remained in a different state were faced with a violation of their Employment rights, as well as the fact that extramarital union does not *de facto* enjoy the same level of protection as a married union with regard to the realisation of certain property rights, such as the right to maintenance or inheritance of joint property.

The complainant ⁴⁶⁸was left without the right to a family pension, with the explanation that, as an unmarried wife, she did not meet the conditions for exercising the right to a pension because she did not attach a final and binding judgement establishing the right to maintenance. The complainant has a court judgment which establishes that she lived in an extramarital union with the deceased and that the named person supported her. In the light of the above, IHROBiH took an unequivocal position that the complainant should not suffer adverse consequences due to the fact that the *Pension and Disability Insurance Act* is not harmonised with the Family Proceedings Act, and that non-compliance results in discrimination of common-law spouses in relation to spouses in terms of exercising rights on family pension. IHROBiH issued a recommendation ⁴⁶⁹to the Director of the competent fund to review the disputed decision in the light of the Family Proceedings Act of the RS, which stipulates that cohabitation is equal to marriage in terms of the right to mutual support and other property-legal relations. The recommendation was not implemented with reference to the existing legal framework, so the party was directed to the possibility of exercising their rights before the highest judicial instances and international bodies for protection against gender discrimination.

⁴⁶⁶ Ž-BL-06-19/22.

⁴⁶⁷P-89/22.

⁴⁶⁸ Ž-BL-04-780/22.

⁴⁶⁹P-352/22.

The complainant ⁴⁷⁰states that after her return from pregnancy and maternity leave, the new Director assigned her to a lower position, without any written act, explaining that upon assuming her duties, he noted numerous irregularities in her work. The complainant did not have the opportunity to express herself, that is, to dispute the irregularities that are being blamed on her, nor did she have the possibility of legal representation and the right to a legal remedy, which implies court protection in the event of a disciplinary measure being imposed. Respecting the employer's right to organise the work process in the best way, IHROBiH issued a recommendation ⁴⁷¹demanding respect for labour rights and The Prohibition of Discrimination Act, because they did not find the allegations about the need to demote the complainant to a lower job position to be sufficiently justified or explained, because omissions that may objectively exist but that primarily involve the responsibility of the management of a public institution.

In the complaint, ⁴⁷²it was pointed out that the Law on the Special Rights of Recipients of War Awards and Decorations and Members of Their Families does not specify a common-law partner as a member of the immediate family. The BiH Constitutional Court made a decision in which it concluded that the regular court and bodies of administration applied the *Pension and Disability Insurance Act*, without respecting the provisions of the Family Proceedings Act on the consistent equalization of cohabitation, which in this particular case lasts 17 years, with marriage. In all rights and obligations, including property rights, and by rejecting the complainant's request that, as a member of the family of the deceased policyholder, recognise her right to a family pension, they violated the prohibition of discrimination from Article II/4. of BiH Constitution and Article 14 of the European Convention regarding the right to property from Article II/3.k) of BiH Constitution and Article 1 of Protocol No. 1 to the European Convention. Following the same logic, the Ombudsman also took a meritorious position regarding the rights of recipients of war awards and decorations and their family members to include the common-law spouse in addition to the aforementioned rights holders and in this respect to equalize the position of married and common-law spouses. IHROBiH received a response to the recommendation of ⁴⁷³the competent Ministry for War Veterans and Invalids of the Defence - Liberation War that measures were taken with the aim of referring to the procedure of amendments to the Law on Special Rights of recipients of war awards and decorations and their family members in connection with the equalization of the rights of marriage and common-law partner.

10.6.5. Discrimination due to the introduction of "COVID-measures"

The complainant addressed the ombudsman ⁴⁷⁴regarding the conclusion of the cantonal government restricting the operation of catering establishments in order to suppress the COVID-19 pandemic. After the investigation procedure was carried out, a recommendation was sent to ⁴⁷⁵the executive authority that when introducing measures, it should be consistently guided by

⁴⁷⁰ Ž-BL-06-49/22.

⁴⁷¹ P-122/22.

⁴⁷² Ž-BL-05-434/22.

⁴⁷³ P-290/22.

⁴⁷⁴ Ž-BL-06-819/21.

⁴⁷⁵ P-297/21.

the standards that are applied in the case of limiting the fundamental rights of citizens, which imply that the limitations of the fundamental rights of citizens must be based on the law, i.e. the decisions of legislative bodies, (except for temporary measures in the event of an emergency), that they must be proportional to the goal to be achieved, that public authorities have the duty to choose the least restrictive measures that achieve the given goal, as well as that any restrictions must be subject to occasional and regular reviews. At the same time, IHROBiH underlined that they have neither the authority nor the competence to assess the adequacy of epidemiological measures from the aspect of health protection people, because in that case, just like any other person who intervenes to cancel health measures, they should be ready to take responsibility for any unwanted consequences that may arise, which may affect the fundamental human right to life, physical integrity or health. The recommendation was implemented considering that the BiH Constitutional Court took the same position.

10.6.6. Appointment of *ex officio* attorney

In the context of discrimination and the rule of law, IHROBiH considered the complaint of ⁴⁷⁶the Bar Association of the RS, regarding the discriminatory behaviour of RUGIP ⁴⁷⁷when appointing lawyers as temporary representatives of persons of unknown residence in the procedures of exposing real estate to public inspection.

The essence of the complaint is the allegation that RUGIP, without transparent and objective criteria and creating conditions for equal treatment and treatment of all lawyers, favours a few lawyers for the described engagement and thus puts them in a privileged position and enables them to earn enormous earnings. The issue of appointing a lawyer *ex officio* is not regulated by a positive legal regulation. IHROBiH, after conducting the investigation procedure on 06.20.2021. to the RS Administration of Land Surveying and Property Affairs of the RS, issued a recommendation ⁴⁷⁸that until the adoption of precise legal solutions, determine and apply objective, transparent and fair criteria in the work when appointing lawyers as temporary representatives of persons of unknown residence in the procedures of exposing immovable property to public inspection, taking into account the proposals of the Bar Association as a representative organisation of lawyers. The responsible administration acted according to the IHROBiH recommendation and adopted a rulebook regulating this issue in a fair and transparent manner, in cooperation with the Bar Association of the RS.

10.6.7. Names of streets, squares, institutions

IHROBiH has registered several complaints ⁴⁷⁹related to the fact that in both entities, names are used in public places that can have an offensive or intimidating effect on individuals, which can discourage return or deepen the existing divisions in BiH, especially in terms of seeing and interpretations of events from recent history. This primarily refers to the names of streets, schools, squares, roads, but also to the contents and inscriptions on memorials, monuments and other public places, for which the local self-governance units are primarily responsible. Regarding this issue, which is extremely sensitive and painful, it is necessary that all government

⁴⁷⁶ Ž-BL-06-221/21.

⁴⁷⁷RS Administration of Land Surveying and Property Affairs.

⁴⁷⁸P-132/21.

⁴⁷⁹ Ž-BL-05-714/21; Ž-BL-06-621/21; Ž-BL-06-466/10.

levels act with an increased dose of sensibility, which especially applies to local self-governance units, because they are most directly related to the exercise of citizens' rights that shape their daily lives. IHROBiH presents these findings in the best of intentions, fully respecting the need to pay tribute, memorial and significance to personalities, events and victims from previous conflicts in these areas. At the same time, IHROBiH want to emphasise that the same purpose can be achieved by using more neutral terms, names, inscriptions and content, which would be more acceptable to all groups living in this country. This attitude is necessarily related to the aspiration to prevent further divisions, animosity and intolerance, and at the same time to the contribution to better communication, understanding and reduction of tensions between different ethnic and religious groups. IHROBiH express their belief that a common position could very well be found regarding events and personalities whose role is indisputable for all parties. At the same time, the principle of local self-government mandates the participation of citizens in decision-making and naming streets, schools and other public spaces, which is especially important in returnee communities. In this sense, as a good example, IHROBiH cite the initiative of the House of Representatives of the BiH Parliamentary Assembly from January 11, 2021, which requires the competent representatives of the authorities at lower levels (cities and municipalities) to change the names of streets, squares, schools and institutions which are named after persons who belonged to the fascist forces in the Second World War. Although the aforementioned initiative does not solve the problem presented completely, it represents an important step adopted by the directly elected legislative body, composed of representatives of all nations. IHROBiH generally believe that during the future selection of names, inscriptions and signs in public space, account should be taken of the effects they may have on the returnee or minority population, as well as on other peoples living in BiH.

10.6.8. Inconsistency of the Public Holiday Act

The issue of public holidays is not regulated in a uniform manner in BiH. IHROBiH considered the case ⁴⁸⁰in which it is stated that the principal of the elementary school was exposed to media attacks and discrimination, due to the decision to impose an educational and disciplinary measure and reduce the rule of students who celebrated a national holiday celebrated in another entity. The parents expressed their dissatisfaction with the decision made, and on that occasion a boycott of classes was carried out in such a way that a certain number of children did not come to classes, both in the central school and in the regional department. Subsequently, the teaching process was normalized and all absent students returned to school. This subject may have a wider significance, considering that the practice appears that persons working in the same entity, for example an institution at the level of BiH, mark different dates as public holidays, which is why it would be desirable to regulate this issue by regulations.

10.6.9. Advantage in hiring candidates from the same canton

Certain cases point to the fact that candidates do not exercise their right to access employment under conditions of equality, due to the fact that they come from another canton of the FBiH. This is according to the complaint ⁴⁸¹filed due to the scoring of competition documents in the

⁴⁸⁰Ž-BL-01-133/21.

⁴⁸¹Ž-SA-05-990/21.

competition procedure for the selection of mother tongue teachers in elementary schools in the Sarajevo Canton. An initiative was sent ⁴⁸²to the competent cantonal authorities to amend the Rulebook with the criteria for admission to employment in preschool institutions, primary and secondary schools, because the disputed provisions of the Rulebook represent indirect discrimination against persons for whom decisions on performance evaluation, i.e. decisions on professional titles, were issued in the area of another of cantons in the FBiH, which was realised through the amendment of regulations.

10.7. Rights of national and religious minorities

Bosnia and Herzegovina, following the obligations assumed by ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, adopted the Law on the Protection of the Rights of Members of National Minorities of BiH, which prescribes a number of rights that the authorities in BiH should ensure to minorities, including the right to language, information, and ensuring the enjoyment of economic and social ⁴⁸³rights , ⁴⁸⁴participation in government bodies.⁴⁸⁵

The framework law on primary and secondary education in BiH ⁴⁸⁶states that "the language and culture of every significant minority living in BiH will be respected and integrated into the school to the greatest extent possible, in accordance with the Framework Convention on the Protection of the Rights of National Minorities." "⁴⁸⁷

The Election Law of BiH stipulates the obligation of members of national minorities in elections for the municipal level in a way that ensures their " representation in the municipal council, i.e. in the municipal assembly and the city council, i.e. the city assembly in proportion to the percentage of their participation in the population according to the last census in BiH, and the number members of national minorities who are directly elected to the municipal council, i.e. the municipal assembly and the city council, i.e. the city assembly are determined by the statute of the municipality or city, whereby members of all national minorities, who in the total number of the population of that electoral unit, according to the last population census , participate with more than 3%, guarantees at least one place."⁴⁸⁸

The political participation of minorities is reduced to the introduction of reserved minority seats at the local level and the formation of consultative bodies at the state and entity levels, as well as at certain lower government levels. One of the main problems is the dominant understanding that it is crucial for minorities to have a political representative in the local assembly/council, which

⁴⁸²P-241/21.

⁴⁸³ Article 12 - In cities, municipalities and local communities (or populated areas), where members of a national minority constitute the absolute or relative majority of the population, the authorities shall ensure the use of the language of the minority between those members and the authorities: that the inscriptions on the institutions are written in the language of the minority, and that local names, street names and other topographical signs intended for the public be written and prominent in the language of the minority requesting that.

⁴⁸⁴Article 18.

⁴⁸⁵Articles 19 and 20.

⁴⁸⁶*BiH OG*, no 18/03.

⁴⁸⁷Article 8.

⁴⁸⁸Articles 13 and 14.

is why the issue of political participation of minorities at the local level is equated with political representation, while the consultation process is still neglected.

Requirements prescribed by law, i.e. provisions related to teaching in minority languages, have not been applied anywhere in BiH. As for learning minority languages through additional, optional classes, very few schools have introduced such classes and most students learn minority languages through extracurricular activities. The acquisition of appropriate textbooks and teaching materials, the hiring of qualified teachers and the provision of premises are some of the measures that would improve the learning of the languages of national minorities, independently of the support of their home countries.

Increasing the visibility of national minorities in the media would be achieved by introducing specific programmes for national minorities or by establishing a radio station intended for members of national minorities by public broadcasters.⁴⁸⁹

In addition to the identified challenges specific to other transition countries and some European countries, minorities in BiH are also faced with marginalization due to the specific political context and confrontation in government structures between dominant ethnic groups.

As an example of positive practice, information can be cited according to which a project for the construction of housing units is underway in the territory of the BDBiH as part of the Roma housing program, which the Department for Displaced Persons, Refugees and Housing Affairs of the BDBiH Government is implementing with joint funds with the BiH Ministry for Human Rights and Refugees. As part of this project, works were carried out on a total of 11 residential units in 2022, of which two were newly built, and nine were renovated, while about 400,000 KM was set aside for the needs of the works. Previously, the BiH Ministry for Human Rights and Refugees awarded a grant in favour of 13 local communities in BiH - four in RS, eight in the FBiH, for Roma housing in the amount of one million KM, which is in the implementation phase.

10.7.1. Practical examples

One of the biggest challenges in the work of IHROBiH is raising the level of tolerance in society, especially among children, towards members of minority groups. The complainant⁴⁹⁰ addressed IHROBiH on behalf of a student of Roma nationality who attends the sixth grade of primary school and who suffers discomfort because the teacher tells derogatory jokes and stories about Roma in class. This was followed by a series of inconveniences related to the assessment of the girl in the same subject and a series of additional insults against her and her mother. The complainant states that she addressed the principal of the elementary school, and that she did not find understanding and cooperation. The elementary school submitted a statement on the allegations of the complaint, emphasising that it has been working for years to accept diversity, confirming its allegations with numerous projects implemented as part of this educational institution. Although the complainant did not submit a comment on the school's statement,

⁴⁸⁹Special Report on the Position of Roma in BiH and Article 15 of the BiH Act on the Protection of the Rights of Members of National Minorities.

⁴⁹⁰ Ž-BL-06-263/22.

IHROBiH **emphasises** that in order to prevent violations of the rights of members of the most numerous national minority in BiH and to promote equality, they prepared the Special Report on Roma Rights as a reference document for dealing with cases of this type.

Annex VII to the Dayton Peace Agreement stipulates the obligation of public authorities to create political, economic and social conditions suitable for voluntary return, which implies unhindered freedom of movement, freedom of access to public areas, provision of utility services and creation of unhindered living conditions in general. In the returnee's complaint,⁴⁹¹ it is stated that the local self-governance unit did not take any action regarding the reconstruction of the access road to the local cemetery. In the statement of the local self-governance unit, it is stated that the Work Program with the financial plan was not adopted, and that for this and other reasons, the road could not be included in the list for rehabilitation and maintenance. Given that exercising the right to access the cemetery is not a privilege, but a basic and starting condition for any sustainable return or life in general of any community, especially bearing in mind the fact that the residents of that same local community had unhindered access to their cemetery until 1995 and that from two directions, a recommendation was sent to all competent municipal bodies to take all measures within their jurisdiction in order to restore the access road to the local cemetery.

In some cases, IHROBiH does not consider whether there is discrimination against the Roma population in the use of public funds, but recommend taking measures for the benefit of all persons in a state of social need. Complaint⁴⁹² by the European Roma Rights Centre from Belgium, regarding the implementation of the procedure of housing care for internally displaced persons and other users of collective and alternative types of accommodation, the closure of which is planned as part of the project "Closing collective centres and alternative accommodation through insurance public housing solutions CEB II", refers to the period for which apartment rental contracts are concluded. The allegations of the complaint relate to, as they point out, the city's discriminatory practice when concluding the above-mentioned contracts for renting apartments, because the said contracts are concluded for one year with the possibility of extension instead of, as they point out, the term prescribed by the Law on Socially Non-Profit Housing, which is five years, with the possibility of extending the contract. The complainants further point out that the beneficiaries of this project are mainly Roma who are not provided with housing, that they are in a discriminatory position because contracts with them are concluded with a shorter duration compared to other persons with whom the contracts were concluded for a duration of five years. Such behaviour represents putting in an unequal position, without legal foundation and objective justification. In the statement of the city, it is stated that according to the Law on Socially Unprofitable Housing, it is regulated that "the lessor is obliged to conclude an apartment lease agreement with the lessee for a fixed period, for a period of up to five years with the possibility of extension", and not for a period of five years, as stated in the complaint. The city also rejects the allegations that the Roma are in a discriminatory position because contracts are concluded with them with a shorter term, given that they were also concluded with other beneficiaries from this project for the same period. In this specific case, IHROBiH took the position that the city should extend the period in which it concludes contracts in the coming

⁴⁹¹ Ž-BL-03-234/21.

⁴⁹² Ž-SA-08-701/22.

period, because this results in a certain security, and the users are less exposed to constant stress and uncertainty and can start realising longer-term plans such as employment , education and others.

XI. COOPERATION WITH MEDIA

In the work of IHROBiH, the media has a large and significant role - they can affirm it, deliver it information about cases of human rights violations, influence the formation of public opinion and mobilize support. In their work, IHROBiH pay special attention to information and cooperation with the media, which certainly contributes to strengthening citizens' trust in IHROBiH and opens up the possibility of actualizing topics of importance for the realisation of human rights. The objectives of the Ombudsman's cooperation with the media are: promotion of human rights and raising awareness of the need to prevent their violation; informing citizens about mechanisms for protecting their rights through the work of the Ombudsman; encouraging and affirming the protection of human rights and fundamental freedoms; systematic, continuous, timely and accurate information to the public (via printed and electronic media) about the relevant activities of the Ombudsman; creating and promoting a positive image of the Ombudsman in the public; constant and systematic monitoring of public opinion, quantity and quality of media space in print and electronic media dedicated to topics of importance for the realisation of human rights from the aspect of the Ombudsman's work. According to the considered violations of rights, 12 complaints related to the media and freedom of information were registered.

Commitment to the Ombudsman's activities by the media contributes to a more transparent, efficient and visible operation of IHROBiH. In this way, the media distributes information about the existence of an institution that is simple and bureaucratic unencumbered by procedure helps citizens in exercising their rights. On the other side, writing about events in society, the media provide IHROBiH with information about violations of human rights, on the basis of which IHROBiH *ex officio* initiate an investigation.

IHROBiH has several instruments at their disposal through which they ensure their presence in the public, and one of them is certainly the announcements through which they inform competent authorities and the public about human rights violations. Regardless of whether they are in their announcements focused the public's attention on the importance of realising the right to Maternity allowance, protecting children from manipulation in political campaigns, the need to establish a register of persons legally convicted of crimes against sexual freedom and morality towards children and minors or an alimony fund, IHROBiH strive to encourage the competent authorities to take a more agile approach to solving the problem.

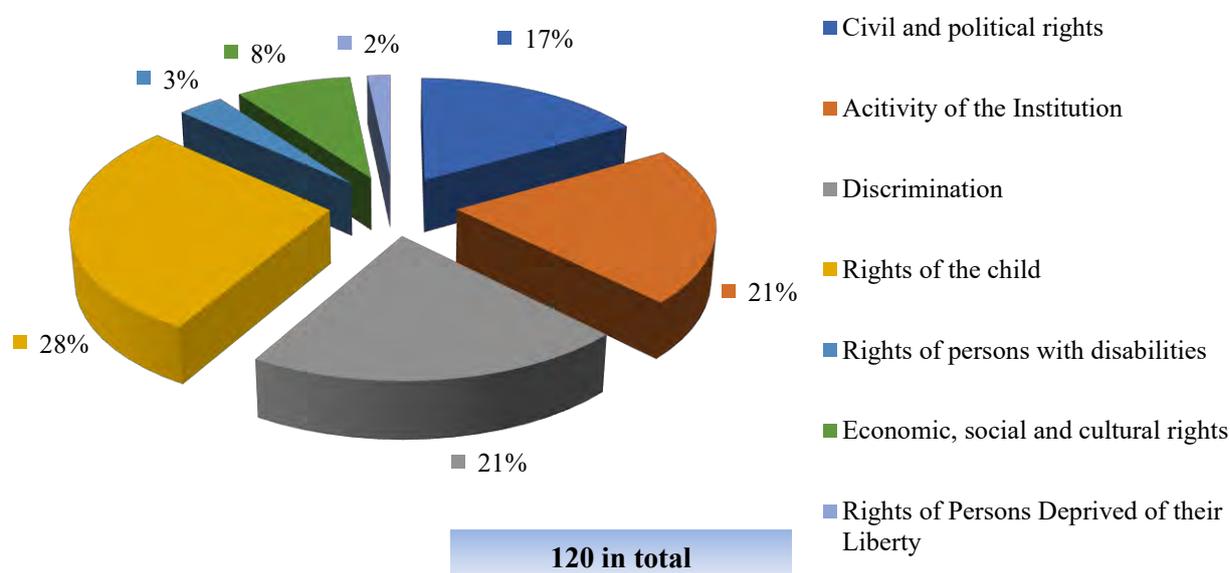
Through a press release, IHROBiH also pointed to the marking of significant dates in the field of human rights in 2022, in which current events in society and other activities of IHROBiH were discussed from the point of view of the protection and improvement of human rights in BiH.

The media is a valuable collaborator of the Ombudsman in all his endeavours, and therefore special attention is paid to cooperation with the media on an ongoing basis. Thus, in the reporting period, 120 statements were made to the media. From a thematic point of view, media interest was primarily focused on three areas, namely the work and observations of IHROBiH regarding the exercise of human rights based on citizens' complaints and proceedings in cases registered in this institution, then children's rights, including the rights of children with

developmental disabilities in education. system, peer violence, equal parenting and other issues concerning the position and protection of children, and discrimination including mobbing, the position of the LGBT population, age, gender and other types of discrimination.

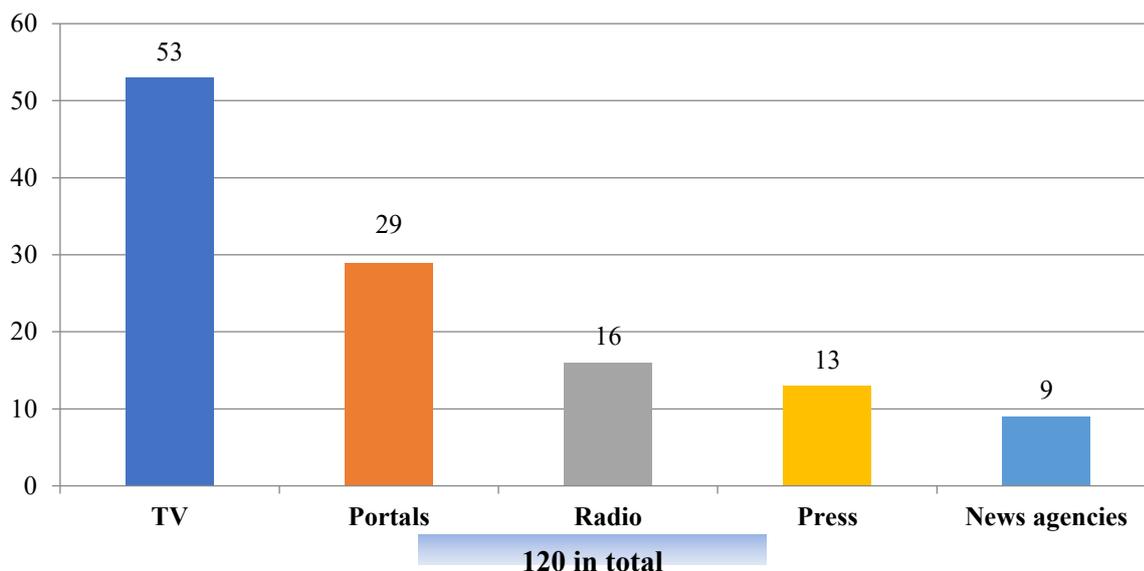
In the statements to the media, there was also talk about competition procedures, transparency of institutions , i.e. the application of the Freedom of Information Act, the realisation of the rights of persons with disabilities, the situation in the field of migration and other issues that were discussed from the perspective of the Ombudsman.

Observed by rights violations, the statements to the media include children's rights (34), discrimination (25), civil and political rights (20), economic and social rights (10), rights of persons with disabilities (4) and rights of persons deprived of liberty (2). A significant number of statements to the media included issues from IHROBiH's general competence, including casework, assessment of the state of human rights, etc. (25).



Both print and electronic media showed interest in the work of the Ombudsman. About the activities of the Ombudsman, when it comes to electronic media, they reported on BHT1, RTRS, FTV, BN, TVUSK, ATV, Nova BH, FACE, UNA TV, RSE, RTVTK, N1, Al Jazeera Balkans and others. In terms of print media, the Ombudsman cooperated with "Oslobođenje", "Dnevni avaz", "Nezavisne novine". In addition to traditional media, the Ombudsman was also represented on internet portals.

Observed according to the type of media, the requests of television stations (53), web portals (29), radio stations (16), print media (13) and news agencies (9) were answered.



The Ombudsman's cooperation with the media, as in previous years, was realised in various ways, be it statements, announcements on TV and radio broadcasts, interviews or other forms of communication with the media.

In accordance with the possibilities, representatives of IHROBiH participated in conferences, round tables, seminars and other events dedicated to topics that contribute to raising public awareness of human rights through the media and education.

The presentation of important documents of IHROBiH, such as the document "Guidelines for improving everyday communication with persons with disabilities", also included media coverage of the event so that the general public would be aware of it.

Citizens, as well as the media, could get information about IHROBiH's activities using IHROBiH's website, where more than 613 different contents were published during 2022. Its importance is sufficiently told by the information that in that period the website was visited 42,340 times, during which more than 110,433 pages with published contents were viewed. The most visits were recorded from BiH, Croatia, Serbia, Germany, the Netherlands and Austria, and the website has also recorded a significant number of visits from the USA in recent years.

In statements to the media, IHROBiH or other representatives of IHROBiH talked about almost all areas of human rights and fundamental freedoms, and presented topics from IHROBiH's general competence, including the role and function of IHROBiH, specific subjects that are in its work, IHROBiH recommendations, but also other indicators used to assess the general state of human rights in Bosnia and Herzegovina. _

Taking into account the above, IHROBiH states that the media is an important partner in promoting human rights and creating awareness about the need to prevent their violation, and expresses readiness to further strengthen cooperation, all in the best interest of the citizens of BiH.

XII. COOPERATION WITH AUTHORITIES, INSTITUTIONS, NGOs AND CIVIL SECTOR

12.1. Cooperation with bodies and institutions in BiH

IHROBiH has always emphasised the importance of cooperation with the authorities, especially with the legislative authorities that adopt the annual reports of IHROBiH, as well as with the executive authorities. In connection with the aforementioned, the following participations were realised:

- Committee for Petitions, Proposals and Social Supervision, SI on Hate Speech in BiH, RS National Assembly (consideration of the Special Report on Hate Speech in BiH),⁴⁹³
- Session of the Club of Delegates of the Bosniak People in the House of Peoples of the FBiH Parliament (consideration of the 2019 Annual Report),⁴⁹⁴
- 17th session of the House of Peoples of the FBiH Parliament (consideration of the 2019 Annual Report),⁴⁹⁵
- 37th session of the Legislative and Legal Committee of the House of Representatives of the FBiH Parliament (consideration of the Initiative for changes to Articles 22 to 25 of the Law on Employees in Civil Service Bodies in the FBiH),⁴⁹⁶
- Continuation of the 17th session of the House of Peoples of the FBiH Parliament (consideration of the 2019 Annual Report),⁴⁹⁷
- 7th session of the Committee for Information of the House of Representatives of the FBiH Parliament (consideration of the Special Report on hate speech in BiH),⁴⁹⁸
- 17th session of the Commission for the Protection of Human Rights and Freedoms of the House of Representatives of the FBiH Parliament (consideration of the Special Report on Hate Speech in BiH),⁴⁹⁹
- 17th session of the Joint Committee on Human Rights of the BiH Parliamentary Assembly (consideration of the Special Report on hate speech in BiH and the Special Report on the effectiveness of legal solutions on professional rehabilitation in BiH),⁵⁰⁰
- 30th regular session of the House of Representatives of the FBiH Parliament (consideration of the Special Report on hate speech in BiH),⁵⁰¹
- 19th session of the House of Representatives of the BiH Parliamentary Assembly (consideration of the Special Report on hate speech in BiH and the Special Report on the effectiveness of legal solutions on professional rehabilitation in BiH),⁵⁰²
- 21st session of the Bosniak People's Delegates Club of the House of Peoples of the FBiH Parliament (consideration of the Annual Report 2020, the Special Report on the Right to Freedom of Peaceful Assembly and the Special Report on Hate Speech in BiH),⁵⁰³

⁴⁹³ 10 February 2022.

⁴⁹⁴ 17 February 2022.

⁴⁹⁵ 17 February 2022.

⁴⁹⁶ 3 March 2022.

⁴⁹⁷ 3 March 2022.

⁴⁹⁸ 7 March 2022.

⁴⁹⁹ 7 March 2022.

⁵⁰⁰ 7 March 2022.

⁵⁰¹ 9-10 March 2022.

⁵⁰² 9 March 2022.

- 10th extraordinary session of the House of Peoples of the FBiH Parliament (consideration of the Annual Report 2020, the Special Report on the right to freedom of peaceful assembly and the Special Report on hate speech in BiH),⁵⁰⁴
- 22nd session of the House of Peoples of the BiH Parliamentary Assembly (consideration of the Special Report on the effectiveness of legal solutions in the field of professional rehabilitation and employment of persons with disabilities and the Special Report on hate speech in BiH),⁵⁰⁵
- Session of the Equal Opportunities Committee of the RS National Assembly (consideration of the 2021 Annual Report),⁵⁰⁶
- 20th session of the Committee for Petitions, Proposals and Social Supervision of the RS National Assembly (consideration of the 2021 Annual Report),⁵⁰⁷
- 20th session of the RS National Assembly (consideration of the 2021 Annual Report),⁵⁰⁸
- 22nd session of the RS National Assembly (consideration of the 2021 Annual Report),⁵⁰⁹
- 19th session of the Joint Committee on Human Rights of the BiH Parliamentary Assembly (consideration of the 2021 Annual Report),⁵¹⁰
- 30th session of the House of Representatives of the BiH Parliamentary Assembly (consideration of the 2021 Annual Report).⁵¹¹

We attended, as members of the delegation of BiH, the preparatory⁵¹² and 6th meeting of⁵¹³ the Subcommittee for Justice, Freedom and Security between BiH and the EU.

Cooperation with the academic community was achieved through visits to the following higher education institutions, where lectures on the topic of human rights were held:

- Law School in Zenica,⁵¹⁴
- Sarajevo School of Science and Technology (conversation with a student of the Faculty of Political Sciences SSST in the Regional Office in Sarajevo, on the topic of human rights),⁵¹⁵
- Law School, University of Mostar,⁵¹⁶
- Law School, University of Sarajevo,⁵¹⁷
- Law School in Banjo Luka⁵¹⁸

⁵⁰³ 24 March 2022.

⁵⁰⁴ 24 March 2022.

⁵⁰⁵ 16 May 2022.

⁵⁰⁶ 31 May 2022.

⁵⁰⁷ 31 May 2022.

⁵⁰⁸ 10 February 2022.

⁵⁰⁹ 5 July 2022.

⁵¹⁰ 22 June 2022.

⁵¹¹ 27 June 2022.

⁵¹² 29 November 2022.

⁵¹³ 9 December 2022.

⁵¹⁴ 7 January 2022.

⁵¹⁵ 12 January 2022.

⁵¹⁶ 2 February 2022:

⁵¹⁷ 2 June 2022 and 2 December 2022.

⁵¹⁸ 13 December 2022.

- Law School of Džemal Bijedić University in Mostar (IV scientific conference "Human rights before the challenges of reality" on the occasion of International Human Rights Day).⁵¹⁹

As a member of the jury, we also participated in the state competition in the simulated trial of six state law faculties from BiH, organised by the Student Board of the Law School of the University of Mostar, called *Ius versus Iustitiam*.⁵²⁰

In 2022, IHROBiH held a series of meetings with the following members of the government and representatives of the authorities:

- Minister for Human Rights and Refugees of BiH,⁵²¹
- Mayor of Trebinje,⁵²²
- Mayor of Tuzla,⁵²³
- Prime Minister of Tuzla Canton,⁵²⁴
- Director of RS Tax Administration,⁵²⁵
- Mayor of Bihać,⁵²⁶
- Mayor of Livno⁵²⁷
- Director of the F BiH Institute for Forensic Medical Examinations,⁵²⁸
- Chief Prosecutor of the Cantonal Prosecutor's Office of Sarajevo Canton,⁵²⁹
- Commissioner of the Ministry of the Interior of Sarajevo Canton,⁵³⁰
- representatives of the High Judicial and Prosecutorial Council of BiH (HJVC),⁵³¹
- representatives of the BiH Constitutional Court,⁵³²
- representatives of the Ministry of Health of the F BiH,⁵³³
- Minister of Security of BiH,⁵³⁴
- Ombudsman for Consumer Protection in BiH.⁵³⁵

We also attended the celebration of the RS Police Day and the 30th anniversary of the Ministry of the Interior of the RS.⁵³⁶

⁵¹⁹ 9 December 2022.

⁵²⁰ 3 June 2022.

⁵²¹ 4 February 2022.

⁵²² 15 March 2022.

⁵²³ 15 March 2022.

⁵²⁴ 16 March 2022.

⁵²⁵ 16 March 2022.

⁵²⁶ 17 March 2022.

⁵²⁷ April 12, 2022.

⁵²⁸ 24 March 2022.

⁵²⁹ 9 May 2022.

⁵³⁰ 7 July 2022.

⁵³¹ 11 October 2022.

⁵³² 11 October 2022.

⁵³³ 18 October 2022.

⁵³⁴ 20 October 2022.

⁵³⁵ 24 October 2022.

⁵³⁶ 4 April 2022.

Participants, guest lecturers and educators attended the following activities:

- Professional training on the topic "Practical aspects of providing international legal assistance", organised as part of the European Union project "Improving work on war crimes cases in BiH" (IPA 2019) in Banja Luka, organised by the BiH Ministry of Justice,⁵³⁷
- Seminar "Deprivation and restoration of legal capacity with reference to detention of a person in a health facility", organised by the FBiH Judicial and Prosecutorial Training Centre,⁵³⁸
- scientific and professional meeting "Alternative Sanctions and Measures in Criminal Law", organised by the Law School of the Union University in Belgrade and the Institute for Criminological and Sociological Research,⁵³⁹
- Round table "Social position of deaf and hard of hearing people in BiH", organised by the Faculty of Political Sciences of the University of Banja Luka and the Association of the Deaf and Hard of Hearing of the RS,⁵⁴⁰
- Lecture as part of the forum "Essential features of BiH Constitution and the protection of human rights in BiH" organised by the Dobojski Business and Technical College (VPTŠ),⁵⁴¹
- Education for civil servants in Bihać on free access to information, with the support of the City Administration of the City of Bihać,⁵⁴²
- Education at a seminar in Banja Luka on the specifics of criminal proceedings against children and minors, organised by the Centre for the Education of Judges and Public Prosecutors in the RS and in cooperation with UNICEF,⁵⁴³
- Presentation on the topic "International standards regulating the protection against sexual abuse and exploitation of children in the digital environment" at the XXXIII International scientific thematic meeting "Children and the challenges of the digital environment", in Palić, organised by the Institute for Criminological and Sociological Research, with the support of the Ministry of Education, science and technological development of the Republic of Serbia and the Judicial Academy⁵⁴⁴and
- Conference "Gender Equality in the Context of Environmental Protection and Climate Change", organised by the Agency for Gender Equality of BiH, the Ministry of Human Rights of BiH, the Commission for Gender Equality of the House of Representatives of the BiH Parliamentary Assembly and UN Women.⁵⁴⁵

In the course of the year, IHROBiH visited the Public Institution "Mjedenica" Sarajevo.⁵⁴⁶ We celebrated International Children's Day at IHROBiH's Headquarters, in the company of guests - representatives of the Student Council of the Secondary School "Ljubiša Mladenović" from Banja Luka, and in a symbolic way at the Regional Office in Sarajevo.⁵⁴⁷

⁵³⁷ 1 April 2022.

⁵³⁸ 12 April 2022.

⁵³⁹ 11 May 2022.

⁵⁴⁰ 17 May 2022.

⁵⁴¹ 26 May 2022.

⁵⁴² 6 June 2022.

⁵⁴³ 9 June 2022.

⁵⁴⁴ 16 June 2022.

⁵⁴⁵ 8 March 2022.

⁵⁴⁶ 18 October 2022.

⁵⁴⁷ 20 November 2022 and 18 October 2022.

12.2. Cooperation with international organisations and institutions and submissions to UN committees

In light of the Paris Principles, the Secretariat of the Subcommittee for Accreditation of the Global Alliance of National Institutions for Human Rights (SCA GANHRI) in its last consideration of IHROBiH's reaccreditation status from November 2017, confirmed the "A" status of IHROBiH and made recommendations related to the extension of IHROBiH's mandate, which includes amendments to LHROBiH. The SCA also recommended that legal interventions include the following issues: financial independence, establishing the mandate of an independent preventive mechanism, formalising working relations with other human rights organisations and domestic institutions, primarily civil society organisations, and appointment and dismissal. Bearing in mind a number of objective facts that affect the operation of IHROBiH, including first of all the fact that the adoption of amendments to the law is within the competence of the BiH Parliamentary Assembly, IHROBiH submitted a request for a postponement of re-accreditation for a period of one year⁵⁴⁸. The request was accepted.

Compared to the previous year, the fight against the epidemic resulted in the COVID-19 pandemic being successfully brought under control in 2022, to the satisfaction of all citizens of BiH. This resulted in broad cooperation with institutions and organisations in BiH, but also on a regional and international level. The focus is still on strengthening human rights in any concept, as a social priority of a democratic society.

This year began with meetings with a long-standing institutional partner, the Office of the Council of Europe in Sarajevo, on the topic of establishing a preventive mechanism⁵⁴⁹. The meetings were held at IHROBiH's headquarters in Banja Luka and at the Regional Office in Sarajevo. Joint activities with the Council of Europe Office in BiH that followed during the year were:

- education of civil servants on the topic of the fight against hate speech, as part of the project "Promotion of Diversity and Equality in BiH" in the cities of Trebinje⁵⁵⁰, Tuzla⁵⁵¹ and Bihać⁵⁵²,
- meetings of the Steering Committee of the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkiye 2019-2022" on the topic of Promotion of diversity and equality in BiH, Prevention and fight against human trafficking in BiH and Freedom of expression and freedom of the media in BiH,⁵⁵³
- opening address on the occasion of the opening of the local campaign of the European Union and the Council of Europe called "Block Hate. Share the love", as part of the project "Promotion of diversity and equality in BiH", as part of the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkiye

⁵⁴⁸ 9 September 2022.

⁵⁴⁹ 20 January 2022 and 21 January 2022.

⁵⁵⁰ 15 March 2022.

⁵⁵¹ 16 March 2022.

⁵⁵² 17 March 2022.

⁵⁵³ BoD meeting held in Sarajevo on 21 March 2022, BoD meeting held in Banja Luka on 21 April 2022 and BoD meeting held in Brčko and online on 7 November 2022.

2019-2022", which is implemented by the Council's Department for Combating Discrimination Europe,⁵⁵⁴

- meeting of the Advisory Board in Sarajevo within the joint project of the European Union and the Council of Europe "Quality Education for All",⁵⁵⁵
- online meeting with the project team of the Council of Europe on participation in the project "Strengthening institutional capacities in the field of freedom of expression and information in BiH",⁵⁵⁶
- webinar on solving hate speech through improving data collection, as part of the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkiye 2019-2022" ⁵⁵⁷.

The meeting with a representative of the Centre for European Security Studies (CESS) and an expert on parliamentary empowerment was the occasion for a discussion on the topic of needs and options regarding the strengthening of inclusive supervision over the security sector of BiH, through the empowerment of civil society organisations and other actors in the democratic supervision of the sector. security, including IHROBiH.⁵⁵⁸

IHROBiH was also a guest lecturer at the International Scientific Meeting on the topic "80 years since the pogrom in the Great Raid - a step forward towards a common future", organised by the Provincial Ombudsman in Novi Sad.⁵⁵⁹

The state of human rights in BiH, the rule of law, democratic procedures in passing laws, tolerance, elimination of discrimination and many other interesting topics were the reason for the meeting with the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) at IHROBiH's headquarters.⁵⁶⁰

Other cooperation with the OSCE Mission in BiH was achieved through participation in the following activities:

- online meeting of the ombudspersons of BiH with Ambassador K. Kavalec,⁵⁶¹
- the first coordination meeting of key actors in the field of promotion and protection of freedom of expression and media rights, which was organised by the Prosecutor's Office of Sarajevo Canton in cooperation with the OSCE Mission in BiH in order to improve the safety of journalists and media workers of Sarajevo Canton,⁵⁶²
- a meeting in the Regional Office in Sarajevo with the representative of the OSCE for media freedom, who was on an official visit to BiH,⁵⁶³

⁵⁵⁴ Konjic on 28 March 2022.

⁵⁵⁵ 7 April 2022.

⁵⁵⁶ 17 May 2022.

⁵⁵⁷ 6 July 2022.

⁵⁵⁸ 1 February 2022.

⁵⁵⁹ 2 February 2022.

⁵⁶⁰ 16 February 2022.

⁵⁶¹ 11 March 2022.

⁵⁶² 24 March 2022.

⁵⁶³ 13 April 2022.

- a high-level meeting for heads of national human rights institutions (NHRIs) from the OSCE Mission to Warsaw region, organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), on the topic of building more resilient NHRIs in a rapidly evolving environment and which is challenging for human rights institutions,⁵⁶⁴
- technical support to the OSCE Mission in BiH in holding office days in Bihać, Glamoč, Drvar, Kupres, Grahovo and Bijeljina,
- OSCE/ODIHR regional training from Warsaw for monitoring mechanisms and civil society organisations on integrating the issue of gender-based sexual violence in detention monitoring. The training operationalised the Guidelines for Supervisory Mechanisms for the Integration of Gender-Based Sexual Violence in the Area of Custody Monitoring⁵⁶⁵ and
- regional conference in Skopje "Challenges in decision-making in cases of discrimination - sanctions and damages", with the aim of providing insight into the trends related to cases of discrimination before the courts, especially regarding the types of sanctions and legal remedies and their specificity.⁵⁶⁶

IHROBiH also took part in an online meeting on Ukraine organised by the European Network of Ombudsmen for Children (ENOC). The focus of the conversation was expressed concern for the safety and well-being of children due to the current events in Ukraine and solidarity with the Ukrainian parliamentary commissioner for human rights in his role of protecting and promoting the human rights of children and young people.⁵⁶⁷

The annual meeting of the Global Alliance of National Institutions for Human Rights (GANHRI)⁵⁶⁸ was also held online this year, in the period March 8-10, 2022. IHROBiH used the global gathering of the world's national institutions as an opportunity for an interactive exchange of practices and experiences from the previous meeting. IHROBiH also participated in the General Assembly of the European Association of National Institutions for Human Rights in Brussels (ENNHRI).⁵⁶⁹

On the occasion of the appointment of the new IHROBiH, an online meeting was held with the general secretary of ENNHRI, Debbie Kohner. The meeting also discussed the upcoming reaccreditation process as well as numerous issues of joint engagement through various forms of cooperation, important for the successful functioning of both Institutions.⁵⁷⁰

Representatives of IHROBiH participated in the ENNHRI network meetings on the topic "Reviewing our approach to working together on the rule of law" in Sofia, Bulgaria.⁵⁷¹ The main objective of the meeting in Bulgaria is to facilitate an interactive discussion between heads of

⁵⁶⁴ 5-7 September 2022.

⁵⁶⁵ 7-9 September 2022.

⁵⁶⁶ 5 October 2022.

⁵⁶⁷ 8 March 2022.

⁵⁶⁸ Available at: <https://ganhri.org/2022-general-assembly/>

⁵⁶⁹ 22-23 October 2022.

⁵⁷⁰ 13 September 2022.

⁵⁷¹ 24 October 2022.

institutions and high-level experts on how to make ENNHRI's rule of law engagement more impactful, given the situation of the rule of law in Europe and the ongoing challenges.

In accordance with its capacities, IHROBiH continued its cooperation with domestic and international institutions this year, participating in numerous researches related to violence against women, victims of torture, the position of Roma in society, the implementation of the Aarhus Convention, the political participation of young people belonging to national minorities in the member states of the Council of Europe. Issues of environmental and environmental protection, climate change, the situation in social protection institutions, the Freedom of Information Act, the status of migrants and migration in BiH, the situation in relation to human rights defenders, the situation in prisons and detention units, the fight against corruption, protection personal data, the rights of the (un)vaccinated, freedom of assembly, pension and disability insurance, gender-based violence, hate speech and all other forms of discrimination and many others were the focus of various activities that IHROBiH implemented or took part in.

Appreciating and respecting the successful cooperation so far, meetings were arranged with the head of the Delegation of the European Union in BiH.⁵⁷² They discussed the state of human rights in the country, the exceptional importance of respecting, encouraging and promoting human rights and fundamental freedoms as a basis for equality. Joint activities with the EU Delegation in BiH continued through the following activities:

- a meeting at the Headquarters with the head of the Section for European Integration, political issues, public relations and information on the general situation and legal regulations,⁵⁷³
- information session organised by the EU Delegation and EU experts in the field of social protection, work and employment - SOCIEUX+ (procedures for accessing SOCIEUX+ services),⁵⁷⁴
- a meeting with members of the SOCIEUX+ team with a focus on the observations of IHROBiH in the field of social protection, work and employment,⁵⁷⁵
- a meeting at the Headquarters with the head of the project "EU for human rights and combating discrimination in BiH", in fulfilling the access criteria related to the protection of fundamental human rights in accordance with the EU acquis and mutual standards.⁵⁷⁶

IHROBiH also held a meeting in Sarajevo with representatives of the Group of States against Corruption of the Council of Europe (GRECO) of the evaluation team⁵⁷⁷ that was on an official visit to BiH, as part of the Fifth Round of Evaluation.

A preparatory online meeting⁵⁷⁸ was held with experts of the European Commission for the provision of short-term technical assistance and information exchange (TAIEX) in the context of the preparation of an expert assessment, based on individual cases, in the field of independent

⁵⁷² 12 April 2022 and 20 June 2022.

⁵⁷³ 1 June 2022.

⁵⁷⁴ 24 October 2022.

⁵⁷⁵ 27 October 2022.

⁵⁷⁶ 14 December 2022.

⁵⁷⁷ 21 June 2022.

⁵⁷⁸ 19 October 2022.

supervisory or regulatory bodies and the legal and institutional framework of IHROBiH. This was followed by a continuation of the meeting ⁵⁷⁹in the Regional Office in Sarajevo.

A meeting was also held with the delegation of the International Organisation for Francophonie (OIF) ⁵⁸⁰about the elections, but also about the state of human rights in BiH. The president of an international humanitarian organisation from the Republic of Slovenia was also visiting, ⁵⁸¹with whom we discussed possible cooperation, especially in the field of children's rights.

With the representative of the Centre for Humane Dialogue, a non-governmental organisation based in Geneva whose work focuses on mediation in conflicts and dialogue processes, experiences were exchanged about hate speech in media content and the possibilities of establishing norms of good behaviour in social media.⁵⁸²

Ombudswoman Nives Jukić visited the Ombudsman of the Republic of Croatia ⁵⁸³as well as the Ombudsman for Gender Equality of the Republic of Croatia.⁵⁸⁴

As part of its mandate and regular reporting to UN bodies, IHROBiH submitted in 2022:

- mid-term report in the III cycle of the Universal Periodic Review of the State of Human Rights in BiH (UPR),⁵⁸⁵
- submission to the Committee for the Elimination of Racial Discrimination (CERD) ⁵⁸⁶in the context of the institutional contribution to the preparation of the General Recommendation on Racial Discrimination and the Right to Health under Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and
- alternative report/alternative information, in relation to the Third Periodic Report for BiH, to the UN Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).⁵⁸⁷

At the invitation of IHROBiH of the Republic of Turkiye, Ombudsman Nevenko Vranješ, PhD, participated in Ankara at the International Symposium on climate change and the right to food in the context of human rights ⁵⁸⁸, while the Ombudswoman Jasminka Džumhur, PhD., at the invitation of the Equality Authority of the Republic of Turkiye (HREIT), also in Ankara, participated in the summit, on the topic "National institutions for human rights and their enhanced role in the protection and promotion of human rights: understanding new challenges, benefits and opportunities".⁵⁸⁹

⁵⁷⁹ 29 November 2022.

⁵⁸⁰ 2 October 2022.

⁵⁸¹ 22 October 2022.

⁵⁸² 14 April 2022.

⁵⁸³ 28 November 2022.

⁵⁸⁴ 28 November 2022.

⁵⁸⁵ March 2022.

⁵⁸⁶ July 2022.

⁵⁸⁷ August 2022.

⁵⁸⁸ Presentation of paper "Challenges of Environmental Protection and the Role of IHROBiH", 7-8 December 2022.

⁵⁸⁹ 29-30 June 2022.

The granting of candidate status to BiH and the importance of IHROBiH in the context of the preconditions for accession to the European Union created the need to deepen and strengthen cooperation with the ambassadors of the European Union countries. Thus, IHROBiH met with the heads of diplomatic missions of the Kingdom of Sweden ⁵⁹⁰, the Kingdom of the Netherlands ⁵⁹¹, the Swiss Confederation ⁵⁹² and the Kingdom of Norway ⁵⁹³.

Protocol meetings based on received invitations from the embassies in BiH were held on the occasion of:

- meeting with the Consul General of the Republic of Turkiye in Banja Luka ⁵⁹⁴ and attending the reception on the occasion of the National Holiday of the Republic of Turkiye,⁵⁹⁵
- a meeting with the head of the Political Team of the Embassy of the United Kingdom of Great Britain and Northern Ireland in BiH,⁵⁹⁶
- commemorating the 246th anniversary of US independence,⁵⁹⁷
- visits by the Federal Minister of Justice of the Republic of Austria ⁵⁹⁸ and on the occasion of the National Holiday of the Republic of Austria,⁵⁹⁹
- visits of the ambassador of human rights of the Kingdom of the Netherlands ⁶⁰⁰ and
- visit of the newly appointed official of the state department for BiH in Washington, who was on an official visit to BiH.⁶⁰¹

In the organisation of the MT Abraham Group, representatives of IHROBiH participated in the second Equality Forum in Mostar, the focus of which was on education and inequality in the context of identifying and defining problems and celebrating the 74th anniversary of the independence of the State of Israel.⁶⁰²

Active cooperation continues successfully with the organisation of the United Nations in BiH ⁶⁰³ through numerous joint projects and participation, including:

- A meeting with the UN Undersecretary for Global Communications on the topic of hate speech and the harmful consequences of this socially unacceptable form of behaviour,⁶⁰⁴
- Participation in the conference "Space for civil society action in BiH: Overview of the situation and next steps", with the aim of evaluating the overall state of civil society in

⁵⁹⁰ 12 October 2022.

⁵⁹¹ 13 October 2022.

⁵⁹² 19 October 2022.

⁵⁹³ 19 October 2022.

⁵⁹⁴ 23 March 2022.

⁵⁹⁵ 1 November 2022.

⁵⁹⁶ 14 April 2022.

⁵⁹⁷ 1 July 2022.

⁵⁹⁸ 7 May 2022.

⁵⁹⁹ 24 October 2022.

⁶⁰⁰ 12 December 2022 and 15 December 2022.

⁶⁰¹ 6 December 2022.

⁶⁰² 7 July 2022 and 12 May 2022.

⁶⁰³ Liaison – Agnès Picod, Senior Human Rights Adviser, UN Resident Coordinator Office in BiH.

⁶⁰⁴ 25 May 2022.

BiH, especially with regard to the enjoyment of the right to freedom of expression, association and peaceful assembly,⁶⁰⁵

- A meeting in the UN building in Sarajevo at the invitation of the Office of the UN Resident Coordinator in BiH, together with representatives of the Agency for Gender Equality of BiH, the BiH Ministry for Human Rights and Refugees, the Regulatory Agency for Communications of BiH and the Central Election Commission of BiH to mark the first ever International on the day of the fight against hate speech and because of its commitment to the fight against hate speech ,⁶⁰⁶
- Meeting in the UN building in Sarajevo on the occasion of the visit of the United Nations High Commissioner for Human Rights on the topic of the state of human rights in BiH,⁶⁰⁷
- Meeting with the Senior Adviser for Human Rights in the Office of the Resident Coordinator of the United Nations in BiH on the subject of the upcoming process of re-accreditation of IHROBiH,⁶⁰⁸
- Meeting in the Sarajevo Regional Office with a UNHCR representative on the topic of cooperation in the areas of asylum and statelessness. Special attention during the meeting was focused on issues related to the current draft amendments to the Law on Foreigners and the work of the Immigration Centre, including access to information on available free legal aid and access to asylum, access to information and legal advice in the international zone of the airport for persons seeking asylum , resolving the remaining issues of statelessness and birth registration. ⁶⁰⁹On the same topic, a meeting was held at IHROBiH's Headquarters in Banja Luka with UNHCR representatives.⁶¹⁰
- Participation in UNICEF's "Children take over" campaign, organised on the occasion of celebrating the International Children's Day on November 21.⁶¹¹
- Meeting with the IOM on the topic of migration challenges and the current migrant situation in BiH ⁶¹²;
- Round table organised by IOM on the subject of the Global Agreement for Safe, Orderly and Regular Migration (GCM). ⁶¹³The GCM is the first agreement agreed between governments covering all dimensions of international migration.

12.3. Cooperation with civil society

IHROBiH pay special attention to cooperation with civil society organisations and the non-governmental sector. In this context, IHROBiH supported and took part in the following activities:

- The Centre for Women's Rights ⁶¹⁴organised a meeting of a multi-sectoral working group for amendments to the legislation related to gender-based violence in the FBiH in Jahorina;

⁶⁰⁵ 15-16 June 2022.

⁶⁰⁶ 21 June 2022.

⁶⁰⁷ 24 June 2022.

⁶⁰⁸ 17 September 2022.

⁶⁰⁹ 19 October 2022.

⁶¹⁰ 16 November 2022.

⁶¹¹ 18 November 2022.

⁶¹² 8 November 2022;

⁶¹³ 11 October 2022.

- Forum "4P4 Initiative - sustainable and long-term solutions for BiH" organised by the International Commission for Inclusive Peace (4P4) and the Foundation of the Society of Common Values Sarajevo;⁶¹⁵
- The Banja Luka Lobbying Centre ⁶¹⁶is the organiser of the conference entitled "BiH - a possible or impossible state?";
- Non -governmental organisations, with the support of the European Union and the Swedish Development Agency, ⁶¹⁷organised a panel discussion on gender-based discrimination in Sarajevo;
- Media for all ⁶¹⁸, funded by the Government of Great Britain and implemented by the British Council in cooperation with the Thomson Foundation, BIRN and INTRAC in the countries of the Western Balkans, organised in Sarajevo an online conference on women's human rights in the media "Gender-based violence in public communication area of BiH";
- Banja Luka Research Centre ⁶¹⁹is the organiser of the round table "Concepts of neutrality, with reference to the need for neutrality in BiH";
- AIRE Centre ⁶²⁰is the organiser of the two-day Judicial Forum, which was held this year in Bečići, Montenegro, on the topic of "Gender Equality and the Western Balkans";
- Ceremony marking 11 years of work of the Association of Families of Children and Persons with Developmental Disabilities "Give us a chance";⁶²¹
- A three-day regional conference on the protection of media freedom and the safety of journalists in the Western Balkans in Sarajevo, organised by the Network of Safe Journalists;⁶²²
- Participation in the project "Strengthening the Internet without restrictions for blind people", financed by the Internet Society Foundation, within the Beyond the Net Large Grant Program Sarajevo and organised by the Internet Society in BiH;⁶²³
- Commemoration of the International Day of Combating Sexual Violence Against Women in War and 30 years since the same crime, organised by the Association of War Victims of Foča 92-95.⁶²⁴
- Participation in the work of the VI International Scientific Conference in Banja Luka entitled "Harmonization of legal regulations with the legal acquis of the European Union - the situation in BiH and the experiences of others", organised by the Banja Luka Research Centre in cooperation with the Institute for Comparative Law from Belgrade and the Friedrich Foundation Ebert Stiftung from BiH,⁶²⁵

⁶¹⁴ 27-28 January 2022.

⁶¹⁵ 25 February 2022.

⁶¹⁶ 7 March 2022.

⁶¹⁷ 7 March 2022.

⁶¹⁸ Lecture "Legal and institutional protection of female journalists: (in) effective mechanisms and (in)adequate laws? Can we, do we know better?", 8 March 2022.

⁶¹⁹ 28 March 2022.

⁶²⁰ 1-2 April 2022.

⁶²¹ 14 April 2022.

⁶²² 26 April 2022.

⁶²³ 19 May 2022.

⁶²⁴ 17 June 2022.

⁶²⁵ 30 June-1 July 2022.

- In Međugorje, a two-day scientific colloquium called "The eyes of a child" was held, organised by the University of Herzegovina on the topic "Challenges of the family in the modern world - The right to a family or the rights of the family".⁶²⁶
- Panel discussion as part of the "Freedom to the People" Festival in Jahorina,⁶²⁷
- Round table in Sarajevo on the topic "Education of disenfranchised women a step towards economic empowerment", organised by the Konjic College of Tourism and Management and the CURE Foundation, as a partner in the project "Education of disenfranchised girls/women in BiH" and with the support of the Embassy of the Republic of Slovenia in BiH,⁶²⁸
- Online lecture at a pledge conference organised by the CURE Foundation, with the aim of gathering activists and defenders of women's rights,⁶²⁹
- Panel discussion "Clean air is a right, not a privilege", on the occasion of the International Human Rights Day, organised by the Eco Forum Zenica Association, ELSA Zenica and the Heinrich-Böll-Stiftung Foundation⁶³⁰ and
- Panel discussion in Sarajevo on the topic "Candidacy status of BiH - voice of civil society" organised by the Rights for All Association and in close cooperation with the Women's Advocacy Group with the aim of exchanging opinions on the process of European integration, strengthening the voice of civil society and⁶³¹ advocacy integration of women's attitudes and perspectives in European processes.

In 2022, IHROBiH held a series of meetings, namely:

- A meeting with representatives of the Union of Prisoners in BiH on the topic of establishing cooperation and exchanging experiences so far in the matter of exercising the rights of victims of war torture,⁶³²
- Meeting with representatives of the Association of Retired Military Beneficiaries of Tuzla Canton and Zenica-Doboj Canton on the topic of registered cases in IHROBiH - Association of Retired Military Beneficiaries of Tuzla and Zenica-Doboj Cantons,⁶³³
- Online meeting with the coordinator of the GIZ regional project "Social rights for vulnerable groups" (SORI II) for BiH and GIZ representatives from Germany who are working on the preparation and development of the new phase of the SORI project,⁶³⁴
- Meeting with the representative of the delegation of the Department for Civil Society and Democratic Innovation of the Council of Europe. The goal of the INGO (Conference of International Non-Governmental Organisations) is to visit various member countries of the Council of Europe, to observe the experiences and diversity of cooperation between the authorities and the non-governmental sector⁶³⁵ and

⁶²⁶ 23 September 2022.

⁶²⁷ Presentation "Human rights in BiH: are we pretending that they are important to us?", 28 October 2022.

⁶²⁸ 9 November 2022.

⁶²⁹ 21 November 2022.

⁶³⁰ 9 December 2022.

⁶³¹ 20 December 2022.

⁶³² 15 April 2022.

⁶³³ 19 April 2022.

⁶³⁴ 5 May 2022.

⁶³⁵ 5 September 2022.

- Meeting with the Secretary General of the Society of the Red Cross/Cross of BiH on the topic of cooperation with a special focus on marginalized social groups and the realisation of their legally guaranteed rights.⁶³⁶
- A meeting with the Director of the Association of Employers of the FBiH ⁶³⁷and on that occasion mutual cooperation and current issues of protection of rights in the field of labour and employment were discussed.

⁶³⁶ 27 October 2022.

⁶³⁷ 27 October 2022.

XIII. IHROBIH RECOMMENDATIONS

Pursuant to Article 32 of the Law on the Human Rights Ombudsman of Bosnia and Herzegovina, the ombudspersons may, having conducted an investigation procedure, make recommendations to the responsible authority with a view to eliminating the identified human rights violations. Bodies that receive such recommendations are required to respond in writing and inform the ombudspersons of the impact of the recommendations within the deadline set by the ombudspersons.

If the responsible authority fails to undertake the measures referred to in the recommendation or fails to inform the ombudspersons of the reasons for not complying, the ombudspersons immediately indicate to the senior authority how the case is progressing and provide follow-up recommendations. The following is the table with the recommendations sent last year and their implementation status:

TABULAR OVERVIEW OF RECOMMENDATIONS

RECOMMENDATION NO	CASE NO	SENT TO	RIGHT VIOLATION	RECOMMENDATION ISSUANCE DATE	IMPLEMENTATION STATUS	RESPONSE RECEIVED
P-1/22	Ž-MO-04-44/21	ŽUPANIJSKA BOLNICA „DR. FRA MIHOVIL SUČIĆ“ LIVNO	23 - HEALTHCARE	24/01/2022	COOPERATION ACHIEVED	YES
P-2/22	Ž-BL-01-643/21	VLADA REPUBLIKE SRPSKE, MINISTARSTVO PROSVJETE I KULTURE, OSNOVNA ŠKOLA “SVETI SAVA” DOBOJ	13 - RIGHTS OF THE CHILD	17/01/2022	IMPLEMENTED	YES
P-3/22	Ž-SA-05-713/21	OPĆINA HADŽIĆI, N/R NAČELNIKA	03 - ACCESS TO INFORMATION	18/01/2022	IMPLEMENTED	YES
P-4/22	Ž-SA-05-1300/21	OPĆINA NOVO SARAJEVO, N/R NAČELNIKA	03 - ACCESS TO INFORMATION	18/01/2022	IMPLEMENTED	YES
P-5/22	Ž-SA-05-1152/21 Ž-SA-05-1204/21	KANTONALNI SUD U TUZLI, N/R PREDSEDNIKA SUDA	03 - ACCESS TO INFORMATION	18/01/2022	IMPLEMENTED	YES
P-6/22	Ž-BL-05-711/21	JU OŠ "21. MART" MATUZIĆI	03 - ACCESS TO INFORMATION	18/01/2022	IMPLEMENTED	YES
P-7/22	Ž-SA-05-1036/21	OPĆINA NOVO SARAJEVO, N/R NAČELNIKA; MINISTARSTVO PRAVDE I UPRAVE KANTONA SARAJEVO, UPRAVNI INSPEKTORAT SARAJEVO, N/R GLAVNOG UPRAVNOG INSPEKTORA	32 - INSPECTIONS	18/01/2022	COOPERATION ACHIEVED	YES

P-8/22	Ž-BL-05-279/20	PON- GRAD BANJA LUKA	32 - INSPECTIONS	18/01/2022	IMPLEMENTED	YES
P-9/22	Ž-BL-04-706/21	OPĆINA TEŠANJ, JKP "RAD" TEŠANJ	21 - UTILITY SERVICES	18/01/2022	IMPLEMENTED	YES
P-10/22	Ž-BL-04-566/21	MINISTARSTVO UNUTRAŠNJIH POSLOVA ZENIČKO – DOBOJSKOG KANTONA, UPRAVA POLICIJE	10 - LABOUR RELATIONS	18/01/2022	NOT IMPLEMENTED	YES
P-11/22	Ž-SA-05-1275/16 Ž-SA-05-328/18	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, PARLAMENT FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, PREDSTAVNIČKI DOM, DOM NARODA	09 - JUDICIARY	20/01/2022	IMPLEMENTED	YES
P-12/22	Ž-SA-05-698/18	PON-OPĆINA VELIKA KLADUŠA	19 – PUBLIC ADMINISTRATION	20/01/2022	COOPERATION ACHIEVED	YES
P-13/22	Ž-BL-06-753/21	UNIVERZITET U ISTOČNOM SARAJEVU, SENAT UNIVERZITETA	01 – DISCRIMINATION	24/01/2022	NOT IMPLEMENTED	YES
P-14/22	Ž-SA-08-667/21	GRAD ZENICA, SLUŽBA ZA URBANIZAM	19 – PUBLIC ADMINISTRATION	24/01/2022	IMPLEMENTED	YES
P-15/22	Ž-LI-08-271/21	MINISTARSTVO POLJOPRIVREDE, VODOPRIVREDE I ŠUMARSTVA KANTONA 10	19 – PUBLIC ADMINISTRATION	7/02/2022	NOT IMPLEMENTED	YES
P-16/22	Ž-SA-01-634/21	SLUŽBA SOCIJALNE ZAŠTITE OPĆINE CENTAR SARAJEVO	13 - RIGHTS OF THE CHILD	24/01/2022	IMPLEMENTED	YES
P-17/22	Ž-BL-05-804/21	GRAD BANJA LUKA, ODJELJENJE ZA OBRAZOVANJE, ZDRAVSTVO, OMLADINU I SPORT	03 - ACCESS TO INFORMATION	28/01/2022	NOT IMPLEMENTED	NO
P-18/22	Ž-BL-05-802/21	PON-GRAD BANJA LUKA	32 – INSPECTIONS	28/01/2022	NOT IMPLEMENTED	NO
P-19/22	Ž-BL-08-803/21	PON-GRAD BANJA LUKA	19 – PUBLIC ADMINISTRATION	28/01/2022	NOT IMPLEMENTED	NO
P-20/22	Ž-BL-05-859/21	MINISTARSTVO SAOBRAĆAJA I VEZA REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	28/01/2022	NOT IMPLEMENTED	YES
P-21/22	Ž-BL-05-656/21	OPĆINA JAJCE	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	28/01/2022	NOT IMPLEMENTED	YES
P-22/22	Ž-SA-04-966/21	MINISTARSTVO VANJSKE TRGOVINE I EKONOMSKIH ODNOSA BOSNE I HERCEGOVINE	10 - LABOUR RELATIONS	03/02/2022	IMPLEMENTED	YES
P-23/22	Ž-SA-08-1304/21	FEDERALNO MINISTARSTVO PRAVDE SARAJEVO, MINISTARSTVO PRAVDE REPUBLIKE SRPSKE BANJA LUKA	09 - JUDICIARY	03/02/2022	NOT IMPLEMENTED	YES

P-24/22	Ž-SA-04-545/21	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, N/R PREMIJERA, FEDERALNO MINISTARSTVO ZDRAVSTVA SARAJEVO, NA ZNANJE: PARLAMENT FEDERACIJE BOSNE I HERCEGOVINE, PREDSTAVNIČKI DOM, N/R PREDSEDAVAJUĆEG, GOSP. ZAIMOVIĆ MIRSAD	06 - PUBLIC REVENUES	04/02/2022	NOT IMPLEMENTED	NO
P-25/22	Ž-SA-02-745/19	VLADA UNSKO-SANSKOG KANTONA BIHAĆ, N/R PREMIJERA, ZAVOD ZDRAVSTVENOG OSIGURANJA UNSKO- SANSKOG KANTONA BIHAĆ, N/R DIREKTORA, VLADA BOSANSKO-PODRINJSKOG KANTONA GORAŽDE, N/R PREMIJERA, ZAVOD ZDRAVSTVENOG OSIGURANJA BOSANSKO-PODRINJSKOG KANTONA GORAŽDE, N/R DIREKTORA	12 - PERSONS WITH DISABILITIES	04/02/2022	IMPLEMENTED	YES
P-26/22	Ž-SA-08-1264/21	OPĆINA HADŽIĆI	19 - ADMINISTRATION	04/02/2022	COOPERATION ACHIEVED	YES
P-27/22	Ž-SA-08-182/21	PON-KANTONALNI SUD U SARAJEVU	09 - JUDICIARY	04/02/2022	IMPLEMENTED	YES
P-28/22	Ž-SA-04-1258/21	JU ZAVOD ZA SPECIJALNO OBRAZOVANJE I ODGOJ DJECE „MJEDENICA“ SARAJEVO, N/R ŠKOLSKI ODBOR	10 - LABOUR RELATIONS	07/02/2022	IMPLEMENTED	YES
P-29/22	Ž-SA-08-1174/21	VLADA KANTONA SARAJEVO, MINISTARSTVO FINANSIJA SARAJEVO, N/R MINISTRA	09 - JUDICIARY -- 09-3 - ENFORCEMENT OF JUDGEMENTS	07/02/2022	IMPLEMENTED	YES
P-30/22	Ž-BL-05-534/21	"ELEKTROPRENOS BOSNE I HERCEGOVINE" AD BANJA LUKA	03 - ACCESS TO INFORMATION	07/02/2022	NOT IMPLEMENTED	YES
P-31/22	Ž-BL-01-38/21	PON- MINISTARSTVO VANJSKIH POSLOVA BOSNE I HERCEGOVINE	13 - RIGHTS OF THE CHILD	07/02/2022	NOT IMPLEMENTED	YES
P-32/22	Ž-BL-05-829/21	MINISTARSTVO UNUTRAŠNJIH POSLOVA REPUBLIKE SRPSKE, POLICIJSKA STANICA MODRIČA	03 - ACCESS TO INFORMATION	07/02/2022	NOT IMPLEMENTED	YES
P-33/22	Ž-BL-05-663/21	PON- MINISTARSTVO OBRAZOVANJA, NAUKE, KULTURE I SPORTA UNSKO-SANSKOG KANTONA	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY PERIOD	08/02/2022	NOT IMPLEMENTED	NO
P-34/22	Ž-BL-04-85/21	PON- ŽELJEZNIČKO GRAĐEVINSKO PREDUZEĆE A.D. DOBOJ	10 - LABOUR RELATIONS	08/02/2022	NO RESPONSE	NO
P-35/22	Ž-BR-04-227/21	VLADA BRČKO DISTRIKTA BOSNE I HERCEGOVINE -ODJEL ZA OBRAZOVANJE BRČKO	11 - EDUCATION -- 11-1 - PREDŠKOLSKO VASPITANJE	14/02/2022	IMPLEMENTED	YES

P-36/22	Ž-SA-05-827/21	PARLAMENT FEDERACIJE BOSNE I HERCEGOVINE, PREDSTAVNIČKI DOM, ODBOR ZA PROMET I KOMUNIKACIJE SARAJEVO	15 – PROPERTY RELATIONS ODNOSI	17/02/2022	NOT IMPLEMENTED	YES
P-37/22	Ž-SA-06-322/21	KAZNENO-POPRAVNI ZAVOD ZATVORENOG TIPA ZENICA, N/R DIREKTORA	01 - DISCRIMINATION -- 01-03 - MOBBING	17/02/2022	IMPLEMENTED	YES
P-38/22	Ž-SA-08-506/21	PON-OPŠTINA BROD, N/R NAČELNIKA OPŠTINE	19 - ADMINISTRATION	17/02/2022	COOPERATION ACHIEVED	YES
P-39/22	Ž-SA-05-1231/21	GRAD SARAJEVO, N/R GRADONAČELNICE	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	24/02/2022	IMPLEMENTED	YES
P-40/22	Ž-BL-05-739/21 Ž-BL-05-743/21 Ž-BL-05-745/21	PON-RTV „SANA“, NADZORNI ODBOR RTV SANA SANSKI MOST	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	24/02/2022	IMPLEMENTED	YES
P-41/22	Ž-BL-01-396/20	PON-OPĆINSKI SUD U TEŠNJU, VISOKO SUDSKO I TUŽILAČKO VIJEĆE BOSNE I HERCEGOVINE	13 - RIGHTS OF THE CHILD	24/02/2022	IMPLEMENTED	YES
P-42/22	Ž-SA-06-647/21	UDRUŽENJE LIKOVNIH UMJETNIKA PRIMIJENJENIH UMJETNOSTI I DIZAJNERA U BOSNI I HERCEGOVINI SARAJEVO, N/R PREDSJEDNIKA, N/R SKUPŠTINE	01 - DISCRIMINATION	25/02/2022	IMPLEMENTED	YES
P-43/22	Ž-SA-04-1045/21 Ž-SA-04-1224/21	KANTON SARAJEVO, VLADA KANTONA SARAJEVO, N/R PREMIJERA, MINISTARSTVO ZA BORAČKA PITANJA KANTONA SARAJEVO, NA ZNANJE MINISTRA	10 - LABOUR RELATIONS	25/02/2022	IMPLEMENTED	YES
P-44/22	Ž-SA-06-1122/21	VLADA ZENIČKO-DOBOJSKOG KANTONA	01 – DISCRIMINATION	25/02/2022	IMPLEMENTED	YES
P-45/22	Ž-SA-05-1089/21 Ž-SA-05-1090/21	KANTON SARAJEVO, VLADA SARAJEVO KANTONA SARAJEVO, MINISTARSTVO PRIVREDE	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	25/02/2022	NOT IMPLEMENTED	YES
P-46/22	Ž-SA-05-1098/21	KANTON SARAJEVO, MINISTARSTVO ZA NAUKU, VISOKO OBRAZOVANJE I MLADE SARAJEVO, JU „STUDENTSKI CENTAR“ SARAJEVO, UPRAVNI ODBOR	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	25/02/2022	IMPLEMENTED	YES
P-47/22	Ž-SA-08-1295/21 Ž-SA-08-1302/21	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, POREZNA UPRAVA FEDERACIJE BOSNE I HERCEGOVINE, POREZNA ISPOSTAVA STARI GRAD	19 – PUBLIC ADMINISTRATION	25/02/2022	NOT IMPLEMENTED	YES
P-48/22	Ž-SA-01-186/21	ZAVOD ZDRAVSTVENOG OSIGURANJA UNSKO – SANSKOG KANTONA BIHAĆ	13 - RIGHTS OF THE CHILD	25/02/2022	IMPLEMENTED	YES
P-49/22	Ž-SA-05-89/21	VLADA FEDERACIJE BiH, FEDERALNO MINISTARSTVO RADA I SOCIJALNE POLITIKE SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	25/02/2022	NOT IMPLEMENTED	YES

P-50/22	Ž-SA-08-1205/21	PON-OPĆINA ILIDŽA, OPĆINSKI NAČELNIK	19 – PUBLIC ADMINISTRATION	25/02/2022	IMPLEMENTED	YES
P-51/22	Ž-MO-04-91/21	VLADA HNK MOSTAR, MINISTARSTVO FINANSIJA HNK, N/R MINISTRA	10 - LABOUR RELATIONS	04/03/2022	COOPERATION ACHIEVED	YES
P-52/22	Ž-SA-08-884/19	OPŠTINA GLAMOČ	19 – PUBLIC ADMINISTRATION	10/03/2022	COOPERATION ACHIEVED	YES
P-53/22	Ž-SA-04-936/21	UNIVERZITET U SARAJEVU	11 - EDUCATION -- 11-4 - HIGHER EDUCATION	10/03/2022	COOPERATION ACHIEVED	YES
P-54/22	Ž-BL-04-596/21	SINDIKAT TRGOVINE, TURIZMA, UGOSTITELJSTVA I USLUŽNIH DJELATNOSTI REPUBLIKE SRPSKE, UDRUŽENJE POSLODAVACA TURIZMA I UGOSTITELJSTVA REPUBLIKE SRPSKE, UNIJA UDRUŽENJA POSLODAVACA REPUBLIKE SRPSKE, MINISTARSTVO TRGOVINE I TURIZMA, SAVEZ SINDIKATA REPUBLIKE SRPSKE	10 - LABOUR RELATIONS	10/03/2022	PARTIALLY IMPLEMENTED	YES
P-55/22	Ž-BL-05-658/21	PON-GRAD BANJA LUKA	03 - ACCESS TO INFORMATION	10/03/2022	IMPLEMENTED	YES
P-56/22	Ž-BL-05-756/21	VLADA REPUBLIKE SRPSKE, REPUBLIČKI SEKRETARIJAT ZA RASELJENA LICA I MIGRACIJE, FEDERACIJA BOSNE I HERCEGOVINE, FEDERALNO MINISTARSTVO RASELJENIH OSOBA I IZBJEGLICA, UNSKO-SANSKI KANTON, OPĆINA BOSANKA KRUPA	05 - POLICE	10/03/2022	COOPERATION ACHIEVED	YES
P-57/22	Ž-BL-05-648/21	GRAD BANJA LUKA	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY PERIOD	10/03/2022	NO RESPONSE	NO
P-58/22	Ž-BL-08-761/21	PON-ODJELJENJE ZA PROSTORNO UREĐENJE I STAMBENO-KOMUNALNE POSLOVE	09 - JUDICIARY	10/03/2022	NO RESPONSE	NO
P-59/22	Ž-BL-05-811/21	UNIVERZITETSKI KLINIČKI CENTAR REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	10/03/2022	NOT IMPLEMENTED	YES
P-60/22	Ž-BL-05-776/21	"KOMUNALNO" D.O.O. PREDUZEĆE ZA KOMUNALNE I USLUŽNE DJELATNOSTI BOSANSKI PETROVAC	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	10/03/2022	NOT IMPLEMENTED	YES
P-61/22	Ž-BL-05-729/21	REPUBLIČKA UPRAVA ZA GEODETSKE I IMOVINSKO-PRAVNE POSLOVE	03 - ACCESS TO INFORMATION	10/03/2022	NOT IMPLEMENTED	YES
P-62/22	Ž-BL-05-689/21	UNIVERZITETSKI KLINIČKI CENTAR REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	10/03/2022	NOT IMPLEMENTED	YES

P-63/22	Ž-BL-05-53/22	OSNOVNI SUD BANJA LUKA	03 - ACCESS TO INFORMATION	10/03/2022	IMPLEMENTED	YES
P-64/22	Ž-BL-06-844/21	FEDERALNI ZAVOD ZA MJERITELJSTVO	03 - ACCESS TO INFORMATION	10/03/2022	IMPLEMENTED	YES
P-65/22	Ž-BL-05-828/21	PON-FEDERALNI ZAVOD ZA MJERITELJSTVO	03 - ACCESS TO INFORMATION	10/03/2022	IMPLEMENTED	YES
P-66/22	Ž-BL-04-99/22	FOND ZDRAVSTVENOG OSIGURANJA REPUBLIKE SRPSKE	23 - HEALTHCARE	10/03/2022	NOT IMPLEMENTED	NO
P-67/22	Ž-BL-04-363/21	PON- ZP "ELEKTROKRAJINA" A.D. BANJA LUKA	21 - UTILITY SERVICES	14/03/2022	NOT IMPLEMENTED	NO
P-68/22	Ž-BL-05-821/21	GRAD BIHAĆ	03 - ACCESS TO INFORMATION	14/03/2022	IMPLEMENTED	YES
P-69/22	Ž-LI-05-16/22	MINISTARSTVO ZNANOSTI, PROSVJETE, KULTURE I SPORTA KANTONA 10	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	23/03/2022	NO RESPONSE	NO
P-70/22	Ž-BL-05-737/21	REPUBLIČKA UPRAVA ZA GEODETSKE I IMOVINSKO-PRAVNE POSLOVE, PODRUČNA JEDINICA SOKOLAC	15 – PROPERTY RELATIONS	18/03/2022	IMPLEMENTED	YES
P-71/22	Ž-BR-04-158/21	1-SKUPŠTINA BRČKO DISTRIKTA BOSNE I HERCEGOVINE BRČKO 2-VLADA BRČKO DISTRIKTA BOSNE I HERCEGOVINE	10 - LABOUR RELATIONS	18/03/2022	COOPERATION ACHIEVED	YES
P-72/22	Ž-BR-05-120/20,	MINISTARSTVO UNUTRAŠNJIH POSLOVA TUZLANSKOG KANTONA	05 - POLICE	18/03/2022	IMPLEMENTED	YES
P-73/22	Ž-BR-05-19/22	JAVNA ZDRAVSTVENA USTANOVA DOM ZDRAVLJA TEOČAK	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	18/03/2022	COOPERATION ACHIEVED	YES
P-74/22	Ž-BR-06-34/21 Ž-BR-06-37/21	JAVNA USTANOVA SLUŽBA ZA ZAPOŠLJAVANJE TUZLANSKOG KANTONA	01 - DISCRIMINATION -- 01-03 - MOBBING	18/03/2022	IMPLEMENTED	YES
P-75/22	Ž-SA-06-1129/21	SBERBANKA BH D.D. SARAJEVO, N/R DIREKTORA REGIJE SARAJEVO - POSLOVANJE SA STANOVNIŠTVOM I PODUZETNICIMA SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	21/03/2022	IMPLEMENTED	YES
P-76/22	Ž-SA-01-1159/21	JU "KANTONALNI CENTAR ZA SOCIJALNI RAD" SLUŽBA SOCIJALNE ZAŠTITE OPĆINE ILIDŽA	13 - RIGHTS OF THE CHILD	21/03/2022	IMPLEMENTED	YES
P-77/22	Ž-SA-04-1285/21	VLADA HERCEGOVAČKO-NERETVANSKOG KANTONA, MINISTARSTVO GRAĐENJA I PROSTORNOG UREĐENJA MOSTAR	14 - ECOLOGY AND ENVIRONMENTAL PROTECTION	21/03/2022	COOPERATION ACHIEVED	YES
P-78/22	Ž-SA-08-190/21	GRAD VISOKO, N/R KOMISIJA ZA PROCJENU PROMETNE VRIJEDNOSTI NEKRETNINA	19 - ADMINISTRATION	21/03/2022	IMPLEMENTED	YES

P-79/22	Ž-SA-05-222/21	OPĆINA ZAVIDOVIĆI	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21/03/2022	COOPERATION ACHIEVED	YES
P-80/22	Ž-SA-08-311/21	PON-FEDERALNO MINISTARSTVO PRAVDE, UPRAVNI INSPEKTORAT, GLAVNI FEDERALNI INSPEKTOR SARAJEVO	19 - ADMINISTRATION	21/03/2022	IMPLEMENTED	YES
P-81/22	Ž-BL-05-4/22	PON- MINISTARSTVO RADA I BORAČKO-INVALIDSKE ZAŠTITE REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	31/03/2022	NOT IMPLEMENTED	NO
P-82/22	Ž-BL-05-631/21	GRAD GRADIŠKA, ODJELJENJE ZA OPŠTU UPRAVU	03 - ACCESS TO INFORMATION	01/04/2022	NO RESPONSE	NO
P-83/22	Ž-BL-05-871/21	VLADA REPUBLIKE SRPSKE, GENERALNI SEKRETARIJAT, BIRO ZA ODNOS SA JAVNOŠĆU	03 - ACCESS TO INFORMATION	01/04/2022	NOT IMPLEMENTED	NO
P-84/22	Ž-BL-05-876/21	PON-MINISTARSTVO RADA I BORAČKO-INVALIDSKE ZAŠTITE REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	01/04/2022	NOT IMPLEMENTED	NO
P-85/22	Ž-BL-05-41/22	UNIVERZITET U BANJOJ LUCI	03 - ACCESS TO INFORMATION	01/04/2022	NOT IMPLEMENTED	YES
P-86/22	Ž-BL-05-127/22	MINISTARSTVO SAOBRAĆAJA I VEZA REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	01/04/2022	IMPLEMENTED	YES
P-87/22	Ž-BL-05-509/21	VLADA UNSKO- SANSKOG KANTONA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	01/04/2022	NO RESPONSE	NO
P-88/22	Ž-BL-04-47/21 Ž-BL-08-157/2 Ž-BL-08-158/21	„KOSMOS“ A.D. BANJALUKA, PORESKA UPRAVA REPUBLIKE SRPSKE, OKRUŽNI PRIVREDNI SUD BANJA LUKA, FOND ZA PENZIJSKO I INVALIDSKO OSIGURANJE REPUBLIKE SRPSKE - FILIJALA BANJA LUKA	10 - LABOUR RELATIONS, 19 - ADMINISTRATION	01/04/2022	IMPLEMENTED	YES
P-89/22	Ž-BL-06-19/22	FOND ZA ZAŠTITU ŽIVOTNE SREDINE I ENERGETSKU EFIKASNOST REPUBLIKE SRPSKE	01 - DISCRIMINATION	01/04/2022	IMPLEMENTED	YES
P-90/22	Ž-BL-06-357/21	VLADA REPUBLIKE SRPSKE, MINISTARSTVO ZA IZBJEGLICE I RASELJENA LICA, VLADA REPUBLIKE SRPSKE, REPUBLIČKI SEKRETARIJAT ZA RASELJENA LICA I MIGRACIJE, FEDERACIJA BOSNE I HERCEGOVINE, FEDERALNO MINISTARSTVO RASELJENIH OSOBA I IZBJEGLICA	01 - DISCRIMINATION	01/04/2022	IMPLEMENTED	YES
P-91/22	Ž-BR-05-234/21	PON-GRAD TUZLA, SLUŽBA ZA PROSTORNO UREĐENJE I ZAŠTITU OKOLINE	15 – PROPERTY RELATIONS	22/04/2022	IMPLEMENTED	YES
P-92/22	Ž-BR-08-228/21	MINISTARSTVO ZA KULTURU SPORT I MLADE TUZLANSKOG KANTONA	19 - ADMINISTRATION	01/04/2022	NOT IMPLEMENTED	YES

P-93/22	Ž-BR-08-84/21	PON-OSNOVNI SUD BRČKO DISTRIKTA BiH	09 - JUDICIARY -- 09-2 - LENGTH OF PROCEEDINGS (ARTICLE 6)	01/04/2022	IMPLEMENTED	YES
P-94/22	Ž-MO-05-142/21	VLADA HERCEGOVAČKO-NERETVANSKOG KANTONA	03 - ACCESS TO INFORMATION	05/04/2022	NO RESPONSE	NO
P-95/22	Ž-SA-04-984/21	MINISTARSTVO ZA ODGOJ I OBRAZOVANJE KANTONA SARAJEVO, N/R MINISTRICE, JU SREDNJA UGOSITELJSKO-TURISTIČKA ŠKOLA, ŠKOLSKOM ODBORU SARAJEVO	10 - LABOUR RELATIONS	12/04/2022	NOT IMPLEMENTED	YES
P-96/22	Ž-SA-05-232/22	OPĆINA NOVI GRAD SARAJEVO, N/R NAČELNIKA	03 - ACCESS TO INFORMATION	12/04/2022	NOT IMPLEMENTED	YES
P-97/22	Ž-BL-01-205/21	PON-KANTONALNO TUŽILAŠTVO HERCEGOVAČKO- NERETVANSKOG KANTONA	13 - RIGHTS OF THE CHILD	12/04/2022	COOPERATION ACHIEVED	YES
P-98/22	Ž-SA-05-1131/21	OPĆINA TEŠANJ	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	12/04/2022	NOT IMPLEMENTED	NO
P-99/22	Ž-SA-08-1024/21	OPĆINA STARI GRAD SARAJEVO	19 - ADMINISTRATION	12/04/2022	COOPERATION ACHIEVED	YES
P-100/22	Ž-SA-06-963/21	PON-POLJOPRIVREDNA ZADRUGA „ BOSNAKOOP DOBOJ“ PREDUŽĆE SA POTPUNOM ODGOVORNOŠĆU DOBOJ	01 - DISCRIMINATION -- 01-03 - MOBBING	12/04/2022	IMPLEMENTED	YES
P-101/22	Ž-SA-04-16/22	JAVNO PREDUZEĆE ELEKTROPRIVREDA BOSNE I HERCEGOVINE D.D. SARAJEVO, PODRUŽNICA "ELEKTRODISTRIBUCIJA" SARAJEVO	10 - LABOUR RELATIONS	12/04/2022	IMPLEMENTED	NO
P-102/22	Ž-BR-05-15/22	JAVNA ZDRAVSTVENA USTANOVA „ZDRAVSTVENI CENTAR BRČKO“	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY PERIOD	15/04/2022	IMPLEMENTED	YES
P-103/22	Ž-BR-05-160/21	JAVNA USTANOVA CENTAR ZA SOCIJALNI RAD TUZLA, MINISTARSTVO SIGURNOSTI BOSNE I HERCEGOVINE, SLUŽBA ZA POSLOVE SA STRANCIMA, TERENSKI CENTAR TUZLA	05 - POLICE	15/04/2022	COOPERATION ACHIEVED	YES
P-104/22	Ž-SA-04-171/22	UNIVERZITET U TUZLI, N/R REKTORICE	10 - LABOUR RELATIONS	15/04/2022	IMPLEMENTED	YES
P-105/22	Ž-SA-04-1099/21	JU GIMNAZIJA OBALA SARAJEVO	10 - LABOUR RELATIONS	22/04/2022	PARTIALLY IMPLEMENTED	YES
P-106/22	Ž-SA-04-228/22	KJKP PARK D.O.O. SARAJEVO	10 - LABOUR RELATIONS	22/04/2022	IMPLEMENTED	YES

P-107/22	Ž-SA-06-1232/21	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	22/04/2022	NOT IMPLEMENTED	NO
P-108/22	Ž-SA-06-899/18	PON-KJKP "VODOVOD I KANALIZACIJA" D.O.O. SARAJEVO, N/R DIREKTORA	01 - DISCRIMINATION	22/04/2022	IMPLEMENTED	YES
P-109/22	Ž-SA-05-1301/21	GRAD TUZLA, KOMISIJA ZA UTVRĐIVANJE PROMETNE VRIJEDNOSTI NEPOKRETNOSTI GRADA TUZLA, N/R PREDSDJEDNIKA KOMISIJE, NA ZNANJE: KANTONALNI POREZNI URED TUZLA, N/R RUKOVODIOCA UREDA	03 - ACCESS TO INFORMATION	22/04/2022	PARTIALLY IMPLEMENTED	YES
P-110/22	Ž-SA-05-239/22	MINISTARSTVO ZA RAD, SOCIJALNU POLITIKU, RASELJENA LICA I IZBJEGLICE KANTONA SARAJEVO, N/R MINISTRA, N/R SLUŽBENIKA ZA INFORMISANJE	03 - ACCESS TO INFORMATION	22/04/2022	NOT IMPLEMENTED	YES
P-111/22	Ž-SA-05-359/22	OPĆINA NOVI GRAD SARAJEVO, N/R NAČELNIKA	03 - ACCESS TO INFORMATION	22/04/2022	NOT IMPLEMENTED	YES
P-112/22	Ž-SA-08-157/22	OPĆINA ILIDŽA, N/R NAČELNIKA	19 - ADMINISTRATION	22/04/2022	NOT IMPLEMENTED	YES
P-113/22	Ž-SA-05-943/20	ZENIČKO-DOBOJSKI KANTON, MINISTARSTVO UNUTRAŠNJIH POSLOVA ZENICA, N/R MINISTRA	02 - MEDIA AND FREEDOM OF INFORMATION	22/04/2022	NOT IMPLEMENTED	NO
P-114/22	Ž-SA-08-1100/21	KANTON SREDIŠNJA BOSNA/SREDNJOBOSANSKI KANTON, MINISTARSTVO PROSTORNOG UREĐENJA, GRAĐENJA, ZAŠTITE OKOLIŠA, POVRATKA I STAMBENIH POSLOVA TRAVNIK	19 - ADMINISTRATION	22/04/2022	COOPERATION ACHIEVED	YES
P-115/22	Ž-SA-08-41/22	JU SLUŽBA ZA ZAPOSŁJAVANJE KANTONA SARAJEVO	19 - ADMINISTRATION	22/04/2022	PARTIALLY IMPLEMENTED	YES
P-116/22	Ž-BL-06-125/22	PON-MINISTARSTVO RADA I BORAČKO- INVALIDSKE ZAŠTITE REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	28/04/2022	NO RESPONSE	NO
P-117/22	Ž-BL-05-2/22	PON-ZEDP "ELEKTRO-BIJELJINA" AD	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	28/04/2022	NO RESPONSE	NO
P-118/22	Ž-BL-05-71/22	PON- MINISTARSTVO VANJSKIH POSLOVA BOSNE I HERCEGOVINE	17 - PUBLIC DOCUMENTS	28/04/2022	NO RESPONSE	NO
P-119/22	Ž-BL-08-16/22	PON- OPŠTINA PALE	19 - ADMINISTRATION	28/04/2022	IMPLEMENTED	NO
P-120/22	Ž-SA-08-228/20,	KANTONALNI SUD U SARAJEVU	09 - JUDICIARY	28/04/2022	IMPLEMENTED	YES
P-121/22	Ž-BL-01-781/20,	OSNOVNI SUD U BANJOJ LUCI, OKRUŽNO JAVNO TUŽILAŠTVO U BANJOJ LUCI	13 - RIGHTS OF THE CHILD	28/04/2022	COOPERATION ACHIEVED	YES

P-122/22	Ž-BL-06-49/22	JU CENTAR ZA SOCIJALNI RAD PRIJEDOR	01 - DISCRIMINATION -- 01-01 – HARASSMENT	13/05/2022	NOT IMPLEMENTED	YES
P-123/22	Ž-BL-04-106/22	MINISTARSTVO ZA NAUČNO-TEHNOLOŠKI RAZVOJ, VISOKO OBRAZOVANJE I INFORMACIONO DRUŠTVO REPUBLIKE SRPSKE	11 – EDUCATION	13/05/2022	NOT IMPLEMENTED	YES
P-124/22	Ž-BL-05-759/21	GRAD BANJA LUKA, MINISTARSTVO UPRAVE I LOKALNE SAMOUPRAVE REPUBLIKE SRPSKE	32 – INSPECTIONS	05/05/2022	IMPLEMENTED	YES
P-125/22	Ž-SA-05-790/21	OPĆINA TEŠANJ	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	06/05/2022	IMPLEMENTED	NO
P-126/22	Ž-SA-05-888/21	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	06/05/2022	NO RESPONSE	NO
P-127/22	Ž-SA-06-72/22	PON-FEDERALNO MINISTARSTVA POLJOPRIVREDE, VODOPRIVREDE I ŠUMARSTVA SARAJEVO, N/R MINISTRA, FEDERALNO MINISTARSTVO FINANSIJA SARAJEVO, NA ZNANJE MINISTRICI	01 – DISCRIMINATION	06/05/2022	NO RESPONSE	NO
P-128/22	Ž-SA-05-372/22	JZU UNIVERZITETSKI KLINIČKI CENTAR TUZLA, N/R DIREKTORA	03 - ACCESS TO INFORMATION	06/05/2022	IMPLEMENTED	YES
P-129/22	Ž-BL-05-11/22 Ž-BL-05-13/22	OPĆINA SANSKI MOST	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	12/05/2022	NO RESPONSE	NO
P-130/22	Ž-BL-05-12/22 Ž-BL-05-14/22 Ž-BL-05-140/22 Ž-BL-05-15/22 Ž-BL-05-725/21	OPĆINSKO VIJEĆE OPĆINE SANSKI MOST, N/R PREDSEDavajućEG OPĆINSKOG VIJEĆA SANSKI MOST, OPĆINA SANSKI MOST, N/R NAČELNIKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	06/05/2022	NOT IMPLEMENTED	YES
P-131/22	Ž-SA-02-408/22 Ž-SA-02-99/22	VLADA FEDERACIJE BiH SARAJEVO, N/R PREMIJERA, FEDERALNO MINISTARSTVO RADA I SOCIJALNE POLITIKE SARAJEVO, N/R MINISTRA, FEDERALNO MINISTARSTVO FINANSIJA SARAJEVO, N/R MINISTRICE	12 - PERSONS WITH DISABILITIES	09/05/2022	IMPLEMENTED	YES
P-132/22	Ž-SA-02-89/22	OPĆINA KAKANJ, N/R NAČELNIKA	12 - PERSONS WITH DISABILITIES	09/05/2022	IMPLEMENTED	YES
P-133/22	Ž-SA-05-3/22	GRAD SARAJEVO, N/R GRADONAČELNICE, N/R SLUŽBENIKA ZA INFORMISANJE	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY PERIOD	09/05/2022	IMPLEMENTED	YES

P-134/22	Ž-MO-04-63/21	FEDERALNI ZAVOD ZA PENZIJSKO I INVALIDSKO OSIGURANJE MOSTAR	25 – PENSIONS	17/05/2022	NO RESPONSE	NO
P-135/22	Ž-MO-05-131/21	1. VLADA HERCEGOVAČKO NERETVANSKOG KANTONA MOSTAR, 2. GRAD MOSTAR	32 – INSPECTIONS	17/05/2022	NOT IMPLEMENTED	YES
P-136/22	Ž-MO-08-7/22	OPĆINSKI SUD U ČAPLJINI	09 – JUDICIARY	17/05/2022	PARTIALLY IMPLEMENTED	YES
P-137/22	Ž-MO-05-34/22	GRAD MOSTAR	03 - ACCESS TO INFORMATION	17/05/2022	IMPLEMENTED	YES
P-138/22	Ž-BL-01-707/21	PON-CENTAR ZA SOCIJALNI RAD VELIKA KLADUŠA	13 - RIGHTS OF THE CHILD	23/05/2022	IMPLEMENTED	YES
P-139/22	Ž-BL-08-7/22	JU ZAVOD ZA ZAPOŠLJAVANJE REPUBLIKE SRPSKE	09 – JUDICIARY	23/05/2022	NOT IMPLEMENTED	YES
P-140/22	Ž-SA-08-191/22	OPĆINA VOGOŠĆA, N/R NAČELNIKA, N/R URBANISTIČKO-GAĐEVINSKE INSPEKCIJE	19 – PUBLIC ADMINISTRATION	26/05/2022	COOPERATION ACHIEVED	YES
P-141/22	Ž-SA-05-1028/21	SKUPŠTINA ZENIČKO – DOBOJSKOG KANTONA ZENICA	05 – POLICE	26/05/2022	IMPLEMENTED	YES
P-142/22	Ž-SA-05-1102/21	VLADA KANTONA SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	30/05/2022	COOPERATION ACHIEVED	YES
P-143/22	Ž-SA-04-386/22	JAVNO PREDUZEĆE ELEKTROPRIVREDA BOSNE I HERCEGOVINE D.D. SARAJEVO, PODRUŽNICA "ELEKTRODISTRIBUCIJA" BIHAĆ	21 - UTILITY SERVICES	30/05/2022	COOPERATION ACHIEVED	YES
P-144/22	Ž-LI-08-60/22 Ž-LI-08-61/22 Ž-LI-08-62/22	PON-VLADA KANTONA 10, PON-ŽALBENO VIJEĆE KANTONA 10	19 – PUBLIC ADMINISTRATION	02/06/2022	IMPLEMENTED	YES
P-145/22	Ž-LI-05-76/22	JU BOLNICA TRAVNIK	03 - ACCESS TO INFORMATION	17/06/2022	IMPLEMENTED	YES
P-146/22	Ž-MO-04-111/21	1. MINISTARSTVO OBRAZOVANJA, NAUKE, KULTURE I SPORTA HERCEGOVAČKO-NERETVANSKOG KANTONA MOSTAR, 2. VLADA HERCEGOVAČKO-NERETVANSKOG KANTONA MOSTAR	10 - LABOUR RELATIONS	02/06/2022	NO RESPONSE	NO
P-147/22	Ž-BL-05-396/21	GRAD BANJA LUKA	32 – INSPECTIONS	02/06/2022	NO RESPONSE	NO
P-148/22	Ž-BL-06-66/22	JZU UNIVERZITETSKA BOLNICA FOČA	01 – DISCRIMINATION	07/06/2022	IMPLEMENTED	NO
P-149/22	Ž-BR-08-270/21	KANTONALNO TUŽILAŠTVO TUZLANSKOG KANTONA	26 – PROSECUTOR'S OFFICES	29/06/2022	COOPERATION ACHIEVED	YES
P-150/22	Ž-BR-05-35/22	OPĆINA KALESIJA, STRUČNA SLUŽBA OPĆINSKOG NAČELNIKA/INSPEKCIJA	32 – INSPECTIONS	29/06/2022	IMPLEMENTED	YES

P-151/22	Ž-MO-05-159/21	MINISTARSTVO UNUTARNJIH POSLOVA HERCEGOVAČKO-NERETVANSKOG KANTONA, N/R MINISTRA MOSTAR	05 - POLICE -- 05-1 - COMPLAINTS ABOUT POLICE WORK	21/06/2022	NO RESPONSE	NO
P-152/22	Ž-SA-06-20/22	AKOVA IMPEX D.O.O SARAJEVO, N/ R GENERALNOG DIREKTORA, N/R PREDSJEDNIKA NADZORNOG ODBORA	01 - DISCRIMINATION -- 01-03 – MOBBING	22/06/2022	IMPLEMENTED	YES
P-153/22	Ž-SA-05-526/22	OPĆINA NOVI GRAD SARAJEVO	03 - ACCESS TO INFORMATION	21/06/2022	NOT IMPLEMENTED	YES
P-154/22	Ž-SA-05-125/22	VLADA UNSKO-SANSKOG KANTONA BIHAĆ	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY PERIOD	21/06/2022	PARTIALLY IMPLEMENTED	YES
P-155/22	Ž-SA-05-278/22	VLADA SREDNJOBOSANSKOG KANTONA TRAVNIK, MINISTARSTVO OBRAZOVANJA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21/06/2022	NOT IMPLEMENTED	NO
P-156/22	Ž-SA-04-112/22	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, VLADA REPUBLIKE SRPSKE BANJA LUKA, NA ZNANJE: MINISTARSTVO ZA LJUDSKA PRAVA I IZBJEGLICE BOSNE I HERCEGOVINE SARAJEVO, MINISTARSTVO CIVILNIH POSLOVA BOSNE I HERCEGOVINE SARAJEVO	10 - LABOUR RELATIONS	22/06/2022	COOPERATION ACHIEVED	YES
P-157/22	Ž-SA-06-116/22 Ž-SA-06-131/22	PON-JAVNA USTANOVA “DOM ZDRAVLJA GORNJI VAKUF/USKOPLJE”, UPRAVNOM ODBORU, V.D. DIREKTORICI GORNJI VAKUF-USKOPLJE	01 - DISCRIMINATION -- 01-16 - ON GROUNDS OF MEMBERSHIP OF TRADE UNION OR ANOTHER ASSOCIATION	22/06/2022	NO RESPONSE	NO
P-158/22	Ž-SA-08-515/22 Ž-SA-08-516/22 Ž-SA-08-517/22 Ž-SA-08-518/22 Ž-SA-08-519/22 Ž-SA-08-520/22 Ž-SA-08-521/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA KANTONA SARAJEVO, UPRAVA POLICIJE - POLICIJSKOM KOMESARU, KOMISIJI ZA PONAVLJANJE POSTUPKA UNAPREĐENJA POLICIJSKIH SLUŽBENIKA U ČIN “INSPEKTOR”	09 – JUDICIARY	22/06/2022	IMPLEMENTED	YES
P-159/22	Ž-SA-04-1157/21	MINISTARSTVO ZA ODGOJ I OBRAZOVANJE KANTONA SARAJEVO, N/R MINISTRICE HOTA - MUMINOVIĆ NAIDE	11 - EDUCATION -- 11-5 - ADULT EDUCATION	22/06/2022	COOPERATION ACHIEVED	YES
P-160/22	Ž-SA-04-799/21	JU “KANTONALNI ZAVOD ZA ZAŠTITU KULTURNO-HISTORIJSKOG I PRIRODNOG NASLIJEĐA” SARAJEVO	10 - LABOUR RELATIONS	22/06/2022	COOPERATION ACHIEVED	YES

P-161/22	Ž-SA-08-355/22	KANTON SARAJEVO, MINISTARSTVO KOMUNALNE PRIVREDE, INFRASTRUKTURE, PROSTORNOG UREĐENJA, GRAĐENJA I ZAŠTITE OKOLIŠA, KANTONALNA UPRAVA ZA INSPEKCIJSKE POSLOVE SARAJEVO, OPĆINA ILIDŽA	32 – INSPECTIONS	22/06/2022	COOPERATION ACHIEVED	YES
P-162/22	Ž-SA-06-1100/20,	KANTON SARAJEVO, JAVNA USTANOVA „SLUŽBA ZA ZAPOSŁJAVANJE“ SARAJEVO, N/R DIREKTORICE	01 - DISCRIMINATION -- 01-03 – MOBBING	22/06/2022	IMPLEMENTED	YES
P-163/22	Ž-SA-05-328/22 Ž-SA-05-433/22	MINISTARSTVO PRAVDE BOSNE I HERCEGOVINE SARAJEVO	03 - ACCESS TO INFORMATION	23/06/2022	IMPLEMENTED	YES
P-164/22	Ž-SA-02-327/22	GRAD ZENICA, N/R GRADONAČELNIKA	12 - PERSONS WITH DISABILITIES	23/06/2022	PARTIALLY IMPLEMENTED	YES
P-165/22	Ž-BL-04-168/22	FEDERALNI ZAVOD PIO/MIO, KANTONALNA ADMINISTRATIVNA SLUŽBA U BIHAĆU, SUDSKA POLICIJA FEDERACIJE BOSNE I HERCEGOVINE, KANTONALNO TUŽILAŠTVO UNSKO-SANSKOG KANTONA, KANTONALNI SUD U SARAJEVU	10 - LABOUR RELATIONS	23/06/2022	IMPLEMENTED	YES
P-166/22	Ž-BL-05-122/22	JU „DJEČIJE OBDANIŠTE I DOM UČENIKA“ BOSANSKA KRUPA, MINISTARSTVO OBRAZOVANJA, NAUKE, KULTURE I SPORTA UNSKO-SANSKOG KANTONA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	23/06/2022	NOT IMPLEMENTED	NO
P-167/22	Ž-BL-05-192/22	PON-OPŠTINA KOZARSKA DUBICA	20 - WAR DAMAGE	24/06/2022	NOT IMPLEMENTED	NO
P-168/22	Ž-BL-05-26/22	FEDERALNI ZAVOD ZA PENZIJSKO I INVALIDSKO OSIGURANJE, CENTRALNA ADMINISTRATIVNA SLUŽBA SARAJEVO, FEDERALNO MINISTARSTVO RADA I SOCIJALNE POLITIKE	32 – INSPECTIONS	23/06/2022	IMPLEMENTED	YES
P-169/22	Ž-BL-04-261/22	JZU DOM ZDRAVLJA „DR MLADEN STOJANOVIĆ“ LAKTAŠI	23 – HEALTHCARE	24/06/2022	IMPLEMENTED	YES
P-170/22	Ž-BL-04-227/22	SKUPŠTINA OPŠTINE SRBAC, JU „CENTAR ZA SOCIJALNI RAD“	24 - SOCIAL PROTECTION	24/06/2022	IMPLEMENTED	YES
P-171/22	Ž-BL-05-155/22	MINISTARSTVO UPRAVE I LOKALNE SAMOUPRAVE REPUBLIKE SRPSKE, UPRAVNA INSPEKCIJA	32 – INSPECTIONS	24/06/2022	NO RESPONSE	NO
P-172/22	Ž-LI-05-66/22 Ž-LI-05-67/22 Ž-LI-05-68/22	PON - VLADA KANTONA 10 2. ŽALBENO VIJEĆE VLADE KANTONA 10	03 - ACCESS TO INFORMATION	27/06/2022	IMPLEMENTED	YES
P-173/22	Ž-LI-01-119/22	1. GRAD LIVNO, 2. GRADSKO VIJEĆE LIVNO, 3. DJEČIJI VRTIĆ "PČELICE" LIVNO	13 - RIGHTS OF THE CHILD	27/06/2022	IMPLEMENTED	YES
P-174/22	Ž-BR-05-90/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA	05 – POLICE	29/06/2022	IMPLEMENTED	YES

		TUZLANSKOG KANTONA				
P-175/22	Ž-BR-04-113/22	POREZNA UPRAVA FEDERACIJE BOSNE I HERCEGOVINE	10 - LABOUR RELATIONS	29/06/2022	NO RESPONSE	NO
P-176/22	Ž-BR-01-84/22	JAVNA USTANOVA ZA ODGOJ I OBRAZOVANJE DJECE PREDŠKOLSKOG UZRASTA LUKAVAC	13 - RIGHTS OF THE CHILD	29/06/2022	COOPERATION ACHIEVED	YES
P-177/22	Ž-BR-08-122/20,	OPĆINSKI SUD U TUZLI	09 – JUDICIARY	29/06/2022	IMPLEMENTED	YES
P-178/22	Ž-BR-01-25/22	1. JAVNA USTANOVA CENTAR ZA SOCIJALNI RAD KALESIJA, 2. KANTONALNO TUŽILAŠTVO TUZLANSKOG KANTONA, 3. JAVNA USTANOVA CENTAR ZA SOCIJALNI RAD KALESIJA I KANTONALNO TUŽILAŠTVO TUZLANSKOG KANTONA	13 - RIGHTS OF THE CHILD	29/06/2022	PARTIALLY IMPLEMENTED	YES
P-179/22	Ž-BR-08-30/22	KANTONALNI SUD U TUZLI	09 – JUDICIARY	29/06/2022	PARTIALLY IMPLEMENTED	YES
P-180/22	Ž-SA-06-117/22 Ž-SA-06-118/22 Ž-SA-06-119/22	FEDERALNO MINISTARSTVO UNUTRAŠNJIH POSLOVA, FEDERALNA UPRAVA POLICIJE SARAJEVO	01 - DISCRIMINATION -- 01-22 - ON GROUNDS OF AGE	04/07/2022	NOT IMPLEMENTED	YES
P-181/22	Ž-BL-05-24/22	MINISTARSTVO SAOBRAĆAJA I VEZA REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	04/07/2022	COOPERATION ACHIEVED	YES
P-182/22	Ž-BL-05-175/22	MINISTARSTVO RADA I BORAČKO-INVALIDSKE ZAŠTITE REPUBLIKE SRPSKE	03 - ACCESS TO INFORMATION	25/07/2022	NOT IMPLEMENTED	NO
P-183/22	Ž-BL-05-188/22	AGENCIJA ZA IDENTIFIKACIONA DOKUMENTA, EVIDENCIJU I RAZMJENU PODATAKA	03 - ACCESS TO INFORMATION	04/07/2022	IMPLEMENTED	YES
P-184/22	Ž-BL-06-266/22	GRAD TUZLA, SLUŽBA ZA EKONOMSKI RAZVOJ, PODUZETNIŠTVO I POLJOPRIVREDU	01 - DISCRIMINATION -- 01-17 - ON GROUNDS OF EDUCATION	04/07/2022	IMPLEMENTED	YES
P-185/22	Ž-BL-06-174/22	POLICIJSKA UPRAVA BANJA LUKA	01 - DISCRIMINATION	04/07/2022	IMPLEMENTED	YES
P-186/22	Ž-BL-06-98/22	REPUBLIČKA UPRAVA ZA INSPEKCIJSKE POSLOVE, INSPEKTORAT REPUBLIKE SRPSKE, PROSVJETNA INSPEKCIJA	01 - DISCRIMINATION	04/07/2022	COOPERATION ACHIEVED	YES
P-187/22	Ž-BL-06-240/22	VLADA FEDERACIJE BOSNE I HERCEGOVINE, VLADA BOSANSKO-PODRINJSKOG KANTONA	01 - DISCRIMINATION	04/07/2022	COOPERATION ACHIEVED	YES
P-188/22	Ž-BL-04-395/21	FEDERALNI ZAVOD ZA PENZIJSKO/MIROVINSKO I INVALIDSKO OSIGURANJE MOSTAR	25 – PENSIONS	04/07/2022	NOT IMPLEMENTED	YES
P-189/22	Ž-SA-05-793/21	OPĆINA ZAVIDOVIĆI	15 – PROPERTY RELATIONS	08/07/2022	NOT IMPLEMENTED	YES

P-190/22	Ž-SA-05-488/22	JP „VETERINARSKA STANICA“ D.O.O. SANSKI MOST, N/R DIREKTORA	03 - ACCESS TO INFORMATION	08/07/2022	NO RESPONSE	NO
P-191/22	Ž-MO-06-56/22	GRAD MOSTAR, N/R GRADONAČELNIKA	01 - DISCRIMINATION -- 01-11 - ON GROUNDS OF ETHNICITY	15/07/2022	NO RESPONSE	NO
P-192/22	Ž-BL-05-88/22	REPUBLIČKA UPRAVA ZA GEODETSKE I IMOVINSKO-PRAVNE POSLOVE	03 - ACCESS TO INFORMATION	19/07/2022	IMPLEMENTED	YES
P-193/22	Ž-BL-02-255/22	ZAVOD ZDRAVSTVENOG OSIGURANJA HERCEGOVAČKO-NERETVANSKOG KANTONA	12 - PERSONS WITH DISABILITIES	19/07/2022	IMPLEMENTED	YES
P-194/22	Ž-SA-04-415/22 Ž-SA-06-416/22	VLADA KANTONA SARAJEVO, MINISTARSTVO ZA NAUKU, VISOKO OBRAZOVANJE I MLADE SARAJEVO	01 - DISCRIMINATION	19/07/2022	COOPERATION ACHIEVED	YES
P-195/22	Ž-SA-05-474/22	FEDERALNI ZAVOD ZA PENZIJSKO I INVALIDSKO OSIGURANJE MOSTAR, N/R DIREKTORA	03 - ACCESS TO INFORMATION	19/07/2022	IMPLEMENTED	YES
P-196/22	Ž-BL-08-245/22	GRAD BANJA LUKA, ODJELJENJE ZA INSPEKCIJSKE POSLOVE I KOMUNALNU POLICIJU - ODSJEK ZA INSPEKCIJSKE POSLOVE	19 - ADMINISTRATION	22/07/2022	NOT IMPLEMENTED	YES
P-197/22	Ž-SA-05-363/22	OPĆINA CENTAR SARAJEVO, N/R OPĆINSKOG NAČELNIKA	05 – POLICE	19/07/2022	COOPERATION ACHIEVED	YES
P-198/22	Ž-LI-05-57/22	VLADA KANTONA 10, PREMIJER VLADE, SLUŽBENIK ZA INFORMIRANJE	03 - ACCESS TO INFORMATION	09/08/2022	IMPLEMENTED	YES
P-199/22	Ž-LI-08-91/22	UPRAVA ZA PITANJA BRANITELJA I STRADALNIKA DOMOVINSKOG RATA HVO TOMISLAVGRAD	19 - ADMINISTRATION	09/08/2022	NO RESPONSE	NO
P-200/22	Ž-SA-04-1114/21	JZU BOLNICA „SRBIJA“ ISTOČNO SARAJEVO, N/R DIREKTORA, NA ZNANJE: MINISTARSTVO ZDRAVLJA I SOCIJALNE ZAŠTITE REPUBLIKE SRPSKE BANJA LUKA, N/R MINISTRA	23 - HEALTHCARE	20/07/2022	COOPERATION ACHIEVED	YES
P-201/22	Ž-SA-05-357/22	JP ELEKTROPRIVREDA BiH SARAJEVO, N/R GENERALNOG DIREKTORA	03 - ACCESS TO INFORMATION	20/07/2022	PARTIALLY IMPLEMENTED	YES
P-202/22	Ž-SA-02-413/22	JU DOM ZDRAVLJA ZENICA, N/R DIREKTORA, NA ZNANJE: KANTONALNI SUD U ZENICI	12 - PERSONS WITH DISABILITIES	20/07/2022	NOT IMPLEMENTED	YES
P-203/22	Ž-SA-06-580/20	FEDERALNO MINISTARSTVO UNUTRAŠNJIH POSLOVA SARAJEVO, N/R MINISTRA	01 - DISCRIMINATION	26/07/2022	NOT IMPLEMENTED	YES

P-204/22	Ž-SA-02-222/22	ZAVOD ZDRAVSTVENOG OSIGURANJA ZENIČKO-DOBOJSKOG KANTONA, N/R DIREKTORA	12 - PERSONS WITH DISABILITIES	26/07/2022	IMPLEMENTED	YES
P-205/22	Ž-SA-01-148/22	MINISTARSTVO ZA ODGOJ I OBRAZOVANJE KANTONA SARAJEVO	13 - RIGHTS OF THE CHILD	26/07/2022	PARTIALLY IMPLEMENTED	YES
P-206/22	Ž-SA-05-1223/21	OBAVJEŠTAJNO-SIGURNOSNA AGENCIJA BiH SARAJEVO	29 - MIGRATION AND ASYLUM	21/07/2022	IMPLEMENTED	YES
P-207/22	Ž-BL-02-337/22 Ž-BL-02-373/22 Ž-BL-02-374/22	FOND ZDRAVSTVENOG OSIGURANJA REPUBLIKE SRPSKE	12 - PERSONS WITH DISABILITIES	25/07/2022	NOT IMPLEMENTED	YES
P-208/22	Ž-SA-06-275/22	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, N/R PREMIJERA, GOSP. FADIL NOVALIĆ, FEDERALNO MINISTARSTVO ZA RAD I SOCIJALNU POLITIKU SARAJEVO, N/R MINISTRA, GOSP. VESKO DRLJAČA	01 - DISCRIMINATION -- 01-23 - ON GROUNDS OF DISABILITY	25/07/2022	PARTIALLY IMPLEMENTED	YES
P-209/22	Ž-SA-05-389/22	GRAD ZENICA, GRADSKO VIJEĆE ZENICA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	25/07/2022	COOPERATION ACHIEVED	NO
P-210/22	Ž-SA-04-1259/21	PON-VLADA KANTONA SARAJEVO, MINISTARSTVO SAOBRAĆAJA	10 - LABOUR RELATIONS	25/07/2022	NOT IMPLEMENTED	YES
P-211/22	Ž-BL-05-119/22 Ž-BL-05-120/22 Ž-BL-05-206/22 Ž-SA-05-135/22 Ž-SA-05-151/22	OPĆINA BOSANSKI PETROVAC	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	23/08/2022	IMPLEMENTED	YES
P-212/22	Ž-SA-08-374/22	OPĆINA NOVO SARAJEVO	20 - WAR DAMAGE	25/07/2022	NOT IMPLEMENTED	YES
P-213/22	Ž-BL-08-459/20	VISOKO SUDSKO I TUŽILAČKO VIJEĆE BOSNE I HERCEGOVINE, OKRUŽNI PRIVREDNI SUD BANJA LUKA	09 - JUDICIARY	29/07/2022	NOT IMPLEMENTED	YES
P-214/22	Ž-LI-06-75/22	OPĆINA BOSANSKO GRAHOVO	01 - DISCRIMINATION -- 01-03 - MOBBING	02/08/2022	NO RESPONSE	NO
P-215/22	Ž-LI-08-74/22	PON-ŽALBENO VIJEĆE VLADE KANTONA 10	19 - ADMINISTRATION	02/08/2022	NO RESPONSE	NO

P-216/22	Ž-BR-06-144/22 Ž-BR-06-145/22 Ž-BR-06-146/22 Ž-BR-06-147/22 Ž-BR-06-148/22 Ž-BR-06-149/22 Ž-BR-06-150/22 Ž-BR-06-151/22 Ž-BR-06-152/22 Ž-BR-06-153/22 Ž-BR-06-154/22 Ž-BR-06-155/22 Ž-BR-06-156/22 Ž-BR-06-157/22 Ž-BR-06-158/22 Ž-BR-06-159/22 Ž-BR-06-160/22 Ž-BR-06-161/22 Ž-BR-06-162/22 Ž-BR-06-163/22 Ž-BR-06-164/22 Ž-BR-06-165/22 Ž-BR-06-166/22 Ž-BR-06-167/22 Ž-BR-06-168/22 Ž-BR-06-169/22 Ž-BR-06-170/22 Ž-BR-06-171/22 Ž-BR-06-172/22 Ž-BR-06-173/22 Ž-SA-04-789/22	VLADA TUZLANSKOG KANTONA, N/R PREMIJERA TUZLA, MINISTARSTVO OBRAZOVANJA I NAUKE TUZLANSKOG KANTONA, KANTONALNA UPRAVA ZA INSPEKCIJSKE POSLOVE TUZLANSKOG KANTONA, INSPEKTORAT ZA OBRAZOVANJE, NAUKU, KULTURU I SPORT	01 - DISCRIMINATION AND 10 - LABOUR RELATIONS	12/08/2022	NOT IMPLEMENTED	YES
P-217/22	Ž-SA-05-279/22	PON-OPŠTINA PALE, N/R NAČELNIKA	03 - ACCESS TO INFORMATION	17/08/2022	NO RESPONSE	NO
P-218/22	Ž-BL-04-65/22	PON-PORESKA UPRAVA REPUBLIKE SRPSKE, PODRUČNI CENTAR BANJA LUKA, PODRUČNA JEDINICA BANJA LUKA	25 - PENSIONS	22/08/2022	IMPLEMENTED	YES
P-219/22	Ž-BL-04-408/22	VLADA REPUBLIKE SRPSKE, MINISTARSTVO UNUTRAŠNJIH POSLOVA, MINISTARSTVO UPRAVE I LOKALNE SAMOUPRAVE, AGENCIJA ZA DRŽAVNU UPRAVU REPUBLIKE SRPSKE	10 - LABOUR RELATIONS	23/08/2022	PARTIALLY IMPLEMENTED	YES
P-220/22	Ž-BL-04-113/22	FEDERALNI ZAVOD ZA PENZIJSKO I INVALIDSKO OSIGURANJE, KANTONALNA ADMINISTRATIVNA SLUŽBA U ZENICI	25 - PENSIONS	22/08/2022	IMPLEMENTED	YES

P-221/22	Ž-BL-05-681/20	OKRUŽNO JAVNO TUŽILAŠTVO U PRIJEDORU	17 - PUBLIC DOCUMENTS	22/08/2022	COOPERATION ACHIEVED	YES
P-222/22	Ž-SA-01-558/22	PON-MINISTARSTVO SIGURNOSTI BOSNE I HERCEGOVINE, SLUŽBA ZA POSLOVE SA STRANCIMA ILIDŽA, N/R DIREKTORA SLOBODANA UJIĆA	13 - RIGHTS OF THE CHILD	23/08/2022	IMPLEMENTED	YES
P-223/22	Ž-BL-02-176/22	MINISTARSTVO CIVILNIH POSLOVA BOSNE I HERCEGOVINE, MINISTARSTVO ZDRAVLJA I SOCIJALNE ZAŠTITE REPUBLIKE SRPSKE, FEDERALNO MINISTARSTVO RADA I SOCIJALNE POLITIKE	12 - PERSONS WITH DISABILITIES	23/08/2022	COOPERATION ACHIEVED	YES
P-224/22	Ž-SA-06-354/22	ZAVOD ZDRAVSTVENOG OSIGURANJA KANTONA SARAJEVO	01 - DISCRIMINATION -- 01-22 - ON GROUNDS OF AGE	26/08/2022	IMPLEMENTED	YES
P-225/22	Ž-SA-06-743/22	UNIVERZITET U SARAJEVU, FILOZOFSKI FAKULTET	01 - DISCRIMINATION -- 01-12 - ON GROUNDS OF NATIONAL OR SOCIAL ORIGIN	26/08/2022	IMPLEMENTED	YES
P-226/22	Ž-SA-08-196/22	OPĆINA VITEZ, N/R NAČELNIKA OPĆINE	19 - ADMINISTRATION	26/08/2022	IMPLEMENTED	YES
P-227/22	Ž-SA-05-1121/21	GRAD GRADAČAC, N/R GRADSKOG VIJEĆA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	29/08/2022	NO RESPONSE	NO
P-228/22	Ž-SA-05-351/22	PON-MINISTARSTVO OBRAZOVANJA, NAUKE, MLADIH, KULTURE I SPORTA SREDNJOBOSANSKOG KANTONA TRAVNIK	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	29/08/2022	COOPERATION ACHIEVED	YES
P-229/22	Ž-BL-08-166/22	FOND ZA PENZIJSKO I INVALIDSKO OSIGURANJE REPUBLIKE SRPSKE	09 - JUDICIARY	30/08/2022	IMPLEMENTED	YES
P-230/22	Ž-BL-05-100/22	OPŠTINA KOTOR-VAROŠ, N/R NAČELNIKA	03 - ACCESS TO INFORMATION	29/08/2022	NO RESPONSE	NO
P-231/22	Ž-BL-04-277/22	KOMUNALNO PREDUZEĆE BUDUĆNOST A.D.	21 - UTILITY SERVICES	02/08/2022	NOT IMPLEMENTED	YES
P-232/22	Ž-LI-08-101/22	PON-FEDERALNA UPRAVA ZA INSPEKCIJSKE POSLOVE SARAJEVO	19 - ADMINISTRATION	30/08/2022	COOPERATION ACHIEVED	YES
P-233/22	Ž-LI-05-77/22	PON-OPĆINA JAJCE	03 - ACCESS TO INFORMATION	30/08/2022	IMPLEMENTED	YES
P-234/22	Ž-BL-06-70/22	OPĆINA BOSANSKI PETROVAC, N/R NAČELNIKA	01 - DISCRIMINATION	31/08/2022	NOT IMPLEMENTED	NO
P-235/22	Ž-BL-06-197/22	OPĆINA KUPRES	01 - DISCRIMINATION	31/08/2022	IMPLEMENTED	NO
P-236/22	Ž-SA-05-618/22	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, N/R PREMIJERA, FEDERALNO MINISTARSTVO ZDRAVSTVA SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	31/08/2022	IMPLEMENTED	YES

P-237/22	Ž-SA-01-561/22	JAVNA USTANOVA „PETA GIMNAZIJA „ SARAJEVO	13 - RIGHTS OF THE CHILD	31/08/2022	COOPERATION ACHIEVED	YES
P-238/22	Ž-SA-05-754/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA KANTONA SARAJEVO	03 - ACCESS TO INFORMATION	31/08/2022	COOPERATION ACHIEVED	YES
P-239/22	Ž-SA-05-63/22	OPĆINA BREZA, OPĆINSKO VIJEĆE BREZA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	01/09/2022	NOT IMPLEMENTED	NO
P-240/22	Ž-MO-06-76/22	JKP "STANDARD" D.O.O. KONJIC	01 - DISCRIMINATION	15/09/2022	PARTIALLY IMPLEMENTED	YES
P-241/22	Ž-MO-04-27/22	POŃ-INSTITUT ZA MEDICINSKO VJEŠTAČENJE ZDRAVSTVENOG STANJA - ODJEL ZA PRVOSTEPENI POSTUPAK MOSTAR	23 - HEALTHCARE	15/09/2022	NO RESPONSE	NO
P-242/22	Ž-SA-05-880/17	OPĆINA BUGOJNO, OPĆINSKO VIJEĆE	19 - ADMINISTRATION	15/09/2022	NOT IMPLEMENTED	YES
P-243/22	Ž-SA-05-1206/16	OPĆINA ŽEPČE, N/R OPĆINSKOG NAČELNIKA, OPĆINSKO VIJEĆE, N/R PREDSJEDAVAJUĆEG	19 - ADMINISTRATION	15/09/2022	COOPERATION ACHIEVED	YES
P-244/22	Ž-BL-05-300/22	PON-JU "KANTONALNI FOND ZA POMOĆ U STAMBENOM ZBRINJAVANJU I ZAPOŠLJAVANJU BORAČKIH POPULACIJA, PROGNAHNIH OSOBA I SOCIJALNO UGROŽENIH KATEGORIJA" BIHAĆ, N/R DIREKTORA	19 - ADMINISTRATION	19/09/2022	NOT IMPLEMENTED	YES
P-245/22	Ž-BL-05-400/22	FOND ZA PENZIJSKO I INVALIDSKO OSIGURANJE REPUBLIKE SRPSKE - FILIJALA BANJA LUKA	03 - ACCESS TO INFORMATION	19/09/2022	IMPLEMENTED	YES
P-246/22	Ž-BL-04-144/22	JU MJEŠOVITA SREDNJA ŠKOLA BIHAĆ, N/R ŠKOLSKOM ODBORU	10 - LABOUR RELATIONS	19/09/2022	NOT IMPLEMENTED	YES
P-247/22	Ž-BL-05-383/22	GRAD BANJA LUKA, N/R GRADONAČELNIKA, SKUPŠTINA GRADA BANJA LUKA, N/R PREDSJEDNIKA SKUPŠTINE - ODJELJENJE ZA SAOBRAĆAJ I PUTEVE, N/R NAČELNIKA ODJELJENJA	32 - INSPECTIONS	08/09/2022	NOT IMPLEMENTED	YES
P-248/22	Ž-SA-05-773/22	OPĆINA NOVO SARAJEVO	03 - ACCESS TO INFORMATION	21/09/2022	IMPLEMENTED	YES
P-249/22	Ž-SA-01-573/22	JU „CENTAR ZA SOCIJALNI RAD“ KAKANJ JU „CENTAR ZA SOCIJALNI RAD“ VISOKO	13 - RIGHTS OF THE CHILD -- 13-1 - SOCIAL WELFARE CENTRES	21/09/2022	IMPLEMENTED	YES
P-250/22	Ž-SA-05-658/22	OPĆINA BOSANSKI PETROVAC, OPĆINSKO VIJEĆE BOSANSKI PETROVAC	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21/09/2022	NOT IMPLEMENTED	YES

P-251/22	Ž-SA-05-663/22	KJKP „TOPLANE-SARAJEVO“ D.O.O. SARAJEVO, N/R KOMISIJE ZA PROVOĐENJE KONKURSNE PROCEDURE ZA IZBOR I IMENOVANJE ČLANOVA UPRAVE KJKP „TOPLANE-SARAJEVO“ D.O.O. SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21/09/2022	NOT IMPLEMENTED	YES
P-252/22	Ž-SA-05-56/22	KANTON SARAJEVO, MINISTARSTVO ZA ODGOJ I OBRAZOVANJE, JU INSTITUT ZA RAZVOJ PREDUNIVERZITETSKOG OBRAZOVANJA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21/09/2022	COOPERATION ACHIEVED	YES
P-253/22	Ž-SA-05-550/22	ZENIČKO-DOBOJSKI KANTON, MINISTARSTVO ZDRAVSTVA ZENICA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	21/09/2022	IMPLEMENTED	YES
P-254/22	Ž-BL-05-286/22	FEDERALNO MINISTARSTVO RASELJENIH OSOBA I IZBJEGLICA	03 - ACCESS TO INFORMATION	12/10/2022	IMPLEMENTED	YES
P-255/22	Ž-BL-05-296/22	DIREKTOR REGULATORNE AGENCIJE ZA KOMUNIKACIJE BOSNE I HERCEGOVINE	03 - ACCESS TO INFORMATION	12/10/2022	NOT IMPLEMENTED	YES
P-256/22	Ž-BL-05-334/22	OPŠTINA KOZARSKA DUBICA	03 - ACCESS TO INFORMATION	12/10/2022	IMPLEMENTED	YES
P-257/22	Ž-SA-05-921/22	OPĆINA SANSKI MOST, SLUŽBA ZA OPĆU UPRAVU I DRUŠTVENE DJELATNOSTI SANSKI MOST, N/R NAČELNIKA	03 - ACCESS TO INFORMATION	14/10/2022	IMPLEMENTED	YES
P-258/22	Ž-MO-04-47/22	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO	10 - LABOUR RELATIONS	19/10/2022	PARTIALLY IMPLEMENTED	YES
P-259/22	Ž-MO-08-99/22	JU DOM ZDRAVLJA MOSTAR	09 - JUDICIARY -- 09-3 - ENFORCEMENT OF JUDGEMENTS	19/10/2022	NOT IMPLEMENTED	YES
P-260/22	Ž-MO-04-176/21	MINISTARSTVO OBRAZOVANJA, NAUKE, KULTURE I SPORTA HNK MOSTAR, OŠ "ALIJA ISAKOVIĆ" PROZOR	11 - EDUCATION -- 11-2 - ELEMENTARY EDUCATION	19/10/2022	IMPLEMENTED	YES
P-261/22	Ž-SA-05-997/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA ZENIČKO-DOBOJSKOG KANTONA ZENICA, N/R MINISTRA	03 - ACCESS TO INFORMATION	19/10/2022	IMPLEMENTED	YES
P-262/22	Ž-SA-05-603/22	SKUPŠTINA KANTONA 10 TOMISLAVGRAD	03 - ACCESS TO INFORMATION -- 03-2 - DENIAL OF ACCESS TO INFORMATION	19/10/2022	IMPLEMENTED	YES
P-263/22	Ž-BL-05-87/22	GRAD GRADAČAC, GRADSKO VIJEĆE, PREDSDJEDAVALJUĆI GRADSKOG VIJEĆA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	20/10/2022	IMPLEMENTED	YES
P-264/22	Ž-BL-05-379/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA USK BIHAĆ, N/R MINISTRA	03 - ACCESS TO INFORMATION	20/10/2022	COOPERATION ACHIEVED	YES
P-265/22	Ž-BL-04-153/22	JZU DOM ZDRAVLJA STANARI	10 - LABOUR RELATIONS	20/10/2022	NOT IMPLEMENTED	YES

P-266/22	Ž-BL-05-201/22	FEDERALNA UPRAVA ZA INSPEKCIJSKE POSLOVE OPĆINA KLJUČ	32 - INSPECTIONS	20/10/2022	NO RESPONSE	NO
P-267/22	Ž-BL-05-187/22	GRAD BIHAĆ, N/R GRADONAČELNIKA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	20/10/2022	NOT IMPLEMENTED	YES
P-268/22	Ž-BL-05-419/22	GRAD TUZLA, SLUŽBA ZA GEODETSKE I IMOVINSKO-PRAVNE POSLOVE, KANTONALNA UPRAVA ZA INSPEKCIJSKE POSLOVE TUZLANSKOG KANTONA	15 – PROPERTY RELATIONS	20/10/2022	COOPERATION ACHIEVED	YES
P-269/22	Ž-BL-08-707/20	OKRUŽNO JAVNO TUŽILAŠTVO U BANJOJ LUCI	26 - PROSECUTOR'S OFFICES	20/10/2022	COOPERATION ACHIEVED	YES
P-270/22	Ž-SA-05-748/22	SKUPŠTINA KANTONA SARAJEVO, N/R PREDSEDAVAJUĆEG GOSP. OKERIĆ ELVEDINA, NA ZNANJE: MINISTARSTVO PRAVDE I UPRAVE KANTONA SARAJEVO, N/R MINISTRICE GĐE SOFTIĆ KADENIĆ DARJE, MINISTARSTVO UNUTRAŠNJIH POSLOVA KANTONA SARAJEVO, N/R MINISTRA GOSP. KATICA ADMIRA	03 - ACCESS TO INFORMATION	21/10/2022	COOPERATION ACHIEVED	YES
P-271/22	Ž-SA-08-574/22	MINISTARSTVO KOMUNALNE PRIVREDE, INFRASTRUKTURE, PROSTORNOG UREĐENJA, GRAĐENJA I ZAŠTITE OKOLIŠA KS, NA ZNANJE: FEDERALNO MINISTARSTVO PROSTORNOG UREĐENJA SARAJEVO	19 - ADMINISTRATION	20/10/2022	COOPERATION ACHIEVED	YES
P-272/22	Ž-BL-05-500/22	PON-GRAD BANJA LUKA	32 - INSPECTIONS	20/10/2022	IMPLEMENTED	YES
P-273/22	Ž-SA-08-701/22	OPĆINA DONJI VAKUF	19 - ADMINISTRATION	20/10/2022	NO RESPONSE	NO
P-274/22	Ž-SA-05-448/22	VLADA FEDERACIJE BiH SARAJEVO, FEDERALNO MINISTARSTVO ZDRAVSTVA, ZAVOD ZA TRANFUZIJSKU MEDICINU FEDERACIJE BiH SARAJEVO	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	20/10/2022	NOT IMPLEMENTED	YES
P-275/22	Ž-SA-04-853/22	KJP CENTAR "SKENDERIJA" D.O.O SARAJEVO, N/R DIREKTORA	10 - LABOUR RELATIONS	07/11/2022	IMPLEMENTED	YES
P-276/22	Ž-BL-04-83/22	PON-MINISTARSTVO OBRAZOVANJA, NAUKE, KULTURE I SPORTA UNSKO-SANSKOG KANTONA	10 - LABOUR RELATIONS	21/10/2022	NO RESPONSE	NO
P-277/22	Ž-BL-06-740/21	DOM ZDRAVLJA BOSANSKA KRUPA	01 - DISCRIMINATION	21/10/2022	PARTIALLY IMPLEMENTED	NO
P-278/22	Ž-SA-05-968/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA KANTONA SARAJEVO, UPRAVA POLICIJE, ČETVRTA POLICIJSKA UPRAVA - POLICIJSKO ODJELJENJE RAJLOVAC SARAJEVO	05 - POLICE	21/10/2022	IMPLEMENTED	YES

P-279/22	Ž-SA-05-881/22	VLADA FEDERACIJE BiH SARAJEVO, N/R PREMIJERA, GOSP. NOVALIĆ FADILA	03 - ACCESS TO INFORMATION	21/10/2022	PARTIALLY IMPLEMENTED	YES
P-280/22	Ž-SA-05-684/22	JAVNA ZDRAVSTVENA USTANOVA AMBULANTA "STARI GRAD" HREŠA, ISTOČNI STARI GRAD SARAJEVO	05 - POLICE	24/10/2022	IMPLEMENTED	YES
P-281/22	Ž-LI-04-126/22	OPĆINA GLAMOČ, JP "KOMUNALAC" D.O.O. GLAMOČ	21 - UTILITY SERVICES	07/11/2022	COOPERATION ACHIEVED	YES
P-282/22	Ž-MO-04-95/22	PON-JKP GRADINA DONJI VAKUF, OPĆINA DONJI VAKUF	21 - UTILITY SERVICES	25/10/2022	IMPLEMENTED	YES
P-283/22	Ž-MO-05-25/22	OPĆINA JABLANICA	15 - PROPERTY RELATIONS ODNOSI	25/10/2022	COOPERATION ACHIEVED	YES
P-284/22	Ž-BL-05-460/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA TUZLANSKOG KANTONA, POLICIJSKA UPRAVA TUZLA	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY PERIOD	13/10/2022	IMPLEMENTED	NO
P-285/22	Ž-BL-05-629/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA REPUBLIKE SRPSKE, POLICIJSKA UPRAVA BANJA LUKA	05 - POLICE	10/10/2022	IMPLEMENTED	YES
P-286/22	Ž-BL-05-322/22	VLADA KANTONA SARAJEVO	03 - ACCESS TO INFORMATION	31/10/2022	NOT IMPLEMENTED	NO
P-287/22	Ž-BL-05-489/22	A.D. "GRAD" BIJE LJINA, N/R DIREKTORA	03 - ACCESS TO INFORMATION -- 03-1 - FAILURE TO DECIDE WITHIN THE STATUTORY PERIOD	31/10/2022	NOT IMPLEMENTED	YES
P-288/22	Ž-BL-05-511/22	JU UGOSTITELJSKO-TRGOVINSKO-TURISTIČKA ŠKOLA BANJA LUKA, N/R DIREKTORA	03 - ACCESS TO INFORMATION	07/11/2022	IMPLEMENTED	YES
P-289/22	Ž-BL-05-252/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA ZENIČKO-DOBOJSKOG KANTONA, UPRAVA POLICIJE, POLICIJSKA STANICA ZAVIDOVIĆI	05 - POLICE -- 05-1 - COMPLAINTS ABOUT POLICE WORK	25/10/2022	IMPLEMENTED	YES
P-290/22	Ž-BL-05-434/22	VLADA FEDERACIJE BOSNE I HERCEGOVINE	17 - PUBLIC DOCUMENTS	15/10/2022	IMPLEMENTED	YES
P-291/22	Ž-BL-05-421/22	TUZLANSKI KANTON, MINISTARSTVO PROSTORNOG UREĐENJA I ZAŠTITE OKOLICE	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	07/11/2022	NO RESPONSE	NO

P-292/22	Ž-SA-04-623/22	FEDERALNO MINISTARSTVO ZDRAVSTVA SARAJEVO, N/R POMOĆNICE MINISTRA, ZAVOD ZDRAVSTVENOG OSIGURANJA I REOSIGURANJA FEDERACIJE BiH SARAJEVO, N/R DIREKTORICE, ZAVOD ZA JAVNO ZDRAVSTVO FEDERACIJE BiH SARAJEVO, N/R DIREKTORA, UNIVERZITETSKI KLINIČKI CENTAR SARAJEVO, N/R GENERALNE DIREKTORICE	23 – HEALTHCARE	07/11/2022	COOPERATION ACHIEVED	YES
P-293/22	Ž-SA-05-201/21	FEDERALNO MINISTARSTVO UNUTRAŠNJIH POSLOVA SARAJEVO	05 – POLICE	07/11/2022	COOPERATION ACHIEVED	YES
P-294/22	Ž-LI-08-164/22 Ž-LI-08-165/22	PON-VLADA KANTONA 10, STRUČNE SLUŽBE VLADE KANTONA 10, UPRAVA ZA PITANJA BRANITELJA I STRADALNIKA DOMOVINSKOG RATA HVO-A TOMISLAVGRAD	19 – PUBLIC ADMINISTRATION	08/11/2022	COOPERATION ACHIEVED	YES
P-295/22	Ž-BL-05-488/22	VLADA UNSKO-SANSKOG KANTONA, N/R PREMIJERA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	08/11/2022	NO RESPONSE	NO
P-296/22	Ž-SA-01-905/22	KATOLIČKI ŠKOLSKI CENTAR „PETAR BARBARIĆ“, OSNOVNA ŠKOLA TRAVNIK	13 - RIGHTS OF THE CHILD	09/11/2022	NOT IMPLEMENTED	YES
P-297/22	Ž-SA-01-905/22	KATOLIČKI ŠKOLSKI CENTAR „PETAR BARBARIĆ“, OSNOVNA ŠKOLA TRAVNIK	13 - RIGHTS OF THE CHILD	09/11/2022	NOT IMPLEMENTED	NO
P-298/22	Ž-SA-05-418/16	OPĆINA CAZIN, N/R NAČELNIKA	19 – PUBLIC ADMINISTRATION	09/11/2022	IMPLEMENTED	YES
P-299/22	Ž-SA-08-1109/22	ADVOKATSKA/ODVJETNIČKA KOMORA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO	31 – ADVOKATI	09/11/2022	NOT IMPLEMENTED	NO
P-300/22	Ž-SA-02-948/22	VLADA FEDERACIJE BiH SARAJEVO, N/R PREMIJERA, FEDERALNO MINISTARSTVO RADA I SOCIJALNE POLITIKE SARAJEVO, N/R MINISTRA, NA ZNANJE: PARLAMENT FEDERACIJE BiH SARAJEVO, N/R PREDSDJEDAVAJUĆEG PREDSTAVNIČKOG DOMA, CENTAR ZA SOCIJALNI RAD BOSANSKO-PODRINJSKOG KANTONA GORAŽDE, N/R DIREKTORICE	12 - PERSONS WITH DISABILITIES	09/11/2022	PARTIALLY IMPLEMENTED	YES

P-301/22	Ž-SA-02-503/22	FEDERALNO MINISTARSTVO ZDRAVSTVA SARAJEVO, N/R POMOĆNICE MINISTRA, ZAVOD ZDRAVSTVENOG OSIGURANJA I REOSIGURANJA FEDERACIJE BiH SARAJEVO, N/R DIREKTORICE, ZAVOD ZDRAVSTVENOG OSIGURANJA TUZLANSKOG KANTONA TUZLA, N/R DIREKTORA, ZAVOD ZDRAVSTVENOG OSIGURANJA HERCEGOVAČKO-NERETVANSKOG KANTONA MOSTAR, N/R DIREKTORA, ZAVOD ZDRAVSTVENOG OSIGURANJA ZENIČKO-DOBOJSKOG KANTONA ZENICA, N/R DIREKTORA, ZAVOD ZDRAVSTVENOG OSIGURANJA UNSKO-SANSKOG KANTONA BIHAĆ, N/R DIREKTORA, ZAVOD ZDRAVSTVENOG OSIGURANJA KANTONA 10 LIVNO, N/R DIREKTORA, ZAVOD ZDRAVSTVENOG OSIGURANJA POSAVSKOG KANTONA ODŽAK, N/R DIREKTORA, ZAVOD ZA ZDRAVSTVENO OSIGURANJE ZAPADNOHERCEGOVAČKOG KANTONA GRUDE, N/R DIREKTORA, ZAVOD ZDRAVSTVENOG OSIGURANJA SREDNJOBOSANSKOG KANTONA NOVI TRAVNIK, N/R DIREKTORA, ZAVOD ZDRAVSTVENOG OSIGURANJA BOSANSKO-PODRINJSKOG KANTONA GORAŽDE, N/R DIREKTORA	12 - PERSONS WITH DISABILITIES	09/11/2022	COOPERATION ACHIEVED	YES
P-302/22	Ž-MO-03-55/22	MINISTARSTVO GRAĐENJA I PROSTORNOG UREĐENJA HNK MOSTAR	04 - RELIGIOUS FREEDOMS / RELIGION	10/11/2022	NOT IMPLEMENTED	YES
P-303/22	Ž-SA-02-594/22	VLADA FEDERACIJE BiH SARAJEVO, N/R PREMIJERA	12 - PERSONS WITH DISABILITIES	15/11/2022	NO RESPONSE	NO
P-304/22	Ž-BL-04-299/22	GRAD DOBOJ, ODJELJENJE ZA INSPEKCIJSKE POSLOVE DOBOJ, N/R NAČELNIKA	32 – INSPECTIONS	17/11/2022	COOPERATION ACHIEVED	YES
P-305/22	Ž-BL-04-466/22	VLADA REPUBLIKE SRPSKE, MINISTARSTVO RADA I BORAČKO INVALIDSKE ZAŠTITE REPUBLIKE SRPSKE	10 - LABOUR RELATIONS	17/11/2022	COOPERATION ACHIEVED	YES
P-306/22	Ž-SA-05-834/22	URED ZA RAZMATRANJE ŽALBI SARAJEVO, N/R PREDSEDAVAJUĆEG, NA ZNANJE: ŽALBENO VIJEĆE PRI VIJEĆU MINISTARA BOSNE I HERCEGOVINE SARAJEVO, N/R PREDSEDAVAJUĆE	03 - ACCESS TO INFORMATION	18/11/2022	NOT IMPLEMENTED	YES

P-307/22	Ž-SA-04-923/22	UNSKO-SANSKI KANTON, OPĆINA VELIKA KLADUŠA, N/R NAČELNIKA VELIKA KLADUŠA	10 - LABOUR RELATIONS	18/11/2022	IMPLEMENTED	YES
P-308/22	Ž-SA-04-756/22	PON-FEDERALNI ZAVOD ZA PENZIJSKO I INVALIDSKO OSIGURANJE SARAJEVO, N/R DIREKTORA	25 – PENSIONS	18/11/2022	NO RESPONSE	NO
P-309/22	Ž-SA-08-733/22	PON-OPĆINA DONJI VAKUF, N/R NAČELNIKA	19 – PUBLIC ADMINISTRATION	18/11/2022	COOPERATION ACHIEVED	YES
P-310/22	Ž-SA-05-792/19	OPĆINA BOSANSKA KRUPA, OPĆINSKO VIJEĆE, N/R PREDSEDAVAJUĆEG	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	18/11/2022	COOPERATION ACHIEVED	YES
P-311/22	Ž-SA-08-330/22	SLUŽBA ZA ZAJEDNIČKE POSLOVE ORGANA I TIJELA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, MINISTARSTVO PROSTORNOG UREĐENJA, GRAĐENJA I ZAŠTITE OKOLIŠA KANTONA SARAJEVO, UPRAVA ZA STAMBENA PITANJA KANTONA SARAJEVO	19 – PUBLIC ADMINISTRATION	18/11/2022	NOT IMPLEMENTED	YES
P-312/22	Ž-SA-04-1146/22	VIJEĆE MINISTARA BOSNE I HERCEGOVINE SARAJEVO, N/R PREDSEDAVAJUĆEG MINISTARSTVO FINANSIJA I TREZORA BOSNE I HERCEGOVINE SARAJEVO, N/R MINISTRA	10 - LABOUR RELATIONS	21/11/2022	COOPERATION ACHIEVED	YES
P-313/22	Ž-LI-05-162/22	PON - VLADA KANTONA 10, N/R PREDSEDNIKA VLADE	03 - ACCESS TO INFORMATION	28/11/2022	NO RESPONSE	NO
P-314/22	Ž-LI-04-179/22	JU CENTAR ZA SOCIJALNI RAD TRAVNIK	10 - LABOUR RELATIONS	28/11/2022	COOPERATION ACHIEVED	YES
P-315/22	Ž-LI-02-155/22 Ž-LI-02-156/22	JU CENTAR ZA EDUKACIJU SUDIJA I TUŽILACA F BiH	12 - PERSONS WITH DISABILITIES	28/11/2022	IMPLEMENTED	YES
P-316/22	Ž-BL-06-541/22	SREDNJOBOSANSKI KANTON, MINISTARSTVO PRAVOSUĐA I UPRAVE - OPĆINSKI SUD JAJCE	01 - DISCRIMINATION	01/12/2022	COOPERATION ACHIEVED	YES
P-317/22	Ž-BL-06-341/22	GRAD BANJA LUKA	01 - DISCRIMINATION	02/12/2022	NO RESPONSE	NO
P-318/22	Ž-BL-06-601/22	GRAD ORAŠJE	01 - DISCRIMINATION	02/12/2022	NOT IMPLEMENTED	YES
P-319/22	Ž-BL-05-295/22	PON-FEDERALNO MINISTARSTVO PROMETA I KOMUNIKACIJA, JP ŽELJEZNICE FEDERACIJE BOSNE I HERCEGOVINE	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	02/12/2022	IMPLEMENTED	YES
P-320/22	Ž-SA-01-565/22	SLUŽBA SOCIJALNE ZAŠTITE OPĆINE NOVO SARAJEVO, N/R DIREKTORICE, SLUŽBA SOCIJALNE ZAŠTITE OPĆINE NOVI GRAD SARAJEVO, N/R DIREKTORICE	13 - RIGHTS OF THE CHILD -- 13-1 - SOCIAL WELFARE CENTRES	06/12/2022	COOPERATION ACHIEVED	YES

P-321/22	Ž-SA-05-1046/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA UNSKO-SANSKOG KANTONA BIHAĆ, N/R MINISTRA	03 - ACCESS TO INFORMATION	06/12/2022	NOT IMPLEMENTED	YES
P-322/22	Ž-SA-05-786/22	PON- OPŠTINA PALE, SLUŽBA ZA INFORMISANJE I ODOSE S JAVNOŠĆU	03 - ACCESS TO INFORMATION	06/12/2022	COOPERATION ACHIEVED	YES
P-323/22	Ž-SA-06-1009/18	OPĆINSKI SUD U SARAJEVU	01 - DISCRIMINATION	06/12/2022	NO RESPONSE	NO
P-324/22	Ž-MO-04-14/22	MINISTARSTVO OBRAZOVANJA, NAUKE, KULTURE I SPORTA HNK MOSTAR	11 - EDUCATION -- 11-4 - HIGHER EDUCATION	07/12/2022	NO RESPONSE	NO
P-325/22	Ž-SA-06-244/22	FEDERALNO MINISTARSTVO UNUTRAŠNJIH POSLOVA, FEDERALNA UPRAVA POLICIJE SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	07/12/2022	NO RESPONSE	NO
P-326/22	Ž-LI-04-187/22	JP "KOMUNALNO" D.O.O. LIVNO	21 - UTILITY SERVICES	09/12/2022	NO RESPONSE	NO
P-327/22	Ž-BL-08-619/22	REPUBLIČKA UPRAVA ZA GEODETSKE I IMOVINSKO-PRAVNE POSLOVE	19 - ADMINISTRATION	13/12/2022	PARTIALLY IMPLEMENTED	YES
P-328/22	Ž-BL-05-635/22	PON-GRAD BANJA LUKA	32 - INSPECTIONS	13/12/2022	COOPERATION ACHIEVED	YES
P-329/22	Ž-BL-01-675/22	AD "GLAS SRPSKE" BANJA LUKA, DOM ZDRAVLJA BANJA LUKA	13 - RIGHTS OF THE CHILD	14/12/2022	IMPLEMENTED	YES
P-330/22	Ž-BL-05-422/22	ŽELJEZNICE REPUBLIKE SRPSKE A.D. DOBOJ, VLADA REPUBLIKE SRPSKE, MINISTARSTVO SAOBRAĆAJA I VEZA	33 - FREE LEGAL AID	14/12/2022	COOPERATION ACHIEVED	YES
P-331/22	Ž-BL-05-681/22	AGENCIJA ZA KVALITET I AKREDITACIJU U ZDRAVSTVU U FEDERACIJI BiH	03 - ACCESS TO INFORMATION	14/12/2022	COOPERATION ACHIEVED	YES
P-332/22	Ž-BL-05-329/21	KANTONALNI SUD U MOSTARU	15 – PROPERTY RELATIONS ODNOSI	14/12/2022	NO RESPONSE	NO
P-333/22	Ž-BR-05-103/21	PON-GRAD GRADAČAC, SLUŽBA ZA GRAĐEVINSKO-INSPEKCIJSKE POSLOVE	32 – INSPECTIONS	16/12/2022	NO RESPONSE	NO
P-334/22	Ž-SA-08-1216/22	CRVENI KRST REPUBLIKE SRPSKE PALE	19 – ADMINISTRATION	16/12/2022	NO RESPONSE	NO
P-335/22	Ž-SA-05-610/22	SKUPŠTINA OPŠTINE SREBRENICA	22 - GOVERNMENT AND MINISTERIAL APPOINTMENTS	16/12/2022	NO RESPONSE	NO
P-336/22	Ž-SA-01-343/22	MINISTARSTVO ZA OBRAZOVANJE, NAUKU, KULTURU I SPORT ZENIČKO – DOBOJSKOG KANTONA ZENICA	12 - PERSONS WITH DISABILITIES	16/12/2022	NO RESPONSE	NO
P-337/22	Ž-SA-01-882/22	JAVNA USTANOVA CENTAR ZA SOCIJALNI RAD ZENICA	13 - RIGHTS OF THE CHILD	16/12/2022	COOPERATION ACHIEVED	YES
P-338/22	Ž-SA-07-264/22	PON-KANTONALNO TUŽILAŠTVO HERCEGOVAČKO-NERETVANSKOG	07 - PRISONS	16/12/2022	IMPLEMENTED	YES

		KANTONA MOSTAR				
P-339/22	Ž-SA-06-1064/19	PON-OPĆINSKI SUD U SARAJEVU	01 - DISCRIMINATION	16/12/2022	NO RESPONSE	NO
P-340/22	Ž-SA-04-850/22	VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, N/R PREMIJERA, N/R PREDsjedNIKA RADNE GRUPE	10 - LABOUR RELATIONS	16/12/2022	COOPERATION ACHIEVED	YES
P-341/22	Ž-SA-03-509/22	GRAD ZENICA	18 – MINORITIES	20/12/2022	COOPERATION ACHIEVED	YES
P-342/22	Ž-SA-08-467/22	GRAD BIHAĆ	19 - ADMINISTRATION	20/12/2022	COOPERATION ACHIEVED	YES
P-343/22	Ž-SA-05-807/22	MINISTARSTVO UNUTRAŠNJIH POSLOVA KANTONA SARAJEVO	03 - ACCESS TO INFORMATION	20/12/2022	COOPERATION ACHIEVED	YES
P-344/22	Ž-LI-04-167/22	JAVNO PODUZEĆE „KOMUNALNO“ D.O.O. LIVNO, N/R DIREKTORA	21 - UTILITY SERVICES	20/12/2022	COOPERATION ACHIEVED	NO
P-345/22	Ž-SA-05-236/16	PON-OPĆINA NOVI GRAD SARAJEVO, N/R OPĆINSKOG NAČELNIKA	15 – PROPERTY RELATIONS	20/12/2022	COOPERATION ACHIEVED	YES
P-346/22	Ž-SA-08-662/22	VIJEĆE MINISTARA BOSNE I HERCEGOVINE, MINISTARSTVO KOMUNIKACIJA I PROMETA SARAJEVO	19 - ADMINISTRATION	20/12/2022	NO RESPONSE	NO
P-347/22	Ž-MO-06-128/21	MINISTARSTVO UNUTRAŠNJIH POSLOVA REPUBLIKE SRPSKE, POLICIJSKA UPRAVA TREBINJE	01 - DISCRIMINATION -- 01-11 - ON GROUNDS OF ETHNICITY	22/12/2022	NOT IMPLEMENTED	YES
P-348/22	Ž-MO-08-32/22	SKUPŠTINA HNK MOSTAR, MINISTARSTVO OBRAZOVANJA, NAUKE, KULTURE I SPORTA HNK MOSTAR, JU OSNOVNA ŠKOLA "MUJAGA KOMADINA" MOSTAR, OPĆINSKI SUD MOSTAR	09 - JUDICIARY -- 09-3 - ENFORCEMENT OF JUDGEMENTS	22/12/2022	PARTIALLY IMPLEMENTED	YES
P-349/22	Ž-MO-01-85/22	MINISTARSTVO SIGURNOSTI BOSNE I HERCEGOVINE, SLUŽBA ZA POSLOVE SA STRANCIMA MOSTAR	13 - RIGHTS OF THE CHILD	22/12/2022	NO RESPONSE	NO
P-350/22	Ž-BL-04-35/22	ODBOR DRŽAVNE SLUŽBE ZA ŽALBE FEDERACIJE BOSNE I HERCEGOVINE, FEDERALNO MINISTARSTVO PRAVDE	10 - LABOUR RELATIONS	22/12/2022	COOPERATION ACHIEVED	YES
P-351/22	Ž-SA-01-1320/22	JU DOM ZDRAVLJA KANTONA SARAJEVO, N/R DIREKTORA	13 - RIGHTS OF THE CHILD	23/12/2022	NO RESPONSE	NO
P-352/22	Ž-BL-04-780/22	FOND ZA PENZIJSKO I INVALIDSKO OSIGURANJE REPUBLIKE SRPSKE	25 - PENSIONS	27/12/2022	NOT IMPLEMENTED	YES

P-353/22	Ž-MO-02-183/21	VLADA HNK, N/R PREMIJERA GOSP. NEVENKA HERCEGA MOSTAR, GRAD MOSTAR, N/R GRADONAČELNIKA GOSP. Marija Kordića Mostar	12 - PERSONS WITH DISABILITIES	29/12/2022	PARTIALLY IMPLEMENTED	YES
P-354/22	Ž-SA-06-1125/20	JAVNA USTANOVA SLUŽBA ZA ZAPOSŁJAVANJE KANTONA SARAJEVO	01 - DISCRIMINATION -- 01-03 - MOBBING	29/12/2022	COOPERATION ACHIEVED	YES
P-355/22	Ž-SA-08-826/22	VLADA KANTONA SARAJEVO	09 - JUDICIARY	29/12/2022	NO RESPONSE	NO
P-356/22	Ž-SA-08-472/22	PON-OPĆINA ILIDŽA, N/R NAČELNIKA	19 - ADMINISTRATION	29/12/2022	NO RESPONSE	NO
P-357/22	Ž-SA-08-733/22	OPĆINA DONJI VAKUF, N/R NAČELNIKA	19 - ADMINISTRATION	29/12/2022	NO RESPONSE	NO
P-358/22	Ž-SA-04-835/22	PON-VLADA FEDERACIJE BOSNE I HERCEGOVINE SARAJEVO, N/R PREMIJERA	10 - LABOUR RELATIONS	29/12/2022	COOPERATION ACHIEVED	YES
P-359/22	Ž-SA-04-1107/22	JAVNO PREDUZEĆE "ONSA" D.O.O SARAJEVO	10 - LABOUR RELATIONS	29/12/2022	COOPERATION ACHIEVED	YES

ANNEX I. 2022 BUDGET BREAKDOWN

BOSNIA AND HERZEGOVINA

Institution: Institution of Human Rights Ombudsman of Bosnia and Herzegovina

Headquarters: Banja Luka

ID: 4403087410007

Activity code: 69.10

Form 2

Organisation code: 0304

Fund: General fund (10)

Project code: 0

Summary form: x

Breakdown of expenditures and expenses by economic category

Reporting period: 01/01/2022 – 31/12/2022

BUDGET

No.	Description	Economic code	Budget	Amendments (revision, restructuring, reallocation, provisions, earmarked funds, etc.)	Adjusted budget	Realised accumulated amount of total expenditures and expenses	Realised accumulated amount in the same period of the previous year	Percentage 7/6 x 100	Percentage 7/8 x 100
1	2	3	4	5	6 (4+5)	7	8	9	10
1	Total expenditures and expenses (2+16)		2,779,000	27,500	2,806,500	2,507,480	2,315,392	89	108
2	Total current expenditures (3+6)	610000	2,728,000	27,500	2,755,500	2,456,880	2,315,392	89	106
3	Employee salaries and expenses reimb. (4+5)	611000	2,424,000	27,500	2,451,500	2,218,407	2,098,887	90	106
4	Gross salaries and allowances and benefits	611100	2,146,000		2,146,000	1,956,292	1,883,202	91	104
5	Employee expenses reimbursement	611200	278,000	27,500	305,500	262,115	215,685	86	122
6	Expenses for material, small business inventory and services (7+.....+15)	613000	304,000		304,000	238,473	216,505	78	110
7	Travel expenses	613100	75,000		75,000	56,872	40,655	76	140
8	Telephone and postal services expenses	613200	52,000		52,000	39,988	44,076	77	91
9	Energy and utilities expenses	613300	7,000		7,000	4,616	5,085	66	91
10	Procurement of material and small business inventory	613400	33,000		33,000	31,607	24,471	96	129
11	Transportation and fuel expenses	613500	23,000		23,000	15,662	11,142	68	141
12	Property and equipment rental	613600	13,000		13,000	12,800	12,803	98	100
13	Maintenance expenses	613700	26,000		26,000	11,441	15,768	44	73
14	Insurance, banking and payment services	613800	6,000		6,000	4,516	4,731	75	95
15	Contracted and other special services	613900	69,000		69,000	60,971	57,774	88	106
16	Total capital expenses		51,000		51,000	50,600	0	99	
17	Fixed asset acquisition costs	821000	51,000		51,000	50,600	0	99	
18	Procurement of equipment	821300	51,000		51,000	50,600	0	99	

ANNEX II. 2022 OVERVIEW OF OBLIGATIONS UNDER FREEDOM OF INFORMATION ACT

1. Public authorities at the level of Bosnia and Herzegovina that complied with the obligation to appoint information officers and provided the Information Access Guide and Index Register pursuant to Articles 19 and 20 of the Freedom of Information Act:

1. Police Support Agency of Bosnia and Herzegovina;
2. Civil Service Agency of Bosnia and Herzegovina;
3. Agency for Forensic Examinations of Bosnia and Herzegovina;
4. Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina;
5. Public Procurement Agency and Complaints Review Body of Bosnia and Herzegovina;
6. Agency for Medicinal Products and Medical Devices of Bosnia and Herzegovina;
7. Market Surveillance Agency of Bosnia and Herzegovina;
8. Deposit Insurance Agency of Bosnia and Herzegovina;
9. Insurance Agency in Bosnia and Herzegovina;
10. Agency for Postal Traffic of Bosnia and Herzegovina;
11. Agency for Preschool, Primary and Secondary Education of Bosnia and Herzegovina;
12. Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption of Bosnia and Herzegovina;
13. Labour and Employment Agency of Bosnia and Herzegovina;
14. Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina;
15. Food Safety Agency of Bosnia and Herzegovina;
16. Agency for Statistics of Bosnia and Herzegovina;
17. Agency for Education and Professional Development of Bosnia and Herzegovina;
18. Foreign Investment Promotion Agency of Bosnia and Herzegovina;
19. Personal Data Protection Agency of Bosnia and Herzegovina;
20. Archives of Bosnia and Herzegovina;
21. Centre for Information and Recognition of Qualifications in Higher Education of Bosnia and Herzegovina;
22. Bosnia and Herzegovina Mine Action Centre;
23. Central Bank of Bosnia and Herzegovina;
24. Central Election Commission of Bosnia and Herzegovina;
25. Directorate for Coordination of Police Bodies of Bosnia and Herzegovina;
26. Bosnia and Herzegovina Directorate of Civil Aviation - BHDCA;
27. Bosnia and Herzegovina Directorate for Economic Planning;
28. Directorate for European Integration of Bosnia and Herzegovina;
29. State Investigation and Protection Agency of Bosnia and Herzegovina;
30. State Regulatory Agency for Radiation and Nuclear Safety of Bosnia and Herzegovina;
31. State Electricity Regulatory Commission of Bosnia and Herzegovina;
32. Electricity Transmission Company of Bosnia and Herzegovina;
33. Return Fund of Bosnia and Herzegovina;
34. Border Police of Bosnia and Herzegovina;
35. Institution of the Ombudsman for Consumer Protection of Bosnia and Herzegovina;
36. Institute for Accreditation of Bosnia and Herzegovina;
37. Institute for Intellectual Property of Bosnia and Herzegovina;
38. Institute for Standardisation of Bosnia and Herzegovina;
39. Concession Commission of Bosnia and Herzegovina;
40. Commission to Preserve National Monuments of Bosnia and Herzegovina;

41. Accounting and Auditing Commission of Bosnia and Herzegovina;
42. Demining Commission of Bosnia and Herzegovina;
43. Competition Council of Bosnia and Herzegovina;
44. Ministry of Civil Affairs of Bosnia and Herzegovina;
45. Ministry of Finance and Treasury of Bosnia and Herzegovina;
46. Ministry of Communications and Transport of Bosnia and Herzegovina;
47. Ministry of Defence of Bosnia and Herzegovina;
48. Ministry of Justice of Bosnia and Herzegovina;
49. Ministry of Security of Bosnia and Herzegovina;
50. Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina;
51. Ministry of Foreign Affairs of Bosnia and Herzegovina;
52. BiH Ministry for Human Rights and Refugees;
53. Intelligence and Security Agency of Bosnia and Herzegovina;
54. Civil Service Appeals Board of Bosnia and Herzegovina;
55. Parliamentary Assembly of Bosnia and Herzegovina;
56. Office of the Attorney General of Bosnia and Herzegovina;
57. Presidency of Bosnia and Herzegovina;
58. Communications Regulatory Agency of Bosnia and Herzegovina;
59. Foreign Nationals Service of Bosnia and Herzegovina;
60. Service for Joint Affairs of the Institutions of Bosnia and Herzegovina;
61. Court of Bosnia and Herzegovina;
62. Prosecutor's Office of Bosnia and Herzegovina;
63. Administration of Bosnia and Herzegovina for Plant Health Protection;
64. Indirect Taxation Authority of Bosnia and Herzegovina;
65. Public Administration Reform Coordinator's Office of Bosnia and Herzegovina;
66. Office for Auditing of the Financial Operations of the Institutions of Bosnia and Herzegovina;
67. Veterinary Office of Bosnia and Herzegovina;
68. Legislative Office of the Council of Ministers of Bosnia and Herzegovina;
69. Constitutional Court of Bosnia and Herzegovina;
70. Foreign Trade Chamber of Bosnia and Herzegovina;
71. Council of Ministers of Bosnia and Herzegovina;
72. High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

2. Public authorities at the level of Bosnia and Herzegovina that provided statistical data in 2022, pursuant to Article 20 of the Freedom of Information Act:

1. Civil Service Agency of Bosnia and Herzegovina;
2. Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina;
3. Public Procurement Agency of Bosnia and Herzegovina;
4. Market Surveillance Agency of Bosnia and Herzegovina;
5. Insurance Agency in Bosnia and Herzegovina;
6. Labour and Employment Agency of Bosnia and Herzegovina;
7. Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption of Bosnia and Herzegovina;
8. Food Safety Agency of Bosnia and Herzegovina;
9. Personal Data Protection Agency of Bosnia and Herzegovina;
10. Bosnia and Herzegovina Directorate of Civil Aviation - BHDCA;
11. Bosnia and Herzegovina Directorate for Economic Planning;
12. Directorate for European Integration of Bosnia and Herzegovina;

13. State Electricity Regulatory Commission of Bosnia and Herzegovina;
14. Electricity Generation, Distribution and Supply Company (Elektroprivreda) of Bosnia and Herzegovina;
15. Electricity Transmission Company (Elektroprenos) JSC Banja Luka;
16. Return Fund of Bosnia and Herzegovina;
17. Border Police of Bosnia and Herzegovina;
18. Institute for Intellectual Property of Bosnia and Herzegovina;
19. Commission to Preserve National Monuments of Bosnia and Herzegovina;
20. Competition Council of Bosnia and Herzegovina;
21. Ministry of Civil Affairs of Bosnia and Herzegovina;
22. Ministry of Communications and Transport of Bosnia and Herzegovina;
23. Ministry of Foreign Affairs of Bosnia and Herzegovina;
24. Ministry of Defence of Bosnia and Herzegovina;
25. Ministry of Justice of Bosnia and Herzegovina;
26. Ministry of Finance and Treasury of Bosnia and Herzegovina;
27. BiH Ministry for Human Rights and Refugees;
28. Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina /Veterinary Office of BiH, Administration of BiH for Plant Health Protection, Office for Harmonisation and Coordination of Payment Systems in Agriculture, Food and Rural Development of BiH/;
29. Parliamentary Assembly of Bosnia and Herzegovina;
30. Office of the Attorney General of Bosnia and Herzegovina;
31. Presidency of Bosnia and Herzegovina - Secretariat;
32. Prosecutor's Office of Bosnia and Herzegovina;
33. Public Administration Reform Coordinator's Office of Bosnia and Herzegovina;
34. Complaint Review Body of Bosnia and Herzegovina;
35. Constitutional Court of Bosnia and Herzegovina;
36. Council of Ministers of Bosnia and Herzegovina – General Secretariat;
37. High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

In respect of submission of statistical data by state-level public authorities, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina notes that 40 public authorities regularly complied with their obligation in the reporting year, which is slightly more than in 2021.

3. Public authorities at the level of the Federation of Bosnia and Herzegovina that provided statistical data in 2022, pursuant to the Freedom of Information Act, are as follows:

1. Banking Agency of the Federation of Bosnia and Herzegovina;
2. FBiH Hydrometeorological Institute;
3. FBiH Ministry of Health;
4. FBiH Ministry of the Interior;
5. FBiH Ministry of Spatial Planning;
6. FBiH Prosecutor's Office;
7. FBiH Employment Bureau;
8. City of Mostar;
9. City of Goražde;
10. PI Sarajevo International Airport LLC;
11. PI Otoka Olympic Swimming Pool;
12. Zenica Cantonal Court;
13. Sarajevo Canton Administration for Inspection Affairs;
14. Zenica-Doboj Canton Administration for Inspection Affairs;

15. Sarajevo Canton Prosecutor's Office;
16. Zenica-Doboj Canton Prosecutor's Office;
17. Cantonal Public Utility Company "Rad" LLC;
18. Securities Commission of the Federation of Bosnia and Herzegovina;
19. Zenica-Doboj Canton Ministry of Justice and Public Administration;
20. Sarajevo Canton Ministry of the Interior;
21. Una-Sana Canton Ministry for Civil Engineering, Spatial Planning and Environmental Protection;
22. Gračanica Municipality;
23. Sanski Most Municipality;
24. Kakanj Municipality;
25. Ključ Municipality;
26. Foča Municipality;
27. Hadžići Municipality;
28. Stari Grad Sarajevo Municipality;
29. Novo Sarajevo Municipality;
30. Novi Travnik Municipality;
31. Lukavac Municipal Court;
32. Visoko Municipal Court;
33. Regulatory Commission for Energy in the Federation of Bosnia and Herzegovina;
34. Sarajevo University;
35. Government of the Federation of Bosnia and Herzegovina.

In the reporting year, 36 public authorities in the territory of the Federation of Bosnia and Herzegovina complied with the obligation to provide statistical data pursuant to the Freedom of Information Act, which is approximately the same as in 2021.

4. Public authorities at the level of the Republika Srpska that provided statistical data in 2022, pursuant to the Freedom of Information Act, are as follows:

1. Pension and Disability Insurance Fund of the Republika Srpska;
2. City of Gradiška;
3. Public Institution "Vode Srpske" Bijeljina;
4. Banja Luka District Public Prosecutor's Office;
5. Doboj District Court;
6. Doboj District Commercial Court;
7. Teslić Basic Court;
8. Ugljevik Municipality;
9. President of the Republika Srpska – Office of the President;
10. Republika Srpska Prosecutor's Office.

Ten public authorities at the level of the Republika Srpska complied with the obligation to provide statistical data in 2022, and there were no major changes compared to the previous year.

5. In 2022, the following public authorities complied with their obligation to provide information officer decisions, Information Access Guide and Index Register, pursuant to the Freedom of Information Act:

1. Agency for Forensic Examinations (Information Officer Appointment Decision, Guide);

2. Police Support Agency - Ministry of Security of Bosnia and Herzegovina (Guide and Information Officer Appointment Notification);
3. Agency for Public Procurement (Information Officer Appointment Decision);
4. Centre for Information and Recognition of Qualifications in Higher Education of Bosnia and Herzegovina (Information Officer Information);
5. Central Harmonisation Unit, Ministry of Finance and Treasury (Information Officer Appointment Decision, Guide and Index Register);
6. BiH Competition Council (Data on the person in charge of information);
7. Office for Legislation of the Council of Ministers of Bosnia and Herzegovina (Decision on the Appointment of Information Officers, Guide);
8. Prosecutor's Office of Bosnia and Herzegovina (Information Officer Appointment Notification);
9. Ministry of Veteran Affairs of Tuzla Canton (Information Officer Appointment Decision);
10. Ministry of Communal Economy, Infrastructure, Spatial Planning, Construction and Environmental Protection of Sarajevo Canton (Index Register, FOI request form and Information Officer Appointment Decision);
11. Ministry of Justice and Administration of Zenica-Doboj Canton (Information Officer Appointment Decision);
12. Banking Agency of the Federation of Bosnia and Herzegovina (Information Officer Appointment Decision);
13. FBiH Bureau of Statistics (Information Officer Appointment Decision);
14. Sarajevo Canton Prosecutor's Office (Information Officer Appointment Decision);
15. Office of Sarajevo Canton Prime Minister (Information Officer Appointment Decision);
16. Sarajevo Canton Institute for the Protection of Cultural, Historical and Natural Heritage Sarajevo (Information Officer Appointment Decision);
17. Una-Sana Canton Government (Information Officer Appointment Decision);
18. Republika Srpska Concession Commission (Information Officer Appointment Decision);
19. FBiH Securities Commission (Information Officer Information);
20. BH Post (Information Officer Appointment Decision);
21. Decision on Amending the Information Officer Appointment Decision, Office of Sarajevo Cantonal Assembly Speaker and Deputy Speaker, no 01-02-44351/22 dated 27 October 2022;
22. Information Officer Change Notification, West Herzegovina Canton Office for European Integration;
23. University of Sarajevo - Institute for Genetic Engineering and Biotechnology (Information Officer Appointment Decision);
24. Maglaj Municipality (Information Officer Appointment Decision);
25. Fojnica Municipality (Information Officer Appointment Decision);
26. Jajce Municipal Court (Information Officer data);
27. Visoko City (Information Officer Appointment Decision);
28. Laktaši Social Welfare Centre (Information Access Guide);
29. Banovići Social Welfare Centre (Information Access Guide).

ANNEX III. TABLE OF STATISTICAL INDICATORS

DEPARTMENT	2022 caseload	Carryover from previous years	Total cases handled in 2022	Total cases completed in 2022	2023 carryover
01 - Department for Monitoring the Exercise of Rights of Children	219	116	335	209	126
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities	66	11	77	48	29
03 - Department for Monitoring the Exercise of Rights of National/Ethnic, Religious and Other Minorities	12	2	14	5	9
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights	675	358	1033	646	387
05 - Department for Monitoring the Exercise of Political and Civil Rights	857	466	1323	830	493
06 - Department for the Elimination of All Forms of Discrimination	208	307	515	218	297
07 - Department for the Exercise of Rights of Persons Deprived of Liberty	77	62	139	82	57
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration	736	341	1077	707	370
TOTAL	2850	1663	4513	2745	in 1768

Work on complaints in 2022 by department

Department	Number
01 - Department for Monitoring the Exercise of the Rights of the Child // Sarajevo	111
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Sarajevo	34
03 - Department for Monitoring the Exercise of Rights of National/Ethnic, Religious and Other Minorities // Sarajevo	6
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Sarajevo	341
05 - Department for Monitoring the Exercise of Political and Civil Rights // Sarajevo	328
06 - Department for the Elimination of All Forms of Discrimination // Sarajevo	97
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty // Sarajevo	62
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Sarajevo	364
Sarajevo – Total number of cases	1343
01 - Department for Monitoring the Exercise of the Rights of the Child // Banja Luka	79
02 - Department for monitoring the exercise of the rights of persons with disabilities // Banja Luka	21
03 - Department for Monitoring the Exercise of Rights of National/Ethnic, Religious and Other Minorities // Banja Luka	3
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Banja Luka	165
05 - Department for Monitoring the Exercise of Political and Civil Rights // Banja Luka	338
06 - Department for the Elimination of All Forms of Discrimination // Banja Luka	56
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty // Banja Luka	11
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Banja Luka	166
Banja Luka - Total number of cases	839
01 - Department for Monitoring the Exercise of the Rights of the Child // Brčko	9
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Brčko	1
03 - Department for Monitoring the Exercise of Rights of National/Ethnic, Religious and Other Minorities // Brčko	2
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Brčko	107
05 - Department for Monitoring the Exercise of Political and Civil Rights // Brčko	75
06 - Department for the Elimination of All Forms of Discrimination // Brčko	44
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty // Brčko	1
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Brčko	49
Brčko - Total number of cases	288
01 - Department for Monitoring the Exercise of the Rights of the Child // Mostar	19
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Mostar	7
03 - Department for Monitoring the Exercise of Rights of National/Ethnic, Religious and Other Minorities // Mostar	1
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Mostar	33
05 - Department for Monitoring the Exercise of Political and Civil Rights // Mostar	45
06 - Department for the Elimination of All Forms of Discrimination // Mostar	8
07 - Department for Monitoring the Exercise of Rights of Persons Deprived of Liberty // Mostar	3
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Mostar	39
Mostar – Total number of cases	155
01 - Department for Monitoring the Exercise of the Rights of the Child // Livno	1

02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities // Livno	3
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights // Livno	29
05 - Department for Monitoring the Exercise of Political and Civil Rights // Livno	71
06 - Department for the Elimination of All Forms of Discrimination // Livno	3
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration // Livno	118
Livno – Total number of cases	225
IHROBiH – Total number of cases	2850

Number of complaints in 2022 by office

2022 Caseload // By Subcategory

Violation of rights	Subcategory	Case number
01 – Discrimination	00 – Other	100
01 – Discrimination	01-01 – Harassment	4
01 – Discrimination	01-02 - Sexual harassment	1
01 – Discrimination	01-03 – Mobbing	43
01 – Discrimination	01-09 - Based on language	3
01 – Discrimination	01-10 - Based on religion	3
01 – Discrimination	01-11 - Based on ethnicity	10
01 – Discrimination	01-12 - On grounds of national or social origin	7
01 – Discrimination	01-13 - On grounds of affiliation with national minority	1
01 – Discrimination	01-14 - On grounds of political or other convictions	2
01 – Discrimination	01-15 - On grounds of financial status	1
01 – Discrimination	01-16 - On grounds of membership of trade union or another association	2
01 – Discrimination	01-17 - On grounds of education	4
01 – Discrimination	01-18 – On grounds of social status and gender	5
01 – Discrimination	01-19 – On grounds of sexual orientation	1
01 – Discrimination	01-20 – On grounds of gender identity	1
01 – Discrimination	01-21 – On grounds of sexual characteristics	1
01 – Discrimination	01-22 – On grounds of age	7
01 – Discrimination	01-23 – On grounds of disability	2
01 – Discrimination	01-24 - Hate speech	1
01 – Discrimination	TOTAL	199
02 - Media and freedom of information	TOTAL	12
03 - Access to information	00 – Other	239
03 - Access to information	03-1 - Failure to decide within the statutory period	56
03 - Access to information	03-2 - Denial of access to information	12
03 - Access to information	03-3 – Right to review in two instances	1
03 - Access to information	TOTAL	308
04 - Religious freedoms / religion	TOTAL	3
05 - Police	00 – Other	131
05 - Police	05-1 - Complaints about police work	19
05 - Police	05-2 - Complaints by police officers	3
05 - Police	TOTAL	153
06 - Public revenues	TOTAL	4
07 – Prisons	00 – Other	68
07 – Prisons	07-1 – Incentives and earned privileges	3
07 – Prisons	07-2 - Healthcare and hygienic conditions	7
07 - Prisons	TOTAL	78
08 - Gender equality	TOTAL	8
09 – Judiciary	00 – Other	282
09 – Judiciary	09-1 - Complaints about the work of judges	12
09 – Judiciary	09-2 - Length of proceedings (Article 6)	29
09 – Judiciary	09-3 - Enforcement of judgements	22

09 – Judiciary	09-4 – HJPC	2
09 – Judiciary	TOTAL	347
10 - Labour relations	TOTAL	251
11 – Education	00 – Other	28
11 – Education	11-2 - Elementary education	4
11 – Education	11-3 - Secondary education	1
11 – Education	11-4 - Higher education	14
11 – Education	TOTAL	47
12 - Persons with disabilities	TOTAL	66
13 - Rights of the child	00 – Other	202
13 - Rights of the child	13-1 - Social welfare centres	12
13 - Rights of the child	TOTAL	214
14 – Ecology and environmental protection	TOTAL	18
15 – Property relations	TOTAL	117
16 – Violence	00 – Other	5
16 – Violence	16-1 - Domestic violence	1
16 – Violence	16-2 - Peer violence	1
16 – Violence	TOTAL	7
17 - Public documents	TOTAL	30
18 – Minorities	TOTAL	10
19 – Administration	TOTAL	292
20 - War damage	TOTAL	15
21 - Utility services	TOTAL	107
22 - Government and ministerial appointments	TOTAL	104
23 – Healthcare	TOTAL	59
24 - Social protection	TOTAL	63
25 – Pensions	TOTAL	127
26 - Prosecutor's offices	TOTAL	76
28 – Corruption cases	TOTAL	3
29 - Migration and asylum	TOTAL	19
30 - Freedom of assembly	TOTAL	1
31 – Lawyers	TOTAL	13
32 – Inspections	TOTAL	86
33 - Free legal aid	TOTAL	13
TOTAL	TOTAL	2850

Number of complaints received in 2022 by subcategory

No.	Case resolution	2022 caseload	Caseload carryover from previous years	Total
1	During IHROBiH intervention	484	306	790
2	IHROBiH recommendation	165	196	361
3	Party's disinterestedness in further proceedings	243	83	326
4	Inadmissible decision	494	114	608
5	Otherwise resolved	316	271	587
6	Lack of jurisdiction and case transfer to the competent authority	40	8	48
7	Referred to another Ombudsman's office	8	1	9
8	Special report	1	4	5
9	Renewed proceedings	10	1	11
10	Total	1761	984	2745

FOR INADMISSIBLE COMPLAINTS ONLY - SUBCATEGORISATION

00 – Other	111	29	140
01 – Anonymous complaint	1	0	1
02 – Malicious complaint	1	0	1
03 – Unfounded complaint	302	77	379
04 – Complaint contains no claim	6	0	6
05 – Infringement of the legitimate rights of a third party	2	0	2
06 – One-year delay in filing the complaint after the facts, events or decisions	6	1	7
07 – Non-exhaustion of legal remedies	30	2	32
08 – Incomplete or incomprehensible complaint (not subsequently supplemented)	15	2	17
09 – Complainant withdrew their complaint	3	1	4
10 – Complaint containing facts already discussed (duplication of complaint)	13	1	14
11 – State of facts before 14 December 1995	4	1	5
Total	494	114	608

Number of completed complaints // Manner of finalising complaints in 2022

No.	Right violation	Number of recommendations
No.	Right violation	75
1	01 – Discrimination	1
2	02 – Media and freedom of information	76
3	03 - Access to information	1
4	05 – Police	12
5	06 – Public revenues	1
6	07 – Prisons	1
7	08 – Gender equality	24
8	09 – Judiciary	37
9	10 – Labour relations	6
10	11 – Education	19
11	12 – Persons with disabilities	23
12	13 - Rights of the child	1
13	14 – Ecology and environmental protection	8
14	15 – Property relations	3
15	17 – Public documents	1
16	18 – Minorities	45
17	19 – Public administration	2
18	20 – War damage	8
19	21 – Public utility services	50
20	22 - Government and ministerial appointments	6
21	23 – Health	1
22	24 – Social protection	6
23	25 – Pensions	2
24	26 – Prosecutor's offices	1
25	28 – Corruption cases	1
26	31 – Lawyers	16
27	32 – Inspections	1
28	33 – Free legal aid	428

Implementation status	Number of cases
Partially implemented	16
No response	100
Not implemented	108
Cooperation achieved	75
Implemented	129
Total	428

Number of complaints with recommendations issued in 2022 by rights violation category and implementation

DEPARTMENT	Number of complaints with recommendations issued in 2020
01 - Department for Monitoring the Exercise of Rights of Children	24
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities	18
03 - Department for Monitoring the Exercise of Rights of National/Ethnic, Religious and Other Minorities	2
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights	67
05 - Department for Monitoring the Exercise of Political and Civil Rights	172
06 - Department for the Elimination of All Forms of Discrimination	77
07 - Department for the Exercise of Rights of Persons Deprived of Liberty	1
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration	67
TOTAL	428

Number of complaints with issued recommendation in 2022 by department

Department	Number of complaints
01 - Department for Monitoring the Exercise of Rights of Children	24
02 - Department for Monitoring the Exercise of Rights of Persons with Disabilities	14
03 - Department for Monitoring the Exercise of Rights of National/Ethnic, Religious and Other Minorities	2
04 - Department for Monitoring the Exercise of Economic, Social and Cultural Rights	65
05 - Department for Monitoring the Exercise of Political and Civil Rights	155
06 - Department for the Elimination of All Forms of Discrimination	43
07 - Department for the Exercise of Rights of Persons Deprived of Liberty	1
08 - Department for Monitoring the Exercise of Rights in the Judiciary and Administration	55
TOTAL	359

Number of recommendations in 2022 by department

Office	Number of complaints with recommendation issued in 2022
Sarajevo Office	187
Banja Luka Office	143
Brčko Office	50
Mostar Office	23
Livno Office	25
TOTAL	428

Number of complaints with issued recommendations in 2022 by office

Office	Number of recommendations
Sarajevo Office	167
Banja Luka Office	130
Brčko Office	20
Mostar Office	23
Livno Office	19
TOTAL	359

Number of recommendations in 2022 by office

No.	Authority	Number of cases	Authority HQ
1	SARAJEVO MUNICIPAL COURT	59	SARAJEVO
2	SARAJEVO CANTONAL COURT	33	SARAJEVO
3	BANJA LUKA BASIC COURT	32	BANJA LUKA
4	LIVNO MUNICIPAL COURT	25	LIVNO
5	SARAJEVO CANTONAL PROSECUTOR'S OFFICE	24	SARAJEVO
6	TUZLA CANTONAL PROSECUTOR'S OFFICE	24	TUZLA
7	BIHAĆ MUNICIPAL COURT	20	BIHAĆ
8	LIVNO CANTONAL COURT	17	LIVNO
9	TUZLA MUNICIPAL COURT	15	TUZLA
10	MOSTAR MUNICIPAL COURT	13	MOSTAR
11	BANJA LUKA DISTRICT COURT	12	BANJA LUKA
12	HIGH JUDICIAL AND PROSECUTION COUNCIL OF BIH	11	SARAJEVO
13	REPUBLIKA SRPSKA SUPREME COURT	10	BANJA LUKA
14	CAZIN MUNICIPAL COURT	9	CAZIN
15	BANJA LUKA DISTRICT PUBLIC PROSECUTOR'S OFFICE	8	BANJA LUKA
16	BIH CONSTITUTIONAL COURT	8	SARAJEVO
17	ZENIA-DOBOJ CANTONAL PROSECUTOR'S OFFICE	7	ZENICA
18	BIHAĆ CANTONAL COURT	6	BIHAĆ
19	PRIJEDOR DISTRICT PROSECUTOR'S OFFICE	6	PRIJEDOR
20	ZENICA MUNICIPAL COURT	6	ZENICA

20 most common judicial respondent parties

No.	Authority	Number of cases	Authority HQ
1	SARAJEVO CANTON MOI	51	SARAJEVO
2	RS MOI	43	BANJA LUKA
3	FBIH PDIF	40	TUZLA
4	TUZLA CANTON MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT	39	TUZLA
5	BANJA LUKA CITY	33	BANJA LUKA
6	RS PDIF	31	BIJELJINA
7	SOCIAL WELFARE CENTRE	21	SREBRENİK
8	TUZLA CANTON MOI	18	TUZLA
9	RS MINISTRY OF LABOUR AND VETERANS' AND DISABLED PROTECTION	17	BANJA LUKA
10	RS ADMINISTRATION FOR SURVEYING AND PROPERTY AFFAIRS	17	BANJA LUKA
11	MOSTAR CITY	17	MOSTAR
12	TUZLA CANTONAL ADMINISTRATION, FBIH PDIF	17	TUZLA
13	NOVI GRAD MUNICIPALITY	16	NOVI GRAD
14	ZENICA-DOBOJ CANTONAL MOI	16	ZENICA
15	FBIH GOVERNMENT	15	SARAJEVO
16	INSTITUTION FOR THE EXECUTION OF CRIMINAL SANCTIONS, DETENTION AND OTHER MEASURES OF BIH	14	ISTOČNA ILIDŽA
17	STARI GRAD MUNICIPALITY	13	SARAJEVO
18	PC VODOVOD TUZLA	13	TUZLA
19	RS ADMINISTRATION FOR INSPECTION AFFAIRS	12	BANJA LUKA
20	LIVNO DEPARTMENT ⁶ FOR ECONOMY AND INSPECTION AFFAIRS	12	LIVNO

20 the most common non-judicial respondent parties