



**ANNUAL REPORT ON RESULT OF THE  
ACTIVITIES BY THE HUMAN RIGHTS  
OMBUDSMAN OF BOSNIA AND  
HERZEGOVINA FOR 2013**



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## INTRODUCTION

*Annual report on results of the activities of the Human Rights Ombudsman of BiH in 2013 brings the information on activities of this Institution including the indicators of the scope of respect for human rights and freedoms based on complaints of the citizens and legal entities filed against the institutions, bodies and agencies as well as the private agencies entrusted with public mandate.*

*Pursuant to the Law on Human Rights Ombudsman of BiH, the Report is communicated to the Presidency of BiH, the House of Representatives and the House of Peoples of the Parliamentary Assembly of BiH, the Parliament of the Federation of BiH and the National Assembly of the Republic of Srpska.*

*Report comprises statistical indicators on number and nature of the received complaints, results of the analysis of cases subject to investigation and findings on it, and suggestions and recommendations issued along with the information about its implementation.*

*There are also data grouped according to areas of law, such as civil and political rights, economic, social and cultural rights, rights of persons with disabilities, rights of national, religious and other minorities, rights of the child, rights of the detained persons/prisoners, elimination of all forms of discrimination, and data grouped according to the Ombudsman offices, namely Banja Luka, Sarajevo, Mostar, Brčko and Livno, which are handling complaints, together with problem analyses and illustrative examples and recommendations.*

*In the last 2013 the Institution was addressed by 13,962 citizens, which is 12,23% or (12.441) more than we had in 2012. This means a continuation of the growth trend which we interpret as a result of the increased promotion of human rights and awareness of the possibilities and available means for its protection.*

*Comparing the number of complaints handled in 2013 and 2012, it could be noted that number of complaints of realization of the rights based on disability was reduced for 3,95%.*

*Total number of complaints about which an investigation was opened was 5,137 and this is an increase of 2,56% compared to the previous year 2012. Out of this total number of complaints handled, in 2013 the Institution received 3,170 new complaints or 1,47% more than in previous years. Number of complaints transferred from previous years was 1,979.*

*Finished was 2.531 complaints or 69,73% out of the total number processed. Issued was 305 recommendations, that is 8,63%, out of which the most cases was solved during the intervention of the Ombudsman, namely 1,290 complaints, or 36,50%. The rest of 53,8% of closed cases was either ill-founded or the complainant lost the interest in further pursuance of the complaint filed following their receipt of the respondent party's response, or forwarded to another body for processing or resolved otherwise.*

*The most cases, as in previous periods, related to the area of civil and political rights where a total of 1,880 complaints was registered, this is 59,30% of all complaints received, then the area of economic, social and cultural rights to which related 698 complaints, or 22,01% out of total number of complaints.*

*The least complaints was in the area of national, religious and other minorities, only 13 complaints, which, however, is not an objective indicator of human rights situation in this field, since it happens that complaints filed by minorities are registered in some other department according to the type of right allegedly violated, so it be registered as civil and political rights or economic, social and cultural rights or discrimination.*

*In the area of discrimination 195 complaints was registered, out of which 58 related to mobbing, this is 18,3% less than in previous year. Situation in the field of discrimination, along with analysis of effects of the implementation of Law on Prohibition of Discrimination is*

*presented in a separate Annual report on occurrences of discrimination in Bosnia and Herzegovina attached to this annual report.*

*In addition to the above and according to the Strategy of the Ombudsman for 2010-2014 period, the Ombudsman made important steps on strengthening of the protection and promotion of human rights, cooperation with domestic authorities, civil society and international organization dealing with human rights*

*They prepared three special reports related to social rights and the rights of the child with focus on the right of the child to free time, situation of children in conflict divorces, the role of social welfare centers in realization of the rights of the child, all this aimed at analysis of situation and develop recommendations to the authorities to engage more in order to have better enjoyment of the rights of the child.*

*The Ombudsman also prepared a special report on the rights of Roma, with a view to analyzing the exercise of minority rights, with recommendations on the need for further and stronger implementation of measures by the authorities and state bodies, Roma NGOs, Roma members themselves, the media and the community in the elimination of prejudice and stereotypes about Roma and minorities in general, the realization of the right to education, housing, health care and general inclusion of minorities in society.*

*Important progress is achieved in some areas in sense of improvement of human rights. This primarily relates to the increased public awareness of necessity to protect human rights and to diminish if not eradicate tolerance to violence and improved regional cooperation. However, these improvements are not sufficient to overcome the general dissatisfaction present among the citizens caused by irregularities and illegalities manifested in performance of public services by service-holders.*

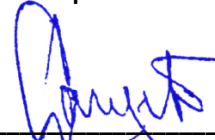
*Difficult economic situation, unemployment and growing poverty should be particularly emphasized as circumstances that particularly aggravate the human rights situation. These rights are among the most regulated rights and the state has the obligation to ensure their enjoyment, but because of economic incapacity they do not do it.*

*This report also includes a tables presenting recommendations issued and degree of their implementation, budget for 2013 and obligations arising from Law on Freedom of Access to Information.*

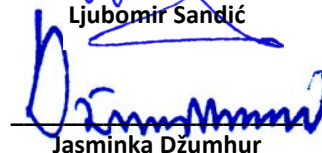
*In preparation of this report, having in mind gender equality and gender mainstreaming, the Ombudsman decided to use names in masculine and feminine form, as the context requires, and where names have general meaning, used is masculine gender.*

March, 2014

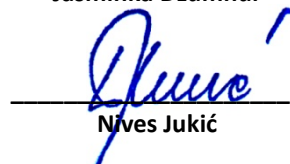
Ombudspersons of BiH



Ljubomir Sandić



Jasminka Džumhur



Nives Jukić

## CHAPTER I. LEGAL FRAMEWORK AND SCOPE OF WORK OF THE OMBUDSMAN

### 1.1. Legal framework for the functioning of the Ombudsman

The Institution of the Human Rights Ombudsman of BiH (hereinafter: the Ombudsman) was established in 1996 pursuant to Annexes IV and VI of the General Framework Agreement on Peace for Bosnia and Herzegovina to protect human rights and promote good governance and the rule of law.

In present conditions BiH Ombudsman functions on the basis of BiH Constitution and the Law on the Ombudsman<sup>1</sup> which guaranties its independence and provides infrastructural framework for the protection and promotion of human rights and fundamental citizens' freedoms.

According to Article 1 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina, Ombudsman is an independent institution set up in order to promote good governance and the rule of law and to protect the rights and liberties of natural and legal persons, as enshrined in particular in the Constitution of Bosnia and Herzegovina and the international treaties appended thereto, monitoring to this end the activity of the institutions of Bosnia and Herzegovina, its entities, and the District of Brčko.

Ombudsman Institution acts in accordance with the Constitution, legislation, other regulations and general acts, as well as in accordance with ratified international treaties and generally accepted rules and standards of international law.

### 1.2. Scope of work of the Ombudsman

The Institution shall consider cases involving the poor functioning of , or violations of human rights and liberties committed by, any government body. The Institution shall act either on receipt of a complaint or ex officio. The Institution may undertake general investigations. The Institution may recommend appropriate individual and/or general measures. The Institution shall not consider cases concerning decisions, facts or events prior to 15 December 1995<sup>2</sup>.

The Institution's competence shall comprise the power to investigate all complaints concerning violations of rights and freedoms, allegedly committed by the military administration<sup>3</sup>, and is also empowered to investigate all complaints made about the poor functioning of the judicial system or the poor administration of an individual case and to recommend appropriate individual or general measures.

Further, it is explicitly provided that an Ombudsman shall not interfere with the adjudicative functions of a court, which means that he or she is not competent for reconsideration of court decisions in capacity of some higher instance.<sup>4</sup>

According to Article 6 of the Law on Human Rights Ombudsman of BiH (hereinafter: the Law), An Ombudsman may refer cases of alleged human rights violations to the highest judicial authorities of Bosnia and Herzegovina competent in human rights matters, pursuant to the

<sup>1</sup> Law on Human Rights Ombudsman of BiH ("Official Gazette of BiH" no.32/00,19/02,35/04,32/06,38/06)

<sup>2</sup> See Article 2 of the Law on Human Rights Ombudsman of BiH(" Official Gazette of BiH" no. 32/00, 19/02)

<sup>3</sup> See Article 2 of the Law on Human Rights Ombudsman of BiH(" Official Gazette of BiH" no. 32/00, 19/02)

<sup>4</sup> See Article 2 of the Law on Human Rights Ombudsman of BiH(" Official Gazette of BiH" no. 32/00, 19/02)

rules concerning appeals to these authorities, whenever he or she finds that this is necessary for effective performance of his or her duties.

Ombudsman Institution is empowered with special competencies against discrimination provided for in the Law on Prohibition of Discrimination<sup>5</sup>, according to which it is central Institution for protection against discrimination. Within its competences, the BiH Ombudsman shall have the competence to receive individual and group complaints related to discrimination, provide needed information to natural and legal persons who filed a complaint for discrimination about their rights and obligations, and possibilities of judicial and other forms of protection, the BiH Ombudsman may decide not to accept a complaint or to initiate an investigative procedure, propose initiation of process of mediation, collect and analyze statistical data on discrimination cases, deliver annual reports on discrimination to the Parliamentary Assembly of BiH, FBiH Parliament, RS National Assembly and Brčko District Assembly. Give opinions and recommendations aiming to prevent and combat discrimination, monitor legislation, improve policy and practices aiming to ensure equal treatment.

Ombudsman Institution is also empowered with special competencies provided for by provisions of BiH Law Ministerial, Council of Ministers and other Appointments<sup>6</sup>, according to which the Ombudsman may undertake all measures necessary to investigate the complaint and raise questions concerning the appointment process to which the complaint refers and may require the Responsible Public Official to submit to his/her office all documents and records relating to the appointment.

Ombudsman Institution is also empowered with special competencies provided for in Freedom of Access to Information Act for BiH<sup>7</sup> In performing its functions in relation to this Act, the Ombudsman for Bosnia and Herzegovina may *inter alia* consider creating and disseminating information such as guidelines and general recommendations concerning the administration and implementation of this Act, include in its annual report a special section regarding its activities in relation to this Act; and propose instructions on the implementation of this Act.

Aiming to protect citizens' rights, Ombudsman deals with individual and collective complaints, informs natural and legal persons on their rights and obligations, informs them on possibilities of judicial or other protection, propose initiation of mediation procedure, etc.

The Institution shall register and acknowledge receipt of the complaints submitted, whether it considers that they should be pursued or not. When an Ombudsman decides not to pursue a complaint, he or she shall do so in writing, explaining the grounds and informing the person concerned of the most appropriate means of taking action, if any exist.

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

Where, during an investigation, an Ombudsman finds that the execution of a decision of the administration may result in irreparable prejudice for the rights of the complainant, he or she may suggest to the competent government body to suspend the execution of the challenged measure. Government bodies are obliged to provide the Institution with preferential assistance in its investigations and inspections. During an investigation, an Ombudsman may present himself or herself at any government body in order to check all requisite information, conduct

<sup>5</sup> The Law on Prohibition of Discrimination (Official Gazette of BiH no. 59/09)

<sup>6</sup> BiH Law Ministerial, Council of Ministers and other Appointments (Official Gazette of BiH br.:37/03), the Law on Ministerial, Governmental and Other Appointments for FBiH (Official Gazette of. FBiH 12/03 i 34/03) and the Law on Ministerial, Governmental and Other Appointments for RS (Official Gazette of RS, no. 41/03)

<sup>7</sup> Freedom of Access to Information Act for BiH (Official Gazette of BiH no.: 28/00, 45/06, 102/09 i 62/11), Freedom of Access to Information Act for FBiH (Official Gazette of FBiH, no. 32/2001) and Freedom of Access to Information Act for RS (Official Gazette of RS, no. 20/2001)

personal interviews or study the necessary files and documents. When the case under investigation concerns the conduct of persons employed in government service and is connected with the duties they perform, the Institution shall inform the person concerned and either his or her superior or the body to which he or she is attached and may demand written statements. An Ombudsman may check the veracity of the elements submitted.

An Ombudsman may require government bodies to hand over any documents he or she considers necessary to perform his or her duties, including those classified as confidential or secret in accordance with law. In such cases, the Ombudsman shall apply the requisite discretion to these documents and shall not make them available to the public and with the greatest discretion without prejudice to the considerations which the Ombudsman finds it appropriate to include in the reports. Special protective measures shall be taken.

Following all necessary investigative actions related to complaint, obtaining of documentation, statements by complainant and organs and bodies involved in case, an Ombudsman may make recommendations to government bodies with a view to the adoption of new measures. Government bodies which receive such recommendations are obliged to reply in writing and to inform the Ombudsman of the effect given to the recommendations within a period indicated by the Ombudsman.

If, once recommendations have been made, the government body concerned does not take appropriate measures, the superior organ shall be informed, and then the case shall be included in Annual Report on Results of the Activities of the Ombudsmen, which is communicated to Parliamentary Assembly of BiH, the Parliament of FBiH, Peoples Assembly of RS and BiH Presidency.

## CHAPTER II. STATISTIC INDICATORS OF THE ACTIVITIES IN 2013

In 2013 as much as 13,962 citizens addressed the Ombudsman. It is 12.23% more than it was in 2012 when the Ombudsman was approached by 12,441 citizens.

- An increase of 12.23% compared to 2012
- Registered were 3,170 written complaints which is 1.47% more than it was in 2012
- In 2013 finished was 3,531 cases, which makes number of finished cases higher than number of received cases for 361 cases or 11.39% i. This indicates the high level of efficiency of the Ombudsman

According to the method of contact, evident is an increase in number of telephone and personal contacts, and an insignificant increase in number of written complaints.

Out of possible methods of contact, the most represented is telephone contact, then direct personal contact, and finally written and other methods of lodging complaints.

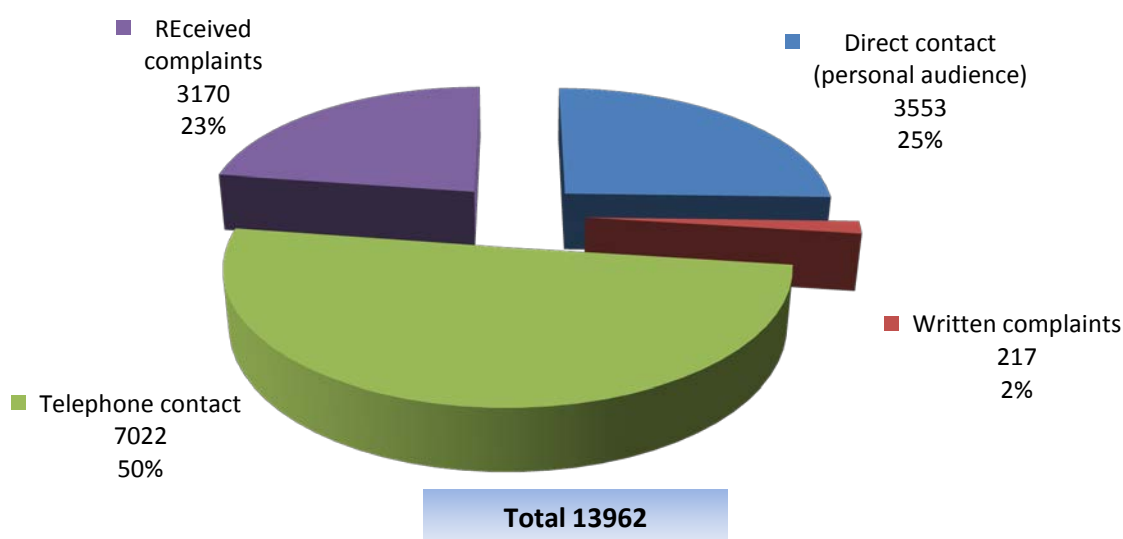


Diagram 1: Addresses of citizens in 2013

In 2013 received was 3,170 written complaints, which is 1.47% more than in 2012 when it was received 3,124 written complaints. Transferred from previous years to 2013 was 1,979 com, so adding that number to the number of complaints received in 2013 it made a total of 5,137 received complaints, which is 2,56% more than it was received in 2012 when the Ombudsman processed 5,009 complaints.

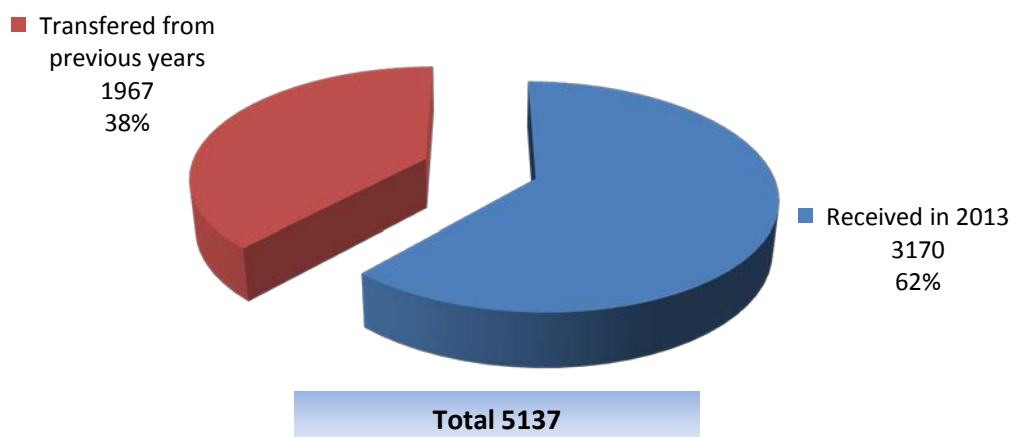


Diagram 2: Complaints received in 2013 and transferred from previous years<sup>8</sup>

Out of total number of received complaints in 2013 finished were 2,078 complaints or 65% (2% more than number of finished complaints in 2012). Out of complaints transferred from previous years, in 2013 finished were 1453 complaints or 73%. Finished were all the complaints from previous years ending with 2010 so that only a few complaints lodged in 2011 and 2012 remained unsolved.

At the same time, in 2013 out of the total number of complaints processed, namely 5,137 complaints (received and transferred from previous years) finished was 3,531 complaints, or 68,73%, which is 8,73% more finished complaints than in 2012.

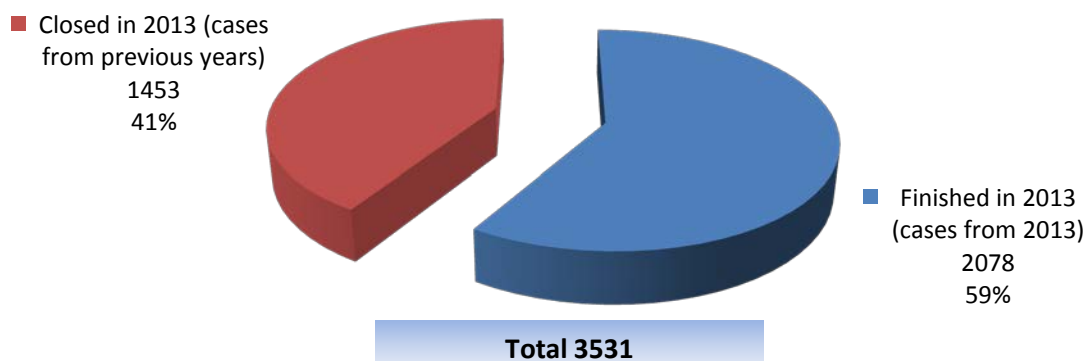


Diagram 3: Complaints finished during 2013

Methods of finishing complaints are established in the Law on Human Rights Ombudsman of Bosnia and Herzegovina and the Rules of Procedure of the Ombudsman. The diagram that follows includes statistic data showing that the most of complaints lodged by the citizens in the last year were resolved during the course of the proceedings, that is, following the intervention of the Ombudsman. In these cases complainants realized their rights without resorting to any

**Complainants managed to realize their rights during the intervention of the Ombudsman in 1,290 cases or 36.53%. In 358 cases the Ombudsman issued 335 recommendations to the relevant authorities, while 11 cases caused the issuance of the special reports**

formal measures, such as recommendation, and this is how 1,290 complaints or 36,53% was resolved. This is an increase compared to 2012 for 15,22% when this method of finishing the cases was applied to 1,095 complaints. This implies the change in attitude of the authorities

<sup>8</sup> Statistic data cover the period from 2010 when electronic follow-up through the database had commenced, which means that the indicators do not include cases registered prior to 01.01.2010

toward the Institution of the Ombudsman, so they react immediately after the first contact of the Ombudsman.

Out of the total number of 3,531 finished complaints, in 1,595 cases, or 45%, it was found that there was a violation of human rights.

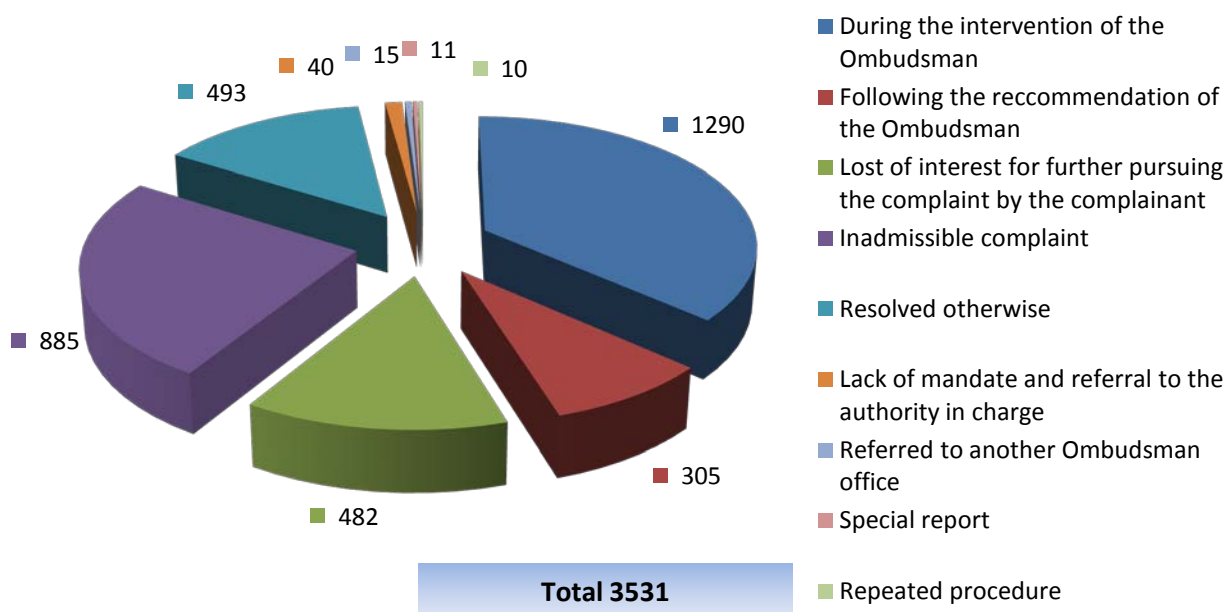


Diagram 4: Method of closing complaints in 2013

It is also important to mention that in 2013 many other necessary activities were taken during the processing of complaints of citizens including different individual steps within the investigation process, including requesting the authorities to plead on claims of the complainants, prompting the authorities to respond to the issued recommendations, different written communications with complainants, monitoring of court and administration proceedings, informing the complainants on pleadings of the authorities, urging the relevant authorities to respond, requesting explanations, additions, appendices etc.

All received complaints within the Ombudsman are classified and registered to the existing departments depending on the allegedly violated right or rights. However, some complaints comprise allegations on multiple human rights violations suffered by the groups of citizens entitled to special protection according to the international standards. Although such complaints can only be registered as only one complaint and allocated to only one department, it is important to have it in mind as an indicator of complexity of both complainant's situation

and the Ombudsman's procedure. For instance, denial of access to education to a child belonging to a minority group could be allocated to processing to the Department for the protection of the rights of the child, Department for the protection of economic, social and cultural rights and Department for elimination of all forms of discrimination. In similar cases we mostly allocate such complaints to

**The highest number of registered complaints in 2013:**

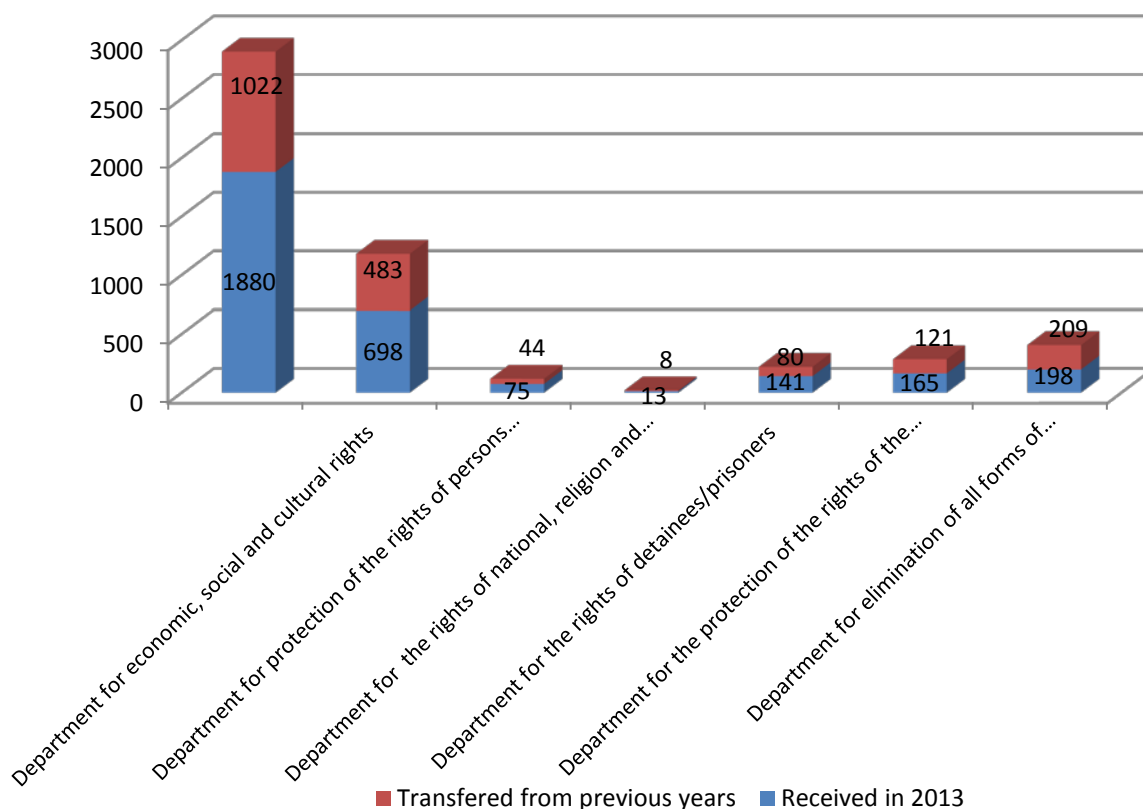
- Department for the protection of civil and political rights 1,880 complaints or 59.30% out of total number of complaints;
- Department for the protection of economic, social and cultural rights 698 complaints or 22.01% out of total number;
- Department for elimination of all forms of discrimination 198 complaints or 6.24% out of the total number

the Department for the protection of the rights of the child.

In 2013 the highest number of complaints was received by Department for the protection of civil and political rights, namely, 1,880 complaints which is 59.30% of total number of complaints, then Department for the protection of economic, social and cultural rights where it was registered 698 complaints or 22.01%, and Department for elimination of all forms of discrimination which received 198 complaints or 6,24% out of total number of complaints etc.

DEPARTMENT	Received in 2012 (1)	Transferred from previous years (2)	Received in 2013 (3)	Total number of complaints handled in 2013 (2+3)
Department for the protection of civil and political rights	1737	1022	1880	2902
Department for the protection of economic, social and cultural rights	742	483	698	1181
Department for the protection of the rights of persons with disability	77	44	75	119
Department for the protection of the rights of national, religious and other minorities	17	8	13	21
Department for the protection of the rights of detainees/prisoners	170	80	141	221
Department for the protection of the rights of the child	124	121	165	286
Department for elimination of all forms of discrimination	257	209	198	407
<b>TOTAL</b>	<b>3124</b>	<b>1967</b>	<b>3170</b>	<b>5137</b>

**Table 1: Comparing the number of received complaints in 2012 and 2013 and number of lodged complaints in previous years**



**Diagram 5: Number of complaints received in 2013 and transferred from previous years according to departments**

With regard to territorial organization of Ombudsman offices, related to the number of complaints received by the Ombudsman's offices in 2013 compared to 2012 an increase was evident in Mostar, Brčko and Livno offices, while slightly smaller number of complaints was registered in offices Banja Luka and Sarajevo as it could be seen in Table 2

Office	Received in 2012 (1)	Transferred from previous years (2)	Received in 2013 (3)	Total number of complaints processed in 2013 (2+3)
Banja Luka	915	296	876	1172
Brčko	307	379	380	759
Mostar	204	155	216	371
Sarajevo	1425	1080	1391	2471
Livno	273	57	307	364
<b>TOTAL</b>	<b>3124</b>	<b>1967</b>	<b>3170</b>	<b>5137</b>

Table 2: Number of received complaints in 2012 and 2013 and number of complaints transferred from previous years according to offices

## 2.1. Recommendations to the authorities

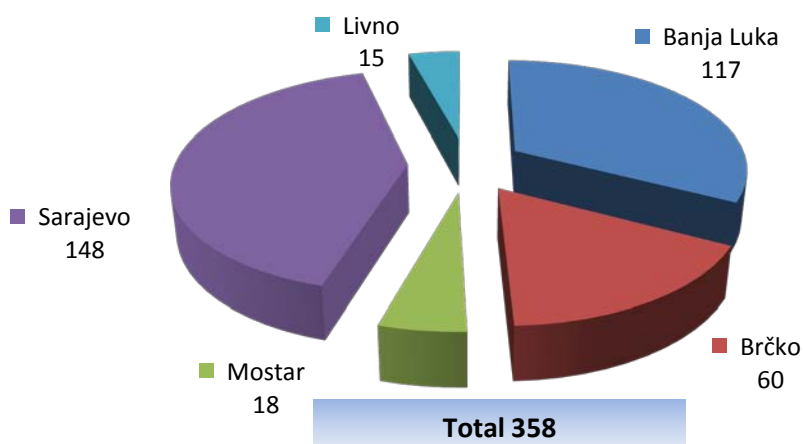
In 2013 the Ombudsman issued 335 recommendations based on 358 complaints. Some recommendations covered more than one complaint due to the identical rights violation or identical perpetrator. Deadline for implementation of the recommendations had already expired as of 31.12.2013 in 305 cases and statistics related to the implementation of recommendations are made based on this indicator. This means that the Ombudsman issued

**In the area of civil and political rights occurs the highest number of violations of human rights of the citizens of Bosnia and Herzegovina. Therefore the number of issued recommendations is also the highest in this area, namely 193 or 53,91%; then in economic, social and cultural rights where 64 recommendations or 17.87 were issued; in the field of ministerial, government and other appointments there were 32 recommendations, this is 8,65% , and finally in the field of prohibition of discrimination where the Ombudsman issued 61 recommendations or 17,03%**

92 recommendations more in 2012, when it issued 243 recommendations. When we analyze number of issued recommendations according to the offices it could be seen that most of recommendations was issued by Regional Office Sarajevo, that is, 148 recommendations, Central Office Banja Luka, 117 recommendations, Regional Office Brčko, 60 recommendations, Regional Office Mostar, that is, 18 recommendations and Field Office Livno, 15 recommendations, as it could be seen from Table 3 and Diagram 6

Office	Number of complaints following which recommendations were issued in 2013	Number of complaints following which recommendations were issued in 2012
Banja Luka	117	66
Brčko	60	2
Mostar	18	10
Sarajevo	148	159
Livno	15	6
<b>Total number of recommendations</b>	<b>358</b>	<b>243</b>

Table 3: Comparing of issued recommendations following complaints according to offices in 2013 and 2012



**Diagram 6: Number of recommendations issued according to offices in 2013**

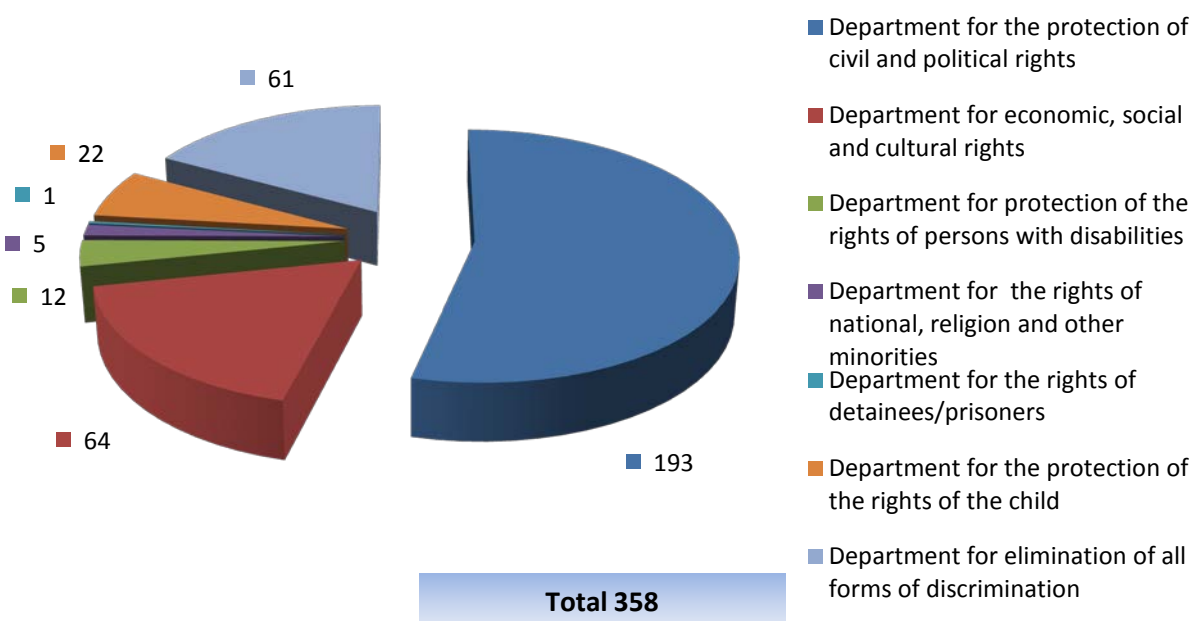
If we look the areas of law, the most of recommendations was issued in the area involving civil and political rights, namely, 193 recommendations, or 53,91% out of total number of complaints, wherefrom 49 relates to administration, 29 to courts, 10 to the police, access to information 45 recommendations, property claims 19 recommendations etc.

In the area of economic, social and cultural rights issued were 64 recommendations, or 17.88% out of total number of complaints. Labor rights are concerned in 44 recommendations, education in 7, health in 3 recommendations, pensions in 6 etc.

In 2013 there was a significant number of recommendations in the area of ministerial, government and other appointments, precisely 32 or 8,94% out of total number of recommendations. In the field prohibition of all forms of discrimination, there were 61 recommendations or 17,04%, 22 recommendations related to the rights of the child, 5 recommendations was in the area of national, religious and other minorities, , and in relation to the number of complaints in this area of law (13 complaints) it is 38,46% recommendations out of the number of complaints in this area of law.

Department	Number of complaints followed by recommendation
Department for the protection of civil and political rights	193
Department for the protection of economic, social and cultural rights	64
Department for the protection of the rights of persons with disability	12
Department for the protection of the rights of national, religious and other minorities	5
Department for the protection of the rights of detainees/prisoners	1
Department for the protection of the rights of the child	22
Department for elimination of all forms of discrimination	61
<b>TOTAL</b>	<b>358</b>

**Table 3a: Number of recommendations according to departments issued in 2013**

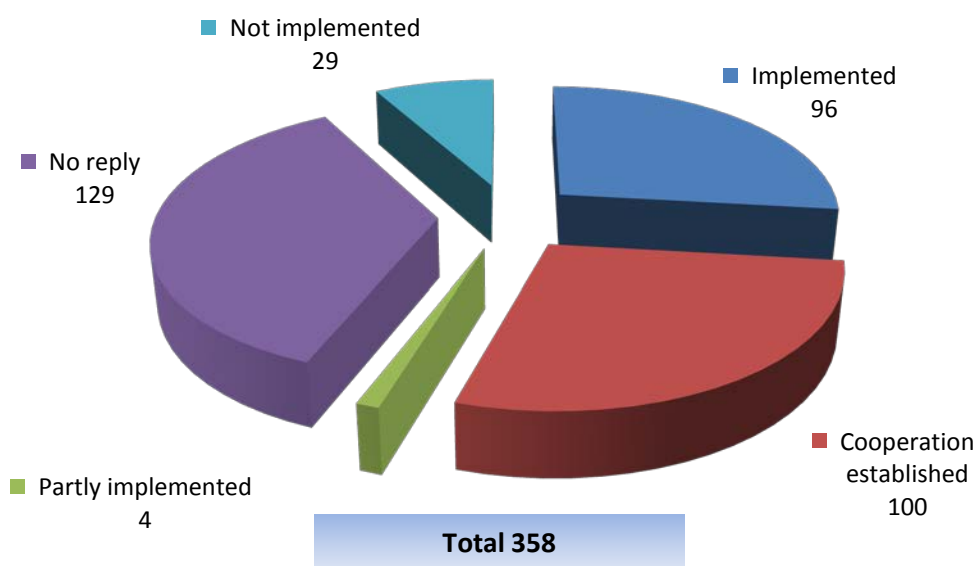


**Diagram 6a: Issued recommendations according to departments in 2013**

Out of total number of issue recommendations as of 31.12.2013 implemented were 96 or 26,82%, partially implemented was 4 or 1,12%, cooperation was established in 100 recommendations or 27,03%. This means that the authorities accepted and implemented 200 issued recommendations, which is 55,87% of all recommendations issued for violations of human rights.

29 recommendations were not implemented, or 8,1%, while in 129 cases or 36% there was no any feedback as to the implementation of the recommendations. It makes altogether 158 recommendations or 44,13%.

In the Annex to this report we have provided a detailed list of the authorities to which the Ombudsman's recommendations were addressed and degree of implementation.



**Diagram 7: Issued recommendations according to the method of implementation in 2013**

Having in mind 200 implemented recommendations of the Ombudsman and 1290 cases where violation of human rights were redressed in the course of the Ombudsman's proceedings, it is clear that 1490 cases of human rights violations were redressed. When we compare it to the

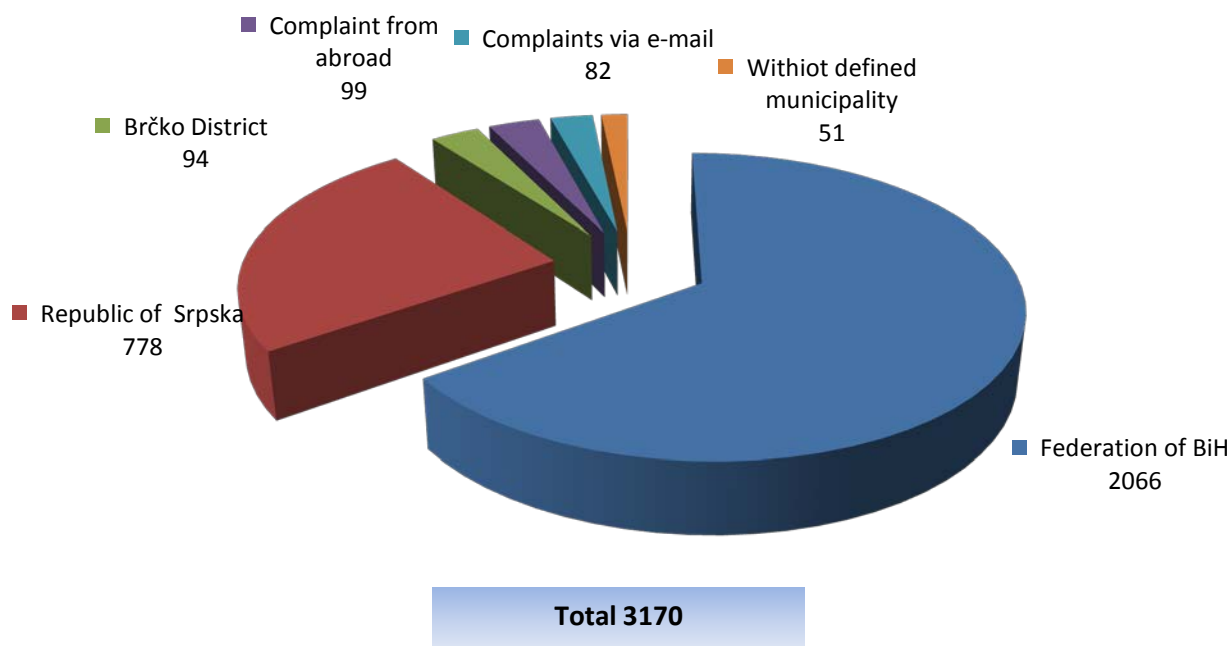
total number of complaints of 1648 in which the human rights violations were established, it means that in 90,41% cases, human rights violations were made right in 2013.

## 2.2. Statistic indicators with regard to residence of citizens addressing the Institution of the Ombudsman

In 2013 the Ombudsman sought to identify territorial belonging to the complainants although this criterion is a relative indicator given the organizational structure of the Ombudsman Institution whereby citizens can lodge their complaints to any office of the Institution regardless to their place of residence of abode.

Complainants mostly approach the closest office of the Ombudsman with regard to the respondent party against which they complain or closest to their place of residence.

In 2013 the Institution was approached by 2.066 citizens from the territory of the FBiH, almost the same number as in 2012. 778 citizens who addressed the Ombudsman are coming from the territory of the RS, which is for 34 or 4,19% less than in 2012, while 94 citizens that complained to the Ombudsman were from the territory of the Brčko District, this is 8 or 8,52% more than in 2012. There was 99 addresses from abroad, it is less for 14 complaints or 12,39% compared to 2012 and we received 82 complaints by email and it was more than we received in 2012 for 34 or 41,47%.



**Diagram 8: Number of received complaints according to territorial belonging of the complainants in 2013**

The above indicators related to territorial origin of the complainants are calculated with regard to the number of complaints filed in which the Ombudsman initiated investigation to establish whether or not the human rights violations took place.

## 2.3. Preview of the complaints according to the respondent parties

### Respondent parties subject to most complaints of the citizens:

- Prison institutions
- Pension and disability insurance funds
- The Government of Sarajevo Canton and the Government of Brčko District
- Ministry of Internal Affairs of Sarajevo Canton and MIA of the Canton 10, MIA RS, the RS Ministry of Labor and Veterans and Disabled Protection, the RS Republic Administration for Geodetic and Property Affairs
- City administrations of Mostar and Banja Luka
- Municipalities Stari Grad, Centar, Novi Sarajevo Town, Bugojno, Foča, Gradiška
- Courts: Municipal and Basic Courts of Livno, Sarajevo, Banja Luka, Tuzla, Mostar, Cantonal courts of Livno, Sarajevo, Tuzla, Regional Court of Banja Luka and Constitutional Court of BiH

Preview of number of complaints according to respondent parties, that is, the alleged human rights violators, is important as it gives information as to the authorities whose appeared to be the human rights violators in most cases in 2013.

This is important for the legislator and executive power bodies so they can use their competences to correct factors that lead to the human rights violations by these bodies.

The attached preview shows that the most frequent human rights violators are prison institutions, pension and disability insurance funds and institutes, then the

local self-governance bodies at municipal or town level.

There is still a lot of complaints related to the judiciary, which is raising concerns since these institutions, as a third branch of power, would have to act to ensure protection from human rights violations and efficiently rectify human rights violations.

Tables 4 and 5 give the list of institutions mostly designated as human rights violators by the citizens.

Item no.	Name of the body	Number of complaints
1	ZENICA PRISON	58
2	FEDERAL INSTITUTE OF PENSION AND DISABILITY INSURANCE, CANTONAL ADMINISTRATIVE UNIT TUZLA	46
3	FEDERAL INSTITUTE OF PENSION AND DISABILITY INSURANCE OF FBiH	32
4	PENSION AND DISABILITY INSURANCE FUND OF THE REPUBLIC OF SRPSKA	26
5	MOSTAR TOWN	26
6	MINISTRY OF INTERIOR OF THE CANTON SARAJEVO	25
7	THE GOVERNMENT OF BRČKO DISTRICT OF BIH	24
8	BANJA LUKA TOWN	24
9	MINISTRY OF LABOR AND VETERANS AND DISABLED PROTECTION OF THE REPUBLIC OF SRPSKA	21
10	REPUBLIC GEODETIC AND PROPERTY BANJA LUKA	19
11	MINISTRY OF DEFENSE OF BIH	18
12	MINISTRY OF INTERIOR OF THE CANTON 10	17
13	MUNICIPALITY OF STARI GRAD	17
14	MUNICIPALITY OF CENTAR SARAJEVO	16
15	THE GOVERNMENT OF THE CANTON SARAJEVO	16
16	PENSION AND DISABILITY INSURANCE FUND OF RS, BANJALUKA BRANCH OFFICE	15
17	MUNICIPALITY OF NOVI GRAD SARAJEVO	15
18	MUNICIPALITY OF BUGOJNO – THE MAYOR	14
19	MUNICIPALITY OF FOČA	14
20	MUNICIPALITY OF GRADIŠKA	14

**Table 4: 20 respondent parties excluding judiciary against which the citizens complained the most in 2013**

Item no.	NAME OF THE JUDICIAL INSTITUTION	Number of complaints
1	MUNICIPAL COURT OF LIVNO	60
2	CANTONAL COURT OF SARAJEVO	56
3	BASIC COURT OF BANJA LUKA	55
4	MUNICIPAL COURT OF SARAJEVO	42
5	MUNICIPAL COURT OF TUZLA	39
6	CANTONAL COURT OF LIVNO	33
7	MUNICIPAL COURT OF MOSTAR	32
8	CONSTITUTIONAL COURT OF BIH	19
9	CANTONAL COURT OF TUZLA	18
10	REGIONAL COURT OF BANJA LUKA	18

**Table 5: 10 respondent parties in the judicial area against which the citizens complained the most in 2013**

## 2.4. Special reports in 2013

In 2013 the Ombudsman prepared 5 special reports as follows:

- 1. Special report on Children in conflict divorces**
- 2. Special report on the role of the social welfare centers in the protection of the rights of the child**
- 3. Special report on – Children and their free time**
- 4. Special report on situation of Roma in Bosnia and Herzegovina**
- 5. Special report on enjoyment of the right to return of elderly and frail persons in Bosnia and Herzegovina**

More details on these special reports is given in separate analysis of the rights according to the areas, such as the rights of the child, the rights of the elderly, the rights of national, religious and other minorities or the area of discrimination.

It is important to emphasize that 5 mentioned special reports comprise 48 recommendations (32 recommendations in 3 special reports in the field of the rights of the child, 15 recommendations from the special report on the status of Roma in BiH and one recommendation related to the elderly and frail persons).

The mentioned recommendations were communicated to the relevant authority bodies in order to take measures to prevent human rights violations as well as measures on strengthening of the institutions dealing with the human rights protection of these categories of the citizens.

## CHAPTER III. PROCESSING THE CASES – COMPLAINTS STRUCTURE AND ITS CLASSIFICATION BY DEPARTMENTS

According to the Law on Human Rights Ombudsman of BiH the Institution is obligated to establish departments for the protection of the rights of the child, persons with disabilities and minorities, while other departments could be established where necessary.

The Law on Prohibition of Discrimination imposed the obligation of the establishment of Department for elimination of all forms of discrimination.

Analyzing the received complaints, the Ombudsman found it necessary, apart from 4 mentioned departments, to establish additional departments that should exclusively deal with protection of the rights provided for in the Covenant on Civil and Political Rights and the Convention on Protection of Economic, Social and Cultural Rights, and Department for the protection of the rights of detainees/prisoners.

Statistics related to the received complaints justified the establishment of these 3 departments since they receive the greatest number of complaints.

Following the situation from the aspect of the number of complaints it would be justifies to establish a separate department to deal exclusively with complaints in the field of judiciary and administration, and complaints in the field of access to information and media freedoms.

This need is based on the constant increase in number of complaints in the Department for the protection of civil and political rights, which receives complaints related to the judiciary and administration and access to media and media freedoms.

**Structure of registered complaints compared to 2012 shows a small increase in Department for the protection of civil and political rights and Department for the protection of the rights of the child**

Analyzing all the complaints it could be seen that in 2013 compared to 2012, number of complaints in the area of civil and political rights, as well as the rights of the child, while the other areas number of complaints kept the same or was slightly less.

Department	Received in 2013	Received in 2012
Department for the protection of civil and political rights	1880	1737
Department for the protection of economic, social and cultural rights	698	742
Department for the protection of the rights of persons with disability	75	77
Department for the protection of the rights of national, religious and other minorities	13	17
Department for the protection of the rights of detainees/prisoners	141	170
Department for the protection of the rights of the child	165	124
Department for elimination of all forms of discrimination	198	257
<b>TOTAL</b>	<b>3170</b>	<b>3124</b>

**Table 6: Number of complaints according to departments in 2013 and 2012**

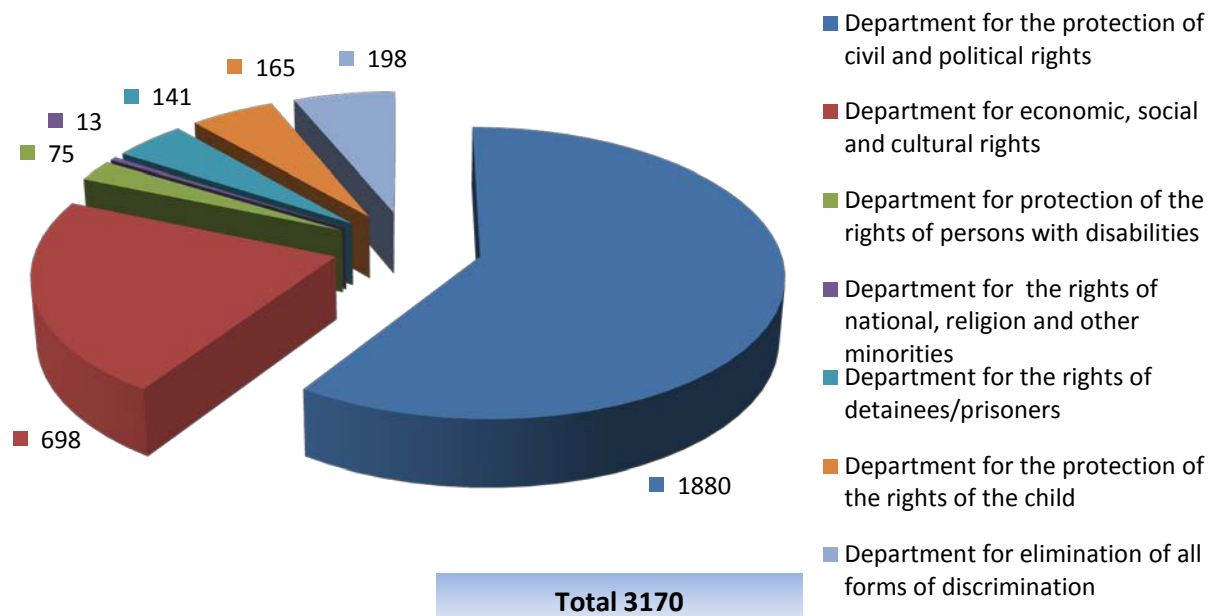


Diagram 9: Number of complaints according to departments received in 2013

### 3.1. DEPARTMENT FOR THE PROTECTION OF CIVIL AND POLITICAL RIGHTS

Department for the protection of civil and political rights is established within the structure of the Human Rights Ombudsman of Bosnia and Herzegovina. It receives complaints and makes ex officio investigations in cases when it establishes violations or problems in realization of the rights stemming from the International Covenant on Civil and Political Rights<sup>9</sup>,

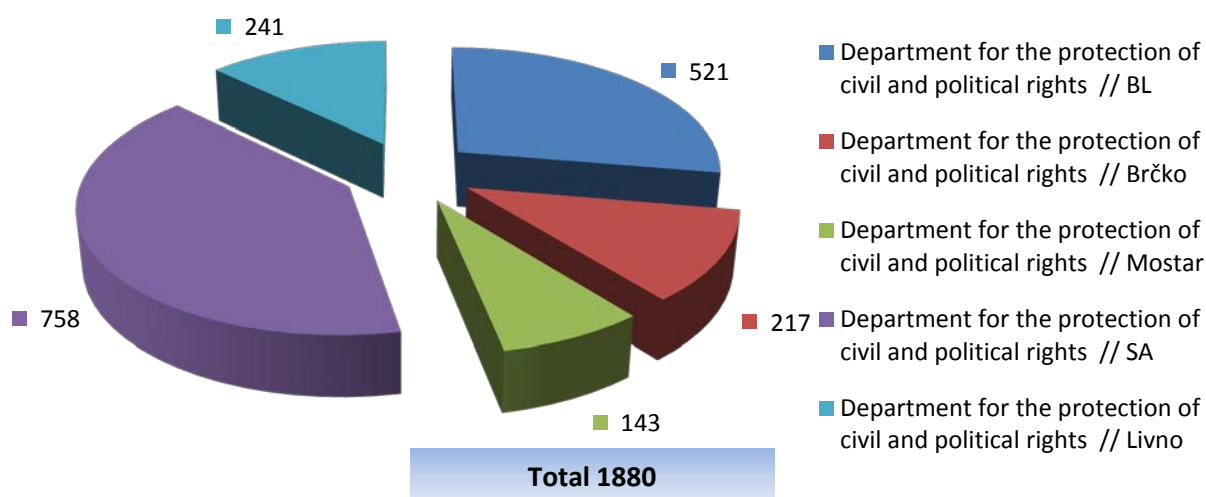


Diagram 10: Preview of complaints received by the Department for the protection of civil and political rights in 2013 per offices

<sup>9</sup> Department for the protection of civil and political rights carries out the tasks on promotion and protection of civil and political rights, informs the relevant authorities, institutions and the public on violations of civil and political rights, removes the obstacles for the unimpeded implementation of the international treaties ratified by Bosnia and Herzegovina, participate in preparation of drafts of the laws and other regulations in the field of civil and political rights, acts preventively to violations of civil and political rights and redresses it when it happens, carries out the tasks related to education of citizens and awareness raising on how to use mechanisms for human rights protection, cooperates with the system institutions, NGOs and individuals in order to provide protection of civil and political rights and supports the activities on media promotion of those rights and carries out the other tasks in the field of promotion and protection of civil and political rights.

### 3.1.1. Analysis of received complaints

In the period January - December 2013 Department for the protection of civil and political rights received 1880 complaints. Out of it 758 was received by the Sarajevo Office, Banja Luka Office received 521 complaints, Mostar Office 143, Brčko District BiH Office 217, and Livno Office 241 complaint.

**Ombudspersons indicate the constant trend of increase in number of complaints in the area of civil and political rights, in particular in judiciary, administration, police, freedom of access to information. Analyzing this area it could be concluded that principles of the rule of law are endangered in general which results in higher influx of complaints to the Ombudsman as a "last instance"**

In 2013 this Department processed 2902 complaints, out of which 1880 was received during 2013, while 1022 complaints was transferred from previous years. In reporting period the Ombudsman solved 2071 complaints, which is more than the number of the complaints received which proves the efficiency of the Department. The Department transferred 831 complaint to 2014.

Viewed through the prism of statistic indicator of number of complaints received by Department for the protection of civil and political rights in 2013 (1880), compared to 2012 (1737 complaints), it is evident an increase in 143 complaints, that is 8,23 %.

Structure of the registered complaints in the Department for the protection of civil and political rights in 2013 is the following: media and freedom of information 2, access to information 228, police 138, courts 606, proprietary rights 154, public documents 29, administration 484, war damages 10, governmental and ministerial appointments 144, prosecutor 68 and public defender's office 6.

Comparison of the received complaints in period 2012 – 2013 indicates to the increase in number of complaints related to the administration, government and ministerial appointments, prosecution, police, access to information, proprietary rights and public documents.

**That civil and political rights are violated could be seen from the fact that in this area we have the highest number of recommendations, 193 or 57,62% and the highest number of complaints is related to the freedom of access to information and administration. Only ¼ of issued recommendations in this area is implemented, while in 77 concern-raising cases the relevant authority body failed to respond.**

In 2013 Department for the protection of civil and political rights issued 193 recommendations out of which 45 was related to the freedom of access to information, 10 to work of the police, 29 to the courts, 19 to proprietary rights, 2 to public documents, 49 to administration, 2 to war damages, 31 to governmental and ministerial appointments, 3 to prosecution and 3 to public defender's office.

Type of violation	Number of complaints with recommendation
Access to information	45
Police	10
Courts	29
Proprietary rights	19
Public documents	2
Administration	49
War damages	2
Governmental and other appointments	31
Prosecution	3
Public Defender's Office	3
<b>Total</b>	<b>193</b>

**Table 6a: Number of recommendations related to the complaints filed with the Department for the protection of civil and political rights**

Out of the total number of recommendations issued by the Department for the protection of civil and political rights implemented were 52 recommendations, not implemented 17 recommendations, while cooperation was established with the body complained of in 47 cases, and finally, in 77 cases the body complained of failed to respond.

Reporting period when it comes to the work and functioning of the Department for the protection of civil and political rights in 2013 was primarily featured by the occurrence of the violation of human rights and fundamental freedoms as protected by Article 6 Paragraph 1 European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 1 Protocol No. 1 to the European Convention, in proceedings before administrative bodies and courts.

Analysis of the received complaints according to the areas of the protected rights indicate to the fact that the Department for the protection of civil and political rights still registers an increase in number of complaints which demands certain additional steps to be taken. Such situation is caused by factors deteriorating the system of human rights protection for years in Bosnia and Herzegovina. On the ground we can even notice the trend of decrease in level of protection of human rights and fundamental freedoms.

Lack of harmonization of domestic legislation with standards for the protection of human rights and fundamental freedoms, disproportion between the legislation and practice, complex administrative structure of Bosnia and Herzegovina, political factors (Bosnia and Herzegovina is a post-conflict, transitional country featured by a continuous creation of political crisis by the political parties holding power) economic and social factors (growing poverty, unemployment growth) which ultimately leads to the absence of rule of law, as the main impediment to the human rights enjoyment.

An increase in number of complaints in 2013 compared to the previous years, in particular after each media appearance of Ombudspersons, indicate to raised awareness of the citizens on the role and powers of the Ombudsman in human rights protection system. At the same time, there are still the citizens turning to the Ombudsman with issues which fall, pursuant to Law on Human Rights Ombudsman of Bosnia and Herzegovina<sup>10</sup> outside of mandate of the Ombudsman, such as requests to the Ombudsman to change the merits of the court decisions, to offer free legal aid to the parties by drafting their documents, to represent them before the court and the like. Citizens of Bosnia and Herzegovina often come to the Ombudsman with

<sup>10</sup> "Official Gazette of BiH" no. 19/02, 35/04, 32/06, Article 4 of the Law

requests outside of its mandate with justification that they do not have „anywhere else to go but to come to the Ombudsman“.

It is necessary to emphasize good co-operation of the authorities of Bosnia and Herzegovina with the Institution of the Ombudsman, especially in some cases where the violation was redressed immediately after the initial letter of the Ombudsman. It sometimes takes only one telephone call and the body is ready to make the infringement right.

Violations	Received in 2013	Received in 2012
Courts	606	637
Administration	484	381
Proprietary rights	154	150
Access to information	228	225
Governmental and ministerial appointments	144	115
Police	138	123
Public documents	29	26
Prosecution	68	44
War damages	10	11
Public defender's Office	6	5
Media and freedom of information	2	2

**Table 7: Comparison of violations received in 2013 and 2012 falling within the Department for the protection of civil and political rights**

### 3.1.2. Judiciary

In the reporting period in the court proceedings involving the violation of human rights and fundamental freedoms enshrined by Article 6 of European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>11</sup>, the most of complaints related to the length of the proceedings, inefficiency in enforcement of the court decisions, legal uncertainty, lack of harmonization of the case law of the court and lack of trust of the citizens into the courts. And the courts were identified by the citizens as potential human rights violators, just as it was in previous years.

It is still the case that inefficiency of the courts and length of the proceedings are aggravating the citizens' access to court and causes a large number of human rights violations, in particular the right to the efficient court protection within a reasonable time, which is one of the biggest challenges of the legal system in Bosnia and Herzegovina. At the same time this seriously jeopardizes the efficient protection of any right if the party should wait for years to realize the court protection. This fact often discourages the parties and suits the irresponsible behavior of

**The courts continue to emerge as the most frequent violators of human rights due to lengthy court proceedings, ineffective enforcement of court decisions, present legal uncertainty related to the lack of uniformity of court practice and distrust of citizens in the courts.**

the human rights violators since it diminishes their risk from being held responsible for their actions. Inefficiency in implementation of the laws and by-laws make the citizens feel powerless before the legal system and ultimately lose

<sup>11</sup> „The right to access to the court within a reasonable time is regulated by Article 6 ECHR and inseparable part of the right to a hearing as defined by the International Covenant on Civil and Political Rights. In solving of cases reasonable time to resolve court cases prescribed by Article 6 ECHR should be assessed from the date of filing of the complaint until the final verdict and further until the implementation of the enforcement procedure of a final and binding court decision, regardless of whether the file was pending before the first-instance court or the appellate court. To ensure the right to a fair trial, as provided for in the Covenant, the State has to ensure that its judiciary is organized in such a way that it provides persons are under the jurisdiction of that state, regardless of their financial situation or level of education, predictable trial results (including the time required for a decision) and effective remedies“.

their faith in legal state. Inefficiency of the courts raises particular concerns and this inefficiency is caused by a series of factors such as inadequate professional training and lack of necessary staff, huge backlog of the courts, in some cases lack of trained judges in some areas, lack of staff to replace judges during their sick leave, which leads to the postponement of the hearings to the detriment of the citizens.

**Slowness and inefficiency of the judicial system to a large degree contributes to the human rights violators as it also contributes to their being comfortable in taking of socially unacceptable actions thus diminishing the efficiency of their responsibility determination**

According to the statistics, Department for the protection of civil and political rights in 2013 registered a total of 606 complaints related to the functioning of the courts and court administration, which is for 31 or 4,87% less than it was in 2012 when they had 637

complaints registered.

The largest number of complaints against the courts is connected to violation of standard length of proceedings before the courts protected by Article 6 European Convention for the Protection of Human Rights and Fundamental Freedoms and complaints for violations of procedural law relating to the conduct of court proceedings. Despite of the establishment of a CMS (Central Management System) which ensures the unified management of all cases in the judicial system, thus enabling the processing of cases in chronological order, from direct contacts with citizens and from their filed complaints the Ombudsman has learnt that citizens have a high degree of mistrust of the courts and for that reason avoid to seek the exercise of their rights in judicial procedure, even in cases where the courts are only competent to deal with these rights.

The Ombudsman Institution reacted in the reporting period for lack of adoption of the court decisions and lack of enforcement of the adopted court decisions. In resolving the cases by the courts, it is not rare that the court in second instance returns the cases "as a rule" to the first instance. In such cases it takes years before the case is finally decided upon, this is very exhausting for the complainants and is certainly in violation of Article 6 of the European Convention.

In addition to the above, when a citizen after the years finally gets the final and binding decision, it frequently happens that the respondent party (either physical or legal person) is not ready to implement it and take the obligation ordered by the court. In such situation the parties are forced to address the court again asking the enforcement according to the Law on

**Non-enforcement of the court decisions is a particular problem**

Enforcement Proceedings. And they are again in the same circle with uncertain result although the cases involving forcible enforcement of the court decisions have priority and the court is obligated "to treat

such cases as urgent ones".

The Ombudsman still receives complaints regarding the enforcement of the final and binding court decisions involving payment from the budget of different the Governmental bodies, which still have a practice to register claims of citizens based of court decisions as a public debt instead of payment of money. Asked about the reasons for such a behavior they would give answers "that the funds for that purpose were not planned in the budget, that payments are done in chronological order and that the claimants will get paid in securities (bonds), that the amount available is not sufficient for payment etc." This is caused by inadequate legal solutions that still exist in practice, which is a grave violation of the right to property which is guaranteed by Protocol 1 to the European Convention.

As an example we can mention a complaint for irregularity of the public competition procedure for the election of judges of the Municipal court of Sarajevo.<sup>12</sup> The complainant did not have the possibility to appeal the decision on the appointment since this was not foreseen the Law on High Judicial and Prosecutorial Council and the Book of Procedures of the High Judicial and Prosecutorial Council. Therefore the Ombudsman, in order to provide a transparent and rational process of the election of judges, issued a recommendation<sup>13</sup> to the BiH Ministry of Justice recommending them to harmonize provisions of the Law on High Judicial and Prosecutorial Council and the Book of Procedures of the High Judicial and Prosecutorial Council of BiH with provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Reply of the Ministry of Justice implies that<sup>14</sup> a task force is established to prepare a draft law on amendments of the Law on HJPC and that the recommendations of the Ombudsman will be incorporated into these amendments.

In this reporting period the Ombudsman carried out monitoring over the functioning of the judicial system.<sup>15</sup> Monitoring over the functioning of the judicial system in the largest number of cases was carried out according to the procedures regulated by the Civil Procedure Code (right to work, the property rights of the child, a misdemeanor proceedings, etc.). The Ombudsman received a number of complaints from citizens which raise the question of bias of the judges in violation of procedural provisions during the procedure.

The allegations in the complainants with regard to monitoring of individual cases relating to the violation of the entity laws on civil procedure harmful for one of the parties, impartiality of judges by putting a party in a favorable position in the fact finding process of proof, lack of respect for the dignity of one of the parties to the proceedings, or stall of the proceedings. In the framework of the judicial reform in Bosnia and Herzegovina the Law on Civil Procedure of Bosnia and Herzegovina is adopted<sup>16</sup>, as well as the Law on Civil Procedure of the Federation of Bosnia and Herzegovina<sup>17</sup> and the Law on Civil Procedure of the Republic of Srpska<sup>18</sup>. All three laws are regulations based on which the courts deliberate on civil disputes and adopt decisions in these cases. The aim of these laws was primarily to increase of the efficiency of the civil proceedings, and to avoid unnecessary delay in the proceedings. The practice of monitoring the court proceedings by the authorized staff of the Ombudsman aims to raise publicity of the court procedure and the motivation for the administration of justice in accordance with the international standards of professional and impartial judiciary which also contributes to the detection of its weak points and opportunities for potential improvement of the law or practice. The institution of the Ombudsman carried out the monitoring in individual cases.

Based on the analysis of the received cases, monitoring carried out by the Ombudsman's professional staff and reports of the NGOs related to the functioning of the judicial system and its reform, it could be said for this reform that it failed to give desirable results, which indicates to the need for this reform to be continued.

Human Rights Ombudsman of Bosnia and Herzegovina lodged an initiative to the legislative bodies of the entities and the Brcko District for the adoption of the Law on Amendments to the Law on Misdemeanors.

<sup>12</sup> Ž-SA-05-384/13

<sup>13</sup> P-157/13

<sup>14</sup> Act no.: 05-07-14-8396/13 od 20.09.2013

<sup>15</sup> File no.: Ž-SA-05-1171/11, Ž-SA-01-190/12, Ž-SA-05-1392/12, Ž-SA-04-407/13, Ž-SA-06-1286/12, Ž-SA-01-412/12, Ž-SA-05-1382/12

<sup>16</sup> „Official Gazette of BiH” no.: 36/04, 87/07

<sup>17</sup> Official Gazette of BiH” no.: 53/03, 73/05, 19/06

<sup>18</sup> „Official Gazette of BiH” no.: 58/03, 85/03, 74/05, 63/07

On 24.04.2013 the National Assembly of the Republic of Srpska informed the Ombudsman that the schedule of the work of the National Assembly envisaged the discussion on the new Law on Misdemeanors of the Republic of Srpska (for the period July – September).

The Assembly of the BiH Brčko District replied to the Ombudsman explaining that the relevant Legislative Commission of Brčko District of BiH did not discuss the initiative for the amendments to the Law on Misdemeanors.

Parliament of the Federation of Bosnia and Herzegovina, House of the Representatives of the FBiH, on 19.12.2013 submitted to the Ombudsman that their Commission for Justice and General Administration has accepted the initiative of the Ombudsman and that it finds it justified. The Bill of Law on Misdemeanors is already under the parliamentary procedure, and they plan to administer the amendments as suggested by the Ombudsman. If the Commission failed to accept a proposal, they will review it again.

Therefore the Ombudsman concluded that this initiative was accepted and that the Bill of Law on the Amendments of the Law on Misdemeanors will be discussed in the entity parliaments, and that the initiative was supported by the authorities at the level of the Brčko District of Bosnia and Herzegovina.

Bosnia and Herzegovina has both substantive and procedural laws largely in line with European standards. However, the discrepancy between the legislation and the situation in practice is not satisfactory. To provide comprehensive assessment level of human rights and fundamental freedoms in the segment of the work and functioning of the judicial system, is necessary in particular to make a detailed analysis of all relevant elements having the jurisdiction and an active role in the organization and functioning of the judicial system. Taking into account the continuity of the complaints received by the Ombudsman on the work of the judiciary, Ombudsman of Bosnia and Herzegovina emphasizes the necessity of taking urgent measures by the courts in Bosnia and Herzegovina with the aim of eliminating the negative phenomena with regard to the violation of Article 6 European Convention for the Protection of Human Rights and Fundamental Freedoms. Otherwise, an aversion will be created among the people about the justice system, especially by those who are forced to seek the protection of the court as a fundamental institute of the state since the "the greatest injustice is when the justice is delayed.

Ombudsman continues to receive complaints of the citizens dissatisfied with the work of the lawyers in sense that the contacts with them are not satisfactory, that they are not satisfied with actions the lawyers take in their cases, the lack of information, that they "behave arrogantly and charge a great deal of money." These complaints relate to the lawyers in civil actions. These complaints do not fall within the mandate of the institution of the Ombudsman, so we forward it to the competent Bar Association for further processing, in particular since the citizens are free in their selection of lawyers as a free profession. Citizens also complain from bar associations, or failure to resolve their complaints or procedure that "only meets form". Citizens also claim that bar associations fail to carry out disciplinary proceedings following their complaints.<sup>19</sup>

The Ombudsman also received some complaints against the work of court forensic experts.<sup>20</sup> These complaints challenge the merits of the findings or the forensic experts claiming friendly relations of these expert and respondent parties in disputes. During the monitoring in a case, the authorized representative of the Ombudsman informed the judge on the allegations and contents of the complaint lodged to the Ombudsman.

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<sup>19</sup> Ž-BL-05-366/11

<sup>20</sup> Ž-SA-05-1171/11

### 3.1.3. Administration

*Obligation of the public administration* in carrying out their duties toward citizens means that it should be as close to the citizens as possible, to ensure improvement of the quality of their work in a way that will take care that decisions which affect the rights or interests of individuals are based on the law, the content of such decision is in accordance with the law, while in their work they have to adhere to the principle of equal treatment, to avoid discrimination based on nationality, gender, ethnic origin, religion, disability etc., to behave as a service of citizens, to be fair and accessible, to reach decisions on complaints or requests within a reasonable time, without delay, providing the reasoning and legal basis of the decision, and decisions that may adversely affect the rights or interests of citizens must include instructions on remedies.

The degree of violation of human rights of individuals addressing in most cases various agencies and administrative bodies organized at different levels to achieve their rights in all areas of life, largely depends on the answer to the question whether the conduct of public administration

**The fact that every citizen from the moment of that every citizen from the day of birth to the moment of death has to address the administrative bodies significantly indicates the seriousness of the situation of human rights in the administration. Procedures used by the administrative bodies significantly reflect the lack of awareness of the administration as a primarily public service.**

**Particularly worrisome is the situation in departments of zoning and urban planning and proprietary rights, while citizens rarely complain to the registry offices.**

can be evaluated as fair.

In the reporting period 2013, the Institution of the Ombudsman received 484 complaints related to the work of public administration, which is 103 complaints or 27.03% more than in the 2012.

Acting on complaints from citizens the Ombudsman issued 49 recommendations regarding the functioning of the public administration in 2013.

Analysis of complaints received in the Ombudsman where the citizens

designate the administration as their rights violators, indicating that they feel unequal before the law, that they cannot achieve a fair hearing within a reasonable time, that they experience difficulties in the exercise of their right to property and home, equal access to public services, the right to work and other rights due to the slowness of the administration. In concrete cases, during the Ombudsman's investigation, carried out on the basis of complaints or *ex officio* the Institution receives responses and explanations mostly in a timely period. However, this cooperation is often only formal and aimed only at formal meeting the procedures and obligations prescribed by the Law on Human Rights Ombudsman of Bosnia and Herzegovina and the Rules of Procedure of the Ombudsman, which in no way contributes to the effective protection of human rights and fundamental freedoms, nor it generally helps to the redress of human rights violations.

### 3.1.4. Police

The need for security is one of the primary human needs, threatened by the different types of deviant activity. The police are the most visible part of the governmental structure responsible for public safety. One of the fundamental duties of the police is to protect the life and personal safety and property of citizens. The police is a service that should serve the interests and needs of citizens in the first place in terms of their safety and to ensure public order, etc... The police provides protection to the citizens in the area of their basic constitutional rights and freedoms and the protection of other constitutionally protected values.

In the reporting period, the Ombudsman received a number of complaints against the police. Complaints against the police can be classified into several groups, starting from the complaints of the citizens claiming that the police by their actions or by their failure to act in accordance with the law violates civil rights. There are also complaints made by employees of the police for violations of their labor rights such as the right to remuneration, the issue of ranking, promotions, then violation of public bidding procedures and complaints related to the work internal controls. In their complaints, in addition to the above, citizens pointed out the inefficiency of the police FBiH and RS, abuse of power, abuse of the authority granted, the excessive use of force.

In the reporting period, in 2013, the Ombudsman received 138 complaints against the police, which is an increase of 12,20% or 15 complaints more compared to 2012.

Investigations conducted based on the complaints of the citizens has shown that there was a violation of human rights and fundamental freedoms by the police, which was the reason why the Ombudsman issued recommendations. In 10 (ten) cases the Ombudspersons of Bosnia and Herzegovina issued recommendations for human rights violations by the police. These are the following recommendations: P-27/13, P-53/13, P-194/13, P-212/13, P-317/13, P-28/13, P-55/13, P-210/13, P-225/13, P-328/13.

The role and the importance of the police was dealt with, among other things, in the framework of the implementation of the *Law on Protection from Domestic Violence*<sup>21</sup>. The Ombudsman received complaints where the police was designated as a respondent party and the complaints related to the violations of the above Law. Illustration for this is a case no. Ž-BR-05-23/13 in which the Ombudsman issued the appropriate recommendation<sup>22</sup>. Complaint was lodged about the domestic violence. As respondent party the complainant designated the Ministry of Interior of Tuzla Canton, Police Administration Tuzla. During the investigation the Ombudsman established that there had been grounds for the complaint. The complainant indicated that the adequate measures of the relevant authority as a reaction to her reports missed. It is important to emphasize that the Ombudsman investigated cases of domestic violence *ex officio* in the previous period in a case registered under the number Ž-SA-05-1386/10<sup>23</sup>. This case had resulted in the murder of the victim of the violence. In the mentioned case the BiH Ombudsman was of the opinion that this event confirmed the worrying fact that the vast majority of women victims of violence do not trust the system institutions, due to their inability to provide physical protection and supervise the situation, in addition to an insensitive approach of social workers, slow processing and resolving the cases by the courts, especially the unduly lenient sentences pronounced by the court in such cases. There is no systematic approach to prevention of the frequent and continuous threats and intimidation by perpetrators of violence, which always results in accumulation of fear for women victims of violence which therefore do not report cases of violence. In the concrete case, what raised concern was the fact that the police did not have previously *ex officio* filed a request for the protective measures toward the victims of violence, although the complainant sought protection from the authorities, but except for the issuance of misdemeanor warrant against the perpetrator, failed to provide a timely protection. Recommendation of the Ombudsman of Bosnia and Herzegovina in the instant case was complied with.

The Ombudsman Institution received the complaints regarding the violation of the employment status of employees in the police. To illustrate this we mention the case Ž-MO-05-22/13. The complainant requested the intervention of the Institution of Ombudsman in order to

<sup>21</sup> „Official Gazette of the Federation of BiH“ no.: 22/05 i 51/06

<sup>22</sup> P-55/13

<sup>23</sup> P-335/10

successfully overcome the problems of threat to his employment status by the employer the Ministry of Interior of the Herzegovina Neretva Canton/County. After several interventions of the Ombudsman, the concrete case that ended in a way, that the complainant was called to work. On that occasion, the employer offered him a good position to which he had no objections.

In the reporting period in 2013 it became evident that the internal control mechanisms failed to produce the desired results, and proved to be ineffective. Citizens often try to take advantage of available mechanisms and usually turn to the Professional Standards Unit and the Internal Control Committee to protect their rights in case when they believe that these rights are violated by the police forces. Previous experience of the Ombudsman of Bosnia and Herzegovina has shown that the Internal Control Board is ineffective and that it is purely formally established body. This type of observation Ombudsman of Bosnia and Herzegovina had particularly emphasized the in the *2012 Annual report*.<sup>24</sup> In case no. Ž-SA-05-883/13 the complainant H.S. filed complaint for the excessive use of force. As responsible party he saw the First Police Administration of the Ministry of Interior of Sarajevo Canton. In the course of the investigation the Ombudsman Institution was informed in a letter that the complainant's rights protection is provided in a way that his case was referred to the competent Professional Standards Unit of the Ministry of Interior of Sarajevo Canton. On 22.11.2013 Professional Standards Unit has submitted their document number: 02/Pk-2-1-93/13 in which it is stated that at their regular meeting held on 22.11.2013 they informed the Office of the Complaints of the Public within the Ministry, which gave their verbal consent to the Internal Control Department police officers to conduct an internal investigation. On 14.02.2014 the Ombudsman Institution has received a statement of the Professional Standards of Police of the Canton of Sarajevo, Act No. 02/PK-2-1-93/13 of 11.02.2014 stating that *"... with regard to the complaint of a party to the procedure and behavior of the police officers of the First Police Unit an internal investigation conducted in accordance with Article 35 of the Work Regulations of the Professional Standards Unit and with consent of the Office for the Complaints of the Ministry of Interior of Sarajevo Canton, which investigation was concluded with a result: No sufficient evidence."* In the case no Ž-SA-05-1188/13 the Ombudsman started investigation ex officio about the claims on the excessive use of force by a police officer of the Police Administration Živinice. During the investigation it was found that the Cantonal Prosecutor's Office of the Tuzla Canton filed charges against a police officer of the Police Administration Živinice for the criminal offense of abuse on duty in conjunction with the criminal offense of inflicting the grave bodily harm, and against other two police officers on suspicion of committing the crime of assault in the course of the discharge of their official duty, in concurrence with the offense of causing death by negligence. The case is in the phase of follow-up. Department of Internal Investigations of the Professional Standards Unit of the Police Administration of the Ministry of Interior of Tuzla Canton conducted the investigation into the above events and found that in one case a serious violation of the official duties took place for which the disciplinary prosecutor submitted an initiative to initiate disciplinary proceedings, while other investigation is completed with the conclusion that it was "without sufficient evidence."

Cooperation of the Ombudsman Institution with the police in the opinion of the Ombudsman of Bosnia and Herzegovina can be evaluated as correct. The police usually replies to the inquiries the Ombudsman. In some cases it is necessary to urge the police to take action in cases complained of.

With regard to individual cases we emphasize the cases in which the police took adequate measures at their disposal. For instance, in the case Ž-SA-05-522/13 the complainant reported the inappropriate behavior of the police officer to the Police Station Center Sarajevo on

<sup>24</sup> 2012 Annual report, p. 27, paragraph 1

28.04.2013. She complained from the way how she was treated by the said police officer during the traffic control when he was violent toward her asking her to show him her ID card and threatening that she would be arrested. After the conducted investigation the Ministry of Interior of Tuzla Canton provided the Ombudsman with their plea according to which they reviewed the mentioned complaint on their meeting that took place on 09.05.2013 and decided to initiate the internal control procedure. On 22.07.2013 the complainant called the Ombudsman by phone and informed that she was summoned by the Municipal Court of Sarajevo to come on 28.08.2013 to the scheduled hearing related to her complaint. In the case no. Ž-BL-05-706/13 the complainant addressed the institutions to protect his mother, who was verbally insulted and physically attacked, and she was an elderly and helpless person. After the reaction of the Ombudsman and the feedback of the police, the complainant expressed his satisfaction as the police used their powers to protect his mother. The circumstances of the case involving the insulting her were investigated and reports filed by the competent prosecutor. In the case Ž-BL-05-321/13 the complainant DM addressed the Ombudsman because of problems with neighbors who harassed his family, the neighbors have dogs in the street etc. After the measures taken by Institutions, the Public Security Center of Banja Luka informed that against the neighbor complained of request was initiated including the petty offence proceedings.

The Ombudsman received also complaints of citizens about the actions of the police taken within their legal authorities and mandate that caused dissatisfaction among the citizens.. After checking-up of the claims of such complaints of citizens, in most cases, the BiH Ombudsman brought the decision to close the case due to the inadmissibility or lack of interest of the complainant<sup>25</sup> for further pursuit of the case.

The role and functions of the police can be defined in many aspects, administrative, criminal, misdemeanor and normative. In contact with representatives of the police the Ombudsman often emphasized problems of inefficiency of work and conduct of the competent prosecutor's offices and courts. The representatives of police forces have legally granted powers. Representatives of the police pointed to slowness of work of the competent prosecutors and the courts upon their official reports on the crimes and offenses committed, as well as slowness in management of misdemeanor proceedings. For these reasons the citizens often ask the police to put pressure on the prosecution and the courts in dealing with crimes, detecting offenses and offenders, and conduct criminal and misdemeanor proceedings, which is outside the jurisdiction of the police.

### 3.1.5. Proprietary relations

European Convention for the Protection of Human Rights and Fundamental Freedoms with its Protocols gives guaranties for the enjoyment of the right to possessions as one of the most fundamental and undisputed human rights.<sup>26</sup>

In the reporting period, in 2013, the Ombudsman Institution received the two types of complaints relating to violations of property *rights in particular property rights in the context of the implementation of Annex VII and rights related to property-legal relations*, real estate

<sup>25</sup> Ž-SA-05-75/13, Ž-BL-05-346/13, Ž-BR-05-64/13, Ž-SA-05-111/13

<sup>26</sup> The right to possessions, Article 1 of Protocol 1 to the ECHR

1. „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.“

2. „The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.“

related proprietary rights, expropriation, securities, inheritance, rights *in personam* in the field of social policies (pensions), land usurpation, property of the local government units. The 2013 the Institution received 154 complaints related to property and land title cases in which the Ombudsman of Bosnia and Herzegovina issued 19 recommendations.

### ***Annex VII – General Framework Agreement for Peace in Bosnia and Herzegovina***

Constitution of Bosnia and Herzegovina and the entity constitutions, to all refugees and displaced persons guaranteed the right to freely return to their homes. In his previous work, as well as all previous reports, the Ombudsman Institution has paid a great attention to the exercise of the *right of return and sustainable return*. The institution of the Ombudsman continues to receive complaints related to Annex VII because the signatories, even after the lapse of time do not exercise the full capacity on their territories as to "*provide political, economic and social conditions that will contribute to the voluntary return and harmonious reintegration of refugees and displaced persons*".

It is particularly worrisome that a number of old and frail persons is still in collective centers, while some of them found other solutions. Their pre-war homes are not reconstructed, and they lost their hope of return home. Regretfully, there were also the cases<sup>27</sup> that the complainants died before their homes were reconstructed. The Ombudsman issued recommendation<sup>28</sup> to the Ministry of Human Rights and Refugees of Bosnia and Herzegovina to take activities for reconstruction and repair of this category of population as a matter of priority.

Ombudspersons are still engaged in processing complaints of the citizens<sup>29</sup> against inactivity of the *Commission for Real Property Claims of Refugees and Internally Displaced Persons of Bosnia and Herzegovina* related to review of the CRPC decisions.

*Annex VII to the General Framework Agreement for Peace* should be treated as a priority. Work of the *Commission for Real Property Claims* until the moment when the final decision is rendered. The Commission for Real Property Claims at the level of Bosnia and Herzegovina<sup>30</sup> *does not function for three years now* which causes violation of human rights on a daily basis. For this reason the citizens of Bosnia and Herzegovina suffer damages and are forced to initiate lawsuits before the Court of Bosnia and Herzegovina<sup>31</sup>.

The Court of Bosnia and Herzegovina informs the plaintiffs that these lawsuits last more than a reasonable time period since there the party subject to passive legal standing does not exist

<sup>27</sup> Ž-SA-05-1283/13

<sup>28</sup> P-392/13

<sup>29</sup> Complaints no.: Ž-SA-02-541/09, Ž-SA-05-608/11, Ž-SA-05-1256/11,

<sup>30</sup> BiH Commission for Real Property Claims (CRPC); Issue involving the transfer of powers of the said Commission to the BiH institutions is regulated by the Agreement concluded between Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republic of Srpska on transfer of responsibilities and continuation of funding of the CRPC ("Official Gazette of BiH" no.: 32/04), the CRPC seized working on 31.12.2003, and the mentioned Agreement foresees that after this date the funding of the work of the CRPC will be provided from the budget of Bosnia and Herzegovina. After the said date the CRPC consists of 7 members, and necessary professional and administrative support it gets from a department earmarked for support of the CRPC: As of 31.12.2003 the CRPC does not accept new claims neither it adopts new decisions concerning the property claims. The existing decisions of the CRPC that were not served by 30 November 2003 were referred to the Archive of Bosnia and Herzegovina by 31.12.2003. A separate agreement was concluded between the CRPC and the Archive of BiH, according to which the Archive will serve the decisions which were not served yet on request of those who submitted property claims. Furthermore, the Law on transfer and Resolution of Unsolved Claims (published in 2004 in the official gazettes of the Federation of BiH and the Republic of Srpska) for repossession of apartments on which the pre-war users had occupancy right provides that claims for repossession of such apartments filed within the Commission will be transferred to the municipal administration in charge of housing issues. These claims are processed along with claims filed with the relevant department according to the Law on Cessation of the Implementation on Use of Abandoned Apartments and the Law on Cessation of the Implementation on Use of Abandoned Property. After the receipt of these claims, the relevant authorities resolve them according to chronological order.

<sup>31</sup> Lawsuit before the Court no.: U-216/08, U-90/08

(the sued CRPC). With regard to the complaints received the Ombudsman conducted investigation. Replies of the relevant authorities (the Ministry of Justice of BiH and the Ministry of Human Rights and Refugees of BiH) to the inquiries of the Ombudsman were *“that the Commission is under establishment.”* The most recent activities of the Ombudsman in this regard resulted in a total inertness of the authorities. The Ministry of Justice of Bosnia and Herzegovina declared themselves *“not having jurisdiction in the concrete area.”* The Ministry of Justice failed to provide any reply at all. The Ombudsman is seriously concerned about such lack of organization on the part of the state authorities, a large number of the cases in status *“on hold or pending”* for the failure to establish this Commission, and in particular for the fact that *Annex VII*, from the aspect of its aims and duties presumes the obligation of the state to establish system and procedures to satisfy needs of the citizens for urgent resolution of all the cases related to the property and return. Urgent processing in cases involving property repossession, regardless to the fact that such processes, according to positive legal norms were

**Problem in realization of the rights of the returnees in all the spheres of life requires a comprehensive analysis of the effects of the implementation of the Annex VII of the Dayton Peace Accords**

not defined as urgent, they still can be regarded as such as indicated by the Constitutional Court of Bosnia and Herzegovina (*In case 22/00 dated 22 and 23 June 2001.*

Despite the return of housing units to the pre-war owners and significant funds for the reconstruction of destroyed housing units, many refugees and internally displaced persons are still not returned to their pre-war places of residence at full capacity or have them left again after their return. The reason for such state of affairs is non-harmonization between the entity legislation in such a way that the return is not associated with reinstatement of the related rights acquired in places of exile and during the displacement. Failure to establish normative and legal framework in the field of enjoyment of the rights to insurance, to health and social care, the right to education, by making these transferable from one entity to another, resulted in a diminishing of the results of sustainable return. Ombudsmen of Bosnia and Herzegovina in its annual report in 2010, 2011, 2012 years have shown this negative phenomenon.

However, the situation of returnees with regard to the right to health and social care, or the right to education in places of return has not significantly improved. Therefore returnees are forced, especially because of the difficult economic and social situation in order to maintain the rights exercised, give up return. This phenomenon is particularly common in the returnee population in rural areas (rural) areas.

Cases involving proprietary rights that have been and/or are processed by the Ombudsman are featured by the violation of the standards of Article 6 ECHR in conjunction with Article 1 Protocol No. 1 to the Convention. In specific cases, the complainants are dissatisfied because of the excessive length of proceedings which last for several years in some cases, where decisions of administrative bodies and courts are not reached for years, also because of the inappropriate requests for additional documentation by which citizens are exposed to unnecessary expenses, violations of procedural and substantive law, bias in decision making, the irresponsible behavior of the acting officer in the case, non-scheduling of hearings, failure of reaching decisions on the merits of cases based on the facts reflected in the case-file, violation of the provisions related to the right to a remedy, inefficient reactions of the inspections, failure to act on complaints of citizens and the like. Examples of such behavior are particularly evident in the field of housing policy, land survey and real estate cadastre, real estate development, legalization of illegal construction, building over the top of the existing constructions, exercising the servitude rights, rights of access to a public road, usurpation of ownership, trespassing and so on.

A large number of complaints in the field of violation of proprietary rights in sense of lack of adoption of decisions on requests for legalization of illegal construction, construction over the top of the existing building, illegal building and demolishment are characterized by the stall of proceedings.

### 3.1.6. Freedom of access to information

Freedom of access to information is a condition *sine qua non* in functioning of democratic processes and it represents the constitutional category that appears as an independent right, or the constituent part of the right to freedom of expression as established in Article 10 of ECHR. This is the basic democratic right of the citizens and is very important means in providing the rule of law and good governance. Access to information enables citizens to control their elected representatives and be protected from abuse of powers, but also allows for the participation of citizens in setting priorities of government and is linked to the concept of good governance, which includes an open government that functions based on principles of efficiency, transparency and legality. In order to ensure the realization of the concept of good government, government institutions are required to ensure that its work is organized so to inform the public timely and comprehensively about their activities, to respond to the needs of citizens, and to ensure accessibility and transparency. The right to access to information includes the access to user information and availability of information and the right to a further dissemination of available information. What specifically should be noted is that the right of access to information is not "against" the government, but for "citizens" and "power". Freedom of access to information as such is provided in numerous international documents, including: the Universal Declaration of Human Rights of the United Nations (Article 19), the Covenant on Civil and Political Rights of the United Nations (Article 19), the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10), Recommendation of the Council of Europe, the Aarhus Convention and others.

Bosnia and Herzegovina as a democratic country aspiring to the membership in European Union and the NATO is the first country in the region that had the Law on Freedom of Access to Information at the state level back in 2000 and following that in the entities as well in 2001<sup>32</sup>. According to these laws, the Ombudsman shall perform its functions in accordance with its mandate and responsibilities, as outlined in Article II, paragraph 1 of the Constitution and Annex 6 General Framework Agreement for Peace BiH, and in accordance with any subsequent legislation, regulating its jurisdiction and responsibilities. In order to implement their authority in the LFAI, the Ombudsman has established a mechanism for monitoring the situation in this area in a way that follows the performance of the obligations of a public authority established

**Public authorities still do not fully fulfill their obligations under the Law on Freedom of Access to Information. So, out of 61 public bodies at the state level (see Annex at the end of the Report) 27 regularly provides the Ombudsman with statistics, while only 3 out of 72 institutions have appointed an officer in charge of information in addition to submitting the Guide and Index Register**

by LFAI and handles the complaints filed by the complainants to the Ombudsman.

With regard to the implementation of the obligations arising from Article 19 and 20 of the Law on Freedom of Access to Information, data available to the Institution

<sup>32</sup> Law on Freedom of Access to Information, "Official Gazette of BiH" no. 28/2000, BiH Law on Amendments to the Law on Freedom of Access to Information, "Official Gazette of BiH" no.: 45/2006, 102/2009, 62/2011, 100/13; Law on Freedom of Access to Information of the FBiH, "Official Gazette of FBiH" no.: 32/2001, Law on Amendments to the Law on Freedom of Access to Information of FBiH, "Official Gazette of FBiH" no.: 48/11, Law on Freedom of Access to Information of RS, "Official Gazette of RS" no.: 20/2001

indicate that out of 61 public body at the state level (see Annex at the end of the Report) 27 regularly provides the Ombudsman with statistics, while only 3 out of 72 institutions have appointed an officer in charge of information in addition to submitting the Guide and Index Register.

As for the entity level, the Federation of Bosnia and Herzegovina in 2011 adopted the Law on Amendments to the Law on Freedom of Access to Information<sup>33</sup> aimed at harmonization of this Law with the BiH Law on Freedom of Access to Information, in particular in sense of modifications in the powers of the Federation Ombudsman Institution given the seizure of work of this Institution. This intervention in the Law enabled the public authorities at the FBiH level refer the most recent data on the officers in charge of information, guides and index-registers to the Institution of the Human Rights Ombudsman of BiH. This obligation is met by 17 public bodies in the FBiH, while in the RS such harmonization has not been made and the Ombudsman received statistics from only 9 public bodies<sup>34</sup> from the territory of the RS.

*Ombudspersons expressed their concern about the failure of meeting the obligations under the LFAI by the public authorities, as well as the legal entities owned or controlled by a public authority, such as hospitals, schools, public utilities, universities, health, public services, social welfare, etc.*

Pursuant to paragraph (c) of Article 20 of the LFAI the public authorities are obligated to provide statistics, on a quarterly basis, concerning the number of requests received, the types of information requested, exemptions claimed, and any procedural or final decisions taken.

However, the public authorities fail to submit such information on a quarterly basis, neither in

**Not only that the public bodies fail to submit statistics related to the access to information, but the practice shows that they often fail also to keep any records on requests for information, but they simply register these requests in the public body's general protocol as any other information**

form provided by the LFAI, very often they only submit annual reports or semi-annual reports, while quarterly information in which they had no requests for information are not submitted at all.

Analysis of the statistics submitted

has shown that most of the public authorities do not keep separate statistics on requests for information under the LFAI, but such requests are added to the everyday requests of media for statements and/or telephone inquiries of the individuals about general issues. When submitted, quarterly reports often do not have all the elements required by law, but for example, provide information on the number of requests where the public body just notes that the answer to all requests was provided, but does not state that the decisions made during the proceedings, and whether these decisions were final or whether or not such decisions were appealed of. Irregular submission of statistical data, which do not contain all of the elements and parameters prevent Ombudsman Institution to systematically monitor the situation in the area and acts preventively or *ex officio*, in order to improve the level of implementation of the LFAI and the entire territory of Bosnia and Herzegovina.

With regard to handling of individual complaints the Ombudsman in 2013 has received 228<sup>35</sup> complaints related to the freedom of access to information, which is an insignificant increase of 3 complaints compared to 2012 when the number of these complaints was 225. Disaggregated

<sup>33</sup> "Official Gazette of FBiH" no: 48/11

<sup>34</sup> Commission for Securities of the Republic of Srpska, Regional court of Banja Luka, Public Institution Social Welfare Center Banja Luka, Municipality of Teslić, Primary School Sokolac

<sup>35</sup> Some of the cases related to freedom of access to information: Ž-MO-05-1/13, Ž-BL-05-18/13, Ž-SA-05-6/13, Ž-SA-05-59/13,, Ž-BL-05-58/13, Ž-SA-05-90/13, Ž-BR-05-68/13, Ž-MO-05-32/13, Ž-SA-05-239/13, Ž-BR-05-94/13, Ž-SA-05-286/13, Ž-BL-05-249/13, Ž-BR-05-173/13, Ž-SA-05-696/13, Ž-SA-05-944/13, Ž-BL-05-232/13, Ž-BR-05-243/13, Ž-LI-05-235/13, Ž-LI-05-198/13, Ž-BL-05-600/13

per offices, number of received complaints looks as follows: the most of complaints received by the Regional Office Sarajevo – 124, then the Central Office Banja Luka – 77, Regional Office Mostar – 10, Regional Office Brčko – 11, and Field Office Livno – 6.

Offices	Number of complaints according to offices
Office Banja Luka	77
Office Brčko	11
Office Mostar	10
Office Sarajevo	124
Office Livno	6
<b>Total:</b>	<b>228</b>

Table 9 Preview of registered complaints in 2013 in the field of freedom of access to information

Analysis of complaints received reveals the presence of identical weaknesses in the application of LFAI that the Institution of the Ombudsman pointed out in its previous annual reports, which

**Weaknesses in ensuring the right to free access to information emphasized by the Ombudsman for years are an important indicator of the need to take extraordinary measures, which are beyond the regular activities of the Ombudsman and require additional funds**

are primarily related to: inconsistent application of the instruments of law governing the area of "freedom of access to information in BiH, which primarily manifested in a way that delays the decision making process in the first

instance and second instance, after the request for access to information is filed or appealed, decision of the competent authorities are not made properly, both formally and substantively (formal and substantial), and often without explanation and instruction on legal remedy.

The institution of Ombudsman in 2013th had received a significant number of complaints from civil society organizations in which they pointed out that the competent authorities did not provided them with the requested information unrelated to the core activities of these organizations or public authorities, that is, they request the reasons for seeking such information, which is absolutely contrary to the strict legal requirements. The LFAI provisions provide just opposite, as they explicitly state that applicants do not need to specify or explain the reasons and motives to seek information, which indicates the intention of the legislator to ease and eliminate any potential problems that could lead to the withholding of information.

Although LFAI does not comprise any restrictions on access to information in terms that an applicant must demonstrate a legitimate interest in exercising the right to information, one gets the impression that some civil society organizations by collecting information in fields

**It is concern raising that the requestor of the information is asked to prove the existence of a legitimate interest although such a request is in contravention to the principles of LFAI.**

unrelated to the core activity of certain public bodies are trying to prove the existence of illegal or corrupt activities. In such cases, there is also a practice that the parties turn to the Ombudsman before they turned to the competent authority.

In 2013 issue of access to information including some personal data was raised just as it was in previous years. In these cases neglected is the fact that Law on Freedom of Access to Information foresees only exceptionally the refusal of providing the information on the grounds of protection of the right to privacy, not the personal data protection, but only after conducting the public interest test. Namely, the Law on Freedom of Access to Information foresees the

**It is also worrying that some public bodies refuse to give the access to information justifying it by personal data protection, without the previous conducting of public interest test as provided by the LFAI .**

following: „ *that every person has a right to access this information to the greatest extent possible consistent with the public interest, and that public authorities have a corresponding obligation to disclose*“. Personal information is defined by the Law as „ *information relating to a*

*natural person who can be directly or indirectly identified by reference to factors such as but not limited to, an identification number or that person's physical, mental, economic, ethnic, religious, cultural, or social.*“

According to Law on Freedom of Access to Information, every natural and legal person has the right to access information in the control of a public authority, and each public authority has a corresponding obligation to disclose such information. This right of access may only be subject *to such formalities and restrictions as are prescribed by the Law*. So, the competent authority can only determined requested information as exempt from disclosure *on a case-by-case basis* and it could be linked to the functions of the public authorities in terms of the confidential public interests and cases of privacy protection, which presupposes that the requested information involves the personal privacy interests of a third person. Prior to the adoption of a final decision at the public authority level, when it is determined that some information falls within the category of exemptions, in order to prevent the use of these exemptions in cases when it is not justified, Law on Freedom of Access to Information provides for the obligation of conducting the "public interest test".

Notwithstanding the mentioned limitation, the legislator has, assessing the importance and dimension of the rights to free access to information, provided that in case when a public authority determines that requested information, although it has claimed an exemption under the law, *can still disclose such information where to do so is justified in the public interest* . In determining whether disclosure is justified in the public interest, a competent authority has regard to considerations such as failure to comply with a legal obligation, the existence of any offence, miscarriage of justice, abuse of authority or neglect in the performance of an official duty, unauthorized use of public funds, or danger to the health or safety of an individual, the public or the environment.

Until the adoption of the Law on Personal Data Protection, in practice we had not registered problems related to the implementation of the LFAI, and if the information that included some personal information, which could compromise the privacy of the citizen, were decided upon in sense whether or not to treat it as an exemption by public authority using the public interest test could make a decision on the exception.

**An initiative to amend the LFAI resulted in a draft prepared by the Ministry of Justice and submitted to a public discussion during which more than 200 amendments. This fact points to the need for a comprehensive analysis of the application of the LFAI, and also the other laws governing the issue of publicity and transparency of public bodies and the maintenance of wider consultation to seek a balance between freedom of information and protection of personal data**

Since the right of access to information is protected by the European Convention for the Protection of Human Rights and Fundamental Freedoms, which protects other rights as well, this means that there must be a balance struck between access possible to information and right to privacy. This is particularly so because today we have application in BiH and the Law on Protection of Personal Data

and the LFAI, which means that each case should be especially appreciated because there is no priority of application of a particular law. This requires training of a large number of staff who work within the scope of these laws application.

Irrespective of the provisions and the possibility of conducting the public interest test, which are public authorities expected to make, the Personal Data Protection Agency (PDPA) in its 2011 Annual Report submitted to the *Parliamentary Assembly of Bosnia and Herzegovina* has initiated the amendments to the LFAI. The Council of Ministers, acting upon the conclusion of the Parliamentary Assembly, which adopted the Annual Report of the PDPA along with the initiative to amend the LFAI, has adopted the conclusion to initiate the procedure for amending the Law on Freedom of access to Information in Bosnia and Herzegovina with the aim of complying with the Council of Europe Convention on Access to Official Documents (CETS 205). After the establishment of the working group, which was supposed to include a representative of the BiH Ombudsman for Human Rights, the Ministry of Justice has prepared a draft amendments to the Law on Free Access to Information about which more than 200 objections and comments was given by the NGOs, and international organizations working in Bosnia and Herzegovina. Discussion of the submitted comments was not conducted, nor the work of the Working group was resumed since the May 2013 for unknown reasons.

Complaints lodged to the institution of Ombudsman received in relation to freedom of information and protection of personal data indicate once more to the need of organizing a broad consultative process to include representatives of the legislative, executive, and judicial powers, independent regulators, civil society. It is very important to ensure that the freedom of access to information is limited only if the limit prescribed by law as such, if there is proportionality in relation to the objective sought to be achieved and that it is necessary in a democratic society, where certainly should take into account the practice of the European Court of Human rights.

It is also noted that the authorities not implementing these legal provisions on their own initiative, also fail to implement recommendations issued by the Ombudsman aimed at bringing their actions in line with LFAI provisions<sup>36</sup>, so that the only available means at disposal of the Ombudsman remains the mentioning of such cases in the Annual report of the Institution which is presented to Parliamentary Assembly, the Parliament of FBiH and the RS National Assembly

We wish to emphasize that BiH Parliamentary Assembly during December 2013 adopted the Law on Amendments to the Law on Freedom of Access to Information in Bosnia and Herzegovina,<sup>37</sup> which provides that appeal from a decision of the competent authority can be filed to the head of the second-instance authority, and monetary fines that can be pronounced to the authority in case of LFAI infringements are increased so it range now between 1,000 to 10,000 BAM.

Introduced is also a provision on inspection surveillance over the implementation of this Law to be done by the Administration Inspection of the Ministry of Justice of Bosnia and Herzegovina

**Ombudspersons concluded that amendments to the LFAI BiH consisted in introduction of two-instance system in the procedure did not result in reduction of court proceedings in this area since the first and second instance decision is delivered by the same body, which is not ready to modify its first-instance decision.**

with the appropriate powers to initiate misdemeanor proceedings *ex officio*.

Although, the provisions at the state level according to which the appeal can be filed to the head of the authority (identical to the solution in the LFAI Amendments at the FBiH level in 2011.), we

<sup>36</sup> Ž-Sa-05-533/13,P-101/13

<sup>37</sup> "Official Gazette of BiH" no. 100/13

believe that this solution is not adequate, because the sense of the existence of two instances is that the appeal is reviewed by another independent body, not the same body. We emphasize this because we have the experience that in the proceedings conducted on the individual complaints of violations the authority i.e. the head of that authority will not change the decision<sup>38</sup>, so that the appellant has to seek the court protection exposing themselves to additional costs for lawyers, taxes, fees and the like, and wait for longer period, which was not the intention of the establishment of the second instance.

### 3.1.7. Governmental and ministerial appointments

BiH Law on Ministerial, Government and Other Appointments, FBiH Law on Ministerial, Government and Other Appointments and RS Law on Ministerial, Government and Other Appointments<sup>39</sup> (hereinafter: the Law), granted the Ombudsman the powers to independently follow-up the implementation of the rule of law principles in this area.

Related to this Law in 2013 the Ombudsman has received 111 complaints about the procedure of appointment to the positions in regulated bodies and 14 complaints related to the dismissal procedure.

While processing these complaints Ombudspersons noted that it is still a common practice that the principles established by the Law are not observed in these appointments to positions in the regulated bodies, and the most common reasons for filing complaints are flaws in advertising of vacancies procedure, unclear criteria for appointment, disregard of the

**Ombudspersons noted that government and ministerial appointments significantly negatively reflect on the exercise of the rights of especially in the field of education, education, social welfare, because the principles established by the law are not observed.**

**In place is also practice that this procedure increases the founders' rights and diminish the rights of service users and the employees, because of the present practice that the founders have a majority of members of management and/or supervisory body**

established ranking lists, absence of representatives of institutions to which management and supervisory boards the candidates are appointed, disregard of the principles of quality and selection of candidates with lower qualifications, appointment on the basis of ethnic and political affiliation of candidates and the like dr.

With regard to the complaints received in 2013 year the Ombudsman made 21 findings and conclusions recommending that the appointment be made or dismissal be revoked, and 12 findings and conclusions in which they found the lack of grounds for the claims in the complaint or omissions in procedures that could not affect the final appointment, or the application of Article 17 Law on Ministerial, Governmental and Other Appointments.

In this way the Ombudsman, acting on several complaints related to the appointment of the management and supervisory boards of public health institutions founded by the Canton of Sarajevo, could not accept the interpretation of the Minister that the composition of the management and supervisory boards of health institutions could include the representatives of medical professionals who are not actually the employees of that particular medical institutions management or supervisory boards of which are appointed in concrete case, and the Ombudsman issued a recommendation that the disputed appointments be canceled, and the procedure repeated<sup>40</sup>.

<sup>38</sup> Ž-SA-05-933/12, Ž-SA-05-733/13, Ž-SA-05-1043/13

<sup>39</sup> "Official Gazette of BiH" no. 7/03, "Official Gazette of FBiH", no. 34/03, "Official Gazette of RS", no. 25/03

<sup>40</sup> Ž-SA-05-308/13, Ž-SA-05-372/13, Ž-SA-05-354/13, Ž-SA-05-378/13, Ž-SA-05-387/13, Ž-SA-05-480/13, Ž-SA-05-389/13

Acting on a complaint related to the procedure of appointment of the Director of the National Library in Gacko in which the applicant points out that she was not selected even though she was the best-ranked candidate, so the institution of the Ombudsman has recommended that the Municipal Assembly Gacko review the proceedings, and bring it to line with the Law.<sup>41</sup>

Acting on a complaint related to the procedure of dismissal of the school board of the Primary School "Cazin II" the Ombudsman established that there was no fair and due process under Article 14 Law on Ministerial, Governmental and Other Appointments BiH since the reasons for dismissal are unclear, the complainant was not given the opportunity to comment on the relevant circumstances, nor the individual responsibility was determined, in addition to that, the decision on the dismissal does not refer to the statutory provisions or the School Rules that determine the cases in which members of the school board may be dismissed<sup>42</sup>. The Ombudsman recommended the Government of Una – Sana Canton and the Ministry of Education, Science, Culture and Sports of the Canton to review this decision on dismissal.

Having in mind the social impact of governmental and ministerial appointments, the Ombudsman indicates that significant financial resources allocated for funding of administrative and management bodies in which the government, the canton, the town or the municipal governments have a legal interest, is justified only if the person appointed in accordance with, or on the basis of their qualifications, and if they are only focused on the

**Ombudspersons noted that the change in political options are automatically reflected in the change in the control structure of regulated bodies, which results to the establishment of temporary bodies and initiation of the procedures to review the legality not only in relation to the appointment, but also dismissal and appointment of temporary management structures. Many of these cases end up in court.**

welfare and prosperity of the particular institution.

Ombudspersons are, however, acting in cases of governmental and ministerial appointments, noted that changes in the structures of power automatically reflect the change in the management structure of regulated institutions. Although the High Representative in BiH by imposing this Law wanted to

eliminate the practice of appointment to the positions in management and supervisory boards of public companies and institutions of people without proper qualifications, or persons in conflict of interest, in this area corruption is still present corruption, along with numerous affairs involving the appointments of incompetent people "according to political party affiliations".

### 3.1.8. Public documents

Public document is a document issued in a legally prescribed form by an authority or other authorized body within its mandate, such as the birth certificates, school diplomas, various certificates, excerpts from commercial registers, excerpts from the land books and the like.

Department for the protection of civil and political rights in 2013 received 29 complaints related to the public documents which is a small increase of 11,54 or 3 complaints more than in 2012 when it was received 26 complaints.

In 2 (two) cases related to the public documents the Ombudsman issued recommendations<sup>43</sup>.

<sup>41</sup> Ž-BL-05-722/13

<sup>42</sup> Ž-SA-05-433/13

<sup>43</sup> Ž-SA-05-224/13 recommendation P-22/13 i Ž-SA-05-768/13 recommendation P-169/13

In the case no. Ž-SA-05-224/13 the Ombudsman received allegations related to the implementation of the *Law on the Unique Personal Identification Number*. Decision of the Constitutional Court of BiH no.: U 3/11, published in the "Official Gazette of BiH" no. 363/11 abrogates the provisions of Article 5 of the BiH Law on the Unique Personal Identification Number. Aware of so emerged problem, Ombudspersons of BiH on 25.02.2013 issued a recommendation to the Council of Ministers and the Ministry of Civil Affairs of Bosnia and Herzegovina to put in parliamentary procedure the Law on Amendments to the Law on Unique Personal Identity Number at once, having in mind the decision of the Constitution Court no. 3/11. It was also recommended to the Ministry of Civil Affairs to urgently reply to the letter of the Federation Ministry of Health<sup>44</sup> in which they ask for instructions on how this Ministry should act in process of regulating the health insurance for children without the unique persona number.

It clearly arises from the above that provisions of Article of the BiH Law on the Unique Personal Identification Number are suspended and does not apply. This led to the situation that determination and allocation of the unique personal number of the citizen was put in question. With regard to the above, the BiH Ombudsman expressed concern about violations of international standards, particularly the provisions of Article 3 and 7 Convention on the Rights of the Child, which puts a priority in the best interest of the child, and Article 12 Covenant on Civil and Political Rights and Article 2 Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms

Ombudspersons find it important to emphasize the fact that the absence of the rule of law is one of the biggest obstacles in the implementation of human rights. The rule of law indicates the duty of the authorities to act in the manner prescribed by the law and international standards for the protection of human rights and fundamental freedoms, and in case of violation of civil rights mechanisms judicial protection must be in place and available to citizens and must be efficient enough to enable the enjoyment of the rights guaranteed by the international standards, and above all, the Constitution of Bosnia and Herzegovina

In all their activities, in particular when addressing the general public in BiH, Ombudspersons strive to raise citizens' awareness of their right maintain their identity using the judicial protection mechanisms. Ombudsmen of BiH have expressed their willingness within the framework of their powers to participate in all the activities that can contribute to the solution of this problem.

According to Article IV 4 a) of the Constitution of BiH, the BiH Parliamentary Assembly, on the 50<sup>th</sup> session of the House of Representatives held on 18 July 2013 and 33<sup>rd</sup> session of the House of Peoples held on 05 November 2013, adopted the Law on Amendments to the Law on Personal Identification Number, published in the "Official Gazette of BiH", No. 87/13, and thus fulfilled the recommendations of the Ombudsman and the case ended.

In the case of the complaint Ž-SA-05-768/13 the complainant's allegation relate to the request of the Human Rights Center of the University of Sarajevo, to clarify the issuance of the diploma to a person who changed the name and gender, and previously enrolled in faculty, passed all the exams and final examination under the different name and gender. Since the process of change the name and gender before the competent administrative authority was ongoing, the student requested the issuance of the diploma to be postponed until the end to proceedings initiated before the competent administrative authority.

Ombudsmen noted that persons who have changed their name and gender have a legitimate interest in having the public documents used in legal transactions, including the diploma on education, carry their new name in line with their new gender identity as it ensures that a

<sup>44</sup> Letter no.: 01-37-1012/13 dated 22.02.2013

gender change is completely integrated in their personal and professional lives. It should be noted that the name regularly carries gender characteristics in local languages, so that the discrepancy in the names in different public documents, in this concrete case the difference between the name comprised in diploma and the name comprised in the ID document can objectively lead to the violation of the right to privacy and discrimination in situations when diploma is required as a proof of degree of education in order to meet requirements in public competitions for employment, further education etc.

Given the fact that in the relevant ministry and the Birth Registration Office approved and registered the gender change in identity documents, the University of Sarajevo was obligated to comply with the resulting legal situation, since any different treatment would constitute not only a violation of the decisions of authorities responsible for the issuance of identity documents, but also a violation of fundamental rights of citizens on the basis of gender and gender expression, under Article 2 Paragraph 1 of Law on Prohibition of Discrimination. Ombudsmen have issued a recommendation<sup>45</sup> to the University of Sarajevo to issue a diploma to a person who underwent gender and name change taking in consideration the new name and gender and making it harmonized with the data entered into the civil status and other public registers. Recommendations of the Ombudsman of Bosnia and Herzegovina in particular legal matter are implemented.

Ombudsman Institution received complaints related to the regulation of the right to the acquiring of Bosnia and Herzegovina's citizenship, and based on that the issuance of public documents. Citizenship is a special relationship, permanent in its nature, which exists between the state and the individual. Each State adopts its own rules to regulate the issue of citizenship, particularly the rules that determine which persons and under which circumstances a person can seize to be the citizen/the national of that particular country. In this way, the European Convention for the Protection of Human Rights and Fundamental Freedoms (1997) *in its Article 3 provides that each state shall have legal regulations to determine who are its citizens*. In the case of Ž-SA-05-320/12 the complainant acquired the right to citizenship of Bosnia and Herzegovina following the decision of the Council of Ministers of Bosnia and Herzegovina, in accordance with the provisions of Article 13 of the Law on Citizenship of Bosnia and Herzegovina. In doing so, the complainant stated that this was an easier way to acquire the citizenship of Bosnia and Herzegovina, although his grandfather was a citizen of Bosnia and Herzegovina and was born in Krehin Gradac in Herzegovina. The process of acquiring citizenship began in 1990 and his passport was issued in 2003. The problem that the appellant faced was the inability to obtain a new travel document. He turned to the BiH Embassy in Ottawa, but they could not issue a new BiH passport as they could not make the necessary steps with the Ministry of Interior in Sarajevo. During the implementation of the investigation, the Ombudsman has received a reply of the Ministry of Foreign Affairs, in which, among other things, is mentioned that the Ministry of Foreign Affairs on 20.06.2012 sent a letter with attached documents related to the complainant to the Ministry of Interior of Sarajevo Canton. After completion of the investigation, the Ombudsman was informed by the Ministry of Interior of Sarajevo Canton, in which, among other things, is said that decision of the General Affairs and Civil Status Service of the Municipality Center Sarajevo<sup>46</sup> data comprised in the Birth Registry were amended and the complainant entered under the number 255 for the year 2004 which enabled him to get his passport. On 22.01.2013 the complainant P.J. got his passport in the Embassy of Bosnia and Herzegovina in Ottawa.

<sup>45</sup> P-162/13

<sup>46</sup> Letter no.: 08-13-681/12 dated 24.12.2012

### 3.1.9. Electoral right

*Election Law of Bosnia and Herzegovina* was adopted in 2001. Electoral Law of Bosnia and Herzegovina was amended several times. It failed, however, to respond to demands for democratic principles and standards of human rights and fundamental freedoms prescribed by international instruments for the protection of human rights and fundamental freedoms implementation of which is mandatory for Bosnia and Herzegovina. Building of democratic structures in Bosnia and Herzegovina is a prerequisite and guarantee respect for human rights. There is no doubt that the legislative power as legislator and proponent of legislation is the most responsible, and at the same time the biggest obstacle to the implementation of human rights, because of the adoption or enactment of discriminatory laws implementation of which is not possible, which produces human rights violations. In support of this claim is to say the least, "*slow implementation*" of the decision of the European Court of Human Rights in the case of "*Sejdić-Finci*". As it arises from the above, the normative justice framework in BiH under the current circumstances "*does not grant suffrage to every citizen under the same conditions*".

According to information from the Election Commission it is obvious that the participation of women in parliaments of BiH at all levels is considerably reduced compared to the election results from 2006, although women were more represented in the electoral lists. The results of the last elections show that women hold only 83 positions, or 17.01%, while they were on the lists and competed for 488 positions. In the Parliamentary Assembly of Bosnia and Herzegovina, women hold 11 seats, or 19.2%. In the National Assembly of the Republic of Srpska women have 16 seats after the last elections, or 19.2% out of the total the 83 seats, while the situation in the Federation Parliament is that women have 17 seats out of 81 seats. Even the Electoral Commission is not appointed in accordance with the provisions of the Law on Gender Equality since out of seven members, only one is a woman.<sup>47</sup>

It should be noted that the Institution of the Ombudsman received several complaints, which indicate that there are municipal councils where councilors did not comply with the legal provisions which provide that the local government units in which, according to 1991 census, one constituent people does not make more than 80% of the inhabitants, in this local government unit the mayor and president of the municipal council cannot be from the same constituent people, that is, they must be from two different constituent peoples or one constituent people and others.

So the Ombudsman received complaint of the election of the President of the Municipal council of the Municipality Lukavac<sup>48</sup> since it is alleged that the mayor and the president of the municipal council are from the same constituent people. The Ombudsman conducted investigation that confirmed the claims of the complainant and issued appropriate recommendation<sup>49</sup> to the Municipal Council of Lukavac to take measures to implementation relevant legal provisions. This recommendations was discussed by the Municipal Council at their 8<sup>th</sup> regular session held on 27.06.2013, but it did not get necessary majority and was not implemented.

<sup>47</sup> "Observations of the Human Rights Ombudsman of BiH on implementation of the International Covenant on Civil and Political Rights in BiH, p.6.; In 2010 the Law on Amendments to Election Law has been adopted („Official Gazette of BiH", no: 23/01, 7/02, 9/02, 52/02, 4/04, 20/04, 25/05, 528/05, 62/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08 i 32/10) which significantly changed Article 4.19, paragraph 4, which reads: „Every candidates list shall include candidates of male and female gender. The minority gender candidates shall be distributed on the candidates list in the following manner. At least one minority gender candidate amongst the first two candidates, two minority gender candidates amongst the first five candidates, and three minority gender candidates amongst the first eight candidates et seq. The number of minority gender candidates shall be at least equal to the total number of candidates on the list, divided by three rounded up to the closest higher integer".

<sup>48</sup> Case registered under number Ž-BR-03-30/13

<sup>49</sup> P-71/13

The Ombudsman received other complaints with similar claims<sup>50</sup>, only the complainants were not from the ranks of constituent peoples. Facts established by the Ombudsman based on complaint handling indicate that legislative provisions governing the election and work of representative bodies in the local self-government units should be reviewed.

Namely, the practice indicates to several cases in which there was a digression from the statutory provisions in the selection of presidents of municipal councils and representative bodies of the local self-government, and issues related to implementation of concrete provisions in practice.

Among other things, the public is aware of the election of the President of the Municipal Council of the Municipality of Foča-Ustikolina from among the ranks of Serbian people, who subsequently ended up in the court in proceedings before the Cantonal Court in Goražde and the Supreme Court of the Federation of BiH.

For example, the Supreme court of the Federation of BiH in its decision no.: 05 0 U 000265 11 UVP<sup>51</sup> deliberating on request for the protection of the rights and freedoms enshrined by the Constitution of the Federation of BiH<sup>52</sup> pointed out the following: *Municipal Council of the Municipality Foča-Ustikolina within the deadline defined by the court decision scheduled the meeting for the election of President of the Council from among the councilors of Serbian nationality, but the election of the complainant did not happen, since the required number of members of the Municipal Council did not vote for him. Therefore, the court of first instance was right to claim that the District Council has taken all possible steps for the execution of the decision of the court of 5.11.2010. However, it could not affect the voting will of councilors."*

The above-mentioned facts point to the need to revisiting the provisions of the Election Law of Bosnia and Herzegovina, the entity regulations governing the principles of local self-government and other laws, as well as working with elected representatives, in order to raise awareness of the issue in question and the implementation of legal provisions in practice.

Taking into account the above relevant indicators, reports of national and international governmental and non-governmental organizations, it requires thorough analysis of the electoral law in order to create a quality reform in this area, which would be a priority aimed to create conditions for the prosperity of the country and its people, strengthen democratic society with the aim of maintaining the free and fair elections in the entire territory of Bosnia and Herzegovina and equality for all.

## ILLUSTRATIVE EXAMPLES

### Case Ž-BL-05-484/13

Complainant addressed the Institution complaining of slowness of procedure of the Cantonal court of Bihać<sup>53</sup>. She complained on the same grounds to the Ombudsman in two previous occasions (cases registered in the Ombudsman under numbers Ž-BL-05-517/12 and Ž-BL-05-133/13). In these previous cases we conducted investigation and were informed that the case of the complainant would be resolved according to the schedule until the May 2013. Since the Court failed to observe this deadline, the complainant turned to the Ombudsman for the third time. As the deadline for deciding were not observed and the complainant addressed the Ombudsman for the third time, the Institution issued appropriate recommendation to the Court asking it to reach a decision in the complainant's case without delay. The Court replied

<sup>50</sup> Case registered under number Ž-SA-05-1358/12 and relates to the election of the President of the Municipal Council of Bosanska Krupa

<sup>51</sup> Decision of the Supreme court of the Federation of BiH no: 05 0 U 000265 11 Uvp dated 11.10.2012

<sup>52</sup> Complainant was in the meanwhile elected as a President of the Municipal Council of the Municipality Foča-Ustikolina

<sup>53</sup> Decision of the Municipal court of Bihać, no.: 170 0 P 0 1177409 P of 08. 07. 2010 was appealed from on 16.07.2010

that the recommendation of the Ombudsman was implementation and decision in the complainant's case adopted.

**Case Ž-BL-05-454/13**

The complainant addressed the Institution complaining of the Basic Court in Banja Luka which had never scheduled a preliminary hearing since 26.09.2008 when he filed a lawsuit. The Institution issued a recommendation to the Basic Court to immediately take all measures in order to schedule hearings into this matter. The Court failed to reply to the above recommendation.

**Case Ž-BL-05-560/12**

This complained related to the work of Regional Prosecutor's Office Banja Luka for failure of the adoption of a decision on his complaint. Following the intervention of the Ombudsman the Prosecutor's Office informed the Ombudsman that a decision in the complainant's case was reached.

**Case Ž-SA-05-679/13**

On 19.12.2011 the complainant filed a request to the Cantonal Prosecutor's Office in Sarajevo for access to information requesting to be given information on a subject, to which he received no response. After completion of the investigation process, the Prosecutor's Office of the Sarajevo Canton informed the Ombudsman that this matter is under investigation, and that the Prosecutor first collected documents of the Indirect Taxation Administration and Tax Administration of FBiH, then ordered financial expertise, after which the final prosecution decision would be reached.

**Case Ž-BL-05-76/12**

The complainant lodged a complaint against the Ministry of Agriculture, Forestry and Water Management of the Republic of Srpska because his request for access to information was not answered. Following the recommendations of the Ombudsman the above request was replied to, by which the recommendations was implemented.

**Case Ž-BL-05-311/13**

The complainant addressed the Institution complaining of the Ministry of Agriculture, Water and Forestry of Central Bosnia Canton which had requested the payment of administrative fees while deciding on the complainant's request for access to information. The Ombudsman issued a recommendation to the competent ministry emphasizing that during the processing and making requests for access to information within the meaning of the Freedom of Access to Information in the Federation no authority should charge any administrative fee. The competent Ministry informed the Ombudsman that the recommendation was accepted, and that the parties will not pay any administrative fees.

**Case Ž-BL-05-471/13**

The complainant turned to the Ombudsman complaining against the Municipal Assembly of Pale, as a responsible public official, noting that conducted competition for the selection and appointment of members of the Management Board of the Social Welfare Center Pale was not in accordance with the Law on Ministerial, Government and Other Appointments of the Republic of Srpska. After the conducted investigation, the Ombudsmen formulated its findings, conclusions and recommendations, where they determined irregularities, and asked a decision on cancelation of the appointment to be reached and all necessary measures taken to ensure that the appointment of the Board of Directors is carried out in full compliance with the

procedure and principles established by the legislation. On 07.10.2013 the Ombudspersons received a response to the recommendation, stating that the decision was adopted on the dismissal of members of the Management Board the Social Welfare Center Pale and new announcement published which will be carried out with respect to findings and conclusions of the Ombudsman.

**Case Ž-BL-05-722/13**

The complainant addressed the Institution for although she was the first ranked candidate in the election of the Director of the National Library of Gacko, the final appointment never took place. The Ombudsman established a violation of the rights of the complainant and issued a recommendation in which it instructed the Municipal Assembly of Gacko to re-examine the proceedings, and conduct it again in accordance with the Law on Ministerial, Government and Other appointments. There was no answer to the above recommendation.

**Case Ž-BL-05-94/13**

The complainant contacted the Institution with complaints against the Ministry of Labor and Veterans and Disabled Protection because of failure of this authority to decide on his appeal. The Ombudsman addressed the Ministry with a letter after which it was informed that the decision was issued on the appeal of the complainant.

**Case Ž-SA-05-522/13**

The complainant complained of the Police Station Sarajevo Center to which she filed her complaint on 28.04.2013 against the actions of the traffic control police officer who had acted in a violent manner asking her to give him her identity card, and threatening to apprehend her. After the completion of the investigation process, a plea of the Ministry of Interior of Sarajevo Canton was received, which states that after the examination of the complaint, which took place during their regular session, the Office reached a conclusion that the complaint allegation would be examined by the Internal control Department. Since that process had not been finished, the complainant initiated court proceedings.

**Case Ž-BL-05-706/13**

The complainant contacted the Institution seeking protection for his mother, who was verbally insulted and physically attacked, and the old and frail person. The Ombudsman addressed the police with a letter following which the complainant expressed his satisfaction since the police took all available measures falling with their jurisdiction to protect his mother, and examined the facts and circumstances complained of and related to the specified event on which the competent prosecutor was informed

**Case Ž-BL-05-150/13**

The complainant turned to the Institution for violation of her property rights by the municipality Gradiška because due to the effect of a natural disaster, that is the flood, in 2010 her house was gravely damaged. The Municipal Committee visited the site, conducted an assessment of damages, and drew up a report in which they assessed the damage to the residential premises in the amount of 11,860.00 BAM. The complainant claimed that the determined amount was not paid, although she addressed the Municipality seeking damages more than once in writing. During the process of investigation, it was determined that the allegations from the complaint were correct and that the municipality did not meet their obligation to compensate for damage (explanation of the Municipality is that no budget so far had funds allocated for this purpose). The institution issued a recommendation to the Mayor to

take all necessary steps and actions to carry out its obligations and plan the municipal budget as soon as possible so to anticipate funds for such purposes. This recommendation is not complied with an explanation that the budget for 2011, 2012, 2013, or the draft budget for 2014 did not provide funds for damages arising due to the effect of natural disasters and that because of inadequate and insufficient filling the municipal budget, the Municipality is struggling to maintain liquidity, to re-pay the loans on time and obligations to budgetary beneficiaries that became due as well as staff salaries.

#### **Case Ž-SA-05-244/13**

The complainant alleged that his neighbor built a concrete wall along the local road in their village thereby narrowed the passage for trucks. Further, he claims that on the other side of the road is a land plot of the complainant and that the said neighbor of his with the assistance of the municipal surveyor actually wants to expand its land to the detriment of the complainant. The complainant attached to his complaint a notice received from the Municipality Zavidovići - Economic and Trade Affairs Management Service - Building and Road Inspection, which states that on a request dated 30.01.2013 an on-site inspection was carried out in the presence of the complainant, and that the inspection found no grounds for taking administrative measures, because the works mentioned in the complaint did not take place. It is further alleged that the proceedings for establishment of the possible road usurpation will be initiated and that land survey will be made on the both sides of the road and that the complainant in the case of land usurpation will be duly notified.

#### **Case Ž-BL-05-253/13**

The complainant approached the Institution complaining of the Service for Inspection Affairs and Communal Police of the Municipality of Kotor Varoš and the Public Company "The Forests of the Republic of Srpska" because the decision of the Inspection ordering to "prevent the removal of mud while exporting the wood products to the public road Šiprage –Demić and to reinstate the original appearance of the public road and the road objects". After the intervention of the Ombudsman, measures and activities have been taken to rehabilitate the controversial road.

#### **Case Ž-SA-05-780/13**

This case was registered for the first time in 2011 when the complainant demanded demolition of an illegal construction. After intensive correspondence, the Ombudsman was notified that demolition has started, but the weather circumstances were not in favor of any civil engineering works and it would be finished when the weather allows it. Complainant contacted the Ombudsman again 2013 informing that the demolition has not been finished yet, so after the renewed correspondence and inquiries, the Ombudsman was informed that the demolition is over and the case was closed.

Details of the case are the following: A complainant came to the Ombudsman to complain because a private butcher's shop was built below his apartment and partially on the sidewalk. Since the competent institutions fail to act in any way, the usurpation took even larger proportions, so that the butcher started with occupation of the air space by building the higher roof so that the complainant's view was disturbed and he had a constant shadow on his terrace and in the apartment. On 16.05.2011 the complainant filed his submission to the Zoning, Construction and Environmental Protection Service of the Municipality Bosanska Krupa, and it was registered under number 04-23-2447/11, but till the date of his addressing the Ombudsman he received no answer.

During the investigation the Ombudsman Institution has repeatedly sought answers from the relevant departments of the Municipality of Bosanska Krupa, and since there was no response, the Ombudsman issued a recommendation<sup>54</sup> asking the Municipality to establish cooperation with the Ombudsman Institution in the manner prescribed by the Law on Human Rights Ombudsman of Bosnia and Herzegovina and submit the required answer.

Urbanistic and building inspector sent a letter to the Ombudsman carrying the number 05-23-4147-4/13 from 24.01.2013 in which, among other things, he stated that the inspection determined that the person complained of has to remove the object and that the roof was already removed. He further pointed out that the current weather conditions do not allow the said demolition to be completed. As soon as the weather conditions are better, he promised to continue the demolition. Inspector further noted that the inspection currently has no technical possibilities to finish the demolition due to weather conditions and because the contractor has not been selected for the demolition in the current year. Based on the foregoing, the Ombudsmen have decided to close the case because it was acted as recommended.

However, the Ombudsman was again approached by the complainant in July 2013, who stated that the disputed property is not removed, and the case was reopened and registered under number Ž-SA-05-780/13 dated 25.07.2013. The statement was required in connection with the above.

Finally, the Ombudsman received the letter no. 05-23-3776/13 dated 29/07/2013 comprising the statement of the building inspector of the Municipality of Bosanska Krupa, which said that the butcher from Bosanska Krupa demolished the mentioned building, in evidence of which he attached a photo from the field and the record of inspection oversight dated 23/07/2013.

#### **Case Ž-SA-05-1011/13, Ž-SA-05-915/13, Ž-SA-05-1083/13, Ž-SA-05-1300/13 and Ž-SA-05-331/13**

In case of the complainant, who addressed the Municipal Court with a request for access to information, which included a request as to... *"the stage of concerned liquidation proceedings, expected date of its completion, whether the liquidation creditors received any payments so far etc.."*, the appeal is not accepted. Ombudsman noted that in accordance with Article 3 LFAI, information is *"any material which communicates facts, opinions, information or any other information, including any copy or portion thereof, irrespective of the form, features, and when it was created and how it is classified"*. LFAI provides that information required pursuant to this Act are the information that the competent authority has and communicates in its original form, and to search for information in an issue of public authority can not be considered information within the meaning of LFAI.

#### **Case Ž-SA-05-1043/13**

In case of the complainant who addressed the Ministry with a request for access to information, it was noted that the Minister issued a decision approving the access to information. After the insight into the decision, it was not issued by the Information Officer, as required by Article 19 LFAI, and that the decision does not contain advice on legal remedy, which prevents the complainant to use ordinary remedies. In response the Ministry stated that: *"... information officer responsible for processing requests that are made in terms of the Law and not to pass on the decision on the application."* The Ombudsman recommended<sup>55</sup> the FBiH Ministry of Justice to take the necessary measures to enable the complainant to use ordinary

<sup>54</sup> P-196/11 dated 22.11.2011

<sup>55</sup> P-292/13

remedies. In reply of the Ministry it was noted that the recommendations cannot be realized, but the reasons for non realization were not mentioned.

**Case Ž-SA-05-176/13**

In this case the complainant requested the competent authority to provide a copy of the contract (the Framework Agreement) signed in 2012 with regard to construction, maintenance and protection of highways, regional and local roads of general interest and the maintenance and protection of the road constructions in the Republic of Srpska. Having established a violation of the right of access to information, the Ombudsman issued a recommendation, No. P-62/13 to the competent authority to act in accordance with Article 14 LFAI, but even after several reminders no answer was received nor cooperation was established.

**Case Ž-SA-05-533/13**

In this case the complainant received requested information from the competent authority in a letter. After the investigation the Ombudsman issued a recommendation: P-101/13 recommending the authority to make a decision in accordance with the Law on Freedom of Access to Information of Bosnia and Herzegovina and the Law on Administrative Procedure. In the letter sent to the Ombudsman about the implementation of the recommendation the authority informed the Institution that a decision granting partial access to information was reached, and the appellant was instructed on the right to appeal.

**Case Ž-SA-05-429/13, Ž-SA-05-430/13, Ž-SA-05-547/13 i Ž-SA-05-640/13**

The complainant in this case points to the violation of human rights established by a number of international documents appended to the Constitution of BiH, primarily the Convention on the Rights of the Child.

Reasoning of the complaint the complainant claims that the violation of the rights consists in non-adoption of the Law on Amendments to the Law on Personal Identification Number which prevents the exercise of the right of citizens to identity, and to protect the best interests of the child.

Acting in accordance with the provisions of the Law on Human Rights Ombudsman of BiH and the Rules of Procedure opened an *ex officio* investigation regarding the issue of the identification number, having in mind the relevant decision of the Constitutional Court of BiH number: U 3/11 dated, which renders the provisions of Article 5 of the Law on the Unique Identification Number null and void, , and the fact that the Constitutional Court at its session held on 16 January 2013 issued a decision in the above case, stating that "the Parliamentary Assembly of BiH failed to implement the said decision of the Constitutional Court , no. U 3 /11 dated 27 May 2011 within the prescribed period of six months from the date of its publication in the "Official Gazette of BiH " and for this reason the provisions of Article 5 of the Law on Personal Identification Number are rendered null and void from the day of the publication of the decision in the "Official Gazette of BiH".

### 3.2. DEPARTMENT FOR THE PROTECTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Department for the protection of economic, social and cultural rights (hereinafter: Department) of the Institution of the Human Rights Ombudsman of BiH functions on the basis of individual complaints or initiates *ex officio* investigations in cases when it establishes violation of human rights enshrined by positive domestic norms, or international standards, in particular in realization of the rights arising from the International Covenant on Economic, Social and Cultural Rights or revised European Social Charter. The Department should inform relevant authorities and institutions, as well as general public on violations of the rights committed in the area of economic, social and cultural rights. The Department tackles issues involving labor relations, education, ecology and environmental protection, communal services, pensions, war damages and public income. Therefore, with regard to the above, it could be concluded that the mandate of the Department covers different issues, which requires familiarity with many regulations falling within the realm of different areas of law.

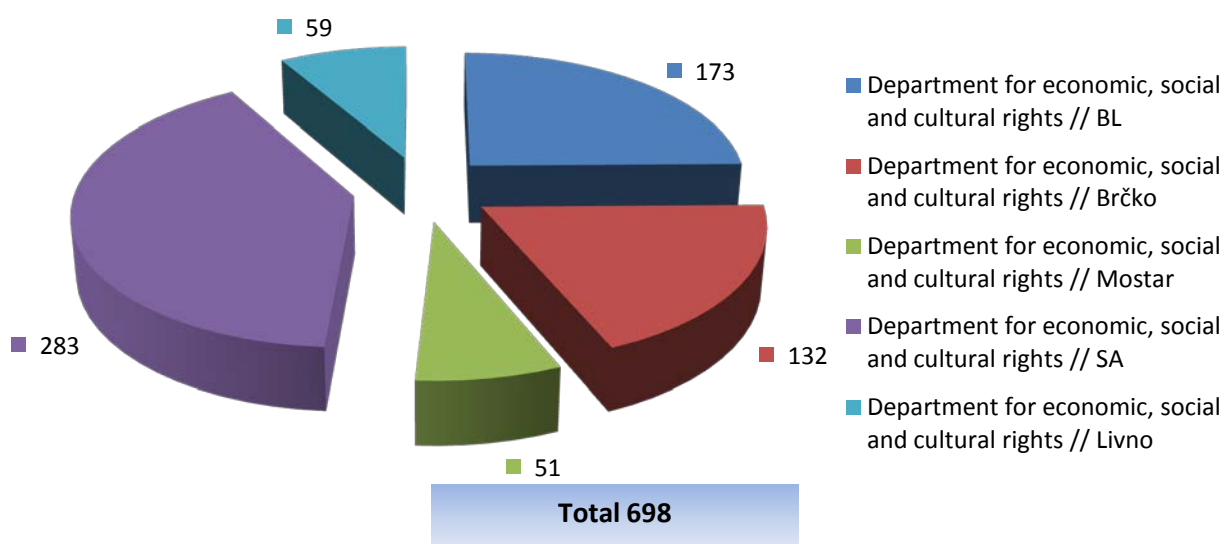


Diagram 11: Preview of complaints received by Department for the protection of economic, social and cultural rights in 2013 according to offices

#### 3.2.1. Analysis of received complaints

During the reporting period, the Department received **698 complaints**. Of this number, 488 complaints were resolved, and 210 complaints is still pending. In previous years the Department has acted on 483 complaints, out of which 361 complaints are closed and procedure finished. Accordingly, 122 complaints remained from previous years.

**Ombudspersons note that violation of economic, social and cultural rights is particularly detrimental for citizens as they comprise some existential rights. Number of received complaints reflect that, so the largest number of received complaints relates to the violation of the labor rights, the right to education, health protection and social welfare**

So, during 2013 the Department handled 1,181 complaints out of which 849 is closed and 332 complaints pending.

With regard to the classification of rights, violation of human rights

related to labor relations was alleged in 318 complaints, 176 complaints related to the right to pension, , 70 to social welfare, 66 to communal se, 43 to health, 27 to education, 10 to war damages, 6 to ecology and environmental protection, and 3 to the public income field.

Compared to the previous reporting period (2012), in 2013 the Ombudsman received 44 complaints less, which accounts for some 6%. With regard to the number of received complaints this Department is the second ranked after the Department for the protection of civil and political rights.

Regional Office Sarajevo received 283 complaints falling within the mandate of this Department, Banja Luka Office received 173 complaints, Brčko 132, Livno 59 and Mostar 51.

Structure of received complaints is the following: the highest number of complaints relates to the labor rights, it is 318 complaints, but related to the previous year, this number is for 44 complaints less. On the basis of the violation of the right to pension there was 9 complaints less (176) than the number of complaints received in the previous year (185). However, number of complaints in the field of violation of the right to social welfare is increased (70) compared to

**Ombudspersons are particularly worried for the increase of complaints in the field of social welfare and it is an indicator of a complex social situation in the country**

the previous year when we had (53) complaints in this field. As for other violations of law under the jurisdiction of the Department in terms of the

number of appeals received, there was no significant difference compared with the complaints received in the previous reporting year.

Based on the complaint filed for the alleged violation of the rights related to labor relations, as the most prevalent category in the structure of the rights violations under the jurisdiction of the Department, there was 221 complaints, 185 complaints were resolved from the previous year, which represents a total number of 406 complaints resolved. Based on the violation of the right to a pension, as well as other most frequent categories in the structure of rights violations, resolved was 127 complaints filed in the 2013, and 70 complaints from previous years, which gives a total number of 197 complaints resolved.

The department, acting on appeals in the 2013, issued 64 recommendations. By far the greatest number of recommendations relates to the area of labor relations (44), then follow the recommendations in the field of education (7), and violation of the right to a pension (6). Out of the 64 recommendations issued implemented was 26 recommendations, co-operation was realized with the body complained of in 16 complaints, seven recommendations have not been implemented, in 15 complaints the Institution did not receive a response after issuing recommendations. Social situations of citizens is most visible in direct contact with those who daily turn to this Institution because they have no income and think "how to survive". Citizens are seeking the right to adequate standard of living, including adequate food, clothing and housing and to the continuous improvement of living conditions which guarantee basic international documents covering the socio-economic rights.

### 3.2.2. Right to pension

The Department of Economic, Social and Cultural Rights in 2013 received 176 complaints related to the field of pension and disability insurance. Comparing the number of complaints received in the past period and those received in 2013, It can be seen that the number of complaints a slightly lower (- 4.86%). During 2012 received was 185 complaints, while during 2011 189 complaints was received, so it can be concluded that the quantitative inflow of these types of complaints is constant and with no major changes.

Since the regulation of the pension system in Bosnia and Herzegovina is complex and regulated through two funds and entity legislation, the exercise of these rights is often difficult and time consuming. We remind that the institution of the Ombudsman during 2010 prepared and issued a special report on the right to pension to draw attention to the need to establish a more efficient pension system, and in its annual reports regularly analyzed the implementation of specific recommendations issued in this field. It is generally known that inefficient pension and disability system, along with generally difficult economic situation in BiH, was the reason for initiation of the process of the amendments to the Law on Pension and Disability Insurance of FBiH<sup>56</sup>, as well as pension system reform. The main objective of the reform is to ensure long-term sustainability and financial stability of the pension system and to reduce poverty through the provision of appropriate levels of personal income to citizens in their old age. Finally, the reform aims to create a fairer pension system through stronger linking of pensions to the amount of contributions, the salary and length of service. Strategy of the FBiH Government for the reform of the pension system, adopted in November 2013, requires adoption of legislation this year, which will be practical implementation of reform.

In the Republic of Srpska the Law on Pension and Disability Insurance was adopted in 2011<sup>57</sup>, and amended during 2013<sup>58</sup>. Amendments to the Law on Pension and Disability Insurance of the Republic of Srpska mostly relate to the adjustment of pensions, where it was established that the values of the general point and pensions are not regularly adjusted if the percentage of net salary change in the Republic of Srpska is negative and if percentage which represents a half of the sum of percentage of the average net salary change and percentage of change of consumer prices at annual level in the Republic of Srpska is negative. These amendments also give the opportunity to the Government of the Republic of Srpska to do extraordinarily adjust the general number and pensions. Pension beneficiaries can also benefit to some degree from the new method of the lowest pension determination where, unlike the original wording of the Law, it is determined that the lowest amount of pension due to reaching of legal age for mandatory retirement and also the lowest amount of disability pension cannot be lower than the percentage depending on the length of pensionable service.

Following the analysis of complaints received by the Institution of the Ombudsman, in relation to pension rights, it can be concluded that most of the concerns of complainants relate to the length of proceedings upon submission of application for eligibility for retirement<sup>59</sup>. So, most of the complaints related to non-deciding of the funds on applications of the parties for realization of the right to retirement at the statutory deadlines (delay of decision-making). A certain number of complaints related to the procedure of second-instance authority, or failure to decide within the time limits on appeals against decisions of the first instance body. In a small number of appeals it was noted that the citizens turn to the Ombudsman for the slowness of the second instance body in the Pension and Disability Insurance Fund. However, after addressing the Ombudsman Institution, successful completion of the proceedings or the decision on the appeal / complaint of the first instance decision is recorded. So, most of the complaints related to non-deciding of the funds on applications of the parties for realization of the right to retirement at the statutory deadlines (delay of decision-making). A certain number of complaints related to the procedure of second-instance authority, or failure to decide within the time limits on appeals against decisions of the first instance body. In a small number of appeals it was noted that the citizens turn to the Ombudsman for the slowness of the second instance body in the Pension and Disability Insurance Fund. However, after addressing the

<sup>56</sup> "Official Gazette of FBiH" no.: 29/98, 49/00, 32/01, 73/05, 59/06, 04/09

<sup>57</sup> "Official Gazette of RS" broj: 134/11

<sup>58</sup> "Official Gazette of RS" broj: 82/13

<sup>59</sup> Ž-BL-04-625/13, Ž-BL-04-468/13, Ž-BL-04-762/13

Ombudsman Institution, successful completion of the proceedings or the decision on the appeal / complaint of the first instance decision is recorded<sup>60</sup>.

Processing of cases revealed the reasons for which different procedures take such long time

**Ombudsmen noticed the need for pension funds to take additional measures to address the applications for retirement as soon as possible and speed up procedures**

and these reasons can be classified into several categories. One of the reasons is the failure of the employers to submit the necessary

documentation (Form M4).<sup>61</sup> Also, a number of complaints relates to slowness in deciding in cases involving calculation of the proportional part of a pension to be paid by different insurance holders in accordance with the agreements on social security signed by BiH and the different countries. This type of complaint usually refers to the countries of the region in which citizens spent part of their working life. During the handling of complaints that fall into this category by the Institution of the Ombudsman over the years we have achieved successful cooperation with ombudsman institutions in the countries of the region, which, after communication with the relevant funds, resulting in the successful resolution of complaints and deciding in the relevant cases<sup>62</sup>.

At the same time consequences of war can be felt even today in Bosnia and Herzegovina and in case of the realization of the right to pension it is manifested in aggravated, sometimes even impossible collection of documentation, many of which is destroyed during the war.<sup>63</sup>

We also emphasize cases related to the treatment of a **special service** in realization of the right to pension<sup>64</sup>. In such cases the complainant have a special service entered in their work record books on the basis of participation in the preparation of the defense or in the defense of Bosnia and Herzegovina, but they also believed that this special service, regardless of whether or not it is registered in the work record book, is included in the qualifying period for pension in a double duration only if the complainants themselves so desire.

In its work on concrete cases the Ombudsman had in mind a relevant decision of the Constitutional court of BiH<sup>65</sup> and its opinion on provisions of Article 82 paragraph 1 Item 1 of the Law which reads: *"Pensionable service, in terms of this Act, on the basis of which rights to pension are acquired and exercised shall include: time spent in insurance from the date of entry of this law into force, which is regarded as insurance service under the provisions of Article 83 to 93 and a special service under this Law."* It follows that the provisions of Article 82, paragraph 1, Item 1 of the Law on Pension and Disability Insurance provide that the pension service includes ( i) a special service under Article 94 of this Law, and there is no possibility for an employee to choose whether (or not ) to include special service under Article 94 of the Law on Pension and Disability Insurance into the pensionable service.... Therefore, bearing in mind the provisions of Article 82, Paragraph 1, Item 1 and Article 94, paragraph 1 of the Law on Pension and Disability Insurance, the Constitutional Court finds that the Law did not provide the possibility for interested parties to decide whether they will include ( i) a separate service under Article 94 of the Law into their pensionable service or not , as it means that the relevant provisions of the Law provide for mandatory calculation of the special service in pensionable service to people who were in the relevant time period involved in the preparation of the defense or in the defense of Bosnia and Herzegovina .... the above applies if the track is recorded in the book based on a relevant certificate of the Department of Defense where records are kept of

<sup>60</sup> Ž-SA-04-203/13, Ž-LI-04-82/13

<sup>61</sup> Ž-BL-04-86/13

<sup>62</sup> Ž-SA-04-1132/13, Ž-SA-04-1364/13

<sup>63</sup> Ž-BL-04-781/12 P-150/13

<sup>64</sup> Ž-SA-05-896/13, Ž-SA-05-864/13

<sup>65</sup> AP-2184/08 dated 13.07.2012

*participation in the defense of BiH for a person, and such record is done based on the personal request of that person.*

Examples known to the Ombudsman from its regular work show that the right to pension can be linked to the non-enforcement of the final court decisions<sup>66</sup>, where this non-enforcement is justified by the difficult economic situation, the lack of funds in the relevant budgets earmarked for salaries, contributions and other labor-related entitlements.

There are cases that citizens complaint against the work of funds which prevents them to realize their right to pension. Unfortunately, after the investigation conducted by the Ombudsman, it turns out that the complaints have no grounds because required contributions are not paid, so that the complainants do not meet the conditions for the exercise of this specific rights. This means that the violator of their rights is not the relevant fund, but their employer which failed to pay contributions<sup>67</sup>. It is usually about the private employers who do not pay mandatory contributions for pension and disability insurance for the employees<sup>68</sup>. The only possibility available to the complainant in such cases is civil action before court. Some of these companies which did not pay contributions are under the bankruptcy proceedings, so the

**Of particular concern is the increasing number of complaints from citizens who are eligible to retire but because of unpaid contributions were not able to enjoy this right. This issue requires additional measures to be taken by the authorities in BiH**

citizens are exposed to a long periods of waiting to realization of their rights.

Citizens dissatisfied with the calculated amount of their pension also ask the assistance

of the Ombudsman in which cases the Ombudsman informs them that it is not able to change decisions of administrative bodies. However, after seeking replies from the relevant insurance funds the only thing the Ombudsman can do is to refer the complainants to use available legal remedies.

### 3.2.3. Right to work

The Department for the protection of economic, social and cultural rights received the largest number of complaints related to violations of labor rights. During 2013 the Ombudsman received 318 complaints. In this reporting period, the number of complaints has decreased compared to 2012<sup>69</sup> for 44 complaints or 12,15 %.

The most common reasons compelling the citizens to complaint were observed violations of positive legislation during the hiring and firing process, in addition to the denial of the employment-related entitlements. In addition to that there is ever increasing number of people

**Ombudsmen suggest that the reform of the pension system in part related to control of the payment of contributions involving such legal solutions according to which the responsibility for collection of contributions is transferred from the funds to the tax administrations did not contribute to a better and more effective control because the tax administration primarily controls the payment of direct taxes and they are not staffed to perform this additional work.**

complaining for lack of payment of contributions by their employers which puts in question possibility of their enjoyment of the right to pension.

It is important to underline that with regard to regulation of severance pay in accordance with Article (152)

<sup>66</sup> Ž-SA-04-1317/13

<sup>67</sup> Ž-MO-04-131/13

<sup>68</sup> Ž-SA-04-1163/13

<sup>69</sup> 362 complaints related to labor relations

182 of the Labor Law of RS and Article 143 of the Labor Law of FBiH, compared to last year is barely any different, which means that no greater procedural positive progress in the work of the Commission for the Implementation. Handling the complaints the Ombudsman learnt that a certain number of decisions<sup>70</sup> on severance pay was adopted and claimants were granted the right to severance pay, but they still have to wait for the actual payment. Therefore, the Ombudsman Institution continues to act and demand framework outline and schedule of payments to be respected. The Ombudsman has also recorded complainants<sup>71</sup> in which the investigation revealed the fact that the complainant was not entered in the relevant database, or records of the Ministry/RS Commission where the complainants were required to submit necessary documentation. In certain cases, in the framework of complaint processing<sup>72</sup> recommendations were given to the RS Ministry of Labor and Veterans and Disabled Protection to take immediate steps in order to make the work of the Commission as efficient as possible and decide on claims of the parties in the shortest period possible. Mentioned recommendations were complied with. According to the latest information available to the Ombudsman<sup>73</sup> Ministry of Labor and Veterans and Disabled Protection, that is, its Commission for the implementation of Article 152 of the Labor Law *for a large number of received claims, around 60,000 and limited funds for that purpose, is not able to resolve all the claims and pay out the claimants within a reasonable time period.* The Minister's letter<sup>74</sup> indicates, as it comes to the *payment schedule, according to the most recent list of payment orders originating from December 2013 they were at that time paying out the claims approved by decisions issued in December 2010.* The Ombudsman is not informed on details of the situation with regard to the employment status and determination of schedule of payments related to the Federation of Bosnia and Herzegovina. However, according to some registered complaints<sup>75</sup>, the Ombudsman observed slowness in processing and lack of co-operation with the Ombudsman. The case of the complainant<sup>76</sup> who addressed the Commission for the implementation of Article 143 of the Labor Law of FBiH in Una-Sana Canton for unresolved employment status with the employer ŠIP Ključ "Prerada" can serve as an illustrative example. The complainant's claim was filed on 05.12.2000. During the processing of this complaint the Ombudsman contacted the Commission more than once, and finally, in accordance with its legal competences made a recommendation and informed the superior body, but, no answer was received. As a positive example involving co-operation can serve the case<sup>77</sup> in which the Federation's Commission for the implementation of Article 143 of the Labor Law, after the recommendations of the Ombudsman acted as recommended and cancelled the concerned decision of the Commission for the implementation of Article 143 of the Tuzla Canton.

A large number of complaints falling within the category of labor relations are filed for irregularities of public competition procedures<sup>78</sup> with regard to hiring. As in the past years, the complainants point to the lack of transparency of employment, unlawful procedures, undefined criteria of employment and preferential treatment of already employed candidates. The institution of Ombudsman, acting on the complaint, which indicates the irregularity of competition procedures for employment in the Clinical Center of Sarajevo University, made a recommendation<sup>79</sup> in which it indicated to the need for a more precise definition of the criteria

<sup>70</sup> Ž-SA-04-1281/13, Ž-SA-04-1214/13, Ž-SA-04-77/13, Ž-SA-04-76/13

<sup>71</sup> Ž-SA-04-632/13

<sup>72</sup> Ž-BL-04-89/13 P-33/13 i Ž-BL-04-309/13 P-104/13, Ž-BL-04-228/13, Ž-BL-04/42/13

<sup>73</sup> Letter of the Commission for Implementation of Article 152 of the Labor Law no.: 16-126-313/13/VN dated 27.12.2013.

<sup>74</sup> Letter of the Commission for Implementation of Article 152 of the Labor Law no.: 16-126-313/13/VN dated 27.12.2013.

<sup>75</sup> Ž-SA-04-1128/13

<sup>76</sup> Ž-SA-04-594/10 P-122/13

<sup>77</sup> Ž-SA-041175/12 P-112/13

<sup>78</sup> Ž-SA-04-999/13, Ž-SA-04-800/13, Ž-SA-04-1025/13, Ž-SA-04-1073/13, Ž-SA-04-1051, Ž-SA-04-1174/13, Ž-SA-04-1295/13

<sup>79</sup> P-232/13

that candidates must meet, and possibility to appeal to the appellate authority in the Clinical Center. In response to the recommendations the Clinical Center said that it confirms its decision to select an already employed candidate, while implementing a part of the recommendation which points out the obligation to establish the appellate authority. In this case the complainant informed the Ombudsman afterwards that she decided to resort to the court of jurisdiction for the protection of her rights.

**Ombudspersons are concerned that adverts for competitions are often published for filling in the vacant positions while conditions of the competition are not in compliance with internal regulations, often seeking documents that serve only as a basis to reject the application for formal reasons, or to aggravate participation in the competition. Lately, there is a practice to require a certified copy of the diploma and the certification must not be older than six months.**

There is also an interesting example that illustrates the relation of the public officials to the competition procedures. It is about a public competition conducted by the FBiH Civil Service Agency in a case in regard to which the Ombudsman issued a recommendation<sup>80</sup> and it was

about the employment to a position of a Secretary of the Ministry of Economy of Sarajevo Canton. In this particular case, competition for the admission of a Secretary was announced on 05.12.2012. FBiH Civil Service Agency prepared a list of successful candidates in which the only successful candidate was the complainant, but the Minister revealed that he did not want to hire the complainant because there was no possibility of choice between several candidates. At its recommendation the Ombudsman emphasized the necessity to observe the effectiveness and efficiency in the process of recruitment of civil servants, and held that discretion of a Minister relates to his/her right to make a choice between several candidates who meet the requirements of the competition and who are listed on the list of most successful candidates by the Agency after the completed competition procedure, while it does not justify not hiring the only candidate who meets criteria. There was no response to this recommendation.

In some cases<sup>81</sup> related to employment in the education branch, concretely in primary and secondary schools where it was noted that school principals hire person based on the temporary service contract in duration of three months, which falls within their mandate, but, it was observed that later in public completion procedures for permanent employment they grant so employed persons preferential treatment.

A complainant<sup>82</sup> claims that her rights are violated in public competition for the position of a director of an educational institution. Her Certificate of the competency of a trainee for independent educational work is not treated as a piece of evidence on passed professional examination for teachers. After the investigation process, the Ombudsman sent a recommendation to the Assembly and the Government of Brčko District to take measures within its mandate to make a proper interpretation of the Law on Primary and Secondary Schools of Brčko District, concretely in part related to methods to be used by the candidates to prove that they meet requirements of professional examination for teaching. The recommendation is complied with after the Parliamentary Assembly, the Joint Committee on Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics, adopted a conclusion which requires the implementation of the Ombudsman's recommendation in this case.

<sup>80</sup> P-7/14

<sup>81</sup> Ž-LI-04-174/13 i Ž-SA-04-1073/13

<sup>82</sup> Ž-BL-04-95/13 P-91/13

Among many complaints registered by the Ombudsman, we point out to a case<sup>83</sup> As an example, we emphasize the subject in which there has been a violation of the right to employment under the same conditions because the complainant was not admitted to the civil service, despite the fact that he was the most successful candidate in public competition organized with the objective of hiring of civil servants in the municipality of Srebrenik. Following the completion of the investigation process, the Institution has issued a recommendation where it recommended measures to be used within 15 days to enable the complainant to be admitted to civil service and establishment of labor relations in accordance with the competition procedures conducted. In this regard, we received a notice from the Municipality of Srebrenik on their decision to admit the complainant into civil service.

The Ombudsman also received complaints related to the work of employment services. For instance in a case<sup>84</sup> of the complainant who was registered as unemployed at the Public Institution for Employment (the Bureau) of Sarajevo Canton since 2005. However, from the time of registration to the mentioned office, the complainant was not invited, nor was offered any job. After completion of the investigation process, the Employment Bureau of the Sarajevo Canton sent a letter to the Ombudsman stating that on 15.01.2013 they had a meeting with the complainant at which the Bureau offered include him in the Employment Program employment "300" so that his employment status be resolved at least for two months, to which he agreed. Also, the Bureau sent written recommendations recommending the complainant to four companies that participated in the program of employment "300", and finally the complainant had an interview with the Head of the Department of Mediation in Employment.

In another case<sup>85</sup> the complainant addressed the Ombudsman claiming that some provisions of the Rulebook for admission of employees in pre-school institutions, primary and secondary schools as public institutions in Sarajevo Canton (hereinafter: the Rulebook) adopted in January 2013 are not harmonized with the Law on the Rights of Veterans and Their Families<sup>86</sup>, the Law on Special Rights of Decorated War Veterans and Members of Their Families<sup>87</sup>, the Law on the Rights of Demobilized Veterans and Members of Their Families<sup>88</sup> and the Law on Additional Rights of the Veterans-Defenders of BiH<sup>89</sup>. After the insight into this complaint and attached documents, it was established that in the concrete case there was a violation of human rights and violations of labor rights, specifically the right to employment on equal terms. Ministry was recommended to consider adoption of amendments to Articles 8 and 12 of the Rulebook and their alignment with the aforementioned laws in order to allow equal treatment of all participants in the competition for admission to institutions of primary and secondary education. The Ministry responded indicating that the recommendation is implemented and that the Rulebook will be amended taking in account what was recommended. For a better understanding, it should be noted that the complaint related, primarily to the provisions of the Rulebook that provide that persons registered as unemployed in Sarajevo Canton be given priority and more points than those registered as unemployed in a different canton. Also, candidates falling within the categories dealt with in the above mentioned laws are entitled to absolute priority in employment compared to the other candidates if their score in the final ranking of candidates classifies them among the top three candidates. Comparing regulations and articles of the Rulebook, it was concluded that in this case there was a violation of labor rights.

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<sup>83</sup> Ž-BR-04-26/13 P-43/13

<sup>84</sup> Ž-SA-04-4/13

<sup>85</sup> Ž-SA-04-913/13, P-192/13

<sup>86</sup> "Official Gazette of FBiH", no.: 33/04, 56/05

<sup>87</sup> "Official Gazette of FBiH", no.: 70/05, 61/06

<sup>88</sup> „Official Gazette of FBiH“, no.: 61/06

<sup>89</sup> "Official Gazette of Sarajevo Canton" no.: 2/02, 28/03, 15/05, 22/05 and 17/06

There are also complaints of employed persons who claim that their rights are violated. As an example we can mention the case<sup>90</sup> where the complainant claims that her employer denied her the right to her vacation pay. After the intervention of the Ombudsman the complainant received her vacation pay.

In 2013 a special report submitted to the Indirect Taxation Authority with regard to the appeals of former employees of the Customs Service of the Republic of Srpska and Customs Service and the Brcko District, attracted a lot of attention. In this special report it was recommended that the Department reviews the status of employees in status "at disposal" (a term which is used for those suspended from work due to their being redundant) in the process of organizational restructuring, given to judgment Court which reverses the decision of the management related to their employment status, but said judgment could not been forcibly enforced. In this case, the Parliamentary Assembly of BiH Parliament also acted in a way that they accepted this special report and did what they could within their jurisdiction to comply with the recommendations of the Ombudsman in the report.

### 3.2.4. Ecology and environmental protection

As the Department for the protection of economic, social and cultural rights has an obligation to monitor the state of the environment and environmental protection, the Ombudsman tackled this issue through its work on individual cases, but also through participation in the Second National Report on the Implementation of the Aarhus Convention in BiH. As every citizen of BiH, in accordance with the Freedom of Information Act, has the right to acquire and improve knowledge in the field of environment, the Ombudsman institution has contributed to the drafting of the Second national report on the implementation of the Aarhus Convention in BiH, which is a supplement to the report that was submitted during the BiH 2010.

During 2013 this Department received six complaints related to ecology and environmental protection, which is three complaints less than it had in 2012.

As examples of issues processed in this field we may mention a case of citizens of Mostar<sup>91</sup> who complained of pollution of their block by used needles left by drug users gathering there. In this

**Ombudsmen suggest that the poor functioning of the local administration to a large extent reflected in the issues of environment and ecology**

case the Ombudsman is still taking steps to resolve this issue in a satisfactory manner in co-operation with the Center for the prevention and outpatient treatment of drug addition.

The Ombudsman received a complaint<sup>92</sup> of the tenants of a residential buildings in the Municipality of Novo Sarajevo related to a problem they had been facing for years and is caused by noise and odors and smoke from the catering facility located in the basement of the building. Complainants designated the Municipality of Novo Sarajevo as a violator of their rights and the rights of members of their families as a relevant authority that granted the work license to this catering facility which does not meet the basic legal requirements for work of such an establishment thus endangering the health of occupants and their property. Having established the facts the Ombudsman issued a recommendation to the Municipality of Novo Sarajevo recommending them, among other things, to ensure that the lessee of the business premises uses it in accordance with terms and conditions of the lease agreement and the law, which

<sup>90</sup> Ž-BL-04-816/13

<sup>91</sup> Ž-MO-04-18/13

<sup>92</sup> Ž-SA-05-494/13 P-155/13

stipulates the obligation to respect law and order, as well as established traditions in this respect, but also to review the allocation the said business premises, the suitability of the tenant, given the evident violation of the law and the rights of tenants who did not give consent for this purpose. In connection with the given recommendations, the Ombudsman received a response of Novo Sarajevo, in which, among other things, they said that the owner of a restaurant filed a request for permanent cessation of work which is granted.

In a complaint filed in 2013<sup>93</sup> the Ombudsman followed up the implementation of a decision of a veterinary inspector regarding a farm which was growing animals used in fur industry. Citizens complained because of unpleasant smell, noise and the like. The Ombudsman took many activities before the farm relocated to a new place far from the inhabited settlements.

There was another complaint<sup>94</sup> where a complainant was denied access to information asked from the RS Ministry of Agriculture, Water Management and Forestry, Forestry and Hunt Sector about the „illegal hunt of brown bear on the territory of the Gacko Municipality“. He claimed that he could not get the information on available data, reasons and consequences of the events that took place in the hunting area „Vranjača.“ Following the intervention of the Ombudsman the complainant obtained the required information.

### 3.2.5. Right to social protection/welfare

Statistics show that in 2013 the Ombudsman received more complaints (70 complaints) in the field of social welfare than in the year before. Behind this number is the fact that social stratification is taking place in Bosnia and Herzegovina, along with impoverishment of many people. Therefore, the social welfare system facing huge challenges - there is no money to support realization of fundamental rights, such as child benefits, material support, disability care and assistance givers, pensions. People unable to finance their own basic needs for various

**Ombudsman want to point out that the increase in number complaints in the area of social protection to a large extent indicates to poor living conditions in which citizens live and that it requires a broader examination**

reasons – the unemployed, the sick, the disabled and the elderly, families with more children, veterans are among the most vulnerable categories. Many will rightly say that 2013

was one of the worst years, and Bosnia and Herzegovina far from being considered a country of prosperity and welfare.

At the same time the number of specific complaints to the Ombudsman does not correspond to the real situation – by far is the greater number of citizens who come directly to the Institution to simply complain about their situation without even expecting any help. Statistics do not provide a complete picture of the very difficult social situation which is well-known to Ombudsman staff from their daily contacts with citizens who pursue their right to an adequate standard of living. Often it is about the impossibility to provide the necessary minimum of food, clothing, housing, and employment, without which improvement of their living conditions is impossible which should be guaranteed under the basic international documents covering the socio – economic rights. Citizens of this country are still facing the problems related to housing, and the lack of available housing units. For instance, among the vulnerable citizens who seek help is a large number of singles who do not have their own apartment or house, no income<sup>95</sup>, then large families with many children, living in temporary accommodation or facilities without

<sup>93</sup> Ž-SA-04-1231/12

<sup>94</sup> Ž-BI-05-627/13

<sup>95</sup> Ž-SA-04-874/13

the basic sanitary and other conditions for decent living<sup>96</sup>. One such example is a complaint of a single mother of two children, a person with disability without a house and unable to provide the basic livelihood<sup>97</sup>.

From complaints of the citizens and the following investigations the Ombudsman learnt that social welfare amounts are symbolic and insufficient to cover even the basic food items or other livelihood needs.

Analysis of complaints related to social welfare<sup>98</sup> shows that the most of complaints lodged in this area is about the failure of local authorities and services to provide them with specific one-off payments or permanent social welfare assistance payments. It shows how big is the number of people in social need situation, on the one hand, and how provisions of the applicable legal regulations, which regulate this area prevent social welfare centers to decide in

**Ombudspersons particularly want to draw attention to the increased number of citizens' complaints because of impossibility to exercise the right to one-time financial assistance. Ombudsmen suggests that people complain because of refusal of the social welfare centers to give them financial assistance for purchase of drugs, for non- extension of stay of mentally ill persons in institutions for treatment, for irregular payment of the cost of renting an apartment to displaced persons, for lack of deciding on requests for financial assistance, for irregular payment of disability allowance and care, for impossibility to find a party to participate in costs of accommodation of close relatives in a medical facility where their relatives are treated. These are indicators of the increase in number of citizens in socially vulnerable situation.**

favor of the applicants, even though they could be aware of their difficult situation on the other. Situation is indeed painful in some cases for instance when old and sick parents are advised to go to court and require their children to support them although the children are also in vulnerable groups and needy as well.

The Ombudsman is often approached by the most vulnerable citizens: the disabled, the unemployed (very high registered unemployment rate is one of the most important economic and social

challenges), the old and frail persons, pensioners (whose incomes are below human dignity), minorities, and persons with disabilities from the ranks of the veteran population. These categories have reduced employment opportunities, educational opportunities, they are often powerless and without any possibility to influence decisions that affect their daily lives.

The reasons for complaints are different: refusal of the social welfare centers to give them financial assistance for purchase of drugs, for non- extension of stay of mentally ill persons in institutions for treatment, for irregular payment of the cost of renting an apartment to displaced persons, for lack of deciding on requests for financial assistance, for irregular payment of disability allowance and care, for impossibility to find a party to participate in costs of accommodation of close relatives in a medical facility where their relatives are treated<sup>99</sup>.

Any intervention of the Ombudsman resulting in redress of the rights of complainants in this field we consider extremely important given the gravity of the situation.

In late 2013 the Ombudsman opened an *ex officio* case<sup>100</sup> which relates to the position of women victims of rape during the war and the rights (or better, lack of it).

<sup>96</sup> Ž-SA-05-343/13

<sup>97</sup> Ž-SA-04-1324/13

<sup>98</sup> Ž-BR-04-365/13 Ž-BR-04-364/13

<sup>99</sup> Ž-LI-04-94/13; Ž-LI-04-302/13; Ž-LI-04-303/13; Ž-MO-04-6/13; Ž-MO-04-98/13; Ž-MO-04-94/13; Ž-MO-04-106/13

<sup>100</sup> Ž-SA-04-1236/13

**Ombudspersons particularly want to draw attention to the need to resolve the status of civilian victims of war, including especially women victims of sexual abuse who are not recognized as victims in the legislation of the RS**

condition and creditworthiness of the citizens, which is why they are unable to seek protection in the courts or administrative bodies.

The general recommendations of the Ombudsman to the authorities at all levels is to double efforts in meeting the basic needs of the citizens, and provide support to individuals, families and groups by efficient economic measures which would reduce the need for the intervention of welfare services.

### 3.2.6. Right to health protection

In 2013 the Ombudsman registered 43 complaints relating to health care. Irregular payment of health contributions to the health insurance funds which prevents the access to health are the most common reason for addressing the Ombudsman.

Bosnia and Herzegovina has 13 ministries of health, 13 health funds and numerous institutes, and yet many of the citizens "are not covered by health insurance" and therefore cannot access the health care. So, unless the contributions are paid by the employer, one cannot have medical insurance eligibility verified and their health insurance card stamped, which is a prerequisite for primary health care, as well as the specialist medical care, and hospital health care as well. There are problems related to the use of medicines from the primary and supplementary list, right to dental care and prosthetic services and dental prosthetic restorations, the right to orthopedic and other aids, and only thanks to some humanitarian

**Ombudsmen particularly want to point out that reduction of health care level for the citizens through reduction of lists of essential drugs covered by health insurance funds, or increase in number of medical interventions for which the citizens must pay so-called participation, unequal level of care given in different parts of the country, long waiting periods for a number of medical services, lack of strategic approach to health protection due to which, for instance, some medical services are provided by private companies as is the case with histopathological test results and findings in Sarajevo and Zenica-Doboj Canton, or hemodialysis in RS. This established public-private partnership where the public sector pays for services performed by the private sector has unclear elements in regulative sense and raises the question why the medical sector would not strengthen its own capacities especially in the case of institutions of tertiary health care**

actions some people can get health care abroad – usually it is for children that need various transplantations, without which their lives would be endangered<sup>101</sup>.

Having in mind the media attention dedicated to the issues involving health needs of kidney patients<sup>102</sup>, and the fact that the Federation the Ministry of Health initiated amendments to the Law on Transplantation of Human Organs and Tissues for Therapeutic Purposes after they received relevant suggestions of the

<sup>101</sup> Ž-MO-04-9/13, Ž-MO-192/13, Ž-LI-04-219/13- Ž-SA-04-994/13

<sup>102</sup> Protests of people who go to dialysis in the Republic of Srpska had rather large media coverage

Association of kidney dialysis patients of Zenica-Doboj Canton<sup>103</sup>, the Ombudsman recognized the need to conduct investigation related to health care of kidney patients from the aspect of organizational challenges and possible approaches to this issue. An *ex officio* investigation was conducted<sup>104</sup> after which the appropriate recommendations will be formulated.

As an example we can mention a case from Livno<sup>105</sup>. The complainant addressed the Health Insurance Institute of Canton 10 with a request for his eligibility for treatment to be extended at the expense of the Insurance, but to no avail. He got a verbal response that at the meeting of the Management Board of the Institute a decision was reached according to which he was not given approval for further treatment at the expense of the Insurance, outside of Canton 10, if his employer fail to fulfill the obligation to pay contributions for health insurance. The Commission, however, gave its approval with the expiration date 08.06.2013, but the University Clinical Hospital Mostar could not receive him before 03.07.2013. The Ombudsman intervened asking for the extension of the deadline and the patient for granted the required approval.

The Ombudsman also processed a complaint<sup>106</sup> about inadequate implementation of the Law on the Rights, Obligations and Responsibilities of the Patients in the FBiH<sup>107</sup>, where the complainant claimed that his late brother was not given appropriate care. The Ombudsman issued recommendation<sup>108</sup> to the relevant hospital to conduct an internal investigation in accordance with Article 41 of the Law on the Rights, Obligations and Responsibilities of the Patients in the FBiH following which a final decision should be made including the instruction on available legal remedy and the relevant Ministry informed thereupon. This recommendation was accepted.

There was also a complaint<sup>109</sup> of a person who had car accident abroad – it was a hip fracture following which he had surgery. After his return to Bosnia and Herzegovina, the complainant asked the relevant Health Insurance Institute to reimburse his costs pursuant to the Health Insurance Agreement concluded with SR Yugoslavia<sup>110</sup>. This request was refused pursuant to the provisions of articles 4 and 5 of the Rulebook on conditions, methods and procedures for realization of health insurance benefits abroad. He appealed this decision, but his appeal was not processed. Following the Ombudsman's intervention the second-instance decision on appeal was rendered.

Also, due to a sudden illness (massive heart attack) a complainant<sup>111</sup> addressed the Ombudsman Institution as the Health Insurance Fund of the Republic of Srpska has not acted, or failed to respond to the request for payment of the treatment costs. After the conducted investigation the Ombudsman sent a recommendation to the Health Insurance Fund of the Republic of Srpska to comply with the law and its mandate and and recognize the complainant's right to health care abroad.

In the case of a complainant<sup>112</sup> serving a prison sentence where she received a medical treatment which proved to be effective, so she requested an extension of stay in the hospital in Sokolac, until her medical condition is improved. On several occasions she contacted the Social Welfare Center of Livno with a request for an extension of her stay in psychiatric treatment

<sup>103</sup> Suggestion was defined at 88 session of the FBiH the Government on 19.11.2013. We wish to emphasize that the Ombudsman did not participate in drafting the amendments.

<sup>104</sup> Ž-SA-04-962/13

<sup>105</sup> Ž-LI-04-150/13

<sup>106</sup> Ž-SA-04-1297/12

<sup>107</sup> „Official Gazette of FBiH“ no.: 40/10

<sup>108</sup> P-109/13

<sup>109</sup> Ž-SA-04-220/13

<sup>110</sup> „Official Gazette of BiH“ no.: 16/03

<sup>111</sup> Ž-BL-04-390/13, P-227/13

<sup>112</sup> Ž-LI-04-94/13

hospital in Sokolac. Specifically, she asked for a social history of the family into which she was supposed to return after prison. After the investigation during which the Social Welfare Center was contacted, they sent a social worker to make the required medical history, and after it was established that the complainant should be returned to the family in which she would live with her immobile mother, it was decided for the complainant to be retained in the mental institution until further notice.

The Ombudsman also had a complaint of a director of a civil engineering company from Zenica<sup>113</sup>. As a responsible party, the complainant designated the Ministry of Health of the Zenica - Doboj Canton for he wanted to establish health insurance for the employees of his company and their families. The ministry received a letter from the said company in which the complainant proposed conclusion of the health insurance contract and settlement of previous debt for that purpose. The company proposed to the Ministry to compensate the specified debt by transforming the debt into the obligations of the company toward the Health Institute of Zenica- Doboj Canton for 2013. Furthermore, the complainant suggested that the contracted monthly amount for health insurance be compensated by provision of services in kind, so that the employees of the company during the 2013 can receive medical services. After the investigation the Ombudsman received a response from the Ministry of Health of Zenica-Doboj Canton in which, among other things, they state that the Health Insurance Institute of Zenica-Doboj Canton is unable to accept this suggestion since it has no legal grounds as the relevant legislation does not provide for such possibility. This example illustrates the methods which employers are trying to use in order to provide the right to health care for their employees in cases involving debts for health contributions.

### 3.2.7. Communal services

In the past year the Institution of Human Rights Ombudsman of Bosnia and Herzegovina has received 66 complaints relating to public utilities and services. There is an ever increasing number of direct contacts with citizens relating to this area, but given that most of it falls within the jurisdiction of the Ombudsman for the protection of consumers in BiH, these complaints were referred to the above Ombudsman.

Complaints of citizens, as in previous years, mostly related to the discontinuity in provision of services of public enterprises, service suspension or price increases. Citizens do not have the option to refuse the offers put before them and conditions for the provision of public utilities, and turn to some other providers for required services, and these companies have monopolistic position.

Due to their difficult social situation people are often in situation to be unable to meet their obligations and settle accounts for the utilities. Prices of delivered electricity, water, gas, or telephone are getting higher, and people fear that they can additionally increase, without taking into account the actual social conditions in which an employed person must support other family members.

One of such examples is the complaint of the price increase for water and sewerage company services whose new budget according to the complainant, defined in the collective dwelling buildings where each household should pay for the first five cubic meters of water consumption a price of 1.00 BAM, then from 5 to 10 cubic meters price of 1.50 BAM and if they use more than 10 cubic meters then the price per cubic meter is 1.67 BAM without VAT. The problem lies in the unequal treatment of multi-member households compared to the single-member households, given the increase in the consumption price for a cubic meter when the

<sup>113</sup> Ž-SA-04-986/13

consumption is higher, but the consumption must be higher because of the increased number of household members<sup>114</sup>. The institution of the Ombudsman will in future take actions within its jurisdiction regarding the specific problem.

The second example relates to a complaint lodged because of cuts in power supply by the Electric Power Utility of BiH. After investigations it turned out that the complainant did not pay the bills regularly and the Electric Company sued him before the relevant court and that the supply of electricity was discontinued based on legal provisions which stipulate that the power supply can be stopped *"If the final purchaser fails to pay for the electricity delivered to the specified time or time period contracted upon"*.<sup>115</sup>

Another similar example is a case in which the complainant had the water supply stopped due to his non-payment of water supply bills and initiated legal action against him. In this case, the public water company was recommended to connect the complainant's household to the supply network<sup>116</sup>.

In one of the complaints public utility company "Water and Sewerage " Tuzla did not recognize the fact that the complainant lives alone, while the water bill constantly calculates as if there are 2 family members in the apartment, and number of family member is the basis for calculation of lump sum for water. The complainant contacted the relevant company with a request to change the method of calculation, but with no results. After the intervention of the Ombudsman waterworks company met the complainant's request.<sup>117</sup>

**The increased number of complaints in relation to public companies indicates the need to take stock and see how many public companies are oriented to the needs of citizens and having in mind the function entrusted to these companies to manage public goods on behalf of the citizens, there must be attempt on their side to achieve a balance between the needs of citizens and market principles.**

Number of complaints related to the quality of service provided by the public companies cannot be neglected (regular supply of electricity and water). Unfortunately, majority of cases processed by the Ombudsman mostly turned out to be unfounded, and the

disconnection of households from electricity and water networks is often a result of their lack of payment. At the same time, we are aware that it is not civil disobedience that caused it, but rather a constant lack of money to pay for utilities.

### 3.2.8. Right to education

In addition to the Department for the protection of the rights of the child, the Department for the protection of economic, social and cultural rights also deals with education. The Ombudsman dealt with cases related to primary, secondary and high education. In 2013 number of complaints in this area was 27, while in 2012 that number was slightly higher.<sup>118</sup>

International standards define the right to education in a way that establishes that *States Parties recognize the right of everyone to education and that education should be directed to the full development of the human personality and dignity*, and shall strengthen the respect for human rights and fundamental freedoms. Unfortunately Ombudsman Institution registered an increasing number of complaints relating to education, but due to the fact that it at the same

<sup>114</sup> Ž-SA-04-1070/13

<sup>115</sup> Ž-SA-04-1065/13

<sup>116</sup> Ž-LI-04-87/13

<sup>117</sup> Ž-BR-04-108/13

<sup>118</sup> 32 cases

time relates to violation of the rights of the child or discrimination, these complaints are registered in other departments. Particularly is worrying an increase in the number of complaints related to primary education which is mandatory according to the international standards as opposed to secondary and higher education. The Ombudsman wants to remind to the General Comment no. 13 of the UN Committee on Economic, Social and Cultural Rights according to which the education is a human right that is a necessary means of realizing other human rights. Education is the primary means by which economically and socially marginalized people can lift from poverty and provide the means to participate fully in their communities, which plays a key role in empowering women, preventing child exploitation, promoting human rights and democracy, protecting the environment and controlling population growth. Education is recognized as one of the best financial investments the state can make.

At the level of BiH there are five framework laws adopted: The Framework Law on Pre-School Education in BiH, the Framework Law on Primary and Secondary Education in BiH, the Framework Law on Vocational Education and Training in BiH, the Framework Law on Higher Education in BiH and the Law the Agency for Preschool, Primary and secondary Education.

In the reporting period, the Ombudsman received a number of complaints indicating to the irregularities and violations of the rights within the educational process. One example is the case<sup>119</sup> of a complainant who addressed the Ombudsman because she considered that she had to be proclaimed a student of her generation at the High School of Health Care of the University of Bihać. In fact, during the investigation of the Ombudsman, it was established that the student department of the faculty had made an error in calculation of the average mark of the students, due to which error a student with lower grade was proclaimed to be the best student of the generation. The complainant contacted the relevant University and indicated to their error, but instead of correcting that error, they decided to grant her a special award along with a cash award for the success achieved during the study, so she was awarded a special thank letter and recognition for her success and a cash award in the amount of 100.00 BAM. However, she was not satisfied with it and complained to the Ombudsman. The Ombudsman contacted the University of Bihać and issued a recommendation to the effect that the University of Bihać should adopt relevant by-laws and regulations to establish procedures that will govern the awards to the best students, and also recommended the Rector of the University to consider to award the title of the best student to the Medical College student, that is, the complainant. Recommendations of the Ombudsman were partially met, since the Rector of the University considered that the award of recognition and monetary compensation to the complainant was adequate as a valuation of the success, and the recommendation related to the by-laws was adopted.

There was also a case<sup>120</sup> which indicates to the inequality in approach to the reimbursements of the costs of public transportation. In concrete case, the Ombudsman Institution issued a recommendation by which the Ministry of Transport of the Sarajevo Canton was invited to adopt amendments to the applicable laws governing the rights regarding the use of public transport for regular and self-funded students and to provide the equal status to students who reside in the Sarajevo Canton and study in Eastern Sarajevo with the students who are studying at higher education institutions in the Sarajevo Canton. The Ministry of Transport of Sarajevo Canton submitted a response to a recommendation in which, among other things, they stated that they will adopt amendments in order to have unified approach to the reimbursement of transportation costs for all categories entitled to such subsidies, and that recommendations of the Ombudsman will be taken in consideration in the process of preparation of these amendments.

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<sup>119</sup> Ž-SA-04-1416/12 P-113/13

<sup>120</sup> Ž-SA-05-1206/13, P-297/13

During the processing of complaints it has been noted that there are problems in the appointment of school boards in primary and secondary schools, which consequently affects the learning process and the education of students. Such is the complaint<sup>121</sup> of the complainant from the primary school "Marko Marulić" Prozor where the Ombudsman has registered serious difficulties in appointing of the school board. The procedure for the appointment lasts for more than 3 years, and the school has repeatedly delivered the Municipal Council of Prozor-Rama lists of candidates for the school board from the ranks of the school staff and the Parents' Council, but the Municipal Council (as the founder of the school) refused all these lists and failed to make an informed decision on the appointment in this case. After the intervention of the Ombudsman, and significant media coverage the appointment was finally made.

There is an interesting case<sup>122</sup> of the complainant who was denied further education, that is, specialization in internal medicine, which was caused by the lack of legal regulations and poor definition of criteria for the admission of the future specialists. After conducting the investigation the Ombudsman issued a recommendation in which it highlighted the need to adopt a new legislation which shall determine the criteria for the award of specialization and sub-specialization or in this context, to amend the existing regulations on specialization and sub-specialization for medical doctors, dentists and pharmacists. The above recommendation was complied with, and the Institution of the Ombudsman was informed that the Federal Ministry of Health acted on the said recommendation and adopted the Rulebook on the criteria for admission of trainee specialists, as well as the Regulation on criteria for the admission of the trainee sub-specialists.

## ILLUSTRATIVE EXAMPLES

### Case Ž-BL-04-781/12, P-150/13

The complaint was regarding the recognition of the right to pension. In this case, the complainant was unable to collect necessary documents to substantiate his application to retire due to justifiable reasons – the war. On 07/07/2013 the Ombudsman issued a recommendation to the entity pension insurance funds to establish direct communication to resolve pension of the complainant. In the process initiated following the adopted appeal of the complainant he was asked to furnish documents that were destroyed during the war without his fault (employment record, register of his ex-company Kayak-POOL, etc.). This recommendation was partially met because the complainant's appeal was accepted by the second-instance authority, but the right to retire not yet recognized.

### Case Ž-LI-04-1/13

The complainant contacted our Office because she applied to the Pension Insurance Fund of the Republic of Srpska through the Federation Pension Insurance Fund Glamoč Branch, on 18.07.2012 asking to be granted family pension to which she is entitled after the death of her husband. Following the repeated intervention of the Ombudsman decision was reached in this case.

### Case Ž-LI-04-68/13

In this case the complainant addressed the Ombudsman complaining of the Administrative service of the Cantonal Pension Insurance Fund of Livno, Glamoč Branch asking them to merge his work experience. Namely, in 1983 he was the owner and the manager of a shop, and during that period he paid all the contributions related to pension insurance, but it was not calculated.

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<sup>121</sup> Ž-MO-04-119/13

<sup>122</sup> Ž-SA-06-1257/12 P-171/13

Since the relevant fund in 2012 had already adopted a decision without the challenged period for which he had evidence of payment the contributions, he appealed this decision. Following the intervention of the Ombudsman the Fund asked the complainant to submit a microfilm with data on his payment in order to calculate this period and change their decision to his satisfaction.

**Case Ž-LI-04-82/13**

In this case the complainant did not receive decision from the second-instance body on his appeal lodged within the Federation Pension Insurance Fund Mostar against a decision of the Cantonal Administrative Service of Livno. His appeal was lodged on 23.11.2012. This case was resolved following the intervention of the Ombudsman.

**Case Ž-BL-04-205/13, P-231/13**

The Ombudsman processed a complaint of the employees of the Primary School "Kamenica" from Bihać, for lack of reimbursement of their material const. After the conducted investigation a violation of their labor rights was established and the Ombudsman issued a recommendation to the Ministry of Education of Una-Sana Canton in accordance with budgetary capacities to find a way to resolve remuneration of travel expenses for the employees of the PS "Kamenica" Bihać, either by making savings on the account of travel expenses in other authorities or through the proposals to the Government to approve the purchase of a van for the transport students from the next year's budget. This recommendation was fully accepted and the costs partially paid from the date of addressing the Ombudsman, and the remainder of the debt depends on the circumstances of an objective nature, such as the dynamics of filling in the budget.

**Case Ž-LI-05-117/13**

The complaint in this case was against the Municipal Court in Bihać, which, during the 2008, delivered a final judgment regarding the payment of the complainant's claims from the employer DD "Kombiteks" Bihać. During 2009 she received a decision of the same court that the enforcement proceedings in her case were terminated since the employer in the meantime was subject to bankruptcy proceedings. Due to illness and unemployment she requested the payment of their claims regardless of the payment priority, but was informed by the court that the board of trustees failed to comply with her request. The bankruptcy procedure is ongoing for the 5<sup>th</sup> year now, and the complainant did not realize her claims yet.

### 3.3. DEPARTMENT FOR PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES

Department for Protection of the Rights of Persons with Disabilities (hereinafter referred to as: the Department) of the Human Rights Ombudsman of Bosnia and Herzegovina resolves individual and group complaints regarding violations of the rights of persons with disabilities, or initiates *ex officio* investigations in cases of the observed violations of the rights of persons with disabilities. In order to ensure their protection it makes recommendations in which it reminds the local authorities to their obligations to respect all the commitments set forth in the legislation of Bosnia and Herzegovina, as well as the obligations taken following the ratification of the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, the Council of Europe's Action Plan for the promotion and full participation of people with disabilities in society on an equal basis with others.

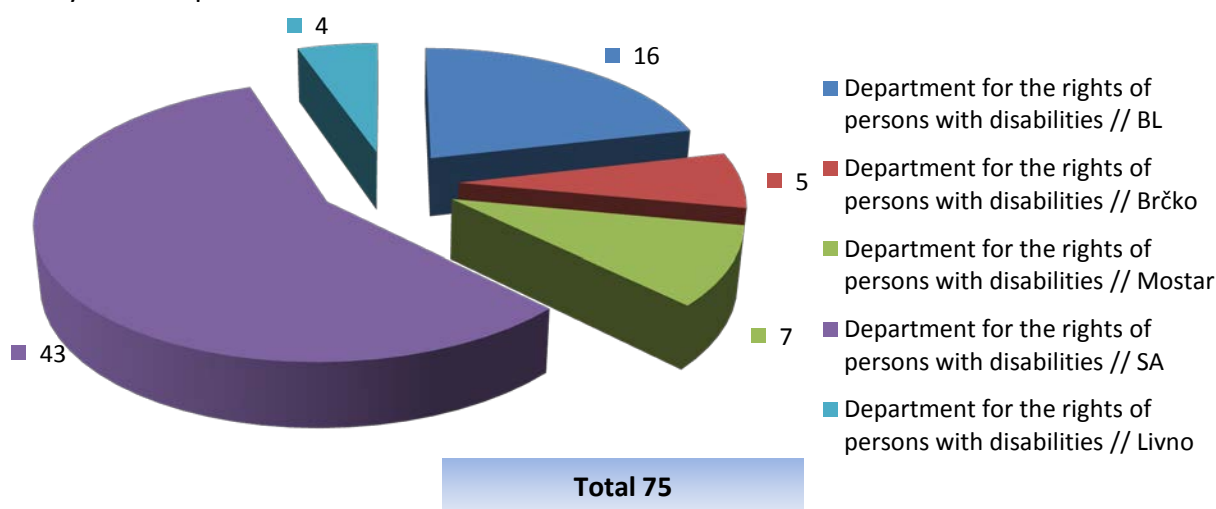


Diagram 12: Preview of complaints received by the Department for the Protection of the Rights of Persons with Disabilities in 2013 according to offices

#### 3.3.1. Analysis of received complaints

Violation of the rights of persons with disabilities was reason for lodging of 119 complaints, out of which 44 were filed in previous years, and during 2013 received was 75 new complaints. 16 of it was received in the Central Office in Banja Luka, 5 in 5 in Brčko Office, 4 in Livno Office, 7 in Mostar and 43 in Sarajevo Office.

Item	Method of closing	Cases 2013	Cases from previous years	Total
1	During the intervention of the Ombudsman	16	7	23
2	Issued a recommendation	3	6	9
3	Lack of interest of the complainant for further pursuing the case	4	3	7
4	Inadmissible complaint	13	3	16
5	Otherwise	6	11	17
6	Lack of mandate and referral to the relevant authority	0	0	0
7	Referred to other Ombudsman office	1	0	1
8	Issued a special report	0	0	0
9	<b>Total</b>	<b>43</b>	<b>30</b>	<b>73</b>

Table 9: Preview of actions of the Ombudsman's Department for the Protection of the Rights of Persons with Disabilities in 2013 according to method of the complaint closing

**During the intervention, and following the Ombudsman's recommendations solved were 32 cases of human rights violations, which is a 1/4 of cases filed in 2013, and it is important to point out that 50% of recommendations issued in 2013 falling within the mandate of this Department was implemented.**

During 2013 as much as 73 complaints were solved, while 46 complaints are still pending, out of which 14 originating from previous years and 32 filed in 2013.

Out of 119 complaints processed in 2013, finished and archived was 73 out of which 30 was from previous

years, and 43 was received in 2013.

In this Department in 2013 issued was 12 recommendations. 6 of these recommendations were complied with, in 3 cases co-operation with the respondent authority was established and in 3 respondent party failed to reply.

Comparing the number of cases/complaints were received during 2013, it could be said that in comparison to 2012 there has been a decrease in the number of complaints to 3.95%.

The largest number of complaints that were received were related to: the problem of architectural barriers removal<sup>123</sup>, length of appellate proceedings before the second-instance body<sup>124</sup>, right to social welfare<sup>125</sup>, realization of the right to health care<sup>126</sup>, and other disability related rights<sup>127</sup>, in addition to the protection of persons with disabilities from all forms of discrimination<sup>128</sup>.

The Ombudsman emphasizes here that Bosnia and Herzegovina is party to a number of international instruments protecting the rights of people with disabilities, since 2010, and a signatory to the UN Convention on the Rights of Persons with Disabilities, which obliges states

**Despite the fact that BiH has adopted a number of international instruments committed to ensure the enjoyment of rights of persons with disabilities, registered complaints, unfortunately indicate that these categories of people have problems in accessing health and social care, procedures for realization of their rights are very long and they still face the biggest problem of physical barriers. Ombudsmen notes that even during the construction of new buildings it happens that this problem is ignored and the Ombudsman concluded that this issue should be the subject of a separate report.**

to set standards and rules for access to public institutions and private facilities intended for public use, the terms and gradual progress towards the removal of architectural barriers, and then oversight of the implementation of these rules and the introduction of sanctions for non-compliance.

Bosnia and Herzegovina by its entity regulations and by-laws established standards and rules for access to public institutions

and private buildings, but nevertheless, behavior of the relevant ministries, agencies and decision-makers and legislators, for lack of harmonization with the UN Convention on the Rights of People with Disabilities and the narrow interpretation of positive regulations indicates to neglect the best interests of persons with disabilities

Unlike previous years, with regard to the accessibility, in 2013 reasons for complaints indicate to the problem of the inability of the authorities to make decisions that will provide a mechanism to enable the complainants the installation of elevators in collective dwelling

<sup>123</sup> Ž-BL-02-701/13, Ž-BL-02-507/13, Ž-BL-02-437/12, Ž-BL-02-81/12

<sup>124</sup> Ž-MO-02-19/13, Ž-LI-02-7/13, Ž-LI-02-164/13, Ž-BL-02-362/13, Ž-BL-02-783/13

<sup>125</sup> Ž-MO-02-77/13, Ž-MO-02-108/13, Ž-BR-02-237/13

<sup>126</sup> Ž-MO-02-87/13

<sup>127</sup> Ž-MO-02-173/13, Ž-LI-02-7/13, Ž-LI-02-215/13, Ž-SA-02-467/13

<sup>128</sup> Ž-BR-02-237/11

buildings because the owners of the apartments/flat owners do not want to give their consent to it, which prevented the authorities to issue necessary building licenses<sup>129</sup>.

In this regard, the Ombudsman institution in its recommendations issued to the local governments sought to indicate to the obligation of all levels of government in decision-making processes to act in accordance with the UN Convention on the Rights of Persons with Disabilities<sup>130</sup> applying the principles of the best interest of the persons with disabilities so contributing to their inclusion into the communities and society in its widest sense, since in accordance with Article 19 of the Convention (independent living and inclusion in the community), "the state recognizes the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate people with disabilities full enjoyment of this right and their full inclusion and participation in the community".

Through its activities the Ombudsman emphasizes that individuals cannot suffer consequences of negligent behavior of third parties in proceedings before the national bodies, and that the authorities should take appropriate measures to prevent, as well as measures to eliminate the consequences of the negligent conduct of third parties and to ensure the availability of all rights guaranteed by the state. In this regard, the Ombudsman stresses the need to educate all citizens and employees of government institutions, and the need to raise awareness of the

**Ombudspersons point to the need to organize educational programs for the public officials and the staff in the official authorities on the rights of persons with disabilities, particularly in the service of urban planning and zoning**

rights of persons with disabilities, the state's obligations with respect to those rights, which should be part of everyday activities and media advertising as well.

Ensuring the accessibility is an ongoing task and obligation of the authorities at all levels of government, as Bosnia and Herzegovina has started activities on the implementation of the UN Convention on the Rights of Persons with Disabilities.

There still exists an issue, indicated in previous reports, related to the work of the Institute for Medical Forensics of FBiH, which has never provided the Ombudsman with report as to the reasons and circumstances under which it reduced the degree (expressed in percentages) of

**Lack of cooperation of the Medical Forensic Institute of FBiH with the Institution ombudsman, which is also a permanent cause of complaints of the disabled persons who indicate to the all flaws about the functioning of this institution highlights the need for government institutions, primarily the FBiH Parliament to consider the situation in this institution**

disability in relation to the initial findings, which resulted in loss of previously acquired rights in the occasion of the audit of medical conditions, after the persons with disabilities furnished them with necessary findings and medical opinions.

Based on the complaints received

and the interviews with the complainants – people with disabilities the Ombudsman can conclude that the apparent high level of dissatisfaction with methods used in their treatment by the expert teams of the Institute who is involved in the assessment of health status. Persons with disabilities claim that they work superficially, do not perform all the necessary checks and therefore cannot get an objective picture of their health status, that all persons with disabilities are not treated adequately and equally, and that they often do not work as teams, but only one doctor make audits on behalf of the team. During the year there was a certain

<sup>129</sup> Ž-BL-02-701/13, Ž-BL-02-507/13 i Ž-BL-02-437/12

<sup>130</sup> House of Representatives of the Parliamentary Assembly of BiH at its 65<sup>th</sup> session held on 07.12.2009 gave its approval to ratification of the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

period when the work of all committees for the evaluation was halted, which caused great discontent among those who were waiting for the Commission's assessment, in order to get results and findings necessary to realize their status and other rights and entitlements based on their officially established disability. This situation caused a large number of phone calls and inquiries to the Ombudsman and by the Ombudsman.

Practice of requiring pre-payments to be made before the Institute starts with medical forensic assessments is continued although the Constitutional Court of the Federation of Bosnia and Herzegovina adopted a decision<sup>131</sup> rendering the Ordinance on payment of medical forensic expertise tests unconstitutional. The Ombudsman issued a recommendation about it back in

**Ombudspersons also point to the fact that the Medical Forensic Institute of FBiH is acting in violation of the decision of the Constitutional Court of the Federation, which established that the payment of the costs of medical expertise was in breach of the Constitution of F BiH**

09.12.2011 to the Government of the Federation of Bosnia and Herzegovina, the Federation Pension Insurance Institute Mostar and the Medical Forensic Institute, but nothing was done in this regard so far.

Federation Ministry of Labor and

Social Policy in 2012 assisted, among other things, in the implementation of the Project "Living in community with support" thus demonstrating their willingness, and spirit of cooperation, in addition to certain funds provision. The Project was implemented by some NGOs acting in this field. This is a good way to encourage the cooperation and partnership among the existing associations of persons with disabilities and mitigate the consequences of social exclusion and contribute to sensitizing the public to the presence of people with disabilities in the community. During 2013 the Ombudsman processed complaints that indicate a violation and infringement of the rights of persons with disabilities including the right to independence, social integration and participation in the life under Article 15 of the UN Convention on Persons with Disabilities<sup>132</sup>, obligating the states undertook, in order to ensure the effective exercise of independence, social integration and to enable participation in community life by special

**Ombudspersons note that the activities of the Ministry of Social Welfare of FBiH has improved in 2013 to a significant extent as a result of which it was possible to establish a constructive dialogue with them in many issues**

measures, as well to enable the access to housing to the persons with disabilities.

The Ombudsman was contacted by two persons with disabilities with complaint related to

impossibility to find solution for the appropriate model of living in the community with support. Due to the fact that they have already approached various institutions, the only suggestion possible was for them to try to find some available units in some appropriate institutions. They applied earlier to the Cantonal Social Welfare Service Stari Grad with a request for their accommodation in the NGO "Sumero support center for people with disabilities in the community", but were refused with explanation that there are no legal grounds for it.

The Ombudsman issued a recommendation<sup>133</sup> to the Federation Ministry of Labor and Social Policy and the Ministry of Labor, Social Policy, Refugees and Disabled Persons of Sarajevo Canton to harmonize the laws on social welfare, protection of civil victims of war and protection of the families with children on the federal and cantonal level with provisions of Article 9 and 19 of the UN Convention on the Rights of the Persons with Disabilities in order to

<sup>131</sup> U-33/10 od 05.04.2011

<sup>132</sup> Ž-SA-02-467/13, Ž-SA-02-697/13

<sup>133</sup> P-3/14

regulate the possibility of accommodation in the community with support, as well as the use of services provided by the NGOs by the persons with disabilities.

Last year the Ombudsman also had a complaint related to the Federation Ministry of Labor and Social Policy<sup>134</sup> against the decision adopted by the Government of Herzegovina-Neretva Canton which established the Institution for Social and Health Care of Persons with Disabilities and Other Persons and relocated all the beneficiaries from the whole territory of the Canton grouping them in this Institution. In this process nobody took care of the best interest of the beneficiaries, their right to chose the institution which is the closest to their relatives and families, and in particular the fact that some beneficiaries settled in their previous institutions had the opportunity to share the life of their communities owing ot the proximity of their relatives and close friends, but now they were all sent to another institution in some cases far from their homes, which for some of them was a huge step backwards and is in violation of the international treaties ratified by Bosnia and Herzegovina such as the UN Convention on the Rights of Persons with Disabilities, UN Convention on the Rights of the Child, the European Social Charter, the policy in the field of disability, Bosnia and Herzegovina, the Strategy for the equalization of opportunities for persons with disabilities in FBiH 2010-2014, the European Strategy to support people with disabilities 2010-2020.

With regard to this complaint the Ombudsman expressed concern and stressed that the creation of new institutions intended to more rational use of funds earmarked for social protection is understandable, but indicated that any partial and uncoordinated action in this area can produce social harm and result in violations of human rights in this area.

After references for the Ministry of Health, Labor and Social Policy HNC informed Institution that recommendation cannot be implemented because all the beneficiaries from all the institutions in the Federation were taken over and settled in this Institution. The recommendations was implemented in part related to the observations found by a federal inspector.

In 2013 the Institution also processed a complaint related to the functioning of the Professional Rehabilitation and Employment of Persons with Disabilities Fund.<sup>135</sup> The complainant claims that the temporary Management Board of the Professional Rehabilitation and Employment of Persons with Disabilities Fund was appointed following the decision of the Government of the FBiH no. 1371/2011 of 07.01.2012 for maximum of two months period. On 06.01.2012 invitation to public competition was published for the positions of president and members of the Management Board, and the complainant, a person with established disability in percentage of 100%, a paraplegic, applied for that position. He indicated in his complaint that a part of the members of the Board are at the same time members of the Selection Panel. Appointment was halted, and temporary members lost their legitimacy since they were appointed to two months period and expired in February 2012. During the proceedings the Ombudsman was informed that the Federation Ministry of Labor and Social Policy submitted a report to the the Government of FBiH on functioning of the Selection Panel in charge of this selection of Management Board of the . Professional Rehabilitation and Employment of Persons with Disabilities Fund and suggested the said appointment to be finally made. This Item was put

**Failure to appoint members of the management and supervisory boards in social welfare institutions is often reflected to their work thus threatening the human rights**

on agenda of the Government's meeting, but no decision was adopted. In this regard, the Ombudsman recommended<sup>136</sup> the Federation the Government

<sup>134</sup> Ž-SA-02-697/13

<sup>135</sup> Ž-SA-02-1409/12.

<sup>136</sup> P-111/13

to take necessary measures and make final appointment pursuant to the provisions of Law on Ministerial, Government and Other Appointments of the FBiH with full respect of the principles guaranteed therein. This recommendations was not.

It is very worrying that the families of the persons with disabilities are not treated neither as a part of circles of the persons with disabilities nor the beneficiaries of the privileges intended to the persons with disabilities<sup>137</sup> For example. When a person with disabilities owns a car, this person is entitled to stick a label saying "A person with disabilities, category one", on that car. This is intended to ensure access, parking in reserved seats, etc., but when that vehicle is driven by a family member, police do not believe that the privilege applies to the whole family, but only to people with disabilities, so if a person with disabilities is not in the car, the family member is regarded as faulty party. This is completely contrary to the purpose of such privileges as family members of people with disabilities when doing their shopping at the market or to pay bills work also to the benefit of a person with disabilities. All this indicates to the necessity of awareness-raising and information campaigns about the needs of persons with disabilities and their right to equal treatment.

The Ombudsman had a complaint lodged by an association of blind and semi-blind persons from Brčko District BiH for discrimination and impossibility of enjoyment of civil and social rights.<sup>138</sup> The complainants are dissatisfied with the policy of social welfare of the blind and semi-blind people in the Brčko District of BiH, as well as the fact that the allowance for assistance and care of another person is about 50 BAM, which is insufficient to meet the minimum needs of all users. They also noted that relevant legislation did not include tiflo-technical aids necessary for this category of the population in order to facilitate their participation in the community life, and the fact that the Social Welfare Center does not mediate in the supply and distribution of tiflo-technical aids. They are constantly receiving promises that their rights will be improved, but nothing changes. After the investigation procedure Institution issued a recommendation<sup>139</sup> to the Assembly of Brčko District of BiH, Brčko District Government's Department of Health and Other Services and the Brčko District of BiH to take all measures within their mandate, in terms of law and regulations in order to provide an adequate amount of money as an allowance for care and assistance of another person, necessary tiflo-technical supplies, as well as to take all measures to ensure to persons with disabilities, the blind and visually impaired persons adequate standard of living, independent living and inclusion in the community.

The Assembly of Brčko District of BiH informed the Ombudsman that they did not adopt any legislative acts earmarked to meeting this recommendation.

Work of existing organizations and associations of persons with disabilities should be noted and commended, as they put many efforts through their projects to contribute to the awareness-raising among the general population of the situation and circumstances of the persons with disabilities. Their activities are earmarked to the analysis of legal situation, its application, proposing legislative amendments and contribution to the improvement of all aspects of inclusion in education, social inclusion, employment, housing, and removal of architectural barriers.

The mentioned organizations, with financial support of the organization My Right – Empowers People with Disabilities, Office in BiH, in the framework of the Project "Towards the implementation of the UN-Convention – empowerment of persons with disabilities in Bosnia Herzegovina"<sup>140</sup> prepared the Alternative reports which will be considered by the relevant UN

<sup>137</sup> Ž-SA-01-1199/13

<sup>138</sup> Ž-BR-02-237/11

<sup>139</sup> P-20/13

<sup>140</sup> "Towards the implementation of the UN-Convention – empowerment of persons with disabilities in Bosnia Herzegovina" (Project number 00866) funded by the Light of the World and Austrian Development Cooperation.

body in 2014 along with the official report on the Implementation of the UN Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina.

## ILLUSTRATIVE EXAMPLES

### **Case: Ž-BL-02-437/12**

A recommendation was issued to the Banja Luka Town in order to remove architectural barriers. The main reason was the impossibility of obtaining the consent of other tenants of the building where the complainant lives, and failure of filing of necessary requests to initiate proceedings before the competent authorities. The competent administrative department of the Banja Luka Town, after the meetings with the community of tenants and spot visits managed to secure the necessary approval. Now are expected further measures earmarked to the construction of an access ramp.

### **Case: Ž-MO-02-19/13**

The complainant expressed dissatisfaction with the following: she had no basic means to secure her livelihood, she does not have enough work experience to be entitled to pension, and there are some obstacles in realization of a pension due to disability. During the proceedings before the Ombudsman cooperation was established with the Social Welfare Center Visoko, which conducted a home visit to the complainant appeal. Thereafter, they assigned a higher amount of financial aid, and scheduled medical review of the complainant's medical condition. Social Welfare Center was also actively included in collection and completion of necessary documentation for retirement.

### **Case: Ž-LI-02-7/13**

The complainant was dissatisfied with the length of decision-making in resolving of his appeal of the first instance decision. After the intervention of the Ombudsman, the Federal Ministry of Labour and Social Policy adopted a second-instance decision recognizing the claimant as a disabled person of 1st category, with 100% disability degree, which means that he is entitled to personal disability pay and orthopedic aids.

### **Case: Ž-SA-02-796/13**

On 08/07/2013 the complainant addressed the Health Insurance - Orthopedic Commission with the request that he be granted a new wheelchair, because he got from the Fund a second-hand, that is, already used and damaged wheelchair, which had caused him multiple damage so far as it does not work properly and tumbles and rolls over from time to time. At the same time the complainant has to use it every day because he should go to Dobrinja Clinical Center for treatment. After the intervention of the Ombudsman, on 07/22/2013 the complainant informed the Institution that has realized its right and got a new wheelchair.

### 3.4. DEPARTMENT FOR THE PROTECTION OF THE RIGHTS OF NATIONAL, RELIGION AND OTHER MINORITIES

Department for the protection of the rights of national, religious and other minorities (hereinafter Department) was established in 2009 with a purpose of protecting the rights of persons belonging to ethnic, religious and other minorities. The jurisdiction of the Department includes receiving of complaints from the members of the different minorities and reviewing their allegations about the violation of their human rights. Among other things, on behalf of the Ombudsman, the Department prepares reports related to the implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages<sup>141</sup>, various documents and questionnaires forwarded by the authorities in Bosnia and Herzegovina pertaining to minority issues. Likewise, under the direction of the Ombudsman, the Department participates in drafting responses to questions from the media and other interested parties about the rights of minorities in cooperation with the information officers of the Ombudsman.

In 2013 the Department for the protection of the rights of national, religion and other minorities received 13 complaints. As pointed out in the annual report of the Ombudsman in the previous year said the number does not reflect the total number of complainants from the ranks of the minorities who turn to the Ombudsman.

In fact, a number of complaints, given that minorities report that they experience discrimination, was allocated to the Department for the Elimination of All Forms of Discrimination<sup>142</sup>, then some complaints were registered by the Department for the protection of economic, social and cultural rights, and other complaints by Department for the protection of civil and political rights<sup>143</sup>.

An insight into the subject of the complaints, shows that there is a decrease in number of complaints relating to political and civil rights compared to the year 2012, when it processed three complaints filed by the advisory bodies of the legislature or related to the election of members of the advisory bodies<sup>144</sup>. In 2013 the Department received a complaint related to the election of the chairman of the representative body in a local self-government unit. The Ombudsman also tackled some Roma population housing issues<sup>145</sup>.

There was a complaint filed by the Association of Roma "Roma Dream" from Brčko because of violations of the right to property and the non-realization of the housing project for the Roma minority members in the village Prutače. Following the investigation of the allegations by the Ombudsman, it issued a recommendation to the competent authorities to take the necessary measures to implement the housing project for Roma members in the Brčko District with no delay and to ensure the efficient functioning of the relevant departments of the Brčko District the Government to ensure the smooth implementation of the *Action plan for Roma in the areas of employment, education, health insurance and health care of Roma in the Brčko District of BiH*.

In 2013 Institution the Ombudsman received two complaints related to the maintenance of the cemeteries. In the first case, the Ombudsman was addressed by the Association of Roma<sup>146</sup>,

<sup>141</sup> In 2012 the Ombudsman participated in preparation of the periodic report submitted by Bosnia and Herzegovina to the Council of Europe

<sup>142</sup> Case no. Ž-BR-06-356/13 can serve as an example of it

<sup>143</sup> To illustrate it, we mention the case no. Ž-SA-05-162/13

<sup>144</sup> In 2012 the Ombudsman reviewed complaints of the National minorities Council of the Federation of BiH the National minorities Council of the Republic of Srpska, as well as a complaint on methods of the election into the National minorities Council of Bosnia and Herzegovina.

<sup>145</sup> Ž-BR-03-249/13 recommendations no.: P-248/13 U

<sup>146</sup> Registered under number Ž-BL-03-372/13

which claimed, among other things, possible desecration of the Roma cemetery. After reviewing the allegations of complaints the Ombudsman decided to closely monitor the above case, having in mind the importance given in our and other societies gives to the death related rituals marking of graves.

The importance of marking the graves and connections of the same human rights defined in the paper *"Last Rites and Human Rights: Funeral Pyres and Religious Freedom in the United Kingdom"*<sup>147</sup> in which the authors look back on court judgments and legal proceedings in the case against Ghai vs. the Newcastle City Council regarding the legality of the funeral pyre and the possible violation of Article 9 of the ECHR. In the introduction, the authors point out, among other things: "( ... ) *rituals associated with death tend to serve many other functions. These include the commemoration of the end of human life and to allow public expression of grief, the impact on group identity and assurance of life after death*".

Since the Ombudsman in the previous period did not have complaints of the Roma minority, the Institution decided to act ex officio so that it prepared a special report on the situation of Roma in Bosnia and Herzegovina<sup>148</sup> in cooperation with the OSCE. While preparing this special report, the Ombudsman Institution has contacted a number of associations of Roma thereby increasing the level of cooperation and establishing contacts with them.

Acting on the complaint of the Association of "Your Rights BiH", filed on behalf of a Roma group Čapljina (10 persons with their families), who contacted them asking for help, the Ombudsman has conducted investigation and determined that the rash and reckless statements given by the representatives of the relevant Municipality of Čapljina, Roma from landfills Ada, Čapljina, were put in a humiliating and degrading position for which the Ombudsman issued recommendations to Čapljina Municipality to provide necessary conditions to ensure that public statements of the local officials treat all ethnic groups in the municipality equally in all aspects of their life and to provide support for the Roma population, in a way corresponding with their real existential needs in order to improve the status of each member of this community.<sup>149</sup>

Complainant R.Dž., member of Albanian national minority contacted the Ombudsman as he, as a returnee, was granted funds for reconstruction and repair of his house, but member of a certain political party are prevent him from actual realization of this decision.<sup>150</sup>

In capacity of a national mechanism intended to ensure good governance and the rule of law in order to protect the freedoms and rights of national minorities, the Ombudsman emphasized absurd aspects of the situation in which the different authorities and departments of the Government of Brčko District of BiH have different views and interpretations of regulations governing the same issue<sup>151</sup>, which is clearly a systematic error and non-compliance of the procedures of implementation of the applicable legislation, which ultimately comes at the expense of citizens. The Ombudsman issued a recommendation to the competent authorities to immediately review the procedures and decisions related to repair and reconstruction of the house of the complainant in order to *ensure protection of his right to house and property, and legal security of citizens against the actions of the competent authorities of the Brčko District of BiH in accordance with positive regulations*.

In 2013 representatives of the Institution participated at several conferences dedicated to the issues of the minorities, in particular the projects implemented by the Council of Europe, OSCE Mission to Bosnia and Herzegovina<sup>152</sup>, and SCOPES conference "Ethno-democracy in the heart

<sup>147</sup> Ecclesiastical Law Journal, 12, 2010, p. 131-151, Cambridge University Press, authors Peter Cumper i Tom Lewis

<sup>148</sup> Can be downloaded from the web-site of the Ombudsman and was presented in "Evropa" Hotel, Sarajevo, on 10.12.2013

<sup>149</sup> Ž-MO-06-114/12 recommendation no.: P-77/13

<sup>150</sup> Ž-BR-03-176/12, recommendation no.:P-164/13

<sup>151</sup> "(Official Gazette of Brčko District of BiH", no. 29/08

<sup>152</sup> In the framework of the Project Best practices for Roma integration in the Western Balkans

of Europe: political mobilization and representation of ethnic groups in BiH in a comparative perspective<sup>153</sup>.

Representatives of the Department in 2013 also participated in the Project "United for inclusive and non-discriminatory education of Roma children in Sarajevo Canton"<sup>154</sup>, which is a good model that could be used in similar programs intended to eliminate discrimination in all the primary and other schools in Bosnia and Herzegovina<sup>155</sup>.

Judgment of the European Court of Human Rights in the case *Sejdić nad Finci* is the most frequently mentioned issue related to the minorities in BiH in its public life in 2013, and it refers to the implementation of the judgment relating to the elimination of discrimination in the exercise of civil and political rights of minorities.

The Ombudsman advocates for the enforcement of all the court decisions and it expects this particular decision to be implemented in 2014.

## ILLUSTRATIVE EXAMPLES

### Case Ž-BL-03-226/13

The case relates to alleged irregularities in use and disposal of funds intended to housing of a social welfare beneficiary by the Roma association. In relation with these allegations, legality of work of the said Roma Association was examined by the Ministry of Administration and Local Self-Government, the Social Welfare Center Banja Luka and Administration of Banja Luka Town, that is, its Commission for Allocation of Housing Units to Socially Vulnerable individuals and associations, in accordance with the Law on Associations and Foundations, the Law on Social Protection, the Law on Budget Execution. It was found that the Association had a database, that the funds were assigned in accordance with the Program of Work, rules and decisions of the donor institutions, mostly for education of young Roma, and then for housing needs of socially vulnerable members of Roma community, and that the complainant is listed on the waiting list as potential beneficiary, but due to lack of resources could not exercise his rights earlier. So, no irregularities were found in the work of this Association and the complaint had no grounds.

### Case Ž-BL-03-257/13

The case concerns the violation of the right to citizenship of persons belonging to national minorities by the embassy of a neighboring country. The jurisdiction of the Ombudsman is covering the authorities and the bodies of BiH, and it has no mandate to act toward the authorities of other countries. The case was referred to the relevant institution for human rights protection of the said neighboring country as the competent institution for the protection of the rights of the complainant.

### Case Ž-BR-03-287/13

The case concerns the violation of the right to employment of persons belonging to national minorities, pointing to discrimination in employment of the members of the ethnic minorities. In fact-finding process it was established that the complainant was shortlisted candidate among a large number of candidates meeting the conditions of competition, but after the scoring

<sup>153</sup> Organized by the Centre for Democracy Studies Aarau ZDA / University of Zurich, and Center for Social Research Analitika, Sarajevo, with support of Swiss National Science Foundation and the Swiss Development and Cooperation Agency, in the framework of the Project "Ethnic Quotas and Representation of Minorities in Local Politics in Bosnia and Herzegovina."

<sup>154</sup> Project "United for inclusive and non-discriminatory education of Roma children in Sarajevo Canton" implemented by the Association "Kali Sara- Roma Information Center" in partnership with COI Step by Step and associated partners, Federation the Ministry of Education and Science and the Ministry of Education, Science and Youth of Sarajevo Canton Sarajevo, and financial support of the EU Delegation to BiH.

<sup>155</sup> At the moment of preparation of this report, the mentioned anti-discrimination program had not been adopted yet in Sarajevo Canton, but it is a good model of co-operation of NGO sector, ministries, schools and representatives of the parents.

process he did not gain enough points to be selected as the best ranked candidate. The complainant appealed this decision, his appeal was reviewed and refused, so there were no irregularities in the procedure and the decision was legal as everything was conducted pursuant to the applicable Rulebook on employment. The complainant had no comment to such findings of the Ombudsman.

**Case Ž.BR-03-249/13**

The case concerns the alleged violation of property rights of members of an ethnic minority group with respect to the housing. After the procedure a violation of the rights of this group was established upon which the Ombudsman issued a recommendation to the competent authorities. This recommendation was accepted and the relevant authority took measures to implement it thus enabling the enjoyment of the relevant property rights of persons belonging to this national minority.

**Case Ž-SA-03-1335/13**

This complaint came from the Association of citizens belonging to a national minority in relation to the implementation of programs of housing and legalization of illegal objects for the tenants of the collective accommodation centers. After the inquiries of the Ombudsman the relevant authorities took measures to improve conditions of living of those still using the collective accommodation and to legalize illegally constructed buildings in areas where it was possible and remove buildings which did not meet conditions for legalization.

### 3.5. DEPARTMENT FOR THE PROTECTION OF THE RIGHTS OF DETAINEES/PRISONERS

Department for the protection of the rights of detainees/prisoners considers complaints of detainees and prisoners, and conducts *ex officio* investigations initiated in cases when it finds violations and problems in exercise of their rights arising out of the European Prison Rules, the UN Minimum Rules for the Treatment of Convicted persons, the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Convention on Human Rights and Freedoms.

Ratification of the Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in October 2008, the authorities of Bosnia and Herzegovina pledged to establish a national preventive mechanism for the prevention of torture. However, although aware of the importance of establishing an NPM in Bosnia and Herzegovina, it has not yet established, despite the efforts of both local authorities and the OSCE Mission. In the period from 2009 to 2013 several round tables and thematic conferences

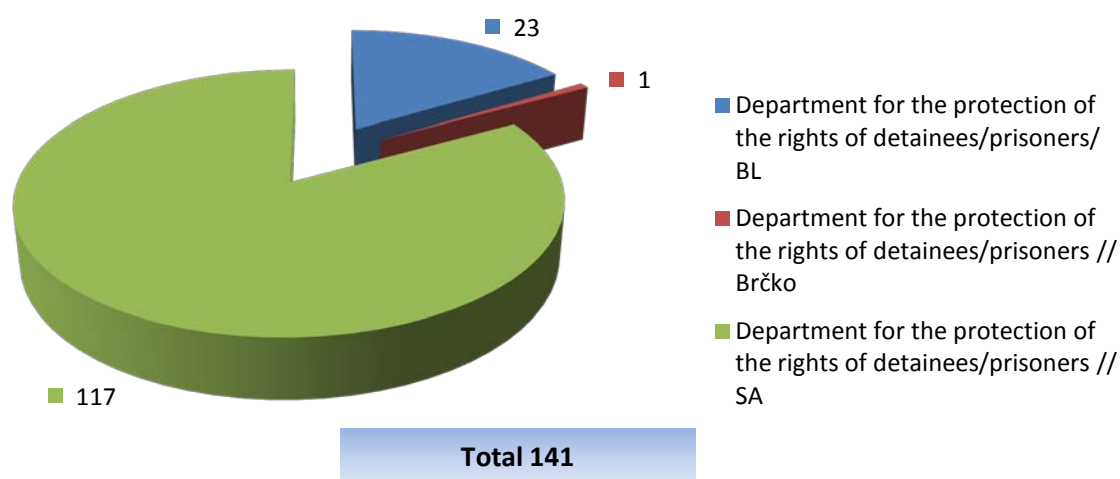
**National Preventive Mechanism (NPM) has not been established yet in BiH, although it is an obligation taken following the ratification of the Optional Protocol to the Convention Against Torture that took place in 2008**

were held with the aim of establishing an independent mechanism for the prevention of torture in accordance with Articles 17 to 23 of the OPCAT (Articles 2, 11 and 16).

Certain legislative activities on the establishment of an independent preventive mechanism are under way. There is a proposal that the Human Rights Ombudsman of Bosnia and Herzegovina be given the mandate to act as an NPM, however, the current legal solution does not provide it. Once the appropriate legal solution is in place, it would be necessary to provide appropriate budget for this function, in addition to the required material and human resources, as necessary preconditions for the establishment and functioning of the NPM for the prevention of torture and other cruel, inhuman and degrading treatment or punishment.

Ombudspersons are convinced that seeking the protection of their rights by the detainees/prisoners comes as a result of, among other things, frequent visits to prisons done by the Ombudsman's staff and the growing awareness of persons deprived of their liberty on the powers of the Ombudsman for which purpose the Ombudsman printed and distributed the appropriate Guide with the intention to protect this category of persons.

If we compare the reasons of seeking the Ombudsman's help in the last and the previous years, there are no any significant differences. In 2013 the Ombudsman received 141 complaints, out of which 117 by its Sarajevo Office, 23 in Banja Luka Office and 1 complaint in Brčko Office. Out of the total number of received complaints in the reporting period archived was 70 cases.



**Diagram 12a: Preview of received complaints by Department for the protection of the rights of detainees/prisoners in 2013 by offices**

Analyzing the structure of the filed complaints it is evident that the largest number of complaints relates to dissatisfaction with health care quality, living conditions, refusal to grant privileges out of the establishment, transfer to another prison and the like.

Ombudspersons visited prisons in Zenica, Foča, Mostar, Orašje and Banja Luka and examined lodged complaints by prisoners serving in the mentioned and other prison facilities in Bosnia and Herzegovina.

Ombudspersons emphasize that, considering the whole prison system, it is possible to note *certain improvement in some segments of the system*, especially in the field of co-operation between the Ministry of Justice and criminal sanctions execution institutions. It could be noted that entity ministries pay more attention to monitoring measures in prison institutions.

### 3.5.1. Legislation

Ombudspersons of BiH decided to pay particular attention to legislation in this report since the Institution received a number of complaints in which convicted persons indicate to *legislation as a source of their rights violation* and that this creates conditions for convicted persons to be treated differently. This approach is also dictated by the fact that the Council of Ministers of BiH recognized challenges existing in the criminal sanctions execution segment which compelled them to adopt a Strategy for Judiciary Sector Reform in BiH,<sup>156</sup> which puts all the problems burdening the criminal sanctions execution sector into the three sub-groups, first of them being the non-harmonized legal framework establishing the criminal sanctions execution system, which leads to inconsistent implementation of legislation in BiH.

Analysis of the relevant legislation in the field of criminal sanctions execution in BiH<sup>157</sup> including the rules on criteria to sending of convicted persons to penal-correctional institutes<sup>158</sup> has shown that there is lack of harmonization within the mentioned legislation in the field of

<sup>156</sup> Strategy for reform of justice sector in BiH for the period 2008-2012, Column 2: Criminal sanct. execution, p. 24

<sup>157</sup> BiH Law on the Execution of Criminal Sanctions, Detention and Other Measures ("Official Gazette of BiH" no. 12/10 and 117/11), Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina ("Official Gazette of F BiH" no. 44/98, 42/99, 12/09, 42/11), Law on the Execution of Criminal Sanctions, Detention and Other Measures in the Brčko District of Bosnia and Herzegovina ("Official Gazette of Brčko District of BiH" no. 31/11)

<sup>158</sup> Rulebook on Criteria for Sending the Convicted Persons to Serve Prison Sentence («Official Gazette of F BiH" no 34/11), Rulebook on Criteria for Sending the Convicted Persons to Serve Prison Sentence («Official Gazette of the Republic of Srpska", no. 34/11), Rulebook on Criteria for Sending the Convicted Persons to Serve Prison Sentence ("Official Gazette of BiH", no. 47/09 - consolidated, 37/11)

**Legislative provisions governing the issues involving commitment to prison for serving the sentence, transfer of convicted persons, use of the right to leave and conditional release are still not harmonized.**

*commitment to prison for serving the sentence, transfer of convicted persons, use of the right to leave and conditional release.*

Ombudspersons note that in the Republic of Srpska there are three basic laws governing the system of

criminal sanctions, especially the RS Law on Execution of Criminal Sanctions, the Law on the Special Regime of the Execution of the Sentence of Imprisonment and the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings.

Pursuant to an agreement signed between the Ministry of Justice of the Republic of Srpska and the BiH Ministry of Justice and the Judicial Commission of Brčko District, the prison sentence and the measure of detention imposed by the Court of BiH and the courts of Brčko District are implemented in all prison establishments of the Republic of Srpska.

In the Federation of Bosnia and Herzegovina amendments to the Law on Criminal Sanctions Execution took place during 2011 related to the conditional release and electronic oversight of the convicted persons.

Ombudspersons also note that in the meni Federation of Bosnia and Herzegovina procedure of the adoption of a new Law on the Execution of Criminal Sanctions, Detention and Other Measures, which provides for the possibility of transfer of a convicted person for safety and other reasons from a prison facility in one to a prison facility in the other entity.

Ombudspersons are of the opinion that it is necessary to continue with the activities related to harmonization of the legislation on criminal sanctions execution at the state, and entity level with the international and regional standards in order to eliminate the impact of lack of harmonization of these regulations to the rights of prisoners and detainees and in order to enable their equal treatment. It is certainly important to emphasize that further co-ordination between the ministries which is a task of the Ministry of Justice of BiH with an aim of elimination of any possibility of different treatment of the convicted persons, in particular due to the different legal provisions.

### **3.5.2. Safety in the establishments for criminal sanctions execution**

Safety in the establishments for criminal sanctions execution should be regarded in two segments: *general safety segment*, which includes existence and implementation of measures, prevention of prisoners' escape, prevention of inflicting injuries, existence of special measures for diminishing the risk of escape and creating hazard to others, and *individual safety segment* which demands keeping convicted persons free of abuse by the staff of the establishments and other prisoners. Obligations of the establishments for criminal sanctions execution is to ensure full safety of all convicted persons and to investigate, process and sanction any violation of the established safety and order.

Ombudspersons have noted that there is some progress achieved in the general safety segment, and that no escape was registered from any establishment and that number of abuse of out-of-prison privileges has decreased compared to the previous period. This certainly comes as a result of better and more conscientious work of all the prison services, in particular the service of treatment and security in sector of risk assessment while deciding on granting the privileges to be used out of the establishment and better safety assessment in general. In the Republic of Srpska no riot was registered for the last six years, neither the strike or any other destructive expression of dissatisfaction. In the Federation of BiH a riot of the prisoners in Orašje prison was registered at the end of 2013.

In personal safety segment some progress has also been achieved compared to the situation in 2009 so that convicted persons rarely complain of abuse by the prison staff. Most of registered

**Ombudspersons note the presence of staff behavior including the following: arrogant behavior of prison staff, lack of respect and psychological pressure and degrading behavior toward the convicted persons.**

**Safety of prisoners is mostly endangered by other prisoners.**

complaints relate to the arrogant behavior of prison staff, lack of respect and psychological pressure and degrading behavior toward the convicted persons.

Complaints of convicted persons mostly relate to endangering of their personal safety by other prisoners, which is manifested by blackmailing, forcing to do

some jobs for other prisoners, verbal insults, threats and like. In the establishments where cases of physical abuse of prisoners by their fellow inmates were registered<sup>159</sup>. Ombudspersons paid special attention to check whether or not the prison managements took appropriate measures whenever violation of safety and order took place.

The Ombudsman staff received complaints of convicted persons who claimed that they had feared for their safety. This fear is caused by the fact that they serve sentence together with their accomplices in criminal offence committed or have some "unsettled accounts" (Mostar Prison), or they are of different ethnicity than majority of other inmates serving time in that prison (Zenica Prison, Foča Prison, Doboj Prison, Banja Luka Prison). In such cases prison managements try to react in accordance with their mandate, mostly separating prisoners whose safety was in danger and placing them into units with high protection level (VI Pavilion of Foča Prison). In this way convicted persons have their rights restricted since there is no clear legal basis for such placement of prisoners in the high security units. It is necessary to turn particular attention to lack of clear mechanisms for the assessment of conditions for the implementation of this regime, method of its implementation and, especially, periodical review of justification of this measure, then the issue of convicted person's consent since they mostly do not have any alternative offered so they agree to the implementation of this measure out of fear for their personal safety.

There is also the issue of proportionality, that is, balance between what demands concrete case and implementation of the concrete regime measure given that said measure can have negative impact and detrimental consequences for the prisoner, and that it, finally, can be regarded as inhuman, humiliating and degrading treatment.

Among the measures that can be applied to prisoners who pose the constant risk of escape, violent behavior towards other persons and objects, as well as endangering the discipline and order, which cannot be resolved in any other way, is the measure of the their referral to the Department of intensive supervision and treatment programs in the prison of Foča. The number of referrals to the Department in relation to the total number and structure of convicts is negligible. Construction and putting into operation of the Department in a high-security prison in Foča and prison in Zenica, where are placed prisoners who pose the high risk of escape and those prone to inflicting the physical harm to the prison officials and other prisoners contributed to the security of the prison system as a whole to a large extent.

It should be emphasized that according to applicable rules, the security service officers are entitled to search the person and belongings to find illegal things that could be used to attack another person or self-injury. As part of the everyday as well as specially planned activities search of convicted persons as well as the search of the premises and prison facilities are carried out in all the prisons.

<sup>159</sup> Case of the prisoner A.Š. accused of the inflicting of grave physical wounds with fatal outcome to the prisoner Dž.Dž.

### **3.5.3. Commitment to serving the prison sentence and transfer of convicted persons**

Another possibility used by the prisons in order to ensure safety of convicted persons is transfer to another prison within the same entity. Unfortunately, this possibility is limited, in particular when convicted persons to be transferred is placed in a closed-type establishment. This is characteristic situation for the Federation of BiH since there is only one closed-type prison – Zenica Prison. So, in practice, the Minister of Justice on the proposal of the prison governor brings a decision to transfer a convict from a closed-type prison to a semi-open prison justifying that by reasons involving their personal safety without any concrete details about mentioned threats. Such transfers are as a rule from Zenica Prison, as a closed establishment to Mostar Prison as a semi-open facility. At the same time, staff of Mostar Prison, as well as convicted persons express dissatisfaction with such transfers since transferred persons are mostly convicted for the gravest crimes, such as war crimes, organized crime and like that require measures available in closed-type establishments, while semi-open prisons have completely different functioning regime. This way the rights of convicted persons accommodated in this establishment are restricted. Ombudspersons wish to turn attention to a problem of committing to prison persons convicted for war crimes, where, as it has already been mentioned in items 15-45 legislation causes problems on the ground manifested in a way that convicted persons be committed to serve their prison sentence in prisons far away from their places of residence. This situation is additionally complicated if such a convicted person is committed to the other entity where it happens that this person serve together with prisoners who had lost some family members in war. Such situation creates environment for intolerance and hatred between the convicted persons, which is manifested in verbal and sometimes physical violence.

Prison managements, unfortunately, do not have much help in resolving of these problems. Instruments available to them are mostly directed to ad-hoc interventions in order to stop violation of the rights of convicted persons by their inmates and are not foreseen to have any long-term effect. At the same time, conflicts between the prisoners of different ethnic backgrounds require mechanisms disabling prisoners to repeat actions that can endanger other prisoners. Transfer of convicted persons into the high-risk units in order to ensure their protection has only temporary effects and prolongation of this measure leads to the violation of a convicted person transferred. At the same time sanctioning of the perpetrator by placing them into solitary confinement has only sporadic effect in sense of prevention of these actions recurrence.

Issue of transfer is directly linked to the issue of commitment to serving the sentence as the same principles should be observed in both cases, that is, it would be necessary to allocate the sentenced person to the establishment which is the closest to their places of residence. In practice these principles are not observed which is in violation with European Prison Rules as it aggravates contacts with families and furthermore impedes the social rehabilitation of convicted persons.

Convicted persons tend to serve sentence in the entity where they have residence, either for reasons of their personal safety or to be closer to their families.

During 2013 in the Republic of Srpska the Ministry issued 168 decisions on transfer of convicted persons and 12 approvals to their transfer. The most of prisoners were transferred for overcrowdedness of prison facilities, or for erroneous commitment by the court.

Building and putting in function of the high-security wards in the prisons of Foča and Zenica where prisoners prone to escape and physical violence are accommodated, has contributed to the general safety of prison system to a high degree.

### 3.5.4. Health care and hygiene

As mentioned above, in 2013 quality of health care is one of the most frequent reasons for convicted persons to contact the Ombudsman. Complaints of convicted persons are mostly related to the quality of health care and its availability to some extent. On the inquiries of the Ombudsman prison institutions mostly provide statistical data on number of medical check-ups and provided services, but these data cannot be taken as relevant indicators about the quality of health care. Also, there are many complaints about the length of waiting for specialist check-ups out of the prison establishments.

European Prison Rules pay a great deal of attention to health care including the following issues: organizing the health services, medical and health care personnel, duties of the medical practitioner, health care provision, mental health and other issues.<sup>160</sup> European Prison Rules start from premises that medical services in prison shall be organised in close relation with the general health administration of the community or nation, that health policy in prisons needs to be integrated into, and compatible with, national health policy, that prisoners must have access to the health services available in the country without discrimination on the grounds of their legal situation<sup>161</sup>.

European Prison Rules demand for every prison to have the services of at least one qualified general medical practitioner, and that arrangements should be made to ensure at all times that a qualified medical practitioner is available without delay in cases of urgency. The Rules also determine that in cases where prisons do not have a full-time medical practitioner, a part-time medical practitioner should visit regularly. In addition to general medical practitioner every prison should have personnel suitably trained in health care, and services of qualified dentists and opticians should be available to every prisoner.

It is very important to highlight that the European Prison Rules provide that medical practitioner or other competent authority regularly inspect, collect information by other means and advise the director upon hygiene and cleanliness of the institution and prisoners, sanitation, heating, lighting and ventilation of the institution and suitability and cleanliness of the prisoners' clothing and bedding<sup>162</sup>.

In light of standards set out in the European Prison Rules, one could have the impression that health policy implemented in prisons in Bosnia and Herzegovina has not been fully compatible and integrated into the general health policy in the country and that health policy in prisons does not fall into the mandate of the the Ministry of Health, but rather the Ministry of Justice.

Health policy in prisons in BiH is not in place, so that health issues of prisoners are treated as any other prison-system related issues and it is completely under discretion of prison managements, which results in different levels of health care provided to convicted persons. Furthermore, very few establishment employ qualified medical practitioners (Banja Luka Prison, Zenica Prison, Bijeljina Prison, Tuzla Prison), but they mostly use the other option provided for in European Prison Rules, that is, for part-time medical practitioner to visit the establishment regularly<sup>163</sup>. This type of health care is subject to the highest number of complaints since the convicted persons indicate that such engagement of doctors is not sufficient given the number of prisoners, and that it happens that so engaged medical practitioners do not carry out their duties at all (Orašje Prison).

<sup>160</sup> European Prison Rules, part III – Health.

<sup>161</sup> Idem, paragraph 40.1 to 40.5.

<sup>162</sup> Idem, paragraph 41.3.

<sup>163</sup> Based on service contract a doctor can be engaged in Doboj Prison, Foča Prison, Istočno Sarajevo Prison, Trebinje Prison, Bihać Prison, Mostar Prison, Sarajevo Prison, Busovača Prison and Orašje Prison

Ombudspersons note that problems pertaining to the permanent engagement of a doctor in prisons is closely linked to the fact that medical practitioners do not express interest in such an engagement (Trebinje Prison, Kula Prison and Foča Prison), or to the fact that the funds available have not been sufficient to attract them.

During their visits to prisons Ombudspersons tried with no success to check allegations related to the implementation of contractual obligations by the engaged doctors as there is no documentation about particulars of such an engagement such as times of arrival to work and leaving it, which would normally make the basis to calculate their remuneration. Such type of engagement has a downside in that medical services in urgent cases cannot be provided at once since nobody is present within the establishment. In such cases first aid services operating in the towns where prisons are located have to be used.

Other medical staff in prisons is also lacking, for instance Orašje Prison has only two paramedics, or medical technicians, according to the local denominations, so that prisoners are left without any medical staff at night. In Igman Ward there is no any medical staff at all, so if a prisoner has a therapy, it is administered by the guards. Ombudspersons also state that no doctor visits this Ward as provided by the European Prison Rules, but a paramedic comes once a week. Practice that guards instead of medical professionals are administering medicines is also in place (Mostar Prison, Orašje Prison).

In some prisons a dentist is engaged based on service contract, as well as some doctors specialists.

All prisons except Busovača Prison have infirmary and Ombudspersons are pleased to note the improvement in their material and technical equipment, in particular the laboratory equipment, which enables less demanding laboratory tests to be done within the establishment thus rendering taking the prisoners out of the prison unnecessary (Banja Luka Prison, Zenica Prison, Foča Prison).

Prison managements point out the issue of health care quality that should be provided for every prisoner since they often need specialist doctor's examinations and other medical interventions (MRI, CT and like), which are rather costly, exceeding the funds available for that purpose. At the same time it raises the issue of equality of convicted persons with other citizens in the area of health care. All mentioned dilemmas related to health care provision need to be solved and clarified, which requires special legislative acts.

From the perspective of European Prison Rules, engagement of medical doctors is not satisfactory in segments such as consulting the management about nutrition and environment in which the prisoners spend time, hygiene and sanitary conditions and health care as necessary. Namely, the Ombudsman established during their visits to prisons that doctors do not pay enough attention to hygiene, especially personal hygiene, maintenance of sanitary areas, cleanliness and adequate footwear for prisoners.

**Ombudspersons note that prison managements do not pay enough attention to differences in needs of female prisoners compared to male population, which requires some additional steps to be taken**

In Tuzla Prison there was also evident lack of attention to differences in needs of female prisoners compared to male population, which requires some additional steps to be taken.

Ombudspersons also noted lack of awareness about contagious diseases among the convicted persons. It is often causing lack of understanding and conflicts between the prisoners, especially in cases involving HIV positive inmates or those suffering from hepatitis. However, in prison facilities the Ombudspersons noted the presence of NGOs dealing with addictions, HIV/AIDS and STDs that include prisons in their scope of work, such as: Association for sexual

and reproductive health “XY”, “Margina” Association and „Viktorija“ Association. They are important actors in education of prisoners and are respected by both, inmates and prison managements. Ombudspersons have noted that doctors engaged in prisons changed their procedures in treatment of addictions, for instance, they seized prescribing methadone therapy to prisoners addicted to narcotics since it extends addiction.

And finally, Ombudspersons note that European Prison Rule no. 19.3 according to which prisoners should have ready access to sanitary facilities that are hygienic and respect privacy as well as hygiene keeping means including toiletries and general cleaning implements and materials. Prisoners complain of insufficient personal and general hygiene means.

### 3.5.5. Food

European Prison Rules provide that prisoners should be provided with *nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work within the prison establishment*, while standards of nutritious diet should be prescribed in national law. The establishment should provide for food to be prepared and served hygienically and that clean drinking water be available to prisoners at all times.<sup>164</sup> During their visits to prisons, the Ombudsman staff paid particular attention to quality of food and hygiene conditions in premises used for food preparation and serving.

European prison standards as it comes to food are carefully observed in particular in Kula Prison, but other prisons also keep up to the standards with no significant divergence, chiefly in preparation of food for different categories of convicted persons.

Very professional staff is mostly engaged in kitchens, and some establishments such as Bijeljina Prison, Busovača Prison and Zenica Prison can benefit from their own produce obtained as a result of their farming in the framework of labor engagement, that is, occupational therapy of prisoners.

Ombudspersons have also investigated access to clean water as it was what prisoners from Orašje Prison complained of. However, it was found that Orašje Prison is supplied with water from the communal water network, so the convicted persons have the same access to water as everybody else from the inhabitants of the city of Orašje. The Prison management made additional tests and it was found with no doubt that water was suitable for human consumption.

### 3.5.6. Work and other activities

Rather satisfactory activity program (work, education, sports and like) is a key of every prisoner’s welfare, but it is not easy to organize these activities. At the same time, organizing of such activities is not easy. Obviously, prisoners can not be just let to “hang out” in their cells, no matter how comfortable these cells might be.

During their visits to prisons Ombudspersons have observed that some establishments, especially where circumstances were favorable, had accomplished progress in the field of prison work and work engagement of prisoners in prison farms (Bijeljina Prison, Busovača Prison, Dobož Prison, Bihać Prison and Tuzla Prison and to some lesser extent also prisons in Orašje, Zenica, and Sarajevo - Ustikolina Ward and Igman Ward). In Foča Prison work engagement is organized through the furniture manufacture, Zenica Prison organized work in cast iron factory, or some workshops as it is the case in Banja Luka Prison. In all the establishments convicted persons are engaged in services provision for their own needs, in the

<sup>164</sup> European Prison Rules from 22.1 to 22.6

kitchen, washing clothes, library, cleaning the premises and similar jobs. Compensation for the job done differs from prison to prison, as well as working regime so that some prisons have works organized per days, and others per months. In general, needs for work and occupational therapy surpass available capacities. What raises particular concerns is lack of work engagement of convicted persons in Sarajevo Prison and Mostar Prison, since location of these establishments, that is, close to the city centre impedes more quality work engagement of prisoners. Engagement on farms has seasonal character and there remains the issue of prisoners engagement during the winter time.

Impossibility of work engagement leads to unorganized use of free time, and has negative impact and aggravates the inmates' capacity to endure the deprivation from freedom and ultimately negatively impacts the completeness and success of the treatment program.

Most of the establishments have some sports activities, which are, as a rule, organized in gyms, while few prisons have foreseen possibility of outdoor exercising. Space limitations for this type of practice are especially expressed in prisons located in the vicinity of city centres (Doboj Prison, Sarajevo Prison, Tuzla Prison, Mostar Prison, Trebinje Prison). Ombudspersons note that prisoners complain about the way activities are organized even in Igman Ward although it is not located in urban environment. Some of the prisoners are engaged in agriculture during the summer time, some others doing some supporting activities, while most of them just hang out in front of the building doing nothing. The building has sports grounds for football and basketball. Prisoners mentioned problem of order and daily activities schedule according to which they are not allowed to spend time in their rooms until 3.00 p.m., and their common living room is too small for such a number of people, and this problem is more pressing when weather is bad.

### 3.5.7. Education

According to European Prison Rules, every prison should seek to provide all prisoners with access to educational programs which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations<sup>165</sup>. Priority should be given to prisoners with literacy and numeracy needs and those who lack basic or vocational education and special attention should be paid to the education of young prisoners and those with special needs<sup>166</sup>. In segment of education it is also very important for the prisoners to have a library that should comprise books of educational and entertaining character, as well as other sources of information and media.

Ombudspersons established following their visits that there are different opportunities for the education of prisoners. Forms of education more depend on number of potential beneficiaries, and are mainly integrated into the educational system and professional training in community, which is the reason for most prisons to conclude agreements with primary and secondary schools. Depending on possibilities in the establishments could be found information sections and groups for computer literacy of prisoners. All the prisons have libraries, yet the convicted persons in Orašje Prison complained of lack of books (library has around 300 books), and lack of will of prison management to use potential of some prisoners, some of them being university professors, to improve library functioning, which includes activities on the promotion of reading among prisoners.

<sup>165</sup> European Prison Rule 28.1

<sup>166</sup> Idem, 28.2 and 28. 3

### 3.5.8. Contact with outside world

The European Prison Rules provide for convicted persons to have the right to communicate as often as possible with their families by letters, telephone or otherwise, as they will be enabled to receive visits not only of their families but also other persons from different outside organizations.

When it comes to written correspondence, some prisoners claim that letters directed to some institutions are opened and controlled (letter to the ministries, human rights protection organizations, Ombudspersons...) and for this reason some prisoners hand over their letter to their visitors asking them to mail it outside the prison. They claim that this is how, as they say, "revenge" of prison staff against whom they complain is avoided. It is also observed that prisoners send letters to the Ombudsman (from prisons in the Republic of Srpska) in open letters, to which fact Ombudspersons reacted toward the prison managements claiming that confidentiality of written communications must be enabled, in particular when it comes to communication with public human rights institutions and that the managements must provide guarantees for the enjoyment of this right, while the control of possible abuse of this right must be done in some other way.

Prisons are also obligated, whenever circumstances allow, to authorize the prisoner to leave prison either under escort or alone in order to visit a sick relative, attend a funeral or for other humanitarian reasons.

During their visits to prisons Ombudspersons have observed that implementation of the right of the prisoners to receive visits of their family members and their lawyer is on satisfactory level. However, there are different practices in place as to the procedures followed during these visits, so that some prisons require presence of the guard during the visits, which raises the issue of criteria for restriction of communication and visits. Some of the prisons have special rooms for visits of children of the convicted persons.

Ombudspersons also note that implementation of the rule according to which prisoners should be enabled to leave prison either under escort or alone in order to visit a sick relative, attend a funeral or for other humanitarian reasons has not been in place to satisfactory level. Prison managements justify that by their fear from the prisoners' escape, and limited funds when they should leave the prison with escort, especially when the convicted persons is from the other entity. However, based on some lodged complaints Ombudspersons could conclude that in some cases this right is granted easily if not carelessly (Mostar Prison), so it remained dim what are the common principles in the adoption of these decisions.

One of possibilities to contact the outside world in by telephone, which is, according to the new system organized in a way that every prisoner has the right to call seven numbers. This system is a source of the constant discontent of convicted persons in all the prisons. Convicted persons claim that for monopoly of the authorized operator elected to provide telephone communications prices are much higher than normally and that they are not allowed to change numbers before the certain time period. Ombudspersons have learnt that prices are much higher when mobile numbers are called, while the prices of ground lines are much favorable.

Ombudspersons observe that the issue of access to information is solved in a different fashion in prisons. Whereas some prisons enable limited access, the others have cable channels available to the inmates. Practice varies from prison to prison also when it comes to possibility that convicted persons bring their own radio or TV set.

### 3.5.9. Religious needs

Prisons are obligated to ensure respect for the prisoners' *freedom of thought, conscience and religion* is respected, and prison regime should be organized so far as is practicable to allow prisoners to practice their religion and follow their beliefs, to attend services or meetings led by approved representatives of such religion or beliefs, to receive visits in private from such representatives of their religion or beliefs and to have in their possession books or literature relating to their religion or beliefs.<sup>167</sup>

Issue of engagement of religious professionals in order to provide meeting of religious needs of convicted persons is regulated in accordance to various principles: in some institutions these services of religious professionals are paid for based on service contracts, while some religious professionals provide these services free of charge.

Ombudspersons also observe different practices related to the possession of religious symbols and emblems, since in some prisons these things are confiscated or their owners are recommended to send it back home, while some prisons do not mind wearing or keeping them.

### 3.5.10. Processing of complaints

Dissatisfaction of prisoners is usually expressed through complaints by the convicted person filed with different institutions. Basically, complaints can be classified into two groups, namely those relating to the very system of execution of criminal sanctions within the prisons, which included: the right to safety, the right to health care, nutrition, treatment and re-socialization, work engagement, education, internal institutional benefits, meeting religious needs, etc., and the second group of complaints relating to the rights that are decided outside the prison, as a matter of conditional release and transfer to another institution. Processing of complaints filed by prisoners, in addition to quality procedures, requires, i.e. imposes the responsibility of the competent authorities, and raises the question of responsibility for possible violations of the rights of detainees and prisoners, and it is important to file complaints with the actual holder of this responsibility prescribed by law. It is particularly important to which organ prisoners send complaint, because it is a common practice that complaints are most frequently referred the Institution itself, although under the law, which provides for by execution of criminal sanctions in BiH, there are different entities responsible for this area.

Ombudsmen have asserted that there are different ways of recording complaints of prisoners within the institutions themselves, from the fact that in some institutions are kept records of complaints within application reports that are to be sent to the director of the institution, which is especially characteristic of the institutions in RS and some Federation prison (Bihać). These records make it difficult to make complaint selection in relation to the rights to which the convicted person complain of, because it is undisputed that there is legal distinction between applications and complaints, including the legal basis for it. Some institutions in RS introduced the practice of organizing Convicts Councils through which prisoners can articulate their complaints. Supporting organization of Convicts Councils, especially in consideration of issues relating to their rights, it is necessary to point out the necessity of the existence of appeal mechanism for prisoners who are not ready to discuss their demands for the enjoyment of rights, that is, to discuss them within prisoner's collectives.

The absence of separate records of complaints raised the question of clear procedures on handling complaints. In some institutions in general there is no system of registration or application, or appeal (Orašje Prison, Prison Mostar, Bihać prison, prison Busovača), but the

<sup>167</sup> European Prison Rules 29.1 and 29.2

director of the institution conducts interviews with convicted person, at their request. Prisoners in the Prison in Orašje indicated that their complaints often do not reach the director, and due to which lacks appropriate reaction.

In prison in Mostar written complaints submitted to the Director and Deputy Director, who should take necessary actions for their examination and resolution. Records of complaints have not been established, and the practice of maintaining of application reports was abolished because it was determined that such mechanism is not effective.

In prison Zenica the way of handling complaints by prisoners is arranged by Instruction on handling complaints by prisoners, who brought the director of the Institution which predicts three-levels of complaints processing. The first level solves staff, in the second level it is made by the assistant directors, while the third complaint level is decided by the Director of the Institution. However, the above procedure for submitting complaints by prisoners is usually ignored, since most of the convicts directly address the Director of the institution. The number of complaints addressed to the Director imposed the need for establishment of their records, though, as such, is not prescribed, neither by the Guidelines, nor any other act.

Ombudsmen noted that in some institutions managers practicing direct communications with

**The Ombudsmen noticed the need for uniform registering of complaints by convicted and detained persons and establishment of direct connections with relevant ministries with a view to efficient monitoring and acting on complaints.**

prisoners, and enable direct communication between the director and the convicts, while at the same time in other institutions it is assessed that communication with convicted persons should be in domain of prison staff, primarily in the treatment services.

In addition to addressing the institutions in which they are serving their sentence, prisoners address the Ministries of Justice, Ombudsman Institution and other institutions. In some institutions, prisoners can contact Ombudsmen through open letters, which institutions register in its records, and where the institution retains a copy of the complaint and adds it to its

**The Ombudsmen highlight concerns, due to persistence retention of such practices in some of the institutions for execution of criminal sanctions, despite of recommendations issued by the Ombudsman, determining lack of respect of the principle of the right to privacy of correspondence, since letters sent by prisoners to Ombudsman Institution are opened.**

declaration in relation to the allegations. Explanation of administration for such conduct is to seek to prevent occurrences due to which the prisoners make complaints. In some institutions, prisoners complained that the guards speak the words: "In vain are you complaining to the

Ombudsman, they can not help you".

While visiting institutions it is gained the impression that the written correspondence of convicts is secured not the minimum privacy and that in some institutions this correspondence is completely under the control of the prison administration. There are cases that the letters that prisoners sent to other institutions, primarily Ombudsman Institution, never leave the prison. It is undisputed that, in order to ensure access to the Ombudsmen, there is a need for establishment of boxes for complaints, which would have exclusive access to the Ombudsmen, and that such boxes must be placed in locations that are not under video surveillance.

Unfortunately, prisoners continue to believe that the complaining mechanisms are ineffective and unjust. The Ombudsmen state that in the execution of criminal sanctions there is not uniform handling of complaints of prisoners and that there is present the following practices:

- a) *treating of complaints as application reports;*

- b) *three levels of complaint processing, with emphasize that somewhere they are recorded (Zenica Prison), and somewhere not;*
- c) *complaints addressed directly to the Director, which is in practice the most common form, in absence of application records.*

After visiting all prisons the Ombudsmen came to the conclusion that there is no uniform system of receiving, registering and resolving complaints of prisoners, and that the process of their complaints mainly depends on the ingenuity of prison administration. At the same time, BiH Law on Execution of Criminal Sanctions in its Article 80, paragraph 3, provides that the Ministry of Justice shall adopt an ordinance regulating the internal consideration of applications, complaints and other submissions submitted by detainees and prisoners in order to protect their rights.

### **3.5.11. The staff**

In all institutions for execution of criminal sanctions, there is a problem of lack of the staff in relation to the number of prisoners. Of particular concern is the situation in the field of correctional services and treatments, which puts into question the objective of enforcement of criminal sanctions. In some institutions, there are no lawyers, social workers, educators. The problem is also in the fact that there is a small number of working-engaged professional staff in institutions in relation to the number of convicts is reflected in impossibility for qualitative work with prisoner and often lead to "professional burnout" of staff

Unfortunately, in the field of education, especially the supervision of staff in institutions, there are not significant improvements. The staff in institutions has partial support by competent ministries, which itself has a problem of lack of qualified personnel. The situation is further complicated by financial limitations and restrictions, resulting in reduction of all costs within institutions' budget.

Permanently is forgotten the fact that the duty of prison officers goes beyond mere guard duty and that it is necessary to ensure that prison officials act in a manner that will allow the prisoners, who had served time in prison, and facilitate their integration into society.

The position of staff can be viewed from the aspect of the restrictions that are related to ensuring of uniforms that by the quality and type should contribute to building of respect of prisoners for persons in uniform. Unfortunately, in some institutions, staff's uniform is not changed for more than three years, there is no separate summer and winter uniform, and there frequently occur situations that staff by their own means color uniform to conceal its oldness and deterioration. The Ombudsmen remind that the CAT in its General Report<sup>168</sup> noted that *"the foundation of a humane prison system will always be properly recruited and trained prison staff who know how to adopt the appropriate attitude in relations with prisoners and considers his/her job more call than a mere job. Establishing good relations with prisoners should be seen as a key feature of that call."*

### **3.5.12. Institutions for execution of criminal sanctions and the accommodation of persons with mental disabilities**

Lack of facilities for accommodation of persons who have committed a criminal offense in the state of mental incapacity is still a concern. Although entity ministries of justice and the

<sup>168</sup> Excerpt from 11 General Report (CPT / Inf (2001) 16)

Ministry of Justice carried out some consultation, it has not resulted in a change of the situation in practice.

Long-standing problem regarding accommodation of prisoners who have committed crimes in states of reduced or significantly reduced mental capacity and finally insane offenders, should be resolved by adapting the building of the former Psychiatric Clinic in Sokolac in the building where sanctions would be imposed on so-called forensic patients. However, this facility is still not in function, and according to Ombudsman Institution's findings, as the main reason is stated lack of funds for hiring staff, which resulted in conscious violation of human rights of these people.

At the same time, during visits to prisons, Ombudsman found that there are cases in which the mental status changes of convicts who still serving the sentence does not make sense at all, and the law does not define who initiates the procedure for transfer of such persons to institutions for accommodation of persons with mental disabilities. Most often, these people remain in prison until the end of the sentence, when released without securing of any further social care. Ombudsmen assess that the basic characteristics is overcrowding, which directly reflects to quality of accommodation, on the one hand, and lack of adequate concern of competent authorities of the State for this category of persons, on the other hand. Ombudsmen concluded that mentally disabled people placed in worse conditions than prisoners convicted for crimes. The Ombudsmen express concern that these conditions of accommodation violate the right to privacy/and create conditions for possible human rights violation.

In this regard, BiH Ombudsmen noted that the functioning and long-term viability of these institutions resulting from the use of own capacities of employees and their professional commitment, and that there is no government support to these institutions.

## ILLUSTRATIVE EXAMPLES

### Case: Ž-SA-07-797/13

During unannounced visit of representatives of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina to Correctional Institution Mostar, on 16.07.2013, an interview was conducted with a convicted person. The complainant points out that he was sentenced by BiH Court to serve the sentence in correctional institution in Mostar. He complains about the inhumane conditions of solitary confinement, which does not provide any minimum requirements in terms of space, hygiene, equipment, etc. Immediately upon receipt of this complaint and to examination of allegations, the Ombudsmen, accompanied by a supervisor Guard, conducted direct observing of two rooms (solitary confinement). On this occasion, the Ombudsman found that the allegations were justified due to the fact that the solitary was placed in a wet basement and below all civilized standards. The Ombudsmen have noticed that these small spaces are dirty and with scarred walls and poor lighting. In fact, only the first (1) edged a little daylight that comes through a small barred window, while the other (2) solitary confinement in general has no lighting. Furniture consists only of the bed over which it is spread dirty sponge with no bedding. Ombudsmen have noticed that the room stuffy (un-ventilated), and even minimal attention is not paid to their maintenance, no sanitary facilities, no heating. Beside the bed in the room are the only toilets (squatting) and a few bottles of water. And finally, the general impression was that these two rooms are of more than heavy and atmosphere.

Starting from evaluation that set out conditions in which prisoners in correctional Institution Mostar serving disciplinary measure of solitary confinement beneath the dignity of every human in order to eliminate perceived weaknesses and imperfections, and to prevent further

violations of prisoners' rights, Human Rights Ombudsman of Bosnia and Herzegovina, processing complaint of prisoner issued *recommendation* to the Director of prison Mostar to take all necessary measures in order to create positive living conditions in the areas in which prisoners serve disciplinary measures of solitary confinement, which primarily means provision of lighting, heating, ventilation, access to drinking water, as well as the maintenance of these facilities in a satisfactory condition, meeting requirements of prison hygiene, and this room (solitary confinement) located in the basement of the Department to put out use until creation of above conditions;

On 14.11.2013 the Ombudsmen performed an unannounced visit to the prison in Mostar during which they got convinced that the recommendation was fully respected.

**Case: Ž-SA-07-1251/13**

Complainant points out that he is located in Pavilion IV without a valid reason. He stated that the he is of exemplary conduct, yet labor engaged in the toughest jobs classified in group "A", and is of the opinion that he is groundlessly located in disciplinary pavilion already for four months. The Ombudsmen were latter informed that this person is returned to the master collective-7 where he resumed serving his prison sentence.

**Case: Ž-SA-07-1104/13**

The reason for the complaint is negative verification by Police Administration Center of Tuzla, which four provided a negative opinion for the use of out-of-prison benefits. Specifically, appellant points out that the he is exemplary convict, labor engaged in prison in Zenica on jobs of hairdressers, located in Pavilion V where they were exemplary prisoners, assigned to the classification group. Opinion of Administration of Zenica Prison is that correctional previous work has shown excellent results.

At the request of the Ombudsman Police Station Center Tuzla submitted declaration, document number: 08-05/4-4-101-934/13 of 08.11.2013, which points out that the PU Tuzla after checking out it referred positive attitude to use of out-of-prison benefits for convicted person.

**Case: Ž-SA-07-899/13**

The complainant stated that Prison Administration did not approve him to attend the funeral of his sister even though they were delivered a death certificate and notification of family. They also pointed out that the re-filed petition to, accompaniment by institutional Guard, visit the place where his sister was buried, but that this petition was not decided After intervention, the Ombudsmen were informed that Prison administration complied with the request of the convicted person, accompanied by the guards drive, to visit the grave of sister and to visit his mother.

### 3.6. DEPARTMENT FOR PROTECTION OF THE RIGHTS OF THE CHILD

The Ombudsmen, in line with national strategies for action of the Institution of Human Rights Ombudsman of BiH for the period 2010 to 2014, had Save the Children as a strategic partner in order to achieve a very important goal, which is to build and strengthen the capacity of the Department for protection of children's rights. From inception until today<sup>169</sup>, the Department, in addition to acting on the individual complaints, successfully undertook a number of activities in order to monitor the implementation of children's rights, strengthening cooperation with civil society and raising awareness of the UN Convention on the Rights of the Child.

#### 3.6.1. Analysis of complaints received

The Department active within Ombudsman Institution has begun to work in mid- 2009 and compared to the previous reporting year, there were no major discrepancies, and the Department still receives the largest number of complaints that are related to education, right to health care, the right ways to maintain personal relations and contacts with the other parent with whom the child does not live and with his close relatives, the right to protection from violence, especially neglect of a child, and as responsible authorities in complaints are referred to social work centers, courts, schools, less frequently educational/training and inspection by competent ministries of social welfare and education, etc. It should be emphasized that the ombudsmen often, acting upon complaints from other departments, come to the knowledge of

**Most often were registered violations of children's rights to education, health care, maintaining personal relationships and contacts with the other parent with whom the child does not live and with his close relatives, the right to life without violence. As the responsible authorities in the complaints were alleged social work centers, courts, schools, competent ministries in the field of social protection and education, etc.**

the violations/endangering of the rights of the child. So, if we analyze the complaints received, there was no large deviations, but in relation to 2012 and 2013 increased the number of complaints. Specifically, the Department during 2012 received 124 complaints, which was followed by eight recommendations, whereas the number of complaints in 2013 amounted to 165, which was followed by 22

recommendations. Also, it is important to note that there were several complaints registered and violations of children's rights to privacy were determined.

#### 3.6.2. Education

Ombudsmen Institution was requested for intervention, addressed by representatives of the Independent Trade Union of employees in elementary schools of Canton West Herzegovina<sup>170</sup>, Due to parliamentary decision to "reduce" the first grade of primary school teaching to just three months of the entire school year. From the relevant Assembly and the Ministry it was confirmed that the teaching in the first grade in elementary school envisages abbreviated curricula, and immediately pointed at legal possibility and legal justification to do so, in accordance with the Constitution of the Canton and the Law on Primary Education. They also point out that the Minister prepares by-laws in terms of organization, so they do not see any illegality in such decisions. During the process of research, competent Ministry, as one of the

<sup>169</sup> June of 2009

<sup>170</sup> Case Ž-BL-01-331/12

main problems in all schools in the Canton, highlights overcrowding of space, because of which there are more cases where in the same building are located two or even three schools (Široki Brijeg, Ljubuški, Posušje). Taking into account the state ministries, while keeping in mind the competence of the Agency for Preschool, Primary and Secondary Education, particularly in the area of establishing standards in education, establishing standards of knowledge and experience evaluating and appreciating the Agency for development of the common core curricula, Ombudsman Institution urged the Agency, in the best interests of the child, to consider the overall situation, or problem and possibly recommend or suggest to competent authorities in the Canton on how to solve the problems. Because of the lack of educational institutions in the Canton, the Ombudsman agreed that it is essential that professional body consider the overall situation, but only with the aspect of protection of children's rights, to take

**Ombudsmen noted that the increasingly common practice of uncoordinated actions of the competent institutions are in the area of education and act contrary to the Framework Law on Primary Education which results in the fact that it can not ensure a minimum level of standards in education and leads to different treatment of children. It is particularly worrying that the decisions-making body takes decisions without consultation with the profession and parents.**

the view that there were violations, and the extent to which was infringed or threatened the right of children to education. Agency for Preschool, Primary and Secondary Education shall notified Ombudsman Institution that they are not competent and that it has not opportunities to influence decisions taken by ministries. The Ombudsmen, in considering the appeal and the results of the research, taking into account relevant

legislation, found that in this case is not disputable that the competent cantonal authorities acted in accordance with the Constitution and laws, and that there was no violation of constitutional and legal provisions, but it remains controversial whether by such actions is violated relevant rights of children to education. Ombudsmen are not able to determine whether they are at all in any way in connection with shortening in elementary school, consulted teachers/educators, schools, parents, children, pupils of the first class or the children, for example, by the Parents' Council and the Council of Pupils in primary schools in the Canton, and with certainly not enough money, given that the Union suspected that the savings/financial difficulties, is the main motive of shortening in primary schools, should never be an excuse if talking about minimal and essential obligations of states. In acting so, the authorities have "deteriorated" and reduce the level of rights, provided that absolutely nothing can "justify" impairment of rights, or budget cuts. After summarizing the results of all investigations, the Ombudsman, in accordance with Article 32 Law on Human Rights Ombudsman recommended<sup>171</sup> the Assembly of Canton West Herzegovina and cantonal Ministry of Education, Science, Culture and Sports, in the best interests of the child, to act jointly and take measures towards the full realization of the rights to education primary school pupils within the Canton. Ombudsmen also urged authorities to, in order to achieve this objective, draw up a quality analysis in order to see all positive and negative aspects of shortening classes in primary schools and classrooms, taking into account the views and opinion of the Ombudsman, especially taking into account the dissatisfaction of citizens and educators. At the same time they stressed that the Ombudsmen do not want to mix in the way in which will be achieved quality analysis, with regard to the area of responsibility and obligation to address this problem, engage and consult expert guide, if possible, an independent body or experts, observing all technical and pedagogical principles and standards and to consider and explain all the allegations of the Independent Union of staff in primary schools, which amounts to a number of

<sup>171</sup> Recommendation no. P-123/13 of 06.06.2013.

arguments against the shortening of classes and grades in elementary schools, and particularly the allegations which suggest that children - pupils of the first class in the Canton, in relation to their peers from other parts of BiH, are discriminated and about all measures and actions taken the Ombudsmen should be notified within 60 days of receipt of the recommendation. On the occasion of the ombudsman's recommendations competent authorities have submitted a report to the Ombudsman, remaining in their view, as expressed in the course of the investigation that has shown that they had a constitutional and legal authority to organize the first grade of primary school shortened by nine-year education system. Thus, the recommendation of the Ombudsmen was not complied with. The ombudsmen seize this opportunity to point out non-cooperation by the Government of Canton Una-Sana<sup>172</sup>. Exercising their legal powers, the Ombudsmen initiated ex officio cases regarding strong concerns due to poor conditions in which the children attend teaching in regional school STABANDŽI in the territory of the Canton.

In fact, some media reported that children attend school in the house that can collapse at any moment, by which the safety of pupils and teachers are at risk. School allegedly attended 56 pupils who are divided in two shifts, because of lack of space, and because of deterioration of the building. In addition, it is almost inconceivable that in these times listed schools generally have no water supply, and that students and teachers use external toilets. After addressing the Ombudsmen, PS "Crvarevac" informed Ombudsman institution that the school informed cantonal government, Federal Ministry of Education and the municipality of Velika Kladuša about all the problems and the poor state of the object in Stabandža. They add that the entire case is turned on the media, and that they try to find donors. Ministry of Education, Science, Culture and Sport: Act No. 10-10-2266-2/2013 of 18.03.2013, informed, among other things, Ombudsman Institution that in the budge of Una-Sana Canton for the 2013 was planned 900,000 KM for reconstruction and maintenance of school buildings, which is not enough for the realization of all budget users' requests in the field of education, including the requirement specified for school reconstruction PŠ Stabandža. Further, they point out that through analysis of all requirements from this field they suggest that the cantonal government should allocate funds to schools where assistance for reconstruction is most needed. The Ombudsmen invited Prime Minister of Una-Sana Canton, when considering the proposal of the Ministry in connection with the distribution of funds for 2013, to ensure priorities, and in this case, as much as possible, to protect children in PS Stabandža and allow them the right to education, leisure and play, etc. However, after Ombudsmen addressed recommendations due to non-cooperation, did not get the required feedback and do not know whether there was an improvement of conditions in which the children attend this school.

**The dimension of the problems in the field of education requires competent authorities to take additional measures and Ombudsmen specifically indicate the need for the Ministry of Civil Affairs, in accordance with its mandate, to take coordinating activities in this area.**

In 2013 Ombudsman Institution received a number of complaints relating to right of the child to education<sup>173</sup>. Given the severity of the situation and taking into account the negative consequences will be borne exclusively by the children, the Ombudsmen immediately responded and urged the relevant authorities to act according to the Convention on the Rights

of the Child, stressing that it is necessary to provide every child with the right to education. The

<sup>172</sup> Case Ž-BL-01-105/13

<sup>173</sup> The children from Konjević Polje and Vrbanjaca near Kotor Varoš

Ombudsmen conclude that, when viewed solely from aspect of children's rights, children's rights to education are violated, because children do not attend school. This leaves open a number of questions<sup>174</sup>, such as issue whether children are discriminated against on grounds of ethnicity, whether they have the right to use their language/languages of constitutive nation to which they belong, etc, and generally raises the issue of ensuring application of the principles of the Convention on the Rights of the Child, including non-discrimination on any basis, the best interests of the child and the right to respect for the child's opinion. The Ombudsmen suggest that international standards prescribing duties of the authorities of a Member State to provide basic education to every child and a member state is obliged under Article 13 Paragraph 3 Covenant on Economic, Social and Cultural Rights," to respects the liberty of parents and, if necessary, legal guardians to choose for their children other institutions that may prescribe or to be adopted by the state in terms of education, and to ensure the religious and moral raising of their children according to their own convictions.", and it is state's obligation to comply with Article 8 of the Convention on the Rights of the Child"- "right to preserve identity."

"The right to education requires States to take account of how to respect each view of parents, even if it is concerned only about certain questions and aspect of life. This, of course, does not mean that the state must allow the child to be educated in accordance with the wishes of the parents, but that the state must remain neutral concerning the children, free of any indoctrination and in non-discriminatory manner"<sup>175</sup>

Accordingly, the authorities are obliged to provide access to education to every child under the same conditions without discrimination on any grounds with full appreciation of the Framework Law on Primary Education, and the Ministry of Civil Affairs is obliged to act in accordance with Article 56 of the aforementioned law.

In addition to the obligation of the state and educational institutions in the realization of children's rights to education, and with starting point of the "best interests of the child," and "parents are obliged, too, to contribute to the realization of the right to education of the child" under the Convention on the Rights of the Child.

With regard to Framework Law on Primary Education in BiH, "parents are obliged to provide their children with good attendance during the period of compulsory schooling. In the case of an irresponsible attitude towards this obligation, the parents are subject to sanctions in accordance with law"

### 3.6.3. Health protection of children

Ombudsman Institution was contacted by mother of a minor girl, with a complaint of the work of the Clinical Center of Sarajevo University<sup>176</sup>. The complaints alleges that her child was examined in the medical post, diagnosed with, and subject to any necessary consent received to the Department of facial surgery for surgical intervention. Mother attended the handover of the child with the head nurse, who showed, on this occasion, bed and bedding for the sick child. However, after that, the head nurse and the doctor invited the mother and announced that she had left mentally deranged child. The mother then came for daughter, the surgical intervention was not performed, and in discharge letter was stated, inter alia, that because of *"the impossibility of establishing normal communication with the child prevented the planned surgical procedure and the patient was discharged home. In the case of a new hospital, and due to the extremely demanding surgical procedure, after which it can follow the change of personal*

<sup>174</sup> The Ombudsmen will decide on debatable issues and take action through the activities of the Department for Elimination of All Forms of Discrimination.

<sup>175</sup> „Human rights and freedoms“ Nedim Ademović

<sup>176</sup> Ž-BL-01-562/12

*description, please be sure to review the opinion of a psychiatrist."* Because of this behavior, the mother filed complaint with Ombudsman Institution. The Ombudsmen, primarily in the best interests of the child, during the proceedings sought amicably to resolve the situation, and there was a commitment to mediation between the parties, all with a view to an amicable resolution of contentious situations alleged in the complaint. As it failed, the Ombudsmen requested authorized medical institution immediately to decide on the complaint and after that to claim that the complaint is unfounded. To protect the rights of the child, the complaint, pursuant to the instructions of the remedies, requested by the competent ministries protecting the rights of the child. In this case it was not disputed that the complainant, in order to protect the rights of their children, using existing legal mechanisms, but they, in the opinion of the Ombudsmen, have shown to be really inefficient. It was a long period of time in which the

**Through their work on the individual complaints the Ombudsmen found that available legal mechanisms for the protection of patients' rights are not effective.**

complainant tried to protect the right of her child, as well as patient at the same time. Competent Federation Ministry of Health, that is, the Federation Minister for months does not decide on the interests and rights of the child, and then his act of

deciding on the complaint returns CC of Sarajevo University, which acted in accordance with the instructions of the Federation Ministry of Health repeatedly adopted decision rejecting the complainant's objection (complete procedure lasted approximately one year). The complainant did not appeal in accordance with the legal remedy, requesting protection of her, that is, protection of the right of her child right. Through correspondence with the complaint, the Ombudsman Institution learned that the complainant with her daughter referred to Tuzla in appropriate health services to treatment and surgical intervention In the Department for Protection of the Rights of detainees and prisoners<sup>177</sup>, there was complaint registered in which complainant states that she is serving a prison sentence, the she is mother of two young children (patients aged 12 and 16), which are not covered by health insurance. The Ombudsmen, on the occasion of complaint referred an act to relevant Social Work Centre, after which the complainant, in accordance with the instructions of the competent authority,

**. The Ombudsmen indicate that, in practice, regardless of the statements of representatives of the competent authority and regardless of the status of their parents, enjoyment of the right to health care is not ensured to children under the age of 18 years. The authorities still insist that only the children of health insured parents can enjoy this right.**

submitted a claim for compensation on behalf of family for placement for children, a request for a one-time financial assistance, and learned about the fact that minor children are covered by health insurance, or do not exercise their right to health care. The complainant after the intervention of Ombudsman Institutions realized her rights and the rights of her children

Ombudsman Institution received anonymous complaint<sup>178</sup> relating to protection of the rights of children attending pre-school education in the municipality of Sanski Most. Their rights to life, health, development and survival are directly affected. Having in mind allegations of an anonymous complaint, Ombudsman Institution contacted the Mayor of the municipality with special acknowledgment of the fact that in one of the buildings with roof is situated kindergarten and day nursery which comes around 100 children daily. Taking into account the basic principles of the UN Convention on the Rights of the Child, Ombudsman Institution

<sup>177</sup> Ž-SA-07-846/12

<sup>178</sup> Ž-BL-01-495/12

reminded the Mayor, as well as the competent inspection bodies to the obligation of all of us that to take actions concerning children, and regardless of who undertakes them, the best interests of the child shall be a primary consideration. The municipal authorities conducted inspection on the spot and found not at all in disputable that the building in kindergarten is covered by asbestos plates, as well as a garage nearby, but the case is about buildings that are mostly in private property, so that the roof, which is common ownership is not possible to be renewed and modified, without participation and consent of the other tenants of the building. They also point out that there are no legal norms according to which is forbidden to build by mentioned asbestos plates and that there is no legal obligation for such plates to be out use. Bearing in mind the previous results of the investigation, Ombudsman Institution has estimated that it was necessary to establish the extent to which the above reflects the current state of health both of the adults and primarily on the health and development of children, which is why the Institution asked for an expert opinion and evaluation by Federation Administration for Inspections.

However, cooperation, in the concrete case, with Federation Administration for Inspection during their research process was established, neither after the issue of Ombudsman Recommendations <sup>179</sup> nor following provision of this information to the Government of the FBiH.

#### **3.6.4. Social protection of the children**

Institution of Human Rights Ombudsman of BiH was addressed by the father of five minor children<sup>180</sup>, who states that municipality Ljubinje, in accordance with the Law on Social Protection, issued a decision on so-called expansion of rights and increases the amount of compensation supplement to children. The Municipality, i.e. Social Work Center issued decision, yet after a short period of time, the Center, due to reduction of budget, on regular Assembly adopted decision to suspend the payment of said expanded rights, but did not make decision to suspend the payment of rights, nor notified the beneficiaries of rights. In concrete case the Ombudsmen are of the opinion that the authorities should have made a competent decision on termination of rights and, consequently, the Ombudsmen recommended municipality to issue decision and in the reasoning of it to put forth all the reasons for termination of rights, because only in this way the complainant would get familiar with all relevant facts, and would be not forced to seek explanations and clarifications from the authorities concerned and Ombudsman Institution. The municipality, following issued recommendations, explained that it would be absurd after four years to made decision establishing termination of rights, since the decision on the abrogation of the Decision on Social Protection was published in the Official Gazette of the Municipality Ljubinje. Ombudsmen assess that explanation provided by the Municipality is partly justified, given the passage of time, yet the Ombudsmen, appreciating its mandate and jurisdiction in accordance with the Law on Human Rights Ombudsman of Bosnia and Herzegovina, decided that, solely in order to promote good governance, issue recommendation to relevant municipal authorities. In addition, the municipality is requested that in future in all same or similar circumstances, in the event of termination of rights; make the decision on termination of rights, all of it in accordance with international standards and local applicable regulations. In this way, in their actions, respective municipal authorities will allow the protection, promotion and creation of conditions for equal treatment, because otherwise comes to instability in the legal system of the State and

<sup>179</sup> Recommendation no. P-95/13 of 24.04.2013.

<sup>180</sup> Ž-BL-01-703/12

the rule of law. Principles of good administration require the public authorities to respect and exercise reasonable expectations of citizens created through procedures and actions of the organs themselves. Recommendation of the Ombudsmen is partly complied with, as

**The Ombudsmen point to the need for ensuring full implementation of legislation regulating administrative procedure because it guarantees the enjoyment of the citizens' rights.**

Municipality, as stated, upholding the recommendation, especially in the part concerning the handling of future cases, and that they are aware of the failures, but it is not realistic to expect that the Municipality will provide the funds required for payment.

### 3.6.5. Children's right to privacy

As in the previous reporting year, Ombudsman Institution received complaints of parents regarding the work of some of the media or the Ombudsmen, using their legal powers, opened cases ex officio.

In one case, which was opened ex officio<sup>181</sup>, Ombudsmen recommend to one online media in Bosnia and Herzegovina, primarily to establish cooperation with Ombudsman Institution, and given that they did not answer and respond to acts of Ombudsmen in the manner provided under Article 6, paragraph 1, item h) of the Law on Prohibition of Discrimination, as well as to any future reporting on children to be guided primarily by principles of the UN Convention on the Rights of the Child, including local regulations covering this area (Code of Ethics for Research on Children and the Press and Online Media Code of Bosnia and Herzegovina). However, cooperation was not established and recommendation was not complied with.

**Media Reporting on children and issues related to children in Bosnia and Herzegovina is still not in line with the principles of the Convention and the Code of Ethics of Research on Children and the Press Code and online media.**

Identical to the subject of the complaint of parents in connection with inappropriate reporting on child by one of the printed media<sup>182</sup>, was not established cooperation and it failed to comply with the Ombudsmen's recommendations.

Unfortunately, Ombudsmen state that in

2013 there were violations of children's rights to privacy committed by the media, which has been seen through following the major printed media in Bosnia and Herzegovina, and through acting upon complaints of citizens or ex officio. We seize this opportunity to mention the case when, before the Census in Bosnia and Herzegovina, the children were used for propaganda/political purposes by adults (parents and the environment) on the official website of citizens' associations (NGO), which is drastic violation of the Code of the Press and online media, and except condemnation responsible organs, among others, the Ombudsmen and the Press Council of Bosnia and Herzegovina, unfortunately, there was not a way effectively to protect the children, in such or similar cases, against violations of the right to privacy.

<sup>181</sup> Ž-BL-01-119/13

<sup>182</sup> Ž-BL-01-140/13

### 3.6.6. Conflict divorces/children's realization of contact with parents and relatives

Since again the largest number of complaints filed with the Department was related to conflict divorces, we present two illustrative examples<sup>183</sup>. According to the mother, three-year child suffers the consequences to its mental and physical health, due to reaction and fear of contact with his father, and did not want contact with her father. According to the relevant center for social work mother does not cooperate sufficiently with the relevant Centre for Social Work and finds different ways to hinder and prevent contacts. What is sure is that it is significantly determined by a competent center that emotional connection between daughter and father exist, but that because of the time of physical separation, emotional bond between father and child is incomplete. During the research process it was found that there are different/opposing opinions by competent center for social work and the complaint. Contrasting opinions are specifically related to the alleged obstruction of the procedure by the center performed by the mother, which the mother denies, and the opinion of the mother of the child's emotional relationship with his father, as well as her mental condition that the Center does not confirm. In this case Ombudsmen have found apparent ambiguity in the attitudes of the presiding officer and the parties to the proceedings, and recommended that the center<sup>184</sup>, in order to achieve the best interests of the child, make decision on the exemption from the center of further proceedings in the case, and that the case should be referred to the further conduction of the proceedings to Social Work Center in other municipality. The recommendation of Ombudsman

**In the case where a citizen is dissatisfied with the work of center for social work and seeks exemption, especially if there are doubts about the objectivity of the staff at this institution, in the Federation there is no mechanism for deciding upon request for exemption.**

was not complied with, which became familiar to competent court and which then made a judgment on detailed way of establishing personal relations and direct contacts between father and child.

As to other relatives, the Ombudsman Institution through one registered complaint<sup>185</sup> became aware of violation of the rights of children committed by father who hindered and prevented in a number of ways contacts between children and maternal grandmother, with the caveat that the children's mother died a few years ago, and her grandmother represented the only emotional bond between child and the late mother. Regardless of a number of activities undertaken by the Ombudsman, Center for Social Work and the court, realization of contact between children and grandmothers did never occur.

### 3.6.7. Activities of the Department

#### 3.6.7.1. Ombudsman in your school

As mentioned in introduction, one of the objectives in the work of the Department is to raise awareness about the Convention on the Rights of the Child. Ombudsmen in 2013, with the support of Save the Children, performed continued activity called Ombudsman in your school. The Ombudsmen and staff of the Department held meaningful and educational workshops with children in primary and secondary schools in Ugljevik, Višegrad, Cazin, Tešanj, Neum and Čapljina. Workshops were conducted with a view to sensitize children to the problem of

<sup>183</sup> Ž-SA-01-589/13 i

<sup>184</sup> Recommendation no. 153/13 of 12.07.2013.

<sup>185</sup> Ž-BL-01-651/11

violations of children's rights and the promotion of the Ombudsman as a mechanism for the protection and realization of children's rights, but also to explore the needs of special reports children's leisure. To realize workshop "The Ombudsman in your school", with financial support of Save the Children, was developed promotional material completely adapted for children (UN Convention, blocks, t-shirts, posters on the theme of non-discrimination, health care, and promotion of children's rights and best interests of the child). School visits were used for visits to relevant municipal authorities (the Mayors, social welfare services, etc.), as well as appearances of Ombudsmen in the media of visited local communities. Website of Ombudsman Institution was additionally developed and all activities of the Department, researches, communications, etc. are available for children and adults, with the caveat that the website is now richer and more accessible and interesting to children. On the website there is a short animated movie YOU HAVE THE RIGHT TO KNOW. According to statistics of Ombudsman Institution, this movie was viewed 102 times in a very short period of time.

In order to achieve cooperation with representatives of civil society with the common goal of improving and protecting the rights of the child, in 2013 for the needs of all special reports were conducted consultative meetings with representatives of many NGOs in BiH<sup>186</sup>. Also, the Ombudsman Institution, together with partners from the NGO sector<sup>187</sup> worked on promotion and celebration of all the important dates in the field of children's rights.

### 3.6.7.2. Marking important dates

Marking the International children's week was done in cooperation with NGOs<sup>188</sup> and the Ombudsmen visited the drop-in centers for children found wandering and begging/victims of domestic violence/Mostar, Zenica and Banja Luka. In Banja Luka, and the same was done on the occasion of a workshop with children from preschool institution "Bambi" Banja Luka on the rights of the child and to make children familiar with Ombudsman Institution. On the occasion of International Children's Day, on 11.19.2013, in the Parliamentary Assembly there was held a thematic sessions, organized by the Joint Commission on Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics of BiH Parliament. Ombudsman Institution, in partnership with the network "A stronger voice for children" and Save the Children ensured the participation of children in a special session. Children, participants of thematic sessions clearly told to commission members that want to grow up and ask for appreciation of their opinion. The purpose of holding thematic session was to raise awareness about the importance of the decision makers in decision-making for children and on behalf of children, to hear their voice and act in their best interests. Children were addressed by the president and some members of the Joint Committee and the Ombudsmen, inviting children to continuous cooperation with the members of the Commission, to encourage their presentations, the children were encouraged to discuss issues that concern them and express their opinion.

### 3.6.7.3. Membership and activities in the networks

Treated subjects, but also numerous other problems, are common and similar in Southeastern Europe. At the meeting it was decided that to solve a number of contentious issues is necessary to coordinate the activities of the institutions for the protection of children's rights, especially cross-border cooperation, leading to the best interest of the child. THE CHILDREN ON THE

<sup>186</sup> Associations that provide free legal aid (Your rights, Local Democracy Foundation) association of so-called called single parents, relevant associations in the field of protection of children's rights and protection of women and children from domestic violence, such as the Future from Modriča or Women's association Banja Luka, Hail to you, etc.

<sup>187</sup> Network of NGOs "A stronger voice for children"

<sup>188</sup> A new generation Banja Luka, Altruist Mostar

MOVE<sup>189</sup> was also theme of the annual conference of the European Network of Ombudsmen for Children<sup>190</sup> Because of the risky conditions in which these children live, it is necessary to identify their needs and protect their rights, and it requires an appropriate cross-border cooperation, namely the exchange of information and coordinated actions of government and other authorities from different countries, including international events mentioned above aiming to engage all ombudsmen, NGOs and many other professionals/experts to raise awareness of the needs of this vulnerable group of children<sup>191</sup>.

### 3.6.8. Research and Special Reports prepared by the Department in 2013

#### 3.6.8.1. Special Report on Children and Leisure

The Ombudsmen so far in their work did not address the rights of the child to rest and leisure, play, recreation and participation in cultural and artistic life, although constantly emphasized that all the rights stipulated by UN Convention on the Rights of the Child are equally significant

**Ombudsmen indicate the importance of the relevant institutions to pay more attention to children's right to free time which can significantly affect the circumstances that favor the occurrence of deviant behavior of children, including more and more appearance of the children in conflict with the law, and increasingly expressed peer's violence.**

and important. Article 31 of UN Convention provides for the right of every child to rest, leisure, play, recreation and participation in cultural and artistic life. However, the Ombudsmen themselves express concern that these rights are not recognized by competent authorities as substantial and important.

Globally speaking, the increased number of population in the cities/larger communities, an increase in all forms and types of violence, particularly child abuse and their economic exploitation, constantly increasing and spreading educational requirements and tasks, and commercialization of children's right to play, inevitably reflects the exercise of the rights referred to in Article 31 of the Convention. Adults must not forget their obligation to create the time and conditions to children spontaneously to play, recreate and entertained. Simply, in addition to the right to life, children have the right to survival and development, that children,

**It is important to ensure that the relevant authorities at all levels ensure monitoring of expenses for activities that may contribute to higher quality and more meaningful use of leisure time for children, which is primarily related to assets intended for sporting, cultural organizations and associations. It is necessary for the authorities to find out funds for this purpose, provided that there is an increased involvement of the children.**

unlike adults, develop and therefore it is an imperative obligation of adults except for food, shelter, clothing, and provide adequate physical and mental development to children. Thanks to cooperation between the Ombudsmen and Save the Children, in the framework of the project "Strengthening the capacity of the Department for following children's rights", the Ombudsmen have prepared report with a view to point out

the importance of the rights referred to in Article 31 of the Convention. The Ombudsmen want

<sup>189</sup> "The children on the move" are children immigrants, who accompany their parents or are self-directed abroad in search of employment and better living conditions, children who are displaced due to the conflict or natural disaster, children asylum seekers, often victims of trafficking;

<sup>190</sup> ENOC network, the conference was held in September of 2013 in Brussels/Belgium

<sup>191</sup> BiH (government institutions and non-governmental organizations, with the help of Save the Children) performed a comprehensive analysis of this issue under the title *I want to be like other children*

to a certain extent to give clear explanations and arguments to indicate the importance of rights, and everything to encourage competent authorities to consider and take appropriate actions, exclusively in the best interests of children. This is particularly important given the mandate of the institution of Ombudsman, which includes obligation to promote and advocate the application of international standards in BiH. Given that the UN Committee on the Rights of the Child at its 62 session<sup>192</sup> adopted General Comment No. 17, to explain in detail the measures that Member States must take in order to ensure the application of Article 31 of the Convention on the Rights of the Child, the Ombudsmen assessed that it was time to take action in this area. Therefore, this report pays particular attention to General Comment No. 17 of the UN Committee on the Rights of the Child. Taking into account the results of the researches, relevant international and national legislation, Ombudsmen recommended RS Government, FBiH Government of Bosnia, Brčko District of Bosnia and Herzegovina and Cantonal Governments, in accordance with their legal powers and authorities, through competent ministries, in the coming period to provide continuous monitoring of the expenditure of the funds that are in municipal budgets allocated to sports and cultural clubs, then, in accordance with their financial capabilities, to provide training parks and playgrounds in the municipality for which they estimate that it is required, as well as to ensure necessary funds for physical training halls in every school in Bosnia and Herzegovina, and that, taking into account the importance of the general comments of the Committee, no. 17, make additional efforts to promote the realization of the rights of the child to rest and leisure, play and recreational activities appropriate to the age of child and to participate freely in cultural life and art.

### 3.6.8.2. Special Report on the Role of Social Work Centers in protection of children's rights

In the realization of social justice, social rights, reducing of social inequality and general humanization of society, special role are on social policy and social work. Social welfare institutions in BiH should be recognized for its expertise, initiatives, creativity, development of services appropriate to the needs of users and to be the bearers of research, planning, and realization of social activities in local communities to meet the individual and common social needs and the development of social protection systems. Advocating for human rights is an integral part of social work, which gives the Ombudsmen the right to state that the mandate of the Ombudsmen Institution and SWC is in many respects identical, and that is, in the broadest sense of the word-respect for human rights and advocacy. SWC are the most important institution in the social security system, and taking into account a number of international and domestic laws, the protection of children's rights in the system of social protection has priority.

The Ombudsmen evaluated as necessary to draw up one such analysis, in order to obtain data and information, given that the Ombudsmen for years advocated strengthening of the capacity of SWC. The annual reports on the activities of the institution of Ombudsman and special

**Ombudsmen again point to the importance of strengthening the capacity of social work centers according to their specific role not only in the protection of human rights, but also in preventing violations.**

reports/studies in the field of children's rights, the Ombudsmen, given their knowledge, experience and established violations/threats to law, drew attention of the authorities in BiH indicate poor position of SWC and the need for SWC and to all areas of social protection must

be paid more attention, relevance and financial resources. In this way the Ombudsmen's advocating would provide them with greater significance and realistic statistical indicators, and

<sup>192</sup> from 14 January to 1 February of 2013.

thanks to cooperation with Save the Children, Ombudsmen conducted the research, with the ultimate aim of this report/recommendations addressed to competent authorities to improve the position of SWC, as well as that based on the survey results to identify trends and modes of action of Ombudsmen in the future, in order to protect the rights of the child. Taking into account the results of research and relevant international and domestic law, the Ombudsmen sent recommendations to the competent organs.

### 3.6.8.3. Special Report on Children and conflict divorces

One of the basic mechanisms of work and activities of the Institution of Ombudsman for Human Rights and the Department is working on individual cases, complaints of parents dissatisfied with the work of courts, prosecutors' offices, the guardianship authority or other competent authority, due to non-implementation of their parental rights. We use the occasion to point out that BiH Ombudsmen are addressed by parents and by children very rarely, which is for the Ombudsmen a sufficient motive to undertake additional efforts to promote children's rights and advocacy for stronger voice for children in our society, especially since the establishment of the Department the greatest number of complaints is related to children in the so-called conflict divorces. Given the prevalence of this problem, the Ombudsmen with certainty state that this problem brings a large number of children in extremely disadvantaged position. For each child the divorce of his parents is very stressful experience, which undoubtedly causes severe emotional reactions, and, unfortunately, we often witness parents through their behavior further complicate children's reliving that experience, because of their inability to cope with the situation in which they find themselves and unwillingness to take responsibility for developing relationships with the child and former partner. Years of follow-up work and the ways in which the competent institutions react in cases of violation of children's rights during and after the divorce of parents, including termination of cohabitation, clearly indicate that the manipulation of children in divorce proceedings is very common. Also, it was clearly observed that the existing legal and technical solutions do not provide the protection of the child and his or her rights, e.g. when one of the parents is persist to exclude the other parent from child's life or to interferes with the performance of parental duties and alike. Bearing in mind the topicality and importance of the problem, the Ombudsmen, working on

**Problems in protecting of the rights of the child after parents' conflict divorce point to the need for establishment of a mechanism that will ensure payment of child support through limitations of alimony payer's access to travel document or some other right. Special need, springing from present practice, is introduction of premarital counseling as a condition for the marriage.**

this report would like to encourage institutions and experts involved in the procedure on the protection of children's rights in cases of divorce of parents, the greater interconnectedness and cooperation, and to think and finding effective mechanisms protection of the rights of the child, guided by the best interests of the child.

All special reports are available at the website of the Institution<sup>193</sup>, and in 2014 the Department will observe realization and compliance with recommendations contained in all mentioned special reports.

<sup>193</sup> [www.ombudsmen.gov.ba](http://www.ombudsmen.gov.ba)

### 3.6.8.4. Implementation of recommendations contained in special reports prepared during 2013

During 2013 the Ombudsmen put efforts to further promotion of special reports, which are: The youth and children in conflict with the law, Health care for children in Bosnia and Herzegovina, as well as reports on Children and Media. In this regard, there was many media requests regarding the health care of children and the protection of children's rights to privacy when those rights are violated by the media in Bosnia-Herzegovina. Also, the Ombudsmen have been invited to the meeting of the Joint Committee on Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics at the Parliament of Bosnia and Herzegovina, and on that occasion presented all Special Reports prepared by the Ombudsmen from 2012 in the field of children's rights, after which they made certain conclusions which Parliament and the Commission used to implement the recommendations. Also, a report concerning the media and children, the CD version, were also distributed to a large number of media of all kinds.

In the report "Health Care of Children in BiH" Ombudsmen made familiar responsible authorities with weakness of the health care of children in Bosnia and issued general recommendations, and the theme of the Round Table, which was held in Mostar<sup>194</sup>, was their implementation of 2013. Special attention was paid to provision of dental services to children with developmental disabilities. In addition, the thematic session of the same parliamentary committee, on the occasion of International Children's Day 20.11.2013, the Ombudsmen again pointed to members of the Joint Committee on Human Rights, Rights of the Child, Youth, Immigration, Refugees, Asylum and Ethics of the Parliament of Bosnia and Herzegovina to recommendations from the special report Health care of children in Bosnia and Herzegovina. During the 2012 the Ombudsmen conducted a study, primary objective of which was to review the general situation of children's rights in juvenile justice, and therefore emphasized obligation for respect exercise of rights guaranteed by international and national regulations. The research resulted in preparation of special report The youth and children in conflict with the law, on the basis of the results obtained by the survey, the competent authorities and institutions were addressed through recommendations, And the aim of roundtable held in Sarajevo<sup>195</sup>, was to gather representatives of relevant institutions<sup>196</sup> and assessment of results achieved in the implementation of the recommendations listed in the report. After receiving the comments on the implementation of the recommendations issued in the Special Report "The youth and children in conflict with the law", as well as the facts presented at the Round Table, Ombudsman Institution found that institutions for the imprisonment of minors and educational measures were largely realized according to issued recommendations and in discussions that followed, the representatives of the Ombudsman Institution, a highlighted disadvantages and problems encountered in the work of the institution, but they also gave suggestions for resolving them.

A round table was held on Vlačić<sup>197</sup> with the aim of further promotion of Ombudsman reports on children and the media in Bosnia and Herzegovina from 2012 and advocacy for recommendations of the UN Committee on the Rights of the Child to Privacy. This activity was the result of cooperation between BiH Ombudsmen, Save the Children and the Network

<sup>194</sup> 28.11.2013.

<sup>195</sup> 09.12.2013.

<sup>196</sup> The roundtable was attended by representatives of the Ministry of Justice, the Judicial Commission of Brčko District, Correctional Institution of closed type in Zenica, Correctional Institution of half-opened type Tuzla, Correctional Institute in Banja Luka-Department of correctional facility, Institute for the education of male children and youth "Hum, Sarajevo, PI disciplinary center for juveniles in Sarajevo, the Disciplinary center for minors in Tuzla, representatives of non-governmental organization Save the Children, OSCE BiH and UNICEF BiH.

<sup>197</sup> 19.12.2013.

"Stronger voice for children". The round table was attended by distinguished professors from the Faculty of Political and humanities sciences, and representatives of non-governmental sector, and primarily it was discussed about problems in reporting on children in media and regulation of the media, as well as the position of journalists employed in the Public Broadcasting Service and private media outlets. The discussion was mainly driven about what is today's picture of children presented in the media, with special emphasis on the recommendations of the Committee. The common message from this round table was that the ombudsman's recommendations, which were addressed to competent authorities early in 2013, pointing to the way to improve the situation in the area of children's rights to privacy, but it is also necessary to further consider how together to advocate for the fulfillment of the recommendations issued by the Ombudsman and the Committee on the Rights of the Child in 2014. The recommendations of Ombudsman addressed to the Parliamentary Assembly and the Council of Ministers of Bosnia and Herzegovina and were that these two institutions, within their powers and jurisdiction, should consider the possibility of making and adoption of a framework law on the media to be legally regulated area of printed and on-line media in BiH, as well as to consider the possibility for Press Council of BiH with NGO status grow into a nationwide mechanism of control of printed and online media, such as it is Communications Regulatory Agency of Bosnia and Herzegovina in the field of electronic media.

## ILLUSTRATIVE EXAMPLES

Ombudsman Institution was addressed by a parent of a child, because against the teacher of the school the child attends, competent prosecutor's office suspended the investigation for the crime of sexual intercourse with a child in an attempt<sup>198</sup>. A parent was disappointed by decision of prosecution, because they found in the child's cell phone SMS which stated the teacher incited a child to sexual acts in exchange for money. Thus, the prosecutor's office decided on suspension of investigation, and, consequently, the relevant educational bodies (schools, ministry) therefore did not initiate disciplinary action, because, as they point out, they do not have enough evidence (cell phone is in police custody, he was never in possession of the school, the director or any of professional staff did not see the controversial text message). The Ombudsmen immediately responded and recommended the school immediately to initiate and implement disciplinary action against the teacher, and that the Ministry to provide the school all legal and technical assistance in overcoming failure occurred. Ombudsmen still monitor mentioned case, the ombudsman's recommendations have not been complied with, and according to the latest information, the school follows the work of teachers, and the prosecution has again launched an investigation.

In order to exercise the rights of a child to support, Ombudsman Institution determined that the court in the enforcement proceedings undertaken actions and activities for the implementation of the decision on the execution, but regardless of that child still does not exercise its right<sup>199</sup>. In addition, the child's mother filed criminal charge due to father's avoiding to give financial assistance, and by final judgment of the Court father was found guilty and sentenced to suspended prison sentence. As the child's father did not pay alimony, the Ombudsmen requested the court to repeal a suspended prison sentence and refer the father to serve his prison sentence. Thereafter, the father began to pay alimony and simultaneously applies for a postponement of the sentence. Father paid child support for several months, and paid a smaller share of total claims, because alimony was not paid at all in time period of 12

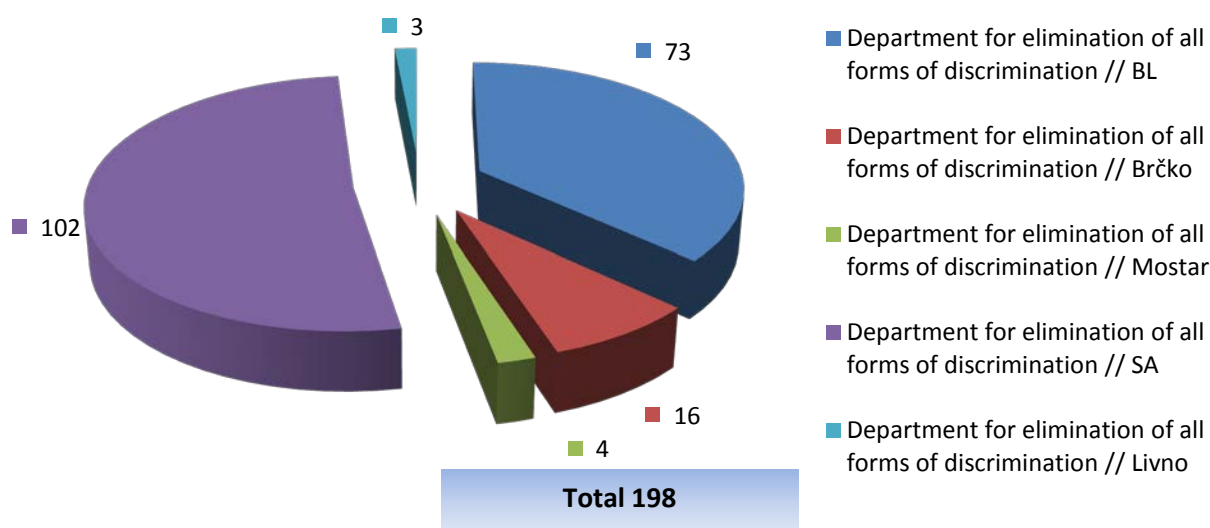
<sup>198</sup> Ž-BL-01-489/13

<sup>199</sup> Ž-BL-01-630/12

years. The court, acting on one indictment for avoiding payment of alimony for long period of time, which was not enclosed by given judgment, father/accused was acquitted and father, immediately upon learning about still not final verdict of acquittal, stopped paying support. The competent prosecutor's office put forward an appeal against the first instance verdict and referred it to the higher court.

### 3.7. DEPARTMENT FOR ELIMINATION OF ALL FORMS OF DISCRIMINATION

Department for Elimination of All Forms of Discrimination (hereinafter: the Department) was established in January of 2009 with the primary aim to ensure equal access to exercise and protection of citizens' rights throughout the territory of Bosnia and Herzegovina, and take effective measures to prevent any form of discrimination. Through the work of individual complaints or investigations ex officio, the Ombudsmen try to point out the importance of the consistent application of the prohibition of discrimination contained in international conventions and domestic law as well as to importance of harmonization of national legislation with international human rights standards. Through recommendations and other decisions indicating the responsible institutions and agencies on factors that hinder equal legal treatment to all citizens and to propose appropriate measures for effective legal intervention aimed at protecting citizens' rights.



**Chart 13: Review of complaints received in the Department for Elimination of All Forms of Discrimination in 2013 on office-to-office basis**

Article 7, paragraph (2), item f. of the Law on Prohibition of Discrimination bounds Ombudsman Institution to prepare special report on its activities relating to implementation of this law. Within this report are provided detailed data on the activities of the Department.

Mentioned special reports on discrimination in 2013<sup>200</sup> constitutes integral part of this Annual Report on Activities of the Ombudsmen in 2013 .

<sup>200</sup> Annual Report on Occurrences of Discrimination in Bosnia and Herzegovina was adopted by the Ombudsmen on 28.02.2014.

## CHAPTER IV. PROCESSING OF THE COMPLAINTS - STRUCTURE OF THE COMPLAINTS AND REVIEW OF WORK ON OFFICE-TO-OFFICE BASIS

### 4.1. HEAD OFFICE BANJA LUKA

The Head Office in Banja Luka, which is also the Seat of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter: Banja Luka office), in 2013 received a total of 876 complaints, including 296 complaints that were from previous years, Banja Luka office in 2013 had a total of 1,172 complaints in the work. Of that number 913 complaints were decided and 117 recommendations issued, and to 2014 are carried over 259 complaints.

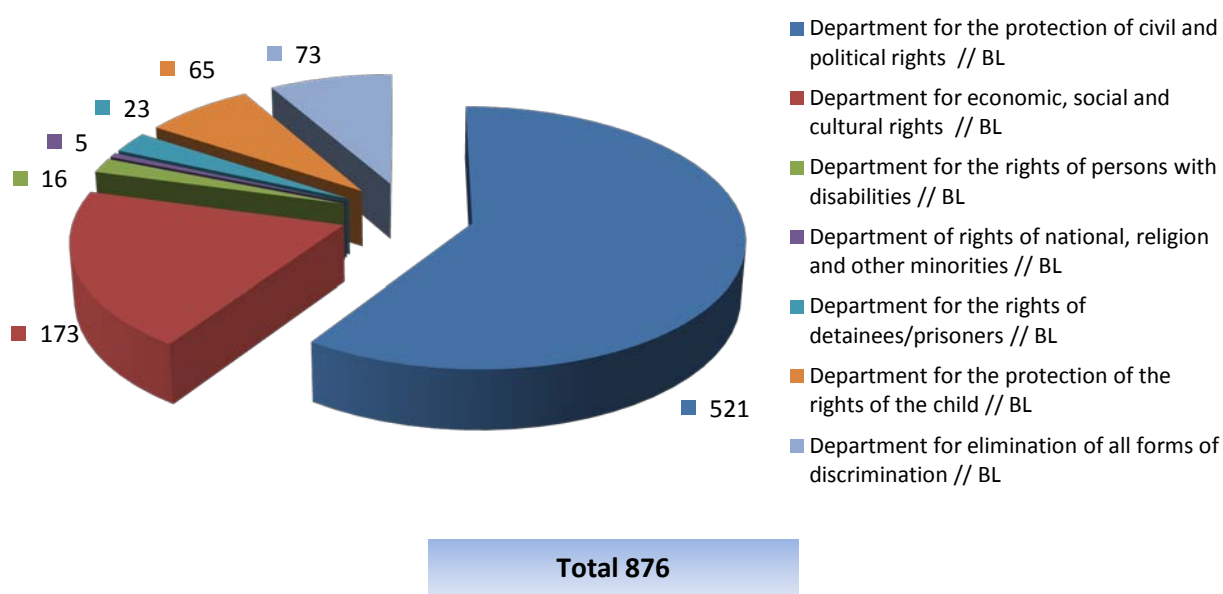


Chart 14: Review of complaints received in the Head Office in Banja Luka in 2013 on department-to-department basis

#### 4.1.1. Analysis of complaints received

From above diagram on complaints received can be concluded that in 2013 the highest number of complaints filed for violations of human rights within the jurisdiction of the Department for following political and civil rights - 521 complaints. Further analysis of complaints filed with the

**In 2013 in Banja Luka Office, 2013 most complaints received within the jurisdiction of the Department of Civil and Political Rights, were usually related to poor functioning of administration, judiciary, inability to access to information, governmental and ministerial appointments, etc.**

Department for following political and civil rights indicates that most citizens complain about the work of administrative bodies, even 172 complaints were filed which, as in the previous year usually related to the slowness and inefficiency of the administrative authorities and disrespect of legal deadlines and failures by the

judgments of the courts.<sup>201</sup>

With regard to functioning of judicial authorities, in 2013 149 complaints were filed with Banja Luka Office complaints related to the functioning of the courts (the most complaints, as well as in previous year, were related to the violation of the right to trial within a reasonable time, or the slowness and inefficiency, non-execution of final court judgment as and the work of judges.<sup>202</sup> A large number of complaints filed with Department following political and civil rights of Banja Luka Office, was related to the freedom of access to information - even 77 complaints. Filed complaints usually indicate non-deciding by public body on the request for access to information within the statutory period, or non-deciding at all, denial of the right to a remedy in rejection of the application. Also, the work on these through the work on such complaints the Ombudsmen came to the conclusion that public authorities are not sufficiently familiar with their obligations in accordance with the Act, and noted the different treatment of organs in identical cases.

Number of complaints received in 2013. in Banja Luka Office relating to governmental and ministerial appointments was 45 Filed complaints mainly related to irregularities in the implementation of the competition, breaking the principles established by the Law on Ministerial Government and Other appointments, in particular the principle of legality and quality established by Article 3 of the Law, no rank list of successful candidates, as well as clear and precise criteria on which to perform scoring candidates. Additionally, most of the complainants emphasized subjectivity of the committee members during the interview with the candidate in a way of biased evaluation of candidates, failures of responsible public authority to object to the final appointment as non-acceptance of the candidate with the highest score for the election without a valid reason<sup>203</sup>.

**Increased number of complaints in relation to the work of the police indicates need for additional measures. It is particularly significant that after completion of international missions that are monitored policing, national mechanisms did not fully overtaken this duty. Ombudsman Institution, due to the limited capacity, paid greater attention at situation in prisons, so that the Ombudsmen for 2014 consider the possibility of a stronger monitoring of the police.**

In 2013 the Department for following political and civil rights received 35 complaints related to police work. These complaints usually indicated failure of all legal measures to achieve and protect the rights of citizens, especially not responding to call of citizens.

In the reporting year, there were 17 complaints related to property issues. These complaints mainly related to long procedures and

inefficiency when deciding on the requirements of citizens, mostly in cases of legalization and illegal construction.

In the work of prosecutors' offices received 11 complaints usually relate to the work of individual prosecutors as well as the delay in the proceedings.

From table of registered complaints in 2013 Banja Luka Office is evident that 173 complaints were filed with the Department of Economic, Social and Cultural Rights. Most complaints in this department were filed due to violations of labor rights-90 complaints. Filed complaints indicate violation of the rights of workers by employers in the way that violates the rights in employment, unpaid wages, including contributions to pension and disability insurance, and inspection found irregularities and did not undertake further actions to eliminate them<sup>204</sup>

<sup>201</sup> Ž-BL-04-576/13

<sup>202</sup> Ž-BL-05-484/13

<sup>203</sup> Ž-BL-05-722/13, Ž-BL-05-562/13

<sup>204</sup> Ž-BL-04-462/13

**Complaints filed with Banja Luka Office indicates that the greatest number of them are related to economic, social and cultural rights, that is about 50% of complaints. The complaints were mainly filed due to violation of the rights on the occasion of employment, unpaid wages, and non-payment of contributions to pension and disablement insurance, etc. Particularly concerning is great number of complaints related to non-payment of severance money.**

Of particular concern is a large number of complaints relating to non-payment of severance pay. Further, there were complaints due to non-deciding of requests for severance pay or failure to payment, discrimination in employment (mostly on procedures for conducting public announcement), and illegal issuing of decisions on

termination of employment. A significant number of complaints from the Department of Economic, Social and Cultural Rights were related to pensions-57 complaints. Received complaints mostly related to very slow reactions to requests to pension entitlements, then the slowness and inefficiency in collecting the necessary documentation (the complainants alleged that they were several times requested to provide the same information that were already provided), long-standing cases in one Branch due to translation or other formalities and in general decision-making procedures are stalled without justifiable reasons.<sup>205</sup>

In 2013 the Department for elimination of all forms of discrimination in Banja Luka Office received 73 complaints. The largest number of complaints was related to mobbing, as a special form of discrimination in the workplace, followed by complaints of discrimination based on national or social origin, on the basis of ethnicity and on the basis of education. This is a result of the difficult economic situation, unequipped labor market and the lack of capacity of the competent inspections.

In 2013 the Department for Protection of the Rights of the Child of Banja Luka Office registered 65 complaints that were as in previous years related to violation of children's rights to education, health care, execution of court decisions in terms of serving of payment of alimonies and maintaining of personal contacts with children, and children's rights to protection from abuse and neglecting. As the responsible authorities, who violated said rights, frequently were identified in social work centers, schools, courts and inspection bodies. Unlike previous years, during the 2013, there was increase in complaints relating to children's rights to privacy and BiH Ombudsmen, in addition to acting on the complaints of parents, made ex officio activities upon detecting improper reporting on children by the media. In 2013 Department for Following the Rights of the Child, undertook a series of activities to promote children's rights. Remaining number of complaints received in the Head Office in Banja Luka in 2013 was assigned to the Department for Protection of the Rights of Detainees/Prisoners – 23. The largest number of complaints filed with the Department for Protection of the Rights of Detainees/Prisoners was related to the possibility of using prison facilities and visits, as well as exercise of adequate health care.<sup>206</sup>

In 2013 Department for Protection of the Rights of Persons with Disabilities received 16 complaints. The largest number of complaints related to the length of the second instance proceedings, the exercise of rights on the basis of disability, health and social care and the removal of architectural barriers. Institution of the Ombudsman through recommendations and their activities is trying to point to the competent authorities on the mandatory application of the UN Convention on the Rights of Persons with Disabilities. In this regard, requests the active participation of local communities in removing architectural barriers, especially through raising of public awareness, community flat owners in acceptance of disability as a human rights issue.

<sup>205</sup> Ž-BL-04-173/13, Ž-BL-04-637/13

<sup>206</sup> Ž-BL-07-552/13

Department for Protection of the Rights of ethnic, religious and other minorities in 2013 at the Office in Banja Luka received five complaints.

Like last year, we noticed complainants who address the institutions are not sufficiently familiar with the basic human rights, as well as the authorities who are responsible for solving certain problems. Citizens are not aware of who to contact when have some problem, so that a large number of direct contacts in the Head Office in Banja Luka results in provision to citizens legal advice and instructions where to address. Most often these are socially vulnerable cases, as well as citizens who find themselves in a difficult financial situation in which they address the Institution in the cases when they do not know where to turn for protection of their rights and often when they passed all institutions and are not satisfied with the outcome of the proceedings.

In 2013 Banja Luka Office closed 913 complaints, and the rest in the work of the 2013, as in previous years, 259 complaints was taken over.

In 2013 Banja Luka Office issued 117 recommendations, of which in 33 cases were realized and cooperation was established in 33 complaints, six recommendations were not realized, and there were not any response concerning 45 recommendations.

## ILLUSTRATIVE EXAMPLES

### **Case: Ž-BL-04-667/13**

The complainant addressed the Ombudsman Institution for lack of decision-making by Fund for Pension and Disablement Insurance, Branch Office in Banja Luka, on the request for an old age pension. After the intervention of the Institution Pension Fund informed that regarding complainant's request solution was adopted.

### **Case: Ž-BL-04-412/13**

The complainant contacted the Institution dissatisfied with the work RS Authority for Geodetic and Property Affairs, which, as a former employer, did not pay to complainant within the statutory severance pay determined by the decision on the termination of employment due to the departure to old-age pension.

Through act of the Administration of 07.19.2013, it was stated that the severance payments is granted to the complainant, and referred urgency to RS Ministry of Finance to make the payment.

### **Case: Ž-BL-05-311/13**

The complainant approached the Institution dissatisfied with the work of the Ministry of Agriculture, Water and Forestry, Canton Central Bosnia because the complainant was requested to pay administrative fees for handling the request for access to information. Handling the complaint, the Ombudsmen issued a recommendation to the competent ministry, that when processing and making requests for access to information within the meaning of the Freedom of Access to Information Act in the Federation does not prescribe payment of administrative fee. On 09.16.2013 the competent ministry filed a notice stating that the recommendation was implemented, i.e. that the complainant will not pay administrative fee.

## 4.2. REGIONAL OFFICE BRČKO

In 2013, the Regional Office in Brčko received 380 complaints, which is more than 73 complaints than in the previous year (an increase in the number of complaints of 23.77%). In addition to new complaints during the 2013, it was worked on 393 complaints from previous years, which means that in procession was a total of 773 complaints.

Of these, 522 complaints were finished and closed, out of which 228 complaints were received 2013 and 294 complaints carried over from previous years. It should be noted that out of this number, 507 completed complaints were registered through electronic database of

Ombudsman Institution.

**Brčko Office registered permanent increase of complaints is result of establishment of the days when the public is admitted in Tuzla, so that the statistics in relation to the Brčko District should be considered in light of this fact.**

During 2013, concerning 63 complaints were issued recommendations to the competent authorities in order to eliminate the violation of right.

Of these four recommendations were implemented, three recommendations partially implemented, regarding 30 complaints cooperation was developed and six recommendations were not implemented, while until the day of drawing up a draft of the annual report, regarding 20 complaints, the competent authority has not submitted a notice on implementation of recommendations

A particular problem in dealing with complaints is the lack of timely response of the competent organ or failure to provide required declarations. Among the organs that are not up-to-date in submitting declarations are highlighted administrative authorities and judicial authorities,

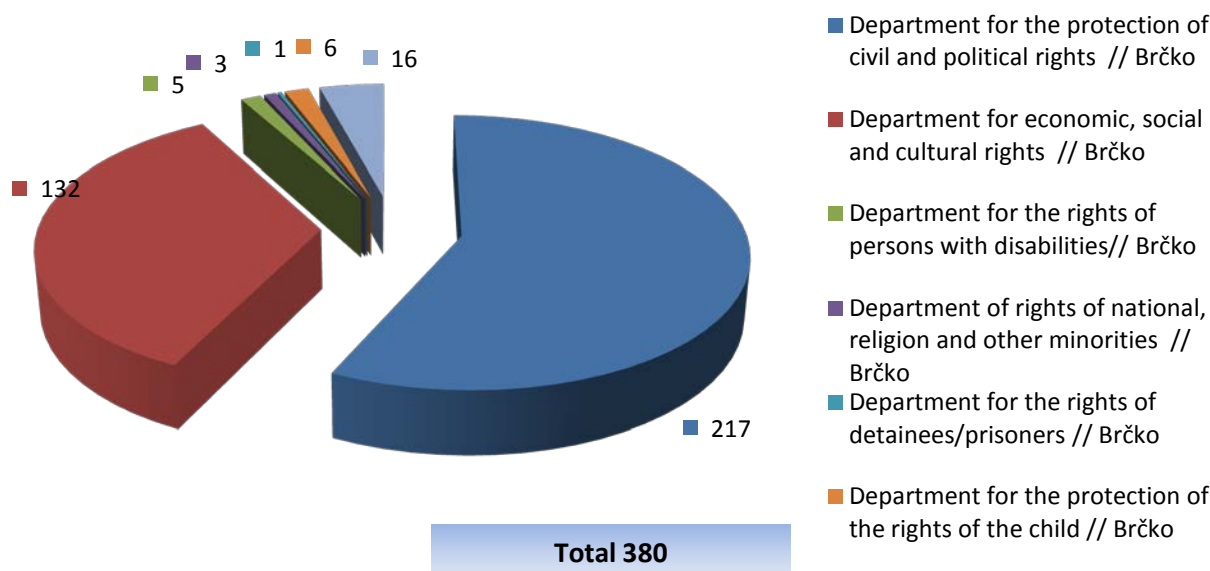
**There is disturbing unwillingness of authorities to cooperate with the Ombudsman Institution, especially administrative bodies and the judiciary, therefore the Ombudsmen issued recommendations on non-cooperation**

which is why in a number of complaints was necessary to make recommendations that requires establishment of cooperation with Ombudsman Institution<sup>207</sup>.

However, it should be noted that in some cases in processing of complaint it was enough just to write a letter to the competent authority to comment on the allegations upon which the complaint was submitted, following which competent authority speeded up and terminated the proceedings.<sup>208</sup>

<sup>207</sup> P-313/13; P-314/13; P-321/13; P-325/13; P-323/13; P-320/13; P-240/13; P-319/13; P-103/13; P-315/13; P-318/13

<sup>208</sup> Ž-BR-04-98/13; Ž-BR-04-177/13; Ž-BR-05-95/13; Ž-BR-05-325/13; Ž-BR-04-63/13; Ž-BR-04-93/13; Ž-BR-04-113/13



**Chart 15: Review of complaints received in 2013 in Regional Office Brčko on department-to-department basis**

As in previous years the Regional Office Brčko organized the days when the public is admitted at the office of the Institution in Tuzla to enable easier access to the Institution of Human Rights Ombudsman of Bosnia and Herzegovina to citizens in the area of Tuzla Canton and northeastern part of the RS.

#### 4.2.1. Analysis of complaints received

The analysis of the received complaints has shown that the largest number of complaints (217) refers to the violation of civil and political rights, out of which 100 complaints are related to the work of judicial institutions, 44 complaints to the work of administration, 26 complaints on the work and conduct of the police, 20 complaints is stated due to the inability to enjoy a property rights, 11 complaints for violation of Freedom of Access to Information Act, 9 for violation of the Law on government, ministerial and other appointments, 4 for infringement of the right to records and possession of public documents and 1 was related to war damage.

The complaints related to the work of judicial bodies are generally filed against the violation of the right to trial within a reasonable time<sup>209</sup>, non-execution of final court decisions and even the length of execution proceedings<sup>210</sup>. Besides the length of the enforcement proceedings, there is an obvious problem is the lack of explanations requested by competent courts by the Institution of Ombudsman for Human Rights, i.e. failure to answer on allegations contained in complaints. For reasons, that is, failing to cooperate with Ombudsman Institution, it was necessary to issue recommendations, requiring establishment of cooperation with Ombudsman Institution in accordance with Article 25 of the Law on Human Rights Ombudsman of BiH.<sup>211</sup>

A significant number of complaints was of the work of the Cantonal Court in Tuzla, on the request of the Institution to comment on allegations that the procedures are inappropriately lengthy, typical answers were mainly submitted, i.e. *that the Cantonal Court in Tuzla resolves*

<sup>209</sup> Ž-BR-05- 147/13; Ž-BR-05-66/13; Ž-BR-05-278/13; Ž-BR-05-63/13; Ž-BR-05-292/13; Ž-BR-05-212/13; Ž-BR-05- 216/; Ž-BR-05-349/13; Ž-BR-05-227/13

<sup>210</sup> Ž-BR-05-234/13; Ž-BR-05-250/13; Ž-BR-05-431/10; Ž-BR-05-211/13; Ž-BR-05-102/13; Ž-BR-05-58/13; Ž-BR-05-52/13; Ž-BR-05-87/13; Ž-BR-05-102/13; Ž-BR-05-141/13; Ž-BR-05-136/13

<sup>211</sup> Ž-BR-05-95/12; Ž-BR-05-212/12; Ž-BR-05-102/13; Ž-BR-05-238/13; Ž-BR-05-255/12; Ž-BR-05-302/10; Ž-BR-05-253/12; Ž-BR-05-260/10; Ž-BR-05-431/10

*cases under the Plan to solve old cases that Court adopted 13.1.2013 in accordance with the direction of the High judicial and Prosecutorial Council of Bosnia and Herzegovina, and can not be even roughly estimate the time when it could be a court decision.*<sup>212</sup>

**Ombudsmen indicate a large number of complaints relating to work of Cantonal Court in Tuzla, which submitted replies that typical cases will be dealt in accordance with adopted Plan, regardless of the existence of specificities in some cases**

In 2013 the largest number of complaints on the work of administrative bodies were related to duration of the administrative procedures, inefficient reaction by inspection services<sup>213</sup> and failure of administrative bodies

**Quite Concerning is evidently poor functioning of administration and unprofessional and improper conduct in situations where the same factual and legal basis results in different decisions.**

within the statutory time to decide on requests, which not only violates the rights of the complainants relating to administrative procedure but citizens are also denied the right to a timely administrative proceedings, which could possibly influence the adoption of a

different decision.<sup>214</sup> In particular, it is necessary to point out that it is obviously poor functioning of government in terms of implementation of final decisions of administrative bodies<sup>215</sup> but also unprofessional and improper conduct in situations where the same factual and legal basis made different decisions.

#### **Case: Ž-BR-05-346/13, P-316/13**

The subject of the complaint is the violation of the right to equal treatment in the Administrative Procedure because the complainant by the Decision of the Government of Brčko District, the Department of Agriculture, Forestry and Water Management denied the request for allocation of subsidies for the improvement of agricultural production in 2013, on the grounds that he was not paid contributions for health insurance by his employer, while in the same case, his colleague from the same company was approved subsidies for improvement of agricultural production for 2013. Following the completion of the investigation process and performed surveillance by competent inspection, the Ombudsmen issued recommended the Government of Brčko District, the Department of Agriculture, Forestry and Water Management within 30 days through re-review proceedings to reconsider the legality and regularity of administrative decisions made in the process of awarding subsidies to individuals to improve agricultural production in 2013. In the course of monitoring of implementation of issued recommendations, the Ombudsmen received a notice that the competent authority has changed its decision in relation to the complainant and granted him a payment of funds to stimulate agricultural production.

There were 20 complaints about impossibility of enjoying some of the property rights of citizens. The reasons varied from lengthy and improper procedure of buying an apartment with occupancy right<sup>216</sup> inability to access and use of their private residential and commercial

<sup>212</sup> Ž-BR-05-147/13; Ž-BR-05-66/13; Ž-BR-05-278/13; Ž-BR-05-63/13; Ž-BR-05-292/13; Ž-BR-05-212/13; Ž-BR-05-216/13; Ž-BR-05-349/13; Ž-BR-05-227/13

<sup>213</sup> Ž-BR-04-235/13; Ž-BR-04-236/13; Ž-BR-05-344/13; Ž-BR-05-376/13; Ž-BR-05-236/12

<sup>214</sup> Ž-BR-05-219/12; Ž-BR-05-90/13; Ž-BR-05-173/12; Ž-BR-05-12; Ž-BR-05-28/11; Ž-BR-05-207/13; Ž-BR-05-263/13

<sup>215</sup> Ž-BR-05-334/11; P-322/13

<sup>216</sup> Ž-BR-05-68/12; Ž-BR-05-6/13;

properties due to administrative barriers <sup>217</sup> or violation of law, for which the complainants have already instituted proceedings before the competent court.

**Case: Ž-BR-05-68/12, P-19/13**

The subject of complaint is inability to purchase apartment in Brčko. Responsible party, the Office of the Public Property Brčko, claims that purchase of the apartment is not possible due to the dilapidated condition in which the apartment is, while, at the same time, there are not finances that could be invested in its rehabilitation. Following the completion of the investigation process, the Institution has issued recommendation to the Government of Brčko District of Bosnia and Herzegovina, from available or planned resources in the budget of Brčko District to enable the complainant to purchase the apartment no matter that it is in ruins, or to ensure her fair compensation. Since up to date the recommendation was not implemented in its entirety, the Institution informed on this the Mayor of Brčko District of Bosnia and Herzegovina as immediate superior authority.

There were 26 complaints against the police. On the one hand, the complaints are related to the failure of the police timely and effectively to act to protect citizens rights', especially in cases of domestic violence, <sup>218</sup> and, on the other hand, appeals are filed due to abuse of power, that is, excessive use of force by members of the police officers <sup>219</sup>.

**Example 1: Ž-BR-05-240/13, P-328/13**

The subject of the complaint is a violation of rights guaranteed by Article 3 and Article 5 of European Convention for the Protection of Human Rights and Freedoms, due to several physical injuries, humiliation and harsh treatment of the complainant by police officers of Canton Tuzala, Police Station Živinice on the occasion of detention for alleged insolent behavior and disruption of an official in the performance of official duties during the regular traffic control. After investigation, Institution issued a recommendation to the Ministry of Internal Affairs of Canton Tuzla, Police Department Živinice, recommending them within 15 days to conduct an independent investigation into all the circumstances of the events in which to determine all relevant facts, hear the complainant, to establish the elements of failure to comply with the powers of authorized official person in accordance with applicable legal requirements relating to justification of the use of force.

**Example 2: Ž-BR-05-305/13**

The subject of the appeal is a violation of law because of the deprivation of liberty of a minor by Brčko police forces, without notification of the reason for arrest, without a warrant to conduct investigation and denial of the right to legal assistance, as well as without informing the parents, the social welfare center or a lawyer. During the investigation process, the Institution of Ombudsman was informed that the internal control launched by Professional Standards Unit of Police and the special investigative actions taken by the Prosecutor's Office of Brčko District of BiH. Processing of this case is still not over.

Due to violation of economic, social and cultural rights the Office of Brčko received 132 complaints. The largest number of registered complaints - 45 refers to the work of the Institute for Pension and Disability Insurance of FBiH and RS. Complaints are related to duration of

<sup>217</sup> Ž-BR-05-137/11; Ž-BR-05-73/11

<sup>218</sup> Ž-BR-05-200/13; Ž-BR-05-260/13; Ž-BR-05-187/13; Ž-BR-05-171/13; Ž-BR-05-23/13; Ž-BR-05-89/13

<sup>219</sup> Ž-BR-05-240/13, Ž-BR-05-57/13; Ž-BR-05-338/13, Ž-BR-05-305/13, Ž-BR-05-339/13

application procedure for the party exercising the right on pension and disability grounds.<sup>220</sup> In most of the cases, it is about realization of the right to a proportionate part of the pension which regulates the provisions of the Agreement between BiH and other countries with which BiH has signed an agreement<sup>221</sup> as well as to decision taken by Institute for pension and disability itself.<sup>222</sup> A significant number of cases ended after the intervention of Ombudsman Institution.<sup>223</sup>

A total of 35 complaints relating to violation of the right to work and rights from labor relations for not paying contributions for pension and disability insurance<sup>224</sup>, violations of the Labor Law during the establishment and termination of employment<sup>225</sup>, denial of workers' rights which they are entitled to on the basis of employment<sup>226</sup> and the right to severance pay under Article 182 of RS Labor Law.<sup>227</sup>

#### **Example: Ž-BR-05-377/11, P-16/13**

The subject of the complaint is a violation of the right to work because of the failure of the employer of the Public Broadcasting Service of Bosnia and Herzegovina to apply the Decision of the Commission for the implementation of Article 143 of the Labor Law, the Decision of the Federation Commission for the implementation of Article 143 of the Labor Law and the Decision of the executive order of the Municipal Court in Sarajevo, which has ordered the Public Broadcasting Service to the appellant within 15 days from the establishment of employment status for the specified time period, establishes termination of employment by operation of law, determine the amount of severance pay and conclude an agreement on severance pay. Following the completion of the investigation process, the Institution issued a recommendation that the JRTV BiH should promptly act upon the above decisions. In this regard, the complainant received notice that the employer gave work booklet and it also approached to execution of decisions.

It should be noted that the Office received complaints filed against the violation of the rights that were considered discriminatory by some of legally<sup>228</sup> prescribed basis. However, during the process it was found that there was a violation of economic and social rights, and after conducting the investigation process, the Ombudsmen made recommendations to the competent authority to correct the violation of right.<sup>229</sup>

#### **Example: Ž-BR-06-167/13, P-133/13**

The complainant filed a complaint for discrimination based on political non-alignment, ethnicity and disabling employment under the same conditions by the school board of JU Mixed Secondary School for Construction and Surveying in Tuzla, because despite of the fact that the complainant was the only candidate who received approval from the Ministry of Education, Science, Culture and Sport of Canton Tuzla to be appointed as director of the school, and the present competition was canceled. Allegations that indicate discrimination is not proven but is, following a procedure in which a violation of applicable legal regulations in the field of

<sup>220</sup> Ž-BR-04-126/10; Ž-BR-04-413/11; Ž-BR-04-149/13; Ž-BR-04-150/13; Ž-BR-04-142/13;

<sup>221</sup> Ž-BR-04-192/13; Ž-BR-04-145/13; Ž-BR-04-342/13; Ž-BR-04-215/13; Ž-BR-04-130/13;

<sup>222</sup> Ž-BR-04-177/13; Ž-BR-04-288/13; Ž-BR-04-184/13; Ž-BR-04-148/13; Ž-BR-04-301/13; Ž-BR-04-99/13

<sup>223</sup> Ž-BR-04-143/13; Ž-BR-04-69/12; Ž-BR-04-232/13; Ž-BR-04-179/13; Ž-BR-04-181/13; Ž-BR-04-148/13;

<sup>224</sup> Ž-BR-04-156/13; Ž-BR-04-75/11- P-16/13

<sup>225</sup> Ž-BR-04-122/13; Ž-BR-04-383/13- P-74/13

<sup>226</sup> Ž-BR-04-98/13; Ž-BR-04-26/13, P-43/13 ; Ž-BR-04-235/13; Ž-BR-04-236/13; Ž-BR-04-353/13; Ž-BR-04-341/13;

<sup>227</sup> Ž-BR-04-221/13; Ž-BR-04-73/13; Ž-BR-04-74/13

<sup>228</sup> The Law on Prohibition of All Forms of Discrimination "Official Gazette b BiH", no. 59/09

<sup>229</sup> Ž-BR-06-167/13- P-133/13, Ž-BR-06-383/11-P-74/13

education to detriment of the complainant, the Institution issued a recommendation to the Ministry of Education, Science, Culture and Sport of Canton Tuzla and School Board of JU Mixed Secondary construction and surveying school Tuzla and recommended that within 15 days eliminate violation of the Law on Secondary Education and Upbringing of Canton Tuzla in the procedure of appointment of director of Mixed Secondary Institution construction and geodesic school in Tuzla and take all measures within its competence in order to allow to the complainant the right to work. The Recommendation in this section was not complied with, since "School Board believes that the first paragraph of the Recommendation is unfounded".<sup>230</sup> During monitoring of implementation of recommendations issued, the Institution was informed that the Commission for Constitutional Affairs of Canton Tuzla Assembly on 18.09.2013 adopted the conclusion to request MONKS - to comply with the recommendation of the institution of Ombudsman in the part related to the Ministry and to inform the Commission about the recommendation. In addition to the proceedings by the complainant of 09.09.2013 lawsuit launched by the Municipal Court in Tuzla number: 32 0 177 101 Rs 13, of 13.11.2013 adopted decision setting the security measures prohibiting the respondent JU Mixed Medium building - surveying schools in Tuzla to conduct any further procedures at the competition jury for the selection and appointment of school at the present contest, until the completion of a final and binding court proceedings. On 02.11.2013 the school board JU Mixed medium building - surveying schools in Tuzla decided on the appointment of school's director.

Social security was registered in 31 cases. The largest number declared to the reason that the competent authorities did not complied with the requirements of the Parties to provide financial assistance, i.e. dissatisfaction was expressed with the decisions of the CSW on granting (that is, refusal of assignment) of financial aid to be allocated to the complainants.<sup>231</sup>

**Example: Ž-BR-04/235/12, P-165/13**

Association of Workers "Voice of Workers 1992" from Brčko, filed the complaint due to dissatisfaction with the criteria for the award as well as the procedure for the award of funds by the Government of Brčko, and lack of social care for workers who lost their jobs without their fault in 1992. After the investigation, BiH Ombudsmen made recommendation referred to the *Government of Brčko District, the Mayor and the Assembly of Brčko, recommending them immediately to begin the process of conducting the audit of the entire process of allocation of funds for 2012 for persons who lost their jobs without their fault in 1992, including all solutions according go which these persons exercised, more precisely, did not exercise the right to one-time financial assistance, to initiate a process to amend the Decision on criteria of social care workers of enterprises and institutions who without their fault lost their jobs, (Decision no. 34-000522/12 of 01.10.2012, with a view to ensure two-instance reviewing in this administrative procedure and to initiate the statutory procedures for determining liability in the case of the unprofessional conduct of the competent authorities in allocating of public funds.*

*During the monitoring of implementation of recommendations, the Institution received a notice that the Mayor of Brčko District appointed a three-members body, with the task to determine whether the procedure was conducted in accordance with the Decision and regulations, whether the lists were made in accordance with the criteria set out in the decision, whether enabling the appeals procedure and whether there appeared violation of citizens' rights. The mentioned committee, in the process of establishing the facts, is obligated to make a finding, following which will be taken further steps towards resolving the situation.*

<sup>230</sup> Submission of School Board, no:1745-XXIV.2/13 of 02.08.2013.g.

<sup>231</sup> Ž-BR-04-370/13; Ž-BR-04-237/13; Ž-BR-04-86/13; Ž-BR-04-67/13; Ž-BR-04-55/13;

Office of Brčko District received *six complaints related to violations of children's rights*. Complaints relating to the inadequate conditions of education of children with special needs in the Brčko District, inadequate parental care and failure to take timely and effective measures by the competent centers for social work<sup>232</sup> in order to protect the rights of the child.

**Example: Ž-BR-01-117/13, P-131/13**

The subject of the complaint is lack of concrete measures of the Center for Social Work Kalesija in the report by inadequate care for a minor child. Following the completion of the investigation process, the Ombudsman Institution has issued a recommendation, recommending to the Social Work Centre Kalesija to take all measures in order to, through report on all omissions in parental care, with purpose of ensuring all necessary attention, in terms of urgent fact-finding and providing services to protect families with children with engagement of professional team, all in order to provide conditions for the proper care of the child. In this regard, the Institution received a notice stating that the Centre, after receiving the recommendation, took all measures in order to eliminate possible gaps in the protection of children's rights and ensure the conditions for the proper care of the child.

Due to infringement of national, religious and other minorities' rights the Office received three complaints relating to the violation of the right of priority in employment, housing and balanced national representation in administrative bodies. All three appeals were filed by members of the Roma national minority. Assessing that this number does not show the real picture when it comes to the status of the Roma and that may not be only the District but in the entire BiH, Special Report on the situation of Roma in Bosnia and Herzegovina was prepared following detailed ombudsmen investigation.

For reasons of violation of the rights of persons with disabilities there were filed five complaints. They were in relation to violations of the right to adequate treatment of disabled persons due to refusing requests for stationary physical treatment, in accordance with the Regulations on health protection outside health institutions in Brčko District, the abolition of the right to subsidize the cost of transport of persons with permanently deprived working-ability, violations of the right to assistance to persons with disabilities in education or vocational retraining of persons with disabilities<sup>233</sup>.

**Example: Ž-BR-02-209/13, P-311/13 i Ž-BR-02-225/13, P-312/13**

The subject of the complaint is a violation of the right to adequate treatment because of the decision of the Health Insurance of Brčko District, dismissing the complainant's request for stationary physical treatment in the spa on the *grounds that under the Rules of stationary rehabilitation treatment, as a by-law adopted under the Health Insurance Act, the right to medical rehabilitation of insured persons suffering from cerebral palsy, is granted every two years, up to 15 years of age, and that the medical committee in making a decision on complainant's request rejected, guided by the above laws and regulations*.

Since the complainants adult persons and do not meet the requirements due to age, despite of the fact that in both cases they suffer from serious illness and was not taken into account the actual needs for adequate treatment.

After the procedure, Ombudsman Institution to the Government of Brčko District, the Department of Health and Other Services and the Health Insurance Fund of Brčko District has issued a recommendation that within 30 days to take all necessary measures to ensure the above Ordinance on the stationary rehabilitation treatment be reviewed, harmonized with the Constitution Bosnia and Herzegovina, the international documents on the protection of the

<sup>232</sup> Ž-BR-01-259/12- P-42/13; Ž-BR-01-234/10- P-243/13; Ž-BR-01-117/13- P-131/13; Ž-BR-01-97/13

<sup>233</sup> Ž-BR-02-209/13-P-311/13, Ž-BR-02-225/13-P-312/13, Ž-BR-02-202/13, Ž-BR-02-316/13, Ž-BR-02-237/11-P-20/13.

rights of persons with disabilities appended to the Constitution and have direct application in the protection of human rights in BiH, all in accordance with the needs of people with cerebral palsy as well as in cooperation with the competent authorities of Brčko to ensure necessary funds for the necessary rehabilitation treatment of persons suffering from cerebral palsy. Monitoring of implementation of the recommendations still takes place.

15 complaints received by the Office Brčko regarding violation of the provisions of the Law on Prohibition of All Forms of Discrimination - In most of the cases, complaints were filed because of mobbing in the workplace of employees in public institutions<sup>234</sup>, as well as on other bases, too<sup>235</sup>.

**Example: Ž-BR-06-187/12, P-38/13**

The subject of the complaint is violation of discrimination-law in the form of mobbing being perpetrated against the complainant by the supervisor as a Head of the Department for the payment of expenditures budget users - Finance Directorate Brčko. Following the investigation, the Institution issued a recommendation to the Department of Finance Brčko, the Treasury, to take all necessary measures to stop the mobbing, eliminate the consequences of mobbing and prevent further occurrence of mobbing against the complainant, and to take all necessary measures to prevent victimization of complainant against mobbing, as well as other employees, because of their participation in any proceedings for the protection of mobbing.

The Government of Brčko District, the Department of Professional and Administrative Jobs, Subdivision of human resources, was recommended, in order to protect the health of the complainant, in accordance with the findings and opinion of the Health Insurance Brčko, to provide to the complainant another working environment in accordance with her qualifications. In this regard, the Institution received a response from the Government of Brčko District in which it was stated that, acting upon the recommendation, the complainant was assigned to another position and the effects of mobbing were eliminated.

In order to promote the provision of Anti-Discrimination law, Assistant Ombudsmen of BiH, Head of Brčko Office, held a fourth-grade pupils of Gymnasium "Ismet Mujezinovic" in Tuzla and forth-grade students of High School in Brčko lectures on "The Institution of Ombudsman for Human Rights-structure and role and implementation of the Law on Prohibition of all Forms of discrimination "

The same topic was presented in the round table on the theme "Inclusion of Roma in the prevention of discrimination" in Brčko and workshop on the Law on the Protection against All Forms of Discrimination at the forum of director of social work centers from Canton Tuzla.

## ILLUSTRATIVE EXAMPLES

**Case no. Ž-BR-05-134/13, P-324/13**

The complainants, who are of Armenian citizenship, addressed the Institution due to the inability to obtain valid identity documents on the territory of Bosnia and Herzegovina, despite the fact that they live in the territory of Bosnia and Herzegovina since 1998, when they entered the country as minors together with their mother, who is a national of Bosnia and Herzegovina, then in BiH completed primary and secondary school and one of them even formed a family.

<sup>234</sup> Ž-BR-06-187/12; Ž-BR-06-167/13; Ž-BR-06-271/13; Ž-BR-06-280/13; Ž-BR-06-133/13; Ž-BR-06-91/13; Ž-BR-06-158/13; Ž-BR-06-44/13;

<sup>235</sup> Ž-BR-06-91/13; Ž-BR-06-369/13; Ž-BR-06-230/13; Ž-BR-06-354/13;

The reason for this was omission of at the time competent Zvornik Public Security Centre - Customer Service for Foreigners to legitimize and record the faces in a valid manner and to store these documents adequately in the official records.

Following the completion of the investigation process Institution to the Ministry of Security of Bosnia and Herzegovina in Sarajevo, the Ministry of Security of Bosnia and Herzegovina - Service for Foreigners' Affairs - Field Centre Bijeljina, the Ministry of Internal Affairs of the Republic of Srpska, Zvornik police station was issued a recommendation for coordinated action, within 30 days, to take all necessary actions to ensure a legally regulated status of the complainants on the territory of Bosnia and Herzegovina and for all to ensure full enjoyment of all rights and fundamental freedoms guaranteed by the Constitution of Bosnia and Herzegovina and international agreements that are appended to the Constitution. Monitoring of implementation of recommendations still takes place.

**Case: Ž-BR-05-57/13;**

The institution received a complaint for violation of the right to freedom of peaceful assembly, freedom of thought and speech because the complainant, for carrying a poster, two days after reflecting peaceful protests of citizens, was handed misdemeanor warrant number JSBO 101.299.505.8 made by the Police Station Ingram. Following the completion of the investigation process, the Institution has issued a recommendation to the Ministry of Internal Affairs of Tuzla Canton Police Station and the Mayor of Ingram municipality to ensure the citizens of Ingram right to freedom of peaceful assembly and the right to freedom of opinion and expression in accordance with the Constitution of Bosnia and Herzegovina, international instruments appended to the Constitution and the Law on Public Gatherings of Canton Tuzla. Until drafting the annual report it still not received notice by the competent authorities on implementation of the recommendations.

**Case: Ž-BR-05-23/13, P-55/13**

The allegations contained in the complaint accompanied with documentation indicate that the the complainant was exposed to domestic violence by her former spouse. The complainant pointed out that she is victim of abuse, threats and insults for longer period of time, from 1998 and which was particularly intensified in 2012. During 2001-2002, the former husband of the complainant was determined repeatedly responsible for trespassing and threats against his former wife (eg no. P-950/01), was sentenced for committing the criminal offense of bodily injury (K-170/02) and criminal offense of insult (K 201/2001). The complainant repeatedly addressed the police of TK but they did not take concrete and effective measures to protect her from violence.

The Ombudsmen issued the following recommendation: Ministry of Internal Affairs of Canton

**The Ombudsmen are especially concerned that although in the past few years a number of activities undertaken by various entities in Bosnia and Herzegovina in order to prevent domestic violence, the country still did not achieve efficiency in the conduct of the competent authorities, especially the police and judiciary, and it seems that there is present practice that such crimes are not treated equally as other crimes by law enforcement agencies**

Tuzla, Tuzla Police Department, in accordance with their legal obligations, to take all measures to prevent violence against the complainant and ensure compliance with pronounced measures ordered. Cantonal Prosecutor's Office of Canton Tuzla was recommended to coordinated work with the Ministry of Internal Affairs of Canton Tuzla and takes all

necessary actions within its jurisdiction, in accordance with the applicable legal regulations in order to protect victims of violence.

The ombudsmen also recommended the Ministry of Internal Affairs of Tuzla Canton to ensure that the police, in cases of receiving reports of domestic violence or receipt of the request for assistance to persons exposed to any form of domestic violence where victims of violence are women and recommended them to act in the following manner:

- Urgently instructed police officers to the scene to provide intervention ;After analyzing the current situation at the scene, to take measures and actions in order to provide immediate protection and assistance to the victim of violence, and to prevent the perpetrator from further violent behavior;
- Obtain the data necessary to prove a misdemeanor or criminal offense of domestic violence or other offenses or criminal offenses committed within the family;If the perpetrator of domestic violence legally possess weapons, to take action to prevent possible abuses and propose correct procedure for seizure of weapons or armed list;
- If there is knowledge of the existence of illegal weapons, to take the necessary measures to locate and confiscate it and put forward the criminal charges;
- Submit a request for criminal proceedings because of domestic violence in conformity with the Law on Protection of Domestic Violence, or initiate charges for the crime of domestic violence in conformity with Criminal Code of FBiH ;
- If the victim requests placement in a shelter, immediately to notify the relevant Centre for Social Work of whom will be asked to take the necessary measures to ensure its proper accommodation in the shelter;
- In the case of domestic violence committed by a person treated for alcoholism or other addictions, or people with mental disorders, immediately to notify the Centre for Social Work in order to take measures stipulated by law;
- Timely notice Cantonal Prosecutor's Office of Canton Tuzla in order to take measures in accordance with the provisions of the Criminal Procedure Code of FBiH, FBiH Criminal Code and the Law on Protection from Domestic Violence.

**Case: Ž-BR-04-98/13, P-42/13**

The subject of the complaint is violation of the right to employment under the same conditions because the complainant, following the completion of the selection procedure of public competition, for hiring civil servants in the municipality of Srebrenik of 05.09.2012 on the list of successful candidates positively evaluated by the Agency for Civil Service, Act No. 05 - 34-8-255-3/12, of 08.11.2012, but despite of this fact, were not admitted to the civil service through public competition, because in the meantime the Mayor was dismissed. Immediately upon taking office the newly elected Mayor of the Municipality of Srebrenik requested the Agency for Civil Service of the Federation of Bosnia and Herzegovina for annulment of the public competition.. FBiH Civil Service Agency rejected request for annulment of the public announcement especially because some of the candidates already had contracts on work in the municipality, particularly due to the fact that municipality Srebrenik on 10.12.2012 submitted appeal to the Committee for Civil Service of the Federation of Bosnia and Herzegovina. Decision of the Board of Civil Service Appeals rejected the appeal of Municipality Srebrenik as unfounded but did not take the necessary actions to establish the legal status of the appellant.

BiH Ombudsmen recommended Srebrenik municipality, the Mayor and municipal council Srebrenik within 15 days to take all necessary measures within their competence to allow admission to the civil service and employment in the municipality Srebrenik to B.M, M.V, D.A, T.N and S.N. The recommendation was complied with.

**Case: Ž-BR-01-97/13, P-315/13** (*The children with special needs in BiH District of Brčko*)

Brčko Office received a complaint concerning violation of the rights of children with special needs in the area of Brčko District. Following the completion of the investigation process, the Institution issued recommendation to the Government of Brčko District to:

- Take all necessary measures to ensure unconditional education of pupils with special needs in accordance with their mental and physical abilities;
- Promptly to provide the funds for adaptation of existing infrastructure of school for pupils with special needs;
- To engage adequate number of qualified staff to work with children with special needs, in proportion to the number of children with special needs in the area of Brčko District, and also to find the most effective way that will ensure the inclusion of children in mainstream education;

The recommendation was issued on 26.12.2013.. Brčko Office will in the coming period monitor the implementation of recommendations.

**Case: Ž-BR-03-249/13, P-248/13**

The subject of the complaint is violation of the right to property and dissatisfaction with the work of Brčko District Government for non-implementation of the project for the housing of Roma in the village Prutače. Following the completion of the investigation process, the Institution issued recommendation, recommending:

1. Brčko District of Bosnia and Herzegovina immediately to take the necessary measures in order to implement the project Roma housing in the area of Brčko; and through the work of the competent department of the Government of Brčko District to ensure the smooth implementation of the Action Plan for Roma in the areas of employment, education, health insurance and health care for Roma in Brčko;
2. Brčko District Police to take necessary measures and actions to ensure preventive action and to ensure a safe and secure environment for all persons in the area of housing project Prutače;
3. The Ministry for Human Rights and Refugees, within its jurisdiction., to oversee implementation of the housing program of the Roma in Brčko District of BiH, as well as to take other measures for the implementation of the Action Plan for Roma in the areas of employment, housing and health care in the area of Brčko.

In this regard, the Institution received notification of the Ministry of Human Rights and Refugees, which states that the ministry will continue to carry out continuous monitoring of the implementation of the program for the housing of Roma in Bosnia and Herzegovina as well as in the Brčko District of BiH and that the Ministry department will each year allocates significant funding for housing and improving of employment and social protection of the Roma minority in the Brčko District. BD Government provided notice that College of the Government held on 13 and 16.12.2013 adopted the conclusion that they consider all legal options to tackle this questions and the same is in the process of realization by responsible persons.

### 4.3. REGIONAL OFFICE MOSTAR

The Regional Office Mostar in 2013 received 216 complaints and a total of complaints, together with those transferred from previous year, in the Office is 371 complaints. In this reporting period the Office closed 240 complaints and addressed 17 recommendations to the relevant address.

The largest number of complaints was received by the Department for following political and civil rights (143), then, in the Department of Economic, Social and Cultural Rights (51), and, in the Department for Following the Rights of the Child (11).

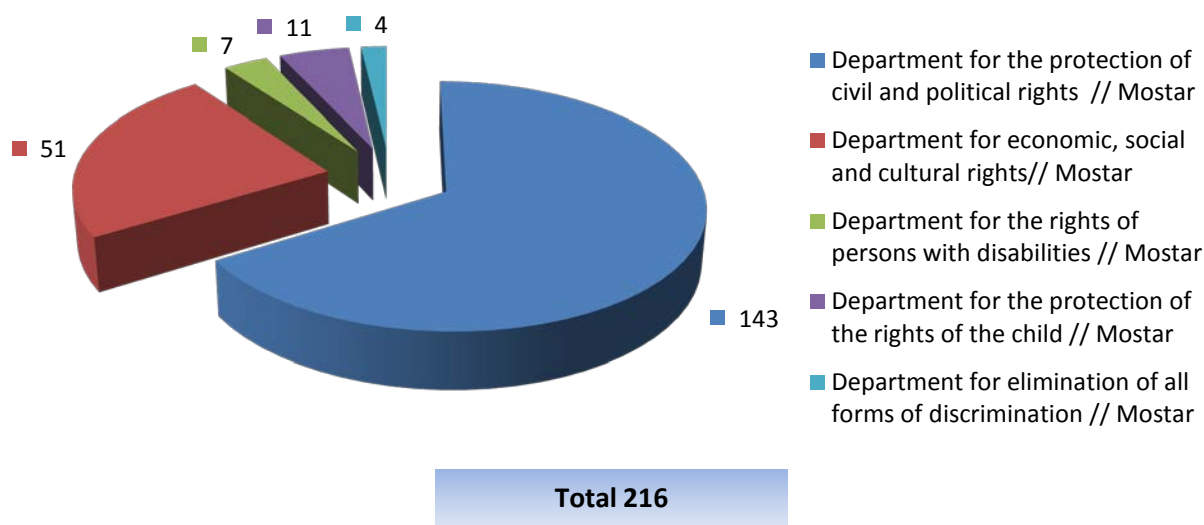


Chart 16: Review of complaints received in Regional Office Mostar in 2013 on department-to-department basis

#### 4.3.1. Analysis of complaints received

The number of complaints in the Regional Office Mostar in this reporting period, too, must be used loosely, since the continued practice of filing complaints and registering of them, which includes a larger group of citizens. The following complainants could be used as examples: Council of tenants in the street dr. Ante Starčević no. 76 and 78 Mostar, primary school Didak Buntić pupils, Čitluk, Coalition of Associations of Disabled WHC, HKUD "PORT" Čapljina, the owners of the estate from villages Postoljani, Nevesinje, trade union of workers of Company Railways of Federation, members of the Independent Union of Federation Railways, members of the Association of refugees and displaced persons "URIO MOJ DOM" Mostar, primary school "Marko Marulić" Prozor, Association "STOP MOBBING" Trebinje, the tenants of the building called Željeznička Mostar, Mostar group of fans, the Union of Civil War Victims CNT, CNT union of primary education of HNK, a group of employees of Raiffeisen Bank, the employees of the company "MO PARKING" Mostar, a group of occupancy rights holder over privately owned apartments, the Directorate for Civil Protection and fire fighting department of HNK, workers of the company "Aluminium" Inc. Mostar, "PROMINVEST" D.O.O. Konjic and a group of employees of the City Administration of Mostar.

In the Department for following political and civil rights, the citizens mainly complained about undue delays in implementation of certain procedural actions by the courts (48), violation of

the rights of property (47), the irregularities in administrative work (12), prosecutors (11), as well as the inappropriate police behavior (7).

Of the total number of complaints filed with the Department of Economic, Social and Cultural Rights, the highest number are related to the violation of the rights to labor (29), the right to social security (9) and retirement (5).

In 2013, too, continued difficult communications with the City Administration of the City of Mostar. Mostar City Council in general did not work for well-known reasons/lack of agreement

**Ombudsmen particularly want to highlight a problem in communication with the city administration, which completely prevents the investigation of human rights violations. The explanation for the lack of political consensus concerning the City of Mostar can not be an excuse for administrative organs in which there are employed civil servants who do not communicate with the ombudsman institution for which the Ombudsman were forced to issue recommendations on non-cooperation.**

on the position of the city of Mostar in the political context of BiH. Unfortunately, judgment of the Constitutional Court of BiH<sup>236</sup>, relating to the review of the constitutionality of the Statute of the City of Mostar, has not been complied with, and resulted in not only more difficult life of the citizens of this city, but to further activities of all those who unjustifiably want to the public to

present the city as "the city of special case."

The gloomy image of the city is reflected in everyday addressing of citizen to Ombudsmen Office seeking a minimum of socio-economic rights. High rate of unemployment is the main reason why citizens are seeking help, and difficult economic situation causes that there is almost no possibility of creating new jobs, which would lead to employment and improving in general the standard of living. This is supported by the fact that the Regional Office of Ombudsman Institutions in Mostar in 2012 recorded 1575 direct addressing by the citizens. Cases opened due to lack of functioning of city administration varies from illegal construction<sup>237</sup>, renewal of property belonging to returnees<sup>238</sup>, and reparations of damage caused by natural disasters<sup>239</sup>, etc.

In HNK, too, appeared pronounced difficulties in the work of government, because all financing of needs/expenses from the cantonal budget is prolonged. Citizens are not familiar with the reasons for delays of reimbursement for which there is a legal basis<sup>240</sup>.

Additionally, in the last year "Water-supply enterprise Mostar" was forced to shut down the water supply network to all households in some urban areas, where there are over 20 families of different nationalities (there is also a significant number of Roma)<sup>241</sup>. Upon the initiative of the Institution of Human Rights Ombudsman, which was also an active participant in all events, on the occasion of the current controversial issues, there was a meeting organized by the Ministry for Human Rights and Refugees. In addition to the authorized person from the Ministry, the meeting was also attended by representatives of the Institution of Ombudsman for Consumers' Protection in BiH, director of public company "Water-supply Mostar" and his

<sup>236</sup> U9/09 od 26.11.2010.

<sup>237</sup> Ž-MO-05-27/13

<sup>238</sup> Ž-MO-05-112/11,i Ž-MO-05-113/11, Ž-MO-05-56/13, Ž-MO-05-185/13

<sup>239</sup> Ž-MO-04-115/13

<sup>240</sup> Civil victims of war in HNK, case no.. Ž-MO-05-144/13 and other..

<sup>241</sup> Ž-MO-04-53/13

associates, as well as a group of residents of mentioned urban areas. This controversial situation was successfully resolved by mediation, in the way that the settlement immediately got water for regular use, and it was agreed that the other issues that had not previously been regulated, to ensure normal water supply to mentioned locations in the city of Mostar.

A Folklore Society from the municipality Čapljina indicated a problem<sup>242</sup> regarding lack of adequate space for maintenance rehearsal of this Society. Since the space in public institutions can not be achieved without a prior consent of the municipality Čapljina, the Ombudsmen intervened and the Mayor of Čapljina granted the request and enabled the members of "HKUD LUKE" to have rehearsals in the primary school in Višići.

Very frequently citizens seek help because of the lengthy court or administrative proceedings. Thus, a complainant<sup>243</sup> asked for help due to unsettled family relationships for a longer period, after the death of her husband, and she suffered serious adverse effects and was brought to the edge of poverty. Since this was a court proceeding, or probate proceedings because of necessary decisions on division of property, in this case Ombudsmen intervened in the Municipal Court Ljubuški. President of the Municipal Court Ljubuški provided the Institution with positive response and the case became priority in the work. Infrequently occur cases where people seek help because of the lengthy proceedings from the area of labor relations<sup>244</sup>, that, according to their nature, should be urgent and priority. In one of the complaints<sup>245</sup> a complainant stated that she is a single mother, pensioner and person of bad health, and should be evicted from alternative accommodation where she lived for many years. At the initiative of the Institution, in collaboration with the City of Mostar, the Federation Statistical Office of Pension and Disablement Insurance and the Association of Pensioners of Mostar, a concrete case was successfully completed, in the way that the apartment was assigned to the complainant for permanent use.

One of the specific cases<sup>246</sup> in Mostar Office is a complaint because of idleness of competent inspection service of Grude Municipality. The complainant addressed Ombudsman Institution due to improperly illuminated advertising which threatened her right to a normal living in the house because of the huge amount of light that threatens human health. The light also causes damage to property, because it destroyed (burned) plants and fruits that thrive here. After a number of requests, competent municipal service did not respond in a timely manner. Upon request by Ombudsman Institution, a response was submitted by Utilities inspections of the municipality Grude went out on the spot and found irregularities, and ordered measures to ensure their effective elimination.

## ILLUSTRATIVE EXAMPLES

### Cases: Ž-MO-05-56/13 and Ž-MO-05-185/13.

Applicants from Mostar, as prewar tenants of non-renewed war-destroyed building in Mostar, the applicants in previous years addressed various relevant addresses, required information concerning anticipated reconstruction of the residential building in the city center. They even have no knowledge of the activities planned for reparation the building.

Therefore, Ombudsman Institution immediately took certain actions, after which came the reply from the Ministry of Human Rights and Refugees.

The answer clearly stated that the competent ministry was familiar with the housing needs of the pre-war building occupants of so-called Željeznička building in Mostar, as well as being

<sup>242</sup> Ž-MO-05-45/13

<sup>243</sup> Ž-MO-05-72/13.

<sup>244</sup> Ž-MO-05-85/13

<sup>245</sup> Ž-MO-05-132/13

<sup>246</sup> Ž-MO-05-176/13

given the real difficulties, is actively engaged to achieve a breakthrough in this particular case. The reply also explained in detail all the previous actions of the ministry, as well as options for finding the necessary funds for that purpose. With the above actions are familiar applicants as well.

**Cases: Ž-MO-05-112/11 i Ž-MO-05-113/11,**

Concerning the cases the recommendations were issued<sup>247</sup> because the City of Mostar temporarily waived the property to perform work as part of the project for rehabilitation of mine Vihovići and the city promised to all the legal property owners/complainants regularly to pay the fixed fee, with its increasing, according to the settlements/agreements concluded through bilateral accord. The project was implemented, and the complainants did not receive compensation for the entire 2010, 2011, 2012 and 2013. Despite numerous requests/applications/urgings, answers by the Mayor of Mostar, clarifying the reasons for failure to meet obligations under the Settlement/Agreement, they never received.

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<sup>247</sup> P-255/13 i P-256/13

## 4.4. REGIONAL OFFICE SARAJEVO

In 2013 the Regional Office in Sarajevo received 1391 complaints, which together with complaints transferred from the previous year makes a total of 2471 complaints to work on. During the 2013 the Regional Office in Sarajevo processed 1613 complaints, which represents the increase in the number of resolved complaints compared to the previous year. Of this number of complaints resolved, 882 resolved complaints were received during the 2013, while the number of 731 solved complaints relates to complaints received during 2012 and earlier.

Of the total number of resolved complaints in 2013 during intervention of the Ombudsman 513 complaints and the Institution received 393 unacceptable complaints, while concerning 229 complaints the complainants did not show interest for further proceedings. In 22 cases the Ombudsman Institution was not competent to act, and the referred these cases to be resolved by the competent authority, while other cases were treated in accordance with legal powers of the Ombudsman.

During 2013 Sarajevo Office issued 155 recommendations.

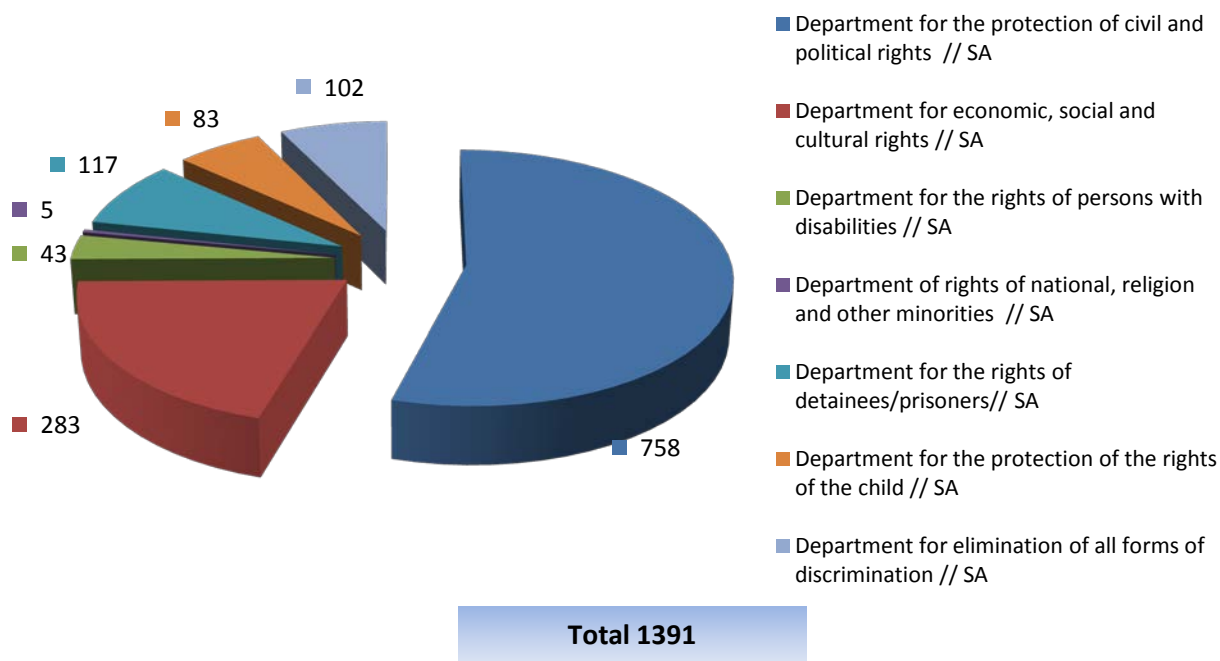


Chart 17: Review of complaints received in Regional Office Sarajevo in 2013 on department-to-department basis

### 4.4.1. Analysis of complaints received

From analysis of complaints received in Regional Office Sarajevo, it is evident that the greatest number of complaints was received by the Department for following political and civil rights - the 758. The largest number of complaints received in this Department was related to the work of judicial institutions - 198, the work of administration - 180, violation of Freedom of Access to Information Act - 124 and violation of governmental, ministerial and other appointments – 85. From analysis of complaints against judicial institutions, it is evident that the largest number of filed complaints was related to violations of the right to trial within a reasonable time and non-execution of final court judgment.

Complaints filed against work of administrative bodies mainly pointed to violations of procedural provisions of the Law on Administrative Procedure, since decision were not made within legal time limits, silence of administration, long-term decision-making procedures in the second instance, and frequent referring of cases to the first instance organ for reconsideration.

As to, citizens' complaints relating to the application of Freedom of Access to Information Act, the majority of them were related to omission to decide following receipt of a request for access to information, failure to comply with the legal deadline for making these decisions, making decisions without formal elements such as instruction on remedies, and lengthy decision-making procedures in the second instance.

The Institution of Human Rights Ombudsman of BiH during 2013 received 85 complaints relating to the area ministerial and government appointments, due to irregular procedures for appointment and termination of appointment. As in previous years, citizens' complaints were filed with Ombudsman Institution, usually related to violations of the procedure for selection and appointment of boards of directors and supervisory boards of public enterprises and public institutions, and a smaller number relating to violation of the procedure for the election of Directors whose appointment necessarily needed approval of government or competent ministry. Allegations of complaints were related to appointment of interim boards of directors and supervisory board appointments on the basis of political affiliation of candidates, the composition of the selection committee, the criteria for selection of candidates, vague provisions of public competitions, etc.

Department of Economic, Social and Cultural Rights of Regional Office Sarajevo in 2013 received a total of 283 complaints. Of this number, the largest number of complaints was related to violations of labor rights and in connection with these rights -136, violation of the right to pension – 58, communal services - 34, the right to health - 21, while a small number of complaints was related to violations of the rights to social protection, education and environmental protection.

Complaints from the area labor relations in most cases were related to violations of law and regulations on the occasion of establishing working relationships, as well as violations of the rights that employees enjoy from employment. A certain number of complaints also applied to non-payment of contributions to the Pension and Disablement Insurance, as well as the salary earned while working.

In the area of violations of the rights related to pension and disablement insurance, most complaints were related to the lengthy proceedings for realization of the right to pension, upon application to the competent authority. A smaller number of complaints indicated omission of the second instance organ to hear appeals against the first instance decision of the cantonal administrative services within legal limits, suspension of payments, and suspension of rights after completion of the audit.

The Department for elimination of all forms of discrimination in 2013 received 102 complaints. Like last year, the largest number of complaints was related to discrimination in employment, then in work relations (mobbing or harassment in the workplace), and there were complaints recorded concerning discrimination in the transfer to another jobs within the labor organization. In the area of discrimination on the basis of ethnicity, complaints received in

Ombudsman institution mainly were concerning non-application of legally prescribed affirmative measures.

In 2013 the Department for Following the Rights of Persons with Disabilities received 43 complaints. Complaints filed were in relation to the problem of removing architectural barriers, the length of the decision-making process of the appeal before the second instance authority, the right to social security, the right to health care and other rights on the basis of disability and to protection of persons with disabilities from all forms of discrimination.

The Department for Following the Rights of the Child in 2013 received 83 complaints, which is twice as many compared the previous year. The largest number of complaints received was concerning the right to maintain personal relations and contacts with the other parent with whom the child does not live and with his close relatives, where as responsible party usually occurred social work centers, and the courts as to the lengthy court proceedings concerning the rights of the child.

Department for Protection of the Rights of Detainees/Prisoners in 2013 received 117 complaints. Detained/Imprisoned person as in previous years, Ombudsman Institution was mainly addressed due to the right to benefits out of correctional institutions, the right to health care, and the possibility of transfer to another correctional institution.

## ILLUSTRATIVE EXAMPLES

### Case: Ž-SA-01-589/13

Ombudsman Institution was addressed by the mother a minor child, younger than three years of age, according to her allegations and according to the findings of the specialist, underage child has reactive fear and reacts to objective stressful conflict situation related to the relationship of mother and father that could result in serious consequences in development of psychological conditions. The complainant considers that in practice the decision of the competent social welfare center on the realization of direct and personal contacts of underage child with her father proved to be detrimental to the minor child, as reflected in the arbitrary interruption of contact with her daughter 's father, interruption of contact for more than a year, who never contributed to child support in any way, and which is cited as the most important, he never made an emotional connection with the underage daughter. Following intervention of Ombudsman Institution, the competent municipal court, in which the court described in detail the way of establishing personal relations and direct contacts between underage child and the father, especially considering the best interests of the child.

### Case Ž-SA-06-284/13

The complainant alleged that she is employee of the State Agency for Investigation and Protection at the workplace of senior associate - spokesman for the Office of the Director of the Agency. Allegations of complaint were pointed to the violation of the provisions of the Law on Prohibition of Discrimination in Bosnia and Herzegovina, in terms of mobbing and the violation of labor rights. After completion of the procedure of the investigation, Ombudsman Institution issued recommendation<sup>248</sup> of 05.06.2013 to Director of the State Agency for Investigation and Protection: to ensure equal treatment of all employees of the Agency through recognition, enjoyment and achievement on the basis of equality, rights and freedoms in the field of labor; to take measures to prevent harassment, mobbing and victimization of the complainant by

<sup>248</sup> P-125/13,

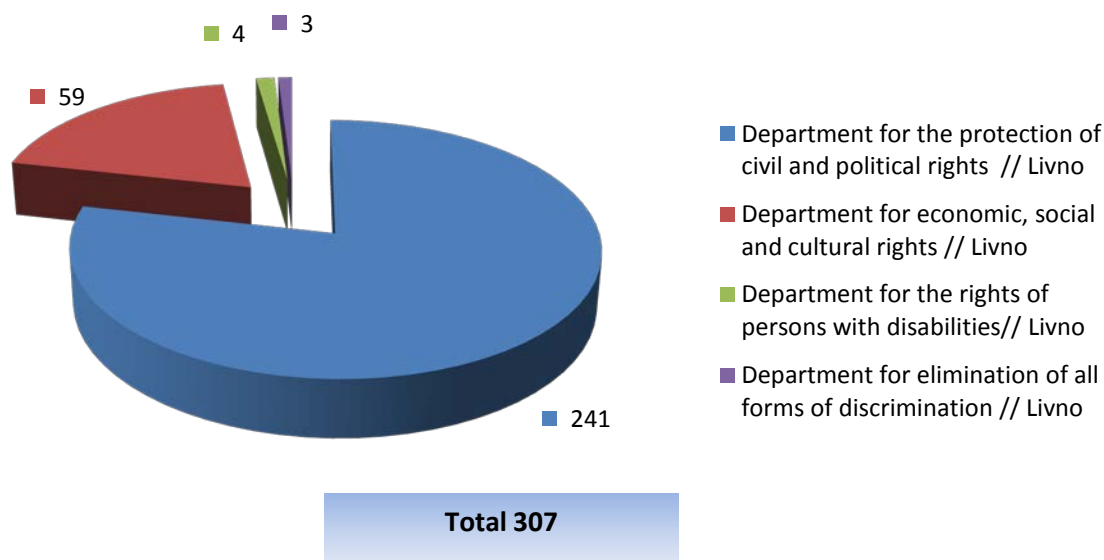
other employees; to establish a mechanism for the prevention of all forms of discrimination and to ensure that the work and legal relationship with employees comply with the provisions of the Law on Prohibition of Discrimination; take the necessary measures to protect employees from mobbing, which may include training managers or representatives of human resources, the establishment of an internal appeal mechanism and arbitration. Ombudsman Institution on 09.16.2013 received response by the Director of the Agency, in which, inter alia, the fact that in relation to the complainant, there was conducted an internal disciplinary proceedings under the general rules of disciplinary proceedings and legal procedures does not mean that the complainant was exposed to any form of discrimination, and the fact that after that, in relation to the complainant, were not undertaken any different treatment than regarding other employees, indicating that the recommendation was de facto implemented.

#### 4.5. FIELD OFFICE LIVNO

Field Office in Livno (hereinafter: Office in Livno) received 307 complaints. Compared to the previous reporting period in 2013 had an increased of more than 34 complaints, which represents a percentage of 12.45%. Most complaints received - 241, were filed with the Department following political and civil rights, then the Department of Economic, Social and Cultural Rights - 59 complaints. Under the jurisdiction of the Department for Following Rights of persons with Disabilities there were filed four complaints and three complaints from the scope of the Department for elimination of all forms of discrimination. Further, Office in Livno received complaints filed with the Department for Following the Rights of the Child; the Department for Following the Rights of Ethnic, Religious and Other Minorities, and the Department for Following the Rights of Detainees/Prisoners.

Out of 307 complaints received, 208 were resolved, while the investigation is still not completed and the decision is still not taken by the Ombudsman regarding remaining 99 complaints of citizens. During the reporting period, 57 complaints filed in previous years, and 50 complaints were resolved. Thus, as regards to complaints transferred from previous years, 7 complaints remained in the procedure. Based on the aforementioned, it can be stated that 364 received complaints was processed, and 258 complaints were resolved, and the remaining 106 complaints are still to be resolved.

As to the manner of completion, 156 citizens' complaints were closed during intervention of the Ombudsman, 47 complaints were recorded as inadmissible, regarding 32 complaints the parties did not shown interest for further conduct of the proceedings, 15 complaints were closed in some other way (the complainant withdrew the complaint, etc.), and 8 complaints resulted in recommendations of the Ombudsmen.



**Chart 18: Review of complaints received in the Field Office in Livno in 2013 on department-to-department basis**

Office in Livno, during the reporting period, issued 15 recommendations to the competent authorities. In six cases, the authorities complied with recommendation of the Ombudsman and implemented these recommendations, while in four cases of active cooperation was established with the competent authorities and the implementation of the recommendations is still ongoing. One recommendation was not implemented but violation of the rights was

eliminated through agreement between the parties, while in four cases the Office in Livno did not receive any reply by the competent authority, after issuing of recommendations, but we emphasize that the three recommendations were transmitted to the defendant only on 24.12.2013.

During 2013 the Office in Livno had good cooperation with the authorities, but it must be noted a negative example, too, which referring to poor cooperation with the Government of the Canton 10, that is, with already former prime Minister of said Government, as reflected in the failure to provision of declarations upon request of the Ombudsmen. Also, there is difficulty in communication with the Department of Economics and Inspection Activities of the Municipality of Livno, whose work more and more became subject of complaints filed by citizens. Said municipal service often did not deliver its declarations within deadline set up by the Ombudsmen, due to which the Ombudsmen were forced even to forward urgency in order to get a response.

As regards territorial residence of complainants in 2013, by far the most complaints were filed by citizens of the municipality of Livno - 188, then Tomislavgrada 42, Glamoč 36, Drvar 19, and Bosansko Grahovo 7. All these municipalities are part of Canton 10 and the rest of received 15 complaints were filed by citizens who reside in other municipalities in Bosnia and Herzegovina.

#### 4.5.1. Analysis of complaints received

Most complaints, as in the previous reporting period, was filed against judicial bodies - 119, then against administrative authorities - 76, labor relations - 28, police - 24, the prosecutor's office - 13, pensions - 11, social protection - 9, communal services - 7, access to information - 6 persons with disabilities - 4, discrimination - 3, governmental and ministerial appointments - 2, health - 2, education, property relations and public documents received by 1 complaint.

The largest number of complaints was filed against judicial authorities, which indicates dissatisfaction of citizens by functioning of judicial authorities, and reasons for filing complaints

**Disturbing is increase of complaints filed with the Office of Livno in all areas, and particularly concerning is communication problem between Prime Minister and the Secretary of the Government, which is reflected in the inability to resolution of a number of systemic issues related to the functioning of administration both on cantonal and municipal level**

were noted due to long duration of court proceedings and non-execution of judgments in the cases of labor relations.

The judiciary ruled a total of 97 complaints. Of this number, after the intervention of the Ombudsman, 56 complaints

received in 2013 were resolved, and 21 complaints from previous years. Eight inadmissible complaints were filed, six complaints were resolved in some other way and in six cases, and the complainants did not show interest for further proceedings after declarations of the judicial organs.

We emphasize proper cooperation with all courts and the Office in Livno.

While the number of received complaints against judicial authorities remained the same as in the previous reporting period, the number of appeals against administrative bodies increased significantly, from 53 complaints received in the 2012 to 76 complaints received in this reporting period.

Lately, citizens are increasingly complain about the work of inspection bodies of the Municipality Livno, in whose work the citizens increasingly lose confidence as specified inspection authorities do not provide adequate legal protection by upon requests for inspections. This is reflected in the fact that the complainants are forced to repeatedly submit a complaint to the inspections on the same factual basis, as well as an appeal for decisions already made by that authority.

Following citizens' complaints on the work of administrative authorities, 59 complaints were resolved, of which 12 complaints are from previous years and 47 complaints from the reporting year. During the intervention of the Ombudsman has resolved 27 complaints, five appeals after issuing recommendations, in 13 cases the complainants did not show interest for further conduct of the proceedings after the declarations of administrative organs, 8 complaints was rated inadmissible, and six complaints were resolved in some other way.

There was increase of complaints in the field of labor relations, from 20 complaints received in previous reporting period to 28 complaints received in 2013. However, 17 complaints were assessed inadmissible, 5 complaints were resolved after the intervention of the Ombudsman and the one complaint was resolved in another way. Two complaints from previous years were resolved.

Complainants addressed the Ombudsmen dissatisfied by selection of candidates through tender procedure, canceled public competitions, way of salary payments, termination of employment, assignment to other duties contrary to the concluded contract of employment, etc.

There was also a slight increase in complaints to the work of the police authorities, from 21 complaints filed in 2012 to 24 complaints received in the reporting year. The Office resolved 19 complaints, 3 complaints from previous years and 16 complaints of this year. As regards the way of resolving the complaints, 6 complaints were resolved during intervention of the Ombudsmen, 4 were deemed inadmissible, in seven cases the complainants did not show interest for further procedure after submissions of response by the police authorities, one complaint was resolved in another way and one through recommendation.

Complaints were filed due to dissatisfaction with the results of the police investigation upon reports submitted, or request the Ombudsman to follow the work of the police authorities upon reports submitted.

Complaints filed with due to dissatisfaction of the prosecutor's work increased significantly, from 3 filed complaints in the previous reporting period to 9 complaints filed in this year. Complaints submitted alleged too long investigations, but there were complaints, requesting the Ombudsmen to monitor the work of prosecution's during the investigations. .

The Ombudsmen resolved nine complaints, 8 complaints from this year, and 1 complaint from previous years. Complainants realized protection of the rights in the six cases after the intervention of the Ombudsmen, one complaint was assessed inadmissible and in two cases the complainants did not show interest for further conduct of the proceedings after the prosecution's response.

Complaints about violations of citizens' rights to pension were in significant decrease, from 17 complaints received in the previous year to 11 complaints in this reporting year. Complaints are generally made because of failure to reach a decision within legally prescribed deadline.

During the reporting year 10 complaints were resolved. After the intervention of the Ombudsmen complainants realized their rights requested in nine complaints, while in one case the complainant did not show interest for further proceedings. Nine complaints were resolved during the reporting year and one complaint from previous years was resolved.

Additionally, the complaints filed against the violation of rights from the field of social protection increased, from six complaints received in the previous reporting period to nine complaints received this year. 5 complaints were resolved, all of them after intervention of the Ombudsmen, namely, four complaints from this year and one complaint from previous years.

Complaints received about violations of law in the field of providing municipal services recorded a significant decline, from 13 complaints received in the previous year to seven complaints received in this reporting year. As important reasons for filing these complaints we cite disconnection of individual users from water supply network for non-payment of utilities. During the reporting period 8 complaints were resolved, out of which six complaints from this year and 2 complaints from previous years. In five cases the complainants achieved protection of rights after the intervention of the Ombudsmen, in one case a recommendation was issued, and two complaints were deemed ineligible.

In accordance with the right of citizens to freedom of access to information six complaints were filed, four more complaints than in the previous year. 4 complaints were resolved after the intervention of the Ombudsman when the parties have exercised their right, one complaint was judged unacceptable and one complaint was decided otherwise. Two complaints from previous years were settled, so remained work on other two complaints. Complaints submitted to the unlawful refusal of access to information, as well as non-resolution of requests within legal deadline by adopting appropriate decisions.

People with disabilities this year filed four complaints, which is three more complaints than in the previous year. After intervention of the Ombudsmen the complainants realized protection of rights in the two cases, while in one case the complainant did not show interest in further procedure after replies by competent authority. One case is in the process of solving by the responsible authorities. Complaints are submitted mainly because of refusal or failure to resolve claims within legally prescribed period (personal disability payment, pension).

During the reporting year were received three complaints about discrimination, that is, one less than in the previous year. Two complaints were filed for alleged mobbing and both were rated unacceptable. A complaint was filed because of gender discrimination, the case has not yet been finalized but the respondent – i.e. the highest number of sports associations of Herzegovina League, after intervention of the Ombudsman amended its regulations which contained discriminatory provisions, so that we can soon expect the successful completion of the proceedings of complaint. The complaint was filed in the previous reporting year, also on the basis of sex discrimination, was resolved through implementation of the recommendations by the Ombudsmen. In one case, a recommendation was issued because of a perceived discrimination on the basis of education, but we received a declaration by the responsible party of the Medical Post in Tomislavgrad on measures and actions in implementation of the recommendations.

Because of violation of the Law on Ministerial, Government and Other Appointments the Institution received two complaints, unlike in previous reporting year when we did not have

any complaints received on this basis. In one case, the complainant realized protection of the rights because Bugojno Municipal Council, after an investigation, informed the Ombudsman that it overturned the decision on the appointment of members of board of directors and supervisory boards of all public institutions. In the second case, the Ombudsmen issued recommendation for cooperation to the Government of the Canton 10, which did not submit declaration in relation to the complaint against appointment of members of board of directors and supervisory boards of all health facilities in the area of Canton 10. The recommendation was sent 24.12.2013, and up to date the Institution has not received information by responsible party concerning issued recommendation.

From the field of health care two complaints were received, as well as in the previous year. After intervention of the Ombudsmen, one complaint was successfully completed on, which referred to the non-extension of consent for treatment outside of Canton 10. In the second case, the complainant withdrew already filed complaint, and decision to close the case followed.

The Ombudsmen received one complaint from area of education, one concerning property relations and one were concerning issuance of public documents. The complaint was filed in the field of education was rated unacceptable, and in the case of property relations complainant did not show interest for further conduct of the proceedings, while in the non-issuance of public documents within legally prescribed deadline (identity card) and the rejection of the Interior Ministry of Canton 10 to issue certificate to cross state border, and following the intervention of the Ombudsmen procedure completed successfully.

## ILLUSTRATIVE EXAMPLES

### **Case: Ž-LI-04-67/13**

In accordance with the final court decision, the complainant contacted the Federation Bureau of Pension and Disablement Insurance, Administrative Service in Livno, with request for recognition of service, upon which specified service did not act. After the intervention of the Ombudsman the complainant realized protection of her rights.

### **Case: Ž-LI-04-174/13**

The complainant applied to contest for the election of candidates to the position of Croatian language teacher in primary school Fr. Miroslav Džaja in Kupres. The candidate who did not meet the conditions of the competition was employed. The complainant's objection was denied. After filing complaints with Ombudsman Institution the complainant was advised to request inspection, which she did. Only after the intervention of the Ombudsman inspection was carried out, according to which the Ministry of Science, Education, Culture and Sport of Canton 10 rendered a decision to abrogate the decision on the selected candidate.

### **Case: Ž-LI-05-12/13**

At the beginning of 2013 several complainants requested the Ombudsmen to annul decision of the Government of Canton 10, which refers to the final appointment of members of board of directors and supervisory boards of all health institutions in the Canton 10. The Government of Canton 10 never provide the Ombudsmen with submission of required declaration after several verbal promises given, so by the end of 2013 the Ombudsmen issued recommendation for cooperation. So far the Institution has not received a response requested by issued recommendation.

**Case: Ž-LI-05-148/13**

The complainant requested the Department of Economics and Inspections of Municipality Livno, inspection due to illegal building a house by her neighbor, the construction of which interferes with complainant's using of her living space. As the inspection did not carry out the required monitoring, the complainant was forced to seek protection by the Ombudsmen. Said municipal office failed to submit the declaration within time period specified by the Ombudsmen or made any supervision. Following the time limit specified, the ombudsmen received the answer that a construction inspector for a long time did not work, what was the reason that the said service could not submit its declaration. However, Mayor of Livno, as well as his assistant in the Department of Economics and Inspection, did nothing to find an alternate solution, which was the reason that the ombudsmen in this case issued a recommendation. The recommendation was sent late last year and to date it have not received a declaration requested by issued recommendation.

**Case: Ž-LI-05-96/13**

A returnee to the municipality of Drvar addressed the relevant municipal authority with a request for renewal of inadequately constructed chimney in the apartment, because during heating season the smoke creates big problems. Although representatives of municipal authorities in Drvar promised complainant and ombudsmen that they would solve this problem until the beginning of the heating season, the issue was resolved, yet only in mid-January of 2014.

## CHAPTER V. FUNCTIONING OF OMBUDSAMAN INSTITUTION

### 5.1. Introduction

In 2013 there was no provision of budgetary resources through which would be realized the need to open new regional and field offices of Ombudsman institution, which was planned and for which was expressed interest of local communities in the field. Lacked the funds needed for the recruitment of personnel to work in these offices, as well as necessary equipment for work despite certain concessions to the business premises of the local community.

The problem of the presence in the field, for more direct contacts with citizens, were replaced, as in previous years, through more direct presence by the Ombudsman and personnel of the Institutions in the field in many municipalities.

The practice of regular days when the public is admitted in Tuzla was realized with help of the Municipality, the UNDP and the OSCE.

### 5.2. The staff

In Ombudsman Institution in 2013 there were 56 employees, which is two less than in 2011 and five years less than in the previous years.

**Ombudsman Institution continuously receiving reduced funding and is unable fully to execute its mandate and three assistant positions are vacant after the departure of lawyers which substantially reflects the quality of the functioning of the institutions.**

In addition to these employees in Ombudsman institution in the course of 2013 were also employed three trainees engaged by the project to strengthen the capacity of the Department for following the rights of the child, realized with the

international NGO Save the Children - Regional Office for South-East Europe and the USA embassy.

In 2013, too, there were no conditions to fill the vacant posts of Assistant Ombudsmen at the Head Office in Banja Luka, as well as regional offices in Sarajevo and Mostar, since the departure of three assistants in the previous period, these positions remained vacant.

### 5.3. Accommodation and technical equipment of the Institution

In addition to the continuous attempts of Ombudsman to find a durable solution to accommodate the main and branch offices of Ombudsman institution, in 2013, too, they remained accommodated in rented premises, except in Brčko, which requires significant financial resources.

Since 2010 Ombudsman Institution has not purchased equipment or vehicles. There is a need for this, especially procurement of vehicles, which, due to old age and depreciation, are already in a bad condition that requires high maintenance. It is necessary to make certain renewal, both for maintaining the required level of information technology, as well as the deterioration that creates subsequent costs of repairs and maintenance of equipment.

## 5.4. Budget and Finances

In 2013 Ombudsman Institution functioned within the resources approved by the budget and that funds were not sufficient, and the Council of Ministers for 2013 approved funds from the reserve budget amounting KM 33.200 to end the financial year with paid obligations.

In the period between 2009 and 2013 were done permanent budget reductions of funds for the functioning of Ombudsman Institution, which had specific sort of impact on the functioning and the work of the Institution and hampered normal functioning in all areas, and required the involvement of the Ombudsman for securing funding from other sources.

Audit reports each year were positive, indicating the rational and lawful execution of the budget and spending of budget funds

## 5.5. Status of the Institution

Status and effectiveness of Ombudsman Institution, as mechanism for protection of human rights, in particular concerning the question of independence, is subject to verification through the process of re-accreditation, which carries out the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

In the process of accreditation and re-accreditation of the obligation is to prove that the Institution is functioning in accordance with the Paris Principles establishing independence.

The Paris Principles are an instrument that obligates the national human rights institutions to act in accordance with these principles, while obligate competent authorities to take measures to establish national mechanisms for the protection of human rights and enable functioning in accordance with the Paris Principles .

In 2010 Ombudsman Institution was accredited with status "A" by the Subcommittee on Accreditation and the International Committee of National Institutions for Promotion and Protection of Human Rights, with the recommendation that it is necessary to provide full financial independence of the Institutions.

In order to implement the recommendations of complete financial independence of the Institution, the activities were undertaken within meaning of provision of information to competent parliament and its authority for Finance, and was obtained support to implementation of above recommendations.

## **CHAPTER VI. COOPERATION WITH BiH AND INTERNATIONAL INSTITUTIONS AND ORGANIZATIONS**

### **6.1. Cooperation with institutions and organizations in BiH**

Cooperation with institutions and organizations in BiH implies, on the one hand, the cooperation that is necessary to work on the complaints of citizens and the protection of human rights, as defined by the Law on Human Rights Ombudsman, on the other hand, cooperation in promoting human rights and creating conditions for their achievement, as defined by the Law on and the Strategy action of Ombudsman Institution.

Cooperation in the complaint procedures and measures obliges bodies of authorities and authorities to cooperate with Ombudsman Institutions in terms of providing assistance in investigations and inspections, to facilitate access to the requested verification information, conducting personal interviews and study the necessary files and documents.

This cooperation in 2013 the Ombudsmen assessed as satisfactory, but also assessed it is necessary to raise this cooperation to an even higher level, with a view to still more efficient and timely resolved complaints from citizens, which would directly result in a greater number of resolved complaints, which often do not end in a timely and quick manner due to non-submitting required declarations and documents by the institutions and bodies.

This kind of cooperation is particularly important for the adoption and implementation of recommendations by citizens' complaints that suggest Ombudsmen Institutions and bodies to take measures to eliminate violations of human rights. Statistics, as reported in the previous sections of this Report, has shown half results in acceptance and implementation of recommendations (55.87 % of recommendations accepted and 44.13 % not accepted).

However, through recommendations were proposed measures to remedy violations in 358 or 21.72 % of complaints in which was established human rights violations. It is important to emphasize that regarding 1290, or 78.27 % of complaints, during the process of research, was corrected violation of human rights. This indicates a positive trend, and it is a far greater number of cases reported as to responsibility for elimination of violation of the rights, in relation to the number of not accepted elimination of violations of the rights. In a separate tabular appendix of this report can be seen these examples regarding both acceptance, and rejection of recommendations. .

In a number of recommendations that were not accepted, in accordance with the Law on Human Rights Ombudsman of Bosnia and Herzegovina, were informed immediately higher authorities for action on implementation of the recommendations, and in cases where recommendations were not accepted even in this phase, are listed in this Annual Report, according to which parliaments, as well as in previous year, should take steps against human rights violators.

In terms of promoting and creating better conditions for protection of human rights, in 2013, too, the Ombudsmen worked to intensify cooperation with parliaments at state and entity levels and with their bodies. Discussions were conducted on the Annual and Special Reports to analysis and evaluation of frequency of human rights violations, and were considered specific recommendations addressed to the authorities and institutions, then joint monitoring of the implementation of recommendations, and were considered the conditions of functioning of Ombudsman Institution.

As in previous years, in 2013, too, the Ombudsmen, due to significance of the presence in the communities in which citizens in the largest scale exercise their rights, visited the municipalities of Bihać, Cazin, Ugljevik, Višegrad, Čapljina, Neum, Mostar, Zenica, Tešanj, Stolac, Livno, Brčko, Tuzla where they discussed human rights related to employment, return, health and social protection, functioning of administration, minority rights, etc.

In addition, as possible forms of cooperation, we used consultative meetings, especially with the executive authorities, most on issues of implementation of recommendations and collecting data for creation of special reports.

An important aspect of cooperation was accomplished through participation of Ombudsman institution in numerous conferences on various areas of law, as well as through meetings with various ministries, authorities and bodies, as well as organizers of meetings, starting with the provision of free legal aid, children's rights, rights of the disabled, pensioners' rights, minority rights, prisoners' detainees' rights, etc.

In the area of protection from discrimination was especially accomplished cooperation with the of agencies and authorities, gender centers, civil society organizations, with the aim of presenting the activities of the Department of eliminating all forms of discrimination, analysis of discrimination, promotion of rights in the field of gender equality, the rights of ethnic, religious and other minorities, etc.

Particularly notable is cooperation achieved with a number of faculties and schools, with which was signed acts of cooperation with the aim to introduce educated young people with Ombudsman Institution, the areas of human rights, with the current measures to protect human rights, including acquiring of practical knowledge on exercise and protection of human rights.

**In 2013 the Ombudsmen collaborated with a number of institutions and organizations in order to promote human rights and create awareness about the need to prevent their violation. Although the institutions operated with limited resources, the Ombudsmen tried to respond to all calls that were referred by government agencies, international and non-governmental organizations.**

Cooperation with institutions and bodies and organizations in BiH, was done with the expectation of ensuring efficient functioning of Ombudsman Institution, to achieve greater efficiency in dealing with individual complaints from citizens and achieving greater professionalism in dealing with the protection and realization of human rights.

## 6.2. Cooperation with non-governmental and civil sector

Institution of Human Rights Ombudsman, with the adoption of the Platform for Co-operation with non-governmental sector from 2009, clearly opted for the method and importance of cooperation with non-governmental organizations and civil society. In recent years the Ombudsmen have pointed out that exactly the exchange of information and cooperation with non-governmental sector contributes to better quality of work of the Institution, and also a way, through these organizations, to make citizens more familiar about the mandate and activities of Ombudsman Institution.

In 2013 this cooperation was reflected in several dominant areas and first of all, in terms of protection of the rights of children with special focus on children who are victims of exploitation, the area of discrimination, minority rights, with a focus on Roma and LGBT population, improving the rights of persons with disabilities, the area of transparency of the work of public authorities with a special focus on the freedom of access to information and the fight against corruption, the rights of returnees and access to justice .

Bearing in mind the fact that in 2013 Ombudsman Institution and its partner organization of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which implements the project "Best Practices for Roma Inclusion", in order to prepare materials for the production of the Special Report on the status of Roma in Bosnia and Herzegovina, representatives of institutions took part in many activities that were organized by the Association of Roma in Bosnia and Herzegovina, primarily in activities under the project "Together for inclusive and non-discriminatory education of Roma children in Katonah Sarajevo", which implements the Roma Information Centre Kali Sara and which actively worked on the development and implementation of rules for identifying forms of discrimination in primary schools .

In the preparation phase of the Special Report on the situation of Roma in BiH, Institution's staff in charge of these issues achieved contact with all active Roma associations across the country, which was an opportunity to make familiar these associations with the Institution's mandate and activities of the Department for following rights of ethnic, religious and other minorities. The issue of Roma participation in decision-making processes at the local level was dealt by the expert meeting organized by the Centre for Social Research and Analysis Center for Democracy, University of Zurich, at which representatives of the Institutions took part as well.

As the central institution for the fight against discrimination in this year the Institution took an active part in events organized by the Human Rights House, Sarajevo Open Centre and the Helsinki Committee in order to share its mandate and experience in the implementation of the Law against Discrimination.

With a big satisfaction Institution responded to the call of cantonal and individual disabled associations of Una-Sana Canton in the seventh international conference on the status and rights of persons with disabilities and thus supported the campaign "Let's act together", and also made cooperation with the Coalition of organizations of persons with disabilities in the Herzegovina - Neretva Canton, whose activities were primarily focused on the development of local action plans for achieving the objectives from the Strategy on Disablement in FBiH as well as ways of achieving quality education for children with disabilities in work and learning .

As in previous years Ombudsmen's priority in cooperation with NGOs was given to those activities that were primarily related to vulnerable population groups, children, returnees, elderly, women, etc.

As to, children's rights continued cooperation with the Network of NGOs from BiH "Stronger voice for children", particularly in the area of common advocacy implementation of the recommendations of the UN Committee on the Rights of the Child. Organized by the Association of Parents and Friends of Children with Special Needs "The Sun", Mostar, representatives of the Institutions participated in the round table "The protection of children in migration in Bosnia and Herzegovina", the theme of the vulnerability of the children on the

move dealt with citizens' association Budućnost Modriča which initiated introducing European number for missing children 116,000 in Bosnia and Herzegovina, and this workshop was attended by representatives of the Institution.

At the request of the returnee associations "Association of Serbs from Mostar" and "Union for Sustainable Return" representatives of the Institution attended working meeting where were highlighted the problems faced by the majority of returnees in terms of access to work, participation in decision-making and poor economic situation.

Regarding to the rights of the elderly, Ombudsman Institution since its preparation of Special report on the human rights of the elderly, making efforts to further work on the promotion of this report, establish productive relationships with organizations dealing with protection of the rights of this category of citizens. Thus, representatives of the Institutions participated in the conference "Opportunities and Challenges Nursing Occupations", organized by social educational center of Banja Luka. At this meeting it was pointed out that most of the homes for the elderly working without special permission, with an insufficient number of staff, and often with a staff that is not competent, without any oversight or checks, which the Ombudsmen pointed out in their Special report.

In 2013 as well the Institution continued to cooperate with non-governmental organizations in the field of freedom of access to information, primarily with organizations Transparency International Justice Network, Network ACCOUNT, COD Luna and, Center for Cultural Dialogue. Themes around which were grouped the activities of these organizations referred to:

- Initiative for amendments to Freedom of Access to Information Act
- Establishment of legal framework and procedures for protection of whistleblowers
- Usage of Freedom of Access to Information Act in combating corruption and increase of transparency in the work of public organs.

Although in somewhat smaller number of activities, the Institution made its contribution to realization of the activities of NGOs (Association for Democratic Initiatives, Center for Human Rights of University of Sarajevo, the Press Council, Association of Journalists of Bosnia and Herzegovina, Sarajevo Open Centre), which were related to:

- Speech of hate, challenges of its regulation and processing
- Access to free legal aid and access to justice
- Freedom of the media and expression

In accordance with its capacities and procedures, and bearing in mind their priorities and strategic objectives, Ombudsman institution achieved satisfactory cooperation with NGO's.

### **6.3. Cooperation with international institutions and organizations**

Segment of international cooperation of Ombudsman Institution should be viewed in the context of cooperation achieved and developed with representatives of international institutions and organizations in BiH and cooperation achieved at the international level in accordance with the obligations that entails ICC international status "A" by which Ombudsman Institution is accredited, and in light of commitments of the Ombudsmen to strengthen regional cooperation and regular activities within the international network whose member is BiH Ombudsman Institution.

Thanks to support by the OSCE Mission to Bosnia and Herzegovina, Ombudsman Institution in 2013, too, took part in 26 meeting of the International Coordinative Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), which was held from 6-8 May in Geneva. ICC meeting was devoted primarily to evaluation of the situation in the countries, 20 years after adoption of the Vienna Declaration and the Paris principles which are the basis for establishing standards for independence of national mechanisms for the protection of human rights anywhere in the world. The discussions were focused on plans for the future work of the ICC and the challenges that are facing this body, while the thematic sessions were devoted to the second cycle of reporting by countries according to universal periodic review (UPR) and important role that national mechanisms for protection of human rights (NHRI) have in this process, as well as in the process of reporting to the UN committees. This is particularly important considering the fact that Bosnia and Herzegovina in 2014 submitted its second UPR report. At the meeting in Geneva was officially established the Secretariat of the European Network of National Institutions for the Protection of Human Rights (ENNRHI) which selected its representatives to the Subcommittee on Accreditation of the ICC, the ICC Bureau and the Secretariat.

Somewhat later, in November, Budapest hosted strategic planning work of the European Network of National Institutions for the Protection of Human Rights (ENNRHI) for the next two years, where the Institution of Human Rights Ombudsman officially became a member of this important international network.

BiH Ombudsmen Institution during this reporting period cooperated with the UN Office of the High Commissioner for Human Rights (OHCHR) and other bodies within the UN system, and in the course of 2013 provided additional information requested by the Institution by experts or special rapporteurs who visited Bosnia and Herzegovina, as Rita Iszak, independent expert on minority, Rashida Manjo, special rapporteur on the rights of women, Farida Shadeed, special rapporteur on the right to education and culture and Zaynaba Bangura, special rapporteur for the civilian victims of war.

Annual Conference of the European Network of Ombudsmen for Children (ENOC), which, as a full member, was attended the BiH Ombudsmen Institution as well, was held in Brussels from 25 to 27 September of 2013, entitled "The children on the move: first of all children". Independent European institutions for children (ICRIs), a member of ENOC, highlighted the deep concern about the situation of "The children on the move" and the inability of European, national and local policies to respond to their needs and interests. Particularly was emphasized the importance of harmonizing existing laws, policies and practices in Europe with the UN Convention on the Rights of the Child (UNCRC) and other relevant international instruments and standards relating to "The children on the move."

The priorities at European level, in terms of protecting the rights of children, were reflected at the regional level by the thematic meeting of the Network of Ombudsmen for Children in Southeastern Europe (CRONSEE) dedicated to the theme "The children on the move", which was held in Zagreb, organized by the Ombudsman for Children of Republic of Croatia with support of Save the Children, and at the end of the year a similar event took place in Belgrade, organized by Save the Children, in which took part the representatives of BiH Ombudsman Institution. Special attention was given to high-risk conditions in which the children on the move live. It was concluded that it is necessary to identify their needs and protect their rights, and it requires appropriate cross-border cooperation, exchange of information and coordinated actions of government and other authorities from different countries. In the framework of the Network of Ombudsmen for Children of Southeastern Europe was the theme "Preventing Exploitation of Children in South East Europe", held in Novi Sad, was discussed, including next

steps to exchange practices, and resulted in the conclusion that the children need extra motivated, adequately encouraged to address the Ombudsman institutions in order to be informed about their rights, opportunities and protection of their achievement.

In the framework of the Mediterranean Association of Ombudsmen (AOM) representatives of institutions participated in the seventh annual meeting, which was held in Amman (Jordan). Thematic meeting was devoted to a more active role of the Ombudsmen in improving relationship between citizens and government, as well as strengthening the accountability of the public administration and its transparent work.

Having regard to the open debate within Bosnia and Herzegovina and the proposal by the Council of Ministers, which would bring to Ombudsman Institution the role of the National Preventive Mechanism (NPM), in accordance with the Optional Protocol on the prohibition of torture and other cruel, inhuman or degrading treatment, representatives of institutions participated in the work of several regional conferences on this topic. Among the important meeting could be included regional network of NPM s organized in Belgrade, where was signed the Declaration on the achievement of agreement for the establishment of formalized NPM network in the region, as well as a meeting hosted by the Institution of the Protector of Citizens of Serbia, which was focused on models of involvement of NGOs in the work of the NPMs, and a way of assessing the standards of care fore people with limited possibilities of movement. Workshop on NPM held in Skopje in Macedonia organized by the Ombudsman of Macedonia resulted in concrete conclusions about the necessary preconditions for the successful operation of the NPM, namely:

- Financial independence and adequate funding source
- independent appointment of staff
- freedom of taking all actions that are in line with the mandate of the NPM
- Regular checks of ways of dealing with persons deprived of their liberty in places of detention
- Possibility of giving suggestions and comments on the current and proposed laws

Commitment of BiH Ombudsman to strengthen the capacity of the Department for Elimination of all Forms of Discrimination and the mandate given to the Institutions, in accordance with the Law on Prohibition of Discrimination in BiH, intensified activities of the institutions in this field both at the international and regional levels, as well as in Bosnia and Herzegovina. The Institutions took part in the regional conference "Special challenges related to the complaints on the grounds of ethnic discrimination" held in Ohrid, Macedonia, organized by the Institution of the Ombudsman of Macedonia with support of the OSCE and ODIHR, and there it was concluded that the Roma are predominantly most vulnerable minority in terms of discrimination, mainly in the area of housing, access to education, health protection and the right to work. With regard to rights of the LGBT population, it was discussed at the regional workshop "The human rights of LGBT population, equal treatment and combating discrimination" that was held in July in Belgrade with the support of the EU instrument technical assistance and information exchange TAIEX , it was concluded that Bosnia and Herzegovina is lagging behind other countries of the region when it comes to ensuring equal treatment of the LGBT population and elimination of discrimination, at the workshop were presented experiences of the institution in this field. Representatives of the Institutions also participated in the workshop of the European Commission to Combat Racial Discrimination and Intolerance (ECRI) held in Strasbourg, with a focus on the challenges that institutions face when it comes to protection against discrimination in times of crisis and poverty. In 2013 was

achieved significant cooperation with the European network of institutions for protection of equality (EQUINET), although Ombudsman Institution is not a full member of this network.

A great number of international institutions and organizations (Council of Europe Office in BiH, Minority Rights Group International, its Seat in London, the Ministry of Justice and National Security of the United States, etc.) are invariably included Ombudsman Institution the in their activities and scientific meetings related to discrimination in general or segment of the protection of minority rights, and within its capabilities and capacities Ombudsman Institution in most cases actively participated and had its representative on such meetings.

Continuous partnership cooperation in the field of promotion and protection from discrimination was achieved with the OSCE Mission to Bosnia and Herzegovina, through organization of anti-discrimination forums in local communities, promotional campaigns executed through electronic media or financial support to creation of promotional materials aimed at raising citizens' awareness on discrimination and protection which Ombudsman Institution can offer. In addition to the primary objective of strengthening the Department for elimination of all forms of discrimination, the activities carried out with the OSCE Mission to Bosnia, aimed to raise awareness of a national minority Roma on the issue of discrimination, and in this sense was organized several workshops for Roma associations active in BiH. Representatives of the Institution also participated as speakers at workshops organized by the OSCE, which dealt with issues of gender equality, and were intended for education of representatives of non-governmental organizations that are active in this field. With the support quarterly provided to meetings of the Department for elimination of all forms of discrimination, the OSCE Mission to Bosnia and Herzegovina enabled strategic approach to defining the priorities of the Department and build its capacity. In 2013 efforts were made to intensify cooperation between the OSCE regional offices and regional offices of Ombudsman Institution in Brčko, Mostar and Livno with special attention to be paid to implementation of joint activities in local communities.

Among important meetings at the international level it is necessary to emphasize the participation of Ombudsman:

- International Conference "The main challenges for the Ombudsmen in the XXI Century" group V4 and the Western Balkans, held in Warsaw, Poland from 12-13 March
- International Symposium of Ombudsman institutions entitled "The role of the Ombudsman in the context of human rights, democracy and the rule of law", held 3-4, September in Ankara, Turkey.
- International Conference "Strengthening the protection of fundamental rights through the changing environment of human rights", held on 7 and 8 October in Vienna, Austria.
- International Symposium on the occasion of the Jubilee regarding fifteen years of the Greek Ombudsman, held from 12 to 13 November in Athens, Greece
- International Conference "The missing persons: Plan for the Future", held from 29 October to 1 November in the Palace of Peace at Hague, Netherlands

In the field of international cooperation within the borders of Bosnia and Herzegovina, in 2013 the Ombudsman Institution collaborated with partner organizations which by nature of its activities and mandate which supports the activities and work of the Ombudsman. These are primarily: OSCE, Council of Europe, UN agencies and their missions in Bosnia and Herzegovina (UNICEF, UNHCR, UNDP, UN Women), U.S. Embassy, Embassy of the Swiss Confederation, Royal Norwegian Embassy, the European Commission Delegation in BiH, ICMP, NATO.

Continued cooperation with these organizations in the field of gender equality and security (NATO , UN Women), Transitional Justice (UNDP, ICMP), access to justice, discrimination and European Integration (European Commission in BiH), prevention of violence against women, women's rights, implementation of economic, social and cultural rights, in the field of promotion and application of the Aarhus Convention, the implementation of Freedom of Access to Information Act (UN Women, OSCE), education, LGBT rights, hate speech (Council of Europe). Especially important is support provided by the Office of UNDP in BiH, which prepared presentations of human rights in Bosnia and Herzegovina for ambassadors and international organizations, held in the month of April, which was focused on the challenges encountered by the Institutions in exercise of its mandate, the necessary financial restrictions, on one hand, and expectations regarding reporting by UN committees and active participation in the UPR process, on the other hand.

Equally important is support provided by the OSCE Mission to BiH which organized the conference "Challenges and achievements in Implementation of Freedom of Access to Information Act in BiH" in June. This conference was aimed to bring together all the key players in the implementation, use and supervision of implementation of Freedom of Access to Information Act, to share their experiences and made suggestions for improving the level of implementation of the Act in this area. Cooperation in the implementation of the Act, the Institution established with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Konrad Adenauer Stiftung .

In partnership with Save the Children, continued in the 2013, and was based on the implementation of the project objectives and enhancing regional cooperation. Support was offered to the visibility of the Department For following of the Rights of the Child at the international level, especially within the European Network of Ombudsmen (ENOC), then production of promotional materials adapted to children by staff of the Department used in the implementation of activities "Ombudsman in your school", making a promotional video clip on the role of Ombudsmen to protect the rights of children, support organized events to mark International children's Day and additional promotion of recommendations by the UN Committee on the Rights of the Child.

The Institution of Human Rights Ombudsman pays special attention to regional cooperation based on the principles laid down by the Declaration on Cooperation signed by the Ombudsman of the former Yugoslavia on 18 May 2010 in Sarajevo. In 2013, this cooperation was intensified and resulted in a series of meetings that were initiated and organized by the Ombudsman of the Region. Some of the major conferences was already mentioned, but here we remind of:

Conference "Regional cooperation between Ombudsman institutions" organized by the OSCE Mission to Bosnia and Herzegovina, held on 25 June in Sarajevo, which was aimed to provide a forum for discussion on further enhancing of cooperation between the Ombudsman institutions in the region, exchange of good practices when it comes to strengthening mechanisms of implementation of the recommendations of Ombudsman and experiences about relationship of Ombudsman institutions and national judicial systems. Considerable attention was paid to the role of the ombudsman in prevention and protection of human rights through the promotion and education. The conference resulted in concrete proposals and plans to intensify regional cooperation institution of Ombudsman in the region in the future.

Seminar on "The relationship between the institution of Ombudsman and relevant stakeholders", which was held on 10-11 September in Danilovgrad, Montenegro, organized by

the European Commission (TAIEX), the Regional School of Public Administration (ReSPA) and the Regional Cooperation Council (RCC). The seminar participants exchanged experiences and best practices related to the Ombudsmen cooperation with civil society and the media, as well as the experience of the relationship between the institutions of Ombudsman and parliaments, and, on this occasion, was marked 10 years of functioning of the Protector of Human Rights and Freedoms of Montenegro.

Workshop on topic "Ombudsman Institution in South Eastern Europe: EU accession and the Universal Periodic Review", which was held in the period from 7 to 8 November 2013 in Zagreb, organized by the United Nations Development Programme (UNDP) and the Croatian Ombudsperson. The aim of the workshop was to exchange experiences in Southeast Europe regarding the measures that should strengthen the role of the Ombudsman in carrying out the recommendations relating to human rights, particularly in the context of EU accession.

Interest for the work and activities of BiH Ombudsman Institution in 2013 was expressed by many international officials, so Ombudsmen Institution was visited by the U.S. Ambassador. H.E. Patrick S. Moon, H.E. Ambassador of the Kingdom of the Netherlands. H.E. Jurian Kraak, the High Representative in BiH Valentin Inzko, Head of the Office of the Council of Europe in Bosnia and Herzegovina, Mary Ann Hennessey, High Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, the delegation of the OSCE and the Office of the High Commissioner on National Minorities, the Centre for Prevention of Conflict of the OSCE Secretariat in Vienna and a delegation of the Committee for Human and Minority Rights and Gender Equality of the National Assembly of the Republic of Serbia .

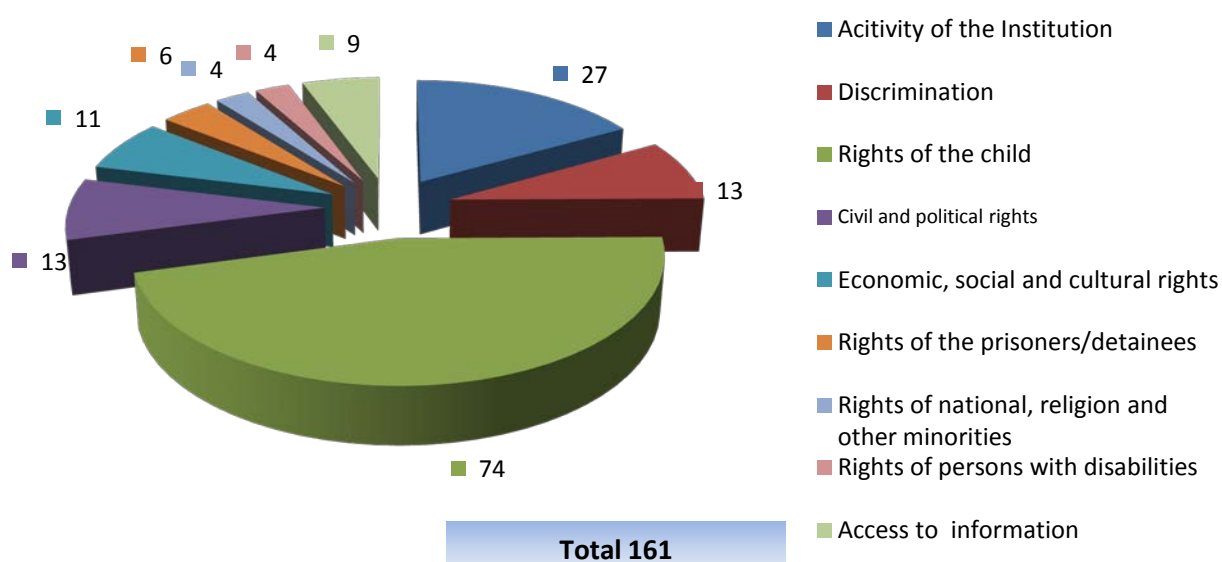
BiH Ombudsmen express gratitude to all international partners who supported the work of BiH Ombudsman Institution, especially in the area of financial support needed for the implementation of activities that BiH Ombudsmen can realize within the budget of the institution. Certainly, without developed partnerships with NGOs in the field of human rights protection, it would be difficult to achieve the results achieved by Ombudsman Institution, to promote and protect human rights of the citizens of Bosnia and Herzegovina.

## CHAPTER VII. COOPERATION WITH THE MEDIA

Looking at the comparative data for 2012 and 2013, in 2013 there was a slight increase of the overall activity of 5 percent in terms of media cooperation with the Institution of Human Rights Ombudsman of Bosnia and Herzegovina.

In 2013 there were 161 Ombudsman Institution activities regarding the media and at the media request, including information on the situation of human rights, the statements made by the Ombudsman and their assistants, and their appearances in the various shows, etc.

The analysis shows that the largest number of media requests related to the field of children's rights protection (74), followed by questions from the field of general jurisdiction (27), while the area of discrimination (13) and civil and political rights (13) were equally represented in the requirements of the media. A slightly smaller number of requests sent to the institution treated the area of economic and social rights of citizens (11). Compared to 2012, there was an increase of the number of requests that were related to the Freedom of Access to Information (9), while the rights of detainees/prisoners were to a lesser extent represented in the 2013 and were 6 times subject of media addressing to the Institution. The least requests of the media was related to the area of the rights of persons with disabilities (4) and the rights of ethnic, religious and other minorities (4).



**Chart 19: Percentage review of media requests related to various areas of human rights**

Looking at the comparative data for 2012 and 2013, the results show that the most of the activities in 2013, when it comes to the media, were observed in the field of protection of children's rights.

Increased number of media requests on this subject for 124 percent, compared to the previous year can be attributed to current events in relation to the right to education, the inability to obtain a personal identification number, the abuse of children for propaganda purposes, peer violence, disruption of the privacy rights of children in the media and many other problems in exercising children's rights in the country, but also through intensified activities of Institution's promotion through these rights through the project "The Ombudsman in your school", publications and special reports which treated different methods for exercise the rights of the child.

Although looking at the overall results, the area of discrimination to a lesser extent than 2012 was processed through media requests, within these themes, special attention was paid to the rights of the LGBT population, and mobbing as one of the forms of discrimination. Due to lack of awareness of citizens, during 2013, too, continued cooperation between BiH Ombudsmen Institution and the OSCE Mission to Bosnia and Herzegovina on the promotion of anti-discrimination law, which resulted in several notable performances of representatives of the Institutions in radio and TV broadcasts on this topic. Also, the Ombudsmen personally took part in a promotional film dedicated to the fight against discrimination.

Within the general competence of the Institution, the media showed the most interest for Ombudsmen's findings, acting upon complaints of citizens and the measures taken for elimination of determined violations of their rights, as well as other indicators used to assess the general situation of human rights in Bosnia and Herzegovina. In this way, the Ombudsmen promoted human rights, the institution itself and its competence, through talking about regular activities and projects, as well as the very citizens' complaints and their handling by BiH Ombudsmen.

Based on data recorded, a small representation of persons with disabilities, and ethnic, religious and other minorities indicates precisely the need of greater media promotion of respect for the rights of this vulnerable population. It should be borne in mind that in the way the media report on mentioned issues, the public becomes aware of the problems faced by minorities, especially the Roma, is of crucial importance, not only to eliminate prejudice, but also to devote sufficient attention to public concerning problems faced by different groups and presentation of numerous other activities (starting from cultural events, nonfiction, various folk festivals and the like). In this regard it is important to emphasize that the Ombudsmen in December of 2013 promoted special report on the situation of Roma in BiH, which was aimed to point out the problems the Roma in BiH face today and through recommendations to contribute to quality implementation of the action plans adopted and accepted international obligations.

As stated earlier, a significant number of media requests was closely tied to the behavior of specialized departments within the institutions of BiH Ombudsmen Institution. It is important to emphasize that the above statistics does not include appearances of the Ombudsmen and their assistants at public events organized by local and international organizations and institutions (working meetings, conferences, round tables, forums, seminars, trainings and lectures), as well as individual statements to representatives of the media providing information at press conferences.

In connection, it is important to emphasize that during 2013 of BiH Ombudsmen Institution organized a press conferences where they presented the annual and special reports of institutions, namely: Special Report "Children in conflict divorce" and Special Report on the situation of Roma in Bosnia and Herzegovina.

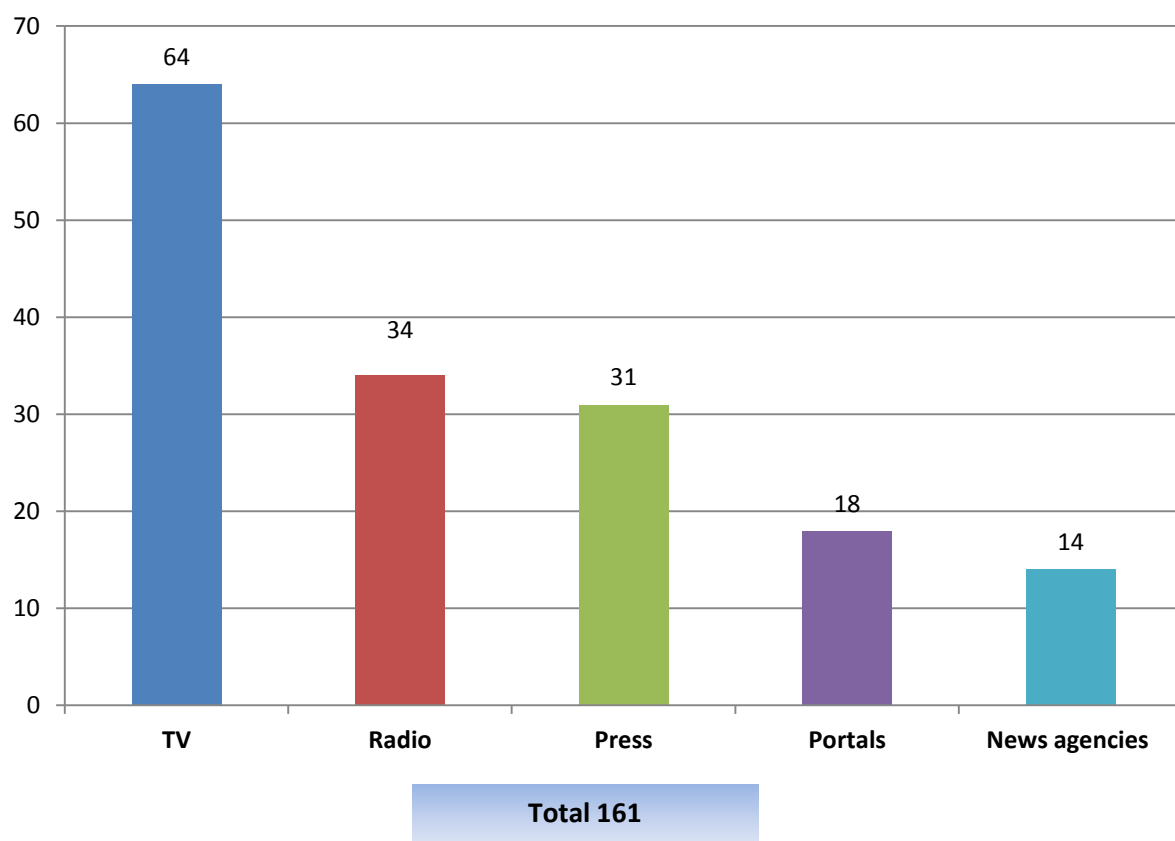
In the same period Ombudsmen through press releases reacted in case of protection of children's rights to education, equal treatment of the LGBT population, the right to free access to information, and pointed out other topics that were discussed from the viewpoint of protection and improvement of human rights.

Most appearances in 2013 the Ombudsmen and their assistants took place in electronic media, which continued the trend of previous years. Compared to 2012 there was an increased interest of broadcasters, news agencies and portals for the activities of the Ombudsmen of BiH,

while radio stations and printed media in 2013 requested somewhat smaller number of requests.

As can be seen in the chart, the representatives of the institutions gave most statements or performances achieved in television programs (64), followed by radio stations (34), then statement for the printed media (31), Portals (18) and news agencies (14).

When regard to the media which reported on the work of the Ombudsman, the most active were BHT 1, RTRS and RTVFBiH, and Radio Free Europe, while other electronic and printed media in Bosnia and Herzegovina in approximately the same proportion contacted the Institution.



**Chart 20: Media interest in the work of Ombudsman Institution of Bosnia and Herzegovina with respect to the type of media**

Also, it should be noted that local media were very interested in the presentation and promotion of Ombudsmen activities during the visits of the Ombudsman to local communities, which undoubtedly contributed to informing citizens about the possibility of turning to this Institution, and concerning other relevant issues in the field of human rights as well.

In previous year was put into operation a new web page of BiH Ombudsmen Institution, which beside modern design, satisfied the principle of parallel use of the three languages of the constituent peoples in BiH, which was the cause of redesigning.

On the web site of BiH Ombudsman Institution ([www.ombudsmen.gov.ba](http://www.ombudsmen.gov.ba)), visitors can find basic information about the institution, take the relevant documents, file a complaint, and to be informed about current events and current events in this Institution.

The website is regularly updated with new news, announcements and press releases of the Institutions, new examples of recommendations, as well as new documents, such as reports, publications and researches done by the Institutions, including promotional videos, too.

During 2013, on the web site of BiH Ombudsmen Institutions there was published 94 individual information, and the web site was visited 15,787 times and viewed a total of 71,303 pages together with their content. These visits achieved 9254 different visitors who stayed an average of 3 minutes and 53 seconds on the very Internet presentation.

Most visits to the site were from Bosnia and Herzegovina, followed by Serbia and Croatia, and a significant number of visits was recorded in the United States, Austria, Germany, Slovenia, France, Belgium, Montenegro, etc.

Particular attention in the 2013 the Ombudsmen dedicated to promotional activities, and with the support of the OSCE Mission conducted activity to develop promotional materials for all seven departments of the institution. Promotional materials were used during field activities and in this way there was significant progress in raising public awareness about the work of departments and BiH Ombudsmen Institution. In addition, promotional material was distributed throughout all of the major activities, whether it took place inside or outside the Institution (visits, round tables, conferences, etc.) In order to implement a workshop "The Ombudsman in your school", with financial support from the organization "Save the Children", promotional material was completely adapted to children: the UN Convention, blocks, t-shirts, posters on the theme of non-discrimination, health care, and promotion of children's rights and the best interest of the child.

The media should also needed recognition for role they played in initiating the ex officio complaints in situations when they, through their reporting, pointed to possible human rights violations. Specifically, no one should forget or deny the contribution of the media and especially the public opening of many issues, problems that would otherwise stay far beyond the scope of the law and the public, if the media did not mention them, presented and named responsible parties.

At the same time, the Ombudsmen continued with educational effect on journalists, especially when it comes to reporting on children. The Ombudsmen through their activities want to contribute that environment and relationships changes in favor of the children, and try to find ways to emphasize the importance of children's rights in the media, in order to better perceive threats to children's rights in the media, as well as to the professional and broader public, especially those of journalistic profession, but also parents, with a view to get them more familiar with the real scale of the problem and to recognize the importance of protection of children's rights

In 2013 cooperation with the media continued through the organization of round tables, the participation of representatives of the Institutions in conferences devoted to issues in the field of media freedoms, and regular contacts with media houses

## CHAPTER VIII . TABULAR REVIEW OF RECOMMENDATIONS<sup>249</sup>

Number of recommendation	Number of case	Referred to organ	Violation of the right	Date of issuance	Realization	Answers received
P-1/13	Ž-BL-05-892/12,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY AFFAIRS BANJA LUKA	03 – access to information -- 03-2 – refusal to access to information	25.1.2013	realized	YES
P-2/13	Ž-LI-05-202/12,	DEPARTMENT OF ECONOMICS AND INSPECTION LIVNO	19 - administration	11.2.2013	realized	NO
P-3/13	Ž-BL-01-47/13,	1. PARLIAMENTARY ASSEMBLY 2. THE COUNCIL OF MINISTERS	13 – the rights of the child	22.1.2013	cooperation achieved	YES
P-4/13	Ž-SA-06-608/12,	DD BH TELECOM SARAJEVO	01 - discrimination -- 01-18 – based on social position and gender	6.2.2013	cooperation achieved	YES
P-5/13	Ž-SA-05-26/13,	THE PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA, SARAJEVO	15 – property rights	7.2.2013	not realized	YES
P-6/13	Ž-SA-05- 1334/12,	THE GOVERNMENT OF CANTON SARAJEVO AND THE MINISTRY OF LABOR, SOCIAL POLICY, DISPLACED PERSONS AND REFUGEES, SARAJEVO	22 – ministerial and government appointments	7.2.2013	no answer	NO
P-7/13	Ž-SA-05-457/12,	MUNICIPALITY NOVI TRAVNIK	20 – war damage	8.2.2013	realized	YES
P-8/13	Ž-SA-06-48/13,	CIVIL SERVICE AGENCY OF FBiH, CANTON AND 10 AND CANTON UNA SANA CANTON	01 - discrimination -- 01-12 – based on national or social origin	8.2.2013	not realized	YES
P-9/13	Ž-SA-05-271/12,	MUNICIPAL COURT MOSTAR -- MOSTAR	09 - courts	8.2.2013	cooperation achieved	YES
P-10/13	Ž-SA-04-668/12,	UNIVERSITY OF SARAJEVO - FACULTY OF DENTISTRY IN SARAJEVO	10 – work relations	8.2.2013	realized	YES
P-11/13	Ž-BL-05-167/12,	MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT OF RS – BANJA LUKA	03 – access to information	1.3.2013	realized	YES
P-12/13	Ž-BL-04-768/12,	FUND OF PENSION AND DISABLEMENT INSURANCE OF RS BANJA LUKA	25 - pensions	11.2.2013	realized	YES
P-13/13	Ž-BR-05-302/10,	MUNICIPAL COURT IN TUZLA	09 - courts	6.3.2013	cooperation achieved	YES

<sup>249</sup> Implementation of the recommendations issued in 2013 is updated immediately before finalization of this Report, at the end of February of 2014.

P-14/13	Ž-BR-05-173/12,	BRČKO DISTRICT GOVERNMENT- DEPARTMENT OF EDUCATION	19 - administration	6.3.2013	realized	YES
P-15/13	Ž-BR-04-100/12,	1-THE MUNICIPALITY OF TUZLA-SERVICE OF COMMUNAL AFFAIRS, THE CONSTRUCTION AND OPERATIONS AND LOCAL COMMUNITIES 2-HEATING D. D. TUZLA	21 – communal services	6.3.2013	not realized	YES
P-16/13	Ž-BR-04-75/11,	PUBLIC BROADCASTING SERVICE	10 – work relations	6.3.2013	realized	YES
P-17/13	Ž-BR-05-73/11,	BRČKO DISTRICT GOVERNMENT	15 - property	6.3.2013	not realized	YES
P-18/13	Ž-BR-05-137/11,	1-BRCKO DISTRICT ASSEMBLY 2-BRCKO DISTRICT GOVERNMENT	15 - property	6.3.2013	cooperation achieved	YES
P-19/13	Ž-BR-05-68/12,	1-BRCKO DISTRICT GOVERNMENT 2-THE MAYOR OF BRČKO DISTRICT	15 - property	6.3.2013	not realized	YES
P-20/13	Ž-BR-02-237/11,	1-BRCKO DISTRICT ASSEMBLY 2-BRČKO DISTRICT GOVERNMENT, DEPARTMENT OF HEALTH AND OTHER SERVICES 3-THE MAYOR OF BRČKO DISTRICT	12 – persons with disabilities	6.3.2013	cooperation achieved	YES
P-21/13	Ž-BR-06-306/11,	1-THE MAYOR OF LUKAVAC MUNICIPALITY 2- LUKAVAC MUNICIPALITY-3- POLICE STATION LUKAVAC	01 - discrimination -- 01-13 – based on relation with national minority	6.3.2013	not realized	YES
P-22/13	Ž-SA-05-224/13,	COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA, MINISTRY OF CIVIL AFFAIRS, FEDERAL MINISTRY OF HEALTH	17 - public documents	27.2.2013	realized	YES
P-23/13	Ž-SA-05-1341/12,	SARAJEVO, CANTONAL PROSECUTOR'S OFFICE	26 – public prosecutor's offices	27.2.2013	realized	YES
P-24/13	Ž-SA-05-750/12,	MUNICIPALITY VELIKA KLADUŠA - VELIKA KLADUŠA	19 - administration	27.2.2013	cooperation achieved	YES
P-25/13	Ž-SA-05-49/13,	GOVERNMENT OF CANTON 10 AND MINISTRY OF LABOR, HEALTH, SOCIAL AND DISPLACED PERSONS MOSTAR	22 – ministerial and government appointments	4.3.2013	no answer	NO
P-26/13	Ž-SA-05-1138/12,	MINISTRY OF LABOR AND VETERANS AND DISABLEMENT PROTECTION OF RS – BANJA LUKA	03 – access to information -- 03-1 – failure to take decision within legal deadline	4.3.2013	realized	YES
P-27/13	Ž-LI-05-256/12,	INTERIOR MINISTRY OF CANTON 10	05 - police	30.1.2013	realized	YES

P-28/13	Ž-LI-05-143/12,	FEDERATION PROSECUTOR'S OFFICE AND PROSECUTOR'S OFFICE OF CANTON 10	05 - police	20.2.2013	cooperation achieved	YES
P-29/13	Ž-BL-05-760/12,	MINISTRY OF LABOR AND VETERANS AND DISABLEMENT PROTECTION OF RS	03 – access to information -- 03-1 – failure do taking decision within legal deadline	12.3.2013	realized	YES
P-30/13	Ž-BL-04-42/13,	COMMISSION FOR IMPLEMENTATION OF ARTICLE 182 OF THE LAW ON THE WORK OF RS	10 – work relations	7.3.2013	realized	YES
P-31/13	Ž-BL-05-130/11,	KNEŽEVO MUNICIPALITY - OFFICE OF THE MAYOR	03 - access to information	7.3.2013	realized	YES
P-32/13	Ž-BL-05-638/12,	REPUBLIC ADMINISTRATION FOR GEODETIC AND PROPERTY AFFAIRS BANJA LUKA	03 – access to information -- 03-1 – failure to take decision within legal deadline	7.3.2013	realized	YES
P-33/13	Ž-BL-04-89/13,	COMMISSION FOR IMPLEMENTATION OF ARTICLE 182 OF THE LAW ON THE WORK OF RS	10 – work relations	7.3.2013	realized	YES
P-34/13	Ž-SA-02-1384/12,	CANTONAL COURT IN SARAJEVO, SARAJEVO	12 – persons with disabilities	13.3.2013	realized	YES
P-35/13	Ž-SA-05-78/13,	INTERIOR MINISTRY OF ZE-DO CANTON BAR ASSOCIATION OF FBiH	03 – access to information	29.3.2013	not realized	YES
P-36/13	Ž-LI-05-207/12,	GROUP FOR RECORD ISSUES IN THE FIELD OF MILITARY OBLIGATIONS LIVNO	19 - administration	25.3.2013	realized	YES
P-37/13	Ž-LI-05-47/12,	ASSEMBLY OF CANTON 10	19 - administration	25.3.2013	realized	YES
P-38/13	Ž-BR-06-187/12,	1-FINANCE DIRECTORATE OF BRČKO DISTRICT, TREASURY DEPARTMENT OF PAYMENT EXPENDITURE FOR BUDGET USERS 2-BRČKO DISTRICT GOVERNMENT, DEPARTMENT OF PROFESSIONAL AND ADMINISTRATIVE AFFAIRS, SUB-DIVISION FOR HUMAN RESOURCE	01 - discrimination -- 01-03 - mobbing	2.4.2013	realized	YES
P-39/13	Ž-BR-05-115/12, Ž-BR-06-165/12,	1- PRIMARY SCHOOL "SIMIN HAN" 2- PEDAGOGICAL INSTITUTE TUZLA CANTON 3- MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF TUZLA CANTON	01 - discrimination -- 01-03 - mobbing	27.3.2013	realized	YES

P-39/13	Ž-BR-05-115/12, Ž-BR-06-165/12,	1- PRIMARY SCHOOL "SIMIN HAN" 2- PEDAGOGICAL INSTITUTE TUZLA CANTON 3- MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF TUZLA CANTON	03 – access to information	27.3.2013	realized	YES
P-40/13	Ž-BR-06-397/11, Ž-BR-06-404/11, Ž-BR-06-423/11, Ž-BR-06-435/11, Ž-BR-06-444/11,	1-MINISTRY OF HEALTH OF TUZLA CANTON 2-DEPARTMENT OF PUBLIC HEALTH TUZLA CANTON 3-BOARD OF DIRECTORS OF THE INSTITUTE OF PUBLIC HEALTH TUZLA CANTON 4-TUZLA CANTON GOVERNMENT ATTN. PRIME MINISTER	01 - discrimination -- 01-03 - mobbing	27.3.2013	realized	YES
P-41/13	Ž-BR-05-255/12,	MUNICIPAL COURT IN TUZLA	09 - courts -- 09-2 lengthy procedures(article 6)	27.3.2013	realized	YES
P-42/13	Ž-BR-04-98/13,	1. MUNICIPALITY SREBRENİK, 2. THE MAYOR OF SREBRENİK MUNICIPALITY C3.MUNICIPAL COUNCIL OF SREBRENİK	10 – work relations	2.4.2013	realized	YES
P-43/13	Ž-BR-05-26/13,	1. MUNICIPALITY SREBRENİK, 2. THE MAYOR OF SREBRENİK MUNICIPALITY C3.MUNICIPAL COUNCIL OF SREBRENİK	19 - administration	2.4.2013	realized	YES
P-44/13	Ž-SA-04-265/13,	CONSTITUTIONAL COURT OF BIH SARAJEVO	10 - work relations	27.3.2013	realized	YES
P-45/13	Ž-SA-06-1111/12,	CANTONAL HOSPITAL ZENICA, ATTN. BOARD OF DIRECTORS	01 - discrimination -- 01-03 - mobbing	29.3.2013	realized	YES
P-46/13	Ž-SA-06-882/12,	AGENCY FOR IDENTIFICATION DOCUMENTS, REGISTERS AND DATA EXCHANGE OF BIH, BANJA LUKA	01 - discrimination -- 01-12 – based on social or national origin	29.3.2013	realized	YES
P-47/13	Ž-SA-04-1350/12,	LABOR AND EMPLOYMENT AGENCY, SARAJEVO	10 - work relations	29.3.2013	realized	YES
P-48/13	Ž-SA-05-555/12,	BIH COURT, SARAJEVO	09 - courts -- 09-3 – execution of decisions	9.4.2013	realized	YES
P-49/13	Ž-BL-05-92/13,	BASIC COURT BANJA LUKA	19 - administration	1.4.2013	cooperation achieved	YES
P-50/13	Ž-BL-06-157/13,	THE STRONGEST MEDIA IN HERZEGOVINA! POSKOK.INFO HERCEGO@GMAIL.COM	01 - discrimination	1.4.2013	no answer	NO
P-51/13	Ž-SA-05-1296/11,	MUNICIPAL COURT IN SARAJEVO	09 - courts -- 09-3 – execution of decisions	2.4.2013	cooperation achieved	YES

P-52/13	Ž-MO-06-204/12,	UNIVERSITY "DŽEMAL BIJEDIĆ" MOSTAR CONSTRUCTION ENGINEERING FACULTY "DŽEMAL BIJEDIĆ" MOSTAR	08 – gender equality	2.4.2013	partly realized	YES
P-53/13	Ž-SA-05-1239/12,	INTERIOR MINISTRY OF CANTON SARAJEVO	05 - police	2.4.2013	realized	YES
P-54/13	Ž-SA-05-1034/12,	PROSECUTOR'S OFFICE OF CANTON SARAJEVO	26 – prosecutor's office	2.4.2013	realized	YES
P-55/13	Ž-BR-05-23/13,	1. PROSECUTOR'S OFFICE 2.INTERIOR MINISTRY OF CANTON TUZLA 3.POLICE ADMINISTRATION TUZLA 4.POLICE STATION ISTOK	05 - police	9.4.2013	realized	YES
P-56/13	Ž-BL-04-165/13,	COMMISSION FOR THE IMPLEMENTATION OF ARTICLE 182 OF THE LAW ON THE WORK OF RS	10 – work relations	11.4.2013	realized	YES
P-57/13	Ž-BL-05-864/12,	MUNICIPALITY HAN- PIJESAK	19 - administration	11.4.2013	cooperation achieved	YES
P-58/13	Ž-SA-06-1260/12,	CENTER „SKENDERIJA“ D.O.O.	01 - discrimination -- 01-12 – based on national or social origin	11.4.2013	cooperation achieved	YES
P-59/13	Ž-SA-05-724/12,	CENTRAL ELECTION COMMISSION OF BIH – THE COMMISSION FOR SELECTION AND APPOINTMENT OF MEMBERS OF THE CENTRAL ELECTION COMMISSION OF BIH	22 – ministerial and government appointments	11.4.2013	not realized	YES
P-60/13	Ž-SA-05-933/12,	STARI GRAD MUNICIPALITY, SARAJEVO	03 - access to information	11.4.2013	not realized	YES
P-61/13	Ž-SA-05-12/13,	PUBLIC FORESTRY COMPANY "FOREST OF RS" WOODLANDS "SJEMEČ" ROGATICA	03 – access to information -- 03-1 - failure to take decision within legal deadline	11.4.2013	realized	YES
P-62/13	Ž-SA-05-176/13,	PUBLIC ENTERPRISE "ROADS OF RS", BANJA LUKA	03 - access to information -- 03-2 – refusal of access to information	11.4.2013	no answer	NO
P-63/13	Ž-SA-05-266/13,	MINISTRY OF DEFENSE OF BIH	03 – access to information -- 03-1 – failure to take decision within legal deadline	11.4.2013	not realized	YES

P-64/13	Ž-BL-06-229/13,	MINISTRY OF ADMINISTRATION AND LOCAL GOVERNMENT-COMMITTEE FOR APPEAL OF LOCAL GOVERNMENT	01 - discrimination -- 01-11 – based on ethnic origin	11.4.2013	cooperation achieved	YES
P-65/13	Ž-BL-06-822/12,	OIL REFINERY BROD	10 – work relations	11.4.2013	no answer	NE
P-66/13	Ž-BL-01-119/13,	INTERNET PORTAL "24 SATA INFO"	13 – the rights of the child	23.4.2013	no answer	NO
P-67/13	Ž-BL-04-48/13,	PENSION AND DISABLEMENT INSURANCE - BRANCH DOBOJ	25 - pensions	23.4.2013	realized	YES
P-68/13	Ž-BL-03-831/12,	PRESIDENT OF RS, MINISTRY OF EDUCATION AND CULTURE OF RS	18 - minorities	23.4.2013	cooperation achieved	YES
P-69/13	Ž-LI-06-260/12,	MEDICAL POST TOMISLAVGRAD	01 - discrimination -- 01-17 – based on education	24.4.2013	cooperation achieved	YES
P-70/13	Ž-BR-01-259/12,	SOCIAL WORK CENTER KALESIJA	13 - the rights of the child	13.5.2013	realized	YES
P-71/13	Ž-BR-03-30/13,	1-MUNICIPALITY LUKAVAC 2- -MUNICIPALITY COUNCIL LUKAVAC	18 - minorities	13.5.2013	not realized	YES
P-72/13	Ž-BR-05-200/11,	1-BČKO DISTRICT GOVERNMENT-DEPARTMENT OF EDUCATION (COOPERATION ACHIEVED) 2-BRCKO DISTRICT ASSEMBLY 3-THE MAYOR OF BRČKO DISTRICT	19 - administration	13.5.2013	cooperation achieved	YES
P-73/13	Ž-SA-05-414/13,	CANTONAL COURT MOSTAR	15 – property rights	23.4.2013	realized	YES
P-74/13	Ž-BR-06-383/11,	1-BRCKO DISTRICT GOVERNMENT 2-THE MAYOR OF BRČKO DISTRICT 3-EMPLOYMENT BUREAU OF BRČKO DISTRICT	01 - discrimination	13.5.2013	partly realized	YES
P-75/13	Ž-MO-05-1/13,	PRIMARY SCHOOL ČAPLJINA	03 – access to information -- 03-1 – failure to take decision within legal deadline	29.4.2013	no answer	NO
P-76/13	Ž-MO-06-8/12,	MOSTAR CITY - DEPARTMENT OF SOCIAL SERVICES	01 - discrimination -- 01-12 – based on national or social origin	29.4.2013	not realized	YES
P-77/13	Ž-MO-06-114/12,	MUNICIPALITY ČAPLJINA – ATTN. MUNICIPAL MAYOR	01 - discrimination -- 01-13 – based on relation with national minority	29.4.2013	no answer	NO

P-78/13	Ž-MO-05-200/11,	MINISTRY OF HEALTH, LABOR AND SOCIAL WELFARE - GRUDE	22 – ministerial and government appointments	29.4.2013	realized	YES
P-79/13	Ž-SA-05-449/12,	GOVERNMENT OF UNA-SANA CANTON, BIHAĆ	22– ministerial and government appointments	29.4.2013	realized	YES
P-80/13	Ž-SA-05-98/13,	TEŠANJ MUNICIPALITY - MUNICIPAL MAYOR - "TOPLANE" DD TEŠANJ COMPANY'S ASSEMBLY	22 – ministerial and government appointments	29.4.2013	realized	YES
P-81/13	Ž-SA-01-472/13,	FEDERATION SUPREME COURT	13 – the rights of the child	30.4.2013	realized	YES
P-82/13	Ž-SA-05-336/13,	PUBLIC INSTITUTION WATERWORKS AND SEWERAGE "D.O.O. SARAJEVO	03 – access to information -- 03-1 – failure to take decision within legal deadline	30.4.2013	realized	YES
P-83/13	Ž-SA-05-431/13,	FEDERATION ADMINISTRATION FOR INSPECTION, SARAJEVO	03 - access to information	30.4.2013	realized	YES
P-84/13	Ž-MO-06-110/12,	„ ELEKTROPRIVREDA HZ HB “ D.D. MOSTAR	01 - discrimination -- 01-14 – based on political or other opinion	30.4.2013	cooperation achieved	YES
P-85/13	Ž-LI-05-222/12,	LIVNO MUNICIPALITY-SERVICE FOR ECONOMY AND INSPECTION	19 - administration	30.4.2013	realized	YES
P-86/13	Ž-SA-05-547/12,	CANTONAL COURT U SARAJEVU	19 - administration	30.4.2013	realized	YES
P-87/13	Ž-SA-05-1563/10,	CANTONAL COURT U SARAJEVU	09 - courts	30.4.2013	cooperation achieved	YES
P-88/13	Ž-SA-04-427/13,	TUZLA UNIVERSITY -FACULTY OF PHILOSOPHY	11 - education	30.4.2013	realized	YES
P-89/13	Ž-SA-05-1415/12, Ž-SA-05-8/13,	MUNICIPALITY OLOVO, MUNICIPAL MAYOR, MUNICIPAL COUNCIL	22 – ministerial and government appointments	16.5.2013	realized	YES
P-90/13	Ž-SA-06-1054/12	MUNICIPALITY KNEŽEVO	01 - discrimination -- 01-12 – based on national or social origin	15.5.2013	realized	YES
P-91/13	Ž-BL-06-95/13,	1. ASSEMBLY OF BRČKO DISTRICT, 2. GOVERNMENT OF BRČKO DISTRICT	01 – discrimination -- 01-17 – based on education	8.5.2013	realized	YES
P-92/13	Ž-BL-06-74/13,	RS PENSION AND DISABLEMENT INSURANCE FUND - DEPARTMENT OF RIGHTS BIJEJINA	01 - discrimination	8.5.2013	not realized	YES
P-93/13	Ž-BL-06-297/13,	MINISTRY OF SCIENCE, EDUCATION, CULTURE AND SPORTS, UNA - SANA CANTON, BIHAĆ	01 – discrimination -- 01-11 – based on ethnic origin	8.5.2013	no answer	NO

P-94/13	Ž-BL-05-525/12,	PRIMARY SCHOOL "SKOKOVI" SKOKOVI CAZIN	22 - ministerial and government appointments	8.5.2013	realized	YES
P-95/13	Ž-BL-01-495/12,	FEDERATION ADMINISTRATION FOR INSPECTIONS	13 - the rights of the child	7.5.2013	no answer	NO
P-96/13	Ž-BL-04-249/12, Ž-BL-05-376/12,	CITY OF BANJA LUKA AND THE CITY ASSEMBLY OF BANJA LUKA	15 - property rights	10.5.2013	cooperation achieved	YES
P-97/13	Ž-BL-04-417/12,	RTV OF RS	06 - public income	24.4.2013	realized	YES
P-98/13	Ž-BL-01-140/13,	"PR GROUP" D.O.O. BANJA LUKA	13 - the rights of the child	10.5.2013	no answer	NO
P-99/13	Ž-SA-05-1316/12,	BOSNIA AND HERZEGOVINA, FEDERATION OF BOSNIA AND HERZEGOVINA, CANTON SARAJEVO MINISTRY OF PHYSICAL PLANNING AND ENVIRONMENTAL PROTECTION	19 - administration	12.7.2013	cooperation achieved	YES
P-100/13	Ž-BL-04-228/13,	COMMISSION FOR IMPLEMENTATION OF ARTICLE 182 OF THE LAW ON WORK OF RS	10 - work relations	11.4.2013	realized	YES
P-101/13	Ž-SA-05-533/13,	THE COUNCIL OF MINISTERS OF BIH, GENERAL SECRETARIAT - OFFICE OF INFORMATION	03 - access to information	3.6.2013	realized	YES
P-102/13	Ž-LI-04-87/13,	"KOMUNALNO" LIVNO MUNICIPAL COUNCIL - LIVNO	21 - communal services	3.6.2013	not realized	YES
P-103/13	Ž-BR-05-253/12,	CANTONAL COURT TUZLA	09 - courts -- 09-2 - lengthy procedures (article 6)	28.5.2013	cooperation achieved	YES
P-104/13	Ž-BL-04-309/13,	MINISTRY OF LABOR AND VETERANS OF RS COMMISSION FOR IMPLEMENTATION OF ARTICLE 182 OF THE LABOR LAW OF RS, BANJA LUKA	10 - work relations	28.5.2013	realized	YES
P-105/13	Ž-BL-05-807/12,	UNIVERSITY OF BIHAĆ FACULTY OF PEDAGOGY	03 - access to information -- 03-2 - refusal of access to information	30.5.2013	cooperation achieved	YES
P-106/13	Ž-SA-04-403/13,	MEDICAL POSTS OF CANTON SARAJEVO	10 - work relations	31.5.2013	cooperation achieved	YES
P-107/13	Ž-BL-05-243/13,	BOSNIA AND HERZEGOVINA, MINISTRY OF CIVIL AFFAIRS, SARAJEVO	03 - access to information -- 03-1 - failure to take decision in legal deadline	30.5.2013	no answer	NE
P-108/13	Ž-SA-05-535/13,	MINISTRY OF FINANCE AND TREASURY OF BIH	03 - access to information	31.5.2013	realized	YES
P-109/13	Ž-SA-04-1297/12,	GENERAL HOSPITAL TEŠANJ	23 - health	31.5.2013	realized	YES

P-110/13	Ž-SA-05-1250/12,	THE SECOND GYMNASIUM, SARAJEVO	03 – access to information -- 03-2 – refusal of access to information	31.5.2013	realized	YES
P-111/13	Ž-SA-05-1409/12,	BIH FEDERATION GOVERNMENT, SARAJEVO	22 - ministerial and government appointments	31.5.2013	not realized	YES
P-112/13	Ž-SA-04-1175/12,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, COMMITTEE FOR IMPLEMENTATION OF ARTICLE 143 OF THE LAW ON WORK, SARAJEVO	10 – work relations	31.5.2013	realized	YES
P-113/13	Ž-SA-04-1416/12,	BIHAĆ UNIVERSITY	11 - education	31.5.2013	cooperation achieved	YES
P-114/13	Ž-BL-06-66/13, Ž-BL-06-67/13,	INTERIOR MINISTRY OF CANTON 10, LIVNO	01 - discrimination -- 01-11 – based on ethnicity	5.6.2013	cooperation achieved	YES
P-115/13	Ž-BL-05-915/12,	MUNICIPAL COURT BOSANSKA KRUPA	09 - courts -- 09-3 – execution of decision	20.6.2013	realized	YES
P-116/13	Ž-SA-04-161/13,	MINISTRY OF SECURITY - BIH POLICE SUPPORT AGENCY	10 - work relations	3.6.2013	cooperation achieved	YES
P-117/13	Ž-SA-05-1267/12,	CANTONAL COURT SARAJEVO	09 - courts -- 09-2 lengthy procedures (article 6)	5.6.2013	realized	YES
P-118/13	Ž-SA-05-478/13,	MINISTRY OF ECONOMY OF ZENICA - DOBOJ CANTON	22 - ministerial and government appointments	5.6.2013	realized	YES
P-119/13	Ž-BL-05-311/13,	MINISTRY OF AGRICULTURE, WATER-MANAGEMENT AND FORESTRY, CENTRAL BOSNIA CANTON	03 – access to information -- 03-1 – failure to take decision in legal deadline	6.6.2013	realized	YES
P-120/13	Ž-BL-04-41/13,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF TUZLA CANTON	10 – work relations	7.6.2013	cooperation achieved	YES
P-121/13	Ž-BL-05-290/13,	ŠAMAC MUNICIPALITY	19 - administration	7.6.2013	realized	YES
P-122/13	Ž-SA-04-594/10,	UNA-SANA CANTON MINISTRY OF HEALTH AND SOCIAL POLICY COMMITTEE FOR THE IMPLEMENTATION OF ARTICLE 143 OF THE LAW ON THE WORK OF BIHAĆ	10 - work relations	7.6.2013	no answer	NE
P-123/13	Ž-BL-01-331/12,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS ŽZH	13 - the rights of the child	7.6.2013	not realized	YES
P-124/13	Ž-LI-05-61/13,	FEDERATION MINISTRY FOR ISSUES OF DEFENDERS AND DISABLED WAR VETERANS SARAJEVO	19 - administration	29.5.2013	cooperation achieved	YES

P-125/13	Ž-SA-06-284/13,	STATE AGENCY FOR INVESTIGATION AND PROTECTION - EAST SARAJEVO	01 - discrimination	11.6.2013	realized	YES
P-126/13	Ž-SA-05-308/13, Ž-SA-05-354/13, Ž-SA-05-372/13, Ž-SA-05-378/13, Ž-SA-05-387/13, Ž-SA-05-389/13, Ž-SA-05-480/13,	GOVERNMENT OF SARAJEVO CANTON, CANTONAL MINISTRY OF HEALTH	22 - ministerial and government appointments	12.6.2013	no answer	NE
P-127/13	Ž-SA-05-588/13,	BORDER POLICE OF BIH - SARAJEVO	03 - access to information	14.6.2013	not realized	YES
P-128/13	Ž-BR-05-90/13,	1-TUZLA MUNICIPALITY, DEPARTMENT OF COMMUNAL AFFAIRS, THE CONSTRUCTION AND OPERATIONS, LOCAL COMMUNITIES 2-TUZLA MUNICIPALITY, ATT. THE MAYOR	19 - administration	24.7.2013	not realized	YES
P-129/13	Ž-BR-04-86/13,	1-"CENTER FOR SOCIAL WORK" ŽIVINICE, 2-MINISTRY OF LABOR, SOCIAL POLICY AND RETURN OF TUZLA CANTON	24 – social protection	24.7.2013	realized	YES
P-130/13	Ž-BR-05-239/11,	THE GOVERNMENT OF BRČKO DISTRICT OF BIH - DEPARTMENT OF HEALTH AND OTHER SERVICES	03 - access to information -- 03-1 – failure to take decision in legal deadline	24.7.2013	cooperation achieved	YES
P-131/13	Ž-BR-01-117/13,	CENTRE FOR SOCIAL WORK KALESIJA - KALESIJA	13 - the rights of the child	24.7.2013	realized	YES
P-132/13	Ž-LI-05-99/13,	LIVNO MUNICIPALITY	19 - administration	27.6.2013	realized	YES
P-133/13	Ž-BR-06-167/13,	1-MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF TUZLA CANTON AND 2-SCHOOL BOARD OF MIXED CONSTRUCTION AND GEODETIC SECONDARY SCHOOL IN TUZLA	01 - discrimination -- 01-12 – based on national or social origin	9.7.2013	not realized	YES
P-134/13	Ž-SA-05-1022/12,	ZENICA MUNICIPALITY, ADMINISTRATION OF PROPERTY GEODETIC AND CADASTRAL ESTATE	19 - administration	9.7.2013	realized	YES
P-135/13	Ž-SA-04-119/13,	"CITY PHARMACY" SREBRENİK MUNICIPALITY MUNICIPAL COUNCIL	10 - work relations	10.7.2013	cooperation achieved	YES
P-136/13	Ž-SA-05-436/13,	MUNICIPALITY NOVI GRAD SARAJEVO, DEPARTMENT OF PROPERTY AND GEODETIC AND CADASTRAL ESTATE	03 - access to information	10.7.2013	realized	YES
P-137/13	Ž-SA-05-1308/12,	FEDERATION ATTORNEY'S OFFICE, SARAJEVO	27 - attorney's offices	10.7.2013	realized	YES

P-138/13	Ž-SA-05-446/13,	FEDERATION ATTORNEY'S OFFICE, SARAJEVO	27 - attorney's offices	10.7.2013	no answer	NE
P-139/13	Ž-SA-05-1236/12,	SARAJEVO CANTON GOVERNMENT MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO, SARAJEVO UNIVERSITY ,STUDENTS' PARLIAMENT THE UNIVERSITY OF SARAJEVO	11 - education	10.7.2013	no answer	NE
P-140/13	Ž-SA-05-1300/12,	INTERIOR MINISTRY OF TUZLA CANTON - POLICE ADMINISTRATION ŽIVINICE	03 - access to information -- 03-1 - failure to take decision in legal deadline	10.7.2013	cooperation achieved	YES
P-141/13	Ž-SA-05-668/13,	MEDICAL POST CAZIN	03 - access to information -- 03-2 – refusal to access to information	10.7.2013	realized	YES
P-142/13	Ž-SA-06-114/13, Ž-SA-06- 594/13,	MINISTRY OF HOUSING POLICY OF CANTON SARAJEVO - SARAJEVO	01 - discrimination	11.7.2013	cooperation achieved	YES
P-143/13	Ž-BL-05-914/12,	NATIONAL THEATRE OF RS - BANJA- LUKA	03 - access to information -- 03-1 - failure to take decision in legal deadline	12.7.2013	no answer	NE
P-144/13	Ž-BL-04-241/13,	PRIMARY SCHOOL "VUK KARADŽIĆ" VLASENICA	10 - work relations	12.7.2013	cooperation achieved	NE
P-145/13	Ž-BL-05-159/13,	INTERIOR MINISTRY OF RS, BANJA LUKA	19 - administration	12.7.2013	not realized	YES
P-146/13	Ž-BL-05-150/13,	MUNICIPALITY GRADIŠKA	19 - administration	17.7.2013	cooperation achieved	YES
P-147/13	Ž-BL-06-145/13,	ZENICA UNIVERSITY – FACULTY OF PHILOSOPHY	01 - discrimination -- 01-17 – based on education	12.7.2013	realized	YES
P-148/13	Ž-BL-05-188/13,	COUNTY COURT -- BANJA LUKA	09 - courts	12.7.2013	not realized	YES
P-149/13	Ž-BL-04-347/13,	GOVERNMENT OF RS, MINISTRY OF EDUCATION AND CULTURE	11 - education	12.7.2013	realized	YES
P-150/13	Ž-BL-04-781/12,	RS PENSION AND DISABLEMENT INSURANCE FUND, BRANCH DOBOJ, FEDERATION PENSION AND DISABLEMENT INSURANCE FUND, CANTONAL ZENICA ADMINISTRATIVE SERVICE DEPARTMENT FOR SETTLEMENT OF THE RIGHTS REFERRED TO IN THE INSURANCE	25 - pensions	12.7.2013	cooperation achieved	YES
P-151/13	Ž-BL-06-763/12,	MINISTRY OF FAMILY, YOUTH AND SPORTS OF RS	01 - discrimination	12.7.2013	cooperation achieved	YES

P-152/13	Ž-SA-04-516/13,	CANTONAL COURT IN BIHAĆ	11 - education	15.7.2013	realized	YES
P-153/13	Ž-SA-01-589/13,	CENTRE FOR SOCIAL WORK IN ZENICA, ATTN. CENTER FOR SOCIAL WORK VISOKO CENTER FOR SOCIAL WORK TRAVNIK	13 - the rights of the child	15.7.2013	cooperation achieved	YES
P-154/13	Ž-SA-05-277/13,	MUNICIPALITY NOVI GRAD SARAJEVO SERVICE FOR URBAN PLANNING, PROPERTY AND GEODETIC AND CADASTRAL ESTATE	15 – property rights	15.7.2013	cooperation achieved	YES
P-155/13	Ž-SA-05-494/13,	MUNICIPALITY OF NOVO SARAJEVO, THE MAYOR, SERVICE FOR ECONOMY AND FINANCE	19 - administration	15.7.2013	realized	YES
P-156/13	Ž-SA-05-595/13,	FEDERATION MINISTRY OF PHYSICAL PLANNING	15 – property relations	15.7.2013	cooperation achieved	YES
P-157/13	Ž-SA-05-348/13,	MINISTRY OF JUSTICE OF BOSNIA AND HERZEGOVINA, SARAJEVO	09 - courts	15.7.2013	realized	YES
P-158/13	Ž-SA-06-1344/12, Ž-SA-06-708/13,	INTERIOR MINISTRY OF ZENICA-DOBOJ CANTON, INTERIOR MINISTRY OF CANTON SARAJEVO	01 - discrimination	16.7.2013	cooperation achieved	YES
P-158/13	Ž-SA-06-1344/12, Ž-SA-06-708/13,	INTERIOR MINISTRY OF ZENICA-DOBOJ CANTON, INTERIOR MINISTRY OF CANTON SARAJEVO	01 - discrimination -- 01-12 – based on national or social origin	16.7.2013	realized	YES
P-159/13	Ž-BL-05-484/13,	CANTONAL COURT BIHAĆ	09 - courts -- 09-2 lengthy procedure (Article 6)	17.7.2013	realized	YES
P-160/13	Ž-BL-04-585/12, Ž-BL-06-535/12, Ž-BL-06-563/12, Ž-BL-06-595/12, Ž-BL-06-799/12,	MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS OF TUZLA CANTON	11 - education	17.7.2013	no answer	NE
P-161/13	Ž-BL-05-743/12,	JAJCE MUNICIPALITY CANTONAL COUNCIL - TRAVNIK MUNICIPALITY	19 - administration	18.7.2013	realized	YES
P-162/13	Ž-SA-05-768/13,	SARAJEVU UNIVERSITY-- SARAJEVO	17 – public documents	24.7.2013	realized	YES
P-163/13	Ž-SA-05-651/12,	MUNICIPAL COURT IN TUZLA -- TUZLA	09 - courts -- 09-2 lengthy procedure (article 6)	20.8.2013	cooperation achieved	YES
P-164/13	Ž-BR-03-176/12,	1- BRČKO DISTRICT MAYOR, 2. -BRČKO DISTRICT OF BIH, 3-DEPARTMENT OF DISPLACED PERSONS, REFUGEES AND HOUSING ISSUES OF BRČKO AND 4-	18 - minorities	11.9.2013	partly realized	YES

		<b>INSPECTORATE BRČKO</b>				
P-165/13	Ž-BR-04-235/12,	1-BRČKO DISTRICT ASSEMBLY, 2-THE MAYOR OF BRČKO DISTRICT OF BIH 3-THE GOVERNMENT OF BRČKO DISTRICT OF BIH	24 – social protection	11.9.2013	cooperation achieved	YES
P-166/13	Ž-SA-05-885/13,	MINISTRY OF HOUSING POLICY OF CANTON SARAJEVO, MUNICIPALITY OF NOVO SARAJEVO ADMINISTRATION OF HOUSING ISSUES SARAJEVO	19 - administration	23.8.2013	cooperation achieved	YES
P-167/13	Ž-BL-05-697/12,	MUNICIPALITY GRADIŠKA – ATTN. THE MAYOR OF GRADIŠKA	19 - administration	23.8.2013	no answer	NE
P-168/13	Ž-BL-04-78/13,	VLAŠENICA MUNICIPALITY, ATTN. THE MAYOR	10 - work relations	23.8.2013	no answer	NE
P-169/13	Ž-BL-01-105/13,	FEDERATION OF BOSNIA AND HERZEGOVINA THE GOVERNMENT OF UNA SANA CANTON: , ATTN. PRIME MINISTER	13 - the rights of the child	23.8.2013	no answer	NE
P-170/13	Ž-SA-07-797/13,	CORRECTIONAL INSTITUTION OD SEMI-OPEN TYPE MOSTAR	07 - prisons -- 07-2 - health and hygiene	26.8.2013	realized	YES
P-171/13	Ž-SA-06-1402/12,	FEDERATION MINISTRY OF HEALTH - SARAJEVO	01 - discrimination -- 01-17 – based on education	27.8.2013	realized	YES
P-172/13	Ž-SA-06-1257/12,	ASSOCIATION OF PARIS-SARAJEVO EUROPE - CENTER ANDRE MALRAUX - SARAJEVO	01 - discrimination -- 01-03 - mobbing	28.8.2013	not realized	YES
P-173/13	Ž-SA-05-443/13,	MUNICIPALITY CENTRE SARAJEVO - SARAJEVO	19 - administration	28.8.2013	cooperation achieved	YES
P-174/13	Ž-SA-05-832/11,	CITY OF MOSTAR, MAYOR'S SECRETARIAT OF URBAN AND CONSTRUCTION SERVICES FOR CONSTRUCTION AND RECONSTRUCTION	15 – property relations	28.8.2013	no answer	NE
P-175/13	Ž-SA-01-814/13,	CENTRAL CANTON "CENTER FOR SOCIAL WORK" BUSOVAČA	13 - the rights of the child	28.8.2013	realized	YES
P-176/13	Ž-SA-04-830/13,	ZENICA - DOBOJ CANTON - OFFICE OF THE PRIME MINISTER - ZENICA	10 - work relations	29.8.2013	cooperation achieved	YES
P-177/13	Ž-SA-02-739/13,	MINISTRY FOR VETERANS ISSUES OF CANTON SARAJEVO -- SARAJEVO	12 – persons with disabilities	29.8.2013	realized	YES
P-178/13	Ž-SA-05-433/13,	THE GOVERNMENT OF UNA-SANA CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF UNA-SANA CANTON, BIHAĆ	22 - ministerial and government appointments	29.8.2013	no answer	NE

P-179/13	Ž-SA-05-373/13,	GORAŽDE MUNICIPALITY - MUNICIPAL MAYOR - MUNICIPAL COUNCIL	22 - ministerial and government appointments	28.8.2013	cooperation achieved	YES
P-180/13	Ž-BL-05-199/12,	MUNICIPALITY TESLIĆ	19 - administration	2.9.2013	realized	YES
P-181/13	Ž-SA-04-769/13, Ž-SA-05-730/13,	INSTITUTE FOR HEALTH PROTECTION OF UNIVERSITY STUDENTS OF SARAJEVO	09 - courts -- 09-3 – execution of decision	2.9.2013	realized	YES
P-182/13	Ž-BL-05-471/13,	MUNICIPAL ASSEMBLY PALE	22 - ministerial and government appointments	2.9.2013	realized	YES
P-183/13	Ž-SA-02-697/13,	HNC GOVERNMENT, MINISTRY OF HEALTH AND SOCIAL POLICY OF HNC, HOME FOR SOCIAL AND HEALTH CARE OF PERSONS WITH DISABILITIES AND OTHER PERSON, STOLAC, DEPARTMENT OF MENTAL HEALTH BAKOVIĆI, INSTITUTE FOR MENTALLY DISABLED PERSONS DRIN FOJNICA, INSTITUTE FOR THE PROTECTION OF CHILDREN AND YOUTH PAZARIĆ. CENTER OF SOCIAL WORK MOSTAR, CENTRE FOR SOCIAL WORK ČAPLJINA, CENTRE FOR SOCIAL WORK ČITLUK, CENTRE FOR SOCIAL WORK KONJIC, CENTRE FOR SOCIAL WORK JABLANICA	12 – persons with disabilities	2.9.2013	realized	YES
P-184/13	Ž-BL-05-389/13,	MINISTRY OF URBAN PLANNING CONSTRUCTION AND ECOLOGY OF RS AUTHORITIES FOR RECONSTRUCTION AND CONSTRUCTION	19 - administration	5.9.2013	realized	YES
P-185/13	Ž-BL-04-485/13,	MINISTRY OF HEALTH AND SOCIAL WELFARE OF RS	10 - work relations	5.9.2013	not realized	YES
P-186/13	Ž-BL-06-446/13,	VETERANS ORGANIZATION OF RS	01 - discrimination	3.9.2013	cooperation achieved	YES
P-187/13	Ž-SA-04-1009/12,	SCHOOL BOARD OF PRIMARY SCHOOL "9 MAY" PAZARIĆ, MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO	10 - work relations	3.9.2013	not realized	YES
P-188/13	Ž-SA-05-994/10,	THE MAYOR OF TUZLA MUNICIPALITY MUNICIPAL COUNCIL OF TUZLA	19 - administration	3.9.2013	not realized	YES
P-189/13	Ž-BL-05-307/13,	ŠAMAC MUNICIPALITY	22 - ministerial and government appointments	3.9.2013	cooperation achieved	YES
P-190/13	Ž-SA-02-1296/12,	BH AIRLINES D.O.O. SARAJEVO -- SARAJEVO	12 - persons with disabilities	19.7.2013	realized	YES

P-191/13	Ž-SA-06-594/12,	PUBLIC INSTITUTION "SARAJEVO ART" BOARD OF DIRECTORS, SARAJEVO	01 - discrimination -- 01-03 - mobbing	6.9.2013	realized	YES
P-192/13	Ž-SA-04-913/13,	MINISTRY OF EDUCATION, SCIENCE AND YOUTH OF CANTON SARAJEVO	10 - work relations	9.9.2013	realized	YES
P-193/13	Ž-SA-02-1187/12,	CLINICAL CENTER OF SARAJEVO UNIVERSITY	12 - persons with disabilities	15.7.2013	cooperation achieved	YES
P-194/13	Ž-BR-05-57/13,	INTERIOR MINISTRY OF CANTON TUZLA POLICE STATION - ČELIĆ	05 - police	8.10.2013	no answer	NO
P-195/13	Ž-BR-05-431/11,	MUNICIPAL COURT - TUZLA	09 - courts -- 09-3 -- execution of decisions	8.10.2013	cooperation achieved	YES
P-196/13	Ž-BL-06-575/13,	THE COUNCIL OF MINISTERS OF BOSNIA AND HERZEGOVINA	01 - discrimination	18.9.2013	cooperation achieved	YES
P-197/13	Ž-BL-05-267/13,	THE GOVERNMENT OF TUZLA CANTON, THE MINISTRY OF HEALTH	19 - administration	18.9.2013	cooperation achieved	YES
P-198/13	Ž-BL-05-254/13,	MUNICIPALITY STARI GRAD SARAJEVO	19 - administration	18.9.2013	no answer	NO
P-199/13	Ž-BL-05-492/13,	MUNICIPAL ASSEMBLY OF HAN PIJESAK	22 - ministerial and government appointments	18.9.2013	realized	YES
P-200/13	Ž-BL-01-703/12,	LJUBINJE MUNICIPALITY , CENTRE FOR SOCIAL WORK LJUBINJ	13 - the rights of the child	19.9.2013	realized	YES
P-201/13	Ž-BL-05-454/13,	BASIC COURT BANJA LUKA	09 - courts -- 09-2 lengthy procedure (article 6)	23.9.2013	no answer	NO
P-202/13	Ž-BL-04-462/13,	RS ADMINISTRATION FOR INSPECTION, INSPECTION FIELD OFFICE PRIJEDOR	10 - work relations	23.9.2013	realized	YES
P-203/13	Ž-SA-04-161/13,	MINISTRY OF SECURITY, BIH AGENCY OF POLICE SUPPORT SUPPORT-SARAJEVO	10 - work relations	23.9.2013	no answer	NO
P-204/13	Ž-SA-04-407/13,	SECONDARY SCHOOL FOR METALWORKERS OCCUPATIONS, SARAJEVO	10 - work relations	23.9.2013	cooperation achieved	YES
P-205/13	Ž-SA-05-443/11,	MUNICIPAL COURT - SARAJEVO	09 - courts -- 09-2 - lengthy procedure (article 6)	23.9.2013	realized	YES
P-206/13	Ž-SA-05-914/13,	BIH PROSECUTOR'S OFFICE- SARAJEVO	03 - access to information -- 03-1 -- failure to take decision in legal deadline	24.9.2013	realized	YES

P-207/13	Ž-SA-05-915/13,	BIH PROSECUTOR'S OFFICE- SARAJEVO	03 - access to information -- 03-1 - failure to take decision in legal deadline	24.9.2013	realized	YES
P-208/13	Ž-SA-05-160/12,	THE FEDERATION GOVERNMENT, MINISTRY OF ENERGY, MINING AND INDUSTRY	22 - ministerial and government appointments	24.9.2013	cooperation achieved	YES
P-209/13	Ž-SA-05-1079/12,	LOCAL COMMUNITY HAN BILA TRAVNIK	03 - access to information -- 03-2 – refusal to access to information	24.9.2013	no answer	NO
P-210/13	Ž-SA-05-1220/12,	CANTONAL PROSECUTOR'S OFFICE OF CANTON SARAJEVO	05 - police	24.9.2013	realized	YES
P-211/13	Ž-SA-05-1421/12,	„ZRAK“ DD SARAJEVO	03 - access to information -- 03-2 - refusal to access to information	24.9.2013	no answer	NO
P-212/13	Ž-SA-05-817/13,	LIVNO MUNICIPALITY, ATTN. THE MAYOR	05 - police	24.9.2013	no answer	NO
P-213/13	Ž-SA-06-845/13,	ZENICA-DOBOJ CANTON MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS, ZENICA	01 - discrimination	25.9.2013	realized	YES
P-214/13	Ž-SA-04-1228/12,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, COMMITTEE FOR IMPLEMENTATION OF ARTICLE 143 LAW ON WORK OF THE FBIH, SARAJEVO	10 - work relations	19.11.2013	realized	YES
P-215/13	Ž-BL-04-671/13	MINISTRY OF PHYSICAL PLANNING, CIVIL ENGINEERING AND ECOLOGY	14 – ecology and environmental protection	23.10.2013	not realized	YES
P-216/13	Ž-BL-01-33/12,	MUNICIPALITY KOTOR VAROŠ	10 - work relations	25.10.2013	cooperation achieved	YES
P-217/13	Ž-BL-02-437/12,	MINISTRY OF URBAN PLANNING CONSTRUCTION AND ECOLOGY OF RS, CITY OF BANJA LUKA, ATTN. THE MAYOR	12 - persons with disabilities	28.10.2013	realized	YES
P-218/13	Ž-BL-02-701/13,	MINISTRY OF CONSTRUCTION AND PHYSICAL PLANNING OF HERZEGOVINA- NERETVA CANTON, KONJIC MUNICIPALITY	12 - persons with disabilities	25.10.2013	realized	YES
P-219/13	Ž-BL-04-576/13,	PENSION AND DISABLEMENT INSURANCE FUND OF RS	25 - pensions	25.10.2013	realized	YES
P-220/13	Ž-BL-05-562/13,	GOVERNMENT OF CANTON POSAVINA, ATTN. THE PRIME MINISTER	22 - ministerial and government appointments	25.10.2013	no answer	NO
P-221/13	Ž-BL-04-331/13,	SENATE OF BIHAĆ UNIVERSITY	10 - work relations	25.10.2013	not realized	YES

P-222/13	Ž-SA-04-1118/13,	CANTONAL COURT SARAJEVO	09 - courts -- 09-2 - lengthy procedure (article 6)	5.11.2013	realized	YES
P-223/13	Ž-SA-05-591/12,	BASIC COURT IN BANJA LUKA	09 - courts	25.10.2013	no answer	NO
P-224/13	Ž-BL-04-501/13,	UNIVERSITY OF BANJA LUKA BOARD OF DIRECTORS OF THE UNIVERSITY, UNIVERSITY SENATE	10 - work relations	28.10.2013	cooperation achieved	YES
P-225/13	Ž-BL-05-375/13,	INTERIOR MINISTRY OF CENTRAL BOSNIA CANTON, TRAVNIK	05 - police	29.10.2013	cooperation achieved	YES
P-226/13	Ž-BL-05-597/13,	TRAVNIK MUNICIPALITY DEPARTMENT OF ARCHITECTURE AND CONSTRUCTION, CADASTRE AND PROPERTY LEGAL AFFAIRS	03 - access to information -- 03-1 - failure to take decision in legal deadline	28.10.2013	cooperation achieved	YES
P-227/13	Ž-BL-05-761/12,	RS ADMINISTRATION FOR GEODETIC AND PROPERTY ISSUES, BRANCH UNIT GRADIŠKA	03 - access to information -- 03-1 - failure to take decision in legal deadline	29.10.2013	realized	YES
P-228/13	Ž-BL-05-731/12,	UNIVERSITY OF EAST SARAJEVO	03 - access to information -- 03-1 - failure to take decision in legal deadline	28.10.2013	realized	YES
P-229/13	Ž-BL-06-340/12,	BASIC COURT IN BANJA LUKA	01 - discrimination -- 01-01 - abuse	28.10.2013	no answer	NO
P-230/13	Ž-BL-06-456/13,	THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT USC, BIHAĆ	01 - discrimination	28.10.2013	no answer	NO
P-231/13	Ž-BL-04-205/13,	THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT USC BIHAĆ	10 - work relations	28.10.2013	realized	YES
P-232/13	Ž-SA-04-1051/13,	CLINICAL CENTER OF UNIVERSITY OF SARAJEVO	10 - work relations	29.10.2013	not realized	YES
P-233/13	Ž-SA-05-1336/11,	THE GOVERNMENT OF UNA-SANA CANTON MINISTRY OF EDUCATION OF UNA-SANA CANTON BIHAĆ	03 - access to information	28.10.2013	not realized	NO
P-234/13	Ž-SA-05-1216/11,	MINISTRY OF CIVIL AFFAIRS OF BOSNIA AND HERZEGOVINA, SARAJEVO	19 - administration	28.10.2013	realized	YES
P-235/13	Ž-SA-05-625/13,	MUNICIPALITY CENTAR SARAJEVO	19 - administration	28.10.2013	cooperation achieved	YES
P-236/13	Ž-SA-06-469/13,	GYMNASIUM "BIHAĆ"	01 - discrimination -- 01-03 - mobbing	28.10.2013	realized	YES
P-237/13	Ž-SA-05-1424/12,	THE FEDERATION MINISTRY OF JUSTICE, SARAJEVO	19 - administration	28.10.2013	cooperation achieved	YES
P-238/13	Ž-SA-05-1216/12,	MUNICIPALITY VELIKA KLADUŠA	19 - administration	28.10.2013	no answer	NO

P-239/13	Ž-SA-05-534/13,	MINISTRY OF DEFENSE, OFFICE FOR INFORMATION, SARAJEVO	03 - access to information	28.10.2013	realized	YES
P-240/13	Ž-BR-05-260/10,	MUNICIPAL COURT TUZLA	09 - courts	31.10.2013	cooperation achieved	YES
P-241/13	Ž-BR-06-262/10,	TUZLA MUNICIPALITY, SERVICE FOR COMMUNAL AFFAIRS, CONSTRUCTION AND ACTIVITIES OF LOCAL COMMUNITIES	01 - discrimination	31.10.2013	no answer	NO
P-242/13	Ž-BR-05-323/10,	PRIMARY SCHOOL „LUKAVICA“ LUKAVICA - GRAČANICA	03 - access to information	31.10.2013	no answer	NO
P-243/13	Ž-BR-01-234/10,	BRATUNAC MUNICIPALITY ,BRATUNAC REGISTRATION OFFICE, CENTER FOR SOCIAL WORK BRATUNAC	13 - the rights of the child	31.10.2013	cooperation achieved	YES
P-244/13	Ž-BR-04-246/10,	BRČKO DISTRICT GOVERNMENT- DEPARTMENT OF DISPLACED PERSONS, REFUGEES AND HOUSING ISSUES, BRČKO	24 – social protection	31.10.2013	cooperation achieved	YES
P-245/13	Ž-BR-04-172/10,	THE MINISTRY EDUCATION, SCIENCE, CULTURE AND SPORT OF CANTON POSAVINA	10 - work relations	31.10.2013	no answer	NO
P-246/13	Ž-BR-04-91/10,	MINISTRY OF EDUCATION AND CULTURE OF RS BANJALUKA , PRIMARY SCHOOL "MEŠA SELIMOVIĆ" JANJA, JANJA	10 - work relations	31.10.2013	cooperation achieved	YES
P-247/13	Ž-BR-06-68/09, Ž-BR-06-71/09, Ž-BR-06-79/09,	BRČKO DISTRICT, THE MAYOR, COMMITTEE FOR EMPLOYMENT	01 - discrimination -- 01-12 – based on national or social origin	31.10.2013	cooperation achieved	YES
P-248/13	Ž-BR-03-249/13,	1-BRČKO DISTRICT GOVERNMENT 2-BČCKO DISTRICT POLICE, BRČKO 3-MINISTRY OF HUMAN RIGHTS AND REFUGEES, SARAJEVO	18 - minorities	4.11.2013	cooperation achieved	YES
P-249/13	Ž-BL-01-632/13,	PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINE, SARAJEVO	13 - the rights of the child	30.9.2013	partly realized	YES
P-250/13	Ž-SA-05-1039/13,	KREŠEVO MUNICIPALITY, MUNICIPAL COUNCIL	22 - ministerial and government appointments	21.11.2013	no answer	NO
P-251/13	Ž-SA-04-1100/13,	- HERZEGOVINA-NERETVA CANTON, MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT - "SECONDARY SCHOOL" KONJIC	10 - work relations	26.11.2013	cooperation achieved	YES

P-252/13	Ž-BL-01-489/13,	- UNA-SANA CANTON, THE MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT, PRIMARY SCHOOL "LISKOVAC", ATTN. DIRECTOR, THE SCHOOL BOARD OF DIRECTORS, LISKOVAC ATTN. PRESIDENT, CAZIN MUNICIPALITY	13 - the rights of the child	30.9.2013	cooperation achieved	YES
P-253/13	Ž-MO-05-173/12,	CITY OF MOSTAR ATTN. THE MAYOR	15 – property and legal relations	26.11.2013	no answer	NE
P-254/13	Ž-MO-05-189/11,	CITY OF MOSTAR ATTN. THE MAYOR	03 - access to information -- 03-2 – refusal to access to information	26.11.2013	no answer	NO
P-255/13	Ž-MO-05-112/11,	CITY OF MOSTAR ATTN. THE MAYOR	15 - property and legal relations	26.11.2013	no answer	NO
P-256/13	Ž-MO-05-113/11,	CITY OF MOSTAR ATTN. THE MAYOR	15 - property and legal relations	26.11.2013	no answer	NO
P-257/13	Ž-MO-05-81/11,	CITY OF MOSTAR ATTN. THE MAYOR	19 - administration	26.11.2013	no answer	NO
P-258/13	Ž-MO-05-48/11,	CITY OF MOSTAR ATTN. THE MAYOR	15 - property and legal relations	26.11.2013	no answer	NO
P-259/13	Ž-MO-05-118/13,	PRIMARY SCHOOL BIOGRACI - BIOGRACI JARE, ATTN. DIRECTOR	03 - access to information -- 03-1 – refusal to take decision in legal deadline	26.11.2013	no answer	NO
P-260/13	Ž-MO-05-42/11,	CITY OF MOSTAR ATTN. THE MAYOR	15 - property and legal relations	26.11.2013	no answer	NO
P-261/13	Ž-MO-05-32/11,	CITY OF MOSTAR -- MOSTAR	15 - property and legal relations	26.11.2013	no answer	NO
P-262/13	Ž-SA-05-849/13,	FEDERATION ATTORNEY'S OFFICES, SARAJEVO	27 – attorney's offices	27.11.2013	no answer	NO
P-263/13	Ž-BL-04-173/13,	FUND OF PENSION AND DISABLEMENT INSURANCE FUND OF RS, BRANCH DOBOJ	25 - pensions	27.11.2013	no answer	NO
P-264/13	Ž-BL-06-654/13, Ž-BL-06-688/13,	PRIMARY SCHOOL „MILADIJE“ „SOLANA“ HASANA KIKIĆA STR. NO. 7 TUZLA ATTN. THE SCHOOL BOARD	01 - discrimination -- 01-03 - mobbing	28.11.2013	no answer	NO
P-265/13	Ž-BL-06-568/13,	TRIGLAV INSURANCE COMPANY A.D. BANJA LUKA	01 - discrimination -- 01-03 - mobbing	28.11.2013	cooperation achieved	YES
P-266/13	Ž-SA-04-1002/10,	MEDICAL FACULTY OF SARAJEVO UNIVERSITY, SARAJEVO	10 - work relations	5.12.2013	cooperation achieved	YES

P-267/13	Ž-BL-06-646/13,	MINISTRY OF HEALTH AND SOCIAL WELFARE OF RS	01 - discrimination -- 01-03 - mobbing	28.11.2013	cooperation achieved	YES
P-268/13	Ž-BL-06-743/13,	MINISTRY OF HEALTH, LABOR AND SOCIAL POLICY OF GOVERNMENT OF CANTON POSAVINA	01 - discrimination -- 01-03 - mobbing	28.11.2013	cooperation achieved	YES
P-269/13	Ž-BL-05-907/12,	GRADIŠKA MUNICIPALITY ATTN THE MAYOR	15 – Property relations	28.11.2013	cooperation achieved	YES
P-270/13	Ž-BL-05-380/13,	PRIMARY SCHOOL "N. ŠEHER"-SCHOOL BOARD -- MAGLAJ	22 - ministerial and government appointments	27.11.2013	cooperation achieved	YES
P-271/13	Ž-BL-02-507/13,	MUNICIPALITY LUKAVAC ATTN. THE MAYOR OF THE MUNICIPALITY OF LUKAVAC PRESIDENT OF MUNICIPAL ASSEMBLY OF LUKAVAC	12 - persons with disabilities	27.11.2013	cooperation achieved	YES
P-272/13	Ž-BL-05-563/13,	RS ADMINISTRATION FOR INSPECTION INSPECTORATE OF RS - LABOR INSPECTION -	19 - administration	27.11.2013	cooperation achieved	YES
P-273/13	Ž-BL-04-155/13,	MINISTRY OF LABOR AND WAR DISABLED VETERANS PROTECTION, THE COMMISSION ON IMPLEMENTATION OF ARTICLE 152 OF THE LABOR LAW	10 - work relations	27.11.2013	realized	YES
P-274/13	Ž-BL-04-479/13,	MINISTRY OF LABOR AND WAR DISABLED VETERANS PROTECTION, SOCIAL - GERIATRIC CENTER BANJA LUKA	10 - work relations	28.11.2013	no answer	NO
P-275/13	Ž-BL-04-184/13,	RS ADMINISTRATION FOR INSPECTION, INSPECTION OF LABOR DEPARTMENT, INSPECTION OF WORK AND SAFETY AT WORK	10 - work relations	28.11.2013	cooperation achieved	YES
P-276/13	Ž-BL-05-240/13,	BASIC COURT BANJA LUKA	09 - courts -- 09-2 - lengthy procedures (Article 6)	28.11.2013	no answer	NO
P-277/13	Ž-BL-04-390/13,	FUND OF HEALTH INSURANCE OF RS-BANJA LUKA -- BANJA LUKA	23 - health	28.11.2013	no answer	NO
P-278/13	Ž-SA-04-712/13,	PRIMARY MUSIC SCHOOL ILIDŽA - ILIDŽA	10 - work relations	29.11.2013	cooperation achieved	YES
P-279/13	Ž-SA-02-357/13,	ZENICA MUNICIPALITY, ADMINISTRATION OF PROPERTY ,GEODETIC AND CADASTRAL ESTATE	12 - persons with disabilities	29.11.2013	no answer	NO
P-280/13	Ž-SA-05-1007/13,	SARAJEVO CENTER MUNICIPALITY, PROFESSIONAL SERVICE FOR MUNICIPAL	03 - access to information	29.11.2013	realized	YES

		<b>AFFAIRS OF SARAJEVO MUNICIPALITY COUNCIL</b>				
P-281/13	Ž-SA-05-862/13,	FEDERATION MINISTRY OF ENVIRONMENT AND TOURISM, SARAJEVO	03 - access to information	29.11.2013	no answer	NO
P-282/13	Ž-SA-05-1014/13,	FBIH FEDERATION ROADS, SARAJEVO	03 - access to information	2.12.2013	no answer	NO
P-283/13	Ž-SA-05-1101/13,	CANTON SARAJEVO, DEPARTMENT OF HEALTH PROTECTION OF STUDENTS OF THE UNIVERSITY OF SARAJEVO, FEDERATION MINISTRY OF HEALTH OF SARAJEVO	09 - courts -- 09-3 – execution of decision	2.12.2013	realized	YES
P-284/13	Ž-SA-04-237/13,	FACULTY OF PHILOSOPHY IN SARAJEVO , SARAJEVO	11 - education	2.12.2013	cooperation achieved	YES
P-285/13	Ž-SA-05-706/13,	"ROADS OF RS" BANJA LUKA	03 - access to information	5.12.2013	no answer	NO
P-286/13	SPECIAL REPORT "CHILDREN IN CONFLICT DIVORCES" EX OFFICIO - Ž-BL-01-791/13,	THE GOVERNMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA AND, RS GOVERNMENT, GOVERNMENT OF BRČKO DISTRICT, HIGH JUDICIAL AND PROSECUTORS COUNCIL MINISTRY OF JUSTICE OF BIH, MINISTRY OF ADMINISTRATION AND LOCAL SELF GOVERNMENT, CENTER FOR JUDICIAL AND PROSECUTOR EDUCATION OF THE FEDERATION OF BIH, CENTER FOR EDUCATION OF JUDGES AND PROSECUTORS OF RS, FREE LEGAL AID IN RS	13 - the rights of the child	6.12.2013	cooperation achieved	YES
P-287/13	Ž-SA-05-510/13,	MINISTRY OF HEALTH OF CANTON SARAJEVO	22 - ministerial and government appointments	9.12.2013	cooperation achieved	YES
P-288/13	Ž-SA-05-902/13,	KLADANJ MUNICIPALITY, MUNICIPAL COUNCIL	22 - ministerial and government appointments	9.12.2013	not realized	YES
P-289/13	SPECIAL REPORT ON THE SITUATION OF ROMA IN BOSNIA AND HERZEGOVINA Ž-SA-03-1305/13,	AUTHORITIES IN BOSNIA AND HERZEGOVINA	18 - minorities	9.12.2013	no answer	NO
P-290/13	Ž-BL-05-722/13,	MUNICIPAL COUNCIL OF GACKO MUNICIPALITY	22 - ministerial and government appointments	16.12.2013	no answer	NO
P-291/13	Ž-SA-01-980/13,	CENTRE FOR SOCIAL WORK DERVENTA - DERVENTA	13 - the rights of the child	10.12.2013	realized	YES

P-292/13	Ž-SA-05-1043/13,	FEDERATION MINISTRY OF JUSTICE, SARAJEVO	03 - access to information -- 03-3 – right to two instances decision-making	10.12.2013	cooperation achieved	YES
P-293/13	Ž-LI-05-211/13,	DEPARTMENT OF GEODETIC,. PROPERTY AND CADASTRAL ESTATE OF TOMISLAVGRAD	19 - administration	23.12.2013	cooperation achieved	YES
P-294/13	Ž-BL-05-62/12,	BASIC COURT GRADIŠKA	09 - courts -- 09-2 - lengthy procedures (Article 6)	16.12.2013	cooperation achieved	YES
P-295/13	Ž-SA-05-770/13,	BASIC COURT BANJA LUKA -- BANJA LUKA	09 - courts -- 09-2 - lengthy procedures (Article 6)	18.12.2013	cooperation achieved	YES
P-296/13	Ž-SA-05-719/13,	PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA, SARAJEVO	26 – prosecutor's offices	18.12.2013	realized	YES
P-297/13	Ž-SA-05-1206/13,	GOVERNMENT OF SARAJEVO CANTON, MINISTRY OF TRANSPORT OF CANTON SARAJEVOV	19 - administration	19.12.2013	realized	YES
P-298/13	Ž-BL-06-689/13,	MUSIC ACADEMY OF SARAJEVO	01 - discrimination -- 01-17 – based on education	23.12.2013	cooperation achieved	YES
P-299/13	Ž-BL-06-715/13,	INSTITUTE OF RS, TRANSFUSION MEDICINE	01 - discrimination -- 01-19 - on the basis of sexual orientation or expression	23.12.2013	cooperation achieved	YES
P-300/13	Ž-BL-05-795/13,	RS ADMINISTRATION OF GEODETIC AND PROPERTY - LEGAL AFFAIRS OF RS	19 - administration	23.12.2013	no answer	NO
P-301/13	Ž-BL-06-604/13,	ADMINISTRATION FOR INDIRECT TAXATION	01 - discrimination	23.12.2013	no answer	NO
P-302/13	Ž-BL-05-513/13,	INTERIOR MINISTRY OF CANTON UNA-SANA -- BIHAĆ	10 - work relations	23.12.2013	cooperation achieved	YES
P-303/13	Ž-SA-01-1260/13,	CENTRE FOR SOCIAL WORK ZVORNIK - ZVORNIK	13 - the rights of the child	23.12.2013	not realized	YES
P-304/13	Ž-MO-04-89/11,	MINISTRY OF HEALTH, LABOR AND WELFARE OF CANTON HERZEGOVINA-NERETVA	10 - work relations	23.12.2013	realized	YES
P-305/13	Ž-MO-05-104/12,	THE CITY OF MOSTAR, THE MAYOR	15 – property and legal relations	23.12.2013	no answer	NO
P-306/13	Ž-MO-05-156/12,	THE CITY OF MOSTAR, THE MAYOR	01 - discrimination	23.12.2013	not realized	YES
P-307/13	Ž-LI-05-12/13,	GOVERNMENT OF CANTON 10	22 - ministerial and government appointments	24.12.2013	cooperation achieved	YES
P-308/13	Ž-LI-05-192/13,	GOVERNMENT OF CANTON 10	19 - administration	24.12.2013	cooperation achieved	YES

P-309/13	Ž-LI-05-208/13,	LIVNO MUNICIPALITY, ATTN. THE MAYOR OF LIVNO MUNICIPALITY.	19 - administration	24.12.2013	no answer	NO
P-310/13	Ž-LI-05-148/13,	LIVNO MUNICIPALITY, ATTN. THE MAYOR OF LIVNO MUNICIPALITY.	19 - administration	26.12.2013	no answer	NO
P-311/13	Ž-BR-02-209/13,	BRČKO DISTRICT GOVERNMENT, DEPARTMENT OF HEALTH AND OTHER SERVICES FUND OF HEALTH INSURANCE, BRČKO DISTRICT OF BIH	12 - persons with disabilities	30.12.2013	cooperation achieved	YES
P-312/13	Ž-BR-02-225/13,	BRČKO DISTRICT GOVERNMENT, DEPARTMENT OF HEALTH AND OTHER SERVICES FUND OF HEALTH INSURANCE, BRČKO DISTRICT OF BIH	23 - health	30.12.2013	cooperation achieved	YES
P-313/13	Ž-BR-04-52/12,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, FEDERATION COMMISSION FOR IMPLEMENTATION OF ARTICLE 143.OF THE LAW ON WORK	10 - work relations	30.12.2013	no answer	NO
P-314/13	Ž-BR-05-95/12,	MUNICIPAL COURT TUZLA	09 - courts	30.12.2013	realized	YES
P-315/13	Ž-BR-01-97/13,	BRČKO DISTRICT GOVERNMENT DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH AND OTHER SERVICES	13 - the rights of the child	30.12.2013	cooperation achieved	YES
P-316/13	Ž-BR-05-346/13,	BRČKO DISTRICT GOVERNMENT, DEPARTMENT OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT	19 - administration	30.12.2013	realized	YES
P-317/13	Ž-BR-05-200/13,	BRČKO DISTRICT GOVERNMENT, SUBDIVISION FOR SOCIAL WELFARE, CENTER FOR SOCIAL WORK OF BRČKO DISTRICT OF BIH, BRČKO DISTRICT POLICE, PROSECUTOR'S OFFICE OF BRČKO DISTRICT OF BIH	05 - police	30.12.2013	cooperation achieved	YES
P-318/13	Ž-BR-05-212/12,	MUNICIPAL COURT TUZLA	09 - courts	30.12.2013	realized	YES
P-319/13	Ž-BR-05-102/13,	MUNICIPAL COURT TUZLA	09 - courts -- 09-3 – execution of decision	30.12.2013	realized	YES
P-320/13	Ž-BR-05-20/12,	FEDERATION MINISTRY OF LABOR AND SOCIAL POLICY, FEDERATION COMMISSION FOR IMPLEMENTATION OF ARTICLE 143.OF THE LAW ON WORK	19 - administration	30.12.2013	realized	YES

P-321/13	Ž-BR-05-238/13,	MUNICIPAL COURT TUZLA	09 - courts -- 09-2 – lengthy procedures (article 6)	30.12.2013	realized	YES
P-322/13	Ž-BR-05-334/11,	BANOVIĆI MUNICIPALITY, MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT OF TUZLA CANTON	19 - administration	30.12.2013	no answer	NO
P-323/13	Ž-BR-05-28/11,	TUZLA MUNICIPALITY SERVICE FOR COMMUNITY AFFAIRS, THE CONSTRUCTION AND ACTIVITIES OF LOCAL COMMUNITIES TUZLA	19 - administration	30.12.2013	cooperation achieved	NO
P-324/13	Ž-BR-05-134/13,	MINISTRY OF SECURITY OF BOSNIA AND HERZEGOVINA, SARAJEVO, MINISTRY OF SECURITY OF BOSNIA AND SERVICE FOR FOREIGNERS' AFFAIRS, FIELD OFFICE IN BIJELJINA-MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF RS, POLICE STATION ZVORNIK	19 - administration	30.12.2013	cooperation achieved	YES
P-325/13	Ž-BR-05-203/13,	MUNICIPALITY ČELIĆ, SERVICE FOR URBAN, RESIDENTIAL COMMUNAL, GEODETIC AND PROPERTY, AND LEGAL AFFAIRS	15 – property rights	30.12.2013	no answer	NO
P-326/13	SPECIAL REPORT "THE ROLE OF CENTERS FOR SOCIAL WORK IN THE PROTECTION OF THE RIGHTS OF THE CHILD" EX OFFICIO Ž-BL-01-858/13,	GOVERNMENT OF RS, FEDERATION GOVERNMENT, BRČKO DISTRICT GOVERNMENT, MINISTRY OF CIVIL AFFAIRS, MINISTRY OF HEALTH AND SOCIAL PROTECTION OF RS MINISTRY OF ADMINISTRATION AND LOCAL GOVERNMENT OF RS MINISTRY OF SOCIAL POLICY DEPARTMENT OF HEALTH AND OTHER SERVICES OF THE DISTRICT, TO ALL CANTONAL MINISTRIES OF THE SOCIAL WELFARE FBIH	13 - the rights of the child	27.12.2013	no answer	NO
P-327/13	SPECIAL REPORT "CHILDREN AND LEISURE" EX OFFICIO Ž-BL-01-859/13,	GOVERNMENT OF RS , GOVERNMENT OF FEDERATION, GOVERNMENT OF BRČKO DISTRICT OF BIH AND ALL CANTONAL GOVERNMENTS	13 - the rights of the child	27.12.2013	no answer	NO

P-328/13	Ž-BR-05-240/13,	INTERIOR MINISTRY OF CANTON TUZLA, POLICE COMMISSIONER, POLICE ADMINISTRATION OF ŽIVINICE	05 - police	30.12.2013	not realized	YES
P-329/13	SPECIAL REPORT ON IMPLEMENTATION OF THE RIGHT TO RETURN OF ELDERLY AND DISABLED PERSONS IN BIH, EX OFFICIO, Ž-SA-05- 1283/13,	MINISTRY OF HUMAN RIGHTS AND REFUGEES, SARAJEVO	20 – war damage	30.12.2013	no answer	NO
P-330/13	Ž-SA-05-982/13,	MUNICIPALITY NOVI GRAD SARAJEVO	19 - administration	30.12.2013	realized	YES
P-331/13	Ž-BL-04-410/13,	FUND OF PENSION AND DISABLEMENT INSURANCE FUND OF RS, BRANCH BANJA LUKA	25 - pensions	30.12.2013	no answer	NO
P-332/13	Ž-BL-06-486/12,	PENSION AND DISABLEMENT INSURANCE FUND OF RS	01 - discrimination -- 01-18 – based on social position and gender	30.12.2013	cooperation achieved	YES
P-333/13	Ž-BL-06-802/13,	GOVERNMENT OF UNA-SANA CANTON MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT	01 - discrimination	30.12.2013	cooperation achieved	YES
P-334/13	Ž-BL-06-127/13,	UNIVERSITY OF BIHAĆ, FACULTY OF ECONOMICS	01 - discrimination -- 01-17 based on education	30.12.2013	realized	YES
P-335/13	Ž-BL-05-600/13,	TRAVNIK MUNICIPALITY	03 - access to information -- 03-1 – failure to take decision in legal deadline	31.12.2013	cooperation achieved	YES

## ANNEX I - Overview of Budget for 2013

0304 Institution of the Ombudsman for Human Rights in Bosnia and Herzegovina

Form 2.

**SUMMARY REVIEW**  
of budget expenditures by economic categories  
for the reporting period from 01.01 to 31.12.2013.

No.	Type of expenditure	Economic Code	Approved by budget for 2013	Changes: balance restructuring, reserve (+,-)	Corrected budget (4+,-5)	Realized in the current period	Realized in previous year	Index (7/6)
1	2	3	4	5	6	7	8	9
<b>I</b>	<b>CURRENT EXPENSES</b>		<b>2.374.000</b>	<b>34.171</b>	<b>2.408.171</b>	<b>2.333.416</b>	<b>2.378.955</b>	<b>1</b>
1.	Gross salaries and allowances	611100	1.664.000	-16.500	1.647.500	1.644.724	1.673.667	1
2.	Allowances for employees' expenses	611200	180.000	-9.000	171.000	159.393	160.694	1
3.	Travel expenses	613100	68.000	2.000	70.000	57.833	65.964	1
4.	Telephone and postal services	613200	62.000	1.000	63.000	59.670	58.442	1
5.	Power and communal services	613300	22.000	5.000	27.000	19.175	20.920	1
6.	Procurement of materials	613400	39.000	6.000	45.000	35.297	35.471	1
7.	Transport and fuel	613500	35.000	0	35.000	27.467	31.292	1
8.	Rental fees	613600	229.000	18.200	247.200	246.733	253.067	1
9.	Day-to-day maintenance	613700	25.000	10.971	35.971	32.217	22.991	1
10.	Insurance and payment operations expenses	613800	8.000	0	8.000	6.364	7.490	1
11.	Contractual and other special services	613900	42.000	16.500	58.500	44.543	46.983	1
<b>II</b>	<b>CAPITAL EXPENDITURES</b>		<b>0</b>				<b>1.974</b>	
1.	Lend purchase	821100	0	0	0	0	0	
2.	Purchase of buildings	821200	0	0	0	0	0	
3.	Equipment purchase	821300	0				1.974	1

4.	Purchase of other permanent stuff	821400	0	0	0	0	0	
5.	Purchase of resources in the form of right	821500	0	0	0	0	0	
6.	Reconstruction and maintenance expenses	821600	0	0	0	0	0	
<b>III</b>	<b>Current grants</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
1.	Grants to other level of the authorities	614100	0	0	0	0	0	
2.	Grants to the individuals	614200	0	0	0	0	0	
3.	Grants to non-profitable organizations	614300	0	0	0	0	0	
4	Grants to foreign countries	614700	0	0	0	0	0	
<b>IV</b>	<b>Capital grants</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
1.	Capital grants to other level of the authorities	615100	0	0	0	0	0	
2.	Capital grants to the individuals and non-profitable organizations	615200	0	0	0	0	0	
<b>V</b>	<b>Expenditure for Interest and other charges</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
1.	Interest on loans received through the state	616100	0	0	0	0	0	
2.	Expenditure on foreign interest	616200	0	0	0	0	0	
3.	Interest on domestic lending	616300	0	0	0	0	0	
4.	Other fees related to lending	616400	0	0	0	0	0	
<b>TOTAL (I+II+III+IV+V):</b>			<b>2.374.000</b>	<b>34.171</b>	<b>2.408.171</b>	<b>2.333.416</b>	<b>2.378.955</b>	<b>1</b>

## ANNEX II – FREEDOM OF ACCESS TO INFORMATION ACT

1. Public authorities at the level of Bosnia and Herzegovina who have met the obligation to appoint an Information Officer and delivered Guide and Index register in accordance with Article 19 and 20 of Freedom of Access to Information Act

No.	Name of the Institution	No.	Name of the Institution
1	Agency for Police Support	37	Institute for Standardization of Bosnia and Herzegovina
2	Civil Service Agency of Bosnia and Herzegovina	38	Commission for Concessions
3	Agency for forensic examination	39	Commission for Preservation of National Monuments
4	Agency for Identification Documents, Registers and Data Exchange	40	Commission for Mine Removal Action
5	The Public Procurement Agency and the Office of the Review Body	41	Competition Council of Bosnia and Herzegovina
6	Agency for Pharmaceuticals and Medical Devices	42	The Ministry of Civil Affairs
7	Surveillance Agency of BiH market	43	Ministry of Finance and Treasury
8	Deposit Insurance Agency of Bosnia and Herzegovina	44	Ministry of Communications and Transport
9	Insurance Agency in BiH	45	Ministry of Defense
10	Agency for postal traffic BiH	46	Ministry of Justice
11	Agency for Preschool, Primary and Secondary Education	47	Ministry of Security
12	Agency for the Prevention of Corruption and Anti –Corruption Combating	48	Ministry of Foreign Trade and Economic Relations
13	Agency for Labor and Employment	49	Ministry of Foreign Affairs
14	Agency for Development of Higher Education and Quality Assurance of BiH	50	Ministry for Human Rights and Refugees
15	Agency for Food Safety	51	Intelligence and Security Agency
16	Agency for Statistics of BiH	52	Committee of the Civil Service Appeals
17	The Agency for education and training of personnel	53	Parliamentary Assembly
18	Agency for Improvement of Foreign Investment	54	BiH Attorney's Office
19	Agency for the Protection of Personal Data of Bosnia and Herzegovina	55	Communications Regulatory Agency of Bosnia and Herzegovina
20	BiH Archive	56	The Secretariat of the Presidency of Bosnia and Herzegovina
21	Centre for Information and Recognition of Qualifications in Higher Education	57	Service for Foreigners' Affairs
22	Mine Action Centre	58	Service for Common Affairs of BiH institutions
23	Central Bank of Bosnia and Herzegovina	59	The Court of Bosnia and Herzegovina
24	Central Election Commission	60	The Prosecutor's Office of Bosnia and Herzegovina
25	Directorate of Civil Aviation - BH DCA	61	Administration of Bosnia and Herzegovina for the protection of health and herbs
26	Directorate for Economic Planning	62	Administration for Indirect Taxation
27	Directorate for European Integration	63	Office of the Coordinator for Public Administration Reform
28	State Investigation and Protection Directorate	64	Office of the Supreme Audit of BiH Institutions
29	State Regulatory Agency for Radiation and Nuclear Safety	65	Veterinary Office of BiH
30	The State Electricity Regulatory Commission for Electricity	66	The Constitutional Court
31	Elektroprivreda BiH	67	Trade Chamber of Bosnia and Herzegovina
32	Return Fund	68	The Council of Ministers , the Office of Legislation *

33	Border Police	69	The Council of Ministers , General Secretariat
34	The institution of ombudsman for consumers protection in BiH	70	High Judicial and Prosecutors Council
35	Institute for Accreditation of BiH		
36	Institute for Intellectual Property		

**2. Public authorities at the level of Bosnia and Herzegovina who submit statistical data in accordance with Article 20 of Freedom of Access to Information Act**

No.	Name of the Institution	No.	Name of the Institution
1	Agency for Education and Professional Trainings of Staff *	31	Institute for Standardization of Bosnia and Herzegovina *
2	Civil Service Agency of Bosnia and Herzegovina **	32	Commission for Preservation of National Monuments *
3	Agency for forensic examination *	33	Council of Competition *
4	Agency for Identification Documents, Registers and Data Exchange **	34	The Ministry of Civil Affairs *
5	The Public Procurement Agency of BiH **	35	Ministry of Finance and Treasury **
6	Surveillance Agency of BiH Market **	36	Ministry of Communications and Transport **
7	Deposit Insurance Agency of Bosnia and Herzegovina **	37	Ministry of Defense **
8	Insurance Agency in BiH **	38	Ministry of Justice **
9	Agency for Police Support	39	Ministry of Security *
10	Agency for postal traffic BH *	40	Ministry of Foreign Trade and Economic Relations *
11	Agency for Preschool , Elementary and Secondary Education *	41	Ministry of Foreign Affairs **
12	Agency for Labor and Employment *	42	Intelligence and Security Agency *
13	Agency for Development of Higher Education and Quality Assurance BH **	43	Committee of the Civil Service Appeals *
14	Agency for Food Safety *	44	Parliamentary Assembly - Secretariat *
15	Agency for Statistics *	45	BiH Attorney's Office *
16	Agency for Foreign Investments improving **	46	Secretariat of BiH Presidency *
17	Agency for Protection of Personal Data BH *	47	Communications Regulatory Agency of Bosnia and Herzegovina *
18	BiH Archive *	48	Service for Foreigners' Affairs **
19	Centre for Information and Recognition from areas of higher education ***	49	Service for Common Affairs of BiH institutions *
20	Central Bank **	50	The Court of Bosnia and Herzegovina *
21	Central Election Commission of Bosnia and Herzegovina *	51	Administration of Bosnia and Herzegovina for the protection of health and herbs *
22	Directorate of Civil Aviation - BH DCA **	52	Administration for Indirect Taxation *
23	Directorate for Economic Planning **	53	Office of the Coordinator for Public Administration Reform **
24	Directorate for European Integration **	54	BiH Office for Appeals Consideration **
25	State Investigation and Protection Agency *	55	Office of the Supreme Audit of BH Institutions*
26	BiH Return Fund ***	56	Veterinary Office of BiH
27	Border Police *	57	The Constitutional Court **
28	The institution of ombudsman for consumers protection in BiH *	58	The Council of Ministers, General Secretariat **
29	Institute for Accreditation of BiH **	59	High Judicial and Prosecutors Council **
30	Institute of Intellectual Property *		

The comparative table lists of public authorities in different statuses in relation to the obligation to provide the statistical data in compliance with Freedom of Access to Information Act that are marked as follows:

\* Institutions that regularly submitted statistics in 2012

\*\* The institutions that in 2012 and 2013 regularly delivered statistical data

\*\*\* The institutions that are new in the records and that in 2013 began submitting statistical data

**3. Public authorities at the Federation level who submit statistical data in accordance with Freedom of Access to Information Act**

No.	Entity Level	No.	Cantonal Level	No.	Municipal Level
1	Banking Agency of F BiH *	1	Centre for Social Work, Živinice ***	1	Municipality of Bihać *
2	Privatization Agency of Federation ***	2	City of Mostar, the Mayor ***	2	Municipality Bosnsko Grahovo ***
3	Federation Administration for Inspection ***	3	Cantonal Administration for Inspection, Sarajevo Canton ***	3	Breza Municipality
4	Federation Hydro-meteorological Institute **	4	Cantonal Interior Ministry of Tuzla Canton ***	4	Bugojno *
5	Federation Ministry for Veterans and Disabled Veterans of the Liberation War ***	5	Cantonal Court in Tuzla **	5	Cazin *
6	Commission for shares of BiH**	6	Cantonal Court, Goražde ***	6	Čitluk Municipality
7	FBiH Ministry of Interior ***	7	Zenica Cantonal Court *	7	Čitluk Municipality-Department of Social Services, General Administration and Veterans *
8	FBiH Parliament - Office of Public Relations *	8	Cantonal Prosecution in Sarajevo Canton **	8	Donji Vakuf *
9	Service for Common affairs of bodies and organs of the Federation of Bosnia and Herzegovina *	9	The cantonal prosecutor's office of Ze-Do Canton ***	9	Drvar Municipality**
10	Prosecutor's office of the Federation ***	10	Ministry of Justice and Administration of Sarajevo Canton **	10	The municipality of Foča-Ustikolina **
11	Federation Government **	11	Ministry of Economy of He-Ne Canton ***	11	Municipality Fojnica *
12	The Supreme Court of the Federation *	12	Ministry of Physical Planning and Environmental Protection, Sarajevo Canton ***	12	The municipality of Gornji Vakuf-Uskoplje *
		13	Ministry of Internal Affairs of Sarajevo Canton **	13	The municipality of Gračanica **
		14	Ministry of Interior of Zenica-Doboj Canton *	14	Grude Municipality *
		15	Ministry of Justice and Administration of the Zenica-Doboj Canton *	15	Municipality Hadžići - General Administration, Social Activities and common tasks *
		16	Olympic Swimming pool, Otoka **	16	Municipality Hadžići **
		17	Prosecution of He-Ne Canton***	17	Municipality Ilijaš *
		18	Department of Public Health of Tuzla Canton ***	18	Jajce Municipality *
				19	Municipality Kakanj *
				20	Municipality Ključ
				21	Konjic municipality *

22	Municipality Lukavac **
23	Municipality Maglaj *
24	Novi Grad municipality *
25	The municipality of Novi Travnik *
26	Sanski Most municipality **
27	Municipality Sapna **
28	Stari Grad Municipality **
29	Municipality Teočak ***
30	Municipality Tesanj *
31	Municipality Tomislavgrad ***
32	Municipality Usora *
33	Vareš Municipality *
34	Municipality Visoko *
35	Municipality Zavidovići **
36	Municipality of Bosanska Krupa-Department of Administrative and Social Services *
37	Municipal Court in Sarajevo *
38	Municipal Court Živinice ***

The comparative table lists of public authorities in different statuses in relation to the obligation to provide the statistical data in compliance with Freedom of Access to Information Act that are marked as follows:

\* Institutions that regularly submitted statistics in 2012

\*\* The institutions that in 2012 and 2013 regularly delivered statistical data

\*\*\* The institutions that are new in the records and that in 2013 began submitting statistical data

**4. Public authorities at the Republic of Srpska who submit statistical data in accordance with Freedom of Access to Information Act**

No.	Entity Level	No.	County Level	No.	Municipal Level
1	Fund for Pension and Disability Insurance of the Republic of Srpska**	1	County Economic Court of Doboj **	1	Municipality Gradiška***
2	Health Insurance Fund of the Republic of Srpska*	2	County Court of Banja Luka *	2	The municipality of Han Pijesak*
3	RS Prosecutor's Office ***	3	Doboj county Court **	3	The Municipality of East Ilidža *
		4	County Prosecutor's Office in Banja Luka ***	4	Kneževo Municipality *
		5	County Prosecutor's Office in East Sarajevo ***	5	The municipality of Milići **
		6	County Prosecutor's Office in Trebinje ***	6	Municipality Pelagićevo *
				7	Municipality Prnjavor **
				8	Rudo **
				9	The municipality of Sokolac **
				10	Municipality of Teslić *
				11	Trnovo Municipality *
				12	Municipality of Ugljevik **
				13	Basic Court in Doboj *
				14	Basic Court in Teslić **

The comparative table lists of public authorities in different statuses in relation to the obligation to provide the statistical data in compliance with Freedom of Access to Information Act that are marked as follows:

\* Institutions that regularly submitted statistics in 2012

\*\* The institutions that in 2012 and 2013 regularly delivered statistical data

\*\*\* The institutions that are new in the records and that in 2013 began submitting statistical data